

**NEWBERRY COUNTY COUNCIL
MINUTES
JANUARY 16, 2013**

Newberry County Council met on Wednesday, January 16, 2013, at 7:00 p.m. in Council Chambers at the Courthouse Annex, 1309 College Street, Newberry, SC, for a regular scheduled meeting.

PRESENT: **Henry H. Livingston, III, Chairman**
 Kirksey Koon, Vice Chairman
 John E. Caldwell, Councilman
 Bill Waldrop, Councilman
 Leslie (Les) Hipp, Councilman
 Steven C. Stockman, Councilman
 Scott Cain, Councilman
 Wayne Adams, County Administrator
 A.J. Tothacer, County Attorney
 Laurie Renwick, Clerk to Council
 Debbie Cromer, Finance Director

PRESS: **Cindy Pitts, Newberry Observer**
 Tammy Kitchen, WKDK

Chairman Livingston called the meeting to order and determined a quorum present.

Mr. Koon led the invocation followed by the Pledge of Allegiance.

1. Adoption of Consent Agenda

Mr. Waldrop motioned to adopt consent agenda; seconded by Mr. Cain. The vote was unanimous.

2. Presentation of Newberry County Service Awards

Chairman Livingston stated it gives Council great pleasure to recognize those who have many years of service with our County. He asked Mr. Caldwell to join him up front. He presented Mr. Caldwell with a certificate and pin for his 30 years of service

Mr. Caldwell stated that he would never have been elected nor would he still be here if not for his wife Pat and all of the individuals you see here tonight. He owes his accomplishments to them.

Chairman Livingston turned the meeting over to Mr. Adams.

Mr. Adams read Resolution #01-13 into the record:

“WHEREAS, John Edward Caldwell is a true friend of Newberry County and its Citizens, and is affectionately known by all as The Honorable “J.E.” Caldwell; and
WHEREAS, he was born in Newberry County, attended Newberry County public schools, earned his degree at Benedict College, and taught at Benjamin E. Mays High School in Spartanburg County; and
WHEREAS, J.E. has distinguished himself in business as a sales manager for Independent Life and Accident Insurance, and as owner and CEO of J.E. Caldwell Properties; and
WHEREAS, he is an accomplished high school and college athlete, and a veteran of the U.S. Army; and
WHEREAS, he has represented Newberry County Government at the highest levels, including membership on the respective boards of the South Carolina Association of Counties (“SCAC”) and the National Association of Counties (“NACO”); and
WHEREAS, he has served continuously on Newberry County Council since 1983, serving as Chairman from 1997 through 2002, and is the longest serving member in the history of Newberry County Council; and
WHEREAS, in all that he has done, whether in the field of education, as a businessman, as a Member of County Council, or in service to numerous boards and commissions, John Edward Caldwell has, throughout his lifetime, been a pioneer in human relations.
NOW, THEREFORE, IT IS HEREBY RESOLVED by Newberry County Council that January 16, 2013, shall be known as “**John Edward Caldwell Day**”, in recognition of Mr. Caldwell’s thirty (30) years of service to the Citizens of Newberry.
AND IT IS SO RESOLVED THIS 16th DAY OF JANUARY 2013, AT NEWBERRY, S.C.”

A framed Resolution was presented to Mr. Caldwell for this accomplishment.

Mr. Adams continued by saying that Mr. Caldwell’s colleagues wanted to recognize him for a singular contribution that he makes that distinguishes him from just about everybody else; his emphasis on fairness and the rules of the game. He said Mr. Caldwell is the professor of Robert’s Rule of Order which is the heart and soul of how we do business and he was presented with a bound copy of Roberts Rule of Order.

Mr. Adams also read a letter from Representative Walt McLeod honoring Mr. Caldwell’s service into the record (attached and part of the official minutes).

Chairman Livingston invited former members of Council who served with Mr. Caldwell to come forward and say a few words.

Mr. Henry Summer congratulated Mr. Caldwell and said it was a great day for him and a great day for Newberry County and he was honored to be here. He said he will always remember Mr. Caldwell taking him to McDonalds after his first County Council meeting and he spent a couple hours educating him and giving him guidance that served him well on Council. Mr. Caldwell has been on Council for 30 years because of his wisdom and his skill at being a good servant to the people.

Mr. Mike Hawkins commented that last week he had spoken with some folks who had attended a funeral and they were not in total agreement that the deceased had lived the exemplary life that the presiding minister had described. He interjected that given the opportunity, he believed he could find something good to say about anybody he has ever known and then he got a phone call to be here tonight. Putting all kidding aside, it is not difficult to find good things to say about Mr. Caldwell. During the eight years I served with him, the number one thing is when Mr. Caldwell puts his hand out it is to greet

somebody or lift them up; not with a hand out looking for something. You taught me a lesson there. Mr. Caldwell has always been willing to lend a helping hand. In 2003 when my mother died, one of the pall bearers was late getting to the cemetery and Mr. Caldwell jumped right in and helped carry the casket from the hearse to the grave site. This caused some heads to shake because the obituaries had listed my mother's pall bearers as her nephews. He said no one ever came to him and asked what the connection was but nine years later there are still some people in Stoney Hill that think Mr. Caldwell and I are first cousins. He said he accepted it as a compliment and hoped Mr. Caldwell did too and thanked him for his service to Newberry County and asked God to bless him in the future.

Mr. Waldrop commented that he and Mr. Caldwell have been on Council for many years together and have worked hard for our constituents in our community and he is proud to serve on County Council with him.

Mr. Koon said when he was with the police force and before Mr. Caldwell was elected to Council he met him through mutual friends who owned rental properties. At this first introduction, he thought Mr. Caldwell was Don King because of his hair. He found out he wasn't Don King but honest John Caldwell. He said he has the utmost respect for John and thanked him for his service.

Chairman Livingston stated that he has enjoyed working with Mr. Caldwell over the years. He said he learned quickly from him because he is the best at what he does. He said he would have to think long and hard to find anything bad to say about John. He is a role model for the community, students, and young athletes. I consider it an honor to be able to call Mr. Caldwell Uncle John and/or Uncle Scratch. He thanked him for all the wisdom he has shared over the years and turned the meeting over to Mr. John.

Mr. Caldwell said that this is the greatest Country in the world and if you have a desire to be something you can be it in America; he is a living proof of that. He said you should never forget from whence you have come and how you arrived and don't let success go to your head. He said this recognition was super and he appreciated it and he would be highly remiss if he did not recognize his wife Pat Caldwell. He said as he looks around at all those that are here tonight he owes a lot to them for their help in his achievements.

- 3. Ordinance #01-01-13: An Ordinance acting on a request to amend the Official Zoning Map established pursuant to Zoning Ordinance No. 12-24-01, codified in Chapter 153 of the Newberry County Code of Ordinances, so as to rezone a two and three tenths (2.3) acres portion of a real estate parcel containing one hundred twenty-two and nine tenths (122.9) acres designated as TMS Parcel No. 569-2-1 from Rural (R2) to Limited Commercial (LC).**

Mr. Hipp motioned to approve first reading of Ordinance #01-01-13; seconded by Mr. Koon.

Chairman Livingston asked Mrs. Peters to the podium.

Mrs. Peters identified the property to be rezoned on a map for members of Council and reported that it is located on the paved portion of Old Jollystreet Road.

Mr. Adams commented that while staff recommended this rezoning the Planning Commission did not.

Mrs. Peters responded that staff recommended it with some reservation concerning the traffic coming from the gravel portion of the road with the one lane bridge. It is however permitted under limited commercial. The Planning Commission was not in agreement with staff because of concerns from neighbors and the traffic generation by the chicken farm.

Mr. Hipp asked what the vote was from the Planning Commission and asked was there anyone from the commission here tonight.

Mr. David Abrams, Planning Commissioner, responded that the vote was unanimous in opposition to the rezoning request. The owner of the parcel was not in attendance. Neighbors were there sharing concerns about the noise and traffic and are in the process of writing a letter to DHEC and County Council about their concerns.

Mr. Hipp asked if this could be tabled before taking first reading on this Ordinance with the understanding that we will be receiving a letter. There seems to be some opposition and if the Planning Commissioners are in opposition he would like to find out more details.

Chairman Livingston responded that Mr. Hipp will need to withdraw his motion for it to be tabled.

Mr. Hipp withdrew his motion to approve first reading and motioned to table Ordinance #01-01-13; seconded by Mr. Cain. The vote was unanimous to table Ordinance #01-01-13.

Chairman Livingston thanked Mrs. Peters and stated that Council will be waiting for the letter and additional information.

4. Consideration of proposed 2012/2013 Budget Calendar

Mr. Koon motioned to approve the 2012/2013 budget calendar; seconded by Mr. Cain. The vote was unanimous.

5. Consideration of proposed 2012 County Council Committee Schedule

Mr. Koon motioned to approve the 2012 County Council Committee Schedule; seconded by Mr. Waldrop. The vote was unanimous.

6. Appointments

a. County Council Committee Appointments

Chairman Livingston stated that he would like to leave everyone on their current committees for continuity purposes with Mr. Cain taking the place of his predecessor and also being added to the Economic Development Committee.

Mr. Hipp motioned to approve Chairman Livingston's committee appointments; seconded by Mr. Koon. The vote was unanimous.

b. Other

No other appointments.

7. Public Comments (by those who signed up at the meeting)

Mr. Waldrop introduced Mr. Ben Mauldin and Mr. Reginald Simmons with Central Midlands COG who were in attendance tonight.

Mr. Mauldin thanked Council for being a member of the Central Midlands Council of Governments and looks forward to working with them in the future.

8. Executive Session [7:35 p.m. – 8:10p.m.]

- a. §30-4-70(a)(2) SC Code of Laws 1976: Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

Mr. Tothacer reported that Council met in Executive Session to discuss contractual matters and no action was taken in that session.

9. Comments from County Administrator

Mr. Adams congratulated Mr. Caldwell on his record breaking tenure. He said he was glad that Mr. Caldwell will be here another four years because he has much to learn from him.

Mr. Caldwell responded, “Don’t ever forget from whence you have come; never forget who helped you ascertain what you have; and don’t ever forget that you can come down the ladder faster than you can go up.”

10. Comments/Request from Council Members

Mr. Cain thanked Mr. Caldwell for all of his service and being the newest member of Council he looks forward to him being a mentor and learning a lot over the next couple years.

Mr. Stockman congratulated Mr. Caldwell on all of his accomplishments and his service to Newberry County. He said he certainly looks forward to serving on Council with him as long as the public will allow us to do so.

Mr. Hipp commented that when he got on Council four years ago, John was the most immediate mentor that he had. He told Mr. Cain that if he was not familiar with Roberts Rule of Order he would be before long because John will teach it to you and he will correct us when we stray. He thanked John for his help and guidance, his years of service, and stated that he was a great man.

Mr. Waldrop said he was very proud of Mr. Caldwell. They have been together for many years and he looks forward to working with John in the future.

Mr. Koon said he would like to remember Mrs. Ilene Partridge who served a number of years on the Voter Registration Board as she passed away yesterday.

Chairman Livingston congratulated John on his many years of service and his contributions to this county. He has been a mentor to more people than you can imagine. He said he hoped he would make John proud as his years go on with Council.

11. Future Meetings

- a. County Council – 2/6/13 @ 7:00 p.m.
- b. Economic Development Committee – 2/11/13 @ 6:00 p.m.
- c. County Council – 2/20/13 @ 7:00 p.m.
- d. Personnel and Intergovernmental Relations Committee – 2/25/13 @ 6:00 p.m.

12. Adjournment

Chairman Livingston adjourned the meeting at 8:15 p.m.

NEWBERRY COUNTY COUNCIL

Henry H. Livingston, III, Chairman

APPROVED:

Laurie N. Renwick, Clerk to Council