



# CITY OF SPARTANBURG

SOUTH CAROLINA

## CITY COUNCIL AGENDA

City Council Meeting  
City Council Chambers  
145 West Broad Street  
Spartanburg, SC

Monday, November 13, 2017  
5:30 p.m.

I. Moment of Silence

II. Pledge of Allegiance

III. Approval of the Minutes of the October 23, 2017 City Council Meeting

IV. Approval of the Agenda of the November 13, 2017 City Council Meeting

V. Public Comment

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

VI. Resolution

A. Confirming the City of Spartanburg has Legal Authority to Acquire the Former Naval Reserve Center, 704 Howard Street, Spartanburg, SC 29303  
Presenter: Mitch Kennedy, Community Services Director

VII. Ordinance – Second Reading

A. Approving a Development Agreement Between the City of Spartanburg and Forge Capital Partners, LLC (Second Reading)  
Presenter: Ed Memmott, City Manager

VIII. Consent Agenda

A. Accepting the Property Owned by Mabel H. Hospital, and Being Located at 447 Ransdell Drive, and that Portion of Ransdell Drive and Hollis Drive Abutting Said Property, and is Further Identified on Spartanburg county tax Map as 7-10-09, Parcel 093.900 as a Part and Parcel of the City of Spartanburg and Declaring said Property Annexed to and as Part and Parcel of the City of Spartanburg (Second Reading)  
Presenter: Natalia Rosario, Planner III

B. Accepting the Property Owned by Barbara S. Shepherd, and Being Located at 443 Ransdell Drive, and that Portion of Ransdell drive Abutting Said Property, and is Further Identified on Spartanburg County Tax Map as 7-10-09, Parcel 094.00 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 (Second Reading)  
Presenter: Natalia Rosario, Planner III

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.

**IX. Other Business**

- A. Discussion of the Potential Local Impact of Federal Tax Reform on Local Community and Economic Development Efforts  
Presenter: Ed Memmott, City Manager**
- B. Discussion of TK Gregg Project  
Presenter: Ed Memmott, City Manager**
- C. Boards and Commissions – Civil Service Commission  
Presenter: Connie McIntyre, City Clerk**
- D. Approval of the 2018 City Council Meeting Schedule  
Presenter: Connie McIntyre, City Clerk**

**X. City Council Updates**

**XI. Executive Sessions**

- 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**
- B. Executive Session Pursuant to Section 3-4-40 (2) Concerning a Personnel Matter Related to the City Attorney**
- C. Executive Session Pursuant to Section 3-4-40 (2) Related to Evaluation of the City Manager**

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

**XII. 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 23, 2017  
5:30 p.m.**

**(These minutes are subject to approval at the  
November 13, 2017 City Council meeting.)**

**City Council met this date with the following Councilmembers present: Mayor Junie White, Mayor pro tem Stille, Councilmembers Jerome Rice (arrived at 5:52 p.m.), Sterling Anderson (arrived at 5:46 p.m.), 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 October 9, 2017 City Council Meeting** –  
*Councilmember Brown made a motion to approve the minutes as received.  
Councilmember Henderson Myers seconded the motion, which carried unanimously  
5 to 0.*
- IV. Approval of the Agenda of the October 23, 2017 City Council Meeting** –  
*Councilmember Henderson Myers made a motion to approve the agenda as received.  
Councilmember Brown seconded the motion, which carried unanimously 5 to 0.*
- V. Public Comment**  
\*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
  - 1. Carl Prestipino, 240 Mills Ave., Spartanburg SC**, spoke requesting a study to determine the feasibility of closing off S. Pine St, E. Henry St. at the intersection with Glendalyn Avenue in Converse Heights.
  - 2. Cindy Barrett, 128 Mills Ave., Spartanburg SC**, spoke concerning Converse Heights traffic issues.
  - 3. Don Bramblett, 185 Mills Ave, Spartanburg SC**, spoke asking that the state of performing arts at Duncan Park have a plaque recognizing the work of Bryan “Doc” Lindsay.

**VI. Recognition of City of Spartanburg Police Department Retiree Lt. Andy Munoz  
Presenter: Mayor Junie White**

*Mayor White read Lt. Munoz accomplishments while at the city, presented him with the retirement award, and thanked him for his many years of service as a police officer.*

**VII. Presentation of “Red Ribbon Week” Proclamation to Corporal Ethan LaDue of the Upstate Young Marine Program  
Presenter: Mayor Junie White**

*Mayor White presented the proclamation to Corporal LaDue.*

**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**

**Mr. Memmott** stated the following:

“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 was submitted by Councilwoman Brown.”

**Councilmember Brown** reviewed many of the accomplishments of Charles C. Boone for Council from the Honorary Street Name application.

Phil Feisal, President of Spartanburg Regional, explained that they were planning a ceremony to include Mr. Boone’s family and employees of Spartanburg Regional, and they would present the honorary sign to Mr. Boone at that time.

*Mayor pro tem Laura Stille made a motion to approve the Honorary Street Name Sign for Charles C. Boone. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.*

**IX. Ordinances**

**A. Approving a Development Agreement Between the City of Spartanburg and Forge Capital Partners, LLC (First Reading)  
Presenter: Ed Memmott, City Manager**

**Mr. Memmott and Mr. Story** presented the item to Council as follows:

“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.”

*After discussion, Councilmember Anderson made a motion to approve the ordinance as presented on first reading. Councilmember Rice seconded the motion, which carried unanimously 7 to 0.*

**X. Public Hearings**

- A. Accepting the Property Owned by Mabel H. Hospital, and Being Located at 447 Ransdell Drive, and that Portion of Ransdell Drive and Hollis Drive Abutting Said Property, and is Further Identified on Spartanburg county tax Map as 7-10-09, Parcel 093.900 as a Part and Parcel of the City of Spartanburg and Declaring said Property Annexed to and as Part and Parcel of the City of Spartanburg (First Reading)**

**Presenter: Natalia Rosario, Planner III**

**Ms. Rosario** presented the item to Council as follows:

“Staff received a request from Mabel H. Hospital, owner of 447 Ransdell Drive for annexation of the property into the City of Spartanburg on October 4, 2017. 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 of 447 Ransdell Drive (TMS7-10-09-093.00).
- (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.

*Mayor White opened the Public Hearing. He asked if there was anyone to speak in favor of the proposed annexation. Hearing none, he asked if there was anyone to speak against the proposed annexation.*

*Hearing none, Mayor pro tem Stille made a motion to close the public hearing. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.*

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

**B. Accepting the Property Owned by Barbara S. Shepherd, and Being Located at 443 Ransdell Drive, and that Portion of Ransdell drive Abutting Said Property, and is Further Identified on Spartanburg County Tax Map as 7-10-09, Parcel 094.00 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 (First Reading)**

**Presenter: Natalia Rosario, Planner III**

**Ms. Rosario** presented the item to Council as follows:

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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 of 443 Ransdell Drive (TMS7-10-09-094.00).
- (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.”

*Mayor White opened the Public Hearing. He asked if there was anyone to speak in favor of the proposed annexation. Hearing none, he asked if there was anyone to speak against the proposed annexation.*

*Hearing none, Mayor pro tem Stille made a motion to close the public hearing. Councilmember Henderson Myers seconded the motion, which carried unanimously 7 to 0.*

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

## **XI. 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**

*Councilmember Henderson Myers made a motion to approve the consent agenda on second reading. Councilmember Brown seconded the motion, which carried unanimously 7 to 0.*

## **XII. Other Business**

**A. Approval of Brawley Street Sewer Line Extension Contract**  
**Presenter: Martin Livingston, Neighborhood Services Director**

**Mr. Livingston** presented the item to Council as follows:

“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.

<b>Contractors Bidding</b>	<b>Amount</b>
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.”

*Councilmember Anderson made a motion to approve the request as presented. Mayor pro tem Stille seconded the motion, which carried unanimously 7 to 0.*

**B. Boards and Commissions – Public Safety Committee**

**Presenter: Connie McIntyre, City Clerk**

**Ms. McIntyre** presented Krystina Hunter’s application to Council for consideration of appointment to the Public Safety Committee.

*Mayor White made a motion waive the rules and appoint Ms. Hunter to the Public Safety Committee. Councilmember Anderson seconded the motion, which carried unanimously 7 to 0.*

**XIII. City Council Updates**

**Councilmember Anderson** updated Council on the tornado damage in his district on the Westside. He shared that huge trees were down, homes were damaged, and power outages were experienced by many. He commended City staff, and the police department for their work in handling a challenging and dangerous situation. He stressed to everyone that Tuesday, November 7, was a very important day for the citizens of the city of Spartanburg. He urged everybody to vote, reminded everyone that their decisions were very important, and expressed appreciation to all of Council and people in public service. He wished all well in the election. He also mentioned that it was great to see projects that staff had worked so hard on coming to fruition.

**Councilmember Brown** shared that she had the opportunity to be part of the Franklin School groundbreaking on the northside in her district. She shared that she met several young moms who were excited about the project and the opportunity it would give them and their children to seek a better future.

**Mayor pro tem Stille** thanked citizens for coming to speak about the traffic issues in Converse Heights. She stated that she hoped staff could come to some sort of resolution to citizens’ concerns. She thanked staff for the work on the apartment project. She endorsed Don Bramblett’s suggestion to place a sign at the Duncan Park Amphitheatre stage recognizing the work of Bryan “Doc” Lindsay.

**Councilmember Jenkins** met with several people in Trey Gowdy’s office to discuss DACA. He acknowledged people who are working to protect the less fortunate. He shared that the City Fire Department’s open house was a great event. He thanked the businesses who will honor veterans on November 11.

**Councilmember Henderson Myers** recommended Caribbean Sweetness restaurant to everyone. She shared that the food was delicious. She shared that Saturday past she presented a proclamation to the Baha'i faith congregation commemorating the 200<sup>th</sup> anniversary.

**Councilmember Rice** share that he also attended the Franklin School groundbreaking. He commented that the school was another great addition to the transformation of the northside. He shared he that on November 19, he attended the Fall Festival in Stewart Park and at the Thornton Center, sponsored by City Parks and Recreation and the Highland Neighborhood Association. He invited everyone to attend the Mary Wright Elementary School Trunk or Treat Walk and Run event on Saturday. He stated that it was very important for everyone to vote on November 7 and let your vote count. He encouraged everyone to support people who support you.

**Mayor White** thanked everyone for attending at the meeting. He specifically thanked Bill Barnet for his work and leadership on the Northside Initiative. He commented that the City of Spartanburg was very fortunate to have Mr. Barnet.

**XIV. Adjournment –**

*Mayor pro tem Stille made a motion to adjourn the meeting. Councilmember Brown seconded the motion, which carried unanimously 7 to 0. The meeting adjourned at 6:38 p.m.*



**Connie S. McIntyre, City Clerk**





## REQUEST FOR CITY COUNCIL ACTION

**TO:** Ed Memmott, City Manager  
**FROM:** Mitch Kennedy, Community Services Director  
**SUBJECT:** Resolution Authorizing the Acquisition of the PCA Building (704 Howard Street)  
**DATE:** November 9, 2017

### BACKGROUND:

Staff has been working for more than 2 years to gain control of the former Piedmont Community Actions (PCA) site at 704 Howard Street to support the development of the New Dr. TK Gregg Community Center. The site was the Former Naval Reserve Center before use by PCA, and is owned by the United States Federal Government. Recently, the US Department of Health and Human Services turned the property over to the General Services Administration for disposition.

Staff submitted the appropriate paper work to the General Services Administration to receive an application to acquire Surplus Federal Property. The City's desired use of the property for parks and recreation purposes requires the City to submit an application to U.S. Department of The Interior National Park Service. The City must use the property in perpetuity for a public park or recreational purposes as set forth in its application.

The application requires a Resolution or Certification of Authority to Acquire Property.

### ACTION REQUESTED:

Approve Resolution that the City of Spartanburg has legal authority to acquire the former Naval Reserve Center at 704 Howard Street, Spartanburg, SC, 29303

**BUDGET AND FINANCIAL DATA:** The City will be responsible for any environmental abatement and demolition costs. Staff is in the process of fully evaluating the property and will define all costs prior to accepting title.

**A RESOLUTION**

**RESOLUTION CONFIRMING THE CITY OF SPARTANBURG HAS LEGAL AUTHORITY  
TO ACQUIRE THE FORMER NAVAL RESERVE CENTER, 704 HOWARD STREET,  
SPARTANBURG, SC, 29303**

WHEREAS, certain real property owned by the United States of America, located in the City of Spartanburg (City), County of Spartanburg, State of South Carolina, has been declared surplus and, at the discretion of the United States General Services Administration (GSA), may be assigned to the Secretary of the Interior for disposal for public park or recreational purposes under the provisions of 40 U.S.C. 550 (e) (1), and any regulations and policies promulgated pursuant thereto, more particularly described as:

The Former Naval Reserve Center, 704 Howard Street, Spartanburg, SC, 29303  
Approximately 1.84 +/- acres of land  
GSA Control Number: 4-H-SC-0636-AA

WHEREAS, the City needs and will use said property in perpetuity for public park or recreational purposes as set forth in its application and in accordance with the requirements of said Act and any regulations and policies promulgated thereunder.

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

Section 1. The City shall make application to the National Park Service for, and secure the transfer to, the above-mentioned property for said use and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the National Park Service and the Federal disposal agency may require in connection with the disposal of said property under said Act and the regulations and policies issued pursuant thereto.

Section 2. The City has legal authority, and is willing and able to properly develop, maintain, operate, and assume liability of the property, and that Ed Memmott, City Manager, is hereby authorized, for and on behalf of the City to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation or instruments, or other costs identified with the acquisition of said property.

City of Spartanburg, P.O. Box 1749, Spartanburg, SC 29304

Section 3. This Resolution is adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Cathy Hoefler McCabe, City Attorney





## REQUEST FOR CITY COUNCIL ACTION

**TO:** Mayor and Members of City Council

**FROM:** Ed Memmott, City Manager

**SUBJECT:** Second Reading Consideration of an Ordinance Approving a Development Agreement

**DATE:** November 9, 2017

**BACKGROUND:** The proposed development agreement with Forge Capital has been amended since first reading. Language has been added to indicate that the project site will be conveyed with easements for storm water piping and detention. Clarifying language was also added to indicate that the city would engage in its best efforts to obtain necessary property tax reduction. No other changes were made to the proposed development agreement. A copy of the revised Development Agreement is included for your review.

**ACTION REQUESTED:** Second 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

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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. Conveyance to Forge will be subject to customary easements for existing storm water piping and detention pond. 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.

Real Property Tax Abatement. The City will provide its consent by December 31, 2017 for a Fee-In-Lieu-of-Tax Payment (FILOT) that is consistent with the payments contained in Exhibit C. The City will additionally engage in its best efforts to achieve the required approvals related to the FILOT by Spartanburg County no later than February 28, 2018.

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.





## **MEMORANDUM TO COUNCIL**

**TO: Mayor and Members of City Council**

**FROM: Ed Memmott, City Manager**

**SUBJECT: Discussion of the Potential Local Impact of Federal Tax Reform on Local Community and Economic Development Efforts**

**DATE: November 9, 2017**

Staff will like to brief Council on the potential impact of pending federal tax reform on local community and economic development efforts at the November 13 meeting.





## **MEMORANDUM TO COUNCIL**

**TO: Mayor and Members of City Council**

**FROM: Ed Memmott, City Manager**

**SUBJECT: Discussion of TK Gregg Project**

**DATE: November 7, 2017**

Staff will brief Council on the TK Gregg Community Center Project on November 13. I will share information for two (indoor or outdoor pool) options for the project.

I hope to reacquaint Council with costs for the two options and make sure that Council has the information needed to make its decision. I am not asking Council to make its decision on November 13.





**City of spartanburg**  
SOUTH CAROLINA

**Boards and Commissions Nominee Form**

(Please print or type information)

BOARD/COMMITTEE: Civil Service Commission

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

NAME: Kenneth E. Myers Sr, RN, BA, MED

ADDRESS: 299 S. Converse St, Spartanburg, SC 29306  
Street City, State, Zip Code

BUSINESS PHONE: 803-995-1543 HOME PHONE: 864-707-5384 EMAIL: nmyerskm@gmail.com

OCCUPATION: Registered nurse ; non-profit President

EMPLOYER: SC Dept of Mental Health, Palmetto Health

OTHER VOLUNTEER OR CIVIC ACTIVITIES: S. Converse Neighborhood Assoc (V-Pres)  
NAACP Exec. Bd (Spartanburg), Kappa Alpha Psi Fraternity (Spartanburg Alumni Chapter)

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? To serve my community  
while sharing my previous experience in law enforcement which  
includes a background in public safety & corrections  
Past law enforcement officer and Prison System Administrator.

RECOMMENDED BY: Jerome Rice

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

10/23/17  
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](mailto:cmcintyre@cityofspartanburg.org)



# 2018 City Council Meeting Schedule

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31

  

April							May							June						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7			1	2	3	4	5						1	2
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
29	30						27	28	29	30	31			24	25	26	27	28	29	30

  

July							August							September						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7				1	2	3	4							1
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	29
														30						

  

October							November							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3							1
7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15
21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29
														30	31					

City Council Meetings (blue) – 5:30 p.m.

City Hall Holidays (red) - Offices closed

2018 NLC Congressional City Conference/Washington, DC (green)

March 11 – 14, 2018

2018 NLC City Summit/Los Angeles, California

November 7 – 10, 2018