

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**January 14, 2003**

The Loudon County Solid Waste Disposal Commission (LCSWDC) met January 14, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. The commission was represented by Steve Field, Larry Stafford, Ted Sitzlar, Leo Bradshaw, Robert Harrison and Robert Phillips. Other attendees included Solid Waste Director Mike Atkins, Santek representatives Raymond Givens and Cheryl Dunson, and Loudon County commissioners David Mears and Van Shaver, and Herald-News reporter Jeff Farrell.

Mr. Field called the meeting to order. Under Items of Public Concern, Mr. Mears stated he would appreciate a Santek representative attending some of the Loudon County Commission workshops to address any questions some of the new commissioners may have about the landfill. He also said he understood LCSWDC was looking at a multi-county region with Monroe County and he didn't have enough information to determine if the move would be beneficial to Loudon County. Mr. Field said a multi-county region was just one of the options LCSWDC was looking into.

The minutes were approved as read.

During Santek's operations report, Mr. Harrison asked about the status of the Trigen sludge contract. Mr. Atkins replied he was still working with Trigen officials, but should know something relatively soon. Mr. Sitzlar asked if Alvin Shumaker was current with his landfill account and Raymond said it was his understanding he was making payments.

Following the Treasurer's Report, Mr. Atkins gave his report. He told commissioners about the Tennessee Department of Transportation's (TDOT) project to widen Hwy. 72 which will require the acquisition of approximately 100 feet of the landfill's driveway. Mr. Atkins said he met with TDOT officials January 10th and they intend to begin work in March. Mr. Atkins said TDOT has offered LCSWDC \$6,950 which includes .375 acres, damages and improvements. He then asked the commission to give him or Mr. Field the authority to sign a Right of Entry form so that TDOT could begin work. A lengthy discussion ensued regarding the landfill's ability to safely accommodate multiple trucks entering the landfill at the same time. Mr. Harrison asked Santek's engineers to design an overflow lane. Mr. Atkins said if LCSWDC didn't sign the Right of Entry form, TDOT could acquire the property by eminent domain. Mr. Sitzlar responded his main concern is safety and he didn't want to approve the Right of Entry until the commission had reviewed TDOT's plans. Mr. Harrison asked Mr. Atkins to get a physical set of plans. Mr. Sitzlar said the commission could meet later in the month if the Right of Entry form became an issue. Mr. Stafford said perhaps the commission could give TDOT a limited Right of Entry, but Mr. Atkins said Right of Entry gives TDOT the right to commence construction. Mr. Harrison asked Santek to take a photo of the entrance with trucks waiting to cross the scales and Mr. Field asked for some historical data on vehicle counts with corresponding times of day.

Mr. Harrison then made a motion to put the issue of Right of Entry on next month's agenda and to grant approval contingent on 1) reviewing TDOT's plan to collaboratively ensure the widening of Hwy. 72 won't hinder landfill operations and 2) comparing TDOT's plan to Santek's engineering plan. Mr. Stafford seconded the motion and it was unanimously approved.

Mr. Atkins presented the audit report for Fiscal Year 2001-2002. He said commissioners could take a month to review it, and the auditor was much more pleased with the new accounting system.

Mr. Atkins said he has been certified as a Manager of Solid Waste Systems by the Solid Waste Association of North America.

Mr. Phillips was officially introduced as the newest member of the commission. He will replace Sally Proaps who represented the City of Lenoir City.

Mr. Sitzlar asked Mr. Atkins to post a public notification and to compose a press release about the completed audit.

Mr. Field presented the agreement with Monroe County for the use of Mr. Atkins' services. It is a six-month contract which can be automatically renewed for an additional six months if both parties are satisfied with Mr. Atkins' performance. Mr. Atkins asked if he was considered a party to the agreement since his signature was required on the contract. Mr. Field said LCSWDC and Monroe County are the parties to the contract, and Mr. Stafford added from a practical standpoint, termination of the agreement would be heavily based on input from Mr. Atkins. He said legally the agreement is between Monroe County and LCSWDC. Mr. Harrison agreed and made a motion to approve the agreement. Mr. Sitzlar seconded it and the motion was approved unanimously:

Mr. Sitzlar made a motion to adjourn at approximately 7:30 p.m. Mr. Bradshaw seconded the motion and it was approved unanimously. The next meeting is scheduled for February 11, 2003 at 6:30 p.m. at the courthouse annex.

Respectfully Submitted,



Steve Field  
Chairman

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**February 11, 2003**

The Loudon County Solid Waste Disposal Commission (LCSWDC) met February 11, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. The commission was represented by Steve Field, Larry Stafford, Ted Sitzlar, Leo Bradshaw, Robert Harrison and Wayne Tolbert. Other attendees included Solid Waste Director Mike Atkins, Santek representatives Raymond Givens and Cheryl Dunson, Loudon County commissioner Van Shaver, and Herald-News reporter Jeff Farrell.

Mr. Field called the meeting to order. There were no Items of Public Concern. Mr. Bradshaw made a motion to approve the minutes. Mr. Stafford seconded the motion and they were unanimously approved.

During Santek's operational report, Mr. Field suggested Mr. Atkins draft a letter for the Loudon County legislative delegation about the delay in receiving reimbursement from the state's tire grant program. As of the date of the meeting, the commission has yet to receive payment for seven months of tire recycling.

Mr. Harrison also asked Mr. Atkins to inquire with state officials about the establishment of a data base for quarterly waste origin reports. Mr. Harrison said it would be interesting to see from where other landfills in the region are accepting waste.

Mr. Atkins said he planned to organize a major distribution of flyers to promote the upcoming Household Hazardous Waste Collection Day to major retailers in addition to press releases with the local media. Mr. Harrison asked about the possibility of accepting old computers and televisions. Mr. Atkins said at this time it was cost prohibitive.

During the Treasurer's Report, Mr. Tolbert made a motion to write off three outstanding accounts which have been in question for several years. The accounts are Tennessee Waste Movers - \$1,729.85; Permagrain - \$3,349.65; and the Loudon County Materials Facility (a.k.a. Tennessee Waste Movers) - \$622.83. Mr. Stafford seconded the motion and it was unanimously approved. Mr. Sitzlar asked Cheryl to check on J-W Roofing-Sheet Metal, Inc. which owes \$1,199.16 and is past 90 days due. He said any account past 90 days should be a red flag to the Commission.

During the Solid Waste Director's Report, Mr. Atkins stated the agreement with Trigen to remove and dispose of its sludge stockpile has been completed. Waste Services began hauling the waste during the last four days of January. He added the preliminary volume estimates are conservative.

Mr. Atkins said he spoke with TDOT official Doug Shook after last month's meeting and informed him the Commission had some safety issues regarding the widening of Hwy. 72 and, therefore, had not yet approved the Right of Entry. During the latter part of January, Mr. Atkins said he met with Mr. Field, County Executive George Miller, County Planner Newman and Highway Superintendent Don Palmer to discuss the Commission's concerns about Hwy. 72. Mr. Palmer suggested the Mr. Newman, on behalf of the Commission, craft a letter requesting a revision to TDOT's plans which would include a right-hand turn lane. Later in the meeting, Mr. Atkins said he had a letter from TDOT, stating it wanted to commence work as on the highway as early as March. He recommended the Commission approve the Right of Entry. Mr. Harrison made a motion to approve it. Mr. Sitzlar suggested the Commission attempt to work with TDOT on addressing some issues such as drainage and safety which, he said, are legitimate concerns. Mr. Tolbert added that there were some drainage

February 11, 2003 - Page 2

issues in the past and asked Santek representatives to trace the history of the improvements made to the entrance to enhance drainage. Mr. Harrison also said he wanted Santek to be involved in the dialogue with TDOT representatives. He then withdrew his motion to approve the Right of Entry.

On February 7, 2003, Mr. Field, Mr. Harrison and Mr. Atkins met with the Loudon County Commission's Convenience Center Committee to begin discussions about the Solid Waste Commission assuming management responsibilities for the sites.

Mr. Atkins also stated the terms of two Commissioners will expire next month and replacements must be sought for Mr. Tolbert and Mr. Bradshaw. Both Commissioners have decided to retire. Mr. Bradshaw said the county executive would make recommendations for replacements.

Mr. Field mentioned the TDEC Solid Waste Conference in Gatlinburg will be in the spring. Mr. Stafford made a motion for the Commission to pay registration and lodging for any Commissioners interested in attending the conference. Mr. Tolbert seconded the motion and it passed unanimously.

The meeting adjourned at 7:30 p.m. The next meeting will be at the Courthouse Annex at 6:30 p.m. on March 11th.

Respectfully submitted,



Steve Field, Chairman  
LCSWDC

**Minutes**  
**Loudon County Solid Waste Disposal Commission Meeting**  
**March 11, 2003**

The Loudon County Solid Waste Disposal Commission (LCSWDC) met March 11, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Ted Sitzlar, Steve Field, Wayne Tolbert, Leo Bradshaw, Robert Harrison, and Bobby Phillips. Other attendees included Solid Waste Director Mike Atkins; Santek representatives Raymond Givens and Lorie Evanyk; Herald-News reporter Jeff Farrell, and Loudon County Commissioner Van Shaver. Mr. Fields called the meeting to order. The minutes were approved as read.

Mr. Fields asked Mr. Shaver if there were any public concerns he could share with the LCSWDC. Mr. Shaver said most complaints were about the tipping fee being too high. Mr. Tolbert explained to Mr. Shaver the situation the LCSWDC has been in since 1994. Mr. Fields said the tipping fee at the landfill falls right in line with the average for the United States. Mr. Shaver expressed concerns about Santek's management fee being too high and that there might be a better way to manage the landfill besides privatization with Santek.

Ms. Evanyk presented the operation and treasurer's report. She explained the accounts requested to be written off last month would be taken off of next month's financials. Mr. Fields asked about J.W. Roofing. Mr. Atkins stated that J. W. Roofing has been giving Santek's accounting department the run around. They have been put on a cash only basis if want to be a customer in the future.

During the Solid Waste Director's Report, Mr. Atkins informed the commission of Trigen's decision to take their stockpile to another landfill at a cheaper rate. Mr. Sitzlar asked if we should have had a signed contract in place. Mr. Atkins said since it was a one-time deal they didn't think it was needed. He also explained how some companies have a policy to not sign contracts, such as Kimberly Clark. Mr. Atkins said Kimberly Clark has decided to keep coming to the landfill despite their request for a better rate.

The 250 foot right turn lane has been incorporated into the Highway 72 expansion. Mr. Atkins asked for approval of the right of entry. Mr. Bradshaw motioned to approve. Mr. Sitzlar seconded the motion.

A letter addressed to County Executive Miller concerning the possible cancellation of Household Hazardous Waste Day (HHWD) was discussed. Mr. Atkins said he has been in touch with the State and that they will have HHWD on April 5<sup>th</sup> as planned. One addition to this collection day will be the acceptance of electronics. Mr. Atkins will be asking the Sheriff if he can use several trustees for assistance in the collection of the electronics. He said he will be distributing flyers to various locations throughout the County and with the local media. Mr. Fields suggested distributing them to the local civic clubs.

Mr. Atkins said he was diligently working on the 2002 Annual Solid Waste Report and intended to have it complete by the deadline of March 31, 2003.

Registration for the solid waste conference has been completed. Attendees will be Mr. Atkins, Mr. Field, and Mr. Harrison.

A decision on whether the LCSWDC will take over operation of the convenience centers has not yet been decided.

Mr. Atkins said there has been no word yet on the appointments to replace Mr. Tolbert or Mr. Bradshaw. Mr. Tolbert added he has heard comments about not letting anyone from Tellico Village be considered for the appointment due to the decision to take their garbage elsewhere. He

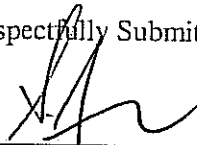
expressed his opinion about how a better line of communication could be established by considering someone from Tellico Village.

Mr. Fields mentioned the possible need for administrative support to the Solid Waste Director when they take over operating the convenience centers. Mr. Tolbert expressed how he did not want to see the position funded by tipping fees. Mr. Atkins explained that by taking over the billing from Santek, they could use the money to pay for the position.

Mr. Fields thanked Mr. Bradshaw and Mr. Tolbert for their service on the LCSWDC.

The meeting adjourned at 7:30 p.m. The next LCSWDC meeting is scheduled for April 8<sup>th</sup> at the Loudon County Courthouse Annex at 6:30 p.m.

Respectfully Submitted,



Steve Field, Chairman LCSWDC

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**April 8, 2003**

The Loudon County Solid Waste Disposal Commission (LCSWDC) met April 8, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. The commission was represented by Steve Field, Ted Sitzlar, Robert Harrison and Russell Alford. Other attendees included Solid Waste Director Mike Atkins, Santek representatives Raymond Givens and Cheryl Dunson, and Herald-News reporter Jeff Farrell.

Mr. Field called the meeting to order. There were no Items of Public Concern. There were several changes to the minutes including the correct spelling of Mr. Field's name and word smithing to discussion about administrative support if the solid waste director assumed responsibility for the convenience centers. Mr. Sitzlar made a motion to approve the minutes as corrected. Mr. Harrison seconded the motion and they were unanimously approved.

Cheryl gave Santek's operational report. There were no issues of discussion.

During the Treasurer's report, Cheryl noted Permagrain, Tennessee Waste Movers and the Loudon County Materials Recovery Facility had been taken off the aging report, per the auditor's request. She also reported J&W Roofing had paid its account in full.

Mr. Atkins gave the solid waste director's report. He said he completed the 2002 Annual Progress Report and had submitted it to the State. Mr. Field inquired about the county's recycling goal and Mr. Atkins replied state officials would determine a percentage based on information submitted in the report.

During April's household hazardous waste collection event, Mr. Atkins said approximately 290 households were represented.

He also stated several landfill customers with special wastes have been delinquent in their paperwork to renew their special waste approval. Mr. Atkins said he has been working with Santek representatives to get the necessary approval letters caught up and the landfill currently has verbal approval from Knoxville field office officials to accept the waste while the paperwork is being processed.

With regards to the sale of landfill property for TDOT's right of way on Hwy. 72, Mr. Sitzlar said the commission should defer any action on the sale until Mr. Atkins could get cost estimates on replacing the fence.

Mr. Atkins distributed a financial analysis on a proposal to accept Monroe County's waste which included lower tipping fees for Loudon County and the two in-county municipalities. After lengthy discussion, Mr. Harrison made a motion to empower Mr. Atkins to negotiate with Monroe County while working with Santek to renegotiate the contract. Mr. Alford seconded the motion and it passed unanimously.

Mr. Field thanked Mr. Atkins for his efforts with the household hazardous waste collection event. Mr. Sitzlar thanked Santek for their continued support of the commission.

Mr. Harrison said a business venture between Staley's and Dupont is 1-2 years away from being consummated, but it will eventually result in a 100-tons-per-day waste stream. He suggested Mr.

April 8, 2003 - Page 2

Atkins contact Pat Phillips with the Economic Development Agency to remind him of the landfill's capacity and ability to accept the waste stream.

The meeting adjourned at approximately 8:10 p.m. The next meeting will be May 13th at 6:30 p.m. at the Courthouse Annex.

A handwritten signature in cursive script, appearing to read "A. J. ...".



**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**June 10, 2003**

The Loudon County Solid Waste Disposal Commission (LCSWDC) met June 10, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. The commission was represented by Steve Field, Ted Sitzlar, Larry Stafford, Robert Phillips and William Waldrop. Other attendees included Solid Waste Director Mike Atkins, and Santek representatives Raymond Givens and Cheryl Dunson.

Mr. Field called the meeting to order. There were no Items of Public Concern.

The minutes were approved as read.

There were no issues during Santek's operations report. Cheryl reported that officials from Louisa County, Virginia recently visited the Matlock Bend Landfill and were very impressed with the operations.

During the Treasurer's Report, Mr. Atkins recommended Trash Wagon be put on a cash-only basis since it was 90 days past due on payment. Raymond said it became a cash-only account June 9th.

Mr. Atkins then presented the Solid Waste Director's Report. He said Henry Purdy had applied for a landfill use permit. He apparently has bought Larry Rolen's company.

On June 4, 2003, Mr. Field and Mr. Atkins met with TDOT representative Doug Shook. Mr. Field signed the initial paperwork to begin the sale of landfill property for the expansion of Hwy. 72. Mr. Atkins said there will be additional paperwork forthcoming. He also said he received a check from TDOT in the amount of \$450 for the removal of the landfill sign. Mr. Atkins said Santek performed the work at no cost to the Commission and the check was forwarded to Tim Boyd in Central Accounting to be deposited into the Commission's account.

Mr. Atkins reported that he had been in extensive negotiations with Greenman Technologies regarding the tire recycling program. He said he secured a rate of \$75 per ton for transportation and disposal. However, state regulations prohibit publicly owned landfills charging more for tires than other solid waste streams which means the Commission would lose \$5 per ton if the landfill continued to accept tires at no cost to the generator. Mr. Field asked Mr. Atkins about Greenman's track record. He said, initially, when the company was being managed as Tennessee Tire Recycling (TTRI), it gave poor service. But, when Greenman acquired TTRI, the service level improved. He said with a new processing facility planned for La Vergne, Tenn., service should continue to improve. Mr. Field asked Cheryl if Santek had any experience with Greenman. She said Santek assumed a tire recycling contract with Greenman in Chatsworth, Georgia when it took over operations of the Murray County Landfill almost a year ago. Due to poor service, she said Santek eventually changed contractors. Mr. Atkins said he needed a motion from the Commission to either change to Greenman or to remain with Mac Tire since Mac's contract expires June 30th. Mr. Sitzlar made a motion to renew the contract with Mac Tire and institute a tipping fee to recoup most of the additional cost above the tire grant amount. Mr. Waldrop seconded the motion. Mr. Sitzlar then suggested Mr. Atkins send a notice to area tire dealers informing them of the impending tipping fee. The Commission agreed to set July 15th as the implementation date for the tipping fee. The motion was unanimously approved.

Mr. Atkins said Mr. Waldrop and he met with representatives of Tellico Village to discuss the potential future use of the Matlock Bend Landfill. Although the village's collection contract doesn't expire until October 2004, Mr. Atkins sensed the village would be receptive to returning their waste to Matlock Bend. He said Tellico Village generates between 160 to 200 tons per month. Mr. Waldrop added that 150 new homes per year are currently being constructed in the village.

Mr. Atkins suggested the Commission issue two Request For Proposals (RFP) to solicit additional waste streams into the landfill or to consider other management options once the Santek contract has expired. Mr. Waldrop said he believed the Commission needed a long-term business plan for the future and, perhaps, should solicit some external expertise to gather intelligence about options the Commission hasn't considered. Mr. Stafford said, based on market conditions, it was difficult to forecast beyond two years. Mr. Atkins added Santek was willing to renegotiate its contract, but the RFP process was the first step in bringing proposals to the Commission. Mr. Stafford made a motion to release RFPs and Mr. Phillips seconded the motion. The motion passed unanimously.

Mr. Field mentioned Mr. Atkins recently received a job offer and his annual review would be due shortly. Mr. Atkins added he hasn't made a decision about the offer, but expected to within the next seven to 10 days. He said the offer represented a substantial salary increase (\$50,000 total) and included a vehicle. He said under normal circumstances he would not have mentioned it, but given the Commission's current state of affairs, he said it was only fair. Mr. Atkins said if he accepted the position he would give the Commission a 60-day notice. Mr. Field asked the Commission how they would like to proceed and at 7:50 p.m. the Commission went into Executive Session to discuss the personnel issue. During the session, the Commission concluded Mr. Atkins' job responsibilities had not dramatically increased and because of county-wide revenue shortfalls this year there was not enough justification to warrant a substantial salary increase at this time. It was noted that his annual review is due shortly and any increase in Mr. Atkins' salary should be in line with what other county employees receive. The Commission then asked Mr. Atkins to return to the room where he was told the Commission believed it was not in a position to match the job offer. The Commission wished to express to Mike a vote of confidence for his work in Loudon County and was hopeful Mike would stay with the County.

The meeting adjourned at approximately 8:30 p.m.. The next meeting is scheduled for July 8, 2003 at 6:30 p.m. at the courthouse annex.

Respectfully submitted,

  
Steve Field, Chairman

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**July 8, 2003**

The Loudon County Solid Waste Disposal Commission (LCSWDC) met June 10, 2003 at 6:30 p.m. at the Loudon County Office Building on River Road. The commission was represented by Steve Field, Robert Harrison, Larry Stafford, Robert Phillips, William Waldrop and Russell Alford. Other attendees included Solid Waste Director Mike Atkins, Santek representatives Raymond Givens and Cheryl Dunson, and residents Pat Hunter and Aileen Longmire.

Mr. Field called the meeting to order and asked if there were any items of public concern.

Mrs. Hunter said she didn't think enough effort was being made to recycle in Loudon County. She indicated the county needed a central locale to drop off construction and demolition waste, and she also complained about the status of one of the county convenience centers which was closed on this particular day and "overflowing with garbage."

Mrs. Longmire said she wanted more information about an ad in the paper soliciting out-of-county waste. She wanted to know from where the waste was originating and how much additional waste was anticipated. Mr. Atkins responded that the commission is not specifying a destination, but the landfill's tonnages were declining to a point where the commission was losing several thousand dollars per month. He said the goal of the ad was to see what, if any, interest was shown by other companies and/or counties to bring waste the landfill, and to maintain a level of 200 tons per day. A lengthy discussion then ensued about the terms and length of the existing Santek contract; the history of Monroe and Loudon counties teaming together; and the extension of water lines in the Matlock Bend community.

The minutes were approved as read.

During Santek's operations report, Mr. Atkins suggested the commission respond cautiously to Matlock Tire's request to establish a collection point at its place of business for tires and to tap into the county's tire grant funds. He said if Matlock entered into a contract with Mac Tire, there would be no reimbursement. Mr. Field asked Mr. Atkins to talk with Matlock Tire representatives.

During the Treasurer's Report, Cheryl indicated it was the end of the fiscal year and the Trustee's information had not been added to report. The commission agreed that a revised report could be submitted at the next regular meeting.

During his Solid Waste Director's Report, Mr. Atkins said there had been one landfill use permit issued since June's meeting. Foy's Roofing Company of Maryville applied for a permit because of work it will complete at the Lenoir City Elementary and High schools.

Mr. Atkins reported Mac Tire had agreed to lower its disposal rate \$5.00 per ton if the commission would agree to a two-year contract. Mr. Stafford made a motion to enter into the agreement as long as there was language in the contract to address any changes in the state's tire grant program. Mr. Harrison seconded the motion and it was unanimously approved.

Mr. Atkins said he mailed out several packets for the Request For Proposals and the due date was July 23, 2003. He also said he has a meeting with Knox County Solid Waste Director John Evans to discuss the possibility of Loudon County residents using the Knox County Household Hazardous

July 8 - Page 2

Waste Facility for paint disposal. Mr. Harrison asked about the potential for putting a trailer at the Matlock Bend Landfill for the same material. Mr. Field said the center would have to be operated under RCRA regulation (Resource Conservation and Recovery Act) and the commission would need a hazardous waste permit for transportation and disposal.

Mr. Waldrop raised the issue of developing a long-term solid waste business plan. He said he'd left several message with Chris Garkovich, but had not yet successfully met with her. He outlined his vision for the plan which included: Fixed and variable cost of operation, and reducing expenses without degrading operation; an adequate level of operation; opportunities to sustain operations at the desired level of service; emulating or avoiding practices used by others; identifying long-range targets for operations, capacity dates and plan of action; incorporating current and emerging technology to improve operations. Mr. Atkins said the commission should appoint a committee to address all the issues and it needed to meet outside of the regular meetings. Mr. Harrison said a lot of politicians in the county refuse to look at solid waste management as a business and he said the commission should consider how to insulate the plan from the political arena.

Under Other Items of Consideration, Mr. Field said it was time for Mr. Atkins' evaluation and salary review. He said county employees were getting a three-percent raise. Mr. Harrison said the commission should reward Mr. Atkins on its own criteria and not on what the county gives its employees. Mr. Stafford made a motion to follow the county's guidelines initially, and then make merit awards based on commission discretion. Mr. Harrison seconded the motion, but after some discussion Mr. Stafford withdrew his motion. Mr. Waldrop made a motion to appoint a committee to evaluate Mr. Atkins' performance and to make a recommendation to the full commission. Mr. Stafford seconded the motion and it was unanimously approved. The committee is comprised of Mr. Field, Mr. Alford and Mr. Sitzlar with input from Mr. Stafford.

Mr. Stafford made a motion to adjourn. It was seconded by Mr. Waldrop and the commission meeting came to a conclusion at 8:00 p.m. The next meeting is scheduled for August 12th at 6:30 p.m. at the courthouse annex.

Respectfully submitted,

  
Mr. Steve Field, Chairman

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**August 12, 2003**

The Loudon County Solid Waste Disposal Commission (Commission) met August 12, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, Robert Harrison, Ted Sitzlar, William Waldrop and Russell Alford. Other attendees included Solid Waste Director Mike Atkins, and Santek representatives Raymond Givens, Cheryl Dunson and Lorie Evanyk.

Mr. Field called the meeting to order. There were no items of public concern. The minutes were approved as read.

During Santek's operations report, Cheryl reported Paul Hatley, an IMCo representative, had contacted her earlier in the day, requesting a disposal rate to bring slag to the landfill. Mr. Hatley could not commit to a flow rate, saying it was dependent on the disposal rate offered by the Commission. He requested rates according to the following volumes: one pound up to 1 million lbs.; 1 million lbs. up to 2 million lbs.; and 2+ million lbs.. Mr. Hatley said he was having problems with the site in Kentucky where IMCo currently takes its waste. Mr. Sitzlar said the Commission needed more information to make a determination to accept the waste and to offer a disposal rate. Mr. Harrison suggested Santek Vice President of Engineering Rob Burnette and Mr. Givens have a more thorough discussion with Mr. Hatley about the environmental issues with the slag. In the meantime, Mr. Field also suggested Santek accept one load of waste in order to perform a density study, given special waste approval from the Tennessee Department of Environment and Conservation (TDEC). Cheryl pointed out IMCo waste must be segregated from other waste and the slag has a high ammonia content which can cause odor problems.

During the Treasurer's Report, Mr. Atkins indicated the Commission had received a \$9,590 planning grant from TDEC. Cheryl also said there were several small balances remaining on five 90-day, past-due accounts and asked for some direction from the Commission. Mr. Harrison made a motion to write off Construction Design (\$19.98), Loudon Co. Material Facility (\$7.33), and TVA-Melton Hill (\$5.93). Mr. Waldrop seconded the motion and it passed unanimously. Cheryl was instructed to follow up with Trigen-Biopower (\$145.00) and Trash Wagon (\$1,030.67) on the status of their accounts.

During the Solid Waste Director's Report, Mr. Atkins said no landfill use permits were issued last month, and the contract for the Fiscal Year 1002-03 audit has been completed and forwarded to the State Comptroller's Office for approval.

Mr. Atkins reported Mac Tire agreed to lower the disposal rate for tires collected at all Santek facilities by \$5.00 per ton, regardless of whether the Commission enters into a two-year agreement with Mac. Mr. Atkins recommended the Commission remain with a one-year contract. Mr. Waldrop made a motion to rescind last month's decision to enter into a two-year agreement. Mr. Harrison seconded the motion and it passed unanimously. Mr. Atkins also said he invoiced TDEC \$17,977.40 for the remaining 256 tons of tires accepted at the landfill during the past fiscal year, and he was awaiting a contract for the new 2003-04 tire grant. Later in the meeting, Mr. Harrison asked Mr. Atkins about the discussions with Matlock Tire using Mac's services and tapping into the grant program. Mr. Atkins said the discussions were ongoing, and he was close to working out the logistics of the program. Mr. Field asked how the volume of Matlock's tires would be calculated. Mr. Atkins said through certified scale tickets from Mac Tire. Mr. Harrison asked how Matlock Tire would be reimbursed. Mr. Atkins said the Commission would continue to pay Mac for all tires; TDEC would

reimburse the Commission through the grant program; and, then, the Commission would invoice Matlock Tire.

Regarding the Knox County effort to accept paint from Loudon County residents, Mr. Atkins said Knox County can only accept the paint in bulk form due to limited manpower. He recommends talking with Loudon County's new convenience center supervisor to gauge interest in managing a bulking operation at one of the centers. Mr. Waldrop asked what would happen to paint that was accepted, but didn't meet Knox County's criteria. Mr. Atkins said it would be stored until the next household hazardous waste collection event.

Mr. Atkins said he received a letter from TDEC indicating Loudon County achieved a 53.48% per capita waste reduction rate, which is based on 1995 being used as the base year. He added the reduction was greatly attributable to Kimberly Clark which chose alternative disposal options for its sludge in 1995.

Finally, Mr. Atkins said he received certificates of insurance from Santek's insurance provider in the amounts of \$1 million each for automobile and workers compensation liability, and \$5 million each for general liability and excess liability.

A lengthy discussion then began about the evaluation process of the Request For Proposals (RFP). Earlier during his report, Mr. Atkins indicated a 60-day extension had been granted and proposals submitted in July were returned unopened to proposers. Mr. Field suggested the formation of a subcommittee to evaluate the proposals and make recommendations to the full Commission. Mr. Harrison disagreed, stating the implications of the proposal process were so far reaching the proposals should be addressed by the entire Commission. Mr. Waldrop wanted to know how the proposals would look and expressed concern about having enough time to thoroughly evaluate each one. Mr. Harrison made a motion to review the proposals as an entire Commission with input from competent legal before any action was taken. Mr. Waldrop seconded the motion. Mr. Waldrop asked how the Commission would proceed with finding an attorney. Mr. Field said there were law firms that specialized in environmental law, although it may be hard to find an impartial law firm. Mr. Harrison said his ACT database had six or so strong environmental attorneys. Mr. Sitzlar said he was puzzled by the RFP process. He said he wasn't sure what the Commission had to offer. Mr. Atkins replied the process allowed for other arrangements once the Santek contract expired. He said any proposal wouldn't begin until then. Mr. Waldrop questioned why the Commission was requesting proposals with four years of life remaining on the existing Santek contract. Mr. Atkins said it was to get a firm grip on the future direction of the landfill. Mr. Field said it gives Santek the opportunity to give the Commission something different, or the Commission could do nothing, or other vendors could offer something different. Mr. Waldrop said he believed a better process existed than requesting proposals which locks the Commission into something. He then stated he was working with Chris Garkovich with C-TAS about fashioning a full-cost accounting plan for the Commission which could lead to a business plan with different options. Mr. Alford asked Mr. Atkins if the Commission had to act on the proposals. He replied the Commission could reject or not act on any or all proposals within any given time. Mr. Waldrop said because the RFP had been issued, commissioners should at least look at proposals, but the Commission shouldn't act until it knows more about its plans for the future. The motion passed unanimously.

Mr. Field then asked commissioners if they wanted to form a subcommittee to develop criteria to evaluate proposals. Mr. Waldrop suggested the Commission review proposals before developing

criteria.

Under Other Items for Commission's Consideration, Cheryl distributed a letter documenting Santek's concern about the RFP process and the potential conflicts it could raise in light of Santek's contract. She said several years remain on Santek's contract, and it's conceivable the RFP process could cause a proposal to be submitted that might interfere with Santek's existing agreement.

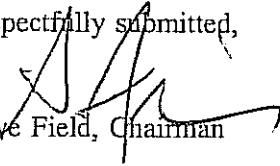
Mr. Sitzlar then asked Mr. Harrison about a Waste Connections' dumpster behind the Family Dollar in Loudon. Mr. Sitzlar said he thought the City of Loudon collected all commercial waste inside the city limits. Mr. Harrison said the city has a contract with Waste Connections to service dumpsters that the city's equipment couldn't pick up. Cheryl asked about the contract's expiration and Mr. Harrison said he would have to check with Loudon City Manager Barry Baker.

Mr. Waldrop said three weeks ago he received a phone call about a Knox County collection event for computer monitors. He said he talked with Knox County Solid Waste Director John Evans who said the event was sponsored by Staples. An Oak Ridge company recycles the electronic equipment. Mr. Waldrop asked commissioners if they would like him to contact a Staples official to see how interested they are about underwriting an event for Loudon County. Mr. Field said TDEC's Household Hazardous Waste Collection Event now accepts computer monitors and used TVs, but he supported Mr. Waldrop contacting Staples.

Mr. Harrison asked about the status of sharing Mr. Atkins' services with Monroe County. Mr. Atkins said the contract had not been renewed and he was working for Monroe County on a month-to-month basis. Mr. Harrison said he wondered if it wasn't time to have Mr. Atkins working full time for Loudon County, given the issues the Commission was currently facing. Mr. Waldrop asked how much notification time the Commission would have to give Monroe County and Mr. Atkins said 30 days. Mr. Harrison asked Mr. Atkins if there were any compelling reasons to continue working for Monroe County and Mr. Atkins said no. Mr. Harrison made a motion for Mr. Atkins to be working full time for Loudon County by Oct. 1st. Mr. Waldrop seconded the motion. The motion passed by a 3-2 margin. Mr. Field and Mr. Sitzlar voted no.

Mr. Sitzlar made a motion to adjourn. It was seconded by Mr. Alford. The meeting was unanimously adjourned at 9 p.m. The next meeting of the Loudon County Solid Waste Disposal Commission will be Sept. 9th at 6:30 p.m. at the Loudon County Courthouse Annex.

Respectfully submitted,

  
Steve Field, Chairman

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**September 9, 2003**

The Loudon County Solid Waste Disposal Commission (Commission) met September 9, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, Ted Sitzlar, William Waldrop, Russell Alford and Robert Phillips. Other attendees included Solid Waste Director Mike Atkins, Loudon County Commissioner Van Shaver, Ricky Watkins, citizens Ailene Longmire and Pat Hunter, and Santek representatives David Brakebill and Cheryl Dunson.

Mr. Field called the meeting to order.

Under Items of Public Concern, Mr. Watkins introduced himself as the new manager of the Loudon County Convenience Centers. He said the centers are experiencing overflow problems on Saturdays because the landfill closes at noon. He said the collection contractor did not have enough time to empty containers and he asked the Commission to consider extending the landfill's hours. He also said he has asked the contractor to consider using two vehicles to empty containers. Mr. Watkins asked the Commission to also consider allowing the contractor to use another disposal facility. Mr. Field asked if the county had considered using an additional compactor or open-top container. Mr. Watkins said it would cost the county an additional \$300 per month for equipment rental and \$49.63 per pull. Mr. Field suggested Mr. Watkins meet with Mr. Atkins to evaluate options. Mr. Atkins also said it might be in the county's best interests to purchase its own equipment instead of renting additional containers from the contractor.

Mr. Field said a correction to the minutes should be made. Fiscal Year "1002-03" should be changed to "2002-03," with regards to last year's audit. Mr. Alford made a motion to approve the minutes as corrected. Mr. Sitzlar seconded the motion and the minutes were unanimously approved.

During the Solid Waste Director's Report, Mr. Atkins said he received a letter from the State Comptroller's Office approving and accepting the financial statements for the Fiscal Year ending June 30, 2002.

Mr. Atkins said he thinks there may be a problem with the flow meter at the landfill which gauges leachate production rates. He said there was only 4/10 of an inch difference in rainfall quantities for the months of May and July, but leachate production doubled. He asked Santek to check the flow meter for maintenance problems.

Mr. Atkins also said he received written notification from County Mayor George Miller stating the tire grant amount for this year is \$29,878. He also said the paperwork for the Annual Maintenance Fee for the landfill has been completed and submitted to Central Accounting.

Mr. Atkins then asked the Commission for some direction regarding the placement of a tire trailer at Matlock Tire. In light of his upcoming departure, Mr. Atkins asked whether he should continue to initiate the program when there may be some lapse in responsibilities before the Commission can hire a replacement. Mr. Field asked what vulnerability could the Commission encounter. Mr. Atkins replied that the solid waste director's office would be responsible for invoicing Matlock Tire, and if a replacement wasn't hired before Mr. Atkins' departure, the invoicing may not get done. Mr. Waldrop made a recommendation to have Matlock Tire continue to bring tires to the landfill until the Commission hires another solid waste director.

September 9, 2003



Mr. Atkins said he had a conversation with auditor B.J. King who is beginning work on the Fiscal Year 2002-03 audit. He hopes to have it completed by Oct. 15th.

Mr. Waldrop said the Commission needed to address the transition between Mr. Atkins' departure and the hiring of a new solid waste director. He asked Mr. Atkins to make a list of tasks and responsibilities that will need to be done during his absence.

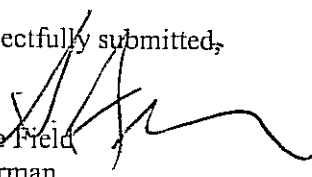
Mr. Alford recommended seeking a new solid waste director immediately. Mr. Field asked commissioners if they wanted to use the same job description. Mr. Sitzlar said he wanted to revisit it to see if it fits the Commission's current needs. Mr. Field said he would send the job description electronically to all the commissioners and they could make any suggested changes. Mr. Phillips asked whether a subcommittee should be formed to handle the responsibility of hiring a new solid waste director. Mr. Waldrop recommended the Commission use the same process that was used to hire Mr. Atkins which includes three members of the Commission reviewing and scoring applicants' resumes; recommending the top four candidates to the Commission; and the Commission interviewing them. Mr. Field asked for subcommittee volunteers. Mr. Waldrop, Mr. Phillips and Mr. Field volunteered to serve on the subcommittee.

Mr. Field asked the Commission its preferences on evaluating proposals. Mr. Waldrop said every commissioner should look at them and then make a determination on the next step.

Mr. Waldrop asked Mr. Field if he had heard from Chris Garkovich. Mr. Field replied it had been several weeks since he'd last spoken with her.

Mr. Sitzlar made a motion to adjourn the meeting. It received a second, and the meeting was unanimously adjourned at 7:45 p.m.. The next meeting of the Loudon County Solid Waste Disposal Commission is scheduled for October 14, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex.

Respectfully submitted,

  
Steve Field  
Chairman

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**October 14, 2003**

The Loudon County Solid Waste Disposal Commission (Commission) met October 14, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. The Commission was represented by Steve Field, Ted Sitzlar, William Waldrop, Robert Harrison and Robert Phillips. Other attendees included Solid Waste Director Mike Atkins, and Santek representatives Raymond Givens and Cheryl Dunson.

Mr. Field called the meeting to order.

During Items of Public Concern, Kathy Knight with the Loudon County Economic Development Agency approached the Commission about funding a part-time position for Keep Loudon County Beautiful (KAB). Ms. Knight is the current KAB chairperson. She was joined by Aaron DeWeese, Director of the Loudon County Visitor's Bureau and KAB board member. Ms. Knight requested \$5,000 from the Commission. She said KAB currently doesn't have an employee to coordinate activities since Loudon County hired a full-time convenience center manager. She also said KAB will be approaching the Loudon County Commission to request \$8,400 from the TDOT litter grant which is designated for educational purposes. After lengthy discussion about the coordinator's job description and responsibilities, Mr. Harrison said he would be more comfortable funding KAB once it got a commitment from Loudon County on the litter grant allocation. Mr. Waldrop agreed, but added the Commission should be involved with KAB. He made a motion to give KAB a \$1,000 donation. Mr. Phillips seconded the motion and it passed unanimously. Ms. Knight said she would return to the Commission once she had approached the county.

Mr. Waldrop made a motion to approve the minutes. Mr. Sitzlar seconded the motion and it passed unanimously.

During Santek operations report, Cheryl told the Commission, unbeknownst to her at last month's meeting, Santek had been monitoring the leachate collection system's flow meter for several months. Santek's engineering department concluded a new flow meter was necessary. The equipment has been ordered, and Santek will be responsible for its cost as well as its installation.

During the Treasurer's Report, the commission asked Santek to put Alvin Shoemaker on a cash-only basis and is considering turning Trash Wagon over to collections.

Mr. Atkins presented the Solid Waste Director's report. He said his final day serving Monroe County was September 30, 2003.

Auditor B.J. King expects to complete the audit within the next few weeks. The county amended the contract in lieu of bond for the landfill's financial assurance to reflect a decrease in the post-closure care for Phase I and an inflation adjustment for Phase III/IV. Mr. Atkins said the contract was signed by County Mayor George Miller and was forwarded to TDEC. He also said a copy of the quarterly state surcharge report, which must be paid by October 31st, was forwarded to the county's central accounting department. Mr. Atkins said he completed the quarterly waste origin report and submitted it to TDEC.

Mr. Atkins provided the Commission with a letter from Santek to TDEC's Larry Cook requesting permission to install some improvements to the existing closure of the landfill.

Earlier in the day, Mr. Atkins said he received a call from Kim Turner - on behalf of Harry Gilman - requesting a price per-ton to bring solid waste to the Matlock Bend Landfill and a price per-cubic-yard to

bring construction and demolition (C/D) waste. Mr. Atkins asked Ms. Turner about her anticipated waste volumes and she said she couldn't provide anything definitive at this time. Initially, the company will begin with one residential truck and one front-end loader truck. She anticipated 40-to-60 loads per month of construction and demolition waste. Mr. Field said the Commission didn't have much flexibility with regards to C/D rates since the landfill doesn't have a permitted C/D area. Mr. Harrison said he'd like to see some evidence from Mr. Gilman of a long-term reciprocating relationship before extending any discounts rates. The Commission instructed Mr. Atkins to offer Ms. Turner the current gate rate.

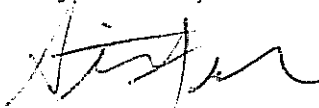
Per the Commission's request during last month's meeting, Mr. Atkins prepared a packet of information for his eventual replacement. He then thanked commissioners for the opportunity to work with them and said his last day on the job will be October 15th.

The Commission discussed the process of hiring Mr. Atkins' replacement. Mr. Field asked if the Commission needed to revisit the issue of the convenience centers with the county. Mr. Waldrop said it made sense to him to have one person do both jobs. Mr. Harrison questioned whether the current convenience center manager had the time to do both jobs. Mr. Sitzlar said Mr. Watkins didn't appear to have a lot of autonomy. Mr. Field said the Commission should still look at his resume and job description. Mr. Field asked the Commission's preference in publication to advertise the job opening. Commissioners agreed Knox and Anderson counties were sufficient as well as in the local newspaper. Mr. Harrison suggested the Commission review past applicants and send them a letter about the job opening.

Mr. Field asked the Commission how it would like to evaluate the responses to the Request For Proposals. A motion was made to go into executive session to discuss the process. It was seconded. Mr. Harrison called for discussion. He said he was concerned the Commission didn't have adequate legal representation to protect them and he said he thought it was necessary to hire a competent environmental law firm. He provided the Commission with several names of law firms and suggested the Commission hire one that doesn't work for any of the proposers. Mr. Waldrop suggested the Commission have some initial discussion about the proposals before deciding on legal representation. The motion to move into executive session was unanimously approved.

The Commission adjourned at approximately 9:30 p.m. The next meeting will be November 11, 2003 at 6:30 p.m. at the courthouse annex.

Sincerely submitted,



Steve Field  
Chairman

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**November 10, 2003**

The Loudon County Solid Waste Disposal Commission (Commission) met November 10, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. Commissioners Steve Field, Ted Sitzlar, William Waldrop, Robert Harrison, Russell Alford and Robert Phillips were in attendance. Other attendees included Santek representatives Raymond Givens and Cheryl Dunson, and Knoxville attorney Bud Gilbert.

Mr. Field called the meeting to order. There were no items of public concern. Mr. Harrison made a motion to approve the minutes. Mr. Waldrop seconded the motion. The minutes were approved unanimously.

During Santek's operational report, Raymond reported the new flow meter was to be installed Tuesday, November 11, 2003. Santek anticipated installing it a week earlier, but several new parts had to be ordered to complete the installation.

There were no issues raised during the Treasurer's report.

Mr. Field said subcommittee members met to review the previous applicants for the solid waste director's position. He said some did not meet the Commission's current qualifications. He said a letter was sent to the applicants informing them about the new opening. Mr. Alford asked about the time frame to have the position filled. Mr. Field said he thought the subcommittee would have a good idea about applicants by the end of November. Mr. Harrison suggested contracting with a consulting firm to complete reports for the state, etc. Mr. Field agreed, but added a consulting firm could not manage educational and recycling issues as well as a solid waste director. Mr. Harrison said there was room for improvement between the solid waste commission and the Loudon County Commission, and the issue of the convenience centers will be a key element in meeting the county's recycling goals. Mr. Field asked the Commission if it wished to contact consulting firms and Mr. Harrison said the Commission had more pressing issues such as hiring an attorney to review the responses to the RFPs.

The Commission then discussed the election of new officers. Mr. Field explained the role of the vice chairman was to conduct meetings in the absence of the chairman. The secretary/treasurer was to sign any forms sent to the State of Tennessee. Mr. Waldrop nominated Mr. Phillips for secretary/treasurer. Mr. Sitzlar seconded the motion and the motion was approved unanimously. Mr. Alford nominated Mr. Waldrop for vice chairman and Mr. Harrison seconded the motion. The Commission approved the motion unanimously.

Mr. Gilbert, an attorney with Kennerly, Montgomery and Finley, P.C. from Knoxville, made a presentation to the Commission about his law firm as well as his personal qualifications and history. He said he represented Waste Connections two years ago during the company's attempts to gain local approval for its landfill expansion. He said he also represented Waste Management on a very limited basis more than 10 years ago. Mr. Harrison asked Mr. Gilbert

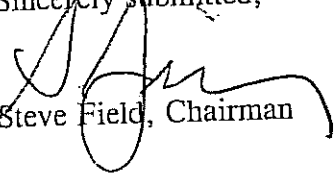
about his hourly rates. Mr. Gilbert said he charges \$150 per hour, which does not include incidental expenses. His firm also bills for an attorney's travel time at regular hourly rates when the travel is required during regular business hours.

Mr. Waldrop said he had worked with Mr. Gilbert on a number of issues with Tellico Village, and Mr. Harrison said Loudon City Manager Barry Baker was very comfortable with Mr. Gilbert, having worked with him on city business. Mr. Waldrop made a motion to hire Mr. Gilbert as the Commission's attorney. Mr. Phillips seconded the motion. Mr. Gilbert then asked Commissioners if they wanted him to be the Commission's general counsel or special counsel, with general counsel playing a more active role in watching out for legal concerns that could affect the Commission on any issue and special counsel only providing legal advice on specific matters assigned to counsel. Mr. Waldrop amended his motion to hire Mr. Gilbert as special counsel. Mr. Harrison said he leaned towards hiring Mr. Gilbert as general counsel, given the number of tasks to be completed related to the RFP process. Mr. Waldrop withdrew his motion. Mr. Harrison made a motion to hire Mr. Gilbert as general counsel. Mr. Waldrop seconded the motion and it passed unanimously.

Mr. Harrison then asked Mr. Gilbert about the legal process related to Executive Sessions and emails. Mr. Gilbert advised that in general, as a governmental body, all of the Commission's deliberations were subject to the Sunshine Law, and that almost all of its records, including emails, were considered open records under the Open Records Act. Mr. Gilbert cautioned the Commission not to engage in email traffic which encouraged a course of action since that would be considered deliberating outside of the requirements of the Sunshine Law.

Mr. Harrison made a motion to adjourn at 8:35 p.m.. Mr. Sitzlar seconded the motion and it passed unanimously. The next meeting will be December 9, 2003 at 6:30 p.m. at the courthouse annex.

Sincerely submitted,

  
Steve Field, Chairman

**Minutes**  
**Loudon County Solid Waste Disposal Commission**  
**December 9, 2003**

The Loudon County Solid Waste Disposal Commission (Commission) met December 9, 2003 at 6:30 p.m. at the Loudon County Courthouse Annex. Commissioners Steve Field, William Waldrop, Robert Harrison, Russell Alford and Robert Phillips were in attendance. Other attendees included Santek representatives David Brakebill and Cheryl Dunson, and Commission attorney Bud Gilbert.

Mr. Field called the meeting to order. There were no items of public concern. Mr. Harrison made a motion to approve the minutes. Mr. Waldrop seconded the motion. The minutes were approved unanimously.

During Santek's operations report, Mr. Field asked Santek to inquire with Loudon Utilities if it would be willing to adjust the past leachate disposal bills to reflect the faulty flow meter which was recently replaced. Cheryl said she would discuss it with Santek Engineering personnel.

During the Treasurer's Report, Mr. Waldrop asked if there would be a line item to reflect payments to Mr. Gilbert's firm, Kennerly, Montgomery & Finley, P.C.. Cheryl said she was confident there would be a line item, but it was a function performed by Loudon County's Central Accounting department. Mr. Waldrop also asked the Commission if it thought a late fee should be assessed landfill customers who are 30 days past due. Mr. Harrison expressed his concern that such a policy would not be in the Commission's best interest due to the competitive nature of the market. No action was taken on this matter.

Mr. Field gave a progress report on the status of hiring a new solid waste director. A lengthy discussion followed about the merits of making Rick Watson, the director of the Loudon County Convenience Centers, a candidate. Mr. Waldrop made a motion to defer hiring a solid waste director until a decision was made about the Request For Proposals (RFPs). Mr. Alford seconded the motion. It passed unanimously.

Mr. Field asked Commissioners if it wanted to utilize Santek to prepare the annual update to the solid waste plan. He added Santek would be compensated for preparing the plan. Mr. Field asked Cheryl if Santek had been compensated in the past. She indicated that she did not think so, but would check on it. The Commission agreed to utilize Santek to prepare the update.

Mr. Gilbert gave a report about his progress reviewing the RFPs. He said his most important concern is determining what the Commission is legally required to do when procuring services. He said the Commission may not have to follow the county's procurement laws. He also expressed concern about the clarity of the original RFP document, which was distributed to solid waste companies. Although Mr. Gilbert indicated he wanted at least another month to research procurement laws and complete his legal analysis, he said the simplest and most efficient option for the Commission was to reject all the RFPs and begin again. Mr. Waldrop asked Mr. Gilbert if the Commission rejected all the RFPs, what would preclude the Commission from renegotiating its agreement with Santek. Mr. Gilbert said if the Commission were not subject to the county's procurement laws, it would have the flexibility to renegotiate its agreement with Santek. If it was subject to the county's procurement laws, it must accept sealed bids unless some other procurement exception applies.

Mr. Gilbert asked about the term of the Santek contract, which he said was not clear to him upon his initial review of the documents. He also said the presence of an existing agreement was not mentioned in the original RFP document. Cheryl explained the contract was amended in 2001 to reflect a term that paralleled the life of the current cell, currently estimated at three to four years.

Mr. Field asked Mr. Gilbert what his recommendation would be today about the RFPs. Mr. Gilbert replied he preferred to wait 30 more days to perform more research and talk with Loudon County attorney Harvey Sproul. Mr. Waldrop asked Mr. Gilbert again if the Commission rejected the RFPs, what would preclude it from modifying the existing contract with Santek. Mr. Gilbert replied that generally there is more flexibility under governmental procurement laws when dealing with an existing contractor. Mr. Harrison made a motion to defer discussion about the RFPs until Mr. Gilbert could provide the Commission with his legal opinion on the matter. Mr. Waldrop seconded the motion and it passed unanimously.

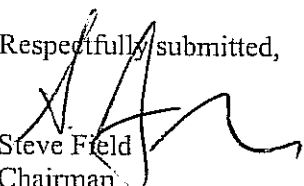
Mr. Phillips asked Mr. Gilbert if the Commission was contractually obligated through its interlocal government agreement to give written notice to the News Herald about the Commission's meeting. Mr. Gilbert said the Commission was obligated to give written notice and he offered to send the newspaper a notice two weeks prior to the meeting. Mr. Harrison made a motion to authorize Mr. Gilbert's firm to send notices to the News Herald. Mr. Phillips seconded the motion and it passed unanimously.

Mr. Waldrop asked Cheryl if Santek would re-landscape the landfill's entrance once the road work had been completed by TDOT. She said Santek was prepared and willing to re-landscape. Mr. Field said he was not sure about the time frame for TDOT to complete the project.

Mr. Harrison made a motion at 8:20 p.m. to adjourn the meeting and Mr. Phillips seconded the motion. It passed unanimously.

The Commission's next meeting is January 13, 2004 at the Courthouse Annex.

Respectfully submitted,

  
Steve Field  
Chairman