



**MINUTES
FAIRFIELD COUNTY COUNCIL
SPECIAL MEETING
OCTOBER 16, 2013**

Present: David L. Ferguson, R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson; Council Members; J. Milton Pope, County Administrator; Davis Anderson, Deputy County Administrator; John E. James III, County Attorney; Shryll M. Brown, Clerk to Council

Absent: Mikel Trapp

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80 (e), as amended, the following persons and/or organizations have been notified of the time, date, and location of this meeting: The Herald-Independent, The State, and Winnsboro Cablevision, and ninety-four other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at 6:10 P.M.

2. INVOCATION

Council Member Kinley led in the invocation.

3. MEETING DESCRIPTION FORMAT

Mr. Pope was asked to give a description of the format for tonight's meeting. He set forth that the purpose of the meeting was to solely discuss the implications of solid waste legislation.

4. Subsequently, he introduced Representative MaryGail Douglas and Mr. Robert Croom, who were the speakers for the evening.

5. Mr. Pope set forth that after hearing from the speakers, there will be a question and answer period for the Council; immediately after that, a question and answer period from the citizens.

{Mr. Robert Croom spoke at this point, basically referring to the handout he had provided entitled "Flow Control Legislation – H.3290 & S.203". After his presentation, he answered questions that the Council had}.

6. COUNTY COUNCIL QUESTION AND ANSWER PERIOD

◆ Ferguson:

1. At one point in time, there was independence and there was the counties and cities, etc., but at some point in time, it was mandated that the county was responsible for everything that was generated within the county confines, right?

2. Until this brilliant idea here came along, in one way or another, this is the Act that we have been following, right?

3. With your experience in the legislature, what analysis would you put on 46 counties being against this and it got out of the House with the numbers that it did. It would seem as though if it was to go through the Senate right now, there are scary numbers, what analogy would you make of that?

4. One of the things that really disturb me is that we have three counties represented by our Senator, and all three counties have voiced displeasure in this bill passing. Even with that said and with the meetings and the correspondence that we have had with our Senator, he choose not to come tonight and answer questions from the audience or from the Council. He also has chosen to stick strictly with voting for this bill with all three counties asking him not to vote for the bill. It's kind of upsetting to know that you have that much (three out of three) that is against it, and your elected official is still in favor for it.

- ◆ Perry:
 1. Of the 46 counties here in the State, how many are in favor of H.3290?
 2. Are you still opposed, as it stands now, to the flow control bill?
 3. Being on the other side of something like this 10-11 years ago, I do see a current member that was actually in the fight with me when we actually took on Council from Fairfield County at that time. I remember at that time trying to figure out why County Council would choose to put a landfill in an area where it was starting to grow and develop.
- ◆ Pope:
 1. Succinctly say or respond to the fact of why should citizens of Fairfield County be interested in this piece of legislation, and how would it impact us, because we are a County that actually transfers our garbage that ends up on Screaming Eagle Road?
- ◆ Kinley:
 1. You said it had been in the legislature for the last 4 or 5 years. What has prompted it in the last year, because we really basically just heard about it – about a year ago, with a lot of emphasis put on the bill? Can you speak to what prompted it to move forward as quickly as they are trying to do right now?
 2. Once it has passed the House, I know there was some question about the way it was stated—that maybe it was sort of misleading in the way the bill was named. Did you hear any conversation from the other counties' House members that maybe changed their mind after they realized what they had voted for, or do you still think it was that they had signed on for the business issue?
- ◆ Brown:
 1. As far as counties that are operating landfills where they already have a proper landfill to feed from, and you do away with being controlled, and then you find a landfill company without their license, has that happened yet?
 2. I was here when Chambers came to us when we all were in the landfill business and scared us to death about the Title IVD landfill expense. That's why everybody who had landfills in the State got out of it at that time. It scared them from doing it again. Half the lobbyists in Columbia were working on this thing. So those scare tactics, other than the bill itself?
 3. With the amendments coming out of the Senate, what kind of timeframe are we looking at? How is it going to go from this point on?
 4. So, if it passes on what they are working on, does it go back to the House and how many readings do you have in the House after that?
- ◆ Marcharia:
 1. What is the imminent danger for the citizens of Fairfield County?
 2. Why should we be on alert?
 3. Are you saying that despite an ordinance or zoning that we might have, if they pass this bill, they can come in and just obviate from a private landowner set up a landfill, and we have no authority to stop them?
 4. So where we don't have zoning, it is not clear—then they can come in to that particular geographic area and set up camp, so to speak?

{Representative MaryGail Douglas spoke at this point, stating that in January, this was one of the first things that hit the House floor, and pretty much run through pretty quickly. She stated she was talking to counties that were being affected by this, and added that she had no idea what the term "flow control" was, and that she had to start from scratch. Further, Representative Douglas addressed the statement of why did it get passed through so quickly with 46 counties, and not much opposition to it. In conclusion, she set forth why she voted against the flow control bill and stated the bill is currently on the Senate contested calendar. Representative Douglas then answered questions that the Council had}.

6. CITIZENS' QUESTION AND ANSWER PERIOD

- ◆ Mr. Randy Bright:
 1. As I understand it and as you explained it, this bill makes the counties very vulnerable to placement by private firms of landfills in appropriate sites. Would that be fair to say--if you don't have zoning, and there is probably no county in the State that does? So, if you don't have the zoning, you are very vulnerable to a landfill in an inappropriate place?

2. Whether it is zoning or whatever, this bill then, would take the county's ability away to from limiting out-of-state waste if a private company came in and built a competing facility? Are you saying that the county would not be able to block out-of-state waste for that private facility?

3. I am a little bit confused, or maybe you can clarify what the issue is as far as not being able to send waste out. You've indicated that Horry County, which was the catalyst for this entire bill, the issue on Horry County was that local businesses were protesting because they could not ship waste out of Horry County. What is wrong with that? What is bad about that for Horry County? So, Horry County wanted to keep the waste in Horry County for economic reasons?

4. I sort of understand it. That's one part of the bill that I see as limiting completion. I really don't like the overall bill, quite frankly because of the out-of-state waste; lack of control and the lack of control by the County for landfills in general. I can see the other side—part of it, which doesn't make the bill a good bill, but to me, that one part of the bill seems to allow competitive situations that may lower cost to the taxpayers in the long run for both Marion and Horry County. I can see that side of the bill and I just wanted to point that out, but I think overall, because of the first two sections of the bill and the fact that it really seems stupid to void all of the agreements or bonds in place. In a sense, it almost voids the bonds, so that is incredibly stupid, and thanks MaryGail, for opposing that. That's my initial questions.

◆ Mr. Tommy Wright:

1. MaryGail, I would like to ask you this question. You said it was along party lines the way they voted. Was that the Democratic Party or the Republican Party? Mr. Coleman is a Democrat, is he not? He runs on the Democratic ticket, is that not right?

2. This pro-business, is this because of great lobbying for campaign contributions? Does this have a problem there?

3. The lobbying was great on this bill, was it not?

4. Isn't this almost like a Walmart opening up next to a little small store and running them out of business?

5. Isn't it true that the less public landfills you have, the higher the rate will go?

6. This is really landfills trying to make big money—big businesses coming in?

7. MaryGail, one last question for you. How are you going to try to use your influence on Senator Coleman to try to get him to change his mind on this thing?

◆ Mr. Jeff Morris:

1. The last time the Council had a representative from the Association who was stating that if this bill would pass, there would be an increase significantly in landfills being used and walked away from. Is that still the Association of Counties position? You are saying the legislation basically encourages that? Why don't they all do that? It doesn't seem the experience is what you are suggesting is the likely consequence. I understand corporate law. I have taught it myself. Isn't the way to handle this exactly what the bill says. It's nothing that prohibits the counties from enacting appropriate restrictions on this business.

2. You were talking about the county-run landfills and they have to have their closing money. Why wouldn't they have regulations that would require a private landfill operator to do the same thing and be just as effective? Were they not enforced as time went by? Because had they been enforced, presumably the money would be there to complete the clean up? If you have legislation that does not get enforced, it's hard to blame the legislation for that. It's the executive branch that tells them to enforce it. I think in America, that's one of the things you have to do. That's how you make your living right? It seems to me that you've got an opportunity for some counties that may not have a lot of revenue to pick up some revenue, and the notion that it's "all that out-of-town stuff". I've never lived in New York, but I've been to New York. Their garbage stinks. It all stinks. It's garbage. The notion that an aquifer might be injured is, I think, the important question, but it rings maybe not as loudly as I would expect in a County where you have nuclear power plant, which if you have a spill there, it just doesn't make a smell, you will have 50 pound tomatoes, but it won't do you any good. I'm a little bit perplexed by the fact that—here's an opportunity via zoning, via the imposition of fees which are specifically identified here. Those fees you can impose on the haulers are going to encourage them to bring it elsewhere, wouldn't that? I am not sure what fees you are talking about. What are the solid waste user fees?

3. Apart from generating funds along the way to ensure clean up at the end, what would stop the County from acquiring any company that opens a landfill to post appropriate bonds to cover those costs?

4. Has the Association come up with a plan for counties to put in place model zoning regulations? Wouldn't the Association only be doing its job if it had available to counties—if this thing starts going, here's your fallback protection, i.e., a much more stricter zoning set of rules set of rules that would protect the interest of the County?

5. My point would be—given that time lag, shouldn't it be under consideration in the meantime so that counties can be as prepared as can be in the event this goes away—that the County thinks it is not in its best interest? You would advise them, I think still, to go ahead and impose new zoning regulations that will protect you against further expansion of those businesses in areas that you don't want them.

6. I was kind of confused by what I found in your presentation of what was sort of back and forth. On one end you said repeatedly, if this passes, then you will not have any options and the fees are going to get expensive. That would be what I call a conclusion, but what is missing is the whole first part of the {inaudible}. It's certainly a bunch of assertions. They may be right; they may not be right. That is part of the lobbying game, and there is nothing wrong with lobbying. It was a foundation for the Country. We need that because of vigorous discussion from knowledgeable people. But, on one end you said we are going to have no competition, and that is going to be bad; but the purpose of the Horry County action was to {inaudible} competition.

7. Residential stuff is not covered by this, is that correct? What section is that? That is subsection A(2)bIV. This is the version that I have. I don't know if it is the very latest version. (2) is Zoning and Land Use. (4) is Regulating The Collection And Transportation And Disposal Of Residential Solid Waste. If it weren't there, no argument could be made that the statute might have done that, and I assume that was made by somebody on your side. Well, it prevents the argument that those {inaudible} some of them restrictive, if they weren't there. I assume that's the purpose, that's why you put it in. That's exactly my point. So, in other words, there was objection for that and the proposal was {inaudible} to protect the integrity of the zoning process. Is there some other argument. I don't really care if people are embarrassed if they are doing the right thing. Sometimes that is good, but it seems to me zoning isn't important. The aspect of local Home Rule, and it is still in there, as is: Regulation and collection and transportation of residential solid waste. It seems to me there are some protections in this that maybe...this was dated June 4, so it could have been five {inaudible} ago.

8. The final thing is that I don't know what sweat a County Council should have over a State Legislator. I think that County Councils have expertise about this County and should be absolutely impelled to contact and discuss issues with their representatives. But, the representatives, I don't think...(Representative Douglas, as well), she has come to a conclusion about what this bill is; is this good for the district, and is it good for her State. I'm guessing that each of those considerations are in your mind about what the issue is. The County, doesn't, I think, quite have the same viewpoint by necessity. Its interest is: "what's in it for me", and there may be conflicts here over "what's in it for me", and those conflicts could be something that a Legislator, who is not our Council, could find persuasive. So, I don't know why Senator Coleman wants this bill, (I couldn't tell you) but suggesting that if three County Councils tell you to do something, you have to do it is wrong. I think it is very persuasive because of the standing of people there. County Councils have the interest of the County at heart and that ought to be considered, but it certainly shouldn't be in any way, preemptive of the independent decision of that member of the Legislature should make.

◆ Mrs. Gail Ross:

1. I was one of the people who helped to fight against the landfill that was supposed to be built right off I-77 in Ridgeway. This is a very important issue. I am surprised we don't have more people here. Maybe they don't understand how important this is compared to some of the things that we have been discussing. This is huge. I hope that people will begin to understand and will get on the bandwagon and try to educate themselves. I had to educate myself the hard way when I dealing with this, and some people out here in the audience did the same thing when it was being developed in their part of the County. I want even go into how horrendous a landfill can be, but I'm just saying so that some of you will understand that the

Council can change. We learned a lot of things when we were dealing with that. We learned how harmful landfills can be. We learned how manipulative these companies can be (these private companies can be) because it is huge money for them--one of the biggest profit makers that we have in this Country now. Mrs. Douglas said that this bill passed in the House, not because she wanted it to be, but because so many people are pro-business. I think our State should be pro-business, but they have to be selective of the type business that they have generated here. I have a family member who lives in Fort Mill and he told me that our ex-Lieutenant Governor's brother and the ex-Lieutenant Governor has started a landfill business, and that they were really pushing it. Our ex-Lieutenant Governor's brother is in our House right now. I used to be in Church with a man named {inaudible} who is in the House right now. His family owned a huge construction business. It would be really profitable for him to have this bill passed. I am just throwing these things out, and you can check it all out yourself. That's the kind of pro-business that might be going on here. Just check it out. Don't take my word for it. The other thing about our County as opposed to some counties, we are going to promote growth in industry and business and doing a pretty good job of getting some good business. But also because we are on I-77, it's really beneficial for landfills to look at the counties who are growing and you have Interstate access because it's easy for the trucks to get off and on when they have to dump. Somebody mentioned something about clean up. The superfund that used to be in our favor from the government (I don't know if they are still funding now) but, there was a superfund site right in Blythewood—right there near where I live; right on the border of Fairfield County. I don't know if it was ever cleaned up. It can happen at any time—it can be some kind of chemical put into a landfill; it can explode. DHEC does not have the manpower to watch every single thing that goes in. They just do random checks.

2. The County's zoning. I know that our County has a Comprehensive Plan, and I don't know that the County, as it stands now, with the Comprehensive Plan, would allow a landfill to be built in any area of the County without rezoning it. Could you tell me about that?

3. I looked some information up on the internet. It's all public knowledge. Anybody can look it up. The bill that's in the House, as it went to the Senate, and Creighton Coleman sponsored it. As I understand it, Creighton is sponsoring; is he doing something with it? He made some changes; made some amendments to it. Is that right? It has changed numbers. It's now S.203 in the Senate.

4. This question is directed toward Mrs. Douglas. Do you think citizen input and citizen attention about this would have any effect on the way our Senator would vote?

5. As I understand it, counties can still regulate and handle their own residential C&D. Is that true? Could the County still be in charge of that if this passes? I think that particular issue needs to be brought to the attention of our Senators before they...if this comes up for vote, I think that needs to be brought to their attention, so possibly wording would need to be written in or something amended or changed. I would ask you to look at that. I am not a lawmaker. It's difficult for me to understand exactly what the implications might be.

◆ Ms. Jennifer Barnes:

1. I was one of the people who tried to fight the landfill that was trying to come in on us. I appreciate the Council contacting the Senator to try to get the Senator to not support this legislation. I think it very much is the responsibility of County Council to go to the Senators and the Representatives and let them know how they have learned that their citizens have been trying to get {inaudible}. I have to take exception with the gentleman stating that just because we nuclear plants in Fairfield County, we should not be concerned about contamination of aquifers. Everything that is a potential contamination concern should be considered whenever we are trying to consider placing anything in the County. A lot of people do have wells. Even the public waters that we eat and ingest here, a lot of them come from wells—at least in Jenkinsville. People in that part of the County are very concerned about this issue.

2. It does give people cause to know you have a Senator who represents three counties. All the delegations from those counties have called that person that they do not support this issue; yet, he feels it necessary to be a sponsor in order for it to come to consideration. I am disappointed in Creighton. I will have to let him know that. Mrs. Ross is very much correct when she says this is very important; very important issue. Just because someone says something is pro-business, it doesn't mean it is going to help your little local people at the mom and pop shops downtown. Pro-business means all kinds of business—from people who have

two in an LLC like my partner Julie and I had, all the way up to Waste Management, which is a very huge; very invested; very well funded organization. Just because something is pro-business does not mean that you should signed off for it.

- ◆ Brown: SCAC represents the County and on this issue, has done a wonderful job as far as bringing in other people who are also helping to fight this. They have had days at the legislature, and different County Councils have been well represented in opposition to this bill and in opposition to the amount of lobbyists out there who are being paid good money to get this passed.
- ◆ Perry: As elected officials, it is our responsibility to listen to what our people have to say—right or wrong. Once we are elected to represent our district, and then for the entire County, I think it is then our responsibility, once we are elected, to let our Delegation know how we feel, because not all of our constituents or people in this County have the time or know-how to get to our Delegation.
- ◆ Ferguson: We do appreciate Mrs. Douglas coming tonight to participate in this. Council felt like it was a real important issue. Really disappointed. Our Council Chambers has been filled up to capacity for the last three to four months, and for something to be this important, this is really a disappointment to look out and see this many folks that think this was an important issue. Council is doing everything we can to make you aware of what is going on at the State level and at the County level. Thanked the Association of Counties for coming out and also thanked the citizens for coming out. Will rely on the Association of Counties and our Delegation to keep us informed and involved.
- ◆ Marcharia: Thanked the constituency from Jenkinsville for coming out. We have been in this fight for some time, as Mrs. Ross, Ms. Barnes and our Vice Chair have mentioned. That was off Highway 215 by Wallaceville, and over 3000 acres were involved in that project. I remember the many trips we had to make back to DHEC. Thank everyone who is going to be conscience of it. We should have the same number of people here that we have been having at some of the other meetings. Thanked Representative Douglas for coming out.

7. **ADJOURN**

The meeting was adjourned at 9:05 P.M., upon unanimous approval of Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN