



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

11a

TO: Honorable Mayor and Members of City Council
FROM: Nancy P. Whitworth, Interim City Manager

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: June 24, 2019

ORDINANCE/RESOLUTION CAPTION:

TO EXTEND FOR AN ADDITIONAL FOUR MONTHS, THROUGH NOVEMBER 30, 2019, THAT MUNICIPAL SERVICE AGREEMENT, AND THAT OPERATING AGREEMENT, BETWEEN DUKE ENERGY CAROLINAS, LLC AND CITY OF GREENVILLE FOR USE OF CITY RIGHTS-OF-WAY

SUMMARY BACKGROUND:

This Ordinance extends the current Duke Energy franchise for a short period of time while the parties complete the negotiation of a new franchise agreement.

IMPACT IF DENIED:

Duke Energy will be operating without a municipal franchise as of June 30, 2019.

FINANCIAL IMPACT

N/A

REQUIRED SIGNATURES

Department Director _____

OMB Director _____

City Attorney Michael S. Pitts

City Manager Nancy Whitworth

DocuSigned by:

Michael S. Pitts

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DocuSigned by:

Nancy Whitworth

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AN ORDINANCE

TO EXTEND FOR AN ADDITIONAL FOUR MONTHS, THROUGH NOVEMBER 30, 2019, THAT MUNICIPAL SERVICE AGREEMENT, AND THAT OPERATING AGREEMENT, BETWEEN DUKE ENERGY CAROLINAS, LLC AND CITY OF GREENVILLE FOR USE OF CITY RIGHTS-OF-WAY

WHEREAS, the Municipal Service Agreement referenced above was entered into effective July 1, 2009, pursuant to Ordinance No. 2009-36, and the Operating Agreement referenced above was entered into effective July 1, 2009, pursuant to Ordinance No. 2009-37; and

WHEREAS, both the Municipal Service Agreement, and the Operating Agreement, referenced above will expire by their own terms as of June 30, 2019; and

WHEREAS, the parties to the Municipal Service Agreement and the Operating Agreement desire more time to negotiate and enter into subsequent agreements;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the Interim City Manager shall be authorized to enter into an agreement and/or agreements to extend the Municipal Service Agreement refenced above and the Operating Agreement referenced above, for a period of four months, through November 30, 2019, to allow for negotiations and the entering into of a subsequent agreement and/or agreements.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER