

ORDINANCE NO. 2006-096

Granting encroachment to Starbucks Coffee for eight tables and fourteen chairs along the Lincoln Street sidewalk adjacent to its building at 831 Gervais Street

ORIGINAL
STAMPED IN REC

WHEREAS, Starbucks Coffee (hereinafter "Grantee") desires to utilize a portion of the Lincoln Street sidewalk right of way area adjacent to its business at 831 Gervais Street for placement of eight (8) tables and fourteen (14) chairs for outside dining by its patrons during its normal business hours of 6:00 a.m.-10:00 p.m. Monday through Thursday, 6:30 a.m.- midnight Friday and Saturday and 7:00 a.m.-10:00 p.m. on Sunday; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk or street for traffic, utility locations or other uses within the foreseeable future; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 17th day of January, 2007 that Grantee, its successors and assigns, is hereby granted the right to place for use during its normal business hours of 6:00 a.m.-10:00 p.m. Monday through Thursday, 6:30 a.m.- midnight Friday and Saturday and 7:00 a.m.-10:00 p.m. on Sunday, (8) tables and fourteen (14) chairs for outside dining by its patrons.

ALL WORK SHALL COMPLY with the requirements of The City of Columbia and South Carolina Department of Transportation now in existence or hereafter enacted. The materials and type of finish to be used are to be approved by the City Engineer prior to installation. Any damage to the street or sidewalk caused by construction shall be repaired to the satisfaction of the City Manager. Improvements within the encroachment shall be maintained by the grantee at no cost to the City in a manner approved by the City Manager.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, its successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

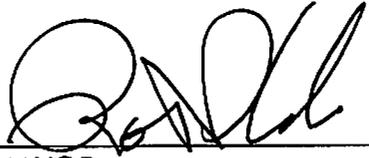
PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, its successors and assigns.

PROVIDED FURTHER that the evidence of public liability insurance naming the City as an insured in the minimum amount of \$600,000.00 for personal injury and property damage shall be filed annually with the City Clerk by Grantee, its successors and assigns.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall

at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



MAYOR

ORIGINAL
STAMPED IN RED

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 1/10/2007

Final Reading: 1/17/2007

Ardis, Shari

From: Land, Chip
Sent: Tuesday, January 16, 2007 1:59 PM
To: Salley, Erika; Ardis, Shari
Subject: RE: City Council Agenda for January 17, 2007

Starbucks has requested some changes in the ordinance 2006-096: They are incorporated below. The tables can be no more than 28" instead of 24". There will be no tables along Gervais Street, all 8 tables and 14 chairs will be placed along Lincoln Street, and they are self insured.

Chip Land

23. Ordinance No.: 2006-096 - Granting encroachment to Starbucks Coffee for eight tables and fourteen chairs along the Lincoln Street sidewalk adjacent to its building at 831 Gervais Street
First reading approval was given on January 10, 2007.
Staff Recommendation: {Mr. Chip Land, Annexation Coordinator} Recommends approval of the proposed encroachment with the following conditions:
1. Tables will be no more than 28" wide and all street furniture shall be placed to allow a minimum of 36" clear path on the sidewalk to meet ADA requirements;
 2. All tables and chairs must be commercial grade;
 3. No tables and chairs on Gervais Street;
 4. Up to eight (8) tables and fourteen (14) chairs along Lincoln Street, but they can not interfere with the existing street tree(s); and
 5. The liability insurance must be maintained.

[Land, Chip]

Also the neighborhood maybe there to talk about item # 25 Annexation 2006-107, which means it may need to be excluded from Consent agenda.

-----Original Message-----

From: Salley, Erika
Sent: Thursday, January 11, 2007 3:37 PM
To: Abbott, Tony; Anderson, Bradley; Animal Shelter; Sinclair, Anne; Ardis, Shari; Austin, Charles Sr.; Baker, Allison; Becky Bailey (E-mail); Bennett, Dee; Bill Manley (E-mail); Brewer, David; Brown, Gladys; CAC; Camp, Steve; Capital City Center (E-mail); Carlton & Myra Washington (E-mail); Cassell, Eric; Caughman, Missy; CCC311; Chambers, Johnathan; Clay, Nelly; Community Development; Cooper, Robert; Crisp, Harold; Cromartie, EW; Crow, Deidre; Daniels, Denny; Dave Shaw (E-mail); David Stanton (E-mail); Delk, Fred; Dilbert, Shirley; Dooley, John; Dukes, Dexaviera; Earl McLeod (E-mail); Edwards, Judith; Elliott Houser (E-mail); Epps, Shawn; Fanning, Ginger; Felicia Howard (E-mail); Foster, Laura; Frank Knapp (E-mail); Fripp, Andrea; Gaines, Ken; Gambrell, Jim; Gantt, Steven; Gentry, Missy Smith; Gilliam, Jacques; Gina Smith (E-mail); Gober, Elizabeth; Goff, Bryan; Gregory G. P. A. Williams (E-mail); Hall, Gerry Lynn; Hampton, Kathryn J; Hampton, Krista; Hampton, Ruby; Harris, Doris; Harry Busbee (E-mail); Harvey, Charlene; Hawkins, Pam; Hecker, Robert; Heizer, Francenia; Henderson, Willie; Heyward, April; Hines, Rick; Hockett, Starr; Hudson, Skip; Irving, Gertie; Jackson, Ozie; Jeffers, Carri M; Jenkins, Aubrey; Johnson, Cynthia; Johnson, Marshall; Jones, Brenda; Joy, Charles "Ed"; Kelly, Ebony I; Kennell, Matt; Keven Cohen (E-mail); Knoche, David; Land, Chip; LaSchuma, Janet; Lawton, Tony; Lederfind, Howard; Leitner, Susan; Lewis, JoAnn; Livengood, Andrew; Livingston, Deborah; Lucius, Connie; Maddox, Archie; Manis, Michael - Eau Claire Dev Corp; Maples, Franklin; Martin, Lois; Martin, Randy; McDonald, Robert; McLeese, Ike; McMurray, Peggy; Meggs, Jim; Mylott, Marc; Nash, Gale; Parul Joshi (E-mail); Pelzer, Charlene; Public Relations; Reaves, Harold; Rickenmann, Daniel; Roof, Kimberley; Ruff, Julie; Davis, Sam; Saxon, Tina; Scott Hawkins (E-mail); Semon,

1/16/2007

Ardis, Shari

From: Meggs, Jim
Sent: Tuesday, January 16, 2007 2:10 PM
To: Ardis, Shari; Land, Chip; Salley, Erika
Cc: Steven A Gantt (E-mail)
Subject: RE: City Council Agenda for January 17, 2007

we have not allowed self insurance for parties other than public utilities and other governments.

Chip should communicate that self insurance will not be acceptable.

-----Original Message-----

From: Ardis, Shari
Sent: Tuesday, January 16, 2007 2:02 PM
To: Land, Chip; Salley, Erika
Cc: Meggs, Jim
Subject: RE: City Council Agenda for January 17, 2007

I won't be able to make the changes for tomorrow's meeting. I have the budget meeting now and other things to do before tomorrow's Council meeting.

Shari Lynn Ardis
 Legal Administrative Coordinator
 City Attorney's Office
 PO Box 667
 Columbia, SC 29202
 p 803-737-4242
 f 803-737-4250
 slardis@columbiasc.net

-----Original Message-----

From: Land, Chip
Sent: Tuesday, January 16, 2007 1:59 PM
To: Salley, Erika; Ardis, Shari
Subject: RE: City Council Agenda for January 17, 2007

Starbucks has requested some changes in the ordinance 2006-096: They are incorporated below. The tables can be no more than 28" instead of 24". There will be no tables along Gervais Street, all 8 tables and 14 chairs will be placed along Lincoln Street, and they are self insured.

Chip Land

23. Ordinance No.: 2006-096 - Granting encroachment to Starbucks Coffee for eight tables and fourteen chairs along the Lincoln Street sidewalk adjacent to its building at 831 Gervais Street *First reading approval was given on January 10, 2007.*
Staff Recommendation: {Mr. Chip Land, Annexation Coordinator} Recommends approval of the proposed encroachment with the following conditions:

1. Tables will be no more than 28" wide and all street furniture shall be placed to allow a minimum of 36" clear path on the sidewalk to meet ADA requirements;
2. All tables and chairs must be commercial grade;
3. No tables and chairs on Gervais Street;
4. Up to eight (8) tables and fourteen (14) chairs along Lincoln Street, but they can not interfere with the existing street tree(s); and
5. The liability insurance must be maintained.

[Land, Chip]

Also the neighborhood maybe there to talk about item # 25 Annexation 2006-107, which means it may need to be excluded from Consent agenda.

-----Original Message-----

From: Salley, Erika

Sent: Thursday, January 11, 2007 3:37 PM

To: Abbott, Tony; Anderson, Bradley; Animal Shelter; Sinclair, Anne; Ardis, Shari; Austin, Charles Sr.; Baker, Allison; Becky Bailey (E-mail); Bennett, Dee; Bill Manley (E-mail); Brewer, David; Brown, Gladys; CAC; Camp, Steve; Capital City Center (E-mail); Carlton & Myra Washington (E-mail); Cassell, Eric; Caughman, Missy; CCC311; Chambers, Johnathan; Clay, Nelly; Community Development; Cooper, Robert; Crisp, Harold; Cromartie, EW; Crow, Deidre; Daniels, Denny; Dave Shaw (E-mail); David Stanton (E-mail); Delk, Fred; Dilbert, Shirley; Dooley, John; Dukes, Dexaviera; Earl McLeod (E-mail); Edwards, Judith; Elliott Houser (E-mail); Epps, Shawn; Fanning, Ginger; Felicia Howard (E-mail); Foster, Laura; Frank Knapp (E-mail); Fripp, Andrea; Gaines, Ken; Gambrell, Jim; Gantt, Steven; Gentry, Missy Smith; Gilliam, Jacques; Gina Smith (E-mail); Gober, Elizabeth; Goff, Bryan; Gregory G. P. A. Williams (E-mail); Hall, Gerry Lynn; Hampton, Kathryn J; Hampton, Krista; Hampton, Ruby; Harris, Doris; Harry Busbee (E-mail); Harvey, Charlene; Hawkins, Pam; Hecker, Robert; Heizer, Francenia; Henderson, Willie; Heyward, April; Hines, Rick; Hockett, Starr; Hudson, Skip; Irving, Gertie; Jackson, Ozie; Jeffers, Carri M; Jenkins, Aubrey; Johnson, Cynthia; Johnson, Marshall; Jones, Brenda; Joy, Charles "Ed"; Kelly, Ebony I; Kennell, Matt; Keven Cohen (E-mail); Knoche, David; Land, Chip; LaSchuma, Janet; Lawton, Tony; Lederfind, Howard; Leitner, Susan; Lewis, JoAnn; Livengood, Andrew; Livingston, Deborah; Lucius, Connie; Maddox, Archie; Manis, Michael - Eau Claire Dev Corp; Maples, Franklin; Martin, Lois; Martin, Randy; McDonald, Robert; McLeese, Ike; McMurray, Peggy; Meggs, Jim; Mylott, Marc; Nash, Gale; Parul Joshi (E-mail); Pelzer, Charlene; Public Relations; Reaves, Harold; Rickenmann, Daniel; Roof, Kimberley; Ruff, Julie; Davis, Sam; Saxon, Tina; Scott Hawkins (E-mail); Semon, Richard; Seymour, Keith H.; Seymour, Keith H.; Shell, Erma; Smalls, Milton; Smith, Valerie; Spade, John David; Star Reporter (E-mail); Statler, Lucinda; Stringer, Judy; Swisher, James; Teresa Wilson Florence (E-mail); Terry Linder (E-mail); Thompson, Cynthia; Topp, Chris; Turner, Dana; Utsey, Leshia; Ward, Tom; Watson, Tasha; Werner, Joe; Woodson, Joy; Young, Estelle; Zunker, Dave; allen-joyce, renee; Amundson, Bob; Barnes, Joiquim; Blair, Jennifer; Bower, Debbie; Bud Tibshrary (E-mail); Clauss, Philip; Coleman, Ryan T; Collum, Deborah; Costello, Keith; Covey, Daniel; Covington, Sonya; Deirdre Mardon (E-mail); Edwards, Shelley R; Elswick, Randy; Evans, John; Finlay, Kirkman; Garvey, M Kelly; Gathers, Kimberly; Givens, Karel; Goodin, Denise; Grassnickle, Betty; Gray, Ray; Hatcher, David; Hendrix, Jennifer; Hopkins, Robin; Hyatt Park Neighborhood Association; Jaco, Joey; Janet Culver (E-mail); Jenkins, Mel; Joe Cronin (E-mail); Johnson, Mark D; Johnson, Natalia; Jumper, Donna; Kennett, Billy; King, Eileen; Mayer, Pete; McCall, Larry; Mills, Lisa; Mills, Shirley; Nettles, Gail; Pinckney, Fanessa; Porter-DeBerry, Tonya; Potter, Fran; Remona Jenkins (E-mail); Richardson, Malcolm; Robinett, G C; Rolan, Lisa L; Smith, Josalynn; Taylor, Josephine; Thompson, Jerry; Trimnal, Katherine; Walters, Barrie; Ward, Eric; Westmoreland, Tony; Willis, Hanna; Wolfe, Andrea

Subject: City Council Agenda for January 17, 2007

Please review the attached agenda carefully and feel free to let me know of any questions or concerns that may arise.

We will begin at 9:00 a.m. and a Zoning Public Hearing will be conducted at 10 a.m.