

**MINUTES
SPECIAL MEETING
LEXINGTON COUNTY COUNCIL
DECEMBER 22, 2005**

Lexington County Council held a Special Meeting on Tuesday, December 22, 2005 in Council Chambers, beginning at 6:00 p.m. The purpose of the meeting was to consider an amendment to the Lexington County Solid Waste plan. Chairman Cullum presided; Mr. Kinard gave the invocation; Ms. Summers led the Pledge of Allegiance.

Members attending:	M. Todd Cullum	James E. Kinard, Jr.
	William C. Billy Derrick	Debra B. Summers
	Bobby C. Keisler	Johnny W. Jeffcoat

Not Present:	George H. Smokey Davis	John W. Carrigg, Jr.
	Joseph W. Owens	

Also attending: Art Brooks, County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; John Fechtel, Director of Public Works/Deputy County Administrator; Joe Mergo, Director of Solid Waste Management, Charlie Compton, Director of Planning and GIS; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

M. Todd Cullum, Chairman - Mr. Cullum stated the special meeting was called to discuss an amendment to the Lexington County Solid Waste plan and asked that a motion be entertained to move into Executive Session for a legal matter.

Executive Session/Legal Briefing - A motion was made by Mr. Jeffcoat and seconded by Mr. Keisler that Council go into Executive Session to discuss a legal matter.

In Favor:	Mr. Cullum	Mr. Jeffcoat
	Mr. Keisler	Mr. Kinard
	Mr. Derrick	Ms. Summers

Mr. Cullum reconvened the meeting in open session.

Matters Requiring a Vote as a Result of Executive Session - Mr. Cullum said as a result of Executive Session, there was one motion to be considered.

Amendment to Solid Waste Plan - In order to clarify the County's intention for Ordinance 05-05 to be applicable for the entire County, including within municipalities, Mr. Derrick made a motion seconded by Mr. Jeffcoat that the Lexington County Solid Waste Plan be amended pursuant to the amendments (attached) that we have before us tonight at this meeting. The substance of the amendments is to incorporate Ordinance 05-05 that was approved by third reading on July 12, 2005 into the Lexington County Solid Waste plan and that these amendments also apply to any change of ownership.

Mr. Cullum opened the meeting for discussion.

Mr. Keisler stated Ordinance 05-05 was passed in July 2005 and was in place prior to any annexations and asked if that was correct.

Mr. Cullum replied, that's correct; even before any annexations that relate to a concurrent site that is under review.

In Favor:	Mr. Cullum	Mr. Derrick
	Mr. Jeffcoat	Mr. Kinard
	Ms. Summers	Mr. Keisler

Old Business/New Business - None.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Diana W. Burnett
Clerk

M. Todd Cullum
Chairman

C. Solid Waste Transfer Stations

Lexington County currently owns and operates a solid waste transfer station for the transfer of its municipal solid waste to the Richland Landfill, a Waste Management company, in northeast Richland County. Therefore, Lexington County does not anticipate the development of any additional solid waste transfer stations at this time.

Further, this solid waste disposal activity has a unique characteristic that requires a thorough review prior to specific site approval and requires careful on-going oversight of the day-to-day operations. This includes new, expansions, transfer(s) of ownership, or replacement transfer stations.

This activity must first be reviewed as to its ability to meet the regulations contained in the Lexington County Zoning Ordinance. A report of that review must then be forwarded to the Lexington County Council as a part of their determination as to the suitability of the proposed location for the activity. As a part of their analysis of the proposed activity Council will establish application and review procedures that will contain the following minimum requirements:

- The application for the activity will appear on Council agendas at least three times. The first time will be for the purpose of an early notification to the public of the existence of the application and will include the time, date and place of the public hearing. The second time will be the public hearing and the third will be for the purpose of voting on the application.
- At least 15 days prior to the public hearing, notice shall be given in a newspaper of general circulation in Lexington County.
- At least 15 days prior to the public hearing, the adjacent property owners shall be notified of the proposed application and the time, date and place of the public hearing.
- The application will include a fee sufficient to cover the cost of the public hearing advertisement and the notification to all adjacent property owners.

If there are aspects of the activity and its proposed location that are of concern to the Council, those concerns will be forwarded to the applicant. If they are not addressed satisfactorily, the proposed activity will not be approved for that location.

D. Solid Waste Processing Facilities

Since Lexington County has a contract with Waste Management to transport its solid waste from the Edmund Transfer Station to the Richland Landfill, it does not anticipate the development of any solid waste processing facilities at this time.

Further, this solid waste disposal activity has a unique characteristic that requires a thorough review prior to specific site approval and requires careful on-going oversight of the day-to-day operations. This includes new, expansions, transfer(s) of ownership, or replacement facilities.

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E. Municipal Solid Waste Landfills

Since Lexington County has a contract with Waste Management for the disposal of its solid waste at the Richland Landfill until June 30, 2009, it does not anticipate the development of any Subtitle D municipal solid waste landfills at this time. Any new Subtitle D municipal solid waste landfills developed in the future will be subject to SCDHEC's "Demonstration-of-Need" requirements as illustrated on Exhibit C.

Further, this solid waste disposal activity has a unique characteristic that requires a thorough review prior to specific site approval and requires careful on-going oversight of the day-to-day operations. This includes new, expansions, transfer(s) of ownership, or replacement landfills.

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F. Sludge Monofills

Sanitary sewer sludge generated in Lexington County is currently transported to a permitted Subtitle D landfill located outside of the County. Therefore, Lexington County does not anticipate the development of any sludge monofills.

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G. Incinerator Ash Monofills

Since no municipal solid waste incinerators are located within Lexington County, the County does not anticipate the development of any incinerator ash monofills.

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H. Construction, Demolition, and Land-Clearing Debris (C&D) Landfills

Short-term C&D Landfills (Part I)

Lexington County does not anticipate the development of any short-term C&D Landfills as defined in the SCDHEC Regulations R. 61.107.11 Part I. Any short-term C&D landfills in Lexington County will be limited to one (1) development per site for the disposal of on-site debris. This includes new, expansions, transfer(s) of ownership, or replacement landfills.

Land-Clearing Debris and Yard Trash Landfills (Part II)

Lexington County does not anticipate the development of any Land-Clearing Debris and Yard Trash Landfills as defined in the SCDHEC Regulations R. 61-107.11 Part II. This includes new, expansions, transfer(s) of ownership, or replacement landfills.

Permanent Industrial C&D Landfills (Part III)

Lexington County does not anticipate the development of any Permanent Industrial C&D Landfills as defined in the SCDHEC Regulations R. 61-107.11 Part III. This includes new, expansions, transfer(s) of ownership, or replacement landfills.

Long-Term C&D Landfills (Part IV)

Lexington County currently owns and operates its C&D landfill in Edmund.

Lexington County believes that the County is currently saturated with commercial Long-Term C&D Landfills, as defined by the SCDHEC Regulations R. 61-107.11 Part IV, utilized for the disposal of all other construction, demolition and land-clearing debris not addressed in Parts I, II or III. In 2000, SCDHEC implemented the "Demonstration-of-Need" regulations to minimize the number of new C&D landfills in the State. Lexington County further determines that no new C&D landfills, C&D landfill expansions, transfer(s) of ownership, or C&D landfill replacements are to be located within a twenty (20) mile radius of two (2) existing C&D landfills as illustrated in Exhibit D.

H.1 Construction, Demolition, and Land-Clearing Debris (C&D) Landfills Part I, Part II, Part III and Part IV

These solid waste disposal activities have unique characteristic that require a thorough review prior to specific site approval and require careful on-going oversight of the day-to-day operations. This includes new, expansions, transfer(s) of ownership, or replacement landfills.

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I. Industrial Solid Waste Landfills

Lexington County does not anticipate the development of an industrial solid waste landfill at this time. If any industrial solid waste landfills are developed in the future, they will be subject to SCDHEC's "Demonstration-of-Need" requirements as illustrated on Exhibit E.

Further, this solid waste disposal activity has a unique characteristic that requires a thorough review prior to specific site approval and requires careful on-going oversight of the day-to-day operations. This includes new, expansions, transfer(s) of ownership, or replacement landfills.

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J. Municipal Solid Waste Incinerators

Lexington County does not anticipate the development of a municipal solid waste incinerator and does not have any plans to design, permit, or construct one within the county.

Further, this solid waste disposal activity has a unique characteristic that requires a thorough review prior to specific site approval and requires careful on-going oversight of the day-to-day operations. This includes new, expansions, transfer(s) of ownership, or replacement incinerators.

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K. Recycling / Processing Activities (i.e. composting, wood chipping/shredding, grinding, crushing)

This solid waste activity has a unique characteristic that requires a thorough review prior to specific site approval and requires careful on-going oversight of the day-to-day operations. This includes new, expansions, transfer(s) of ownership, or replacement facilities.

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Further, approved recycling/processing activities must be bonded. The on-site processing of construction, demolition, and/or land-clearing debris for recycling has several unique characteristics since the material used for this operation is normally destined for an approved landfill. In preparation for processing it is generally stored aboveground in large piles. If for any reason the recycling operation is abandoned, the unprocessed material must be transported to an approved landfill. Therefore, Lexington County requires that a bond with surety and conditions satisfactory to it be filed and accepted prior to the permitting of such an operation. The nature of the surety and the bonding procedures shall be as determined by the County Council to ensure that, in the event of a default by the applicant, funds will be available to dispose of the unprocessed solid waste material. The amount of the bond at all times must be equal to the cost of such disposal.

L. Used Oil Collection and/or Processing Facilities

As stated in Section IV. Existing Solid Waste Management, Lexington County utilizes twelve (12) Solid Waste Collection Stations for the collection of used oil from residential citizens. Based upon population projections and concentrations, Lexington County does not foresee the need for additional used oil collection sites at this time. In addition, Lexington County does not anticipate the development of additional used oil processing facilities since the Bolyne Lubricant Company is currently operating in West Columbia, South Carolina.

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M. Waste Tire Haulers, Collection Facilities, Processing Facilities and Disposal Facilities

Lexington County does not anticipate the development of any additional waste tire, processing facilities and/or disposal facilities at this time. The County currently collects waste tires at the Edmund facility that are then recycled by a company contracted with the County.

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N. Research, Development and Demonstration (RD & D) Permits

Lexington County does not plan on pursuing any RD&D permits at this time. However, if new technologies and grant money becomes available in the future, Lexington County will evaluate the possibility of obtaining a RD&D Permit.

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O. Land Application of Solid Waste Permits

Lexington County does not plan on pursuing any land application of solid waste permits at this time.

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P. Recycling Programs

Lexington County plans to continue with its existing recycling programs through the use of its twelve (12) Solid Waste Collection Stations and franchised curbside collection. As recycling technology and commodity markets become more advanced, Lexington County will evaluate further recycling opportunities. Lexington County will continue to educate its residents on the importance of recycling.

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Q. Special Wastes and Specific Wastes

Lexington County will continue to handle special wastes and specific wastes in accordance with its existing procedures.

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R. Household Hazardous Materials (HHM)

Lexington County does not plan on implementing a HHM program at this time.

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If there are aspects of the activity and its proposed location that are of concern to the Council, those concerns will be forwarded to the applicant. If they are not addressed satisfactorily, the proposed activity will not be approved for that location.

S. Import and Export of Waste

Lexington County reserves the right to import municipal solid waste generated outside of the County. Lexington County will continue to export its municipal solid waste to a permitted Subtitle D landfill located in Richland County in compliance with the County's signed contract.

Further, this solid waste activity has a unique characteristic that requires a thorough review prior to specific site approval and requires careful on-going oversight of the day-to-day operations. This includes new, expansions, transfer(s) of ownership, or replacement facilities.

This activity must first be reviewed as to its ability to meet the regulations contained in the Lexington County Zoning Ordinance. A report of that review must then be forwarded to the Lexington County Council as a part of their determination as to the suitability of the proposed location for the activity. As a part of their analysis of the proposed activity Council will establish application and review procedures that will contain the following minimum requirements:

- The application for the activity will appear on Council agendas at least three times. The first time will be for the purpose of an early notification to the public of the existence of the application and will include the time, date and place of the public hearing. The second time will be the public hearing and the third will be for the purpose of voting on the application.
- At least 15 days prior to the public hearing, notice shall be given in a newspaper of general circulation in Lexington County.
- At least 15 days prior to the public hearing, the adjacent property owners shall be notified of the proposed application and the time, date and place of the public hearing.
- The application will include a fee sufficient to cover the cost of the public hearing advertisement and the notification to all adjacent property owners.

If there are aspects of the activity and its proposed location that are of concern to the Council, those concerns will be forwarded to the applicant. If they are not addressed satisfactorily, the proposed activity will not be approved for that location.

T. Any Other Solid Waste Facility Not Specifically Covered In The Plan

Solid waste disposal activities have unique characteristics that require a thorough review prior to specific site approval and require careful on-going oversight of the day-to-day operations. This includes new, expansions, transfer(s) of ownership, or replacement facilities.

This activity must first be reviewed as to its ability to meet the regulations contained in the Lexington County Zoning Ordinance. A report of that review must then be forwarded to the Lexington County Council as a part of their determination as to the suitability of the proposed location for the activity. As a part of their analysis of the proposed activity Council will establish application and review procedures that will contain the following minimum requirements:

- The application for the activity will appear on Council agendas at least three times. The first time will be for the purpose of an early notification to the public of the existence of the application and will include the time, date and place of the public hearing. The second time will be the public hearing and the third will be for the purpose of voting on the application.
- At least 15 days prior to the public hearing, notice shall be given in a newspaper of general circulation in Lexington County.
- At least 15 days prior to the public hearing, the adjacent property owners shall be notified of the proposed application and the time, date and place of the public hearing.
- The application will include a fee sufficient to cover the cost of the public hearing advertisement and the notification to all adjacent property owners.

If there are aspects of the activity and its proposed location that are of concern to the Council, those concerns will be forwarded to the applicant. If they are not addressed satisfactorily, the proposed activity will not be approved for that location.

Further, approved recycling/processing activities must be bonded. The on-site processing of construction, demolition, and/or land-clearing debris for recycling has several unique characteristics since the material used for this operation is normally destined for an approved landfill. In preparation for processing it is generally stored aboveground in large piles. If for any reason the recycling operation is abandoned, the unprocessed material must be transported to an approved landfill. Therefore, Lexington County requires that a bond with surety and conditions satisfactory to it be filed and accepted prior to the permitting of such an operation. The nature of the surety and the bonding procedures shall be as determined by the County Council to ensure that, in the event of a default by the applicant, funds will be available to dispose of the unprocessed solid waste material. The amount of the bond at all times must be equal to the cost of such disposal.