

ORDINANCE NO.: 2006-024

*Granting encroachment to The Whig for six tables and twelve chairs for outdoor dining and two decorative planters within in the sidewalk right of way of the 1200 block of Gervais Street*

WHEREAS, The Whig (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way area of the 1200 block of Gervais Street immediately adjacent to its business for placement of two (2) 1' x 1' planters, six (6) tables 2' x 2' in diameter and twelve (12) chairs for outdoor dining by its patrons during its normal business hours of 5:00 p.m. to 10:30 p.m., Monday through Saturday; and 11:00 a.m. to 10:30 p.m. on Sunday;

WHEREAS, the tables and chairs shall be placed so as prohibit obstruction of pedestrian movement and shall be removed and stored inside the building when not in use; the outdoor dining area and general exterior of the building shall be kept clean and orderly at all times; umbrellas or other improvements and interference with pedestrian movement shall be prohibited; 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 7th day of June, 2006, that Grantee, its successors and assigns, is hereby granted the right to use a portion of the sidewalk right of way area of the 1200 block of Gervais Street immediately adjacent to its business for placement of two (2) 1' x 1' planters, six (6) tables 2' x 2' in diameter and twelve (12) chairs for outdoor dining by its patrons during its normal business hours of 5:00 p.m. to 10:30 p.m., Monday through Saturday; and 11:00 a.m. to 10:30 p.m. on Sunday.

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 tables and chairs shall be placed so as to prohibit

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obstruction of pedestrian movement and shall be removed and stored inside the building when not in use; umbrellas or other improvements shall be prohibited.

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 a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and 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.

ORIGINAL  
STAMPED IN RED

Requested by:



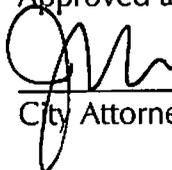
MAYOR

Approved by:



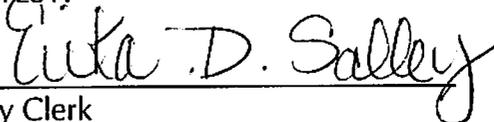
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 5/17/2006  
Final Reading: 6/7/2006

Matter No: 06040261  
Attorney: [Signature]  
Date In: 4/6/06  
File No.: 2006-024  
Date Out: 4/13/06

**Ardis, Shari**

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**From:** Matt Kennell [matt@citycentercolumbia.sc]  
**Sent:** Thursday, April 06, 2006 12:27 PM  
**To:** Ardis, Shari  
**Subject:** FW: Sidewalk Seating @ The Whig

As discussed,

Matt

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

**From:** jonathan robinson [mailto:darbysc803@hotmail.com]  
**Sent:** Wednesday, April 05, 2006 3:31 PM  
**To:** matt@citycentercolumbia.sc  
**Cc:** lsmith32@sc.rr.com; darbysc803@hotmail.com  
**Subject:** Sidewalk Seating @ The Whig

Hello,

I've been meaning to get in touch with you for almost a year now. I believe Louis Smith spoke with you about us (The Whig) obtaining permission to have sidewalk seating on Gervais St.

I have written up a short proposal, drawn up a simple plan, and taken some pictures. If you can read over this draft, and tell me where to go from here and what more I need I'd greatly appreciate it.

Feel free to email or call me at anytime.

Thank you,  
Jonathan R Robinson

P 665-5612  
F 931-0496

## Proposal for sidewalk seating at The Whig (1200 Main Street)

Located at 1200 Main Street on the corner of Gervais Street, The Whig is a casual dining restaurant. Open for dinner seven evenings a week and for Sunday brunch, The Whig specializes in a southern fusion menu including original new south fare such as sweet potato french fries, roasted duck omelets, and corn meal fried catfish. The unique cuisine and atmosphere draws a crowd largely from downtown's residents and professionals as well as graduate students, faculty, and staff of the University of South Carolina.

To further utilize Columbia's pleasant climate and The Whig's extraordinary downtown location we propose to add sidewalk seating for our patrons. The large sidewalk space (12 feet) between our location and Gervais Street would allow for an ideal location for such an area (see pictures). Because of the sidewalk's wide girth pedestrian traffic would in no way be hindered. If allowed we would place six 2 foot by 2 foot tables each with two chairs in a single row along the wall of our location (see illustration 1). The area's borders would be defined with several decorative planters. The tables and chairs would be placed on the sidewalk in the late afternoon (5 pm) for diners to utilize and then put away in the evening. On Sundays the tables and chairs would be set up in the morning (11 am), and always our staff would keep the area clean and presentable.

S-10-30  
M-Sat

-10:30

Allowing the sidewalk seating area would increase our ability to service the downtown area and benefit the city. The addition would add aesthetic character to our corner, while adding an amenity to the Main Street area that is desperately needed to maximize the livability of our downtown.

2  
11' x 11'

# Proposed Sidewalk Seating for The Whig

illustration 1

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1200 Main Building

The Whig Entrance

The Whig Sign

2'

Seating Area

10'

30'

12'

Gervais Street

