

2020 JUN 10 PM 4:08

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2020-1656

CLERK OF COURT
LANCASTER, SC

AN ORDINANCE

AUTHORIZING WAIVER OF INVESTMENT AND JOB CREATION REQUIREMENTS IMPOSED BY LANCASTER COUNTY FOR THE CALENDAR YEAR 2020 ON EXISTING FEE- IN-LIEU OF TAX AGREEMENTS AND SPECIAL SOURCE REVENUE CREDIT AGREEMENTS.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings.

The Lancaster County Council finds that:

(a) Lancaster County, South Carolina (the "County") acting by and through its County Council (the "Council") is authorized and empowered pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976 (the "Code"), as amended (the "Act"), to enter into fee-in-lieu of tax ("FILOT") agreements with any industry, with said agreements identifying certain properties of such industries as economic development property, through which powers the industrial development of the State of South Carolina (the "State") and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate, remain, and expand in the State and the County and thus utilize and employ the manpower, products, and natural resources and benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise adequately provided locally;

(b) the County is authorized by Sections 4-1-175 and 4-29-68 of the Code, as amended, and Section 12-44-70 of the Act to provide special source revenue credits ("SSRC") for the purpose of defraying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the County and for improved and unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing facility or commercial enterprise in order to enhance the economic development of the County;

(c) the FILOT agreements and SSRC agreements contain job creation requirements and investment requirements imposed by Lancaster County that are in addition to the requirements imposed by the State of South Carolina;

(d) the COVID-19 pandemic has resulted in economic uncertainty and hardship for manufacturing and commercial enterprises in the County, making it difficult for these enterprises to hire new employees or make significant investment in real and personal property and thereby meet job creation requirements and investment requirements imposed by Lancaster County;

(e) the FILOT agreements and SSRC agreements contain waiver provisions and are contractual in nature and, therefore, Lancaster County has the ability and authority to waive compliance with provisions of these agreements by action of County Council;

(f) it is appropriate and desirable to provide relief to manufacturing and commercial enterprises by waiving the County imposed portions of the job creation requirements and the investment requirements on all existing FILOT agreements and SSRC agreements that are required by the respective agreement to be met during the calendar year 2020. A list of the FILOT and SSRC agreements to which the waiver applies is attached hereto as **Exhibit 1** and is incorporated herein as if set forth verbatim.

Section 2. Approval of Waiver for Calendar Year 2020.

It is the intention of the County Council that this Ordinance shall constitute an official action on the part of the County Council relating to existing FILOT and SSRC agreements identified in **Exhibit 1** attached hereto and incorporated herein by reference. Further, it is County Council's intention that this Ordinance shall serve as the County's writing approving the waiver of job creation requirements and investment requirements for calendar year 2020 as contained in existing FILOT and SSRC agreements.

Section 3. Authority to Act.

The County Council hereby authorizes the County Administrator, other County staff, and the County Attorney, along with any designees and agents who any of these officials deems necessary and proper to facilitate a waiver of the job creation requirements and investment requirements in existing FILOT and SSRC agreements imposed by Lancaster County that are in addition to those job creation and investment requirements imposed by the State of South Carolina.

Section 4. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 5. Controlling Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, resolutions or orders, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 6. Effective Date.

This Ordinance is effective upon Third Reading.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Done in meeting duly assembled this 8th day of JUNE, 2020


LANCASTER COUNTY, SOUTH CAROLINA

By: 
Steve Harper, Chairman
Lancaster County Council

By: 
Larry Honeycutt, Secretary
Lancaster County Council

(SEAL)

ATTEST:


Sherrie Simpson, Clerk to Council
Lancaster County Council

Approved as to form:


John K. DuBose, III
County Attorney

First Reading:	April 27, 2020
Second Reading:	May 26, 2020
Public Hearing:	June 8, 2020
Third Reading:	June 8, 2020

Exhibit A to Ordinance 2020-1656

FILOT and SSRC AGREEMENTS

See attached.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

**Suspension of Fee Agreement Job Creation and Investment Requirements for 2020
Entities as Listed in Applicable Agreements**

3i Products, Inc.
793 FMH LLC (Unique Loom Building)
Adornus Holdings, LLC
Adornus Manufacturing, LLC
Cardinal Health 200, LLC
CompuCom Systems, Inc.
CS 1031 Carolina Tech HQ DST (CompuCom Building)
Don Construction Products, LLC
Fab Fours, Inc.
Golden Spike, LLC (Synergy Steel Building)
Lancaster Real Estate Group (Red Ventures)
LCI-Lineberger Construction
Movement Mortgage LLC – 9726 Old Bailes
Nutramax Laboratories, Inc.
Nutramax Land Holdings, LLC
Nutramax Manufacturing, Inc.
Nutramax Properties, LLC
PCI Group, Inc.
Rembe, Inc.
Rembe Real Estate America, LLC
Rhyno Partners BR Holdings, LLC (Blythe Company)
Rico Industries, Inc.
Rico SC Realty, LLC
RV-Imagitas LLC (Red Ventures)
ServiceMac USA
Sharonview Federal Credit Union
Silgan Containers Manufacturing Corporation
Simpson Family Holdings (Simpson Electric)
Surefin LLC
Synergy Steel Holdings Inc.
TKC CCII, LLC (Movement Mortgage Building)
Unique USA, Inc. (Unique Loom)