

**Minutes
Loudon County Solid Waste Disposal Commission
February 10, 2015**

The Loudon County Solid Waste Disposal Commission (Commission) met on February 10, 2015 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, Larry Jameson, Robert Harrison, Kelly Littleton-Brewster, John Watkins, Tom Paul and Art Stewart. Other attendees included Attorney Kevin Stevens; Santek representatives Cheryl Dunson and Raymond Givens; Loudon County Convenience Centers Director Chris Parks; residents Betty Jo McAllister, Kaye Wallace, Ray Chadwick, Pat Hunter, Jackie Frady and Ailene Longmire; a member of the local media; and several unidentified residents.

Mr. Field called the meeting to order at 6:30 p.m.

Mr. Jameson led the Commission in the Pledge of Allegiance and the prayer.

MOTION: Mr. Jameson made a motion to accept the minutes as corrected. Ms. Littleton-Brewster seconded the motion. The minutes were approved unanimously.

During Items of Public Concern, Mr. Chadwick said he didn't think the Commission should change its monthly meeting schedule and stressed that the Commission needed to retain control of the Poplar Springs Landfill closure/post-closure funds.

Ms. Hunter asked about the status of the audit. Mr. Field said he was meeting with the auditor next Friday. Ms. Hunter asked if the letter had been sent requesting an Attorney General's (AG) opinion about the Loudon County Trustee's one-percent management fee. Mr. Field said the letter had not been sent yet. Ms. Hunter also asked if the Commission had received a response from the letter it sent the stakeholders regarding the Poplar Springs Landfill. He replied there had been no response.

Ms. Longmire asked about names and dollar amounts on the Commission's new bank account. Ms. Littleton-Brewster said the Loudon County Trustee has moved all county funds to a new bank, but the funds are still controlled by the Trustee. Ms. Longmire asked to see a copy of the stenographer's transcript of the Commission's May 2014 meeting. Mr. Stevens said the transcripts belonged to Santek for their private use and were not official records of the Commission subject to disclosure under the Tennessee Open Records Act. Ms. Longmire asked Ms. Dunson for a copy of the transcripts. Ms. Dunson said she would send her a copy.

Ms. Dunson presented the monthly cash report.

During Santek's Operations Report, Ms. Dunson introduced Raymond Givens as the new manager of the Matlock Bend Landfill. She noted there was a calendar error in the Quarterly Waste Origin Report and said she would re-send a corrected version of the report as soon as she got to work the next morning. She also said she would include Mr. Givens' contact information.

During the Attorney's Report, Mr. Stevens presented the Commission with a Property Usage Indemnity Agreement for the Loudon County Fire and Rescue Squad's use of the Purdy house and disposal of the adjacent barn.

MOTION: Mr. Paul made a motion to approve the Agreement. Mr. Watkins seconded the motion and it passed unanimously.

Mr. Stevens presented the Commission with a draft copy of a letter to be sent to Tennessee State Senator Randy McNally requesting an AG's opinion about the legality of the Loudon County Trustee charging a one-percent fee on the Commission's funds deposited by Santek on a monthly basis. Ms. Littleton-Brewster said page two of the letter didn't reflect that some members of the Commission voted against seeking an AG's opinion.

MOTION: Mr. Jameson made a motion to rescind the approval to send the letter requesting an AG's opinion. Ms. Littleton-Brewster seconded the motion. Mr. Field then asked for discussion. Mr. Jameson said it was not in the Commission's best interest to seek an AG's opinion and said it was more important to work with the stakeholders. Mr. Paul disagreed, stating the county gets all the money from the Trustee's fee while the cities don't get any. Mr. Jameson replied the Commission is asking the Trustee to do things for the Commission and should pay a reasonable amount for those services. Mr. Harrison encouraged the Commission to stand together since a vote was taken to pursue an AG's opinion at last month's meeting. The motion failed on a 3-4 vote with Mr. Harrison, Mr. Paul, Mr. Field and Mr. Watkins voting against it.

Mr. Stevens again reminded the Commission to give some serious thought about the potential adverse consequences of asking for an AG's opinion since there is no clear legal precedent on this issue.

MOTION: Ms. Littleton-Brewster made a motion to table the letter. Mr. Jameson seconded the motion. The motion failed on a 3-4 vote with Mr. Harrison, Mr. Paul, Mr. Watkins and Mr. Field voting against it.

Mr. Stevens said changes to the State of Tennessee's tire recycling and grant program necessitated a change in the landfill operation agreement with Santek. He said he would present a contract amendment to the Commission at its next meeting.

Mr. Stevens said he completed a historical analysis of the Commission's attorney fees. He said the Commission paid \$50,000 in 2012 and \$58,000 in 2013. Since then, Mr. Stevens said he has voluntarily reduced his hourly billing rate by 15 percent and directed his staff to handle administrative functions on behalf of the Commission without charge, which resulted in a reduction of his firm's legal fees by an additional 32 percent in 2014. Mr. Stevens said he talked with members of his law firm and he is prepared to offer the Commission a flat monthly fee of \$2,500 for the same level of legal service. Mr. Jameson said he applauded Mr. Stevens' offer and suggested tabling the offer until later in the meeting.

Mr. Field said members of the Commission receive a small stipend to attend monthly meetings. Mr. Jameson suggested reducing the stipend to \$1 per month. Mr. Field asked the Commission to consider eliminating it totally. Ms. Littleton-Brewster suggested the Commission could reduce its expenses by not attending the solid waste conference in Gatlinburg. Mr. Harrison disagreed, stating the conference was informative and educational.

MOTION: Mr. Paul made a motion to accept Mr. Stevens' proposal of a fixed monthly fee of \$2,500 for standard legal services. Mr. Watkins seconded the motion and it passed on a 6-1 vote with Ms. Littleton-Brewster voting against it.

MOTION: Mr. Jameson made a motion to eliminate the Commission's monthly stipend for the remainder of the year. Mr. Paul seconded the motion and it passed on a 5-1-1 vote with Mr. Stewart voting against it and Mr. Harrison abstaining.

MOTION: Mr. Harrison made a motion to continue paying the Commission's expenses to attend the solid waste conference in Gatlinburg. Mr. Paul seconded the motion and it passed on a 5-2 vote with Mr. Jameson and Ms. Littleton-Brewster voting against it.

MOTION: Mr. Harrison made a motion to ask Mr. Stevens to write a letter to the three stakeholders of the Poplar Springs Landfill requesting copies of the environmental assessment of the landfill; copies of any title or legal work on the landfill; and a status and history of any ongoing negotiations between the stakeholders and the landowner. Mr. Harrison said he couldn't make a good decision about the former landfill without the requested information. The motion died for lack of a second.

Mr. Paul distributed an exemplary spreadsheet that he had prepared reflecting potential investment gains on the Commission's accrued funds if such funds were invested over various terms with various rates of returns. Mr. Paul said that he would like to continue to explore potential investments of the Commission's accrued funds.

Mr. Paul suggested writing a letter of appreciation to former landfill manager Levi Higdon. The Commission concurred.

Mr. Field asked members of the Commission to look in the packets at a list of recyclers in the community to see if anyone had been missed. He encouraged the Commission to contact him or Ms. Dunson with suggestions.

MOTION: Mr. Paul made a motion to adjourn the meeting at 8:35 p.m. Mr. Littleton-Brewster seconded the motion and it passed unanimously.

The Commission's next regularly scheduled meeting is March 10, 2015 at 6:30 p.m. at the Courthouse Annex.

Respectfully submitted,



Steve Field, Chairman
Loudon County Solid Waste Disposal Commission