

ORDINANCE No. _____

AN ORDINANCE AUTHORIZING A FIRST AMENDMENT TO THAT CERTAIN FEE IN LIEU OF TAX AGREEMENT BY AND BETWEEN GREENVILLE COUNTY, SOUTH CAROLINA, AND SAGE AUTOMOTIVE INTERIORS, INC.; TO ENTER INTO SUCH OTHER NECESSARY AGREEMENTS OR AMENDMENTS TO EFFECT THE INTENT OF THIS ORDINANCE; AND OTHER RELATED MATTERS.

WHEREAS, pursuant to the provisions of Title 12, Chapter 44 and Title 4, Chapters 1 and 29, Code of Laws of South Carolina 1976, as amended (collectively, the “Act”), Greenville County (“County”) and Sage Automotive Interiors, Inc. (the “Company”) previously entered into a Fee-in-Lieu of Tax Agreement dated as of December 8, 2015 (the “Fee Agreement”); and

WHEREAS, the Fee Agreement originally provided for, among other things, a fee in lieu of *ad valorem* taxes benefit to the Company in connection with an investment of not less than \$5,000,000 in the Project, as defined in the Fee Agreement, by the end of the Compliance Period, as defined in the Fee Agreement; and

WHEREAS, the Company is planning to expand the Project and increase its investment commitment thereunder by \$6,000,000 (the “Expansion Project”); and

WHEREAS, in connection with the Expansion Project, the Company has requested that the County amend the Fee Agreement (i) to extend the Term by ten (10) years, (ii) to extend the Compliance Period, by five (5) years; and (iii) to provide for special source revenue credits in support of the Expansion Project; and

WHEREAS, the County Council desires to cause the Fee Agreement to be amended, through a First Amendment of Fee in Lieu of Tax Agreement, to reflect the provision of the above referred to changes, a copy of which is attached to this Ordinance as Exhibit A (the “First Amendment”); and

WHEREAS, County Council has determined to cause the County to enter into such other agreements and amendments with the Company, and its subsidiaries and affiliated or related entities, to effect the intent of this Ordinance.

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

Section 1. Based on information supplied by the Company, it is hereby found, determined and declared by the County Council, as follows:

(a) The Expansion 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 Expansion 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 Expansion 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 Expansion Project, i.e., economic development, creation of jobs and addition to the tax base of the County, are proper governmental and public purposes; and

(e) The benefits of the Expansion Project are anticipated to be greater than the costs.

Section 2. In connection with the Expansion Project, the County Council hereby authorizes the First Amendment and the terms contained therein, including without limitation, the following: (i) an extension of the Term by ten (10) years, (ii) an extension of the Compliance Period by five (5) years; and (iii) the provision of certain special source revenue credits in support of the Expansion Project; the terms of which are further set forth in the First Amendment.

Section 3. The Chairman of County Council, the County Administrator and the Clerk to County Council, 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 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. 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 _____, 2021.

Adopted _____, 20__.

GREENVILLE COUNTY, SOUTH CAROLINA

By: Willis Meadows
Its: County Council Chairman

By: Joe Kernell
Its: County Administrator

ATTEST:

Regina McCaskill
Clerk to County Council

READINGS:

First Reading:
Second Reading:
Third Reading:
Public Hearing: