

MARLBORO COUNTY COUNCIL

“CALLED” MEETING & PUBLIC HEARINGS\*

MARLBORO COUNTY CONFERENCE ROOM AND COURTHOUSE COURTROOM

TUESDAY, SEPTEMBER 1, 2009

6:00 PM

CHAIRMAN	DR. CAROLYN PRINCE
VICE-CHAIR	CORRIE PLATO
ADMINISTRATOR	CECIL KIMREY
COUNTY ATTORNEY	HARRY EASTERLING, JR.
COUNCIL:	
JEAN MCLEAN, RON MUNNERLYN, DR. CAROLYN PRINCE, STEVE BLACKMON, AND	WILLIE GLADDEN, CORRIE H. PLATO, KEN ALLEN, ANTHONY WOODS

INVOCATION – Anthony Woods

CALL TO ORDER

Dr. Carolyn Prince, Chairman called the meeting to order at the Marlboro County Conference Room.

ORDINANCE # 663 – AN ORDINANCE TO AUTHORIZE A FRANCHISE AGREEMENT FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD SOLID WASTE – THIRD READING.

**Motion made by Mr. Anthony Woods, seconded by Mr. Steve Blackmon to approve the third reading of Ordinance # 663 – An Ordinance to authorize a franchise agreement for the collection and disposal of household solid waste. Vote in favor: Mr. Steve Blackmon, Mr. Willie Gladden, Ms. Jean Wallace McLean, Mr. Ken Allen, Mr. Anthony Woods, and Dr. Carolyn Prince. Mr. Ron Munneryn was out of the room during the vote, Ms. Corrie Plato was not present. Motion carried.**

EXECUTIVE SESSION- RECEIPT OF LEGAL ADVICE

**Motion made by Mr. Steve Blackmon, seconded by Mr. Willie Gladden to go into executive session based on the need to receive legal advice related to the pending litigation involving the County. Vote in favor: Mr. Steve Blackmon, Mr. Willie**

\*The Council meeting was recorded and a transcription is available for inspection at the County Clerk’s office.

**Gladden, Ms. Jean Wallace McLean, Mr. Ken Allen, Mr. Anthony Woods, and Dr. Carolyn Prince. Mr. Ron Munnerlyn was out of the room during the vote, Ms. Corrie Plato was not present. Motion carried. Mr. Ron Munnerlyn and Ms. Corrie Plato entered the meeting. All council members went into executive session for approximately 30 minutes.**

**Motion made by Mr. Ron Munnerlyn, seconded by Ms. Jean Wallace McLean to come out of executive session. Vote in favor. Unanimous. Motion carried.**

Dr. Carolyn Prince, Chair advised no decisions had been made, no votes had been taken.

CONTINUANCE

Dr. Carolyn Prince, Chair advised that the meeting would continue at the Courthouse at 6 P.M. with the Planning Commission.

PUBLIC HEARING ON REZONING REQUEST (JOINT COUNTY COUNCIL/PLANNING COMMISSION)

Consideration of a proposed Marlboro County Zoning Map amendment from General Development (GD) to Rural Resource (RR) for the property with the tax map numbers 03-01-02-04, 30-01-02-07, 03-01-02-038, 03-01-02-039, 03-01-02-040 and 03-01-02-058. The existing use of the property is agricultural. The proposed use of the property is a sanitary landfill.

PRESENTATION OF PROCESS

Mr. Steve Weber, Legal Counsel for Marlboro County, described the process for the rezoning request public hearing to both the Marlboro County Planning Commission and Marlboro County Council. Mr. Weber indicated that the meeting was being recorded and asked all speakers to speak clearly and slowly.

**Motion made by Jean Wallace McLean, seconded by Mr. Ken Allen to open the Public Hearing on the rezoning request. Vote in favor. Unanimous. Motion carried.**

**a. Planning Commission Staff Presentation**

**Mr. Bob Eskridge** – summarized the rezoning request and identified a potential conflict of interest and his decision not to participate in the rezoning process.

**Mr. Steve Weber** – as legal counsel, explained the rezoning process, the factors the Planning Commission was to consider when evaluating the request, and the Planning Commission's obligation under the Zoning Ordinance to make a recommendation to County Council to approve or deny the request based on the evidence in the record.

**b. Public Comment Received by Planning Commission and County Council**

**Ms. Jessie King** – spoke in support of the rezoning request. Ms. King stated that she represented Z.V. Pate, and that she had submitted written materials to the Commission prior to the hearing. Ms. King stated that the rezoning request was an appropriate use which was consistent with surrounding land use and the Comprehensive Plan. She stated that the proposed use would have no impact on transportation. She also stated that a large tract of land was at issue, and that the plan for the proposed landfill was to provide an even larger buffer than required by law.

**Ms. Lucy Parson** – shared concerns about Council coercion and illegal meetings. Ms. Parson cited radio announcements regarding the Council’s decision and stated that the \$50 million that would be received for the landfill would be spent by the County’s schools in one year. Ms. Parson also expressed concern that clean air and water in the County could not be replaced once the landfill is constructed.

**Mr. Tom Wood** – shared concerns about the landfill. Mr. Wood likened landfill companies to “BS artists,” and then stated his belief that the landfill would bring respiratory problems to the citizens of the County and would cause property values and tax revenues to decrease. He stated that the landfill would not strengthen the County’s economy, pointing to Lee County as an example, and also stated that landfills frequently leak, pointing to Richland County as an example.

**Mr. Lyon Bell** – shared concerns about the landfill. Mr. Bell stated that he is a resident of Richmond County, N.C. and shared his belief that a landfill in Marlboro County would harm him, as well as his dogs, who would not be able to drink from the nearby streams, and his grandchildren, who would not be healthy. He also stated that Z.V. Pate is a large landowner in several counties, and expressed his belief that Z.V. Pate does not care about protecting the community. He also pointed out the frequent leakage of landfills and the frequent contamination of well water resulting from that leakage.

**Mr. Floyd English** – shared concerns about the landfill. Mr. English stated that he had talked with DHEC officials, who had told him that denying the rezoning request would slow down the landfill process. He questioned the amount of money for which the County could be bought, and expressed his lack of faith in DHEC to protect the environment. He also noted that the County would have no idea what materials were put into its landfill, and cited the Bishopville Landfill as an example.

**Ms. Faye Quick** – expressed concerns about the landfill. Ms. Quick stated that she lives 3-5 miles from the landfill and does not want the area to be rezoned. She stated that her great-great- and great-grandfather were doctors who used herbal medicines grown in the soils of the County. She also stated that she had compiled a list of 20 people in the County who have died of cancer within a 5-6 mile radius of each other, and also cited the high number of premature babies born in the County. She concluded that there are already problems in the water and air of the County, and that a landfill would only worsen those problems.

**Mr. Fred Nickoless** – shared concerns about the financial implications of the landfill on the County. He stated his belief that, if the County were to receive \$50 million from MRR for the landfill, the State would likely decrease its funding to the County because of the State’s own budgetary problems.

**Ms. Ara Adams** – expressed concerns about the landfill. Ms. Adams stated that she resides in Hopkins, S.C., approximately 20 miles from the Screaming Eagle Landfill. She cited that landfill’s leakage problems and the fact that citizens living in the area of that landfill were instructed to drink from city water because their drinking water wells were no longer safe. She also stated that business owners already encounter obstacles with taxes, etc. when looking to locate business in the County, and that the presence of a landfill will make that problem worse. She stated that although times are tough, money should not outweigh the health of the County’s citizens. She urged the Commission to listen to the 94% of citizens who opposed the landfill in the referendum. Finally, she stated that the landfill would only bring 10 jobs to the County and expressed her belief that this increase would not help the County prosper.

**Ms. Nance Kave** – expressed concerns about the landfill’s consistency with the County’s Comprehensive Plan. Ms. Kave stated that she was a resident of Georgetown and served as the North Coast Director of the South Carolina Coastal Conservation League. She stated her belief that the rezoning request was inconsistent with the Comprehensive Plan because the current permitted capacity for waste far exceeds local needs and because a landfill would negatively impact human health and the environment. She stated that 11 creeks bisect the landfill, which then flow to the Pee Dee River, and advised that a landfill similar to Lee County’s would bring unsightliness and an odor to passersby. She stated that landfill leaching and resulting degradation are problems that cannot be stopped once they begin. She also cited truck traffic, odors, garbage and air pollution as problems with the landfill.

**Mr. Belvin Swett** – expressed concerns about the landfill. Mr. Swett stated that he is Chairman of the Citizens for Marlboro County group, and cited a newspaper article from a December 2007 Marlboro Herald and a May 21, 2008 letter to Council from MRR. He stated that he disagreed with MRR’s characterization of the landfill as “environmentally safe,” and also stated his belief that MRR had lost its good name in the County.

**Mr. Jason Steen**—expressed concerns about the landfill. Mr. Steen stated that he is the facilities director at Camp Pee Dee, and questioned whether the landfill would cause children and adults not to come to the Camp and forego the positive impact it would have on their lives. He also stated that a recycling effort would be a good alternative to bringing a landfill to the County.

**Ms. Shaun Monson** – expressed concerns about the landfill. Ms. Monson stated that she already has a medical condition, and that the landfill would make her even more sick. She also stated that she cared about the environment in the County.

**Dr. Fred McQueen** – expressed concerns about the landfill. Dr. McQueen stated that he is a resident of Richmond County, N.C., and that he served in the past on the Environmental Justice Commission. He stated that if the landfill is built in the County, artesian water wells may be tainted and land may be ruined such that it can never be farmed again. He also stated that the military planes which commonly fly in the County’s skies may be harmed by the birds that would populate the landfill. He also expressed his concern about environmental justice, and questioned why landfills are put in poor communities rather than affluent ones. Finally, he stated that many Bennettsville residents work across the state line

at a distribution center and industrial park which have the potential for growth, but this potential would be stalled by the construction of the landfill.

**Mr. Leotis Quick** – expressed concerns about the landfill. Mr. Quick stated that he lives approximately 2 miles from the northern end of the landfill. He stated that he believes his property will be devalued and that his children will not be able to play outside because of the smell or drink water from their wells if the landfill is constructed.

**Ms. Tullei Christian** – expressed concerns about the landfill. Ms. Christian stated that she lives in Wallace and that her property appeared on the map used by Ms. King in her presentation. She questioned Ms. King’s statement that the proposed landfill site is not an urban area, stating that just because the area is not urban does not mean the area needs a landfill.

**Ms. Alexander Bright** – expressed concerns about the landfill. Ms. Bright stated that she lives 3 miles from the site of the proposed landfill, and that the County cannot put a value on a person’s life. Ms. Bright stated her belief that her property value would decrease from the presence of the landfill and that only the landowner would profit from its construction. She stated her belief that the landowner had stolen enough from the people of the County. She also stated that the proposed landfill will have no buffer for air or water, and that once garbage enters the air and water, her property would be worthless.

Mr. Weber spoke regarding the procedures for the Planning Commission’s deliberations and voting on the rezoning request. Mr. Weber explained that, once the public hearing was closed, the Planning Commission would deliberate and vote on the request. Mr. Weber further explained that Chairman Rosser would then provide the Planning Commission’s recommendation to Council and, after the Planning Commission continued its meeting to September 3 and adjourned its members, Council would have 10 additional minutes of public hearing. The Planning Commission then determined that it would hear additional public comment before closing its public hearing.

c. **Additional Public Comment Received by Planning Commission**

**Mr. Mike King** – expressed concerns about the landfill. Mr. King stated that he lives along the Pee Dee River downstream of the County. He stated that 7 water courses flow across the proposed landfill site, and that the landfill will leak into those water courses and eventually into the Pee Dee River. Mr. King also cited a federal ruling, which Mr. King stated held that once a landfill begins to receive waste from out of state, the landfill cannot stop that stream because it would interfere with interstate commerce. Mr. King expressed concern that waste from New York and New Jersey will be sent to the landfill and will never be stopped.

**Ms. Polly McAlpine** – questioned the Commission and Council as to why they want to ruin their home by bringing the landfill to the County.

**Mr. Lenier Papum** – expressed concerns about the landfill. Mr. Papum stated that the Commission and Council should not put a price on the citizens’ lives, and that if the landfill comes, it will affect the grandchildren of the County’s current citizens. Mr. Papum then

cited statistics about landfill leakage, stating that the average landfill leaks about 0.2 gallons per day, and that as little as one gallon of oil can contaminate 100 million gallons of water.

**Ms. Marty Rankin** – expressed concerns about the landfill. Ms. Rankin stated that she is a farmer, and that she believes the landfill would be disastrous to the County’s way of life. She stated that after \$2 million is spent, the County will be back at square one and the aquifer will not function as intended. She stated her opposition to a mountain of trash from unknown locations and instead expressed her desire to be a good steward of the environment.

**Ms. Peggy Brown** – expressed concerns about the landfill. Ms. Brown stated that she is the Director of Natural Resources for the League of Women Voters. She stated that she resides in Florence, S.C. and that her city gets its water from the Pee Dee River. She cited the County’s May 2008 solid waste ordinance and stated that there is no need for the landfill, that the landfill receiving outside wastes is not in the best interests of the County, and that constructing the landfill in the County would be an abomination to the County.

**Mr. Brett Barnes** – expressed concerns about the money spent on the landfill debate. Mr. Barnes questioned the Council about why it has spent \$200,000 on attorneys’ fees when it could have updated its Solid Waste Management Plan for \$6,000.

**Dr. Tony Battista** – expressed concerns about the landfill. Dr. Battista stated that the unemployment rate is 27% in the County, and that talented young people are leaving the County because of its lack of opportunity. Dr. Battista stated that, if a 30-story high landfill is built, young people from the County certainly will not want to return there to live.

**Ms. Elizabeth Weenes** – expressed concerns about the landfill. Ms. Weenes expressed concern that leakage from the landfill would migrate to Horry County, where she resides. Ms. Weenes stated that 7 streams run through the property on which the landfill is proposed to be sited, which flow to the Pee Dee River and to Horry County. Ms. Weenes also stated that the EPA has admitted that even the best landfill liners can leak leachate, and expressed concern that human feces from dirty diapers in the landfill would migrate to Horry County.

**Mr. John Nickoless** – Mr. Nickoless cited the 3,000 signatures submitted to Council opposing the landfill. He urged Council not to vote for poison that causes cancer, and also stated that he had received a letter from President Barack Obama stating that he plans to forward Mr. Nickoless’ concerns to the EPA.

**Mr. Anthony Millan** – expressed concerns about the landfill. Mr. Millan suggested that, instead of bringing a landfill to the County, MRR should devote its resources to revamping the landfill into a “green” waste facility. Mr. Millan also stated his belief that this “green” waste would bring prosperity to the County. Mr. Millan also implored the Commission not to kill the children and make the adults sick by bringing the landfill to the County.

**Mr. Dean Moore** – expressed concerns about the landfill. Mr. Moore questioned Mr. Weber about the acreage of the landfill, and also raised concerns about the presence of diseases such as AIDS and HIV in the County’s prisons. He also stated that DHEC permits landfill companies to police themselves, and stated his belief that this practice was wrong.

Finally, Mr. Moore stated his belief that no other industry or economic development would come to the County if the landfill is built there.

**Ms. Minnie Holmes** – expressed concerns about the landfill. Ms. Holmes stated that she resides in the northern part of the County, and that she has been struggling with Z.V. Pate for many years. She stated that Z.V. Pate owns the property all around her property, and that she does not want the megadump to come to the County.

**Ms. Edith Watson** – expressed concerns about the landfill. Ms. Watson stated that other Counties would bring their waste to the County if the landfill was constructed there and that financial incentives should not control the County's determination. She cited several Bible verses to support her statements.

**Mr. Ollie Bridges** – expressed concerns about the landfill. Ms. Bridges stated that she came to the County from a state with a large, contaminated megadump. She stated her belief that having such a megadump is not worthwhile for the County.

**Ms. Emma Huckabee** – expressed concerns about the landfill. Ms. Huckabee stated that she lives in the area where the landfill is proposed to be located, and that it is known as the Old Fruit Farm area. Ms. Huckabee stated that, if the landfill is constructed there, it will no longer be known by that name. She questioned the Commission and Council as to their consideration of the people who live in the area of the proposed landfill.

**Ms. April Herring** – expressed concerns about the landfill. Ms. Herring stated her belief that, by permitting the landfill to be constructed in the County, the County was smearing its appearance. She stated that the presence of two prisons was already a negative for the County's appearance, and that adding a landfill would cause the County to lose residents and jobs.

The Planning Commission closed its public hearing, deliberated and voted to recommend denial of the rezoning request.

RECEIPT OF RECOMMENDATION AND REPORT FROM PLANNING COMMISSION  
THAT REZONING REQUEST BE DENIED

Chairman Rosser reported to Chairman Prince and Council, stating that the Planning Commission had considered the evidence in the record and the comments made at the public hearing, had deliberated, and based on the evidence, had voted unanimously to recommend that the rezoning request submitted by Z.V. Pate on August 7, 2009 should be denied. Chairman Rosser also stated that the Planning Commission would provide a written report to Council memorializing its recommendation and report and the evidence on which it relied that evening in making its decision.

The Planning Commission then continued its meeting to September 3, 2009 to adopt the written report memorializing its recommendation and report.

PUBLIC HEARING ON REZONING REQUEST (COUNTY COUNCIL ONLY)

After receiving the Planning Commission's recommendation, County Council received additional public comment on the Planning Commission's recommendation and report regarding the rezoning request.

a. **Public Comment Received by County Council**

**Mr. Robert Currie, Jr.** – expressed concerns about the landfill. Mr. Currie stated that he lives in Laurinburg, N.C., near both the proposed landfill and the landfill that was proposed to be located in Scotland County, N.C. Mr. Currie referred to the Palm Tree Island in Dubai, U.A.E., stating that no waste would be disposed of there and that, if the landfill came to Marlboro County, the waste could come to the County. Mr. Currie implored Council to stand up to what he believes to be an insult to the County's integrity, and stated that the County does not need the wastes of privileged communities in its community. Mr. Currie also stated that those privileged communities view Marlboro County as "trash."

**Ms. Betty Quick** – expressed concerns about the landfill. Ms. Quick stated that she lives between Highways 177 and 1 in Marlboro County. She stated that she currently sees a variety of animals at her home, including foxes, deer, peacocks and crickets, but that once the landfill comes she believes these animals will be replaced by rats, dead birds and other scavenger-type animals.

**Mr. John Nickoless** – expressed concerns about the landfill. Mr. Nickoless told the Council that his sister had attended a meeting in New York City regarding the City's waste disposal. Mr. Nickoless' sister reported that an announcement was made in that meeting that the City's waste was being hauled to South Carolina. Mr. Nickoless urged the Council to stop this practice.

**Ms. Francis Quick** – expressed concerns about the landfill. Ms. Quick stated that, although Ms. King said in her presentation that only three factors should be considered with regard to the rezoning request, a fourth factor – the people of Marlboro County – should be considered.

**Ms. Mandy Shaw** – expressed concerns about the landfill. Ms. Shaw stated that many generations of her family have lived on the same land in the County near the proposed landfill, and stated that she did not want Z.V. Pate to steal the land from her and future generations of her family.

**Mr. Louis Wilson** – expressed concerns about the landfill. Mr. Wilson stated that he resides in Richmond County, N.C. and that his drinking water well is contaminated. He described an infection his grandson suffered from drinking the well water, which caused a hole to form in his grandson's hipbone, requiring treatment at UNC-Chapel Hill, with potentially permanent damage. He also described a neighbor who contracted cancer at the age of 14. He stated that the neighbor's doctor advised the neighbor to stay away from the water, and expressed his concern that the landfill would cause adverse health effects to future generations.



**Mr. John P. Moore** – expressed concerns about the landfill. Mr. Moore cited his experience working with pesticides, and expressed concern that the pesticides would end up in the landfill and eventually into streams and rivers.

**Motion made by Mr. Ron Munnerlyn, seconded by Ms. Jean Wallace McLean to amend the Council’s agenda to discuss the Planning Commission’s recommendation and report that rezoning request should be denied. Vote in favor. Unanimous. Motion carried.**

Mr. Ron Munnerlyn stated that the public hearing was being recorded and would be transcribed, which served as the written report. Mr. Munnerlyn further stated that Council had heard and considered the very same comments, information and evidence as the Planning Commission and had received the Planning Commission’s recommendation and report. Therefore, he felt that the Council had sufficient information to vote on the rezoning request.

**Motion made by Mr. Ron Munnerlyn, seconded by Mrs. Jean Wallace McLean to deny the rezoning request. Vote to deny rezoning request. Unanimous. Motion carried.**

PUBLIC HEARING ON SOLID WASTE MANAGEMENT PLAN AMENDMENT – THIRD READING (COUNTY COUNCIL ONLY)

PRESENTATION OF PROCESS

Mr. Steve Weber, Legal Counsel for Marlboro County, explained the State law requirement that all counties have a solid waste management plan and update that plan periodically. He explained that Council had been taking public comment on two versions of the Plan, Option A and Option B. He explained that both plans had been made available on the website, that public notice of the plans had been published. He also described the differences between the two plans. He stated that both versions of the plan significantly update the 2001 Plan and amendments. He stated that both versions of the plan are written to conform to current State law and DHEC guidance. However, Mr. Weber stated that the plans differ in that they provide distinct future policies for solid waste disposal in the County. He explained that Option A indicates that the County is considering a single Class III landfill in the County. Mr. Weber explained that Option B prohibits all Class III landfills in the County.

**Motion made by Mr. Willie Gladden, seconded by Ms. Corrie Plato to open the Public Hearing on the Solid Waste Management Plan Amendment – Third Reading. Vote in favor. Unanimous. Motion carried.**

a. **Public Comment Received by County Council**

**Mr. Tom Wood** – Mr. Wood stated his understanding that, once the landfill is constructed, the landfill company may expand the landfill anywhere it wants without being required to amend its permit. He urged Council to adopt Option B.

**Ms. Lucy Parson** – Ms. Parson stated that she had spoken with Jana White at DHEC about the three requirements for a landfill. Ms. Parsons stated that the County’s solid waste needs are being met, and urged Council to adopt Option B.

**Mr. Jim Tucker** – Mr. Tucker cited the 94% public opposition to the landfill shown by the referendum, and urged Council to have the “intestinal fortitude” to vote for Option B.

**Ms. Rosa Bright** – Ms. Bright thanked the Council and the Planning Commission for their votes on the rezoning request. She stated her belief that there is no difference between rural and urban citizens for purposes of considering a landfill.

**Mr. Lenier Pegues** – Mr. Pegues thanked the Council and the Planning Commission for acting quickly on the rezoning request. He asked that the Council vote for Option B.

**Mr. Chuck Ashburn** – Mr. Ashburn thanked the Council and the Planning Commission for acting quickly on the rezoning request.

**Mr. John Nickoless** – Mr. Nickoless discussed the problems with rats in New York City, asked the Council to stop this waste disposal and reiterated his opposition to the landfill. He asked that the Council vote for Option B.

**Ms. Frances B. Quick** – Ms. Quick thanked the Council and the Planning Commission for their votes on the rezoning request.

**Mr. Robert C. Currie, Jr.** – Mr. Currie stated his opposition to the landfill and asked that the Council vote for Option B.

**Mr. Lee C. Shortt** – Mr. Shortt stated that he has lived in Marlboro County for 35 years, that its population is declining, and that a landfill is not needed.

ORDINANCE # 654 (“OPTION B”) – AN ORDINANCE ADOPTING, REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING THE MARLBORO COUNTY SOLID WASTE MANAGEMENT PLAN DATED FEBRUARY, 2009 – THIRD READING.


**Motion made by Ms. Jean Wallace McLean, seconded by Ms. Corrie Plato, to approve the third reading of Ordinance # 654 (“Option B”) – An Ordinance Adopting, Revising, Amending, Restating, Codifying, and Compiling the Marlboro County Solid Waste Management Plan Dated August, 2009. Vote in favor. Unanimous. Motion carried.**

ADJOURN


No further discussion was heard. The meeting was adjourned.

**Motion made by Mr. Steve Blackmon, seconded by Ms. Jean Wallace McLean, to adjourn the meeting. Vote in favor. Unanimous. Motion carried.**

(SEAL)

  
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Dr. Carolyn A. Prince, Chair  
Marlboro County Council

ATTEST:

  
\_\_\_\_\_  
Susan E. Rivers, Clerk  
Marlboro County Council

Date Adopted:            September 8, 2009