



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, July 9, 2018
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Minutes of the June 26, 2018 City Council Meeting**
- IV. **Approval of the Agenda of the July 9, 2018 City Council Meeting**
- V. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. **Public Hearing**
 - A. **Ordinance Accepting the Property Owned by Barry Thomas Ledford, and Heidi Ledford, and Being Located at 423 Ransdell Drive, and that Portion of Ransdell Drive and Crews 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-15, Single Family Residential Upon Annexation (First Reading)**
Presenter: Natalia Rosario, Planner III
- VII. **Ordinance**
 - A. **Approving a Development Agreement Between the City of Spartanburg and Morgan Silver, LLC (First Reading)**
Presenter: Ed Memmott, City Manager
- VIII. **Other Business**
 - A. **Award of Bid for 2018 Annual Street Resurfacing**
Presenter: Tim Carter, Engineering Administrator

B. Boards and Commissions – Consideration of Appointment of Applicants
Presenter: Connie McIntyre, City Clerk

IX. City Council Updates

X. Adjournment



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, June 25, 2018
5:30 p.m.**

**(These minutes are subject to approval
at the July 9, 2018 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Jerome Rice, Councilmembers Erica Brown, Sterling Anderson, Alan Jenkins, Max Hyde, and Ruth Littlejohn. City Manager Ed Memmott and Interim City Attorney Larry Flynn 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 the Minutes of the June 11, 2018 City Council Meeting –**
Councilmember Jenkins made a motion to approve the minutes as received. Mayor pro tem Rice seconded the motion, which carried unanimously 7 to 0.
- IV. Approval of the Agenda of the June 25, 2018 City Council Meeting –**
Mayor pro tem Rice made a motion to approve the agenda as received. Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk **Peter McKnight, 228 Oakland Avenue, Spartanburg**, came forward expresses his concerns regarding the procedure for voting for traffic calming devices.
- VI. Resolutions**
 - A. Authorizing Municipal Court to be Located in the Spartanburg County Judicial Center**
Presenter: Ed Memmott, City Manager
Mr. Memmott presented the item to Council as follows:
“Staff recommends that the new municipal court facility be located in the new Spartanburg County Judicial Center when it is constructed and is asking Council to approve a resolution that will allow staff to advise Spartanburg County of the city’s decision.

ACTION REQUESTED: Approval of the resolution.

BUDGET & FINANCIAL DATA: Costs of municipal court construction will be paid from sales tax referendum proceeds.”

Mayor pro tem Rice made a motion to approve the resolution as presented.

Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

B. Approving the Naming of the Downtown Memorial Airport Airfield in Honor of Major General Darwin H. Simpson

Presenter: Terry Connorton, Airport Director

Mr. Connorton presented the item to Council as follows:

“The Airport Advisory Committee unanimously recommends naming the airfield at the Spartanburg Downtown Memorial Airport in honor of Major General Darwin H. Simpson in recognition of his remarkable service to the airport and to the Spartanburg community. As described in the attached resolution, in addition to a remarkable career in business, military service, and community service, Darwin served as a volunteer to lead the Airport through an unprecedented period of expansion and renewal worthy of this permanent recognition.

We recommend approval of the attached resolution and welcome any questions you may have.”

Councilmember Anderson made a motion to approve the resolution as presented.

Councilmember Littlejohn seconded the motion, which carried unanimously 7 to 0.

VII. Ordinance

A. Approving a Development Agreement Between the City of Spartanburg and Morgan Silver, LLC (First Reading)

Presenter: Patty Bock, Economic Development Director

Mr. Memmott presented the item to Council as follows:

“Over the past several weeks, staff has been in discussion with Morgan Silver, LLC about the possible development of single family homes near Barnet Park. The developer is interested in a 4.51 acre site which is owned by the city. The site includes frontage along Silverhill Street. The developer intends to build 24 single family residences at this location. Total capital investment of approximately \$7 million is anticipated. The sales prices for the homes would start at \$275,000. Staff is continuing negotiations with the developer on a few elements of the Development Agreement including the inclusion of workforce or affordable housing. Staff is optimistic that these terms can be finalized prior to bringing the Development Agreement back to Council for second reading consideration.

Staff believes the project will fill a void in the downtown market and offers the possibility of creating more purchasing demand to support existing and planned downtown commerce.

A draft Development Agreement is provided for Council consideration. Under the terms of the Development Agreement, the city would convey the property to the developer for \$100. The city would additionally agree to make improvements to Silverhill Street at an estimated cost of \$80,000.

ACTION REQUESTED: First reading approval of an ordinance authorizing the City Manager to finalize terms and enter into a Development Agreement with Morgan Silver, LLC for a single family residential development.

BUDGET AND FINANCIAL DATA: \$80,000 in road improvement costs.” Council engaged in an extensive discussion regarding the inclusion of workforce and/or affordable subsidized housing in the project, as well as, concerns about requiring the developer to include affordable housing in the project.

Council Anderson made a motion to carry the item over to the July 9 meeting. Councilmember Hyde seconded the motion, which carried unanimously 7 to 0.

VIII. Other Business

A. Traffic Calming Discussion

Presenter: Ed Memmott, City Manager

Mr. Memmott stated that he wanted to discuss the City’s Traffic Calming Program with Council, in particular the voting/approval process. He stated that currently, voting to approve/disapprove the installation of speed humps is limited to property owners. Additionally, in order for a vote to approve the installation of speed humps, there must be favorable (yes) votes equal or greater than 50% plus 1 vote of the eligible voters in the impact area. Combined, these two program requirements make it difficult for a neighborhood having a modest number of renters to qualify for traffic calming.

He asked for clarification from Council as to who should vote, the property owner or the person occupying the house/housing unit. He mentioned that some property owners lived out of the city, state and/or country.

After extensive discussion, Councilmember Brown made a motion to allow a vote from the person who occupies the house when considering traffic calming devices. Mayor pro tem Rice seconded the motion, which carried 4 to 3. Mayor White, Mayor pro tem Rice, Councilmember Brown and Councilmember Jenkins voted in favor of the motion. Councilmember Hyde, Councilmember Anderson, and Councilmember Littlejohn voted against the motion.

B. Boards and Commissions – Reappointments/Appointments

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented Council with the slate of reappointments/appointments for their consideration on the City’s Boards and Commissions.

Mayor White made a motion to reappointment the following individuals to an additional term on the respective boards. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0.

Airport Advisory Committee – Cullen Pitts was reappointed for another term.

HARB – Ray Trail was reappointed for another term

Bicycle and Pedestrian Committee – Annette Haynie and Luke Perkins were reappointed for another term.

Construction Board of Adjustments and Appeals – Benjamin Boland and Robbie McDade were reappointed to another term.

Public Safety Committee – Nancy Eaker and Mary Jane Michels were reappointed to another term.

Zoning Board of Adjustments and Appeals – Anne R. Poliakoff and Reed Teague were reappointed to another term.

New applications were voted on as follows:

HARB – Councilmember Anderson made a motion to appoint Josh Lonon to the HARB. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.

SHA - Mayor pro tem Rice made a motion to appoint Ralph Settle to the Spartanburg Housing Authority. Mayor White seconded the motion, which carried unanimously 7 to 0.

Planning Commission – Councilmember Anderson made a motion to appoint Reed Cunningham to the Planning Commission. Mayor White seconded the motion, which carried unanimously 7 to 0.

Public Safety Committee – Councilmember Brown made a motion to appoint Evelyn Y. Blakely to the Public Safety Committee. Mayor pro tem Rice seconded the motion, which carried unanimously 7 to 0.

Mayor pro tem Rice made a motion to appoint Jennie Padgett to the Public Safety Committee. Mayor White seconded the motion, which carried unanimously 7 to 0.

IX. City Council Updates –

Councilmember Brown mentioned that the Burrito Hub on Magnolia had opened. She stated that the Flatt on Magnolia would be opening soon. She reminded everyone about Red, White and Boom on Wednesday, July 4 at Barnet Park.

Councilmember Anderson wished County Administrator Katherine O’Neil the best on her decision to leave the county. He encouraged everyone to vote in the election the following day.

Councilmember Hyde mentioned that the July 4th parade in Converse Heights would end at Happy Hollow Park.

Councilmember Littlejohn congratulated Councilmember Hyde on his victory to run in the November election. She encouraged everyone to vote the following day. She thanked Fire Marshal Brad Hall for helping her get the batteries out of her smoke detector. She mentioned that the cleanup day for S. Converse, Forest Park and Duncan Park areas was a success. She shared that construction startup had begun in the Forest Park neighborhood.

Councilmember Jenkins mentioned that he attended Juneteenth and enjoyed all that went on. He congratulated everyone on a job well done with that event. He shared that a Golden Chick restaurant would be opening soon in his district.

Mayor pro tem Rice wished everyone a happy 4th of July.

- X. Adjournment – Councilmember Anderson** made a motion to adjourn the meeting. Councilmember Jenkins seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 6:59 p.m.

A handwritten signature in blue ink that reads "Connie S. McIntyre". The signature is written in a cursive style and is contained within a thin black rectangular border.

Connie S. McIntyre, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planner III.

SUBJECT: Ordinance Accepting the Property Owned by Barry Thomas Ledford, and Heidi Ledford, and being located at 423 Ransdell Drive, and that portion of Ransdell Drive and Crews 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-15, Single Family Residential upon Annexation.

DATE: July 9, 2018

SUMMARY:

Staff received a request for Annexation Agreement Covenant and Restriction from Barry Thomas Ledford, and Heidi Ledford, owners of 423 Ransdell Drive for annexation of the property into the City of Spartanburg on June 7, 2018. Because this property will be zoned R-15, Single Family Residential upon Annexation, there is no need to obtain zoning designation by the Planning Commission.

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. Since the zoning designation for the contiguous parcel is R-15, Single Family Residential; Staff is requesting Council to designate the parcel as R-15.

ACTION REQUESTED:

Staff recommends that the City Council take the following actions:

- a) Approve the Annexation Agreement Covenant and Restriction of 423 Ransdell Drive (TMS7-10-09-011.00).
- b) Designate the zoning for this property as R-15 (Single Family Residential) upon annexation.

BUDGET AND FINANCE DATA:

The parcel will generate property tax after annexation. Additional service costs will be minimal.

AN ORDINANCE

ACCEPTING THE PROPERTY OWNED BY BARRY THOMAS LEDFORD, AND HEIDI LEDFORD, AND BEING LOCATED AT 423 RANSELL DRIVE, AND THAT PORTION OF RANSELL DRIVE AND CREWS DRIVE ABUTTING SAID PROPERTY, AND IS FURTHER IDENTIFIED ON SPARTANBURG COUNTY TAX MAP AS 7-10-09, PARCEL 011.00 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.

WHEREAS, heretofore, the City of Spartanburg, on June 7, 2018, received an Annexation Agreement Covenant and Restriction Petition, filed by Barry Thomas Ledford and Heidi Ledford, Owners, requesting that the property described in the Petition be annexed to the City of Spartanburg; and

WHEREAS, the City Council of Spartanburg has caused an investigation to be made of said property and has found that said property is contiguous to the City of Spartanburg and that it would be in the best interest of the City of Spartanburg if said property be annexed hereto in accordance with Section 5-3-150 of the Code of Laws of South Carolina, 1976; and

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

Section 1: That the Petition of Barry Thomas Ledford and Heidi Ledford, dated June 7, 2018, for the annexation of the property hereinafter described to the City of Spartanburg be accepted.

Section 2: That the property hereinafter described is hereby declared annexed to the City of Spartanburg and a part and parcel of said City with full privileges accorded to and responsibilities required of said area.

Section 3: That said property is described as follows:

All that certain piece, parcel or lot of land, situate, lying and being in the State of South Carolina, County of Spartanburg, being shown and designated as Lot No. 1, Block 12, Plat 12 Hillbrook Forest Subdivision, as shown on survey prepared for Edward Cecil Campbell, Jr. and Kieran O. Campbell by Wolfe & Huskey, Inc. dated June 26, 1989 and recorded in Plat Book 107, Page 404, RMC Office for Spartanburg County, S.C. For a more complete and particular description, reference is hereby made to the above referred to plat and record thereof.

This being the same property conveyed to Wayne A. Bergman and Andrea M. Bergman by deed of Andrew Scott Caylor and Deborah K. Caylor dated June 8, 2001 and recorded in Deed Book 74-A, Page 516, RMC Office for Spartanburg County, S.C.

The above described property is conveyed subject to the Restrictive Covenants as recorded in Deed Book 33-G, Page 225, RMC Office for Spartanburg County, S.C.

(continued on page 2)

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in anywise incident or appertaining;

TO HAVE AND TO HOLD all and singular the said premises before-mentioned unto the said Grantee(s), and the Grantee's(s') heirs (or successors) and assigns forever. And the Grantor(s) do(es) hereby bind the Grantor(s) and the Grantor's(s') heirs (or successors), executors and administrators to warrant and forever defend all and singular the said premises unto the Grantee(s) and the Grantee's(s') heirs (or successors) and assigns, against the Grantor(s) and the Grantor's(s') heirs (or successors) and against every person whomever lawfully claiming or to claim the same or any part thereof, except as to restrictions and easements of record, if any.

The County Block Map Number of the above tract of land is 7-10-09-011.00. (See attached plat).

Section 4: That upon annexation, the property shall be zoned as Zone R-15 (Single Family Residential District).

Section 5: This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS ____ DAY OF _____, 2018.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

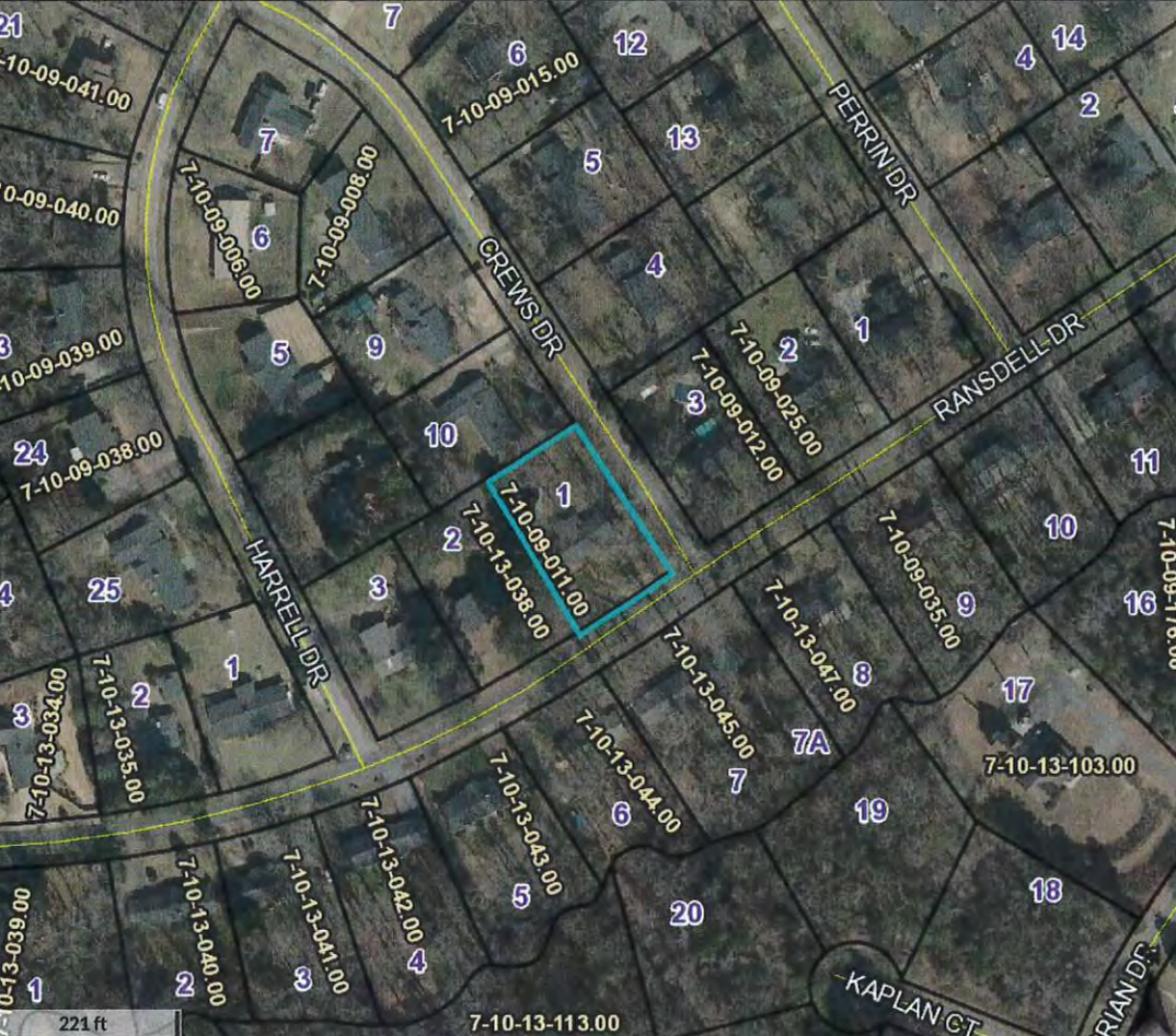
APPROVED AS TO FORM:

Larry Flynn, Interim City Attorney

__ / __ / __ (First Reading)

__ / __ / __ (Second Reading)





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10-09-039.00

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KAPLAN CT

BRIAN DR



REQUEST FOR COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Consideration of a Development Agreement to Support a Residential Development Project

DATE: July 5, 2018

BACKGROUND:

Since Council's consideration of the proposed Silverhill housing development on June 25, staff has met with the prospective developer in an effort to further define the housing price ranges for the project.

Just to remind Council, the developer, Morgan Silver, LLL, intends to build 24 single family residences at this location. Total capital investment of approximately \$7 million is anticipated. The developer is proposing to construct at least 24 homes on the approximately 4.5 acres that would be conveyed from the city. The developer has agreed that not less than four (4) of the homes would have sales prices not to exceed \$195,000.

Staff believes the project would fill a void in the downtown market and offers the possibility of creating more purchasing demand to support existing and planned downtown retail and recommends approval.

A draft Development Agreement is provided for Council consideration. Under the terms of the Development Agreement, the city would convey the property to the developer for \$100. The city would additionally agree to make improvements to Silverhill Street at an estimated cost of \$80,000.

ACTION REQUESTED: First reading approval of an ordinance authorizing the City Manager to finalize terms and enter into a Development Agreement with Morgan Silver, LLC for a single family residential development.

BUDGET AND FINANCIAL DATA:

\$80,000 in road improvement costs.

AN ORDINANCE

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SPARTANBURG AND MORGAN SILVER, LLC

WHEREAS, the City of Spartanburg (herein referred to as “City”) has determined that it is in the public interest to encourage redevelopment and private investment in its downtown; and

WHEREAS, the City has in the past entered into public-private partnerships to induce private investment, create private jobs, and increase the tax base; and

WHEREAS, the City in these public-private partnerships has provided incentives and received the commitment of private parties under the terms of development agreements; and

WHEREAS, the City has reached a tentative agreement on certain terms and conditions with Morgan Silver, LLC for a twenty four unit, single family residential neighborhood, located at 267 N. Converse Street, that will further boost the city’s downtown economic and revitalization efforts; and

WHEREAS, a development agreement would memorialize the respective obligations of the City and Morgan Silver, LLC; and

WHEREAS, should Council conclude that it is in the City’s best interest to finalize an agreement with Morgan Silver, LLC, it will be necessary for Council to formally act and authorize the City Manager to take certain actions.

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

SECTION 1. A Development Agreement between the City and Morgan Silver, LLC substantially in its final form attached hereto is hereby approved.

SECTION 2. The City Manager is authorized to execute the Development Agreement and any other documents necessary to meet the City obligations as set forth in the Development Agreement provided such documents are consistent with the intent of this Ordinance.

SECTION 3. The City Manager, upon the advice of the City Attorney, is authorized to make minor, nonmaterial modifications to the Development Agreement prior to its signature.

SECTION 4. This Ordinance shall become effective upon the date of enactment.

DONE AND RATIFIED this _____ day of _____, 2018.

MAYOR

ATTEST:

City Clerk

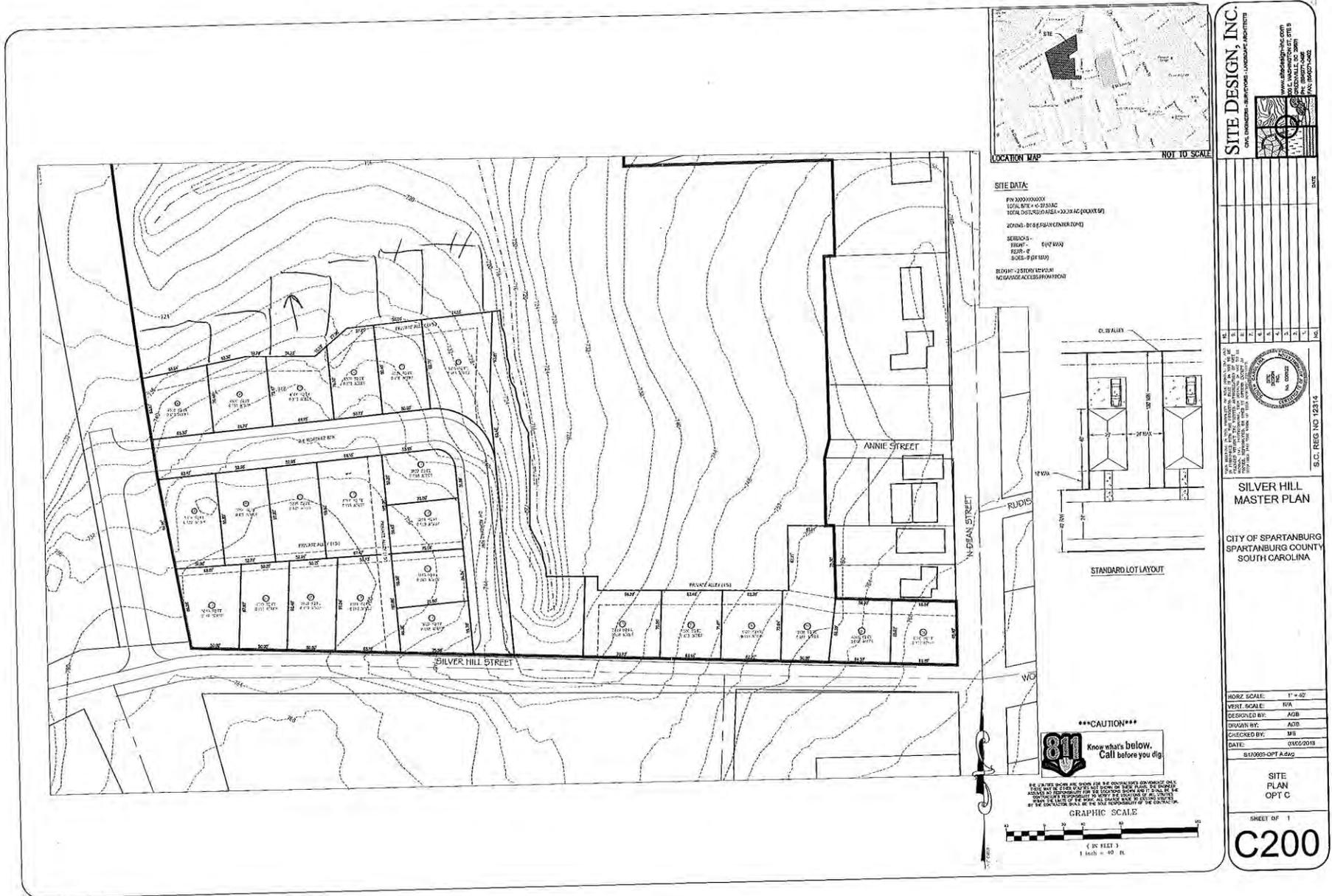
APPROVED AS TO FORM:

City Attorney

___/___/___ First Reading

___/___/___ Second Reading

Exhibit A



SITE DESIGN, INC.
 CIVIL ENGINEER - ARCHITECTURE - LANDSCAPE ARCHITECTURE
 www.sitedesigninc.com
 1111 W. BROADWAY, SUITE 200
 CHARLOTTE, NC 28202
 PH: 704.333.0400
 FAX: 704.333.0400

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STATE OF SOUTH CAROLINA
 PROFESSIONAL SEAL
 CIVIL ENGINEER
 S.C. REG. NO. 12814

SILVER HILL MASTER PLAN
 CITY OF SPARTANBURG
 SPARTANBURG COUNTY
 SOUTH CAROLINA

HORIZ. SCALE: 1" = 40'
 VERT. SCALE: R/A
 DESIGNED BY: AOB
 DRAWN BY: ACS
 CHECKED BY: MS
 DATE: 03/02/2018
 S:\10085-0PT A.dwg

SITE PLAN OPT C
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COUNTY OF SPARTANBURG) DEVELOPMENT AGREEMENT BETWEEN
) THE CITY OF SPARTANBURG
STATE OF SOUTH CAROLINA) AND MORGAN SILVER, LLC

WHEREAS, the City of Spartanburg (City) has encouraged economic redevelopment of its downtown; and

WHEREAS, the City has from time-to-time entered into public-private partnerships which have resulted in substantial private investment; and

WHEREAS, the economic development projects resulting from these partnerships have improved the economic vitality, increased the tax base, increased employment opportunities, and improved the physical appearances of downtown; and

WHEREAS, the City remains committed to the continued redevelopment of its downtown and continues to seek opportunities to achieve positive results for the Spartanburg Community; and

WHEREAS the City now has the opportunity to secure additional private investment and economic benefit by entering into an agreement with Morgan Silver, LLC (referred to herein as the “Developer” and/or the “Buyer”); and

WHEREAS, the City has not benefitted from the new construction of single family residential development in its downtown in decades; and

WHEREAS, the construction of a single family urban residential project will further facilitate the City’s efforts to promote density, pedestrian living, diversity to the current housing mix, corporate and jobs recruitment efforts and;

WHEREAS, the City has determined that the provision of certain economic development incentives and an establishment of certain terms and conditions are necessary to secure the investment commitment from the Developer.

NOW THEREFORE, KNOW ALL BY THESE PRESENT that the Developer and the City in consideration of the promises and the mutual covenants and agreements herein contained, do hereby agree as follows:

1. Developer Commitments and Acknowledgements

a. The Project. The Developer will develop and construct single family residential homes on the 4.51 acres, more or less on parcel known as 267 N. Converse Street and identified as TMS Parcel 7-12-06.157.00, along with a portion of abandoned road known as N. Converse Street (Subject Property). The Project will include approximately 24 residences and will, in general, be as configured in Exhibit A, Site Plan, attached hereto and incorporated by reference. The Developer agrees that at least four (4) homes of the Project will have base prices of not more than \$195,000.

b. Architectural Design. The Developer has experience in residential development and construction and has furnished the city with examples of these projects attached hereto as Exhibit B and incorporated by reference as representative of their work. The Developer acknowledges that its commitment regarding the high quality, diverse architectural urban design and residential construction are key considerations in the City's provision of development incentives in supporting the Project. The Project will be designed, constructed, and finished with fixtures, materials, and amenities of comparable quality design and construction as those example projects contained in Exhibit B.

c. City Design Approval. The Developer acknowledges that it has reviewed the City's Urban Code and agrees that the Project is subject to the Urban Code.

d. Purchase Price. The Developer as Buyer will purchase from City the Subject Property for One Hundred and 00/100 United States Dollars (\$100.00 USD).

e. Due Diligence Period. The Buyer shall have one hundred twenty (120) days upon execution of this Development Agreement to determine the project feasibility, to confirm availability of acceptable project financing and to complete other due diligence to determine, in their sole discretion, if the Subject Property is suitable for the intended residential project. Buyer may elect to terminate the Agreement at any time during the Due Diligence Period for any reason whatsoever.

f. Other Conditions. The Subject property shall be developed only as a single family residential housing community. In the event Buyer does not commence its project within one year (1) of Closing, the City of Spartanburg may elect to repurchase the property for \$100.00. If the Buyer does not fully complete development of each parcel after a period of five (5) years of the closing the City of Spartanburg shall have the right to repurchase any remaining undeveloped parcels for \$100.00. Buyer cannot sell undeveloped parcels to any other individual or corporate entity.

f. Closing. Closing shall occur no later than sixty (60) days after the end of the Due Diligence Period. The Buyer shall pay (i) all costs of securing financing for the purchase of the Subject Property, if any; (ii) the costs for the examination of title and issuance of a title policy and any endorsements thereto; (iii) the costs for the updated survey; if ordered; and (iv) Buyer shall be responsible for the payment of its own attorney's fees.

g. Government Approvals. This Agreement shall be subject to and conditioned upon Buyer receiving all public approvals and related permits for the intended use prior to Closing.

2. City Commitments:

a. The City as Seller will sell an approximate 4.51 acres (Subject Property), more or less known as 267 N. Converse Street and identified as TMS Parcel 7-12-06.157.00 along with a portion of abandoned road known as N. Converse Street. The purchase price will be One Hundred and 00/100 US Dollars (\$100.00 USD).

b. The City agrees to provide Morgan Silver, LLC with copies of all environmental studies, soil reports, engineering studies, and survey and title reports in its possession related to the Subject Property.

c. The City agrees to take all action(s) necessary to close the abandoned N. Converse Street running from Silver Hill Street to Daniel Morgan Avenue and to convey a portion of said street to Buyer for utilization in the Project.

d. In connection with the Buyers development of the Subject property, the City will improve that portion of Silver Hill Street to current City road standards providing necessary curb and gutter along the South side of Silver Hill Street between N. Converse Street and Dean Street. The parties will work together to coordinate timing of such improvements consistent with Buyer's development timeline.

e. The City will pay all costs (i) if any, pertaining to the pay-off and release of any existing liens or assessments against the Subject property or encumbrances and the removal of title exceptions; (ii) all grantor, transfer and recording of taxes ;(iii) any sales or use tax; (iv) real estate taxes for the year of Closing, if any, shall be prorated through the date of Closing; and (iv) shall be responsible for the payment of its own attorney's fees.

3. General Conditions

a. **Invalidity.** Should any of the provisions of this Agreement held invalid in whole or in part, it shall not affect or invalidate the balance of such provision or any other provisions.

b. **Amendments.** This Agreement may not be amended, modified or changed, except by an instrument in writing and signed by all the parties.

c. **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.

d. **Notices.** All, notices, requests, demands, or other communications required or permitted to be given hereunder shall be in writing and shall be addressed and delivered by hand or by certified mail, return receipt requested, or by overnight courier, or by fax, with evidence of delivery, to each party at the addresses set forth below. Any such notice, request, demand or other communication shall be considered given or delivered, as the case may be, on the date of delivery. Rejection or other refusal to accept or inability to deliver because of changed address of which proper notice was not given shall be deemed to be receipt of the notice, request, demand or other communication. By giving prior written notice thereof, any party, from time to time, may change its address for notices hereunder.

DEVELOPER/BUYER: Morgan Silver, LLC, 160 E. Main Street, Spartanburg, SC 29306

COPY: Steven M. Querin, Esq., Johnson, Smith, Hibbard & Wildman, L.L.P.; 220 N. Church Street, Suite 4, Spartanburg, SC 29306

CITY: City Manager, City of Spartanburg, PO Box 1749, Spartanburg, SC 29304

COPY: City Attorney, City of Spartanburg, PO Box 1749, Spartanburg, SC 29304

- e. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same agreement.
- f. **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.
- g. **Choice of Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.
- h. **No Continuing Waiver.** The waiver of any party of any breach of this Agreement shall not operate or be construed to be a waiver of any subsequent breach.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands and seals and executed this Agreement this ____ day of _____, 2018.

MORGAN SILVER, LLC

By: _____

Its: _____

CITY OF SPARTANBURG

By: _____

Ed Memmott

Its: City Manager

ATTEST:

By: _____

Connie McIntyre

Its: City Clerk

APPROVED AS TO FORM:

By: _____

Larry Flynn
Interim City Attorney

EXHIBIT A

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DRAFT



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Tim Carter, Engineering Administrator
SUBJECT: 2018 Annual Street Resurfacing
DATE: July 5, 2018

BACKGROUND

Staff received bids for the 2018 Street Resurfacing Project on June 5, 2018. This project consists of approximately 7,326 tons of surface Type C Asphalt, 2,180 square yards of full depth patching, and 27,000 square yards milling.

The following bids were submitted:

| | |
|--|---------------|
| Venesky Asphalt Paving & Grading, LLC (Easley, SC) | \$ 809,243.73 |
| King Asphalt Inc. (Liberty, SC) | \$ 837,633.68 |
| F&R Asphalt Inc. (Easley, SC) | \$ 938,630.42 |
| Sloan Construction Company (Duncan, SC) | \$ 947,848.11 |
| Rogers Group, Inc. (Greer, SC) | \$ 999,854.57 |

Staff has reviewed the bids received and the qualifications for each of these contractors and determined that Venesky Asphalt Paving & Grading, LLC is the responsive low bidder. No bids were submitted from MWBE certified contractors.

Council is reminded that paving work includes the milling of existing pavement to minimize asphalt build up along curb lines and at the edge of pavement for streets without curbs. Milling operations are inherently dusty and loud. Staff often receives citizen complaints regarding milling. Staff will take steps to minimize problems to the extent it can and will provide information to citizens in advance of paving work.

ACTION REQUESTED:

Allow staff to accept the bid from Venesky Asphalt Paving & Grading, LLC and authorize the City Manager to enter into a contract with Venesky Asphalt Paving & Grading, LLC for the completion of the project.

BUDGET AND FINANCE DATA:

\$ 350,000.00 County Transportation Committee Funds (CTC)
\$ 459,243.73 from the Spartanburg County Road Fee Funds

VIII. B



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Accommodation Tax Board

CITY RESIDENT: YES NO SEX: M F RACE: B

NAME: Landon M. Cohen

ADDRESS: 102 Maine Street

BUSINESS PHONE: (864) 381-9776 HOME PHONE: (864) 381-9776 EMAIL: VLTLandone@gmail.com

OCCUPATION: Transportation & Business Owner

EMPLOYER: Self-employed

OTHER VOLUNTEER OR CIVIC ACTIVITIES: ① Host free sports events for kids to learn about healthy eating and active life style. 2012-current ② Public speaker for youth programs ③ Volunteer in District Seven Schools as a speaker for various activities.

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? To help promote and assist with bringing quality events and programs to the city of Spartanburg.

RECOMMENDED BY: _____

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

7/5/18
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org

Carolyn Ragin
909-1227
Carolynw.ragin@gmail.com



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Bicycle and Pedestrian Committee

CITY RESIDENT: YES NO SEX: M F RACE: W

NAME: Blake Landermill

ADDRESS: 304 Blackwood Stone Road Moore, SC 29369
Street City, State, Zip Code

BUSINESS PHONE: ⁽⁸⁶⁴⁾ 336-2276 HOME PHONE: ⁽⁸⁶⁴⁾ 277-1545 EMAIL blandermill@toolsdesign.com

OCCUPATION: Senior Civil Engineer

EMPLOYER: Tools Design Group (Bicycle + Pedestrian Design)

OTHER VOLUNTEER OR CIVIC ACTIVITIES: National Society of Professional Engineers
- officer ; member of Spartanburg Young Professionals

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? To be able to use
my skills + knowledge to help make our community be a
better place.

RECOMMENDED BY: Ned Barrett

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

5-8-18
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Bicycle and Pedestrian Committee

CITY RESIDENT: YES NO SEX: M F RACE: Caucasian

NAME: Kevin Reynolds

ADDRESS: 203 W. Hampton Avenue Spartanburg, SC 29306
Street City, State, Zip Code

BUSINESS PHONE: 864-597-4300 HOME PHONE: 931-636-6930 EMAIL reynolds.j.kevin@gmail.com

OCCUPATION: Librarian

EMPLOYER: Wofford College

OTHER VOLUNTEER OR CIVIC ACTIVITIES: _____

I am very active in national and state library associations: I am presently the treasurer for the South Carolina Library Association. I am the incoming chair of the American Library Association's Committee on Literacy, as well as other appointments in that organization.

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? I moved to Spartanburg nearly four years ago. I have enjoyed living here and would like to contribute more to the community. I am interested in helping to identify and promote ways in which we can ensure pedestrians and cyclists have safe opportunities to navigate and enjoy the city. For health, environmental and many other reasons, bike and pedestrian infrastructure is vital to our city. I am eager to help the committee advance foot and bike traffic as an important priority.

RECOMMENDED BY: Phillip Stone

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

July 2, 2018

DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Minority and Women Business Enterprise

CITY RESIDENT: YES NO SEX: M **F** RACE: W

NAME: Allison Jean Caulk

ADDRESS: 1585 White Oak St Sptbg SC 29307
Street City, State, Zip Code

BUSINESS PHONE: 542-9328 HOME PHONE: 357-3787 EMAIL: ajcaulk188@gmail.com

OCCUPATION: Director

EMPLOYER: Big Brothers Big Sisters of the Upstate

OTHER VOLUNTEER OR CIVIC ACTIVITIES: mentor at BBBS, serve on Community Advisory Board for Connect, Spartanburg Youth Council

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? To become more involved and supportive especially where it involves promoting/ensuring minorities and women have equal business opportunities within the city.

RECOMMENDED BY: Kathy Hill

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

6/27/18
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org



July 9

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Public Safety

CITY RESIDENT: YES NO SEX: M F RACE: White

NAME: Timothy Fisher

ADDRESS: 390 East Park Drive, Spartanburg, SC, 29302
Street City, State, Zip Code

BUSINESS PHONE: HOME PHONE: (864) 764 4211 EMAIL: tim.fisher@sdsgriffin.org

OCCUPATION: Teacher

EMPLOYER: Spartanburg Day School

OTHER VOLUNTEER OR CIVIC ACTIVITIES: Graduate of Girl Scouts Leadership.

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? There was recently a death (murder) in our neighborhood and it made me realize I don't know much about this system. I want to learn and help.

RECOMMENDED BY: Wife! (Witney Fisher)

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?
YES NO IF YES, PLEASE LIST: _____

June 28, 2018.
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Public Safety Committee

CITY RESIDENT: YES NO SEX: M F RACE: W

NAME: Carolyn C Harbison

ADDRESS: 231 Maxine Street Spartanburg SC 29302
Street City, State, Zip Code

cell 590-9711
BUSINESS PHONE: _____ HOME PHONE: 585-8656 EMAIL rcharbison3@charter.net

OCCUPATION: Retired

EMPLOYER: part time Spartanburg Regional

OTHER VOLUNTEER OR CIVIC ACTIVITIES: _____

Spartanburg Regional

board of Directors Charles Lea Centre

board of Directors Girl Scouts of SC - Mountains to Midlands

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? _____

Public Safety is one of the foundations of a community and underpins the quality of life which I want to see continue positively as it is at present in the future.

RECOMMENDED BY: _____

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: Have completed term on Bike & Ped

Commission

6/27/2018
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: 2018-19 Zoning Board of Adjustments and Appeals

CITY RESIDENT: YES NO SEX: M F RACE: W

NAME: Livia W. Cantrell

ADDRESS: 773 Palmetto St. Spartanburg, SC 29304
Street City, State, Zip Code

BUSINESS PHONE: 864-590-5892 ^{cell} HOME PHONE: 864-590-0395 ^{personal cell} EMAIL: livia_cantrell@hotmail.com ^(under contract)

OCCUPATION: Pres/owner CTMI, Inc. & (Co-owner/Bus. Partner) ^{new Main & Morgan bldg} & ET Cantrell Wagons ^{in-downtown - Main St}

EMPLOYER: self-employed

OTHER VOLUNTEER OR CIVIC ACTIVITIES: Member - Lady Slipper Garden Club (community beautification projects) Guardian Ad Litem - Family court Spthg County

Member - First Pres. Church Member WBENC - as CTMI, Inc. female owned business

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? As a downtown property owner & developer, and business owner of a custom remfg facility, I desire to support positive growth and development for Spartanburg by utilizing my skills & experience with an objective perspective.

RECOMMENDED BY: _____

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

6-28-18
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org