



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, October 23, 2017
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the October 9, 2017 City Council Meeting**
- IV. Approval of the Agenda of the October 23, 2017 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 City of Spartanburg Police Department Retiree Lt. Andy Munoz**
Presenter: Mayor Junie White
- VII. Presentation of “Red Ribbon Week” Proclamation to Corporal Ethan LaDue of the Upstate Young Marine Program**
Presenter: Mayor Junie White
- VIII. Resolution**
 - A. Creating An Honorary Street Name Sign in Honor of Charles C. Boone On Aimee Street Near Spartanburg Regional Hospital**
Presenter: Councilmember Erica Brown
- IX. Ordinance**
 - A. Approving a Development Agreement Between the City of Spartanburg and Forge Capital Partners, LLC (First Reading)**
Presenter: Ed Memmott, City Manager

As required by the Americans with Disabilities Act, the City of Spartanburg will provide interpretive services for the City Council Meetings. Requests must be made to the Communications & Marketing Office (596-2020) 24 hours in advance of the meeting. This is a Public Meeting and notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act.

X. Consent Agenda

- A. To Amend the Code of the City of Spartanburg 1988, Sections 23-17 and 23-20, of the Nonconsensual Booting and Towing Ordinance (Second Reading)
Presenter: Ed Memmott, City Manager**
- B. To Amend the Code of the City of Spartanburg 1988, Section 9-15, of the Business License Ordinance (Second Reading)
Presenter: Ed Memmott, City Manager**

XI. Other Business

- A. Approval of Brawley Street Sewer Line Extension Contract
Presenter: Martin Livingston, Neighborhood Services Director**
- B. Boards and Commissions – Public Safety Committee
Presenter: Connie McIntyre, City Clerk**

XII. City Council Updates

XIII. Adjournment

** Non-Agenda Items*

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.

**Agenda Items*

City Code Sec. 2-56. Addressing Council, Comments or Remarks to Council on Agenda Items Not Requiring Public Hearing. On agenda items not requiring a Public Hearing, please provide to the City Clerk prior to the opening of the meeting, your desire to speak on an agenda item. Remarks shall be limited to five (5) minutes and total remarks on any agenda item shall not exceed twenty (20) minutes.



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, October 9, 2017
5:30 p.m.**

**(These minutes are subject to approval at the
October 23, 2017 City Council meeting.)**

City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Stille, Councilmembers Jerome Rice, Sterling Anderson, Rosalyn Henderson Myers, Erica Brown and Alan Jenkins. Assistant City Manager Chris Story 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 the Minutes of the September 25, 2017 City Council Meeting –
*Councilmember Henderson Myers made a motion to approve the minutes as received.
Councilmember Rice seconded the motion, which carried unanimously 7 to 0.***

**IV. Approval of the Agenda of the October 9, 2017 City Council Meeting –
*Councilmember Henderson Myers made a motion to approve the agenda as received.
Councilmember Jenkins 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
**Andrew Blanchard, 575 Cecil Court, Spartanburg, SC, came forward to express
his concern regarding the demolition of 576 Cecil Court and a tree that arcs over his
property.***

VI. Recognition of Citizens Academy Graduates

Presenters: Deputy Chief Jennifer Kindall

Kathy Hill, Community Services Coordinator

Ms. Hill overviewed the Citizens Academy program for Council. Deputy Chief Kindall introduced each of the graduates to Council. Following the meeting, a reception was held in the City Hall Training Room for the graduates.

VII. Approval to Purchase Fire Engine

Presenter: Marion Blackwell, Fire Chief

Chief Blackwell presented the item to Council as follows:

“Over the past year, the Fire Department has researched and prepared a bid specification or (1) Haz-Mat Fire Engine to serve the needs of our citizens and city. The proposed engine will provide fire suppression for primary response in the Duncan Park area of the city with secondary response and primary Hazardous Materials response to all other areas of the city. This Fire Engine is a replacement for a 1990 Pierce Fire Engine that needs to be removed from service after 26 years of service. The build document was prepared by a committee of driver/operators under the direction of Asst. Chief Balmer. The build document was reviewed and approved by Chief Blackwell.

The Fire Engine bid was prepared utilizing a nationwide public bid process through FireRescue GPO (Group Purchasing Organization). The FireRescue GPO process was reviewed by Procurement and Property Management Manager and the process was approved to obtain the Haz-Mat Fire Engine.

Company	Amount
Spartan Fire Apparatus	\$802,777
Prepay Discount	(\$21,803)
Total	\$780,974

ACTION REQUESTED: The Fire Department requests approval to purchase one (1) Haz-Mat Fire Engine from Spartan Fire Apparatus.

BUDGET AND FINANCIAL DATA: The Engine is funded \$765,000 through the Capital Lease approved by Council earlier this year and \$15,974 through the Equipment Replacement Fund.

Councilmember Jenkins made a motion to approve the fire engine purchase.

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

VIII. Boards and Commissions – Board of Zoning Appeals

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented the application of Leana Melnichuk for Council’s consideration.

Councilmember Rice made a motion to waive the rules and appoint Ms. Melnichuk to the Zoning Board of Adjustment and Appeals. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

IX. Ordinances

A. To Amend the Code of the City of Spartanburg 1988, Sections 23-17 and 23-20, of the Nonconsensual Booting and Towing Ordinance (First Reading)

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“Council recently adopted an ordinance that regulates the practice of non-consensual towing of vehicles from private property. Staff is now requesting an amendment to the Towing Ordinance to set administrative procedures for the revocation of a towing permit.

ACTION REQUESTED: First Reading Approval of an ordinance to further amend the Towing Ordinance.”

Mayor pro tem Stille made a motion to approve the ordinance as presented on first reading. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.

B. To Amend the Code of the City of Spartanburg 1988, Section 9-15, of the Business License Ordinance (First Reading)

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“Staff is requesting an amendment to the City’s Business License Ordinance to clarify grounds for business license revocation. The amendment will also better align Business License revocation procedures with the recently enacted Non-Consensual Towing Ordinance.

ACTION REQUESTED: First Reading Approval of an ordinance to amend the Business License Ordinance.”

Councilmember Jenkins made a motion to approve the ordinance as presented on first reading. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.

X. Ordinance – Second Reading

A. To Amend the Code of the City of Spartanburg 1988, Chapter 5, Article XI, By Adding a Residential Rental Property Registration and Inspection Program (Second Reading)

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to Council as follows:

“Attached you will find a proposed ordinance to create a rental property registration program. This ordinance is presented to Council for second reading consideration. In addition to the changes made by Council, staff made a few additional minor changes to clarify intent. All of the changes are highlighted in a version of the ordinance as indicated. I have also listed those changes below:

- Section 5-497 Effective Date - Added language to allow for a 3 month grace period for initial registration.

- Section 5-498 Definitions (b) – Added senior/elderly independent living, senior/elderly assisted living housing as property types excluded from registration requirements.

- Section 5-504 Registration Fees - Edited to establish a maximum registration fee of \$250 for any one property owner. For example, a property owner (individual, LLC, or other ownership entity) owning 15 single family rental properties at different addresses would pay a maximum of \$250 in registration fees.

- Section 5-504 (f) – Added paragraph to require all revenue generated from property registration fees be used for specific efforts to improve the condition of rental housing stock, tenant education purposes, or other such purposes that may be approved by Council.

- Section 5-509 Inspections – Edited to remove routine property inspections. Please note that the proposed ordinance would not prevent inspections as a result of a complaint or inspections conducted in the normal course of Property Maintenance Code enforcement.

- Section 5-515 – Inspection of Units Based on Complaints and Obligations of Owners – Deleted in its entirety as redundant based on the changes in inspection procedures.

- Section 5-516 – Inspection of Units Based on Proactive Code Enforcement Efforts and Obligations of Owners – Deleted in its entirety as redundant based on the changes in inspection procedures.

Staff believes this ordinance, with its proposed amendments, is consistent with Council’s first reading approval.”

After extensive debate regarding government overreach, lack of strong enough language in the ordinance to achieve the intended result with absentee landlords, and landlords who refused to maintain their properties to code regulations, safety of the tenants and their families, schedule, location, and number of inspections, and moral obligation of Council to its citizens to approve measures to protect them from uncaring landlords, **Councilmember Brown** made a motion to table the ordinance. **Councilmember Rice** seconded the motion, which passed 6 to 1. **Councilmember Jenkins** voted against the motion.

XI. City Council Updates -

Councilmember Anderson stated that there were great things going on all over Spartanburg and that he was proud of the city. He thanked the Citizens Academy participants for taking the time to be a part of the program.

Councilmember Brown shared that she had a wonderful time at International Festival.

She thanked city staff, particularly Special Events. She mentioned that Mezcal restaurant had opened in downtown and she had heard great things about the food. **Councilmember Jenkins** shared that he and his family enjoyed the International Festival. He mentioned that he participated in Intercommunity Leadership visit to the Raleigh Durham, organized by Greenville and Spartanburg Chambers of Commerce. He commented that he was amazed at the commitment of business leaders to identify opportunities and strengthen bonds as growth is inevitable in both areas. He was impressed that everyone was committed to great things in our community. **Councilmember Henderson Myers** shared that she had been to the Mezcal restaurant and the food was wonderful. She commented that it was nice to see such a variety of foods and price points in downtown. She mentioned that she attended National Night Out with her daughter and thanked Officer Nowak for getting her to many of the neighborhood celebrations. She stated that it was nice to see the residents of separate neighborhood associations interacting with each other and having a good time. **Councilmember Rice** shared that the “Walk to School” event was a great event at Mary Wright. He thanked those who participated and encouraged everyone to “Love Where You Live”. **Mayor pro tem Stille** reminded everyone of the “Walk with your Elected Officials” the following Saturday. She shared that National night out was a great event. She expressed congratulations to Councilmember Myers for her election to District 31 Representative.

XII. Executive Session

A. Executive Session Pursuant to Section 30-4-70 (a) (5) of the South Carolina Code to Discuss Matters Relating to Encouraging A New Investment in the City

Mayor pro tem Stille made a motion to approve to adjourn to Executive Session. *Councilmember Henderson Myers* seconded the motion, which carried unanimously 7 to 0. Council adjourned to Execution for the stated reason at 6:40 p.m.

Council may take action on matters discussed in Executive Session after exiting Executive Session.

Council reconvened to regular session at 7:28 p.m. Mayor White stated that discussion was held with no decisions made.

XIII. Adjournment –

Mayor pro tem Stille made a motion to adjourn the meeting. *Councilmember Jenkins* seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 7:30 p.m.


 Connie S. McIntyre, City Clerk



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: A Resolution to Make an Honorary Street Naming on
Aimee Street near Spartanburg Regional Hospital

DATE: October 19, 2017

In 2014, City Council passed an ordinance to establish procedures for honorary street naming. Staff has received a request from Councilwoman Brown regarding the honorary naming of a portion of Aimee Street. Staff believes this request meets the requirements of the honorary street naming program. Spartanburg Regional Medical Center owns the nearby property that is served by Aimee Street and is supportive of the request. The application submitted by Councilwoman Brown is attached.



Official Use Only
Nomination Submitted:
Resolution Passed:

Application for Honorary Street Naming

Applications must be made by a Council Member and endorsed by at least one additional Council Member subject to a Resolution passed by a majority vote of Council.

Name of the Proposed Honoree (as street is proposed to be named):
Charles C. Boone

Indication of the Section of the Street Being Proposed for Naming:
Aimee Street

Major Objective Contributions of Proposed Honoree:
President of Spartanburg General Hospital from 1966-1995 see attached contributions

Erica Brown
Printed Name of Council Member Applying

Erica Brown
Signature of Council Member Applying

10/16/17
Date

Laura Stille
Printed Name of Council Member Endorsing

Laura Stille
Signature of Council Member Endorsing

10/16/17
Date

Mr. Charles C. Boone served as President of the Spartanburg General Hospital System from 1966 to 1995. During these nearly 30 years, Mr. Boone also served on various Boards and Councils including:

- The Chamber of Commerce of Greater Spartanburg of which he was the President from 1974 to 1975
- The Council for Spartanburg
- Spartanburg Rotary Club of which he was the President from 1980 to 1981
- The South Carolina Chamber of Commerce
- The South Carolina Blue Cross-Blue Shield
- The Spartanburg County Health Planning Commission
- The Board of the South Carolina Hospital Association and as its President both from 1958 to 1959 and again from 1977 to 1978
- South Carolina Consortium of Community Teaching Hospitals President's Committee
- Governor's Committee on Medical Education for South Carolina
- SunHealth Board
- Carolinas Hospital and Health Services
- Department of Health and Environmental Control Advisory Committee
- Regent for South Carolina in the American College of Hospital Administrators where he served as a Fellow and as Chairman of its Public Policy Committee from 1981 to 1987
- The American Hospital Association's House of Delegates from 1983 to 1987, its Regional Advisory Board, the Governing Council of Public General Hospital Section Member and Chairman in 1980
- The Council on Nursing from 1983 to 1985
- Intravenous Nurses Society Editorial Board
- Southern Hospitals Editorial Advisory Board in 1986
- A member of the Hospital Research and Development Institute

Mr. Boone also has received the following honors:

- The Spartanburg Kiwanis Citizen of the Year Award in 1982
- The South Carolina Hospital Association Merit Award in 1979
- The South Carolina Hospital Association Distinguished Service Award in 1984
- The Wofford College Distinguished Citizen Award in 1980
- The Honorary Member in Intravenous Nurses Society in 1989
- The USC-S Faculty Founder Day Award in 1978
- The Honorary Degree of Doctor of Public Service by the University of South Carolina at Spartanburg on May 13, 1989

Mr. Boone has continued to faithfully and selflessly serve the Spartanburg community and Spartanburg Regional Healthcare System since his retirement in 1995. For more than 50 years, Mr. Boone has exemplified the highest values and supreme dedication to his city, state, and nation. Today we would like to recognize his vigorous support of higher education, his diligence and acumen in managing Spartanburg Regional Healthcare System, and his devotion to ensuring good health care for the people of Spartanburg County and South Carolina.

Spartanburg Regional Healthcare System appreciates and thanks Mr. Charles C. Boone for his contributions to this hospital, the medical community, and the entire Spartanburg community over the last 50 plus years and authorizes the Spartanburg City Council to declare this road be named "Charlie Boone Drive".

RESOLUTION

CREATING AN HONORARY STREET NAME SIGN IN HONOR OF CHARLES C. BOONE ON AIMEE STREET NEAR SPARTANBURG REGIONAL HOSPITAL

Whereas, the City Council approved a policy for honorary City street signs in 2014;

Whereas, the City's honorary street sign program is a means to honor individuals who have made significant contributions to the City as determined by City Council;

Whereas, this honorary street sign shall not be identified on any official maps prepared or maintained by the City government or County government;

Whereas, Charles C. Boone served as President of the Spartanburg General Hospital System from 1966 to 1995 in Spartanburg, SC.;

Whereas, Mr. Boone has served the Spartanburg community for many years on numerous boards and committees;

Whereas, Mr. Boone has received many honors while serving the Spartanburg Community, including The South Carolina Hospital Association Merit Award in 1979 and Distinguished Service Award in 1984, The Wofford College Distinguished Citizen Award in 1980, the USC-S Honorary Degree of Doctor of Public Service on May 13, 1989;

Whereas, Mr. Charles C. Boone has been nominated for the City's honorary street sign program by City Councilmember Erica Brown;

Whereas, Spartanburg Regional Medical Center owns the nearby property that is served by Aimee Street and is supportive of the proposed honorary name;

Whereas, the City Council has determined that this honorary street name will be to the benefit of the citizens and the City of Spartanburg;

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

1. Brown honorary street name signs reading Charlie Boone Drive be installed Aimee Street near Spartanburg Regional Hospital.
2. This Resolution shall become effective immediately upon its enactment.

DONE AND RATIFIED THIS 23rd DAY OF OCTOBER 2017.

Junie L. White, Mayor

ATTEST:

Connie McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney



Spartanburg County
Public Health...

Spartanburg Regional
Healthcare System

Spartanburg Regional
Medical Center Emp Hlt
Spartanburg
Medical Center

Spartanburg Regional
Heart Center

Lab Corporation

Spartanburg Hospital
for Restorative Care

Magnolia Manor

Liberty
Garden

Simmon



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Chris Story, Assistant City Manager

SUBJECT: First Reading Consideration of an Ordinance Approving a Development Agreement

DATE: October 18, 2017

BACKGROUND: While the downtown is experiencing significant investment and development, it has not benefited from the development of a significant number of new construction apartments. Staff believes the lack of new construction apartments is a void in our apartment offerings and, more importantly, an impediment to efforts to recruit additional white collar and professional services employers to Spartanburg.

Over the past several years, staff has been in discussions with various parties regarding potential projects. Various sites were considered. Ultimately, those efforts were not successful. Several months ago, discussions were initiated with Forge Capital Partners, LLC (Forge) from Tampa, Florida. Forge was interested in the Spartanburg market and also has extensive experience in apartment development in urban locations. After a significant amount of time to conduct due diligence on various sites, staff has reached a tentative agreement with Forge for the development of a 200 unit apartment project in downtown.

The proposed location for this project is north of the Chapman Cultural Center on property owned by the City. Total anticipated project costs are estimated at \$30 million.

Staff believes the proposed project fits nicely with and will complement the Chapman Center, The George, Marriott, Barnet Park, Montgomery Building, and the proposed Gibbs office building. While this location offers significant advantages, it will, however, require extensive work to stabilize and prepare it for construction.

To entice project development, it will be necessary for the City to provide certain incentives. Those incentives include conveyance of the project site (approximately 7 acres) at no cost and a Fee-In-Lieu of Tax (FILOT) agreement as set forth in the proposed development agreement. The initial fee payment will be \$25,000 and increase to not less than \$275,000 by the seventh annual fee payment.

ACTION REQUESTED: First reading approval of an ordinance authorizing the City Manager to enter into a Development Agreement with Forge Capital Partners, LLC for a 200 unit apartment project.

BUDGET AND FINANCIAL DATA: Project will have significant favorable impact on the City.

AN ORDINANCE

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SPARTANBURG AND FORGE CAPITAL PARTNERS, 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 central business district; 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 Forge Capital Partners, LLC (Forge) for the development of a 200 unit apartment project in downtown; and

WHEREAS, a development agreement would memorialize the respective obligations of the City and Forge; and

WHEREAS, should Council conclude that it is in the City’s best interest to finalize an agreement with Forge, 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 Forge is substantially in its final form and 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 _____, 2017.

MAYOR.

ATTEST:

CITY CLERK.

APPROVED AS TO FORM:

CITY ATTORNEY.

___/___/___ 1st Reading

___/___/___ 2nd Reading

STATE OF SOUTH CAROLINA) DEVELOPMENT AGREEMENT BETWEEN
) THE CITY OF SPARTANBURG
COUNTY OF SPARTANBURG) AND FORGE CAPITAL PARTNERS, 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 significant additional private investment and economic benefit by entering into an agreement with Forge Capital Partners, LLC and/or its affiliates (Forge); and

WHEREAS, the City has not benefitted from the construction of a large scale apartment project in its downtown in decades; and

WHEREAS, the construction of a large scale apartment project facilitates the City's 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 Forge.

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

1. Forge Capital Commitments and Acknowledgements

- a. **The Project.** Forge will construct a 200 unit apartment complex on an approximate 7 acre portion of TMS Parcel 7-12-06-084.00 hereinafter referred to as the Project. The Project will include multiple 3 or 4 story buildings and on-site parking for approximately 300 vehicles generally as configured in Exhibit A, attached hereto and incorporated by reference.
- b. **Architectural Design.** Forge acknowledges that the architectural design is a key consideration for the City. Forge has experience in developing apartment projects in urban locations and has provided the City with

examples of other apartment projects it has developed. Information regarding these other projects is contained in Exhibit B, attached hereto and incorporated by reference. The examples contained in Exhibit B, attached hereto and incorporated by reference, are representative of Forge's work and indicative of its emphasis on high quality urban design and construction. Forge acknowledges that its commitment regarding the Project's comparability to Forge's other projects, which are included in Exhibit B, attached hereto and incorporated by reference, are key considerations in the City's provision of development incentives to support the Project.

- c. **City Design Approval.** Forge acknowledges that it has reviewed the City's Urban Code and agrees that the Project is subject to the Urban Code.
- d. **Intended Market and Relevance to City.** Significant redevelopment and conversion of existing buildings into mixed use and apartment uses is occurring in downtown Spartanburg. In spite of this recent economic development activity, the City has not benefitted from the construction of large scale "new" apartment developments. Forge acknowledges that a significant City motivation in providing the Project with incentives is to fill this market void. Forge further acknowledges that the City seeks the development of apartments that will expand the product offerings available. 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, attached hereto and incorporated by reference.
- e. **Capital Investment.** The Project will include a capital investment of approximately \$30 million and will have a targeted completion date of June 30, 2020. Forge may notify the City that it needs one 90-day extension of the targeted completion date which City shall approve. If, after such 90 day extension, further extensions are necessary, they may be provided at the request of Forge with the approval of the City, which the City will not unreasonably withhold provided that, at the time of such extension, it is believed that the Project will take no longer than 6 additional months to be completed.

2. **City Commitments and Acknowledgements**

- a. The City will convey, by general warranty deed, an approximate 7 acre portion of TMS 7-12-06-084.0 as the Project Site to Forge for the construction of the Project at no net cost. Should the City elect to sell the Project Site to Forge (rather than transfer by general warranty deed), the consideration for the Project Site will be determined by a competent commercial appraiser and such consideration will be offset by the City via a direct development grant or payment to Forge to offset all consideration paid by Forge for the Project Site on a dollar-for-dollar basis. The Project Site will be provided "as is, where is." The City has disclosed information regarding the soil and subsurface conditions for the Project Site to Forge.

Forge is responsible for determining the suitability of the Project Site for the Project and is responsible for all costs associated with any remediation or mitigation.

- b. **Real Property Tax Abatement.** Prior to February 1, 2019, the City shall have the Project qualified and designated by Spartanburg County (and any other necessary governing body) such that the Project will receive reduced real property taxes in accordance with the terms and conditions contained in Exhibit C, attached hereto and incorporated by reference.

3. **Other Terms and Conditions**

- a. **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.
- 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 supersedes all prior discussions and agreements between the parties with respect to the Project. 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. Nothing in this agreement exempts Forge Capital from compliance with all local, state, and other authorized jurisdiction permitting processes, building codes, or other development standard of the City.
- 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.

FORGE: Forge Capital Partners, LLC
2501 S. MacDill Ave.
Tampa, FL 33629
Attention: Peter H. Collins

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 _____, 2017.

WITNESSES:

FORGE CAPITAL PARTNERS, LLC

By: _____
Name:
Title:

CITY OF SPARTANBURG

By: _____
Name: Ed Memmott
Title: City Manager

APPROVED AS TO FORM:

By: _____

Cathy H. McCabe
City Attorney

Exhibit A



Exhibit B

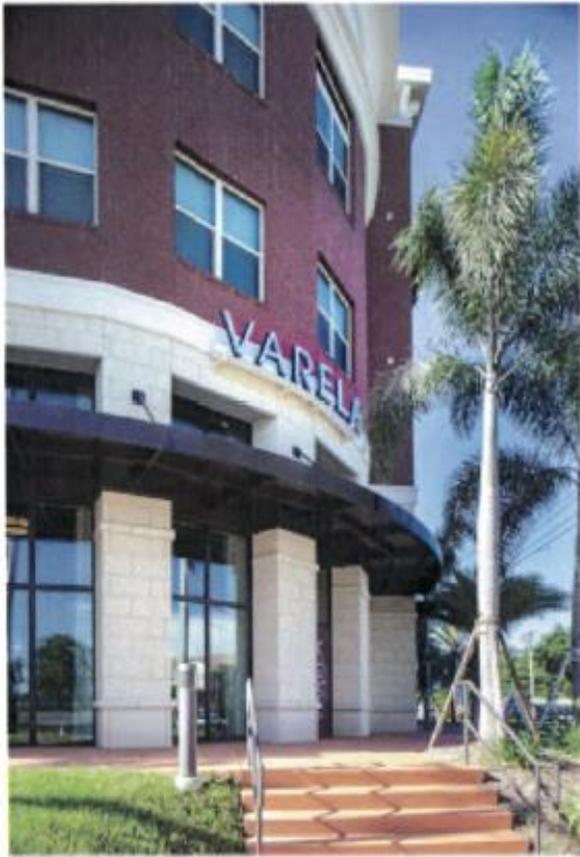


Exhibit B



Exhibit C

	Years 1 -3	Year 4	Year 5	Year 6	Tax Year 7-20	Tax Years 21-30
Tax Amount/ Calculation	Beginning in tax year 2020, \$25,000 annually.	\$25,000 + 10% of the difference between \$31,250,000 and actual development costs + 10% of the sum of [\$31,250,000 less the actual total development costs certified by Forge], if such sum is a positive number	The tax payment shall be \$25,000	The greater of \$275,000 or 11.19% of the project's actual Net Operating Income (NOI) in calendar year 2021, less \$125,000.	The greater of \$275,000 or 11.19% of the project's actual NOI in the previous calendar year adjusted by the consumer price index (CPI-U) for the prior year. Example: If the NOI in the previous year is \$2,650,000 and the CPI was 2% then the year 7 fee would be \$306,465.70 [\$296,535 x 1.02 = \$306,465.70]	Beginning in Year 21, \$100,000 shall be added to the prior year's tax amount and shall be used as the new basis of the tax going forward. Example: If the previous year's tax bill was \$306,456, then \$100,000 will be added to that amount and then the total will be increased by the CPI in the previous year.



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Martin Livingston, Neighborhood Services Director
SUBJECT: Approval of Brawley Street Sewer Line Extension Contract
DATE: October 23, 2017

BACKGROUND:

In January 2015, the City of Spartanburg approved the Transformation Plan for the Northside community. Since that time the Brawley Street model block has become an example of the type of the development proposed in the community. Staff is requesting approval for the installation of a Sewer line to complete the development at the intersection of Brawley and College Street. Below is a list of the four (4) contractors that bid on the project. The existing line is currently located below the homes on North Forest and College Street. The contract includes capping a main sewer line under the homes and placing a new sewer main in the right of way. Staff has purchased right of way easements from property owners in the area to accomplish the installation.

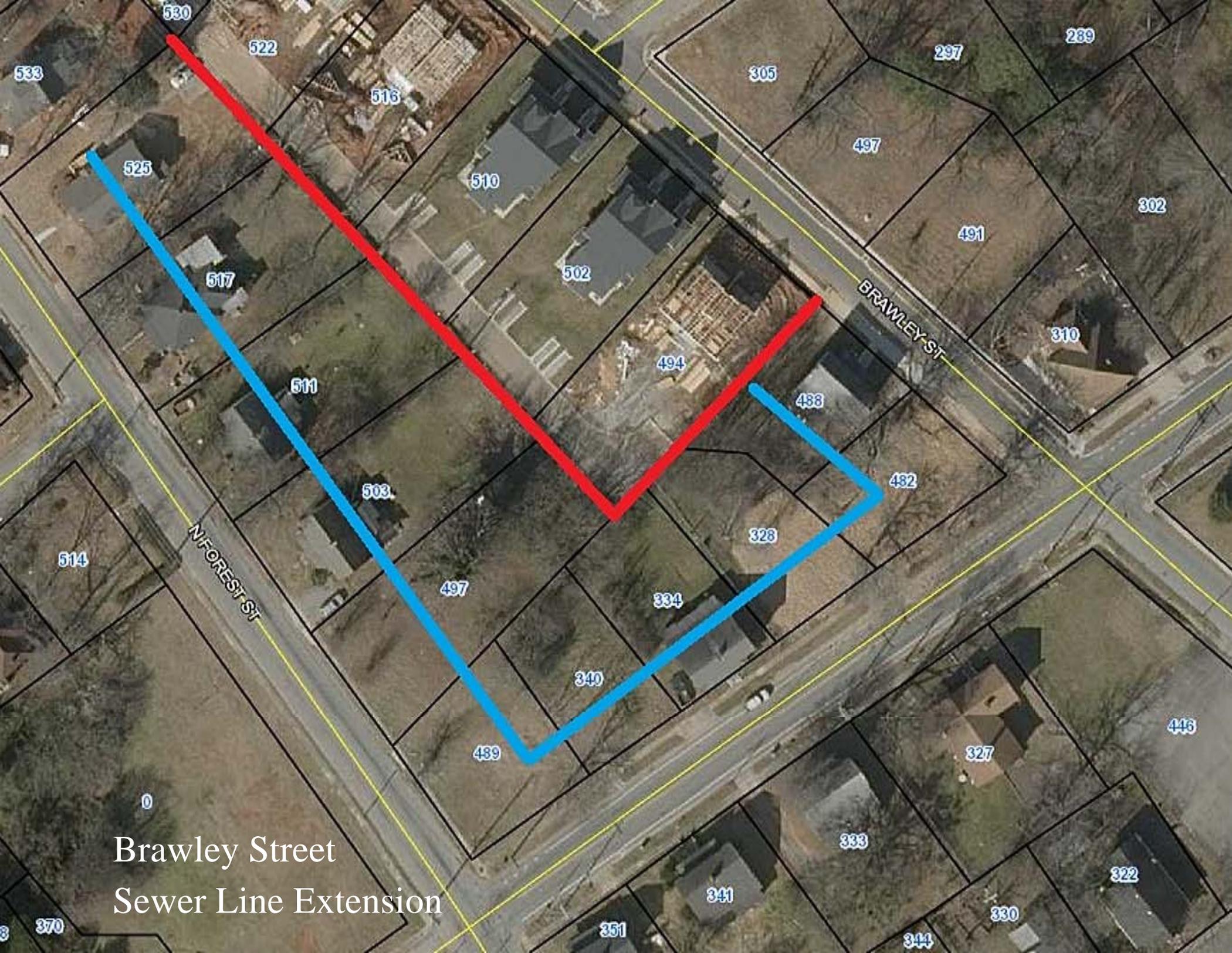
Contractors Bidding	Amount
Bradley's Contracting	39,200.00
Capitol Construction	46,667.00
SM Grading	47,020.00
Double R Utilities, Inc.	250,972.00

ACTION REQUESTED:

Staff is requesting approval for the City Manager to execute a contract with Bradley's Contracting of Wellford, South Carolina in the amount of \$39,200.

BUDGET & FINANCIAL DATA:

Community Development Block Grant Funding: \$39,200.00



Brawley Street
Sewer Line Extension



City of Spartanburg
Procurement & Risk Division
PO Box 1749
145 W Broad Street
Spartanburg, SC 29304
Phone: 864-596-2790
Fax: 864-596-2365
www.cityofspartanburg.org

NOTICE OF INTENT TO AWARD

Bradley St. Sanitary Sewer Extension
 Tuesday, Oct. 3, 2017
 no later than 3 PM

The following vendors submitted responses to the above solicitation:

Capitol Construction	Spartanburg	SC	46,667.00
Double R Utilities, Inc.	Gaffney	SC	250,972.00
Bradley Contracting	Wellford	SC	39,200.00
S M Grading	Jonesville	SC	47,020.00

Responses were evaluated according to the criteria stated in the solicitation. We announce our intent to award a contract to:

Winning Vendor's Name	City	State
Bradley Contracting	Wellford	SC

We would like to thank each vendor for your time and efforts in preparing a response to this solicitation.

We invite you to contact the Procurement Officer if you would like additional information or have any questions about the evaluation process. Vendors are reminded that any protests of this decision must be submitted to the Procurement Officer within five days after the issuance of this notice. The protest must be in writing, clearly identify the solicitation, and detail the nature of the protest.

The successful vendor is instructed not to begin work, purchase materials, or enter into subcontracts relating to the project until both the recipient and the City sign the contract.

We appreciate your interest in doing business with the City of Spartanburg.

Sincerely,

Carl F. Wright
 Procurement & Risk Manager

Oct 23
Agerka



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: African American

NAME: Krystina Hunter

ADDRESS: 100 E. Main Street, Apt 14, Spartanburg, SC 29306
Street City, State, Zip Code

BUSINESS PHONE: 864-631-3708 HOME PHONE: 864-631-3708 EMAIL Krystina2468@gmail.com

OCCUPATION: Process Manager, Advance America

EMPLOYER: Advance America

OTHER VOLUNTEER OR CIVIC ACTIVITIES: Spartanburg Downtown Association Board, Spartanburg Young Professionals, Spartanburg Grassroots Leadership Institute, Spartanburg Citizens Academy, Spartanburg Alzheimers Association, Spartanburg Humane Society, Spartanburg Mobile Meals

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? I love Spartanburg!

I want to serve my community by promoting and supporting programs that will help keep Spartanburg safe and a great place to live.

RECOMMENDED BY: Kathy Hill

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

10-10-17
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749