



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, July 22, 2013
4:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of Minutes of the July 8, 2013 City Council Meeting**
- IV. Approval of Agenda of the July 22, 2013 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Recognition of Retiring Public Safety Director Tony Fisher**
Presenter: Mayor Junie White
- VII. Proclamation for “National Night Out in Spartanburg”**
Presenter: Mayor Junie White
- VIII. Resolution and Declaration**
 - A. Directing the Abandonment of a Portion of a Street in the City of Spartanburg, Being the Northern-Most Portion of Oakdale Court that Dead-Ends at South Daniel Morgan Avenue. This Will Also Abandon a Portion of the Existing Right-of-Way Terminating at the End of the Street**
Presenter: Joshua T. Henderson, Planning Coordinator
- IX. Update on Northside Initiative**
Presenters: Bill Barnet, Chairman, Northside Development Corporation
Curt McPhail, Northside Development Corporation
- X. Resolution**
 - A. Authorizing the Reallocation of \$250,000 in HOME Funds for Infrastructure Improvements Associated with the “Brawley Street Project”**
Presenter: Mitch Kennedy, Director, Community Services

- B. Approving Various Actions Associated with the Development of the Healthy Food Hub**
Presenter: Ed Memmott, City Manager

XI. Ordinance

- A. Authorizing the Sale of TMS 7-12-05-266.00 to the Northside Development Corporation for the Development of the Healthy Food Hub**
Presenter: Ed Memmott, City Manager

XII. Consent Agenda

- A. Accepting the Property Owned by Steven R. Thompson, and Being Located at 149 Phifer Drive, and that Portion of Phifer Drive Abutting Said Property, as a Part and Parcel of the City of Spartanburg and Declaring Said Property Annexed to and a Part and Parcel of the City of Spartanburg, Said Parcel to be Zoned R-6, General Residential Upon Annexation. Designating the Same Property as a Part and Parcel of the Beaumont Village Local Historic District Upon Annexation (Second Reading)**
Presenter: Joshua T. Henderson, Planning Coordinator

XIII. City Council Updates

XIV. Adjournment

** City Code Sec. 2-57. Citizen Appearance. Any citizen of the City of Spartanburg may speak at a regular meeting on any matter pertaining to City Services and operations germane to items within the purview and authority of City Council, except personnel matters, by signing a Citizen's Appearance form prior to the meeting stating the subject and purpose for speaking. No item considered by Council within the past twelve (12) months may be added as an agenda item other than by decision of City Council. The forms may be obtained from the Clerk and maintained by the same. Each person who gives notice may speak at the designated time and will be limited to a two (2) minute presentation.*



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, July 8, 2013**

**(These minutes are subject to approval at the
July 22, 2013, City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Councilmembers Linda Dogan, Cate Ryba, W. Sterling Anderson II, Robert Reeder, and Jan Scalisi. Mayor pro tem Jerome Rice was on vacation. City Manager Ed Memmott and City Attorney Cathy McCabe were also in attendance. Notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act. All City Council meetings are recorded for a complete transcript.

I. Moment of Silence – observed.

II. Pledge of Allegiance – recited.

**III. Approval of Minutes of the June 24, 2013 City Council Meeting –
*Councilmember Anderson made a motion to approve the minutes as received.
Councilmember Scalisi seconded the motion, which carried 6 to 0.***

**IV. Approval of Agenda of the July 8, 2013 City Council Meeting –
*Councilmember Dogan made a motion to approve the agenda as received. Councilmember Reeder seconded the motion, which carried 6 to 0.***

V. Public Comment - None

**Citizen Appearance forms are available at the door and should be submitted to the City Clerk*

VI. Ordinance

A. Accepting the Property Owned by Steven R. Thompson, and Being Located at 149 Phifer Drive, and that Portion of Phifer Drive Abutting Said Property, as a Part and Parcel of the City of Spartanburg and Declaring Said Property Annexed to and a Part and Parcel of the City of Spartanburg, Said Parcel to be Zoned R-6, General Residential Upon Annexation. Designating the Same Property as a Part and Parcel of the Beaumont Village Local Historic District Upon Annexation (First Reading)

Presenter: Joshua T. Henderson, Planning Coordinator

Mr. Henderson presented the item to City Council as follows:

“Staff received a request from Steven R. Thompson, owner of 149 Phifer Drive for annexation of the property into the City of Spartanburg. This parcel is located in Beaumont Village and is contiguous to properties already located in the City of Spartanburg’s Beaumont Village Local Historic District. Since the parcel is contiguous to the City limits the property owner has submitted an annexation petition under the 100 percent Petition and Ordinance method. The parcel will also become a part of the Historic District.

Since the zoning designation for the contiguous parcels is R-6, General Residential; Staff is requesting Council to designate the parcel as R-6.

Staff recommends that the City Council take the following actions:

- a) Approve the annexation of 149 Phifer Drive (TMS7-08-16-020.00).
- b) Designate the zoning for this property as R-6 (General Residential) upon annexation.
- c) Designate the annexed property as a part and parcel of the Beaumont Village Local Historic District.

BUDGET AND FINANCE DATA: The parcel will generate property tax after annexation. Additional service costs will be minimal.”

Councilmember Dogan made a motion to approve the ordinance as presented on first reading. Councilmember Ryba seconded the motion, which carried unanimously 6 to 0.

VII. Resolution

A. **Authorizing the City Manager to Execute a Quit Claim Deed for a Small Portion of Excess Right-of-Way Located on the Southwest Corner of the Magnolia Street and Saint John Street Intersection**

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to City Council as follows:

“The building and property located at 156 Magnolia Street was recently sold to Spring and Magnolia, LLC. The Subway restaurant is located on the first floor of this building. While it is expected that the Subway will remain as a tenant at this location, the second floor is being remodeled and will be leased to Pure Barre. Pure Barre is a personal fitness business that utilizes the ballet barre method of physical training. Pure Barre operates a network of 100 franchise locations in 29 states. Pure Barre corporate headquarters is located in the One Morgan Square Building. The second floor of the Magnolia Street building will serve as a training facility for Pure Barre. Staff believes the development of this “store front” corporate studio is a very positive occurrence for downtown.

In consultation with representatives of Pure Barre, staff has determined that the City may have a limited right-of-way interest in a small section of property located on the southwest corner of the Saint John Street and Magnolia Street intersection. In researching this matter, staff believes that this land is a remnant parcel dating back to the widening of Saint John Street and abandonment of a street identified as Wofford Street on old plats. The property has been used as private parking for years for the building located at 156 Magnolia Street. The area of land is identified on the attachment.

Given this positive downtown development with Pure Barre, staff believes it is an opportune time to “clean-up” any ownership issues associated with this strip of property and remove any liability and maintenance obligations for the City. Staff is recommending that the City relinquish any ownership interest it may have in this parcel.

Staff is requesting approval of a Resolution authorizing the City Manager to sign a quitclaim deed for the property.”

Councilmember Anderson made a motion to approve the resolution as requested. Councilmember Dogan seconded the motion, which carried unanimously 6 to 0.

VIII. Other Business

A. Discussion of Various Downtown Street Enhancement Projects

Presenters: Ed Memmott, City Manager

Chris Story, Assistant City Manager

Mr. Memmott and Mr. Story presented the following list of Tax Increment Financing Physical Improvements Identified in the Downtown Master Plan. They stated that they were not seeking action at that time, but wanted to brief Council on the various options with the intent of developing a specific schedule of improvements in the near future:

- Streetscaping Daniel Morgan Avenue
- Streetscaping Converse Street
- Streetscaping Magnolia Street
- Streetscaping and repairing Wall Street
- Pedestrian Crossing Improvements to St. John Street at George
- Converting Dunbar Street (Church to Converse) to two-way traffic
- Streetscaping E. Main (Church to Converse) to remove chicanes
- Enhancements to Denny’s Plaza (e.g. active water feature)
- Enhancement to Morgan Square (e.g. pavilion and seating)
- Other public space enhancements including additional public art

Council received the report as information for future discussion.

B. Boards and Commissions

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented the item to City Council as follows:

“City Council annually reviews term expirations of individuals who are appointed by Council to serve on City of Spartanburg Boards and Commissions.

Staff requests that City Council review the applicants below and consider appointment and/or reappointment:

Board of Architectural Design and Historic Review (HARB)

Michael Chewning is willing to serve another term

Dr. Phillip Stone is willing to serve another term

Councilmember Dogan made a motion to waive the rules and reappoint Michael Chewning and Dr. Phillip Stone to a second term on the Architectural Design and Historic Review Board. Councilmember Scalisi seconded the motion, which carried 6 to 0.

Bicycle and Pedestrian Committee

Monique Watson is willing to serve another term

Councilmember Dogan made a motion to waive the rules and reappoint Monique Watson to a second term on the Bicycle and Pedestrian Committee. Councilmember Ryba seconded the motion, which carried 6 to 0.

Construction Board of Adjustments and Appeals

Bobby L. Black is willing to serve another term

Royce Camp is willing to serve another term

Joseph L. Crissinger is willing to serve another term

Paul Desmond is willing to serve another term

Councilmember Dogan made a motion to waive the rules and reappoint Bobby L. Black, Royce Camp, Joseph L. Crissinger, and Paul Desmond to a second term on the Construction Board of Adjustments and Appeals. Councilmember Scalisi seconded the motion, which carried 6 to 0.

Public Safety

James Chambers III (application attached)

Councilmember Reeder made a motion to waive the rules and appoint James Chambers III to the Public Safety Committee. Councilmember Dogan seconded the motion, which carried 6 to 0.

Ms. McIntyre stated that there were two additional vacancies and someone was needed from the north side.

Planning Commission

Due to multiple applicants interviews will be scheduled in the next week.

Ms. McIntyre stated that interviews would be scheduled with the applicants with the committee of Mayor pro tem Rice and Councilmembers Scalisi and Anderson.

Ms. McIntyre also declared a vacancy on the Design Review Board since Ms. Singleton has moved to Atlanta.

She also mentioned that no applications had been received for the two openings on the Zoning Board of Adjustments and Appeals.

IX. City Council Updates

Councilmember Anderson shared that he had a good 4th of July with family out of town.

Councilmember Reeder shared that Red White and Boom went very well, even in the rain, with a great crown attending. He thanked city staff for their hard work.

Councilmember Scalisi shared that she attended her first meeting as a member of the Appalachian Council of Governments Council on Aging. She stated that among the many services provided was a free resource of answers to questions concerning Medicare, Medicaid, Social Security and other issues of seniors.

She also mentioned that in the past year and a half she had noticed more traffic on the east side of town in her district due to two Urgent Care Facilities opening, a big expansion and relocation of The Fresh Market, Pure Barre, two new gyms with a third coming, and a new restaurant on East Main Street. She shared that she was proud of the activity taking place in her district.

Councilmember Dogan shared that on June 25, Certus Bank had made an investment in the Northside Initiative Project with a commitment of not only financial support, but also a commitment of time to the initiative.

City Clerk McIntyre reminded everyone that the July 22 City Council meeting would be

held at 4:30 in Council Chambers with a Retirement Reception for Public Safety Director Tony Fisher following from 6:00 p.m. until 8:00 p.m. in the Barrett Room at the Public Library.

X. Adjournment –

Councilmember Reeder made a motion to adjourn the meeting. Councilmember Ryba seconded the motion, which carried 6 to 0, and the meeting adjourned at 6:26 p.m.



Connie S. McIntyre, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Joshua Henderson, Planning Coordinator

SUBJECT: Street Abandonment Request to Consider Abandoning the Northern-most Portion of Oakdale Ct. that Dead-ends at S. Daniel Morgan Avenue. This will also abandon a portion of the existing right of way terminating at the end of the street. (Bill Bailey, Owner of surrounding property).

DATE: July 22, 2013

BACKGROUND:

Staff has received a request by Bill Bailey to close a section of Oakdale Ct. that dead-ends into S. Daniel Morgan Avenue. The section that is being proposed is surrounded by properties that are owned by Mr. Bailey on either side of the road and a small property that is owned by SCDOT. Mr. Bailey has stated that individuals congregate at this end of the street on a regular basis and he would like to try to prevent any unnecessary activity from occurring at that end of the street.

A Public Notice concerning this site appeared in the Spartanburg Herald-Journal on July 7, 2013. Letters to all property owners within 400 feet of the subject street were sent on July 5, 2013. The City's engineering, public works, and public safety departments; as well as, Spartanburg Water were contacted to determine the impact of the proposed street abandonment on services each department provides to the surrounding areas, and they had no objections to the request once revised and an blanket easement was submitted for the utility lines in the street.

Additional Information: Site Map; Declaration of Street Abandonment; and a Resolution.

ACTION REQUESTED:

That City Council approves the requested Street Abandonment of the desired portion of Oakdale Ct. and additional right-of-way by Resolution.

BUDGET AND FINANCE DATA:

N/A

DECLARATION

DIRECTING THE ABANDONMENT OF A PORTION OF A STREET IN THE CITY OF SPARTANBURG, BEING THE NORTHERN-MOST PORTION OF OAKDALE COURT THAT DEAD-ENDS AT SOUTH DANIEL MORGAN AVENUE. THIS WILL ALSO ABANDON A PORTION OF THE EXISTING RIGHT-OF-WAY TERMINATING AT THE END OF THE STREET.

WHEREAS, Bill Bailey has requested that City Council consider abandoning the above mentioned portion of street, and;

WHEREAS, Bill Bailey owns all of the properties abutting the said portion of street as shown on TMS#7-12-14-160.00 and 7-12-14-145.00, with the exception of a parcel owned by the SCDOT shown on TMS#7-12-14-146.00; and requests abandoning of the portion of said street in order to prevent any unnecessary activity from occurring at that end of the street. This will also abandon a portion of the existing right-of-way terminating at the end of the street.

NOW, THEREFORE, THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF SPARTANBURG, IN COUNCIL ASSEMBLED DO HEREBY DETERMINE:

Section 1: That the northern-most portion of Oakdale Court that dead-ends at South Daniel Morgan Avenue is abutted by property owned by Bill Bailey as shown on TMS#7-12-14-160.00 and 7-12-14-145.00, with the exception of a parcel owned by the SCDOT shown on TMS#7-12-14-146.00, and this will also abandon a portion of the existing right-of-way terminating at the end of the street; and it is no longer needed or required for public use or convenience, and it is in the best interest of the City that above mentioned portion of street be abandoned as a public street.

Section 2: That after hearing the request, City Council has determined that the public interest would be best served by abandoning above referenced portion of street, that there are adequate streets in the vicinity for public use and that the interest of the City of Spartanburg would be enhanced by this action.

Section 3: That the City of Spartanburg has hereby determined and has hereby acknowledged that the above mentioned portion of street identified in Section 1 above is hereby abandoned as a public street and abandoned by the City of Spartanburg.

RESOLUTION

DIRECTING THE ABANDONMENT OF A PORTION OF A STREET IN THE CITY OF SPARTANBURG, BEING THE NORTHERN-MOST PORTION OF OAKDALE COURT THAT DEAD-ENDS AT SOUTH DANIEL MORGAN AVENUE. THIS WILL ALSO ABANDON A PORTION OF THE EXISTING RIGHT-OF-WAY TERMINATING AT THE END OF THE STREET.

WHEREAS, Bill Bailey has requested that City Council consider abandoning the above mentioned portion of street, and;

WHEREAS, Bill Bailey owns all of the properties abutting the said portion of street as shown on TMS#7-12-14-160.00 and 7-12-14-145.00, with the exception of a parcel owned by the SCDOT shown on TMS#7-12-14-146.00; and requests abandoning of the portion f said street in order to prevent any unnecessary activity from occurring at that end of the street. This will also abandon a portion of the existing right-of-way terminating at the end of the street.

NOW, THEREFORE, THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF SPARTANBURG, IN COUNCIL ASSEMBLED DO HEREBY RESOLVE:

Section 1: That the northern-most portion of Oakdale Court that dead-ends at South Daniel Morgan Avenue is abutted by property owned by Bill Bailey as shown on TMS#7-12-14-160.00 and 7-12-14-145.00, with the exception of a parcel owned by the SCDOT shown on TMS#7-12-14-146.00, and this will also abandon a portion of the existing right-of-way terminating at the end of the street; and is no longer needed or required for public use or convenience, and it is in the best interest of the City that above mentioned portion of street be abandoned as a public street.

Section 2: That after hearing the request, City Council has determined that the public interest would be best served by abandoning above referenced portion of street, that there are adequate streets in the vicinity for public use and that the interest of the City of Spartanburg would be enhanced by this action.

Section 3: That the City of Spartanburg has hereby determined and has hereby acknowledged that the above mentioned portion of street identified in Section 1 above is hereby abandoned as a public street and abandoned by the City of Spartanburg. A Declaration of Road Abandonment shall be executed by the City Manager and City Clerk for the City and filed in the Register of Deeds Office for Spartanburg County.

Section 4: This Resolution shall be effective on the date of enactment.

This Resolution approved this _____ day of _____, 2013.

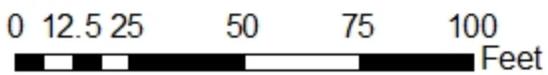
Junie L. White, Mayor

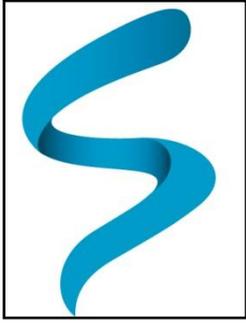
ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney





REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Mitch Kennedy, Director, Community Services

SUBJECT: Resolution – Authorizing the reallocation of \$250,000 in HOME Funds for infrastructure improvements associated with the “Brawley Street Project”

DATE: July 18, 2013

BACKGROUND:

In September of 2012, Council approved an Ordinance allowing the City to enter into a Memorandum of Understanding with Spartanburg Housing Authority (SHA) for the development of housing on Brawley Street. Council is aware that the “Brawley Street Project” is an early effort to comprehensively redevelop the Northside.

Through this project, in-fill construction of 12 affordable housing units will be developed by SHA. Staff has approved the design and is very pleased with the plans for the project. In assessing the condition of the sanitary sewer system serving this section of the Northside and the condition of paving, sidewalks, and street lighting on Brawley Street, staff is recommending to proceed infrastructure improvements to serve this area. These improvements will include:

- Installation of a new sanitary sewer collection line to serve a portion of Brawley and Forest Streets
- Construction of a new alley to allow rear access and complement the urban design
- Reconstruction of new sidewalks, curb, and gutter (portion of Brawley)
- Street Repaving (portion of Brawley)

The \$250,000 was previously budgeted for the Midtowne Heights Project that is on hold until further plans are decided.

ACTION REQUESTED: Approval of a Resolution to allow the reallocation of \$250,000 in HOME Funds for infrastructure improvements associated with the “Brawley Street Project”.

BUDGET & FINANCIAL DATA: HOME Funds.

A RESOLUTION

APPROVING REALLOCATION OF HOME FUNDS FOR INFRASTRUDTURE IMPROVEMENTS IN THE BRAWLEY STREET AREA

WHEREAS, the City of Spartanburg (the “City”) is seeking to promote redevelopment of the Northside; and

WHEREAS, the City is encouraging private and public entities to invest in and support redevelopment of the Northside; and

WHEREAS, the Housing Authority of the City of Spartanburg has committed to build twelve units of affordable housing on Brawley Street; and

WHEREAS, redevelopment in this area of the Northside will require upgrades in the infrastructure serving this area.

NOW, THEREFORE, BE IT RESOLVED By the Mayor and Members of City Council of the City of Spartanburg, South Carolina, in Council assembled:

SECTION 1: Reallocation of \$250,000 in HOME funds now budgeted for Midtowne Heights infrastructure being now used for Brawley Street infrastructure is hereby approved.

SECTION 2: The City Manager is authorized to execute such budget amendments necessary to accomplish this change.

SECTION 3: This Resolution shall become effective upon the date of enactment.

DONE AND RATIFIED this _____ day of _____, 2013.

MAYOR

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney



REQUEST FOR COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Resolution to Authorize Certain Actions Associated with the Healthy Food Hub

DATE: July 17, 2013

BACKGROUND:

Earlier this year, Council authorized a development agreement for the Healthy Food Hub. At the time of this request, staff felt it was appropriate to get Council's early approval of the project based on our best projections of costs, funding sources, and agreements with various project partners. As planning has moved forward, it has been necessary to rework certain aspects of the project. Staff is happy to report that it now believes the project is ready to move to the construction phase. Prior to taking that step, I am requesting Council approval of a Resolution that will authorize execution of an Amended and Restated Development Agreement. Additionally, the Resolution would authorize staff to negotiate and sign an agreement with the owner of property which is adjacent to the Food Hub to provide for a construction easement, lease of land for overflow parking, and a joint study of a master storm water detention facility to serve multiple nearby sites. The Resolution would also authorize the transfer of \$140,000 of funds which were tentatively budgeted for the Food Hub to be used for Northside land acquisition.

Development costs for the Food Hub will total approximately \$1.6 million. The City's principal role in the project will be construction management. City staff will provide inspection services and coordinate contractor payment for the project. The Northside Development Corporation and Butterfly Foundation have jointly arranged for project financing and will own various improvements for the project. Curt McPhail (Northside Development Corporation) and I will provide a full review of the project plans and funding at the Council meeting.

ACTION REQUESTED:

Approve a Resolution authorizing certain actions associated with the Healthy Food Hub.

BUDGET AND FINANCE DATA: Authorize reallocation of \$140,000 in CDBG funding from Food Hub to Northside Land Acquisition

RESOLUTION

APPROVING VARIOUS ACTIONS ASSOCIATED WITH THE DEVELOPMENT OF THE HEALTHY FOOD HUB

WHEREAS, the City of Spartanburg (the “City”) is supportive partner of the Northside Initiative, seeks to facilitate job creation, improve citizen access to healthy foods and;

WHEREAS, the City, the Northside Development Corporation, the Butterfly Foundation and multiple other partners have worked collaboratively to develop the Healthy Food Hub (the “Project”) on the City’s Northside and;

WHEREAS, design development documents and construction costs for the Project have been fully developed and additional sources of funding necessary to build the project have been sufficiently identified and;

WHEREAS, it is appropriate to amend and/or restate various agreements in order to move forward with the Project;

NOW, THEREFORE, BE IT RESOLVED By the Mayor and Members of City Council of the City of Spartanburg, South Carolina, in Council assembled:

SECTION 1: The City’s obligations and responsibilities as set forth in the Draft Amended and Restated Development Agreement for the Project are approved. The City Manager is authorized to negotiate final terms and supplemental documents referenced by the Amended and Restated Development Agreement for the Project provided such amendments or supplemental agreements do not materially alter the City’s obligations and responsibilities.

SECTION 2: The City Manager is authorized to enter into Agreement(s) with the owner of property which is adjacent to the Healthy Food Hub site to provide for a temporary construction easement, overflow parking, supplemental buffer yard, and joint exploration and consideration of storm water detention and/or improvements provided that the costs of any actual improvements under this Agreement(s) are paid with Project construction funds or other sources of funds approved by City Council.

SECTION 3: Authorizes the City Manager to reallocate \$140,000 in funds previously budgeted for the Project to Northside Land Acquisition.

SECTION 4: This Resolution shall be become effective upon the date of enactment.

DONE AND RATIFIED this _____ day of _____, 2013.

MAYOR

ATTEST:

By: _____
CITY CLERK

APPROVED AS TO FORM:

By: _____
CITY ATTORNEY

Building and will provide Butterfly with a full report on use of funds at completion of construction of the Food Hub Building.

4. Will drawdown funds from the HHS Grant on a monthly basis based on construction progress as approved by the City and remit those funds to the City within 10 days of the City's submission of a payment request.

AS TO THE CITY:

1. Will be responsible for reviewing, approving or denying Contractor payment requests and submitting those requests to NDC and/or Butterfly for payment.
2. Will be the Construction Manager of the Project and will provide a Project Manager free of charge to manage the Project and will enter into a Project Management Construction Agreement with Butterfly and NDC.
3. Will deed to NDC the .50 acre Parcel No. 7-12-05-266.00 for the Project for \$10 and other consideration.
4. Will enter into a Use Agreement with NDC for use of the .43 acre Parcel No. 7-12-05-265.00 for the Project subject to the terms of the Duke Energy Lease Agreement.

AS TO NORTHSIDE DEVELOPMENT CORPORATION:

1. Will secure a \$350,000 loan for the construction of the Project.
2. Will provide \$290,000 equity for construction of the Project.
3. Will enter into a contract for the construction of the Project.
4. Will sign a Project Construction Management Agreement with the City for the City to oversee management of the Project.
5. Will enter into a Ground Lease with Butterfly.

GENERALLY AS TO ALL PARTIES:

1. Will continue to have representation on Development Team working on the Project. The current Development Team will determine citizen participation, if any.

2. Invalidity. Should any of the provisions of this Agreement be held invalid in whole or in part, it shall not affect or invalidate the balance of such provision or any other provisions.
3. Amendments. This Agreement may not be amended, modified or changed, except by an instrument in writing and signed by all the parties.
4. Entire Agreement. This Agreement contains the sole and entire understanding between the parties, and all other promises, inducements, offers, solicitations, agreements, representations and warranties heretofore made between the parties, if any, are merged into this Agreement.
5. Successor and Assigns; Termination. This Agreement shall be binding on the parties hereto, their heirs, successors and assigns. This Agreement may only be terminated with the consent of all parties hereto.
6. Choice of Law. This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.

SIGNATURE PAGES FOLLOWS

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REQUEST FOR COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Ordinance to Authorize the Sale of TMS 7-12-05-266.00 to Northside Development Corporation

DATE: July 17, 2013

BACKGROUND:

Staff is requesting authority to sell TMS 7-12-05-266.00 to the Northside Development Corporation for \$10. This parcel will be used as part of the Healthy Food Hub project site.

ACTION REQUESTED:

First reading approval of Ordinance authorizing the sale of TMS 7-12-05-266.00.

BUDGET AND FINANCE DATA: \$10.00

ORDINANCE

AUTHORIZING THE SALE OF TMS 7-12-05-266.00 TO THE NORTHSIDE DEVELOPMENT CORPORATION FOR THE DEVELOPMENT OF THE HEALTHY FOOD HUB

WHEREAS, the City of Spartanburg (the “City”) is supportive partner of the Northside Initiative, seeks to facilitate job creation, improve citizen access to healthy foods; and

WHEREAS, the City, the Northside Development Corporation, the Butterfly Foundation and multiple other partners have worked collaboratively to develop the Healthy Food Hub (the “Project”) on the City’s Northside; and

WHEREAS, the City is owner of TMS 7-12-05-266.00 that will be incorporated into the Food Hub project site.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED:

Section 1. The City hereby approves the sale of TMS 7-12-05-266.00 to the Northside Development Corporation for \$10

Section 2. The City Manager is authorized to execute documents necessary to accomplish this property transaction.

Section 3. This Ordinance shall become effective upon the date of enactment.

DONE AND RATIFIED this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK.

APPROVED AS TO FORM: _____ 1ST Reading

CITY ATTORNEY _____ 2nd Reading