

Sponsor(s)	:	
Council District Representative	:	201900001626
First Reading	:	03/05/19
Committee Referral	:	
Committee Consideration Date	:	
Committee Recommendation	:	
Second Reading	:	04/02/19
Public Hearing	:	05/07/19
Third Reading	:	05/07/19
Effective Date	:	

201900001626
 Filed for Record in
 EDGEFIELD COUNTY, SC
 CHARLES L. REEL, CLERK OF COURT
 05-08-2019 At 12:06 pm.
 ORDINANCE .00
 OR Book 1734 Page 372 - 374

ORDINANCE NO. 18-19-757

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR EDGEFIELD COUNTY

AN ORDINANCE TO AUTHORIZE THE THIRD AMENDMENT TO THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK DATED AS OF DECEMBER 31, 1996, BETWEEN AIKEN COUNTY AND EDGEFIELD COUNTY, AS PREVIOUSLY AMENDED, TO EXTEND THE TERM OF THE AGREEMENT AND EXPAND THE AREA OF THE PARK WHICH IS LOCATED IN AIKEN COUNTY AND OTHER MATTERS RELATED THERETO.

WHEREAS:

1. Aiken County and Edgefield County previously entered into an Agreement for Development of Joint County Industrial and Business Park dated as of December 31, 1996, (hereinafter referred to as the "Agreement") as part of a project for the construction and equipping of a manufacturing plant by Kimberly-Clark Corporation to be located in the park established by that Agreement (hereinafter referred to as the "Park") which was authorized by Ordinance Number 96-97-344 adopted by the Edgefield County Council on September 6, 1996.
2. Aiken County and Edgefield County subsequently entered into An Amendment to Agreement for Development of a Joint County Industrial and Business Park effective as of July 1, 2000, to include additional real property in the Park and extend the term of the Agreement to December 31, 2021, and the execution and implementation of the Amendment was authorized by Ordinance Number 00-01-383 adopted by the Edgefield County Council on September 5, 2000.
3. Aiken County and Edgefield County subsequently entered into a Second Amendment to Agreement for Development of a Joint Industrial and Business Park dated as of July 1, 2006, to include additional real property in the Park, and the execution and implementation of the Second Amendment was authorized by Ordinance Number 06-07-585 adopted by the Edgefield County Council on November 7, 2006.
4. Kimberly-Clark Corporation has requested that the Edgefield County Council approve a third amendment to the Agreement to include in the Park all of its real property that is part of the manufacturing facility located on Old Jackson Highway (S-5) in Beech Island, Aiken County, South Carolina and to add thereto any such real property that is not already included in the Park and extend the term of the Agreement as part of a project on which it will invest in excess of \$100 million in its manufacturing facilities located in the Park.
5. The Edgefield County Council hereby finds that Kimberly-Clark Corporation's project and requested amendments will be in the best interests of Edgefield County and the public and will promote economic development in Edgefield County and result in additional revenue for Edgefield County.

NOW THEREFORE BE IT ENACTED BY THE EDGEFIELD COUNTY COUNCIL THAT:

1. The provisions, terms, and conditions of the Third Multi-County Park Amendment presented to County Council at this meeting and filed with the Clerk to the Council are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the Third Multi-County Park Amendment were set out in this Ordinance in its entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute and deliver the Third Multi-County Park Amendment in the name and on behalf of Edgefield County; the Clerk to the Council is hereby authorized, empowered and directed to attest and certify the same; and the Chairman of the Council is further authorized, empowered, and directed to deliver the Third Multi-County Park Amendment to Aiken County. The Third Multi-County Park Amendment 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 Edgefield County thereunder and as shall be approved by the officials of Edgefield County executing the same, and the execution of the Third Multi-County Park Amendment by the authorized officials of Edgefield County shall constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Third Multi-County Park Amendment now before this meeting. Except as set forth in the Third Multi-County Park Amendment, all terms of the Agreement, as previously amended, shall remain in full force and effect.
2. Any business entity located or locating in the Park as expanded pursuant to the Third Multi-County Park Amendment shall pay, subject to approval by County Council, a fee-in lieu of *ad valorem taxes* as provided for in the Agreement, Section 13(D) of Article VIII of the South Carolina Constitution, the Multi-County Park Act codified as South Carolina Code Sections 4-1-170, 4-1-172 and 4-1-175, as amended, and the provisions of the laws of South Carolina, but not limited to the South Carolina Fee-in Lieu of Tax Simplification Act codified as South Carolina Code Sections 12-44-10 to 12-44-170.
3. The real property previously included in the Park by the Agreement or amendments thereto and the real property being added to the Park by the Third Multi-County Park Amendment are more fully identified and described in Exhibit A-3 attached the to the Third Multi-County Park Amendment which is hereby incorporated herein and in the Agreement as if set out herein in its entirety.
4. The term of the Agreement, as previously amended, is hereby extended until all applicable agreements to which Aiken County is a party providing economic incentives for an industrial or manufacturing entity based on the location in the Park of the investments on which the economic incentives are determined under the applicable laws of the State of South Carolina have expired or been terminated, unless the industrial or manufacturing entity consents to an earlier termination.
5. The Chairman of County Council and Clerk to County Council are hereby authorized to execute and deliver all documents and instruments and take all actions necessary and proper to implement the transactions contemplated by this Ordinance subject to the review and approval of the County Attorney.
6. 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, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions in this Ordinance.
7. All resolutions or ordinances, or parts thereof, in conflict with the provisions of this Ordinance are repealed to the extent necessary to give full effect to this Ordinance.
8. Any and all requirements that this Ordinance must be referred to a committee of County Council for review or a recommendation are hereby waived.

This Ordinance shall become effective on 05-07-19.

Adopted at the regular meeting of Edgefield County Council on 05-07-19.

ATTEST:

Jennifer Gilley
Jennifer Gilley, Council Clerk

SIGNED:

H. Scott Cooper
H. Scott Cooper, Chairman

REVIEWED BY: [Signature]
County Attorney

IMPACT STATEMENT: N/A

COUNCIL VOTE: 5-0