

AN ORDINANCE

NO. 515

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN FAIRFIELD COUNTY, SOUTH CAROLINA AND ELITE ES, LLC, ITS AFFILIATES AND ASSIGNS ("ELITE"), TO PROVIDE FOR A FEE IN LIEU OF *AD VALOREM* TAXES INCENTIVE, THE INCLUSION OF ELITE IN A MULTI-COUNTY PARK, AND OTHER MATTERS RELATED THERETO.

WHEREAS, Fairfield 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, Code of Laws of South Carolina, 1976, as amended (the "Act") (i) to enter into agreements with qualifying industry to encourage investment in projects constituting economic development property through which the industrial development of the State of South Carolina will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State; and (ii) to covenant with such industry to accept certain payments in lieu of *ad valorem* taxes ("FILOT") with respect to such investment; and

WHEREAS, pursuant to Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (the "MCIP Act"), the County is authorized to develop multi-county industrial parks with contiguous 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 has created a multi-county park with Richland County (the "Park"); and

WHEREAS, Elite ES, LLC, a South Carolina limited liability company, its affiliates or assigns (collectively, the "Company"), is planning to construct, equip and furnish a manufacturing facility in the County (the "Project"), which will involve an estimated investment of \$1,500,000 and creation of approximately 70 new jobs; and

WHEREAS, because Fairfield County has had an average unemployment at least twice the State average during each of the last 24 months, in accordance with Section 12-44-30(14) of the Act, Fairfield is permitted to offer Elite a FILOT so long as Elite's investment is not less than \$1,000,000 within the period specified in the Act; and

WHEREAS, the County hereby identifies the Project, as required by the Act; and

WHEREAS, the County has determined to offer the Company a FILOT incentive package at an assessment ratio of 6%, with a fixed millage rate for 20 years, being the millage rate in effect on June 30, 2005 (as permitted under the Act). In addition, the County has determined to include the Company's Project within the boundaries of the Park. The terms and conditions of each of these incentives are more fully described in the Fee Agreement (the "Fee Agreement") attached hereto as Exhibit A.

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

**Section 1. Authorization to Execute and Deliver Fee Agreement.** The Chairman of County Council and the County Administrator are hereby authorized and directed to execute the Fee Agreement which is in substantially final form as hereto attached, with any minor modifications and revisions as may be approved by the Chairman of County Council and the County Administrator, in the name of and on behalf of the County, and the Clerk to County Council is



hereby authorized and directed to attest the same; and the Chairman of County Council and the County Administrator are hereby further authorized and directed to deliver said executed Fee Agreement to the Company.

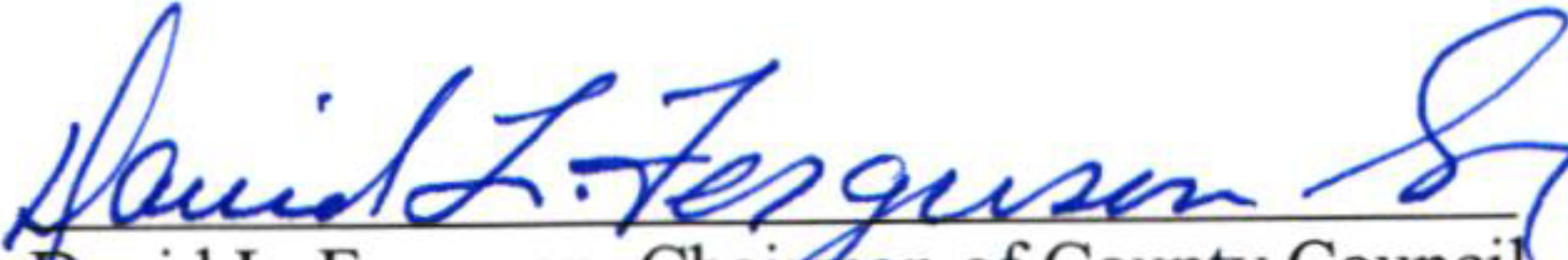
**Section 2. Statutory Findings.** The County hereby finds: (i) the Project will benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality or to no charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

**Section 3. Inclusion within the Park.** The expansion of the Park boundaries to include the Project Site, as described on the attached Exhibit B, is hereby authorized and approved.


**Section 4. General Repealer.** All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

This Ordinance shall take effect and be in full force only after the County Council has approved it after three readings.

FAIRFIELD COUNTY, SOUTH CAROLINA

  
David L. Ferguson, Chairman of County Council  
Fairfield County, South Carolina

ATTEST:

  
Shryll M. Brown, Clerk to County Council  
Fairfield County, South Carolina

READINGS:

First reading:	March 27, 2006
Second reading:	April 10, 2006
Third reading:	April 24, 2006
Public Hearing:	April 24, 2006



**EXHIBIT B**

**Description of Property**

That certain land and building located at 900 9<sup>th</sup> Street, Winnsboro, South Carolina, presently owned by Skate World of Winnsboro, Inc., as Landlord.

**EXHIBIT A**

**Fee In Lieu of Ad Valorem Taxes Agreement**

**FEE-IN-LIEU OF *AD VALOREM* TAXES AGREEMENT**

**BETWEEN**

**ELITE ES, LLC**

**AND**

**FAIRFIELD COUNTY, SOUTH CAROLINA**

**DATED AS OF MARCH 27, 2006**

**PREPARED BY:**

**PARKER POE ADAMS & BERNSTEIN LLP  
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