

is an aircraft and is in the form of Economic Development Property, (iii) Nutramax Laboratories Consumer Care, Inc.'s Economic Development Property is eligible for negotiated fee-in-lieu of tax payments under the Fee Agreement, and (iv) the fee-in-lieu of tax payments to be made under the Fee Agreement will include the Economic Development Property of the Sponsor, Airmax, LLC, Nutramax Distribution, LLC and Nutramax Laboratories Consumer Care, Inc., as Sponsor Affiliates; and

(4) Attached to this resolution as Exhibit A and incorporated into this resolution as if it were set out in full in this resolution, is the Joinder Agreement (the "Joinder Agreement") among Nutramax Laboratories Consumer Care, Inc., Sponsor, Airmax, LLC and Nutramax Distribution, LLC, providing for Nutramax Laboratories Consumer Care, Inc., to join as a party to the Fee Agreement, to be bound by and subject to all of the terms and conditions of the Fee Agreement, and to be designated as a Sponsor Affiliate.

(B) Council approves the designation of Nutramax Laboratories Consumer Care, Inc., as a Sponsor Affiliate under the Fee Agreement and as provided in the Joinder Agreement effective as of December 14, 2023, the date on which Nutramax Laboratories Consumer Care, Inc. acquired the aforesaid aircraft; provided, however, that the County must receive a copy of the fully executed Joinder Agreement not later than September 30, 2024.

Section 3. Delivery of Resolution.

Council authorizes Sponsor, Airmax, LLC, Nutramax Distribution, LLC or Nutramax Laboratories Consumer Care, Inc. to deliver a copy of this resolution to the South Carolina Department of Revenue within thirty days of the date this resolution is adopted.

Section 4. Statutory Findings.

In accordance with Section 12-44-40(I) of the Act, Council has found that (i) the 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, (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality and to no charge against the general credit or taxing power of either the County or any incorporated municipality, (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 5. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to affect the intent of this resolution.

Section 6. Severability.

If any section, subsection or clause of this resolution is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 7. Conflicting Provisions.

To the extent that this resolution contains provisions that conflict with other orders, resolutions, and parts thereof, the provisions contained in this resolution supersede all other orders, resolutions and parts thereof and this resolution is controlling.

Section 8. **Effective Date.**

This resolution takes effect upon its adoption.

[Execution page follows]

AND IT IS SO RESOLVED

Adopted this 15th day of July, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Approved as to form:

Ginny L. Merck-Dupont, County Attorney

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