

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR NEWBERRY COUNTY  
ORDINANCE NO. 04-07-15**

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF *AD VALOREM* TAXES AND INCENTIVE AGREEMENT BY AND BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA, AND METAL MASTERS, INCORPORATED, AS SPONSOR, TO PROVIDE FOR A FEE IN LIEU OF *AD VALOREM* TAXES INCENTIVE, AND OTHER MATTERS RELATED THERETO.**

WHEREAS, Newberry County, South Carolina (“County”), acting by and through its County Council (“County Council”), is authorized and empowered under and pursuant to the provisions of the South Carolina Constitution (“Constitution”) and the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (“Act”), (i) to enter into agreements with qualifying industry to offer and provide certain privileges, benefits and incentives to encourage investment in projects constituting economic development property, as defined in the Act, through which the industrial development of the County and the State of South Carolina (“State”) will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the County and the State and thus utilize and employ manpower and other resources of the County and the State; and (ii) to covenant with such industry to accept certain fee in lieu of *ad valorem* tax (“FILOT”) payments with respect to such investment;

WHEREAS, Metal Masters, Incorporated, a corporation organized and existing under the laws of South Carolina (“Company”), is planning an investment of approximately \$4,000,000 to expand its metalworking and fabrication facility within the County (“Project”);

WHEREAS, in connection with the Project, the Company will also create approximately 20, full-time jobs at the facility;

WHEREAS, to induce the Company to locate the Project in the County, the County desires to offer the Company a FILOT incentive for a term of 20 years, calculated using an assessment ratio of 6% and a fixed millage rate.

WHEREAS, the terms and conditions of the FILOT incentives are more fully described in the Fee-In-Lieu of *Ad Valorem* Taxes and Incentive Agreement (“Fee Agreement”) attached hereto as Exhibit A; and

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

**Section 1. *Statutory Findings.*** The County hereby identifies the Project for purposes of Section 12-44-40 of the Act and finds that (i) the Project will benefit the general public welfare of the County by providing services, 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 and to no charge against the County’s 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 2. *Approval of FILOT Incentive; Approval of and Authorization to Execute and Deliver Fee Agreement.*** The County hereby approves the FILOT incentive for the Company with respect to the Project. The form, terms, conditions and provisions of the FILOT incentive, as described in the Fee Agreement, the substantially final form of which is attached as Exhibit A, are hereby approved and the Chairman of County Council (“Chairman”), or the Vice Chairman in the event the Chairman is absent, is authorized to execute the Fee Agreement, and the Clerk to Council is authorized to attest the same. The Chairman and the County Administrator are hereby authorized and directed to deliver the Fee Agreement

to the Company. The Fee Agreement is to be in substantially the form approved by this Ordinance, or with such changes as do not materially adversely affect the rights of the County and as are approved by the County Administrator and counsel to the County.

**Section 3. *Further Assurances.*** The Chairman, or the Vice Chairman in the event the Chairman is absent, and the Clerk to the County Council are hereby authorized and directed to execute such documents and take further actions as may be necessary to deliver the FILOT incentives to the Company and accomplish the purposes and intent of this Ordinance.

**Section 4. *Severability.*** The provisions of this Ordinance are separable and if any section, phase, 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, phases, and provisions hereunder.

**Section 5. *General Repealer.*** All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

[END OF ORDINANCE, EXECUTION PAGE TO FOLLOW]

NEWBERRY COUNTY, SOUTH CAROLINA

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Henry H. Livingston, III, Chairman of County Council  
Newberry County, South Carolina

(SEAL)  
ATTEST:

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Laurie Renwick, Clerk to County Council  
Newberry County, South Carolina

READINGS:

First Reading: April 1, 2015  
Second Reading: April 15, 2015  
Public Hearing:  
Third Reading:

**EXHIBIT A**  
**FORM OF FEE AGREEMENT**