



Approval of Agenda – January 8, 2019



AGENDA
LAURENS COUNTY COUNCIL
JANUARY 8, 2019 – 5:00 P.M.
HISTORIC COURTHOUSE – PUBLIC SQUARE

1. Call to Order – Chairman Wood
 - Council Chairman and Vice Chairman Election – County Attorney Cruickshanks
 - a.) Nomination(s) and Vote for Chairman
 - b.) Nomination(s) and Vote for Vice Chairman
2. Invocation – Councilman Jones
3. Pledge of Allegiance
4. Approval of Agenda – January 8, 2019
 - a) Approval of Minutes - December 11, 2018 Regular Meeting
5. Reports To Council:
 - a) Capital Improvement Plan Second Version - Administrator Caime
 - b) Fiscal Year 2019/2020 Budget Review Schedule - Administrator Caime
6. Old Business:
 - a) Public Hearing Ordinance #855 - Project Autumn
 - b) Third Reading, Ordinance #855 - Project Autumn
 - c) Public Hearing Ordinance #856 - Project Gator
 - d) Third Reading Ordinance #856 - Project Gator
 - e) Second Reading Ordinance #857 - Flame Spray
 - f) Further Discussion, Council Meeting Schedule for July or August – Council Meeting.
7. New Business:
 - a) First Reading, Ordinance #858, by title only, Amend Hunter Park Agreement
 - b) Appointment – County Representative, Main Street Laurens
 - c) Change Order, Hillcrest HVAC – Dale Satterfield
8. Public Comment- Fifteen (15) Minute Period for Public Comment *(Required to sign in prior to the meeting)*
9. County Council Comments
10. Executive Session:
 - a.) Solid Waste Contractual Matter – Transfer Station
11. Adjournment



Approval of Minutes

December 11, 2018 - Regular Meeting



MINUTES
DECEMBER 11, 2018
LAURENS COUNTY COUNCIL
HISTORIC COURTHOUSE – COUNCIL CHAMBERS

ATTENDANCE: **COUNCIL MEMBERS PRESENT** - County Council Chairman Joe Wood, Vice Chairman Keith Tollison and County Council Members: Diane Anderson, Stewart Jones, Garrett McDaniel, and David Pitts.

COUNCIL MEMBERS ABSENT- Ted Nash (illness).

COUNTY STAFF: Laurens County Administrator, Jon Caime; Laurens County Clerk to Council, Betty Walsh and Laurens County Attorney, Sandy Cruickshanks.

STAFF ABSENT: None.

DEPARTMENT HEADS PRESENT: Debi Parker, Human Resources Manager; Lesa Inabinette, Judge, Magistrate Courts; Jim Coleman, Laurens County Auditor; Greg Lindley, Director, Laurens County Fire Service; Dale Satterfield, Director of Public Works and Chuck Bobo, County Codes Officer.

INVITED GUESTS – Jeff Field, Director, Laurens County Water/Sewer Commission and Robert Templeton, Broker, Upstate Realty.

PRESS: Vic MacDonald, *The Clinton Chronicle*; Iva Cadmus, WLBG Radio and John Clayton, *The Laurens County Advertiser*.

SCHEDULED AGENDA ITEMS – DECEMBER 11, 2018 – 1.) Call to Order; 2.) Invocation – Councilman McDaniel; 3.) Pledge of Allegiance; 4.) Approval of Agenda – December 11, 2018; 5.) Approval of Minutes - November 13, 2018, Regular Session; 6.) Reports To Council – Acknowledging outgoing Council Members; 7.) Old Business: a.) Public Hearing Ordinance # 854, Amending Ordinance #831 Subdivisions; b.) Third Reading Ordinance # 854, Amending Ordinance #831 Subdivisions; c.) Second Reading Ordinance #855, Project Autumn”; d.) Second Reading Ordinance #856, “Project Gator”; 8.) New Business: a.) First Reading, Ordinance #857, Flame Spray; b.) Resolution 2018-44, Laurens County Water/Sewer Commission, Easement Approval; c.) Approval, Subdivision Variance Request - TM Enterprises; d.) Approval, Cooks Cell Tower; e.) Requested Budget Amendment, Fire Department; 9.) Public Comment- Fifteen (15) Minute Period for Public Comment; 10.) County Council Comments; 11.) Executive Session; a.) Employment Matter - Planning Position and IT Position; b.) Contractual Matter - Solid Waste Transfer Station; Adjournment.

MEETING NOTIFICATION – The requesting general public, department heads and Press were informed of the meeting in a timely manner. Postings of the Agenda were posted in County facilities on their bulletin boards and also posted on the County Web Site.

PUBLIC COMMENT SIGN UPS – None.

CALL TO ORDER – Chairman Wood called the meeting to order at 5:30 P.M. Councilman McDaniel provided the invocation and all were invited to stand for the Pledge of Allegiance.

Chairman Wood recognized that today was Diane Andersons birthday.

APPROVAL OF AGENDA –DECEMBER 11, 2018 – Chairman Wood asked for approval of the agenda with any additions to or deletions from the agenda.

The following was added to the Agenda: Swearing in of Codes Officer.

VICE CHAIRMAN TOLLISON made the MOTION to approve the December 11, 2018 agenda with the one addition; COUNCILWOMAN ANDERSON SECONDDING; VOTE 6-0

APPROVAL OF MINUTES – NOVEMBER 13, 2018 COUNCILMAN PITTS made the MOTION to approve the minutes with COUNCILMAN MCDANIEL SECONDING; VOTE 6-0.

REPORTS TO COUNCIL:

a.) Chairman Wood Acknowledged outgoing Council Members Nash and Tollison.

OLD BUSINESS:

PUBLIC HEARING ORDINANCE # 854, AMENDING ORDINANCE #831 SUBDIVISIONS – Chairman Wood opened the Public Hearing at 5:40 P.M. for public comments. Having no one wishing to address Council, Chairman Wood closed the Public Hearing at 5:41 P.M.

THIRD READING ORDINANCE # 854, AMENDING ORDINANCE #831 SUBDIVISIONS – Administrator Caime reviewed the changes as follows:

- a.) The combination of existing or recombination of existing parcels that are already recorded allows land owners to clean up parcels of land that may have been subdivided in such a way that is no longer appropriate. This does not increase the number of parcels but allows for owners to have better lot configurations that meet their needs. This also allows parcel owners to purchase parts of adjacent lands and combine them with their own.

Proposed Exemption wording – “The combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter”.

- b.) This allows for families to give land to other immediate family members. We have generational land owners here in Laurens County and it is a part of our community fabric that family desire to stay intact on land owned by families for several generations. This will allow that to happen.

Proposed Exemption Wording- A parcel of land that is divided into five or fewer parcels, each parcel being of sufficient size to meet the requirements of the health department and each parcel is deeded to a member of the owner's immediate family. For the purposes of this paragraph, immediate family is defined as the owners spouse, mother, father, sister, children grandchildren”.

COUNCILMAN JONES made the MOTION to approve Ordinance #854 upon third reading, as presented with COUNCILMAN MCDANIEL SECONDING; VOTE 6-0.

SECOND READING ORDINANCE #855, PROJECT AUTUMN”- Attorney Cruickshanks reported the following:

5. AMENDMENT: The following language shall be added to Ordinance 831:

Exemption 1: “The combination or recombination of portions of previously platted lots where the total number of lots is not increased and resultant lots are equal to the standards of this chapter.” The combination of existing parcels or recombination of existing parcels that are already recorded allows land owners to clean up parcels of land that may have been subdivided in such a way that is no longer appropriate. This does not increase the number of parcels, but allows for owners to have better lot configurations that meet their needs. This also allows parcel owners to purchase parts of adjacent lands and combine them with their own.

Exemption 2: “A parcel of land that is divided into five (5) or fewer parcels, each parcel being of sufficient size to meet the requirements of the health department, and each parcel is deeded to a member of the owner's immediate family. For the purpose of this paragraph, immediate family is defined as the owner's spouse, mother, father, sister, brother, children, or grandchildren.” This allows for families to give land to other immediate family members. We have generational land owners in Laurens County, and it is a part of our community fabric that families desire to stay intact on land owned by families for several generations. This allows that to happen.

VICE CHAIRMAN TOLLISON made the MOTION to approve Ordinance #854 upon third reading, as presented with COUNCILMAN MCDANIEL SECONDING; VOTE 6-0.

SECOND READING ORDINANCE #856, “PROJECT GATOR” – County Attorney Cruickshanks reported that this is an ordinance authorizing the execution and delivery of a fee agreement between Laurens County and Project Gator that will provide for payment of a fee in lieu of taxes.

COUNCILWOMAN ANDERSON made the MOTION to approve Ordinance #856 upon second reading, as presented with COUNCILMAN JONES SECONDING; VOTE 6-0.

NEW BUSINESS:

FIRST READING, ORDINANCE #857, FLAME SPRAY – Mr. Jonathon coleman replorted thatthis was an eight million dollar project.

VICE CHAIRMAN TOLLISON made the MOTION to approve Ordinance #857 upon first reading, as presented with COUNCILWOMAN ANDERSON SECONDING; VOTE 6-0.

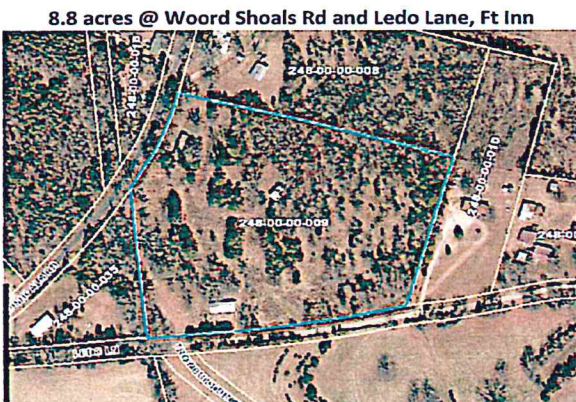
RESOLUTION 2018-44, LAURENS COUNTY WATER/SEWER COMMISSION, EASEMENT APPROVAL – Mr. Jeff Field, Director, Laurens County Water / Sewer Commission approached Council saying that the Water / Sewer Commission is requesting a ten inch (10”) easement in front of Fire Station on Stagecoach Road in order to install a twelve inch (12”) waterline.

A Council Member asked what method would be used to install. Mr. Field replied that it would be bored under the pavement.

COUNCILMAN JONES made the MOTION to approve Resolution #2018-44, as presented with COUNCILMAN MCDANIEL SECONDING; VOTE 6-0.

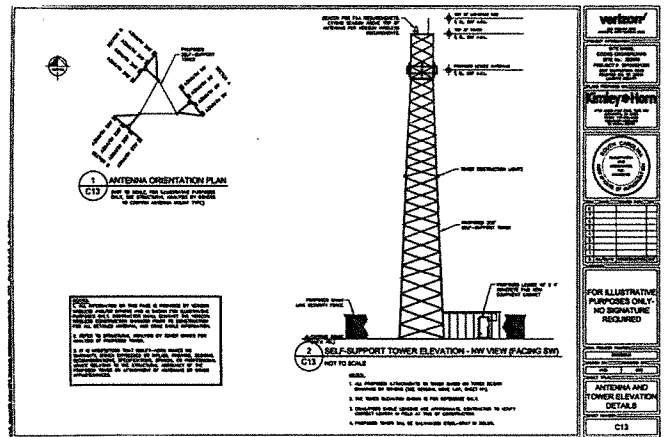
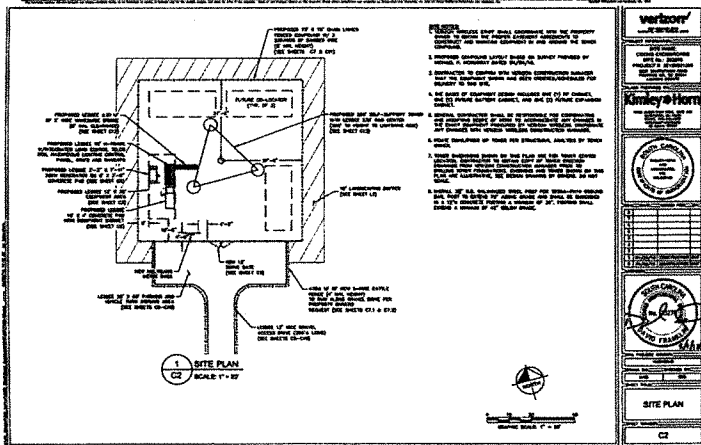
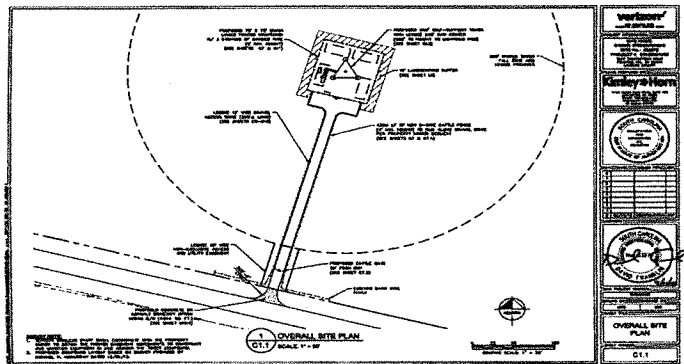
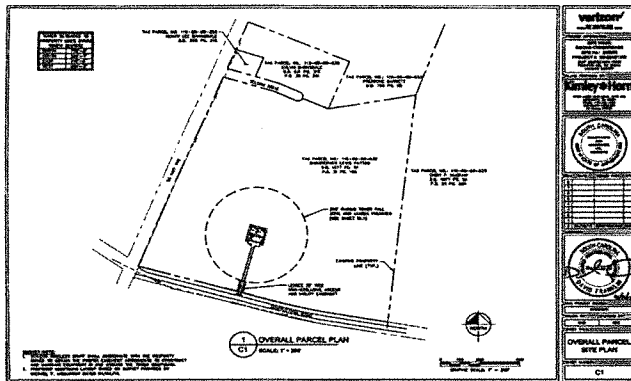
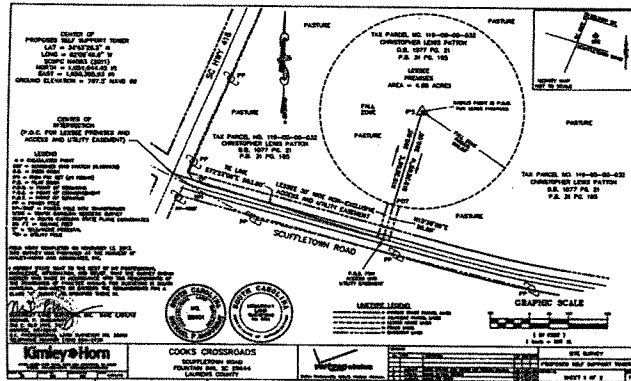
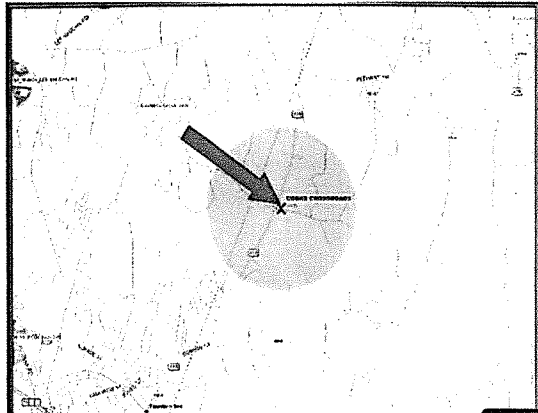
APPROVAL, SUBDIVISION VARIANCE REQUEST - TM ENTERPRISES – Mr. Robby Templeton, Broker, Upstate Realty approached Council requesting a variance to allow at least one residential lot of a proposed nine acre parcel to have less than one hundred feet (100’) of road frontage on Wofford Shoals Road.

Mr. Templeton said, “My agency is the listing agency for the eight (8) acre plus site on Ledo and Wofford Shoals Road in Fountain Inn. The property currently has one old double wide manufactured home and three old single wide mobile homes. None of the dwellings have any value. There are five (5) existing septic systems and public water is available from both Ledo Lane and Wofford Shoals Road. The proposed purchaser is planning to subdivide the property in to residential lots for resale. The property would be cleaned up including the removal of the structures and debris”.



COUNCILMAN JONES made the MOTION to grant the variance and for the actual ordinance to be revisited for clarity. COUNCILWOMAN ANDERSON SECONDING; VOTE 5-1 (Chairman Wood in objection).

APPROVAL, COOKS CELL TOWER – Administrator Caime reported that this item was coming to Council due to the Planning Commission not having a quorum present for a vote. Continuing Administrator Caime said, “Cellco Partnership d/b/a Verizon, is requesting approval for the construction of a wireless communication tower and related appurtenances located at 2637 Scuffletown Road, Fountain Inn, South Carolina”. The drawings include the site and the Verizon network objective of construction.



COUNCILMAN JONES made the MOTION to approve the cell tower, as presented with COUNCILMAN MCDANIEL SECONDING; VOTE 6-0.

REQUESTED BUDGET AMENDMENT, FIRE DEPARTMENT – Fire Service Director, Greg Lindley approached Council asking to move funds from the part time to the overtime line account due to the Thompson Road overtime budget is over budget.

COUNCILMAN JONES made the MOTION to approve the request as presented with COUNCILMAN MCDANIEL SECONDING; VOTE 6-0.

PUBLIC COMMENT: None.

COUNTY COUNCIL COMMENTS – Each Council Members thanked Council Members Nash and Tollison for their dedicated service during their terms and wished everyone a Merry Christmas and a Happy New Year.

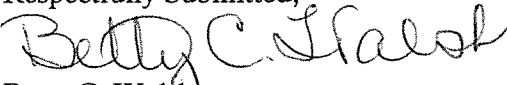
Vice Chairman Tollison said, “I just want to thank several groups of people in making my time on Council. First, the citizens of Laurens County of District five (5) in allowing me to serve as your Councilman. Each vote that I made was made to best serve you and our county’s future. It truly was an honor to serve District five (5). Next is our department heads, employees and our immediate staff. Your hard work and countless hours and sometimes thankless endeavors truly makes Laurens County a place to live, work and raise a family. I thank each of you for your service. To each County Council Member, past and present, I also say thank you and that I have learned from each of you. To the leaderships of this Council, I want to thank the past and present Chairmen and Administrators. As a group we all worked well together. I believe we have made great strides in making Laurens County a better place and towards its continuing success. And lastly for my family. They have put up with the late nights and the continuous phone calls that took me away from them. For the hours spent with a variety of meetings. I wish my successor the best as he starts his term on the County Council”.

EXECUTIVE SESSION – Upon a MOTION by COUNCILMAN PITTS and a SECOND from COUNCILMAN MCDANIEL to move into Executive Session at 6:45 P.M. to discuss: a.) Employment Matter - Planning Position and IT Position; b.) Contractual Matter - Solid Waste Transfer Station; VOTE 6-0,

- a.) **EMPLOYMENT MATTER - PLANNING POSITION AND IT POSITION** – Chairman Wood reported that no action was taken.
- b.) **CONTRACTUAL MATTER - SOLID WASTE TRANSFER STATION** – VICE CHAIRMAN TOLLISON made the MOTION to approve the purchase of two (2) rebuilt tractors and to not exceed ninety thousand dollars (\$90,000) using the Solid Waste Funds. COUNCILMAN PITTS SECONDING; VOTE 6-0.

There was a COUNCIL CONSENSUS to reconvene in open session at 7:43 P.M.

ADJOURNMENT – By CONSENSUS the meeting was adjourned at 7:50 P.M.

Respectfully Submitted,

Betty C. Walsh
Laurens County Clerk to Council



Reports To Council:

Fiscal Year 2019/2020 Budget Review
Schedule - Administrator Caime

6/b



MEMORANDUM

Jon Caime,
County Administrator
December 7, 2018

TO: Department Heads and Budget Managers

RE: FY19 Budget Schedule

If you are an auxiliary agency, (not audited by the Laurens County audit), you will also be required to submit 2 years of audits with your budget request. Failure to submit the audits may result in no recommended funding.

SCHEDULE:

January 15: Completed budget worksheets **returned to** the Administration.

March (goal): Administration will present the first draft to the County Council for informational purposes only. Administration will then distribute first draft to the departments and budget managers. Administration will be available to meet with the departments and budget managers if you want to review your first draft budget.

April-June: Council works on Budget

April 23, 2019 (target) (May 14 backup date) : First Reading of Budget Ordinance

May 14, 2019 (target) (May 28 backup date) 2019: Second Reading of Budget Ord.

June 11, 2019 (target) (June 25 backup): Public Hearing and Third/Final Adoption



Old Business:
Public Hearing Ordinance #855
Project Autumn



Old Business:

Third Reading, Ordinance #855
Project Autumn



AGENDA ITEM - REQUEST SHEET – COUNTY COUNCIL

ALL REQUESTS should be submitted by 1:00 P.M. on the Wednesday prior to the Tuesday meeting of Council. All other requests not submitted by the deadline will be retained and scheduled for the next meeting of Council

DATE OF REQUEST: _____, 20 _____ (FOR JANUARY 8, 2019 COUNTY COUNCIL MEETING)

DEPARTMENT / AGENCY: LEGAL

NAME: A. "SANDY" CRUICKSHANKS, IV, LAURENS COUNTY ATTORNEY

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____ EMAIL: _____

SIGNATURE: [Signature]

SUBJECT MATTER REQUESTED (please be as specific as possible):

PUBLIC HEARING AND THIRD READING - ORDINANCE 855 - PROJECT AUTUMN

STAFF RECOMMENDS APPROVAL OF ORDINANCE 855.

FINANCIAL AMOUNT REQUESTED: SEE THE ATTACHED.

SOURCE OF FUNDING: SEE THE ATTACHED.

(PLEASE – attach subject matter document pages as necessary)

FOR OFFICE USE ONLY

REQUEST ASSIGNED TO: _____ DATE RECEIVED: _____

DATE OF ASSIGNMENT: _____ DATE OF AGENDA: _____

DATE RESPONSE DUE: _____

COUNCIL ACTION: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF LAURENS)

ORDINANCE 855

AN ORDINANCE AUTHORIZING A FEE-IN-LIEU OF TAX AND INFRASTRUCTURE CREDIT ARRANGEMENT PURSUANT TO A FEE-IN-LIEU OF TAX AGREEMENT BETWEEN LAURENS COUNTY, SOUTH CAROLINA, AND MILLIKEN & COMPANY, A DELAWARE CORPORATION (FORMERLY REFERRED TO UNDER A COMPANY CODE NAME AS PROJECT AUTUMN); AND OTHER MATTERS RELATING TO THE FOREGOING.

WHEREAS, Laurens County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended, (the "Code") and specifically, Title 12, Chapter 44 of the Code (the "Act"): (i) to assist investors in acquiring, enlarging, improving, and expanding certain types of industrial and commercial projects; (ii) to enter into agreements, including fee-in-lieu of tax agreements for the payment of certain fees-in-lieu of *ad valorem* taxes, with such investors to induce such investors to construct and thereafter operate, maintain, and improve such projects; and (iii) to covenant with such investors to accept certain payments-in-lieu of *ad valorem* taxes with respect to the project (the "FILOT"); through all of which the economic development of the State of South Carolina will be promoted and trade developed by inducing manufacturing and certain other business enterprises to locate in and remain in the State of South Carolina, and thus utilize and employ the manpower and resources of the State of South Carolina; and

WHEREAS, the County, acting by and through County Council, is further authorized by Titles 4 and 12 of the Code to provide special source revenue financing, secured by and payable solely from revenues of the County derived from payments in-lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution, and Sections 4-1-170 and 12-44-50 of the Code for the purpose of defraying the cost of designing, acquiring, constructing, improving, or expanding (a) the infrastructure serving the County or the Project (as hereinafter defined) or (b) for improved or unimproved real estate and personal property including machinery and equipment used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County, within the meaning of Section 4-29-68 of the Code ("Infrastructure"); and

WHEREAS, the County intends to cause the site upon which the Project is located, to the extent not already located therein, to be located in a multi-county industrial and business park (the "Park") established by the County pursuant to a qualifying agreement with an adjoining South Carolina county (the "Park Agreement") pursuant to the provisions of Article VIII, Section 13 of the South Carolina Constitution and Sections 4-1-170, 4-1-172 and 4-1-175 of the Code (the "Joint-County Industrial and Business Park Act"); and

WHEREAS, the County is authorized by Section 12-44-70 of the Act and Section 4-1-175 of the Joint-County Industrial and Business Park Act to authorize and issue, for the purposes outlined in

Section 4-29-68 of the Code, certain credits against revenues received and retained under Article VIII, Section 13 of the South Carolina Constitution with respect to properties and projects located within a Park ("Infrastructure Improvement Credits"); and

WHEREAS, Milliken & Company, a corporation organized and existing under the laws of the State of Delaware (the "Company"), has represented to the County that the Company intends to acquire certain machinery, apparati, and equipment for use and operation at an existing manufacturing facility in the County (the "Project"); and

WHEREAS, the property on which the Project is located is or shall be included within the Park; and

WHEREAS, pursuant to provisions of the Park Agreement, the Company is or will be obligated to make or cause to be made payments in-lieu of tax to the County for property it owns or leases which is located within the Park, which payments in-lieu of tax are to be distributed according to the Park Agreement to a county adjoining the County and to the County, in the total amount equivalent to the *ad valorem* property taxes that would have been due and payable but for the location of the property owned or leased by the Company within the Park; and

WHEREAS, based on representations by the Company that the Project will represent a capital investment in the County of not less than Two Million Five Hundred Thousand Dollars (\$2,500,000) during the period beginning with the first day that personal property comprising the Project is purchased or acquired and ending five (5) years after the last day of the property tax year during which the Project is first placed in service, in order to enhance the economic development of the County, the County desires to assist the Company in locating the Project within the County;

WHEREAS, pursuant to certain negotiations heretofore undertaken between the County and the Company with respect to the Project (i) the County agreed to enter into a FILOT arrangement with the Company, and to provide certain Infrastructure Improvement Credits to the Company for qualifying investment in infrastructure pursuant to Section 12-44-70 of the Act and Section 4-1-175 of the Joint-County Industrial and Business Park Act for the purposes outlined in Section 4-29-68 of the Code for the Project; and (ii) the Company agreed to make payments-in-lieu of tax to the County ("FILOT Payments") with respect to the Project in the Park as authorized in the Act; and

WHEREAS, the County has given due consideration to the economic development impact of the Project, has found that the Project and the payments-in-lieu of taxes would be directly and substantially beneficial to the County, the taxing entities of the County, and the citizens and residents of the County, and that the Project would directly and indirectly benefit the general public welfare and serve a public purpose of the County by providing services, employment, recreation, promotion of tourism, or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or any incorporated municipality, or a charge against the general credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development and welfare, creation of jobs, promotion of tourism, and addition to the tax base of the County, are proper governmental and public purposes and 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 cost; and

WHEREAS, the County and the Company have agreed to the specific terms and conditions of such FILOT arrangement and special source revenue financing as set forth in that certain fee-in-lieu of tax agreement between the County and the Company (the "FILOT Agreement"), which is to be in substantially the form presented to this meeting and filed with the Clerk to County Council; and

WHEREAS, pursuant to the provisions of the FILOT Agreement, the Company will be obligated to make payments-in-lieu of taxes to the County, as required by the Act; and

WHEREAS, the acquisition and construction of the Project will serve the intended purposes and in all respects conform to the provisions and requirements of the Act; and

WHEREAS, it appears that the draft FILOT Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended; and

NOW, THEREFORE, BE IT ORDAINED by Laurens County, South Carolina, in meeting duly assembled, as follows:

Section 1. As contemplated by the Act and based on the representations of the Company as recited herein, it is hereby found, determined and declared by the County Council, as follows:

- (a) The Project will constitute a "project" as said term is referred to and defined in the Act, and will subserve the purposes and in all respects conform to the provisions and requirements of the Act;
- (b) It is anticipated that the Project will benefit the general public welfare of the County by providing employment, services, recreation and other public benefits not otherwise provided locally;
- (c) Neither the Project, nor any documents or agreements entered into by the County in connection therewith will constitute or give rise to any pecuniary liability of the County or a charge against its general credit or taxing power;
- (d) The purposes to be accomplished by the Project, i.e., economic development, creation or retention of jobs, and addition to the tax base of the County, are proper governmental and public purposes;
- (e) The benefits of the Project to the public are greater than the costs to the public;
- (f) The FILOT Agreement will require the Company to make FILOT Payments in accordance with the provisions of the Act; and
- (g) The FILOT Payments referred to in item (f) above shall be calculated as specified in Section 5.01 of the FILOT Agreement.
- (h) The County will use its commercially reasonable efforts to take all reasonable acts to

ensure that the Project will continuously be included with the boundaries of the Park or another qualified multi-county industrial 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 Fee Agreement.

Section 2. The form, terms, and provisions of the FILOT Agreement presented to this meeting and filed with the Clerk to County Council be and they are hereby approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if the FILOT Agreement were set out in this Ordinance in its entirety. The Supervisor of the County and the Clerk to County Council be and hereby are authorized, empowered, and directed to execute, acknowledge, and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the officials of the County executing the same, upon the advice of the County Attorney, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of FILOT Agreement now before this meeting.

Section 3. Pursuant to Section 12-44-55(B) of the Act, the County hereby agrees that no recapitulation information, as set forth in Section 12-44-55(A) of the Act is required to be provided by the Company in the FILOT Agreement, or in any other documents or agreements in connection with the fee-in-lieu of tax arrangement between the Company and the County, to the extent that and so long as the Company makes all reports and filings required by the Act and provides copies thereof to County officials as required by the Act within one (1) month of the date of proper filing. The Company shall file a copy of the South Carolina Department of Revenue form PT-443 with the County after the execution of the FILOT Agreement by the County and the Company.

Section 4. In consideration of the Company's Two Million Five Hundred Thousand Dollars (\$2,500,000) investment in the Project at the Project site, the financing of the infrastructure of the Project through infrastructure improvement credits ("Infrastructure Improvement Credits") equal to fifteen percent (15%) of the FILOT payments for the Project in the Park, but only with respect to and to the extent of the FILOT payments made on behalf of the Project in the Park, for the first ten (10) years of FILOT payments on behalf of the Project in the Park are hereby approved under the terms and conditions set forth in Section 12-44-70 of the Act; and all of the foregoing terms, provisions, and conditions related to Infrastructure Improvement Credits, as provided in the FILOT Agreement, are hereby approved.

Section 5. The obligation to provide Infrastructure Improvement Credits is a limited obligation of the County payable by the County solely from, and secured by a pledge of, the FILOT payments made by the Company with respect to the Project in the Park. The obligation to provide Infrastructure Improvement Credits is not and shall never constitute an indebtedness of the County within the meaning of any state constitutional provision (other than the provisions of Article X, Section 14(10) of the South Carolina constitution) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. Nothing in this Ordinance or the FILOT Agreement, as amended, shall be construed as an obligation of or commitment by the County to expend any of its funds for such financing other than the FILOT

Payments made by the Company with respect to the Project in the Park and retained by the County.

Section 6. The Chairman of the County Council, the County Administrator and the Clerk to the County Council, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary or proper to effect the execution and delivery of the FILOT Agreement, and the performance of all obligations of the County under and pursuant to the FILOT Agreement. The Chairman of the County Council, the County Administrator and the Clerk to County Council, and any other proper officer of County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 7. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 8. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict only, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

[SIGNATURE PAGE FOLLOWS]

BE IT SO ORDAINED, this 8th day of January, 2019.

LAURENS COUNTY COUNCIL:

Joseph E. Wood, Jr, Council Chairman

Jeffrey Carroll, Council Member

Diane B. Anderson, Council Member

Stewart O. Jones, Council Member

Garrett C. McDaniel, Council Member

Kemp Younts, Council Member

David A. Pitts, Council Member

ATTEST:

Jon Caime, Administrator
Laurens County Council
Laurens County, South Carolina

Betty C. Walsh, Clerk
Laurens County Council
Laurens County, South Carolina

First Reading:	November 13, 2018
Second Reading:	December 4, 2018
Third Reading:	January 8, 2019
Public Hearing:	January 8, 2019



Old Business:

Public Hearing Ordinance #856
Project Gator



Old Business:

Third Reading Ordinance #856
Project Gator



AGENDA ITEM - REQUEST SHEET – COUNTY COUNCIL

ALL REQUESTS should be submitted by 1:00 P.M. on the Wednesday prior to the Tuesday meeting of Council. All other requests not submitted by the deadline will be retained and scheduled for the next meeting of Council

DATE OF REQUEST: JANUARY 2, 2019 (FOR JANUARY 8, 2019 COUNTY COUNCIL MEETING)

DEPARTMENT / AGENCY: LEGAL

NAME: A. "SANDY" CRUICKSHANKS, IV, LAURENS COUNTY ATTORNEY

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____ EMAIL: _____

SIGNATURE:  _____

SUBJECT MATTER REQUESTED (please be as specific as possible):

PUBLIC HEARING AND THIRD READING - ORDINANCE 856 - PROJECT GATOR – BDS TECHNOLOGIES, LLC

STAFF RECOMMENDS APPROVAL OF ORDINANCE 856.

FINANCIAL AMOUNT REQUESTED: SEE THE ATTACHED.

SOURCE OF FUNDING: SEE THE ATTACHED.

(PLEASE – attach subject matter document pages as necessary)

FOR OFFICE USE ONLY

REQUEST ASSIGNED TO: _____ DATE RECEIVED: _____

DATE OF ASSIGNMENT: _____ DATE OF AGENDA: _____

DATE RESPONSE DUE: _____

COUNCIL ACTION: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF LAURENS)

ORDINANCE NO. 856

ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN LAURENS COUNTY, SOUTH CAROLINA AND BDS TECHNOLOGIES, LLC PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES AND OTHER MATTERS RELATED THERETO.

WHEREAS, Laurens County, South Carolina (the "County") acting by and through its County Council (the "County Council") is authorized and empowered pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), to enter into fee 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; and

WHEREAS, BDS Technologies, LLC, a company previously identified as Project Gator (the "Company"), together with an affiliated entity, IMP Holdings, LLC, intends to invest in the establishment of a facility through the acquisition of land, a building, and improvements thereon (the "Land and Building"); the construction of improvements thereon and/or therein; and/or the acquisition of personal property, including, but not limited to, machinery, equipment, and furniture to be installed on and/or in the Land and Building, which would constitute a project within the meaning of the Act and which are eligible for inclusion as economic development property, the cost of which is estimated to be \$12,300,000.00 (the "Project") and which is expected to create 44 new, full-time jobs in the County, all as more fully set forth in the Fee Agreement attached hereto, and provided that approvals of various incentives contemplated for the Project are formalized by the State and County; and

WHEREAS, pursuant to an Inducement Resolution dated as of November 13, 2018, the County authorized the execution of an agreement providing for fee in lieu of tax payments; and

WHEREAS, the Company has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company (the "Fee Agreement"), which provides for fee in lieu of tax payments utilizing a 6% assessment ratio for a period of 30 years for the Project or each component thereof placed in service during the initial investment period and any investment period extension to which the County and the Company agree and the issuance of a 5-year, 45% special source revenue credit; and

WHEREAS, it appears that the Fee Agreement, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the County Council in a meeting duly assembled as follows:

Section 1. In order to promote industry, develop trade, and utilize and employ the manpower, products, and natural resources of the State of South Carolina by assisting the Company to expand or locate an industrial facility in the State of South Carolina, the Fee Agreement is hereby authorized, ratified, and approved.

Section 2. It is hereby found, determined, and declared by the County Council as follows:

- (a) The Project will constitute a "project" as said term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act.
- (b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County, and the County has evaluated the Project based upon all criteria prescribed by law, including the anticipated dollar amount and nature of the investment to be made and the anticipated costs and benefits to the County.
- (c) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally.
- (d) The Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.
- (e) 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.
- (f) The inducement of the location or expansion of the Project within the County and State is of paramount importance.
- (g) The benefits of the Project to the public will be greater than the costs.

Section 3. The form, terms, and provisions of the Fee Agreement presented to this meeting are hereby approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Fee Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and/or the County Administrator are authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of Counsel to the County, such official's execution thereof to constitute conclusive evidence of

such official's approval of any and all changes or revisions therein from the form of the Fee Agreement now before this meeting.

Section 4. The Chairman of the County Council and/or the County Administrator, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 5. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 6. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

(SIGNATURE PAGE FOLLOWS)



Old Business:

Second Reading Ordinance #857
Flame Spray



AGENDA ITEM - REQUEST SHEET - COUNTY COUNCIL

ALL REQUESTS should be submitted by 1:00 P.M. on the Wednesday prior to the Tuesday meeting of Council. All other requests not submitted by the deadline will be retained and scheduled for the next meeting of Council

DATE OF REQUEST: _____, 20 (FOR JANUARY 8, 2019 COUNTY COUNCIL MEETING)

DEPARTMENT / AGENCY: LEGAL

NAME: A. "SANDY" CRUICKSHANKS, IV, LAURENS COUNTY ATTORNEY

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____ EMAIL: _____

SIGNATURE [Signature]

SUBJECT MATTER REQUESTED (please be as specific as possible):

SEE THE ATTACHED PROPOSED ORDINANCE 857- 2ND READING - AMENDMENT TO FLAME SPRAY FILOT AGREEMENT.

STAFF RECOMMENDS SECOND READING APPROVAL OF ORDINANCE 857.

FINANCIAL AMOUNT REQUESTED: SEE THE ATTACHED

SOURCE OF FUNDING: SEE THE ATTACHED

(PLEASE - attach subject matter document pages as necessary)

FOR OFFICE USE ONLY

REQUEST ASSIGNED TO: _____ DATE RECEIVED: _____

DATE OF ASSIGNMENT: _____ DATE OF AGENDA: _____

DATE RESPONSE DUE: _____

COUNCIL ACTION: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF LAURENS)

ORDINANCE 857

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO AMENDED AND RESTATED FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN LAURENS COUNTY AND FLAME SPRAY NORTH AMERICA, INC.; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Laurens County, South Carolina ("County"), acting by and through its County Council ("County Council"), is authorized and empowered, under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended through the date hereof ("Code"), particularly Title 12, Chapter 44 thereof ("FILOT Act") and Title 4, Chapter 1 of the Code (collectively, "Act"), and by Article VIII, Section 13 of the South Carolina Constitution: (i) to enter into agreements with certain investors to establish projects through which the economic development of the State of South Carolina ("State") will be promoted and trade developed, thus utilizing and employing the manpower, agricultural products and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax ("FILOT") payments including, but not limited to, negotiated FILOT payments, with respect to a project; (iii) to permit investors to claim special source revenue credits against their FILOT payments ("Special Source Credits") to reimburse such investors for expenditures in connection with certain infrastructure and other qualifying property related to a project; and (iv) to create, in conjunction with one or more other counties, a multi-county industrial or business park to allow certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits;

WHEREAS, pursuant to an Ordinance duly approved by the County Council, the County previously entered into that certain Fee-in-Lieu of Tax Agreement, dated March 11, 2014 (the "Original Fee Agreement") by and between the County and Flame Spray North America, Inc., a South Carolina corporation (the "Company"); and

WHEREAS, pursuant to an Ordinance duly approved by the County Council, the County previously entered into that certain Amended and Restated Fee-in-Lieu of Tax Agreement, dated March 11, 2014 (the "Fee Agreement"), by and between the County and the Company, which amended and restated the Original Fee Agreement; and

WHEREAS, the Company has informed the County of its plan to potentially make certain additional investments in the County in order to expand its existing operations in the County (such operations, together with such potential expansion, the "Project"); and

WHEREAS, in order to induce the Company to make such investments, the County desires, and the Company agrees, to make certain amendments to the Fee Agreement to: (i) extend the term of the investment period under the Fee Agreement; and (ii) provide additional Special Source Revenue Credits to the Company with respect to certain property owned by the Company in the County (the "Additional Property"), each as more fully set forth in the First Amendment to Amended and Restated Fee-in-Lieu of Tax Agreement by and between the County and the Company, the form of which is presented to the County Council at this meeting (the "First Amendment"); and

WHEREAS, based solely on information provided to the County by the Company, the County has determined that the First Amendment will subserve the purposes of the Act and has made certain findings pertaining thereto in accordance with the Act; and

WHEREAS, it appears that the First Amendment now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

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

Section 1. *Evaluation of the Project.* Based solely on information provided by the Company, County Council has evaluated the Project on the following criteria and based upon the advice and assistance of the South Carolina Department of Commerce and the South Carolina Department of Revenue:

- (a) whether the purposes to be accomplished by the Project are proper governmental and public purposes;
- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. *Findings by County Council.* Based solely on information provided by and representations of the Company and the advice and assistance of the South Carolina Department of Commerce and the South Carolina Department of Revenue, as required, County Council hereby finds that:

- (a) the Project will continue to constitute a "project" as that term is defined in the FILOT Act;
- (b) the Project will continue to serve the purposes of the FILOT Act;
- (d) the Project will continue to be located entirely within the County;
- (e) the Project will continue to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise adequately provided locally;
- (f) the Project will not give rise to a pecuniary liability of the County or any municipality nor a charge against its general credit or taxing power of the County or any municipality;
- (g) the purposes to be accomplished by the Project continue to be proper governmental and public purposes;
- (h) the inducement of the planned additional investment by the Company is of paramount importance; and

(i) the benefits of the Project to the public continue to be greater than the costs to the public.

Section 3. Amendment of Fee Agreement. The form, terms and provisions of the First Amendment presented to this meeting and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if such First Amendment were set out in this Ordinance in its entirety. The Chair of the County Council and the Clerk of the County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the First Amendment in the name and on behalf of the County, and thereupon to cause the First Amendment to be delivered to the Company. The First Amendment is to be in substantially the form now before this meeting and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the County Attorney and the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of First Amendment now before this meeting.

Section 4. Miscellaneous.

(a) The Supervisor/Chair and all other appropriate officials of the County are hereby authorized to execute, deliver and receive any other agreements and documents as may be required by the County in order to carry out, give effect to and consummate the transactions authorized by this Ordinance;

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina;

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council;

(d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder; and

(e) All ordinances, resolutions and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

[SIGNATURE PAGE FOLLOWS]

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New Business:

Appointment
County Representative, Main Street Laurens



AGENDA ITEM – REQUEST SHEET – COUNTY COUNCIL

ALL REQUESTS should be submitted by 1:00 P.M. on the Wednesday prior to the Tuesday meeting of Council. All other requests not submitted by the deadline will be retained and scheduled for the next meeting of Council

AGENDA ITEM: 7/b DATE OF REQUEST: _____

DEPARTMENT / AGENCY: _____

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____ EMAIL: _____

SIGNATURE: B. Walsh

COUNCIL ACTION REQUESTED: APPOINTMENT – MAIN STREET
LAURENS

SUBJECT MATTER DESCRIPTION (please be as specific as possible): _____

DALE SATTERFIELD – HAS AGREED TO
TAKE THE COUNTY REPRESENTATIVE
POSITION ON MAIN STREET LAURENS

FINANCIAL AMOUNT REQUESTED: 0

SOURCE OF FUNDING: 0

(PLEASE – attach subject matter document pages as necessary)

FOR OFFICE USE ONLY

REQUEST ASSIGNED TO: _____ DATE RECEIVED: _____

DATE OF ASSIGNMENT: _____ DATE OF AGENDA: _____

DATE RESPONSE DUE: _____

COUNCIL ACTION: _____