

ORDINANCE NO. 2007-023

*Granting encroachment to Good Times Unit 3, Inc. for placement of ten (10) bistro tables, thirty-six (36) chairs, three (3) 2-person benches, six (6) umbrellas with a removable picket fence enclosure for outdoor dining at 805 Harden Street*

ORIGINAL  
STAMPED IN RED

WHEREAS, Good Times Unit 3, Inc. (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way area immediately adjacent to its business located at 805 Harden Street for placement of ten (10) bistro tables, thirty-six (36) chairs, three (3) 2-person benches, six (6) umbrellas with a removable picket fence enclosure for outdoor dining by patrons during normal business hours; 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 6th day of June, 2007, that Grantee is hereby granted the right to use a portion of the sidewalk right of way immediately adjacent to its business located at 805 Harden Street for placement of ten (10) bistro tables, thirty-six (36) chairs, three (3) 2-person benches, six (6) umbrellas with a removable picket fence enclosure for outdoor dining by patrons during normal business hours.

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.

ORIGINAL  
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Requested by:

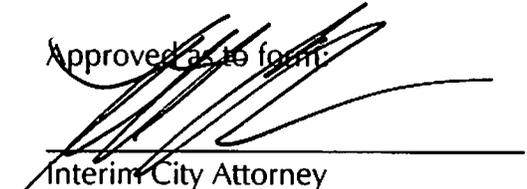
\_\_\_\_\_

  
MAYOR

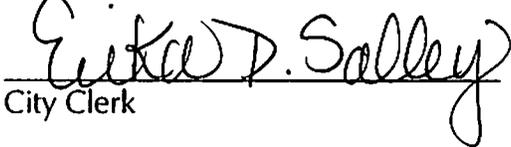
Approved by:

  
City Manager

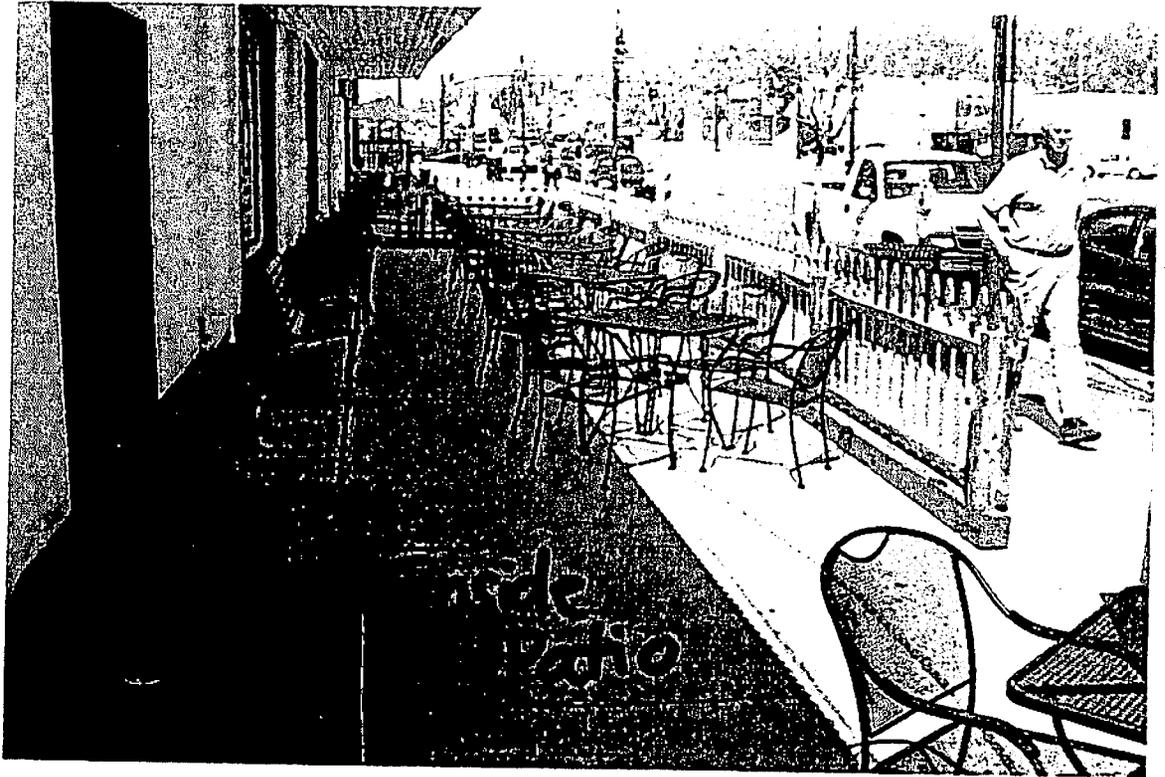
Approved as to form:

  
Interim City Attorney

ATTEST:

  
City Clerk

Introduced: 5/16/2007  
Final Reading: 6/6/2007



side patio



Good Times view from Green

Matter No.: 07030-227  
 Attorney: William Peebles  
 Date In: 3/13/07  
 File No.: 2007-023  
 Date Out: 3/23/07

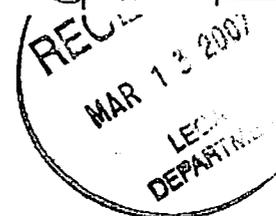
## GOOD TIMES UNIT 3 INC

805 HARDEN ST  
 COLUMBIA S.C. 29205

W: 803-933-9510

F: 803-933-9509

E-mail: [good\\_times@bellsouth.net](mailto:good_times@bellsouth.net)



TO: Sherry Artist  
 FROM: William Peebles  
 DATE: 3-13-07

TOTAL PAGES INCLUDING COVER: 3

This is in reference to ordinance no 2003-014-New ownership was established in August Of 2004 just when the 5 Points Beatification project began, so I have not been able to put a patio out until recently. The previous owner at this location had a much smaller sidewalk area, but the number of tables and chairs has not changed much, despite a triple increase in the sidewalk area. I am requesting a patio area of 10 bistro tables and 36 chairs, 3 two-people benches, and 6 umbrellas. For safety and business purposes, we would like to enclose with a non-permanent, removable picket fence. The sidewalk, not including the brick area is 17ft wide...with the area as is; we would take up 10ft of the sidewalk which is manageable in the enclosed area. The reason for this is after 2 ½ years, I have finally finished installing my kitchen, and I need this area for my food sales. The inside of my property is not quite large enough to do this on a larger volume. The patio also will allow me to expand my hours of operation, as I can now open earlier (lunch). Our goal is to gradually push our business more towards food and hopefully build a clientele that can finally enjoy 5 Points now that construction is nearing completion. I have sent pictures of the patio via e-mail, and you should get an accurate view of what I have. Please contact me at 803-546-6381 if you need anything else. I have included an aerial view to give you an accurate scale of the patio area. Please, I hope we can resolve this quickly, as I have hired new day time help for our lunch time.

Thank you,

William Peebles

P.S. You can note in the pictures that the fence is self-supported, and can be removed at any time if needed by the city for future functions. Before we were aware that we had to re-file our ordinance, we have been operating with this set-up with no problem. As you can see with other establishment's encroachments, their tables take up the entire sidewalk, were ours will leave walking space. Pour House or Yesterday's did not have their furniture out today, but you can see how small the sidewalk is. Our fence looks appropriate and we do not want to use plastic mesh as a barrier like our neighbor Dr. Rocco's. Good Times is the only encroachment in Five Points that allows pedestrians to walk uninhibited down the sidewalk.