

**RESOLUTION NO. 1533**

**A RESOLUTION OF INDUCEMENT WITH RESPECT TO AN INDUSTRIAL PROJECT IN GREENVILLE COUNTY, SOUTH CAROLINA BY A COMPANY OR COMPANIES KNOWN TO THE COUNTY AT THIS TIME AS PROJECT CAPACITY WHEREBY, UNDER CERTAIN CONDITIONS, GREENVILLE COUNTY WILL EXECUTE A FEE IN LIEU OF TAX AGREEMENT WITH SUCH COMPANY OR COMPANIES PURSUANT TO WHICH THE PROJECT WOULD BE SUBJECT TO PAYMENT OF CERTAIN FEES IN LIEU OF TAXES, AND AN INFRASTRUCTURE FINANCE AGREEMENT PURSUANT TO WHICH THE COMPANY OR COMPANIES WILL BE PROVIDED CERTAIN CREDITS AGAINST FEE PAYMENTS IN REIMBURSEMENT OF INVESTMENT IN RELATED QUALIFIED INFRASTRUCTURE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS, GREENVILLE COUNTY, SOUTH CAROLINA** (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 (the "FILOT Act"), and Title 4, Chapter 1 (the "Multi-County Park Act"), Code of Laws of South Carolina 1976, as amended (the "Code"), to enter into agreements with industry, to offer certain privileges, benefits, and incentives as inducements for economic development within the County; to acquire, or cause to be acquired, properties as may be defined as "projects" in the Act and to enter agreements with the business or industry to facilitate the construction, operation, maintenance and improvement of such projects; to enter into or allow financing agreements with respect to such projects; and to accept any grants for such projects through which powers the industrial and business development of the State will be promoted, whereby the industry would pay fees-in-lieu-of taxes with respect to qualified industrial projects; to issue special source revenue bonds, or in the alternative, to provide credits against payment in lieu of taxes for reimbursement in respect of investment in certain infrastructure serving the County or the project, including improved or unimproved real estate used in the manufacturing or industrial enterprise (collectively, "Infrastructure"); through all such powers the industrial development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or remain in the State and thus utilize and employ the manpower, products and resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

**WHEREAS** a company or companies known to the County at this time as Project Capacity (collectively, the "Company") have requested that the County assist in the acquisition, construction and installation of land, buildings, improvements, fixtures, machinery, equipment, furnishings and other real and/or tangible personal property to constitute a processing facility in the County (the "Project"), which will result in aggregate investment by the Company of an expected \$20,000,000, but no less than \$7,000,000 by December 31 of the Fifth (5<sup>th</sup>) year after the first year in which the first component of the Project is placed in service (the "Investment Period") and the expected creation of (but not required) 31 new, full-time jobs with respect thereto; and

**WHEREAS**, in accordance with the FILOT Act and the Multi-County Park Act, the Company has requested that the County enter into a fee in lieu of tax agreement and an infrastructure finance agreement with the Company, thereby providing for certain fee in lieu of tax and infrastructure credit incentives with respect to the Project; and

**WHEREAS**, the County has determined on the basis of the information supplied to it by the Company that the Project would be a “project” and “economic development property” as such terms are defined in the FILOT Act and that the Project would serve the purposes of the FILOT Act; and

**WHEREAS**, pursuant to the authority of Section 4-1-170 of the Multi-County Park Act and Article VIII, Section 13 of the South Carolina Constitution, the County intends to place the site on which the Project will be located in a multi-county industrial and business park (the “Park”) established by the County pursuant to qualifying agreement with a contiguous county (the “Park Agreement”); and

**WHEREAS**, the County has determined and found, on the basis of representations of the Company, that the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; that the Project will give rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; that the inducement of the location of the Project within the County and State is of paramount importance; and that the benefits of the Project will be greater than the costs; and the County has agreed to effect the delivery of an Inducement Agreement on the terms and conditions hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED**, by the County Council as follows:

Section 1. It is hereby found, determined and declared on the basis of the information supplied to it by the Company as follows:

a. The Company is or will be engaged in the business of manufacturing, and the Project will be located in the County.

b. The Project will constitute a “project” as said term is referred to and defined in Section 12-44-30 of the FILOT Act and will subserve the purposes of the FILOT Act.

c. The Project is anticipated to benefit the general welfare of the County by providing services, employment or other public benefits not otherwise adequately provided locally.

d. The Project will not give rise to any pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.

The purposes to be accomplished by the Project are proper governmental and public purposes, and the benefits of the Project to the public will be greater than the costs.

Section 2. (a) Pursuant to the FILOT Act and the Multi-County Park Act, and subject to the enactment of required legislative authorizations by the County Council, and for the purpose of providing development incentives for the Project through the payment by the Company of fees in lieu of taxes with respect to the Project pursuant to Section 12-44-40 of the Act, the County Council hereby expresses its intent to cause the County to execute and deliver a fee in lieu of tax agreement with the Company with respect to the Project (the “FILOT Agreement”) wherein such FILOT Agreement shall provide that the Company shall make payments or shall pay fees in lieu of *ad valorem* property taxes, as applicable under the FILOT Act. Such payments or fees shall be made during the term of the FILOT Agreement, which shall be for a thirty-year period for each annual phase of investment during the Investment Period, in amounts not less than the *ad valorem* taxes that otherwise would be due on the Project, but using an assessment ratio of six percent (6%), a fixed millage rate at the rate applicable to the Company’s manufacturing facility in the County in effect as of June 30, 2015, and a fair market value estimate using

original cost less allowable depreciation for the personal property, including any replacement property (as adjusted for all applicable *ad valorem* tax exemptions). The assessment ratio and millage rate shall be fixed during the entire term of the FILOT Agreement. The Company shall have the maximum time permitted by the FILOT Act in which to complete its investment in the Project.

(b) The County Council will use its best efforts to take all commercially reasonable acts to ensure that the Project will continuously be included within the boundaries of the Park or another qualified multi-county industrial or business park in order that the tax benefits contemplated hereunder and afforded by the laws of the State for projects located within multi-county industrial or business parks will be available to the Company for at least the term of the FILOT Agreement.

(c) Pursuant to Section 4-1-175 of the Multi-County Park Act, and subject to the enactment of required legislative authorizations by the County Council, in order to allow reimbursement to the Company of a portion of their investment in qualified infrastructure within the meaning and purposes of Section 4-29-68 of the Code (“Infrastructure”), the County Council hereby expresses its intent to cause the County to execute and deliver an infrastructure finance agreement with the Company (the “Infrastructure Agreement”), whereby, so long as the Company invests at least \$20,000,000 in the Project during the Investment Period, certain infrastructure credits, in the amount of twenty-five (25%) percent for ten (10) years, will be taken against payments in lieu of taxes made by the Company pursuant to the Park Agreement or the FILOT Agreement, as the case may be.

Section 3. The provisions, terms and conditions of the FILOT Agreement and the Infrastructure Agreement shall be prescribed and authorized by subsequent ordinance(s) of the County Council, which, to the extent not prohibited by law, shall be consistent with the terms of this Resolution.

Section 4. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This resolution shall take effect and be in full force from and after its passage by the County Council.

Section 5. The authorization of the execution and delivery of the FILOT Agreement and the Infrastructure Agreement and all other documents or obligations of the County in connection therewith are subject to the compliance by the County Council with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

Section 6. It is the intention of the County Council that this resolution shall constitute an “inducement resolution” with respect to the Project, within the meaning of the Act.

**DONE** in meeting duly assembled this \_\_\_\_\_ day of August, 2015.

**GREENVILLE COUNTY, SOUTH CAROLINA**

(SEAL)

By: \_\_\_\_\_  
Chairman of County Council

By: \_\_\_\_\_  
County Administrator  
Greenville County, South Carolina

ATTEST:

By: \_\_\_\_\_  
Clerk to County Council  
Greenville County, South Carolina

**STATE OF SOUTH CAROLINA**

**COUNTY OF GREENVILLE**

I, the undersigned Clerk to County Council of Greenville County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of a resolution which was unanimously adopted by the County Council at its meeting of August \_\_, 2015, at which meeting a quorum of members of the County Council were present and voted, and an original of which resolution is filed in the permanent records of the County Council.

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Clerk of Greenville County Council

Dated: August \_\_, 2015