



Kershaw County



# **AGENDA PACKET**

## **Part 1 of 2**

**KERSHAW COUNTY COUNCIL MEETING  
TUESDAY, NOVEMBER 12, 2024**



## KERSHAW COUNTY COUNCIL MEETING AGENDA

Tuesday, November 12, 2024 - 6:00 P.M.

Kershaw County Government Center

County Council Chambers

515 Walnut Street

Camden, SC 29020

1. CALL TO ORDER
2. INVOCATION – Pastor Kenneth Carter (St. Stephen United Methodist Church, Orangeburg)
3. PLEDGE OF ALLEGIANCE
4. ADOPTION OF AGENDA
5. PROCLAMATIONS
  - A. Retirement Recognition for Jeannie Potter (Chairman Ben Connell)
6. PUBLIC COMMENTS (See Attached Rules for Public Comments)
7. PUBLIC PRESENTATIONS
  - A. Equine Industry (Councilman Jimmy Jones)
8. APPROVAL OF MINUTES

Kershaw County Council Regular Meeting - Tuesday, October 22, 2024
9. DISCUSSION
  - A. What Constitutes Conflict of Interest - Information Only (Councilman Jimmy Jones)
10. ORDINANCES
  - A. **SECOND READING:** An Ordinance Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes Agreement, By And Between Kershaw County, South Carolina And A Company Identified For The Time Being As Project New Life, As Sponsor, And One Or More Sponsor Affiliates, To Provide For A Fee-In-Lieu Of Ad Valorem Taxes Incentive And Certain Special Source Revenue Credits For The Benefit Of A Project In The County; And Other Related Matters.  
First Reading: In Title Only: October 8, 2024
  - B. **FIRST READING: In Title Only**  
An Ordinance To Certify The Former TB Kawashima USA Mill Site As A Textile Mill Site Under The South Carolina Textiles Communities Revitalization Act, Title 12, Chapter 65, Of The South Carolina Code Of Laws (1976), As Amended.
11. NEW BUSINESS
  - A. Equine Industry (Councilman Jimmy Jones)
  - B. Airport Contracts, Agreements, and Fees (Councilman Jimmy Jones)

**KERSHAW COUNTY COUNCIL MEETING AGENDA (Continued)**  
**Tuesday, November 12, 2024**

**12. COUNCIL MEMBER BRIEFINGS**

**13. ADMINISTRATOR'S BRIEFING**

**14. LEGAL BRIEFING**

**15. EXECUTIVE SESSION**

- A. Receipt Of Attorney-Client Privileged Legal Briefing Related To Grant Funding And County Owned Properties. SC Code 30-4-70 (A)(2)
- B. Receipt Of Attorney-Client Privileged Legal Briefing Regarding Airport Related Contracts. SC Code 30-4-70 (A)(2)
- C. Receipt Of Legal Advice Related To A Pending Or Threatened Claim Covered By The Attorney-Client Privilege. S.C. Code 30-4-70(A)(2)
- D. Discussion of Negotiations Incident To A Potential Purchase of Real Property. SC Code 30-4-70 (A)(2)

**16. ADJOURNMENT**

Executive Session may be called and held at any time by Council for and permitted by South Carolina Freedom of Information Act and action may possibly be taken on issues subject to the Executive Session after Council reconvenes. The public may access the internet as a guest through the County's Wi-Fi and locate the agenda on the County website: <https://www.kershaw.sc.gov/county-council/watch-county-council-live>

Individuals who need auxiliary aids for effective communication concerning the above meeting should contact the Clerk to Council at 425-1501, 24 hours prior to the scheduled meeting. This institution is an equal opportunity provider and employer. The public may access the internet as a guest through the County's Wi-Fi and locate the agenda on the County website.: [www.kershaw.sc.gov](http://www.kershaw.sc.gov)



**PUBLIC COMMENTS GUIDELINES**  
**(Amended by Kershaw County Council – May 14, 2024)**

1. Public Comment:
    - is an opportunity for members of the public to speak and share information with Council by speaking at a council meeting.
    - is not a time for debate with or questions and answers from Council.
    - is a time for Council to receive input from the speaker before Council.
    - is not a time for Council response.
- In short, during Public Comment, Council will listen to public comment, but not comment on public comment.
2. Individuals requesting to speak must sign-up with their name, topic, and phone number.
  3. Offensive and inappropriate comments will not be tolerated.
  4. If a group would like to speak to Council, we request that a spokesperson be selected and that this person indicate the group he/she is representing on the sign-up sheet and in his/her comments.
  5. Public Comment is a time for Council to listen.
  6. Public Comment period is limited to 5 minutes maximum allowed per individual speaker with a maximum time of 30 minutes as the agenda item. If more than 6 people sign up then the total time of 30 minutes shall be divided by the number of persons who sign up and each person shall be allotted the resulting time (30 minutes divided by number of people equals allocated time per speaker).
  7. Public Comments to Council as an agenda item shall continue uninterrupted to be live streamed by audio and video (where available) until the Public Comments agenda item is finished and concluded.

These rules may be altered or amended by County Council by a single vote – including, but not limited to, when the agenda item is reached.

**PUBLIC HEARING GUIDELINES**  
**(Amended by Kershaw County Council – January 24, 2023)**

1. Prior to the public hearing persons wishing to speak should sign up to speak.
2. Immediately prior to the public hearing, it shall be announced that persons wishing to speak must identify that they wish to speak.
3. When the public hearing is opened, that persons be notified as to how many people have signed up, and identified, and in what order.
4. Persons will speak in the order in which they signed up, and identified, and in the order, they have identified themselves as wishing to speak.
5. Each person can speak a maximum of ten minutes.
6. Comments at public hearings should be germane to the matter subject to the public hearing which should be liberally construed.

**PUBLIC PRESENTATIONS GUIDELINES**  
**(Amended by Kershaw County Council, January 24, 2023)**

**Rules as to Public Presentations**

**These rules may be varied by County Council by a single vote at the time of the presentation.**

1. A "public presentation" as an agenda item is limited to non-governmental organizations that wish to make requests or present information to County Council involving matters which are within the purview or statutory scope of County Council's authority.
2. A public presentation is limited to no more than two (2) per meeting. The maximum time allotted for a public presentation is 15 minutes. No action is taken by County Council as a result of a public presentation. **(Amended 9.26.2023)**
3. Governmental entities, agencies of Kershaw County, or boards of Kershaw County can likewise present a public presentation as an agenda item. Governmental entities, agencies of Kershaw County, or boards of Kershaw County or entities that have a contractual relationship with Kershaw County can likewise request to be put on the agenda under New Business.
4. A request to be put on the agenda as a public presentation, or new business (if applicable) shall be accompanied by a written request which shall state the nature of the public presentation and the substantive content of the proposed presentation.
5. Individuals or representatives of organizations that wish to express concerns to County Council or to comment as to public matters are more appropriate to present their concerns or comments during the "public comment" section on the Council agenda.

These rules may be altered or amended by County Council by a single vote – including, but not limited to, when the agenda item is reached.

**KERSHAW COUNTY VALUES**

**Residents** – We believe that Kershaw County residents are the driving force in the delivery of our services and solutions.

**Accountability** – We honor commitments to our customers and take responsibility for our actions in all that we do.

**Transparent Stewardship** – We uphold openness and ethical conduct in the planning, management, and accounting of our financial, economic, environmental, historical, and cultural resources.

**KERSHAW COUNTY VISION**

The vision for Kershaw County is to exceed the needs and expectations of the county now and achieve the right balance between growth and preservations to become what future generations deserve.

**KERSHAW COUNTY PURPOSE**

The golden thread that runs through everything we do as public servants is increasing the quality of life for our residents.

**KERSHAW COUNTY MISSION**

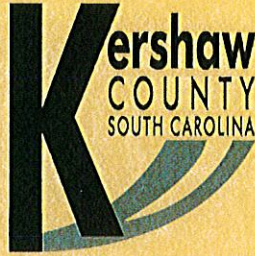
As responsible stewards of county resources, Kershaw County will deliver efficient, effective, and safe public services while remaining accountable to our residents.

**(Updated 5.14.2024)**



# PROCLAMATIONS





**Retirement Proclamation**  
**In Recognition**  
**of**  
**JEANNIE POTTER**

**WHEREAS**, Kershaw County Council would like to congratulate **JEANNIE POTTER** for the many years served throughout Kershaw County and the State of South Carolina;

**WHEREAS**, **JEANNIE POTTER** has served faithfully and professionally in many capacities throughout her career and brought honor upon herself and her family;

**WHEREAS**, true dedication and commitment is a great combination for demonstrating compassion in diligent service to so many Elected Officials, Organizations, and Communities; and

**WHEREAS**, **JEANNIE POTTER** has mastered years of performances and duties as she served in the following capacities:

- I. She served 14 years in the Kershaw County Sheriff's Department as Secretary to Sheriff Hector DeBruhl;
- II. She served 20 years as a volunteer Girls Basketball Coach for the Kershaw County Recreation Department;
- III. She was a faithful volunteer for the Elgin Catfish Stomp parade for many years under the direction of Elgin Mayor (*Don Watson, Jr.*);
- IV. She began her 35-year career with The South Carolina House of Representatives as Executive Secretary in the Ways & Means Committee, serving under three Committee Chairmen: William Boan, Henry Brown, and Robert Harrell, Jr;
- V. In 2005, she began working as the Executive Assistant to The Speaker of the House for Speaker Robert Harrell, Jr., and continuously served in that position for Speaker Jay Lucas and Speaker Murrell Smith until retirement in 2024;
- VI. She served faithfully under the following Speakers of the South Carolina House of Representatives: Robert Sheheen, David Wilkins, Robert Harrell, Jr., Jay Lucas, and Murrell Smith; and
- VII. Most importantly, she served as a loving and devoted wife to Deputy Sheriff Ernest Christian Potter III, who was killed in the line of duty in 1974. She maintained a life of service in spite of hardship and has also been a devoted and loving mother to her cherished son, Chris Potter IV.



**WHEREAS**, we could never give an account for all of the many great accomplishments served by **JEANNIE POTTER**, but do give thanks and gratitude for those that we do acknowledge;

**NOW, THEREFORE, BE IT RESOLVED**, that The Kershaw County Council presents this in recognition of all of the dedication, commitment, sacrifices, and professionalism shown for a life time achievement. Presented this 12th day of November, 2024.

By: \_\_\_\_\_  
*Ben Connell*  
*Kershaw County Chairman*

By: \_\_\_\_\_  
*Russell Brazell*  
*Kershaw County Vice-Chairman*

By: \_\_\_\_\_  
*Sammie Tucker, Jr.*  
*Kershaw County Councilman*

By: \_\_\_\_\_  
*Derek Shoemake*  
*Kershaw County Councilman*

By: \_\_\_\_\_  
*Jimmy Jones*  
*Kershaw County Councilman*

By: \_\_\_\_\_  
*Brant Tomlinson*  
*Kershaw County Councilman*

By: \_\_\_\_\_  
*Danny Catoe*  
*Kershaw County Councilman*

**ATTEST:**

By: \_\_\_\_\_  
*Hannah M. Parler*  
*Clerk to County Council*





**MINUTES**

**Kershaw County Council Minutes**  
**Tuesday, October 22, 2024**



The regular meeting of the Kershaw County Council was held on Tuesday, October 22, 2024, at 6:00 p.m. in the Council Chambers at the Kershaw County Government Center.

**County Council Present:** Chairman Ben Connell Vice-Chairman Russell Brazell  
Councilman Derek Shoemake Councilman Jimmy Jones  
Councilman Danny Catoe Councilman Brant Tomlinson

**County Council Absent:** Councilman Sammie Tucker, Jr.

**Staff Present:** Danny Templar Hannah Parler Gerald Blanchard  
Lauren Reeder Chris Anderson Matthew Bullard  
John DuBose Johnny Deal Joey Adams-Raczkowski  
Devon Gonzalez

**Members of the press and public were present.**

*In accordance with the Freedom of Information Act, copies of the agenda were sent to the newspapers, TV, and radio stations, citizens of the county, department heads, and posted on the website.*

**CALL TO ORDER**

Chairman Ben Connell called the meeting to order at 6:00 p.m., welcomed and thanked those present in person and online to the meeting of Tuesday, October 22, 2024. Pastor Karen Belton of Victory International Ministry, Camden, led the Invocation and the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Chairman Ben Connell called for a motion to adopt the agenda for Tuesday, October 22, 2024; Councilman Derek Shoemake made the motion; seconded by Vice-Chairman Russell Brazell. By show of hands, Chairman Ben Connell, Councilman Derek Shoemake, Vice-Chairman Russell Brazell, Councilman Danny Catoe, and Councilman Jimmy Jones were all in favor. Councilman Sammie Tucker, Jr., and Councilman Brant Tomlinson were absent during voting.

Chairman Ben Connell reordered the agenda by moving Item#11 Resolution, and placing it as Item#5B. According to the County Council's Determining Rules and Order of Business, the Chairperson has the authority to vary the order of business on the agenda without a vote from Council.

## Kershaw County Council Minutes Tuesday, October 22, 2024

### PROCLAMATIONS

#### Proclamation In Honor Of Amy Brown

Chairman Ben Connell called for a vote to place for discussion; Councilman Derek Shoemake made the motion; seconded by Councilman Danny Catoe. Councilman Derek Shoemake read the Proclamation into the minutes honoring Amy Brown, a former 18-year employee of Kershaw County who was diagnosed with a devastating disease that affects motor neurons, leading to muscle weakness, atrophy, and eventual paralysis also known as ALS. (See Attached Proclamation honoring Amy Brown)

### RESOLUTIONS

#### Kershaw County Fire Service 50<sup>th</sup> Anniversary

Vice-Chairman Russell Brazell made a motion to accept the Resolution in celebration of the 50<sup>th</sup> Anniversary of Kershaw County Fire Service; seconded by Councilman Derek Shoemake. The following summary was read into the minutes by Vice-Chairman Russell Brazell on the history and celebration of Kershaw County Fire Service.

"Kershaw County Fire Service has prepared a resolution, but to be able to capture all of the historical information that has never truly been presented, this resolution is about 7 pages in length and to keep with good use of time during this council meeting, I will read a summary of the resolution that was prepared.

This is a resolution to commemorate the 50th Anniversary of the Kershaw County Fire Service. Prior to 1974, fire protection to those residents outside of Lugoff Fire District and the City of Camden Fire Department was dependent on these two agencies along with the Town of Kershaw, Town of Bethune, and the Town of Elgin, because there was not an established fire protection for those county residents.

From 1973 to present day a lot of events and milestones were reached for Kershaw County. The County Council contracted with the Santee-Wateree Regional Planning Council, now known as the Santee-Lynches COG. The first steps included the hiring of Mr. Allen Guy Mayer who was the first fire marshal in Kershaw County, originally hired as the Director of Civil Defense, Mr. Mayer was the driving force for the establishment of Kershaw County's Fire Service.

Mr. Mayer served Kershaw County for 10 years as their Fire Marshal before resigning to accept the position of Fire Chief with the City of Camden. During his tenure, Mr. Mayer would get the first 6 departments up and running beginning with Pine Grove Fire Department in October of 1974. These original 6 departments would include: Pine Grove, Westville, Cassatt, Shepard, Charlotte Thompson, and Beaver Creek. During these years a fire truck cost \$26,300 and a fire station \$16,000. Mr. Mayer would go on to add the Antioch Fire Department in the early 1980s.

After the resignation of Mayer, Kershaw County hired Gary Elliott to serve as the Fire Marshal. Mr. Elliott would lead Kershaw County through a series of changes for the next 17 years. Over the course of this time, major milestones were completed to include additional fire stations, improvement in communications, the first 2 accelerant detection K9 units in the state, grant funding to build fire stations, grant funding for dry hydrants around lakes and ponds, the hiring of the first Deputy Fire Marshal, and the county's first and last to date tragic line of duty death of Chief Thomas Buff Jr. from Blaney.

In December of 2000 Gary Elliott would retire and the first deputy fire marshal, Mr. Samuel Eugene "Gene" Faulkenberry would be promoted to fire marshal and Emergency Management Director. During the tenure of Mr. Faulkenberry, Kershaw County would continue to grow to where it is today. Mr. Faulkenberry would hire the first full time firefighter in Kershaw County to work Monday through Friday 8-5. He would go on to be promoted to director of Kershaw County Department of Safety and Emergency Services overseeing E911, County Fire, Code



**PROCLAMATION**  
**In honor of**  
**AMY BROWN**

**Whereas**, Amyotrophic Lateral Sclerosis (ALS) is a devastating neurodegenerative disease that affects motor neurons, leading to muscle weakness, atrophy, and eventual paralysis; and

**Whereas**, individuals living with ALS face significant challenges, including loss of independence, physical and emotional pain, and the constant threat of respiratory failure; and

**Whereas**, despite these hardships, many individuals with ALS exhibit remarkable courage, resilience, and a determination to live life to the fullest; and

**Whereas**, Amy Brown has demonstrated exceptional strength and perseverance in her battle against ALS; and

**Whereas**, Amy Brown has made significant contributions to Kershaw County as a former employee of the Parks and Recreation Department; Amy worked for 18 years as an Athletic Coordinator; and Amy made a very special impact on many adult volunteers and youth participants.

**Now, Therefore, Be It Resolved**, Kershaw County Council proudly dedicates this 22<sup>nd</sup> day of October 2024, as **Amy Brown Day** in Kershaw County, South Carolina, in her honor for her courage, resilience, and unwavering spirit in the face of ALS.

Let us celebrate Amy Brown and her achievements and let us continue to support the ALS community in their efforts to find a cure for this devastating disease.

By: \_\_\_\_\_  
Ben Connell  
Kershaw County Chairman

By: \_\_\_\_\_  
Russell Brazell  
Kershaw County Vice-Chairman

By: \_\_\_\_\_  
Sammie Tucker, Jr.  
Kershaw County Councilman

By: \_\_\_\_\_  
Derek Shoemake  
Kershaw County Councilman

By: \_\_\_\_\_  
Jimmy Jones  
Kershaw County Councilman

By: \_\_\_\_\_  
Brant Tomlinson  
Kershaw County Councilman

By: \_\_\_\_\_  
Danny Catoe  
Kershaw County Councilman

**ATTEST:**

By: \_\_\_\_\_  
Hannah M. Parler  
Clerk to Council

## RESOLUTION #015.2024

**A RESOLUTION TO RECOGNIZE AND HONOR THE FAITHFUL COMMITMENT OF THE FIREFIGHTERS OF KERSHAW COUNTY FIRE SERVICE AND TO CELEBRATE WITH THEM A HALF CENTURY OF DEDICATED SERVICE TO KERSHAW COUNTY.**

**WHEREAS**, on June 19, 1973, Kershaw County Council took the first steps in passing a vote to establish a county-wide fire protection system. County Council voted to fund this new fire protection system and a Comprehensive Study conducted by the Santee-Wateree Regional Planning Council, now known as the Santee-Lynches Council of Government.

**WHEREAS**, In December of 1973, Kershaw County hired Allen Guy Mayer as the Civil Defense Director, and in April of 1974 council appointed Mr. Mayer was the very first Kershaw County Fire Marshal.

**WHEREAS**, Fire Marshal Mayer reported from the comprehensive study that Kershaw County should establish a rural fire control act. The study had also broken the county down into fire districts and suggested placing a fire station in the most centralized area in each district. The districts were to be Pine Grove, Westville, Cassatt, Shepard, Charlotte Thompson, and Beaver Creek Communities.

**WHEREAS**, Kershaw County established an Advisory County Fire Protection Board, and Executed Contractual agreements with Camden, Kershaw, Bethune, and Elgin to provide comprehensive fire protection. The Advisory Committee would consist of the following Fire Chiefs:

**Lugoff Fire Chief James P. Williams, Bethune Fire Chief John. R. Zirkle, Jr, Elgin Fire Chief Curtis Pierce, Camden Fire Chief Carl. S. Hammond, Kershaw Fire Chief Cecil Barfield, Mt. Pisgah Fire Chief Emmett Sowell, Kershaw County Fire Marshal Allen G. Mayer**

**WHEREAS**, April 17, 1974, County Council was presented with the proposed designs for the fire stations that should be placed around the county, and ordered the first five fire trucks. The first station would be placed in the Rabon's Cross Roads area of the Pine Grove Community on land that was donated by the community. The location for the Westville fire station was picked and the land was deeded out from a Mr. B.S Young with site prep beginning soon.

**WHEREAS**, By October 1974, the County's first Rural Fire Department was completed and that same month they would answer their first call. The Pine Grove Fire Department started with 30 members with 22 of them completing the 42 hours basic firefighting course.

**WHEREAS**, By May of 1975, The Graves Co. with the lowest bid completed construction on the fire stations in Westville, Shepard, Cassatt, and Charlotte Thompson communities. At this time all 5 of the fire stations are up and running with volunteers and have answered numerous calls thus far. One of these calls was a large fire and the Westville lumber Mill that the newly formed fire department was able to extinguish and resulted in limited loss by fire.

**WHEREAS**, The Beaver Creek Fire station was completed in April of 1976, this would complete phase one of the overall fire protection plan recommended in the Study.

**WHEREAS**, Kershaw County later received a letter from the South Carolina Insurance Services Office (ISO) congratulating the County for their work and contribution toward fire defense. Kershaw County Rural Fire Protection districts were now able to lower citizens homeowner insurance ratings to a class 9 due to the construction of these fire stations.

**WHEREAS**, Fire Marshal Mayer was also able to locate and secure title 6 funds to place two-way radio systems in all the County's Rural Fire Trucks. These radio systems would allow the fire trucks to directly communicate with each other and to communicate with the dispatch center at the County Court House.

**WHEREAS**, In March 1979, with the 6 departments manned and running calls it was time to include women into the departments. Cassatt Fire Department and Beaver Creek Fire Department have for the first-time numerous women firefighters. These women receive the same fire training and often time cross training as EMT's.



**WHEREAS,** County Council approved and built the Antioch fire station in June of 1979 the county received a county wide ISO rating of 9. At this time Kershaw County Rural Fire Departments are fully manned and responding to calls in their communities.

**WHEREAS,** In the early 1980's, Fire Marshall Guy Mayer with the assistants of the Rural Fire Departments, Kershaw County Sheriff's Department, City of Camden Fire, and Camden PD formed the Kershaw County Arson Control Team. This team would investigate all suspicious fires and work together to bring charges against anyone found setting fires.

**WHEREAS,** On July 19, 1983, after ten years of dedicated service and leadership, Fire Marshal Allen Guy Mayer resigned his position as Kershaw County's Civil Defense Director/County Fire Marshal and accepted the position of Fire Chief for the City of Camden Fire Department. Guy Mayer would in 1985 be inducted into the State of South Carolina's Firefighter Hall of Fame and would end up serving on the City of Camden Council.

**WHEREAS,** Kershaw County hired Mr. Gary Elliot as the county's new Fire Marshal. Newly appointed Fire Marshal Gary Elliot and City of Camden Fire Chief Guy Mayer would continue over the next few years to work together to build a better well-organized team of fire departments.

**WHEREAS,** On the afternoon of April 3, 1984 an evening thunderstorm moved through the Beaver Creek/Lake Wateree area. This storm produced an isolated tornado that would tear through the beaver creek area and tore down the Beaver Creek Fire Station. The station would later be rebuilt in the same location and opened its doors again for response in February 1985.

**WHEREAS,** July 17, 1986 the Rural Fire Departments of Kershaw County became members of the State of South Carolina's Firefighters Association. This membership would bring many benefits to the departments such as training opportunities, life insurance for firefighters, and recognition as a fire department.

**WHEREAS,** March 31, 1986, Fire Marshal Elliot was appointed to the State of South Carolina Fire Commission for the Fifth Congressional District. This group's responsibilities include working with the state fire marshal in making recommendations for fire safety programs and training for firefighters. Fire Marshal Elliot would go on to serve two consecutive 4-year terms on the State Fire Commission.

**WHEREAS,** In December of 1986, Fire Marshal Gary Elliot led the initiative to channel all communication through a central dispatch center or known as E911. This would allow all fire departments in Kershaw County to be alerted to calls in their area through a VHF paging system. This system would alert each station or all stations at once through a series of tones and pagers.

**WHEREAS,** The town of Elgin Fire Department under the command of Fire Chief John I. Potter voted to dissolve and join the County in 1987. This would allow the Elgin fire department renamed to Blaney Fire Department to have access to Kershaw County funds and fall under the direction of the Kershaw County Fire Marshal Gary Elliot.

**WHEREAS,** In 1987, members of the Kershaw County Fire Chiefs Association would vote to give each station a number. The stations would be numbered alphabetically starting with number 11. The station numbers would be Antioch (11), Beaver Creek (12), Blaney (13), Cassatt (14), Charlotte Thompson (15), Pine Grove (16), Shepard (17), and Westville (18).

**WHEREAS,** On September 6, 1994, Fire Marshal Elliot and County grant writer Brenda Wilhite presented to the County Council the award notice of \$200,000 CDBG grant for the construction and purchase of the Baron De-Kalb Fire Station and fire apparatus. This station would be completed in 1996.

**WHEREAS,** In April of 1993, Fire Marshal Elliot, found and purchased a 1983' Monarch boat. This boat would receive updated equipment to include a 500 GPM fire pump and would be housed at the Beaver Creek Fire Department. ISO would later credit this fire boat as a water source and would help lower the ISO rating for the area. According to a local newspaper article "This boat would become one of the first inland fire boats in South Carolina".

**WHEREAS,** On June 15, 1993, County Council met and appointed representatives from Lugoff Fire Department, Kershaw County Fire Service, and Community members to the Wateree Township Fire Protection Service Study Committee. This Committee would study the area and led to the Lake Road Fire Station opening its doors for service on September 9th, 2000.



**WHEREAS**, In March of 1995, after much discussion the Town of Bethune voted to dissolve its fire department to join forces with Kershaw County's Rural Fire Service. Bethune Fire Department was established around 1935 and was well equipped for the times. Bethune Fire Department became the Counties 9th station and would receive the station number of 20.

**WHEREAS**, On November 10, 1995, Kershaw County Fire Service experienced its first Line of Duty Death. Fire Chief Thomas Buff, Jr, 33 years old of the Blaney Fire Department was killed when he was struck by a passing police cruiser while operating on scene of a fire.

**WHEREAS**, In September of 1996, The County gave Fire Marshal Elliot the approval to hire a Deputy Fire Marshal. Fire Marshal Elliot hired Samuel Eugene "Gene" Faulkenberry to the position of Deputy Fire Marshal. Gene at the time was the Fire Chief of Westville Rural Fire Department and had been in the department for many years.

**WHEREAS**, On October 1, 1998, County Council voted and passed the third reading on the creation of the fire districts. This ordinance would move the Rural County Fire Service funding from the County's general fund to a standalone millage style fund.

**WHEREAS**, On February 8, 2000, Fire Marshal Faulkenberry interviewed and hired the First full time firefighter. Firefighter George Marthers was hired to work an 8-5 Monday-Friday position and man the Blaney fire station.

**WHEREAS**, In December of 2000, after 17 years of service as Kershaw County's Fire Marshal/Emergency Management Director, Gary Elliot retired. Fire Marshal Elliot was noted to be a great leader, mentor, and an even better Friend. Fire Marshal Elliot left an everlasting impact on Kershaw County Fire Service that would be evident for many years to come.

**WHEREAS**, With the Retirement of Fire Marshal Elliot, Kershaw County Administrator promoted Deputy Fire Marshal Gene Faulkenberry to Kershaw County Fire Marshal/Emergency Management Director in January of 2000.

**WHEREAS**, On July 13, 2004, Buffalo Mt. Pisgah Fire Department dissolved and moved under Kershaw County Fire Service. In addition, in 2004 three (3) new fire stations were approved by County Council to include substations of Charlotte Thompson (Sta. 25), Shepherd (Sta. 26), and Buffalo- Mt. Pisgah (Sta. 27).

**WHEREAS**, In 2010, Fire Marshal Faulkenberry noticed a rising call volume and limited volunteer response, a need for part time firefighters. These firefighters would man volunteer stations on an 8-5 Monday-Friday basis to assist in coverage while most volunteers were at work. As of 2024 these positions are still in place.

**WHEREAS**, In 2013, Fire Marshal Faulkenberry was promoted to Kershaw County Department of Safety and Emergency Services Director. These duties would include overseeing Kershaw County E911, County Fire, Code Enforcement, EMS, County Jail, and Emergency Management. With this promotion Kershaw County Administration was in need to hire a new County Fire Marshal. Deputy Fire Marshal Keith Ray was promoted to the position of Kershaw County Fire Marshal. Fire Marshal Ray who had already been employed and worked directly under Director Faulkenberry for around 12 years as Deputy Fire Marshal.

**WHEREAS**, On July 26, 2017, a call where a child died in a car fire in the Lugoff area of the county would lead to an Ad Hoc Committee to complete a plan to enhance Kershaw County's Fire Service.

**WHEREAS**, in July of 2018, led by the ADHOC committee's findings, Kershaw County Fire Service was reorganized, naming Keith Ray the first Fire Chief of the county wide service and Scott Wiles the Deputy Fire Chief.

**WHEREAS**, On November 9, 2019, Kershaw County would hire its first full time paid firefighters and Battalion Chiefs.

**WHEREAS**, On December 21, 2019, Director Gene Faulkenberry passed away suddenly at the age of 62. Gene started his tour with Kershaw County Fire Service in 1986 with the Westville Rural Fire station and worked his way through the ranks finally making Fire Chief. Gene was the backbone of Kershaw County's Emergency services for years and was well respected throughout the State in Emergency Services.

**WHEREAS**, In 2021, Fire Chief Keith Ray retired from Kershaw County. Kershaw County Emergency Manager Scott Wiles served as the interim Fire Chief until William Glover was hired as Fire Chief Will Glover in May of 2021.

WHEREAS, In July of 2024, Fire Chief Will Glover was promoted from Fire Chief to Executive Director of Emergency Services, and Deputy Fire Chief Matthew Bullard was promoted to Fire Chief.

NOW, THEREFORE, BE IT RESOLVED, on this 22<sup>nd</sup> day of October, 2024, the Kershaw County Council, do hereby commemorate the 50th anniversary of the Kershaw County Fire Service and its members both volunteer and paid providing fire protection services to the citizens of Kershaw County.

By: \_\_\_\_\_  
Ben Connell  
Kershaw County Chairman

By: \_\_\_\_\_  
Russell Brazell  
Kershaw County Vice-Chairman

By: \_\_\_\_\_  
Sammie Tucker, Jr.  
Kershaw County Councilman

By: \_\_\_\_\_  
Derek Shoemake  
Kershaw County Councilman

By: \_\_\_\_\_  
Jimmy Jones  
Kershaw County Councilman

By: \_\_\_\_\_  
Brant Tomlinson  
Kershaw County Councilman

By: \_\_\_\_\_  
Danny Catoe  
Kershaw County Councilman

ATTEST:

By: \_\_\_\_\_  
Hannah M. Parler  
Clerk to Council



## Kershaw County Council Minutes Tuesday, October 22, 2024

Enforcement, EMS, the Jail, and Emergency Management. With his new duties, it was in 2013 that Mr. Faulkenberry promoted Deputy Fire Marshal Keith Ray, who was hired in 2001 but had been a volunteer firefighter since 1974 to Fire Marshal. In July of 2018 all county fire departments would be joined together as 1 department, and the County Fire Marshal would become the Fire Chief over all the departments. Fire Marshal Ray would become the first Fire Chief of Kershaw County Fire Service. By this time Kershaw County had hired Full Time Battalion Chiefs, and several part time employees to help respond during the day time around the county.

On December 21st, 2019 Kershaw County was devastated by the sudden passing of Mr. Faulkenberry. The entire county was affected by this loss and it showed by the number of people and vehicles that participated in the procession in the days to follow. Mr. Faulkenberry's commitment and service to this county will forever be remembered and through the history of the department will continue to live on.

In 2021, Fire Chief Keith Ray retired from Kershaw County, and Deputy Fire Marshal Scott Wiles would serve as interim until May 2021 when Will Glover was hired as Fire Chief. Later in 2022, Chief Glover would hire Deputy Fire Chief, Matthew Bullard.

In present day, Kershaw County Fire Service is operating 12 main stations, 5 substations covering approximately 640 sq. miles of Kershaw County. Because of the history of this department we have 21 full time shift personnel, 20 part time personnel, and 148 volunteers. In July of 2024, Chief Glover was promoted to Executive Director of Emergency Services, similar to that of Mr. Faulkenberry, and oversees Fire, EMS, E-911, Code Enforcement, and EMS. Deputy Chief Bullard was promoted to Fire Chief." (A copy of the Resolution is attached)

After the Resolution Summary was read into the minutes, Chairman Ben Connell called for a vote; by show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Jimmy Jones were all in favor. Councilman Sammie Tucker, Jr., and Councilman Brant Tomlinson were absent during this vote.

### **PUBLIC COMMENTS (See Attached)**

Councilman Brant Tomlinson arrived at 6:41 p.m.

### **PUBLIC PRESENTATIONS**

Cleatus Ray with the Kershaw County Special Olympics came before Council requesting their assistance to help him find a Chairperson replacement over the Special Olympics held annually. Mr. Ray stated that after 14 years as Chairperson, he has decided to step down and needs the support from Council in approaching the Kershaw County School District to ensure that the Special Olympics does not go away. "It is the one thing that the children look forward to every year", he expressed. This mission is very dear to Mr. Ray as he has stated he has served as Chairperson for 14 years for free. He is willing to work along with the new appointee, but does not want the vision to die. The Kershaw County School Board meeting is scheduled for November 12<sup>th</sup>.

### **APPROVAL OF MINUTES**

Chairman Ben Connell called for a motion to accept the approval of minutes for the meeting of Tuesday, October 8, 2024; Councilman Danny Catoe made the motion and it was seconded by Councilman Derek Shoemake. By show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Jimmy Jones were all in favor to approve the minutes; Councilman Brant Tomlinson abstained from voting due to absence; Councilman Sammie Tucker, Jr., was not present during this vote.



KERSHAW COUNTY COUNCIL MEETING

**PUBLIC COMMENTS**

**10.22.2024**

If you would like to address the County Council during the Public Comments portion of the agenda, please sign in below.

See back of agenda for complete guidelines.

|     | NAME          | SUBJECT           | PHONE NUMBER |
|-----|---------------|-------------------|--------------|
| 1.  | Teri Davis    | Flooding Concerns | 803-427-3163 |
| 2.  | Melita Rabon  | Flooding Issues   | 803-424-2992 |
| 3.  | Lorlyn Buring | PEGAR             | orchard      |
| 4.  |               |                   |              |
| 5.  |               |                   |              |
| 6.  |               |                   |              |
| 7.  |               |                   |              |
| 8.  |               |                   |              |
| 9.  |               |                   |              |
| 10. |               |                   |              |
| 11. |               |                   |              |
| 12. |               |                   |              |
| 13. |               |                   |              |
| 14. |               |                   |              |
| 15. |               |                   |              |
| 16. |               |                   |              |
| 17. |               |                   |              |
| 18. |               |                   |              |
| 19. |               |                   |              |
| 20. |               |                   |              |
| 21. |               |                   |              |
| 22. |               |                   |              |
| 23. |               |                   |              |
| 24. |               |                   |              |

**PUBLIC COMMENTS GUIDELINES**  
**(Amended by Kershaw County Council – May 14, 2024)**

1. Public Comment:
    - is an opportunity for members of the public to speak and share information with Council by speaking at a council meeting.
    - is not a time for debate with or questions and answers from Council.
    - is a time for Council to receive input from the speaker before Council.
    - is not a time for Council response.
- In short, during Public Comment, Council will listen to public comment, but not comment on public comment.
2. Individuals requesting to speak must sign-up with their name, topic, and phone number.
  3. Offensive and inappropriate comments will not be tolerated.
  4. If a group would like to speak to Council, we request that a spokesperson be selected and that this person indicate the group he/she is representing on the sign-up sheet and in his/her comments.
  5. Public Comment is a time for Council to listen.
  6. Public Comment period is limited to 5 minutes maximum allowed per individual speaker with a maximum time of 30 minutes as the agenda item. If more than 6 people sign up then the total time of 30 minutes shall be divided by the number of persons who sign up and each person shall be allotted the resulting time (30 minutes divided by number of people equals allocated time per speaker).
  7. Public Comments to Council as an agenda item shall continue uninterrupted to be live streamed by audio and video (where available) until the Public Comments agenda item is finished and concluded.

These rules may be altered or amended by County Council by a single vote – including, but not limited to, when the agenda item is reached.

**PUBLIC HEARING GUIDELINES**  
**(Amended by Kershaw County Council – January 24, 2023)**

1. Prior to the public hearing persons wishing to speak should sign up to speak.
2. Immediately prior to the public hearing, it shall be announced that persons wishing to speak must identify that they wish to speak.
3. When the public hearing is opened, that persons be notified as to how many people have signed up, and identified, and in what order.
4. Persons will speak in the order in which they signed up, and identified, and in the order, they have identified themselves as wishing to speak.
5. Each person can speak a maximum of ten minutes.
6. Comments at public hearings should be germane to the matter subject to the public hearing which should be liberally construed.

**PUBLIC PRESENTATIONS GUIDELINES**  
**(Amended by Kershaw County Council, January 24, 2023)**

**Rules as to Public Presentations**

**These rules may be varied by County Council by a single vote at the time of the presentation.**

1. A "public presentation" as an agenda item is limited to non-governmental organizations that wish to make requests or present information to County Council involving matters which are within the purview or statutory scope of County Council's authority.
2. A public presentation is limited to no more than two (2) per meeting. The maximum time allotted for a public presentation is 15 minutes. No action is taken by County Council as a result of a public presentation. **(Amended 9.26.2023)**
3. Governmental entities, agencies of Kershaw County, or boards of Kershaw County can likewise present a public presentation as an agenda item. Governmental entities, agencies of Kershaw County, or boards of Kershaw County or entities that have a contractual relationship with Kershaw County can likewise request to be put on the agenda under New Business.
4. A request to be put on the agenda as a public presentation, or new business (if applicable) shall be accompanied by a written request which shall state the nature of the public presentation and the substantive content of the proposed presentation.
5. Individuals or representatives of organizations that wish to express concerns to County Council or to comment as to public matters are more appropriate to present their concerns or comments during the "public comment" section on the Council agenda.

These rules may be altered or amended by County Council by a single vote – including, but not limited to, when the agenda item is reached.

**KERSHAW COUNTY VALUES**

**Residents** – We believe that Kershaw County residents are the driving force in the delivery of our services and solutions.

**Accountability** – We honor commitments to our customers and take responsibility for our actions in all that we do.

**Transparent Stewardship** – We uphold openness and ethical conduct in the planning, management, and accounting of our financial, economic, environmental, historical, and cultural resources.

**KERSHAW COUNTY VISION**

The vision for Kershaw County is to exceed the needs and expectations of the county now and achieve the right balance between growth and preservations to become what future generations deserve.

**KERSHAW COUNTY PURPOSE**

The golden thread that runs through everything we do as public servants is increasing the quality of life for our residents.

**KERSHAW COUNTY MISSION**

As responsible stewards of county resources, Kershaw County will deliver efficient, effective, and safe public services while remaining accountable to our residents.

**(Updated 5.14.2024)**



## Kershaw County Council Minutes Tuesday, October 22, 2024

### DISCUSSION

#### Planning and Zoning Update on Pecan Orchard and Stormwater

Chairman Ben Connell called for a motion to put on the floor for discussion as requested by Councilman Jimmy Jones on Planning and Zoning Update on Pecan Orchard and Stormwater; seconded by Vice-Chairman Russell Brazell. During discussion, Danny Templar, County Administrator updated Council that all three plans for the funds approved for the Pecan Orchard area are in the works. The contract workers are processing surveys that are expected to be completed by the end of October; the process of clearing and cleaning of the ditches has begun by scraping the roads and bringing in a jet vac truck; the Engineers are in place with their time lines and anticipate completion maybe late May or June of next year; this could change based on progress and weather permitted; however, the project is moving accordingly.

#### Airport Update

Chairman Ben Connell called for a motion to discuss and give an update on the Airport; Councilman Jimmy Jones made the motion and it was seconded by Councilman Russell Brazell. The County Administrator Danny Templar stated the Deputy Administrator Gerald Blanchard has been working and researching information on the Airport and contracts; it appears that there are no record of contracts stating financial obligations to the individuals referencing fees; that is why it is best to update the contracts so that a clear record is obtained. Legal is working with Administration to resolve the issues of ownership and fees.

### ORDINANCES

*\*CASE 24-22 - FIRST READING: Chairman Ben Connell called for a motion to approve An Ordinance To Amend The Kershaw County, South Carolina Unified Code Of Zoning And Land Development Regulations (ZLDR), Section 3:3.26 Large-Scale Commercial Standalone Solar Energy Farm, To Require Applicants To Hold A Community Meeting In Advance Of Submitting A Conditional Use Application And Setting Forth The Requirements Applicable To The Community Meeting; Councilman Brant Tomlinson made the motion and it was seconded by Councilman Danny Catoe. During discussion, Planning Director Joey Adams-Raczkowski responded that at the direction of this Council, his department brought a text Amendment to the Planning Commission the specific language that was to require applicants for large-scale Solar Farms to conduct a community meeting as well as notify everyone within one-third of a mile from the project boundary of the large-scale Solar Farm and to report back with a list of names of attendees who they notified, and then a summary of the meeting. The Planning Commission took up that text Amendment and they made one amendment to draft language that was sent down to them and that was to extend the notification for property owners to a distance of one mile from the project boundary; that was the one change that was provided from the Planning Commission.*

*There was also discussion of how the notifications to the property owners should be handled and other possible amendments to this ordinance; however, no amendment was placed on the table, but would possibly be up for discussion by the next Council meeting.*

*With no further discussion, Chairman Ben Connell called for a vote on First Reading; by show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor; online votes were Councilman Jimmy Jones and Councilman Sammie Tucker, Jr. (PASSED)*



**Kershaw County Council Minutes**  
**Tuesday, October 22, 2024**

**\*CASE 24-22 - SECOND READING:** No additional comments or changes since First Reading; Councilman Danny Catoe made a motion to pass Second Reading; seconded by Councilman Derek Shoemake. By show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Sammie Tucker, Jr., Councilman Derek Shoemake, Councilman Jimmy Jones, and Councilman Danny Catoe were all in favor Councilman Brant Tomlinson was absent from this meeting. (PASSED)

**CASE 24-22 – THIRD READING:** No changes since the First and Second Reading of this Ordinance setting standards for any Solar Company coming into Kershaw County. Councilman Danny Catoe made the motion to pass for Third Reading; seconded by Councilman Brant Tomlinson. By show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, Councilman Brant Tomlinson, and Councilman Jimmy Jones. Councilman Sammie Tucker, Jr., was absent for this vote. **(PASSED)**

**\*CASE 24-24 - FIRST READING:** Chairman Ben Connell called for a motion to approve - An Ordinance To Amend The Official Zoning Map Of Kershaw County To Rezone A 10.43 +/- Acre Parcel (TMS# 200-00-00-026), Located At 1750 Highway 1 North, Cassatt, South Carolina, From RD-2, Rural Resource District, To GD, General Development District; Councilman Danny Catoe made the motion and it was seconded by Councilman Derek Shoemake. During discussion, Joey Adams-Raczkowski, Planning Director, briefed Council on the rezoning request of the resident, who was present and expressed his desire to build a barber shop and a garage on the property discussed. After no further discussion, Chairman Ben Connell called for a vote; by show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, Councilman Brant Tomlinson; online votes were Councilman Jimmy Jones and Councilman Sammie Tucker, Jr. (PASSED)

**\*CASE 24-24 - SECOND READING:** No additional comments or changes since First Reading; Councilman Danny Catoe made the motion to pass Second Reading; seconded by Councilman Sammie Tucker, Jr. By show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Sammie Tucker, Jr., Councilman Derek Shoemake, Councilman Jimmy Jones, and Councilman Danny Catoe were all in favor; Councilman Brant Tomlinson was absent from this meeting on business. (PASSED)

**CASE 24-24 – THIRD READING:** No changes or additional comments since First and Second Readings. Councilman Danny Catoe made a motion to pass Third Reading of Case 24-24 and noted as a positive move for the Cassatt area to have businesses coming in the community; seconded by Vice-Chairman Russell Brazell. By show of hands Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, Councilman Brant Tomlinson, and Councilman Jimmy Jones were all in favor to pass Third Reading; Councilman Sammie Tucker, Jr., was absent from this meeting.

**\*FIRST READING: Community Medical Clinic of Kershaw County:** Chairman Ben Connell called for a motion on the approval of First Reading of an Ordinance By Kershaw County Council Authorizing The Conveyance Of A Parcel Of Land Consisting Of One (1.00) Acre (TMS# C285-09-00-096) Upon Which Is Situated The Community Medical Clinic Of Kershaw County, An Non-Profit Corporation; Councilman Derek Shoemake made the motion and it was seconded by Councilman Danny Catoe. During discussion, the County Administrator briefed Council about the ordinance which describes a conveyance of property which the County currently owns and was purchased with the CDBG Grant prior to constructing the Community Medical Clinic; he explained that the ordinance does a really good job of pointing out the nuances of what is being asked here to convey this land captured in a memorandum of understanding back in 2004 where the County agreed to convey this land and improvements to the clinic after 20 years, that clock started August 30, 2004, so, that time has expired and this is an appropriate time to go ahead and clean up all that is needed.



**Kershaw County Council Minutes**  
**Tuesday, October 22, 2024**

Councilman Derek Shoemake made a motion for an amendment to number 2 in the "Now, Therefore" section of the ordinance to read as follows: "That the clinic agrees to maintain a non-profit medical clinic on the land and, if the property and improvements thereon are sold at some later date, the proceeds of the sale shall be restricted to use for eleemosynary purposes subject to approval by Kershaw County Council; AND he also included that the Deed restriction be amended in a substantially similar form to restrict potential future sale proceeds to non-profit, public purposes uses subject to County Council approval; seconded by Councilman Brant Tomlinson. **Voting on the amendment** by show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson; online votes were Councilman Jimmy Jones and Councilman Sammie Tucker, Jr.

**Voting on the Ordinance as amended**, by show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson; online votes were Councilman Jimmy Jones and Councilman Sammie Tucker, Jr. **(PASSED)**

**\*SECOND READING: Community Medical Clinic of Kershaw County for An Ordinance By Kershaw County Council Authorizing The Conveyance Of A Parcel Of Land Consisting Of One (1.00) Acre (TMS# C285-09-00-096) Upon Which Is Situated The Community Medical Clinic Of Kershaw County, An Non-Profit Corporation;** motion by Councilman Jimmy Jones to pass for Second Reading; seconded by Councilman Derek Shoemake. During the call for discussion, Councilman Derek Shoemake made a three-part amendment based on conversation and concerns about the future of the Community Medical Clinic with its growth and restrictions, and as requested from the Medical Clinic Board and their Legal Counsel, the following amendment was made in three parts:

**Part 1 of Amendment:** Amend the Ordinance itself - specifically in paragraph two where it says that the Clinic agrees to maintain Non-Profit Medical Clinic and if the property improvements are sold at some later date (This is the part requested **at some later date**, anything after this be removed and replaced with): **the proceeds of the sale shall be restricted to the following purposes without the need to obtain Council approval, the purchase of a different facility for the purpose of operating a Non-Profit Medical Clinic in Kershaw County, Construction of a new Non-Profit Medical Clinic in Kershaw County or donation of the funds to an eleemosynary or Governmental entity to be used to provide Health Care services for the citizens of Kershaw County. Any disbursement of funds not associated with these purposes shall be subject to approval by Kershaw County Council.**

**Part 2 of Amendment:** In the **Accompanying Deed**, remove the language in the fourth paragraph of the description of the property that removes the restrictions on conveyance.

**Part 3 of Amendment:** Have John DuBose (Kershaw County Attorney), speak with Mr. Cox who is on the Board of the Medical Clinic to discuss any appropriate language that may need to be in the deed if necessary. Councilman Derek Shoemake made a motion for a three-part amendment listed above; seconded by Councilman Jimmy Jones. Voting on the amendment three-parts, by show of hands; Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Sammie Tucker, Jr., Councilman Derek Shoemake, Councilman Jimmy Jones, and Councilman Danny Catoe were all in favor. Councilman Brant Tomlinson was absent from this meeting on business.

Voting on as amended, by show of hands; Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Sammie Tucker, Jr., Councilman Derek Shoemake, Councilman Jimmy Jones, and Councilman Danny Catoe were all in favor. Councilman Brant Tomlinson was absent from this meeting on business.



## Kershaw County Council Minutes Tuesday, October 22, 2024

**THIRD READING: Community Medical Clinic of Kershaw County;** An Ordinance By Kershaw County Council Authorizing The Conveyance Of A Parcel Of Land Consisting Of One (1.00) Acre (TMS# C285-09-00-096) Upon Which Is Situated The Community Medical Clinic Of Kershaw County, An Non-Profit Corporation. As stated by Councilman Derek Shoemake, the Kershaw County Medical Center Board and its Counsel is pleased with the Ordinance presented and wishes to move forward; so, within that statement, he made a motion to pass Third Reading of the Community Medical Clinic Ordinance authorizing the conveyance of the said parcel of land; seconded by Councilman Brant Tomlinson. By show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, Councilman Brant Tomlinson, and Councilman Jimmy Jones were all in favor. Councilman Sammie Tucker, Jr., was absent during this vote.

### **NEW BUSINESS**

Chairman Ben Connell recommended and called for a motion to cancel the November 26<sup>th</sup> and December 24<sup>th</sup> meetings due to holiday travel and convenience of those that will be traveling for the holidays and spending time with family; however, a second meeting can be called sometime during those months if needed. Councilman Danny Catoe made the motion; seconded by Councilman Derek Shoemake. By show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, and Councilman Brant Tomlinson were all in favor; opposed vote was Councilman Jimmy Jones. Councilman Sammie Tucker, Jr., was absent during this vote.

### **APPOINTMENTS**

#### **Planning Commission Appointment**

Vice-Chairman Russell Brazell stated he would like to move his appointment for the Planning Commission until the December meeting unless he finds and applicant by the November meeting.

### **COUNCIL MEMBER BRIEFINGS**

#### **Councilman Jimmy Jones**

Requested the support of his Colleagues on Stormwater

**Councilman Brant Tomlinson:** Apologized for being late due to a prior engagement; thanked the Staff and Vice-Chairman Brazell for the October 16<sup>th</sup> meeting on the Moratorium; Fall Festival – October 26 from 11 a.m. -1 p.m. at Mt. Pisgah

#### **Councilman Danny Catoe**

Mt. Pisgah 100<sup>th</sup> year celebration on November 9<sup>th</sup> at 5 p.m. Mt. Pisgah Resource Center; Fall Festival on October 27<sup>th</sup> – 5 p.m. at North Central High School; thanked the Pecan Orchard Residents for attending the meeting as Administration moves forward with the project

#### **Councilman Derek Shoemake**

Commented on the increased growth of Kershaw County according to the 2023 Census Data, asked Council to keep an eye on the growth; So proud to be a part of the Amy Brown Day in Kershaw County; congratulations to his son on his Coaching win

#### **Vice-Chairman Russell Brazell**

Warm Regards to Amy Brown; thanked Mr. Sydney Catoe for his commitment to Fire Services in Kershaw over the years; thanked Cleatus Ray for his concern and involvement with the Special Olympics – what a wonderful day to all involved; assured residents that their concerns are heard and being handled properly, but progress is



## Kershaw County Council Minutes Tuesday, October 22, 2024

happening; East Camden can come up with a solution to benefit everyone – would love to see East Camden grow; condolence to his family on the loss of his uncle Archie Geddings

### **Councilman Sammie Tucker, Jr.**

Absent from this meeting

### **Chairman Ben Connell**

Stated how much he is looking forward to the Project New Life coming to Kershaw County, this item was not on the agenda tonight for Second Reading due to some sorting through Contractual issues; expressed thanks after an experience of a hurricane clean-up in Atlanta; everyone should be grateful because some have it worse than others as he reflected on a couple that was determined to help clean-up their church debris even with a walker for assistance

### **ADMINISTRATOR'S BRIEFING**

Reported that the elevator at the Courthouse is up and running in spite of all of the delays and setbacks.

### **LEGAL BRIEFING**

No Legal Briefing.

### **EXECUTIVE SESSION**

#### **IN SESSION: 7:45 P.M.**

Chairman Ben Connell called for a motion to enter Executive Session; Councilman Derek Shoemake made the motion; seconded by Councilman Brant Tomlinson; by show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, Councilman Brant Tomlinson, and Councilman Jimmy Jones were all in favor; Councilman Sammie Tucker, Jr., was absent from this meeting.

- A. Receipt of Legal Advice Related to a Pending or Threatened Claim Covered by the Attorney-Client Privilege Pursuant to S.C. Code 30-4-70 (A)(2)
- B. Receipt of Legal Advice Related to a Pending or Threatened Claim Covered by the Attorney-Client Privilege Pursuant to S.C. Code 30-4-70 (A)(2)

#### **OUT OF SESSION: 8:42 P.M.**

Chairman Ben Connell called for a vote to exit Executive Session; the motion was made by Councilman Derek Shoemake; seconded by Vice-Chairman Russell Brazell; by show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, Councilman Brant Tomlinson, and Councilman Jimmy Jones were all in favor; Councilman Sammie Tucker, Jr., was absent from this meeting. No votes were taken, only discussion from this Session.

**Kershaw County Council Minutes  
Tuesday, October 22, 2024**

**ADJOURNMENT**

After no further discussion, Chairman Ben Connell called for a motion to adjourn. Vice-Chairman Russell Brazell made a motion to adjourn at 8:42 p.m.; seconded by Councilman Derek Shoemake; by show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Danny Catoe, Councilman Brant Tomlinson, and Councilman Jimmy Jones were all in favor to adjourn the meeting of Tuesday, October 22, 2024; Councilman Sammie Tucker, Jr., was absent from this meeting.

---

**Date Approved**

---

**Hannah M. Parler, Clerk to Council**



# **ORDINANCES**

# ORDINANCE

**SECOND READING:** An Ordinance Authorizing Pursuant To Title 12, Chapter 44 Of The Code Of Laws Of South Carolina 1976, As Amended, The Execution And Delivery Of A Fee-In-Lieu Of Ad Valorem Taxes Agreement, By And Between Kershaw County, South Carolina And A Company Identified For The Time Being As Project New Life, As Sponsor, And One Or More Sponsor Affiliates, To Provide For A Fee-In-Lieu Of Ad Valorem Taxes Incentive And Certain Special Source Revenue Credits For The Benefit Of A Project In The County; And Other Related Matters.

**First Reading: In Title Only: October 8, 2024**



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF KERSHAW )      ORDINANCE NO. \_\_\_\_\_

**AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT, BY AND BETWEEN KERSHAW COUNTY, SOUTH CAROLINA AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT NEW LIFE, AS SPONSOR, AND ONE OR MORE SPONSOR AFFILIATES, TO PROVIDE FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE AND CERTAIN SPECIAL SOURCE REVENUE CREDITS FOR THE BENEFIT OF A PROJECT IN THE COUNTY; AND OTHER RELATED MATTERS.**

WHEREAS, Kershaw County (the “County”), acting by and through its County Council, is authorized and empowered (i) under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the “Act”) to enter into agreements with qualifying companies to encourage investment in projects constituting economic development property through which the economic development of the State of South Carolina (the “State”) will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State and to covenant with such industry to accept certain fee payments in lieu of *ad valorem* taxes (“FILOT”) with respect to such investment; and (ii) to make and execute contracts pursuant to Section 4-9-30 of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, pursuant to Article VIII, Section 13(D) of the Constitution of the State of South Carolina, and Title 4, Chapter 1, of the Code of Laws of South Carolina, 1976, as amended, more specifically including but not limited to Sections 4-1-170, 4-1-172, 4-1-175, and 4-29-68 of the Code (“MCIP Act”), the County is authorized (i) to develop multi-county industrial or business parks in partnership with counties having contiguous borders with the County, (ii) to include within the boundaries of such parks the property of eligible companies; and (iii) further to grant credits against FILOT payments made by qualifying companies to offset qualifying infrastructure related expenditures (“Special Source Revenue Credits”) pursuant to Section 4-1-175, 4-29-68, and 12-44-70 of the Code of Laws of South Carolina 1976 as amended; and

WHEREAS, under the authority provided in the MCIP Act, the County has created a multi-county industrial or business park with Lee County, South Carolina (the “Park”) through that certain “Agreement for Development of Joint County Industrial and Business Park” dated November 9, 2021 (the “Park Agreement”); and

WHEREAS, a company identified for the time being as Project New Life, along with one or more existing, or to-be-formed or acquired subsidiaries, or affiliated or related entities, as Sponsor (collectively, “Company”) along with the owner or owners of the property upon which the Project may be located, and any additional Sponsor Affiliates (as defined under the Act and the Fee Agreement) that the Sponsor may designate in the future and have the County approve in



accordance with the Act, contingent upon satisfaction of certain commitments made by and on behalf of the County as set forth herein and to be further set forth in future agreements to the extent allowed by law, plans to establish and/or expand commercial enterprise facilities in the County through the acquisition, construction and/or purchase of certain real and personal property, including the Project Property (defined below), buildings, furnishings, fixtures, apparatuses, and equipment (the “Project”), which will result in approximately \$16,050,000 in new investment in real and personal property in the County (“Investment”) and the creation of at least thirty-two (32) new full-time jobs; and

WHEREAS, by its Resolution adopted on October 8, 2024, the County identified the Project, as required by the Act; and

WHEREAS, the Project will comprise one or more parcels of real property or portions thereof, initially bearing Tax Map Number [●] with improvements thereon, a description of which is set forth on the attached Exhibit A (“Project Property”); and

WHEREAS, the County desires, as part of the County’s normal Park expansion procedures, to enlarge the boundaries of the Park to include the Project Property and to ensure that the Project Property remains in the Park, or any other multi-county industrial or business park created under the MCIP Act, for no less than the duration of the Fee Agreement (defined below); and

WHEREAS, in connection with the Project, the Company has requested the County enter into a fee in lieu of tax agreement to establish the commitments of (i) the Company and any Sponsor Affiliate(s) to make the Investment; and (ii) the County to provide certain incentives; and

WHEREAS, the County has determined: (i) to offer a FILOT arrangement and enter into a fee-in-lieu of *ad valorem* taxes agreement with the Company and, as applicable, any Sponsor Affiliate, the form of which is attached hereto as Exhibit B (“Fee Agreement”), with the principal terms as follows: a term of twenty (20) years for each Phase (as defined in the Fee Agreement) of the Project, a 6.0% assessment ratio, and a fixed millage rate equal to that millage rate in effect at the Project Property, for all taxing entities, on June 30, 2024, which is further outlined in the Fee Agreement, for the entire term of the FILOT arrangement; (ii) to provide annual Special Source Revenue Credits over a term of five (5) property tax years against those FILOT Payments made by the Company and any of the Sponsor Affiliates to the County for the economic development property portion of the Project, as set forth in greater detail in the Fee Agreement (each a “Special Source Revenue Credit”); and (iii) any other incentives set forth in the Fee Agreement (collectively, the “Incentives”); and

WHEREAS, the parties recognize and acknowledge that the Company would not otherwise locate the Project in the County but for the delivery of the Incentives.

**NOW, THEREFORE, BE IT ORDAINED BY THE KERSHAW COUNTY COUNCIL DULY ASSEMBLED THAT:**

**Section 1. Findings.** The County hereby finds and affirms, based on information provided by the Company: (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 any



incorporated municipality and to no charge against its 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 are greater than the costs; and (v) the Project will provide a substantial public benefit to the County.

**Section 2. *Authorization to Execute and Deliver Fee Agreement.*** The form, terms, and provisions of the Fee Agreement (which includes the provision of Special Source Revenue Credits) presented to this meeting and filed with the Clerk to County Council are hereby approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. The Chairman of County Council and the Clerk to County Council are hereby authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee 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 the County thereunder and as shall be approved by the officials of the County executing the same upon the advice of the County Attorney, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

**Section 3. *Inclusion and Maintenance of Project in Park.*** The expansion of the Park boundaries is hereby authorized as part of the County's normal expansion procedures to include the Project Property, as described on the attached **Exhibit A**. The County Council shall ensure that the Project is incorporated into and will remain in the Park (or a successor multi-county industrial or business park) for no less than the term of the Fee Agreement.

**Section 4. *No Recapitulation Required.*** Pursuant to Section 12-44-55(B) of the Act, the County hereby agrees that no recapitulation information, as set forth in Section 12-44-55(A) of the Act is required to be provided by the Company in the Fee Agreement, or in any other documents or agreements in connection with the fee-in-lieu of tax arrangement between the Company and the County, so long as the Company shall file a copy of the South Carolina Department of Revenue form PT-443, and any subsequent amendments thereto, and all filings required by the Act with the County after the execution of the Fee Agreement by the County and the Company.

**Section 5. *Further Acts.*** The County Council authorizes the County Administrator, other County staff, and the County Attorney, along with any designees and agents who any of these officials deems necessary and proper, in the name of and on behalf of the County (each an "Authorized Individual"), to take whatever further actions, and enter into whatever further agreements, as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Ordinance and induce the Company to locate the Project in the County.

**Section 6. *General Repealer.*** All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 7. *Severability.*** Should any part, provision, or term of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding, or determination shall not affect the rest and remainder of the Ordinance or any part, provision or term thereof, all of which is hereby deemed separable.

This Ordinance takes effect and is in full force only after the County Council has approved this Ordinance following three readings and a public hearing.

KERSHAW COUNTY, SOUTH CAROLINA

---

Ben Connell, Chair  
Kershaw County Council

*(SEAL)*

ATTEST:

---

Hannah M. Parler, Clerk to Council

First Reading:  
Second Reading:  
Third Reading:  
Public Hearing:



**EXHIBIT A**

PROJECT PROPERTY DESCRIPTION

**EXHIBIT B**

FEE AGREEMENT

[Attached]