



## REQUEST FOR COUNCIL ACTION

### City of Greenville, South Carolina

Agenda Item No.

16a

**TO:** Honorable Mayor and Members of City Council  
**FROM:** John F. McDonough, City Manager

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

**AGENDA DATE REQUESTED:** January 24, 2022

**ORDINANCE/RESOLUTION CAPTION:**

RESOLUTION TO APPROVE AN AMENDMENT TO A LICENSE/OPERATIONAL AGREEMENT BETWEEN THE CITY OF GREENVILLE, SOUTH CAROLINA AND BROAD STREET HOSPITALITY, LLC

**SUMMARY BACKGROUND:**

This Resolution approves an amendment to a License/Operation Agreement between the City and Broad Street Hospitality, LLC ("BSH") to add additional permanent outdoor improvements to the rear of the Plaza which will diminish the amount of space in the Plaza which is available for the use and enjoyment of the City and the public. City Council finds that the contemplated improvements will serve to enhance the Plaza as an amenity to the adjacent hospitality-related uses of BSH while still providing ample space for use by the City and the public.

**IMPACT IF DENIED:**

The amendment will not be approved.

**FINANCIAL IMPACT:**

None.

**REQUIRED SIGNATURES**

**Department Director**

DocuSigned by:  
*Angie Prosser*  
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**OMB Director**

\_\_\_\_\_

**City Attorney**

DocuSigned by:  
*Leigh Paolletti*  
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**City Manager**

DocuSigned by:  
*John McDonough*  
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A RESOLUTION

TO APPROVE AN AMENDMENT TO A LICENSE/OPERATIONAL AGREEMENT BETWEEN THE CITY OF GREENVILLE, SOUTH CAROLINA AND BROAD STREET HOSPITALITY, LLC

WHEREAS, the city of Greenville, South Carolina (“City”) and Broad Street Hospitality, LLC (“BSH”) entered into a License/Operation Agreement (the “Agreement”) concerning the use of the plaza between City Hall and BSH’s property (the “Plaza”); and

WHEREAS, BSH desires to add additional permanent outdoor improvements to the rear of the Plaza which will diminish the amount of space in the Plaza which is available for the use and enjoyment of the City and the public pursuant to the terms of the Agreement; and

WHEREAS, City Council finds that the contemplated improvements will serve to enhance the Plaza as an amenity to the adjacent hospitality-related uses of BSH while still providing ample space for use by the City and the public; and

WHEREAS, in light of the foregoing, City Council is amenable to amending the Agreement to in order to revise the amount of Plaza space available to the City and the public as more fully set forth in the Amendment to Licensing/Operational Agreement, a copy of which is attached hereto and incorporated herein as Attachment 1 (the “Amendment”);

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the Amendment is hereby approved in substantially the same form as setout in Attachment 1, attached hereto and incorporated herein. The City Manager, in consultation with the City Attorney, may make or accept minor modifications to the wording and designations of the attached documents as may be necessary or appropriate, provided there is no compromise of the substantive purposes of this Council action. Should the City Manager or City Attorney, or both, determine that any modification of previously negotiated terms is significant and warrants further action by Council, then the matter shall be presented to Council for further review before the final execution.

RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
CITY CLERK

ATTACHMENT 1

**Amendment to License/Operational Agreement**

**THIS AMENDMENT** is made and entered into this 20th day of January, 2022, between **Broad Street Hospitality, LLC** ("Broad Street") and the **City of Greenville** (the "City").

**WHEREAS**, this Amendment is for the purpose of amending the original License/Operational Agreement between Broad Street and the City, dated the 23<sup>rd</sup> day of May, 2011 (the "Original Agreement").

**WHEREAS**, Broad Street is constructing and operating a new outdoor venue that will alter the size of the area in Exhibit A of the Original Agreement.

**NOW THEREFORE**, the parties hereto, desiring to be legally bound, agree to amend the Original Agreement as follows:

1. Exhibit A to the Original Agreement shall be deleted and the attached Exhibit A substituted therefor.
2. Broad Street shall have the unilateral right to assign the Original Agreement, as amended, to Broad Street F&B, LLC ("F&B"), its affiliate, and in such event (i) F&B shall assume and perform all of the obligations of Broad Street thereunder, and (ii) Broad Street shall notify the City of the assignment of the Original Agreement, as amended, to F&B and provide the City with a copy of the Assignment.
3. Except as amended hereby, the Original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment to the License/Operational Agreement as of the day and year first above written.

WITNESS OR ATTEST:

  


Broad Street Hospitality, LLC

By: Aughtry Hotel Management, LLC, Manager

By:   
 Paul C. Aughtry, III, Manager

STATE OF SOUTH CAROLINA        )

ACKNOWLEDGMENT

COUNTY OF GREENVILLE        )

I, Bonnie L. Cagle, a Notary Public of the state aforesaid, do hereby certify that PAUL C. AUGHTRY, III, personally appeared before me this day and acknowledged that he is the Manager of Aughtry Hotel Management, LLC, the Manager of BROAD STREET HOSPITALITY, LLC, a South Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing instrument was signed in its name.

Witness my hand and seal this 20th day of January, 2022.

Bonnie L. Cagle  
Notary Public for South Carolina



The City of Greenville

By: \_\_\_\_\_

Its: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
LEGAL DEPARTMENT

Exhibit A

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND SITUATE, LYING AND BEING IN THE CITY OF GREENVILLE, GREENVILLE COUNTY, STATE OF SOUTH CAROLINA, CONTAINING 0.08 ACRES AND BEING KNOWN AS THE GRASS PORTION OF THE PLAZA AREA ON GREENVILLE COUNTY TAX MAP NO. 0059000400207, WITH THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT POINT LOCATED ON THE WESTERN RIGHT OF WAY OF SOUTH MAIN STREET AT THE JOINT CORNER OF PARCEL 2 AND PARCEL 3 OF CITY PLAZA HOTEL AND OFFICE BUILDING, SAID POINT ALSO BEING LOCATED 85.75' NORTH FROM THE NORTHERN RIGHT OF WAY OF WEST BROAD STREET. THENCE LEAVING SAID RIGHT OF WAY OF SOUTH MAIN STREET AND RUNNING N 68-51-25 W, 40.73' TO A CORNER OF CONCRETE BEING THE TRUE POINT OF BEGINNING. THENCE N 69-11-53 W, 68.33' TO A POINT; THENCE N 20-47-10 E, 48.71' TO A POINT; THENCE S 69-14-18 E, 48.69' TO A CORNER OF CONCRETE; THENCE N 20-24-16 E, 2.70' TO A CORNER OF CONCRETE; THENCE S 69-18-03 E, 19.43' TO A CORNER OF CONCRETE; THENCE S 20-32-17 W, 51.48' TO THE POINT OF BEGINNING. CONTAINING 3,378 SQ.FT. OR 0.08 AC.

