

Kershaw County Council Minutes

Tuesday, September 24, 2024



The regular meeting of the Kershaw County Council was held on Tuesday, September 24, 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 Sammie Tucker, Jr. (online)	Councilman Derek Shoemake
Councilman Jimmy Jones (online)	Councilman Brant Tomlinson
Councilman Danny Catoe	

*Councilman Sammie Tucker, Jr., is online, but experiencing interruption of connection to the meeting.

Staff Present:

Danny Templar	Hannah Parler	Jeff Burgess
Gerald Blanchard	Chris Anderson	Will Glover
Lauren Reeder	John DuBose	Johnny Deal
Lee Boan	Joey Adams-Raczkowski	

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, September 24, 2024. Chairman Ben Connell invited Pastor Quinten Chavis of Belmont Baptist Church, Westville, to lead in the Invocation and the Pledge of Allegiance.

ADOPTION OF AGENDA

Before the adoption of the agenda, Chairman Ben Connell reordered the agenda listing (6B) SCAC Presentation on Air and Land Use Protection to be presented due to a family emergency of the speaker, Gary Siegfried. Due to the necessity and the length of this presentation, Chairman Ben Connell called for a motion to allow Mr. Siegfried a time limit of 30 minutes instead of the allotted time of 15 minutes; Councilman Derek Shoemake made the motion and it was seconded by Vice-Chairman Russell Brazell. By show of hands, Chairman Ben Connell, Vice-Chairman Russell Brazell, Councilman Danny Catoe, Councilman Brant Tomlinson, and online, Councilman Jimmy Jones. Councilman Sammie Tucker, Jr., could not be reached online at the moment.

Chairman Ben Connell called for a motion to adopt the agenda; 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 Danny Catoe, Councilman Brant Tomlinson, and online, Councilman Jimmy Jones, Councilman Sammie Tucker, Jr., could not be reached online at the moment.

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PUBLIC COMMENTS (See Attached)

PRESENTATIONS

Dolly Patton the Executive Director of the Arts Center of Kershaw County presented to Council and the public, the MAD Festival 2024 (Music, Art, Drama, Dance). The MAD Festival is a five-day arts celebration presented by the Arts Center of Kershaw County promoting music, art, drama, and dance in the Kershaw community with events in Downtown Camden and throughout Kershaw County from October 9th – 13th. See attached Schedule of events.

APPROVAL OF MINUTES

Chairman Ben Connell called for a motion to accept the approval of minutes for the meeting of Tuesday, September 10, 2024; Councilman Brant Tomlinson made the motion to approve the minutes, and it was seconded by Councilman Derek Shoemake. Chairman Ben Connell and Councilman Jimmy Jones abstained from voting due to absence of this meeting. By show of hands, Vice-Chairman Russell Brazell, Councilman Derek Shoemake, Councilman Brant Tomlinson, and Councilman Danny Catoe were in favor; Councilman Sammie Tucker, Jr., could not be reached online at the moment.

DISCUSSION

Councilman Jimmy Jones requested this item on the agenda for a full report of Easements and Right-of-Ways for Pecan Orchard Subdivision. Chairman Ben Connell called for a motion and stated this is discussion only and no votes will be taken; Councilman Jimmy Jones made the motion and it was seconded by Vice-Chairman Russell Brazell. During this discussion, the County Administrator informed that there is 66 feet of Right-of-Way on every road of the subdivision. Councilman Jimmy Jones requested documents showing permission of easements from the residents of Pecan Orchard due to a different understanding of information provided. The County Administrator informed Councilman Jimmy Jones that he has documentation of permission of Right-of-Ways and that the County has done and spent a considerable amount of time and work on the drainage in the Pecan Orchard area with Engineers and Staff as needed during the entire development.

ORDINANCES

Chairman Ben Connell called for a motion to approve **FIRST READING: CASE 24-22** – 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.

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 MEETING

PUBLIC COMMENTS

9.24.2024

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.	Brenda McCracken	Trash/Squatters	803.315.8331
2.	Debra Thompson	Road	203.543.9818
3.			
4.			
5.			
6.			
7.			
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9.	Lynne Costo	Solar	
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MAD 2024

MUSIC • ART • DRAMA • DANCE • FESTIVAL

MAD Festival Events ~ October 9 - 13

The full event schedule with details is also available at www.madfestivalkc.org

DATE	EVENT	LOCATION	TIME
Oct 9	Among Equals: A Performance by Some Strings Attached		
	Morning Performance	Boys & Girls Club - Elgin	9:00 am – 10:00 am
	Noon Performance	Lyttleton St. UM - Camden	12:00 pm
	Evening Performance	Bethel Methodist Church - Bethune	6:30 pm
Oct 10	Instant Dance: A Performance by Power Company Collaborative	Town Green	6:00 pm – 6:30 pm
Oct 10	Chris Daniels & the Kings	Town Green	6:00 pm – 8:00 pm
Oct 11	MAD Music Trail & Gallery Crawl	Downtown Camden	
	Gallery Crawl		3:00 pm – 7:00 pm
	Music Trail		6:00 pm – until
Oct 11	Gallery Opening: Lost and Found by Kirkland Smith	Arts Center: Bassett Gallery	5:30 pm – 7:00 pm
Oct 11	MAD Music: The Millhands - Bluegrass Band	Bethune	6:30 pm – 8:00 pm
Oct 12	MAD Extravaganza	Arts Center: Shull Pavilion	11:00 am – 5:30 pm
	Food Trucks		11:00 am – 5:30 pm
	Metro Concessions / Rollin In Da Dough / Smokology / Kombi Keg		
	Live Music		12:00 pm – 5:30 pm
	Prettier Than Matt / John Wesley Satterfield / 3 of a Kind / Reggie Sullivan Band		
Oct 12	An Acoustic Evening with Chris Daniels & the Kings with Freddi Gowdy	Arts Center: Black Box Theatre	7:00 pm
Oct 13	Jazz Brunch with Mark Rapp	Grace Episcopal Church	tbd
Oct 13	Broadway Karaoke	Arts Center: Black Box Theatre	3:00 pm – 5:00 pm



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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

Chairman Ben Connell called for a motion to approve **FIRST READING: CASE 24-24** - 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

Chairman Ben Connell called for a motion on the approval of **FIRST READING: 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.

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.

APPOINTMENTS

Chairman Ben Connell informed Council that the information provided was for **information only** for the required cycle to get applicants for appointments. An appointment for the Planning Commission will be scheduled for the

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October 8th meeting as discussed with Councilman Jimmy Jones for his District. Councilman Jimmy Jones did make a statement that he will be nominating Jonathan Proctor at the next meeting for the Planning Commission.

OLD BUSINESS

Chairman Ben Connell asked for a motion to discuss the Finance Committee meeting held on Monday, September 23rd with a possible vote to be taken; Councilman Sammie Tucker, Jr., made a motion to discuss the Finance Committee meeting; seconded by Councilman Derek Shoemake. During discussion, Councilman Sammie Tucker, Jr., expressed that the Finance Committee meeting was a positive and productive meeting with a few visitors from the Pecan Orchard area present along with Staff. Based on the discussion from the Finance Committee meeting with expected assistance from Engineers and hydrology studies, it could take 18-24 months, but the County is doing all that they can as fast as they can to help the residents in Pecan Orchard.

Chairman Ben Connell asked for a motion based on the discussion from the Finance Committee to approve \$72,000.00 for a study for Stormwater Improvements and another Hydrology Study for the Pecan Orchard Subdivision and \$138,003.00 for Pecan Orchard in a total amount of \$210,003.00 from Emergency Funding for both items; 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, and Councilman Brant Tomlinson; online votes were Councilman Jimmy Jones and Councilman Sammie Tucker, Jr.

*Councilman Sammie Tucker, Jr., stated that there will be no tax increase or increase to the budget from any line items.

COUNCIL MEMBER BRIEFINGS

Councilman Danny Catoe: Bethune Senior Citizens Luncheon – September 27th at noon; Fall Festival on October 25th – 5 p.m.; Christmas Parade-December 21-applications to participate can be picked up at the Town Hall; MAD Festival Event on October 10th and 11th; Mt. Pisgah 100th year celebration on November 9th; Mt. Pisgah Community Center has a Resource room with 8 new computers and an exercise room for \$20 a month; requested all to wear pink at the October 8th meeting in support of Breast Cancer Awareness Month

Councilman Brant Tomlinson: Welcomed Chairman Ben Connell back to the Council and thanked the Staff for continued hard work and support for Kershaw County

Councilman Jimmy Jones: Requested update on Hurricane Helene and welcomed Chairman Ben Connell

Councilman Derek Shoemake: Welcomed Chairman Ben Connell to Council; Expressed thanks to Kershaw County and all that everyone does

Councilman Sammie Tucker, Jr.: Welcomed Chairman Ben Connell to Council; expressed thanks to Finance Committee and Staff for all of the hard work and dedication; looking forward to working with a full Council for Kershaw County

Vice-Chairman Russell Brazell: Congratulated Chairman Ben Connell; many thanks to the families of Pecan Orchard as Kershaw moves forward to help the residents there; speedy recovery to Councilman Jimmy Jones

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Chairman Ben Connell: Expressed his gratitude to be able to serve Kershaw County and raise his family here; the main purpose of the County Council meetings is an interaction between Council and the County Administrator to conduct the business of Kershaw County and acknowledge the people of Kershaw through celebrations or even sharing deep condolences; Fire Fest on Saturday, September 28th at 1 p.m. at Camden City Arena; MC's Farm – Fall Family Day; next Council meeting is October 8th, wished his Father a Happy Birthday

ADMINISTRATOR'S BRIEFING

Thanked the Council for allowing Administration to move forward with the Stormwater Study that will help solve a lot of problems within the communities we are building – whatever is built, must be maintained so that Kershaw is a livable community; updates will be given on Hurricane Helene, not much is expected, but an update will be given on Wednesday as it is tracked

LEGAL BRIEFING

No Legal Briefing.

EXECUTIVE SESSION

Briefing and discussion regarding Project New Life, an Economic Development Project, pursuant to S.C. Code 30-4-70 (2) and S.C. Code 30-4-70 (5) - No vote anticipated.

In Session: 7:51 p.m. – Councilman Derek Shoemake made a motion to enter Executive Session; seconded by Councilman Danny Catoe. 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 who agreed to enter Executive Session with the County Administrator, Legal, and the Economic Development Director. Councilman Sammie Tucker, Jr., was offline at this point.

Out of Session: 8:05 p.m. – Councilman Brant Tomlinson made a motion to exit Executive Session; seconded by Vice-Chairman Russell Brazell. 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 who agreed to exit and return from Executive Session with the County Administrator, Legal, and the Economic Development Director. Councilman Sammie Tucker, Jr., was offline at this point.

ADJOURNMENT

After no further discussion, Councilman Danny Catoe made a motion to adjourn at 8:06 p.m.; seconded by Vice-Chairman Russell Brazell. 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 who agreed adjourn the meeting of Tuesday, September 24, 2024. Councilman Sammie Tucker, Jr., was offline at this point.

10.8.2024

Date Approved



Hannah M. Parler, Clerk to Council