

DATE 8-18, 10

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ATTACH-
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REVIEWED BY
PREPARED BY

[Signature]

[Signature]

CITY ATTORNEYS OFFICE

AN ORDINANCE TO AUTHORIZE THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN ORDER TO FUND A PORTION OF THE COST ASSOCIATED WITH THE DEMOLITION, CLEAN-UP AND ABATEMENT ACTIVITIES AND ALL OTHER ELIGIBLE EXPENSES RELATED TO THE REMOVAL OF FRIABLE ASBESTOS FROM THE FORMER ROCK HILL PRINTING AND FINISHING INDUSTRIAL SITE LOCATED ALONG WHITE STREET IN ROCK HILL, SOUTH CAROLINA

BE IT ORDAINED by the Governing Body of the City of Rock Hill, in Council assembled:

SECTION 1. That this Ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30, Section 5-7-40 and Section 5-7-260, and Section 2-48 and Section 2-96 of the Code of the City of Rock Hill.

SECTION 2. The City of Rock Hill, South Carolina, a public body corporate and politic and political subdivision organized and existing under the laws of the State of South Carolina (the "City"), proposes to fund a portion of the costs associated with the demolition, clean-up and abatement activities and all other eligible expenses related to the removal of friable asbestos from the former Rock Hill Printing and Finishing industrial site along White Street ("Project") with loans in the principal amount of \$1,150,000.00 and a subgrant in the amount of \$350,000.00.

SECTION 3. The South Carolina Department of Health & Environmental Control and/or any designated and appropriate federal agency (the "Lender") acting through its fund manager(s) is authorized to make loans and subgrants through the Catawba Regional Development Corporation ("CRDC") South Carolina Brownfields Cleanup Revolving Fund Loan and/or federal stimulus funding source (the "Fund").

SECTION 4. CRDC has proposed terms relating to a loan and subgrant from the Fund to the City which, if it receives final approval from the Lender, CRDC and the City, could provide financing for the Project. An outline of such proposed terms is shown in the commitment letter to be dated August 23, 2010 ("Commitment Letter"), attached hereto as Exhibit A.

SECTION 5. The security for the proposed borrowing is set forth in the Commitment Letter.

SECTION 6. The City intends to enter into promissory notes (the "Notes"), loan agreements (the "Agreements"), mortgages (the "Mortgages"), and a Subgrant Agreement (the "Subgrant") (the Notes, Agreements, Mortgages, Subgrant, and Commitment Letter, as well as any other related documents, are hereinafter referred to as the "Loan Documents") between the Lender and the City. The City hereby authorizes the issuance, execution and delivery of the Note under the provisions of the City's

Ordinance No. 88-11, as amended, as a Junior Bond(s) (as such term is defined therein), secured by a pledge of the Net Revenues of the City's Combined Utility System, which pledge shall be junior and subordinate to the pledge thereof for payment of the City's Combined Utility System revenue bonds, tax increment bonds and stormwater revenue bonds, either currently outstanding, or to be issued in the future. The completion of the Project is necessary to facilitate the extension and expansion of the City's Combined Utility System on the former Rock Hill Printing and Finishing industrial site.

SECTION 7. City Council of the City of Rock Hill, South Carolina ("Council") has determined and hereby determines, that it is in the City's best interest to accept the Commitment Letter. By adoption of this Ordinance, the Rock Hill City Council approves the Commitment Letter and any underlying Loan Documents necessary to fulfill the terms, provisions and conditions of such Commitment Letter. Furthermore, it is hereby approved, authorized, directed, ratified and confirmed that the City Manager, or his designee, is authorized to execute, negotiate any changes which are in the best interests of the City, and deliver such Loan Documents and any other related documents as are necessary to effect the delivery of the Commitment Letter and the underlying loans and subgrant.

SECTION 8. That this Ordinance was adopted by the Rock Hill City Council by a majority vote and applicable public hearing requirements.

SECTION 9. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 10. That this Ordinance shall be and become finally binding immediately after same shall have received first and final readings, given in manner required by law.

DONE AND RATIFIED in Council assembled on this the _____
day of _____, 2010.

A. Douglas Echols, Jr., Mayor

Susie B. Hinton, Mayor Pro Tempore

John A. Black, III, Councilmember

Kathy S. Pender, Councilmember

James C. Reno, Jr. Councilmember

Osbey Roddey, Councilmember

Kevin H. Sutton, Councilmember

ATTEST:

David B. Vehaun
Municipal Clerk