

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO A FEE IN LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA (THE "COUNTY") AND METAL TRADES, LLC (FORMERLY IDENTIFIED AS "PROJECT FLARE"); EXTENDING THE INVESTMENT PERIOD OF SUCH AGREEMENT; AUTHORIZING ADDITIONAL SPECIAL SOURCE REVENUE CREDITS TO BE PROVIDED TO THE COMPANY; AND OTHER MATTERS RELATED THERETO

WHEREAS, the County, acting by and through its County Council (the "County Council"), is authorized by the Code of Laws of South Carolina, 1976, as amended (the "Code"), particularly Title 12, Chapter 44 (the "FILOT Act"): (i) to enter into a fee agreement with companies meeting the requirements of the FILOT Act, which identifies certain property of such companies as economic development property, to induce such companies to locate in the State of South Carolina ("State") and to encourage companies now located in the State to expand their investments and thus make use of and employ workers and other resources of the State; and (ii) to covenant with such companies to accept certain fees in lieu of ad valorem tax payments with respect to projects in the County;

WHEREAS, the County, acting by and through the County Council, is further authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended (the "MCIP Act") to provide for payments-in-lieu of taxes with respect to property located in a multi-county business or industrial park created under the MCIP Act and to permit investors to claim special source credits against their negotiated fee-in-lieu of *ad valorem* tax payments to reimburse such investors for expenditures for infrastructure serving the County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of manufacturing or commercial enterprises in order to enhance the economic development of the County; and to create, in conjunction with one or more other counties, a multi-county park in order to afford certain enhanced tax credits to investors for expenditures for infrastructure serving the County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of manufacturing or commercial enterprise in order to enhance the economic development of the County and to facilitate the grant of special source or other infrastructure improvement credits;

WHEREAS, the County is party to an existing Fee in Lieu of Tax Agreement (the "Fee Agreement") with Metal Trades, LLC, a South Carolina limited liability company formerly identified as "Project Flare" (the "Company");

WHEREAS, the Company has expressed its intent to the County to invest an anticipated additional \$66 million dollars and hire an anticipated additional 170 full-time employees in the County in connection with the expansion of the manufacturing operations located at the Company's existing facility in the County (the "Expansion Project");

WHEREAS, the Company has requested that the County enter into an amendment to the Fee Agreement in connection with the Expansion Project (the "FILOT Amendment") in order to memorialize certain economic development incentives as set forth in the FILOT Amendment, the substantially final form of which is attached as Exhibit A to this Ordinance; and

WHEREAS, it is in the public interest, for the public benefit and in furtherance of the public purposes of the FILOT Act and the MCIP Act that the County Council provide approval for the

FILOT Amendment under the FILOT Act and the MCIP Act:

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

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

- (a) the Expansion Project constitutes a "project" as that term is referred to and defined in the FILOT Act;
- (b) the Expansion Project will serve the purposes of the FILOT Act;
- (c) the Expansion Project will be located entirely within the County;
- (d) 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 adequately provided locally;
- (e) the Expansion Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either;
- (f) 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;
- (g) the inducement of the location or expansion of the Expansion Project within the County is of paramount importance; and
- (h) the anticipated benefits of the Expansion Project to the public will be greater than the costs.

Section 2. Authorization and Approval of Form of FILOT Amendment. To promote industry, develop trade, and utilize and employ the workforce, products, and natural resources of the State by assisting the Company to expand or locate a manufacturing facility in the State, the FILOT Amendment is hereby authorized and approved. The substantially final form of the FILOT Amendment presented at this meeting, attached hereto as Exhibit A, is approved, and all of its terms are incorporated into this Ordinance by reference as if the FILOT Amendment were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk to County Council are each authorized, empowered, and directed to execute, acknowledge, and deliver the FILOT Amendment in the name of and on behalf of the County, and to cause the executed FILOT Amendment to be delivered to the Company and performed by the County. The FILOT Amendment hereby authorized is to be in substantially the form now before this meeting, with such changes thereto as determined by the official of the County executing the same to be acceptable and not materially adverse to the County, such official's execution thereof to constitute conclusive evidence of such official's determination.

Section 3. Effect of FILOT Amendment. Except as modified by the FILOT Amendment approved pursuant to this Ordinance, the Fee Agreement shall remain unchanged and in full force and effect.

Section 4. Authorization for County Officials to Act. The Chairman of the County Council, the Clerk to County Council, and the County Administrator, for and on behalf of the County, are

each authorized, empowered, and directed to do each thing that is reasonably necessary and prudent to effect the execution and delivery of the FILOT Amendment and the performance of all obligations of the County under and pursuant to this Ordinance and the FILOT Amendment.

Section 5. General Repealer. Each order, resolution, ordinance, or part of the same in conflict with this Ordinance, is, to the extent of that conflict, repealed.

Section 6. Effective Date. This Ordinance is effective at its approval following a public hearing and third reading.

Section 7. Severability. 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, that declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Passed and approved: October 28, 2025

CHARLESTON COUNTY, SOUTH CAROLINA

[SEAL]

ATTEST:

By:

Kristen L. Salisbury, Clerk to Council
Charleston County Council

By:

Rev. Kylon J. Middleton, Chairman
Charleston County Council

First Reading:	September 30, 2025
Second Reading:	October 14, 2025
Public Hearing:	October 28, 2025
Third Reading:	October 28, 2025