

**DORCHESTER COUNTY
SOUTH CAROLINA**

Ordinance No. 19-16

Enacted May 20, 2019

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE CREDIT AGREEMENT BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA, AND ATLANTIC CORPORATION OF WILMINGTON, INC., AND ONE OR MORE AFFILIATES, TO PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS; AUTHORIZING THE EXPANSION OF THE JOINT COUNTY INDUSTRIAL PARK FORMED WITH ORANGEBURG COUNTY TO INCLUDE PROPERTY LOCATED IN DORCHESTER COUNTY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Dorchester County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized by Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended, including Sections 4-1-170 and 4-1-175 thereof, Section 4-29-68 of Title 4, Chapter 29 of the Code of Laws of South Carolina 1976, as amended (collectively, the “Infrastructure Credit Act”), and Article VIII, Section 13 of the South Carolina Constitution to provide special source revenue credits for the purpose of defraying certain costs, including, without limitation, the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the County or the Project (as defined below) 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, all to enhance the economic development of the County; and

WHEREAS, pursuant to Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (“MCIP Act”), the County is authorized to develop multi-county industrial parks with other qualifying counties and, in its discretion, include within the boundaries of such parks the property of qualifying industries. Under the authority provided in the MCIP Act, the County created a multi-county park with Dorchester County, South Carolina (“Park”) pursuant to that “Agreement for Development of a Joint County Industrial Park” dated September 1, 1995, as amended (“Park Agreement”); and

WHEREAS, Atlantic Corporation of Wilmington, Inc., a North Carolina corporation, its affiliated and related entities and assigns (“Company”), is planning to create 10 new jobs in the County and make an investment consisting of the expenditure of approximately **\$4,500,000** (“Investment”) in the County, through the acquisition, construction, lease, and purchase of certain land, buildings, furnishings, fixtures, and equipment in order to expand a distribution facility within the County (“Project”); and

WHEREAS, the Project will comprise a portion of real property located entirely in the County of Dorchester, with improvements thereon, within such tax map parcel bearing **Tax Map Number 129-00-00-125**, a description of which is set forth on the attached **Exhibit A**, as may be replaced or supplemented from time to time (“Project Site”); and

WHEREAS, WELS Holdings LLC, an affiliate of the Company, owns the Project Site and plans to participate in the Investment in the Project with the Company; and

WHEREAS, pursuant to the Park Agreement, the boundaries of the Park created therein may be enlarged pursuant to an ordinance of the county in which the Project is located and a resolution of the other county and with the consent of any municipalities within such new boundaries; and

WHEREAS, the County desires to enlarge the boundaries of the Park to include the Project Site and to ensure that the Project Site remains in the Park or any other multi-county industrial park created under the MCIP Act for as long as the Project is located at the Project Site; and

WHEREAS, in accordance with Article VIII, Section 13 of the South Carolina Constitution, real and personal property having a situs in the Park are exempt from all *ad valorem* taxation, however, the owners or lessees of such real and personal property are obligated to make, or cause to be made, payments in lieu of taxes to the County in the total amount equivalent to the *ad valorem* property taxes or other fee-in-lieu-of-taxes that would have been due and payable with respect to such real and personal property but for the location of such real and personal property within such Park (each, a “Fee Payment”); and

WHEREAS, in connection with the Project, the Company has requested the County to enter into an incentive agreement, to the extent and subject to the conditions provided in that agreement, to establish the commitments of (i) the Company to make the Investment and (ii) the County to provide certain special source revenue credits against Fee Payments made in connection with the Project; and

WHEREAS, the County has determined to provide a special source revenue credit in the amount of **\$9,000.00** for the Project, against a Fee Payment due on the Project, the terms and conditions of which are more fully set forth in an agreement attached hereto as **Exhibit B** (“Infrastructure Credit Agreement”).

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

Section 1. Findings. The County hereby finds and affirms based on information provided by the Company that the Project and infrastructure will enhance the economic development of the County.

Section 2. Authorization to Execute and Deliver Infrastructure Credit Agreement. The County Council authorizes and directs the County Council Chairman and the Clerk to Council to execute the Infrastructure Credit Agreement, which shall be in substantially the form now before the meeting at which this Ordinance received third reading, or with such modifications and revisions which shall not be materially adverse to the County and shall be deemed approved by the County Council upon the Chairman’s and the Clerk to Council’s execution of the Infrastructure Credit Agreement; the Clerk to County Council is further authorized and directed to deliver the executed Infrastructure Credit Agreement to the Company.

Section 3. Inclusion and Maintenance of Project in the Park. The County hereby authorizes the expansion of the Park boundaries to include the Project Site, as described in **Exhibit A**. The County Council shall use its best efforts to ensure that the Project Site is incorporated into and remains in the Park (or a successor multi-county industrial park) for as long as the Project is located at the Project Site. Pursuant to the terms of the Park Agreement, the expansion of the Park boundaries to include the Project Site is complete upon the adoption of this Ordinance and a companion resolution approving the expansion by the Orangeburg County Council.

Section 4. Further Acts. The County Council 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, in the name of and on behalf of the County (each an “Authorized Individual”) to take whatever further actions, and enter into whatever further agreements, as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Ordinance and induce the Company to locate the Project in the County.

Section 5. General Repealer. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Severability. Should any part, provision, or term of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Ordinance or any part, provision or term thereof, all of which is hereby deemed separable.

This Ordinance takes effect and is in full force only after the County Council has approved it following three readings and a public hearing.

DORCHESTER COUNTY,
SOUTH CAROLINA

Mr. George Bailey, Chairman
Dorchester County Council

(SEAL)
ATTEST:

Tracey L. Langley, Clerk to Council
Dorchester County Council

READINGS:

First Reading: April 22, 2019
Second Reading: May 6, 2019
Third Reading: May 20, 2019
Public Hearing: May 20, 2019

EXHIBIT A

Description of Project Site

(A portion of a parcel of real property identified by tax map number **129-00-00-125**)

An approximately 13.76 acre parcel, with improvements thereon, lying and being situated in Dorchester County, South Carolina, at 101 Spaniel Lane.

That being the same property conveyed to WELS Holdings LLC by deed of TPA LLC recorded April 30, 2007 in Deed Book 5997 at page 322.

EXHIBIT B

Infrastructure Credit Agreement

[See Attached]