

In accordance with Ordinance # 2021-16, and at the direction of the Chair of Jasper County Council, this **Special Called Meeting** and **Public Hearing** shall be held electronically

pursuant to Section 2-37(f) of the Jasper County Code of Ordinances.

Watch Live via YouTube at:

https://www.youtube.com/channel/UCBmloqX05cKAsHm ggXCJIA

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FOR MORE INFORMATION, PLEASE CALL (843) 717-3696



JASPER COUNTY COUNCIL SPECIAL CALLED

VIRTUAL MEETING And Public Hearing

Jasper County Clementa C. Pinckney Government Bldg 358 3rd Avenue Ridgeland, SC 29936

Thursday, November 18, 2021
AGENDA
5:00PM

I. Call to Order by Chairwoman Barbara B. Clark

Clerk's Report of Compliance with the Freedom of Information Act.

In compliance with the Freedom of Information Act, notice of meetings and agendas were posted and furnished to all news media and persons requesting notification

- II. Pledge of Allegiance
- III. Invocation
- IV. Approval of Agenda
- V. Ordinance:

A: David Tedder - Public Hearing and 3rd reading of Ordinance # 2021-27 authorizing the execution and delivery of Fee-In-Lieu of Tax Agreement by and between Jasper County, South Carolina and Builders First Source, Inc. with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes, including the provision of certain Special Source Credits; and other matters related thereto. (Formerly known as Project Ocean)

VI: New Business:

A: Danny Lucas - Presentation of Temporary Airport Terminal Proposals

Adjourn

*Council may act on any item appearing on the agenda including items discussed in executive session. In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, notification of the meeting was posted on the County Council Building at a publicly accessible place and on the county website at least 24 hours prior to the meeting. A copy of the agenda was given to the local news media and posted at the meeting location twenty-four hours prior to the meeting.

<u>Special Accommodations Available Upon Request to Individuals with Disabilities</u> (843) 717-3696

AGENDA ITEM:

V-A

Ordinance item A

STATE OF SOUTH CAROLINA)	
)	ORDINANCE NO. 2021-27
COUNTY OF JASPER)	

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BY AND BETWEEN JASPER COUNTY, SOUTH CAROLINA AND BUILDERS FIRST SOURCE, INC. WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT PROPERTY IN THE COUNTY, WHEREBY SUCH PROPERTY WILL BE SUBJECT TO CERTAIN PAYMENTS IN LIEU OF TAXES, INCLUDING THE PROVISION OF CERTAIN SPECIAL SOURCE CREDITS; AND OTHER MATTERS RELATED THERETO.

WHEREAS, JASPER 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"), Title 4, Chapter 1 (the "Multi-County Park Act"), and Title 4, Chapter 29, of the Code of Laws of South Carolina 1976, as amended, to enter into agreements with industry whereby the industry would pay fees-in-lieu-of taxes with respect to qualified industrial projects; to provide infrastructure credits against payment in lieu of taxes for reimbursement in respect of investment in certain infrastructure enhancing the economic development of the County; 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, pursuant to the FILOT Act, and in order to induce investment in the County, the County Council adopted on September 20, 2021 an inducement resolution (the "Inducement Resolution") with respect to certain proposed investment by Builders FirstSource, Inc. and its affiliates (collectively, the "Company"), with respect to the acquisition, construction, and installation of land, buildings, improvements, fixtures, machinery, equipment, furnishings and other real and/or tangible personal property to constitute a new facility in the County for the manufacture of lumber products (collectively, the "Project"); and

WHEREAS, the Company has represented that the Project will involve an investment of approximately \$16,021,000 in the County within the Investment Period (as such term is defined in the hereinafter defined Fee Agreement); 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 Code of Laws of South Carolina, 1976, as amended and Article VIII, Section 13 of the South Carolina Constitution, the County has entered into a qualifying agreement with Hampton County (the "Park Agreement") for the establishment of a multi-county industrial and business park (the "Park"); and

WHEREAS, the Project is wholly located within the boundaries of the Park; and

WHEREAS, pursuant to the Inducement Resolution, the County has agreed to, among other things, (a) enter into a FILOT Agreement with the Company (the "Fee Agreement"), whereby the County would provide therein for a payment of a fee- in-lieu-of taxes by the Company with respect to the Project, and (b) provide for certain infrastructure credits to be claimed by the Company against its payments of fees-in-lieu-of taxes with respect to the Project pursuant to Section 4-1-175 of the Multi-County Park Act; and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Fee Agreement which the County proposes to execute and deliver; and

WHEREAS, it appears that the documents above referred to, which are now before this meeting, are in appropriate form and are an appropriate instrument to be executed and delivered or approved by the County for the purposes intended;

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

- <u>Section 1.</u> Based on information supplied by the Company, it is hereby found, determined and declared by the County Council, as follows:
 - (a) The Project will constitute a "project" and "economic development property" as said terms are referred to and defined in the FILOT Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the FILOT Act;
 - (b) 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;
 - (c) 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:
 - (d) 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;
 - (e) The Project will be located entirely within the County; and
 - (f) The benefits of the Project are anticipated to be greater than the costs.
- Section 2. The form, terms and provisions of the Fee Agreement presented to this meeting are hereby approved and all of the terms and provisions thereof are hereby incorporated

herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. The County Administrator is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement 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 thereupon to cause the Fee Agreement to be delivered to the Company and cause a copy of the same to be delivered to the Jasper County Auditor and Assessor. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the County Administrator, upon advice of counsel, the execution thereof to constitute conclusive evidence of the approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

- Section 3. The County Administrator, for and on behalf of the County, is 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 thereunder.
- Section 4. The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provisions 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 5. The recitals above are hereby incorporated into and made part of this ordinance.
- Section 6. 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 from and after its passage by the County Council.

ENACTED in meeting duly assembled this day of November, 2021.

JASPER COUNTY, SOUTH CAROLINA

(SEAL)		
	Signature:	
	Name: Barbara Clark	
	Title: Chair of County Council	
ATTEST:	·	
Y.		
Signature:		
Name: Wanda Simmons		
Title: Clerk to County Council		
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First Reading: September 20, 2021
Second Reading: October 4, 2021
Third Reading: November 18, 2021
Public Hearing: November 18, 2021

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

I, the undersigned Clerk to County Council of Jasper County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received unanimous approval, by the County Council at its meetings of September 20, 2021, October 4, 2021, and November 18, 2021, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

	Clerk, Jasper County Council	
Dated: November . 202	1	