



AGENDA
ANDERSON COUNTY COUNCIL
SPECIAL CALLED MEETING
Monday, February 21, 2022, at 12:00 p.m.
Historic Courthouse
101 S. Main Street
Anderson, South Carolina
Chairman Tommy Dunn, Presiding

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. ORDINANCE THIRD READING:

- a. **2021-077**- An Ordinance authorizing and approving (1) The development of a joint county industrial and business park pursuant to section 4-1-170 of the code of South Carolina 1976, as amended, in conjunction with Greenville County (The "Park"), such park to be geographically located in Greenville County; (2) the execution and delivery of a written park agreement with Greenville County as to the requirement of payments of fee in lieu of ad valorem taxes with respect to park property and the sharing of the revenues and expenses of the park; (3) the distribution of revenues from the park with Anderson County; and (4) other matters related thereto. [Project Ott] (**PUBLIC HEARING-THREE MINUTE TIME LIMIT**)

Mr. Rusty Burns

4. CITIZENS COMMENTS

Agenda Matters Only

5. ADJOURNMENT

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures in order to participate in this program, service or activity please contact the office of the program, service or activity as soon as possible but no later than 24 hours before the scheduled event. For assistance, please contact the Clerk to Council at (864) 260-1036.

Tommy Dunn
Chairman, District Five

John B. Wright, Jr.
District One

Ray Graham
District Three

M. Cindy Wilson
District Seven



Brett Sanders
V. Chairman, District Four

Glenn Davis
District Two

Jimmy Davis
District Six

Renee Watts
Clerk to Council

Rusty Burns
County Administrator

ORDINANCE NO. 2021-077

AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH GREENVILLE COUNTY (THE “PARK”), SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN GREENVILLE COUNTY; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH GREENVILLE COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (3) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN ANDERSON COUNTY; AND (4) OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended (the “Act”), Anderson County and Greenville County are authorized to enter into a multi-county industrial or business park to promote economic development and encourage investment and employment opportunities in and around Anderson County and Greenville County; and

WHEREAS, in order to continue to promote economic development and encourage investment and employment opportunities in and around Anderson County and Greenville County, as authorized by Article VIII, Section 13(D) of the South Carolina Constitution and the Act, Anderson County has requested that Greenville County develop, together with Anderson County, a joint county industrial and business park (the “Park”); and

WHEREAS, Anderson County and Greenville County have agreed to the specific terms and conditions of the Park arrangement as set forth in that certain Agreement for Development of a Joint County Industrial and Business Park proposed to be entered into by and between Anderson County and Greenville County as of February 21, 2022 (the “Park Agreement”); and

WHEREAS, it is the expressed intent of Anderson County by the establishment of the Park and the Agreement, that the properties totaling approximately 240 acres appearing in Exhibit A to the Park Agreement shall be located within a Multi County Industrial or Business Park; and

WHEREAS, it appears that the Park Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by Anderson County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED BY ANDERSON COUNTY COUNCIL:

Section 1. Approval of the Park Agreement. The form, provisions, terms and conditions of the Park Agreement now before this meeting and filed with the Clerk to Anderson County Council be and they are hereby approved, and effective as of February 21, 2022, and all of the provisions, terms and conditions thereof are hereby incorporated herein by reference as if the Park Agreement were set out in this Ordinance in its entirety. The Chairman of the Anderson County Council and the County Administrator of Anderson County are hereby authorized and empowered to execute the Park Agreement in the name and on behalf of Anderson County; the Clerk to the Anderson County Council is hereby authorized and empowered to attest the same; and the Chairman of the Anderson County Council and the County Administrator of Anderson County are further authorized and empowered to deliver the Park Agreement to Greenville County.

The Park Agreement 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 Anderson County thereunder and as shall be approved by the officials of Anderson County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Park Agreement now before this meeting.

The Chairman of Anderson County Council and the County Administrator of Anderson County, for and on behalf of Anderson County, are hereby each authorized and empowered to do any and all things necessary or proper to effect the development of the Park and the performance of all obligations of Anderson County under and pursuant to the Park Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

Section 2. Payment of Fee in Lieu of Tax. The businesses and industries located in the Park must pay a fee in lieu of *ad valorem* taxes as provided for in the Park Agreement. With respect to properties located in the Park, the fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Greenville County. That portion of such fee allocated pursuant to the Park Agreement to Anderson County shall be thereafter paid by the Treasurer of Greenville County to the Treasurer of Anderson County within ten (10) business days following the end of the calendar quarter of receipt, for distribution in accordance with the Park Agreement. The provisions of Section 12-2-90 of the Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, apply to the collection and enforcement of the fee in lieu of *ad valorem* taxes.

Section 3. Distribution of Revenues within Anderson County. Revenues generated from industries and businesses located in the Park received by Anderson County pursuant to the Park Agreement shall be distributed as determined by Anderson County. If no determination is made, such revenues shall be retained by Anderson County.

Section 4. Applicable Ordinances and Regulations. Any applicable ordinances and regulations of Anderson County including those concerning zoning, health and safety, and building code requirements shall apply to the Park properties unless the properties are within the boundaries of a municipality in which case, the municipality's applicable ordinances and regulations shall apply.

Section 5. Law Enforcement Jurisdiction. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park in Greenville County is vested with the Sheriff's Department of Greenville County. If any of the Park properties are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.

Section 6. Conflicting Provisions. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Anderson County Code or other Anderson County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 7. Severability. If any section of this ordinance is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this ordinance which is not itself void or invalid.

Section 8. Effectiveness. This Ordinance shall be effective upon third and final reading.

[End of Ordinance - Signature page to follow]

Enacted and approved, in meeting duly assembled, this 21st day of February, 2022.

ANDERSON COUNTY, SOUTH CAROLINA

By: _____
Tommy Dunn, Chairman, County Council
Anderson County, South Carolina

ATTEST:

By: _____
Rusty Burns, County Administrator
Anderson County, South Carolina

By: _____
Renee D. Watts, Clerk to County Council
Anderson County, South Carolina

APPROVED AS TO FORM:

Leon C. Harmon
Anderson County Attorney

First reading:	December 21, 2021
Second reading:	January 4, 2022
Public hearing:	February 21, 2022
Third reading:	February 21, 2022

STATE OF SOUTH CAROLINA)	
)	AGREEMENT FOR DEVELOPMENT OF A
COUNTY OF GREENVILLE)	JOINT COUNTY INDUSTRIAL AND
)	BUSINESS PARK
COUNTY OF ANDERSON)	

THIS AGREEMENT for the development of a joint county industrial and business park to be located within Greenville County is made and entered into as of February 21, 2022 (the “Effective Date”) by and between Greenville County, South Carolina (“Greenville County”) and Anderson County, South Carolina (“Anderson County”).

RECITALS

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended (the “Act”), Greenville County and Anderson County are authorized to enter into a multi-county industrial or business park to promote economic development and encourage investment and employment opportunities in and around Greenville County and Anderson County; and

WHEREAS, in order to continue to promote economic development and encourage investment and employment opportunities in and around Greenville County and Anderson County, as authorized by Article VIII, Section 13(D) of the South Carolina Constitution and the Act, Greenville County has requested that Anderson County develop, together with Greenville County, a joint county industrial and business park, which park shall upon execution of this Park Agreement include within its boundaries the properties totaling approximately 240 acres more particularly described in Exhibit A (Greenville) attached to the Park Agreement (as defined below) (the “Park”); and

WHEREAS, pursuant to Ordinance No. 5382, enacted by Greenville County Council on January 18, 2022, and Ordinance No. 2021-077 enacted by Anderson County Council on February 21, 2022, Greenville County and Anderson County have agreed to the specific terms and conditions of the Park arrangement as set forth in this Agreement; and

WHEREAS, it is the expressed intent of Greenville County by the establishment of this Park and Agreement, that the properties totaling approximately 240 acres appearing in Exhibit A of the Park Agreement will be located within a Joint County Industrial and Business Park; and

WHEREAS, as a consequence of the development of the Park, property comprising the Park and all property having a situs therein is exempt from *ad valorem* taxation pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, but the owners or lessees of such property shall pay annual fees in an amount equivalent to the property taxes or other in-lieu-of payments that would have been due and payable except for such exemption.

NOW, THEREFORE, in consideration of the mutual agreement, representations and benefits contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Binding Agreement.** This Agreement serves as a written instrument setting forth the entire agreement between the parties and shall be binding on Greenville County and Anderson County, their successors and assigns.

2. **Authorization.** Article VIII, Section 13(D) of the South Carolina Constitution provides that counties may jointly develop an industrial or business park with other counties within the geographical boundaries of one or more of the member counties, provided that certain conditions specified therein are met and further provided that the General Assembly of the State of South Carolina provides by law a manner in which the value of property in such park will be considered for purposes of bonded indebtedness of political subdivisions and school districts and for purposes of computing the index of taxpaying ability pursuant to any provision of law which measures the relative fiscal capacity of a school district to support its schools based on the assessed valuation of taxable property in the district as compared to the assessed valuation of taxable property in all school districts in South Carolina. The Code of Laws of South Carolina, 1976, as amended (the "Code") and particularly, Section 4-1-170 thereof, satisfies the conditions imposed by Article VIII, Section 13(D) of the South Carolina Constitution and provides the statutory vehicle whereby a joint county industrial or business park may be created.

3. **Notice of Effective Date; Location of the Park.**

(A) Upon, and as of, the Effective Date of this Agreement, the Park shall consist of any and all property located within Greenville County which is more particularly described in Exhibit A (Greenville) attached hereto. It is specifically recognized that the Park may from time to time consist of non-contiguous properties within Greenville County. The boundaries of the Park may be enlarged or diminished from time to time, as authorized by ordinances of the county councils of both Greenville County and Anderson County. If any additional property, other than the property described in Exhibit A (Greenville), proposed for inclusion in the Park, in whole or in part, is located, at the time such inclusion is proposed, within the boundaries of a municipality, then the municipality must give its consent prior to the inclusion of the property in the Park.

(B) In the event of any enlargement or diminution of the boundaries of the Park by ordinances of Greenville County Council and Anderson County Council, this Agreement shall be deemed amended and there shall be attached hereto a revised Exhibit A (Greenville) which shall contain a legal description of the boundaries of the Park, as enlarged or diminished, together with a reference to the specific ordinances of Greenville County Council and Anderson County Council pursuant to which such enlargement or diminution was authorized.

(C) Prior to the adoption by Greenville County Council and by Anderson County Council of ordinances authorizing the diminution of the boundaries of the Park, a public hearing shall first be held by Greenville County Council. Notice of such public hearing shall be published in a newspaper of general circulation in Greenville County at least once and not less than fifteen (15) days prior to such hearing. Notice of such public hearing shall also be served in the manner of service of process at least fifteen (15) days prior to such public hearing upon the owner and, if applicable, the lessee of any real property which would be excluded from the Park by virtue of the diminution.

4. **Fee in Lieu of Taxes.** Pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, all property located in the Park is exempt from all *ad valorem* taxation. The owners or lessees of any property situated in the Park shall pay in accordance with this Agreement an amount (referred to as fees in lieu of *ad valorem* taxes) equivalent to the *ad valorem* taxes or other in-lieu-of payments that would have been due and payable but for the location of such property within the Park.

5. **Allocation of Expenses.** Greenville County and Anderson County shall bear expenses incurred in connection with the Park, including, but not limited to, those incurred in the administration, development, operation, maintenance and promotion of the Park, in the following proportions:

A. Greenville County	100%
B. Anderson County	0%

6. **Allocation of Revenues.** Greenville County and Anderson County shall receive an allocation of all revenues generated by the Park through payment of fees in lieu of *ad valorem* taxes in the following proportions:

A. Greenville County	99%
B. Anderson County	1%

With respect to such fees generated from properties located in the Park, that portion of such fees allocated to Anderson County shall thereafter be paid by the Treasurer of Greenville County to the Treasurer of Greenville County within ten (10) business days following the end of the calendar quarter of receipt, for distribution.

7. **Revenue Allocation within Each County.**

(A) Revenues generated by the Park through the payment of fees in lieu of *ad valorem* taxes shall be distributed to Greenville County and to Anderson County, as the case may be, according to the proportions established by Section 6 of this Agreement. Such revenues shall be distributed within Greenville County in the manner provided by ordinance of the Greenville County Council.

(B) Revenues allocable to Anderson County by way of fees in lieu of *ad valorem* taxes generated from properties located in the Park shall be distributed as determined by Anderson County.

8. **Fees in Lieu of Ad Valorem Taxes Pursuant to Title 4 or Title 12 of the Code.** It is hereby agreed that the entry, hereto for or hereafter, by Greenville County into any one or more fee in lieu of *ad valorem* tax agreements pursuant to Title 4 or Title 12 of the Code or any successor or comparable statutes with respect to property located within the Park and the terms of such agreements shall be at the sole discretion of Greenville County.

9. **Assessed Valuation.** For the purpose of calculating the bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59-20-20(3) of the Code, allocation of the assessed value of property within the Park to

Greenville County and Anderson County and to each of the taxing entities within the participating counties shall be identical to the allocation of revenue received and retained by each of the counties and by each of the taxing entities within the participating counties, pursuant to Sections 6 and 7 of this Agreement.

10. **Applicable Ordinances and Regulations.** Any applicable ordinances and regulations of Greenville County including those concerning zoning, health and safety, and building code requirements shall apply to the Park properties unless any such property is within the boundaries of a municipality in which case, the municipality's applicable ordinances and regulations shall apply.

11. **Law Enforcement Jurisdiction.** Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park properties is vested with the Sheriff's Department of Greenville County. If any of the Park properties are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.

12. **South Carolina Law Controlling.** This Agreement has been entered into in the State of South Carolina and shall be governed by, and construed in accordance with South Carolina law.

13. **Severability.** In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Agreement.

14. **Counterpart Execution.** This Agreement may be executed in multiple counterparts.

15. **Term.** This Agreement shall extend for a term of thirty (30) years from the Effective Date of this Agreement.

[End of Agreement – Execution Page to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the Effective Date (as defined above).

GREENVILLE COUNTY, SOUTH CAROLINA

By: _____
Willis Meadows, Chairman, County Council
Greenville County, South Carolina

By: _____
Joseph Kernell, County Administrator
Greenville County, South Carolina

[SEAL]

Attest:

By: _____
Regina McCaskill, Clerk to County Council
Greenville County, South Carolina

ANDERSON COUNTY, SOUTH CAROLINA

By: _____
Tommy Dunn, Chairman, County Council
Anderson County, South Carolina

[SEAL]

Attest:

By: _____
Renee D. Watts, Clerk to County Council
Anderson County, South Carolina

**EXHIBIT A
(GREENVILLE COUNTY)**

TAX MAP PARCEL #

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0160000100101

0160000100102

0160000100106

0160000100109

0160000100201

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