

Minutes
Loudon County Solid Waste Disposal Commission
December 8, 2015

The Loudon County Solid Waste Disposal Commission (Commission) met on December 8, 2015 at 6:30 p.m. at the Loudon County Office Building. The Commission was represented by Steve Field, Kelly Littleton-Brewster, Larry Jameson, Robert Harrison, Art Stewart, John Watkins and Bruce Hamilton. Other attendees included Attorney Kevin Stevens; Chris Parks with Loudon County; City of Loudon Officials Dennis Stewart and Jim Greenway; Santek representatives Cheryl Dunson and Raymond Givens; and residents Aileen Longmire, Pat Hunter, Kaye Wallace and Betty Jo McAllister.

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

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

MOTION: Ms. Littleton-Brewster made a motion to approve the minutes of November 10, 2015. Mr. Watkins seconded the motion and the minutes were approved unanimously.

During Items of Public Concern, Ms. Hunter expressed her concern about alleged lack of proper procedures related to records requests. She said the guardian of the Commission's records is the same person who manages the Loudon County Commission's (LCC) records. Ms. Hunter said she recently submitted a written LCC records request and she received a denial letter because the request was thrown away. Ms. Hunter said she believes Commission records requests should be submitted to the Commission's attorney. Mr. Field asked Ms. Hunter if she was asking for the Commission to change its records request policy. Ms. Hunter replied that she asked to see some old minutes and she was denied because of the Poplar Springs Landfill issue. Mr. Field offered to intercede on Ms. Hunter's behalf if she continues to encounter perceived resistance.

Ms. Hunter also said she is concerned with transparency relating to the Poplar Springs Landfill and invoices for legal services from the stakeholders. She said her request to review invoices was denied by Loudon County Attorney Bowman even though the payments are coming out of the Commission's account. Ms. Hunter said the County has set a precedent to allow one person to see unredacted invoices. She said everyone should have access to unredacted invoices. Mr. Field said the Loudon County Mayor and Loudon County Commission are controlling the process of managing the Poplar Springs Landfill issues. He encouraged Ms. Hunter to visit with the Mayor.

Mr. Harrison said he disagrees with the process of accepting invoices related to the Poplar Springs Landfill. He said the Commission can vote as a board to follow the interlocal government agreement, and stop disbursement of any funds until the Commission first reviews the invoices and understands them. Mr. Jameson asked Ms. Hunter if she could see the invoices would it satisfy her request. Ms. Hunter said yes. She added a cover letter and the invoice amount is not enough information to determine what payments are applicable to services.

Ms. Longmire said she continues to ask to see older public records and asked what is being done to find them. She said that she believes that the Commission's former legal counsel, Bud Gilbert, is responsible for the lost records. Mr. Field replied Ms. Longmire is making an incorrect assumption, and said all of the records were scanned and returned to the Commission. Mr. Field added, the former Loudon County Mayor made a decision during her term of office to take control of the records and moved them to the Loudon County Office Building for storage. Mr. Field said he recently asked former Loudon County Solid Waste Director Mike Atkins if he observed any older minutes of the Commission when he reorganized certain Commission records and Mr. Atkins said no. Mr. Stevens said he made a diligent

search of his law firm's records during the time Mr. Gilbert was the Commission's legal counsel, and turned everything over to Mr. Field.

Mr. Field said the Loudon County Trustee's Office didn't close out the month by the Commission's meeting date and so the November Cash Report is incomplete. He said he hopes to have an updated copy by the end of this week or the beginning of next week.

During Santek's Operations Report, Mr. Harrison asked Mr. Givens how the Kimberly Clark paper waste was working for daily cover. Mr. Givens said it was working well and is not creating any dust.

Regarding the proposed contract amendment to live fund the Commission's closure/post-closure account, Mr. Stevens repeated the comments from the Commission's November meeting and highlighted the key issues the Commission needed to agree upon including: the term of the contract extension; the footprint and final elevation of the landfill; the length of the proposed closure/post-closure mechanism; and access to adjacent property soil. Mr. Stevens said he informally polled individual Commissioners and there doesn't appear to be a clear consensus on which direction the Commission wants to take. He asked Ms. Dunson if she had discussed with Santek officials a shorter length of time on a contract amendment. She said she hadn't because she was waiting to receive a complete list of issues from the Commission before addressing any concerns with Santek officials. Mr. Jameson said he appreciates Santek's efforts, but unless the Commission has a financial resolution in the short term, he can't support the proposal. Mr. Jameson suggested Santek accept responsibility for financial assurance with the State of Tennessee. Mr. Watkins said the financial assurance will stay with the County regardless of what Santek offers to do. Mr. Jameson added he didn't see a sense of urgency to do something right away. He said although out-of-county waste is unpopular, it does provide additional revenue streams and the Commission should investigate other revenue streams. Mr. Field said the sooner the Commission can make an adjustment to the closure/post-closure account, the smaller the adjustment will be.

MOTION: Mr. Watkins made a motion to approve the general concept of executing a contract extension with Santek. Mr. Harrison seconded the motion. During discussion, Loudon County Mayor Greenway voiced opposition to the motion because the Commission has yet to meet with their stakeholders. Mr. Field said the motion was not binding on the Commission to execute a contract extension.

MOTION: Mr. Watkins made a substitute motion to table the previous motion until the Commission has met with their stakeholders. Mr. Harrison seconded the motion and it passed unanimously. Mr. Field said he would schedule stakeholder meetings in January.

During the Attorney's Report, Mr. Stevens distributed updated sections of the Commissioners' Manuals. Mr. Field asked Mr. Stevens to make electronic copies of the updated sections so they can be posted on the County's web site. Mr. Stevens also distributed new invoices for the stakeholders' legal services and expert fees related to the Poplar Springs Landfill. Mr. Field asked Mayor Greenway if he was comfortable with how the Poplar Springs Landfill issues were being handled and the Mayor replied he didn't know enough about the process to discuss it.

MOTION: Mr. Field made a motion to table discussions about hunting activity on the Commission's property until next month's meeting so the he can work with officials from the Tennessee Wildlife Resource Agency (TWRA). Ms. Littleton-Brewster seconded the motion. Mr. Harrison said it was totally inappropriate to table what appears to be the establishment of a private hunting camp on the Commission's property. Mr. Stewart asked about the advantages of tabling the motion. Mr. Field replied hunting season will be over by the Commission's next meeting and it will give the Commission time to create a formal policy to address the issue. Mr. Jameson said even though he believed it was wrong for the Loudon County Mayor to allow hunting on the property, Mr. Jameson supported Mr. Field's motion.

Mr. Watkins asked if anyone had expressed concern about the hunting activity. Mr. Field said no. Mr. Stewart said there were No Hunting signs posted on the property and the Commission was inheriting a tremendous liability. Mr. Harrison suggested that Mr. Stevens should send a letter to the County Mayor telling him the Commission owns the land. He suggested that another letter should be sent to resident Clay Townsend telling him he is prohibited from hunting on the property, and a third letter should be sent to TWRA officer Anthony Chittwood to have him to enforce the law. Ms. Hunter said the Commission was wrong for not following the policy it put in place when they bought the Matlock property. The Commission voted 5 to 2 to table any discussion about hunting activity until next month. Mr. Harrison and Mr. Stewart voted in the dissent.

During the Chairman's report, Mr. Field said there was an draft advertisement in the Commission's meeting packet that would result in a single posting of the Commission's 2016 meetings to be published in the News Herald. Mr. Jameson asked if the public notice would be posted on the County's web site. Mr. Field said yes.

MOTION: Mr. Field made a motion to change the Commission's policy of posting monthly public meeting notices to an annual single posting. Mr. Jameson seconded the motion and it passed unanimously.

Mr. Field asked Mr. Stewart to discuss a potential grant award with the Loudon County Education Foundation. Mr. Stewart said the Foundation wants to work with the Commission to create a grant for the Lenoir City School System. It will be modeled after a program by Tate & Lyle. Mr. Stewart said he will invite Michelle Lewis with the Foundation to attend the Commission's next meeting to give a 10-to-15 minute overview of the grant and her expectations. Mr. Stewart said the cost of the grant would be approximately \$6,000 to \$8,000 and would provide good public relations for the Commission. Mr. Field asked if the grant would be related to solid waste. Mr. Stewart said the topic hasn't been discussed, but is entirely appropriate.

Mr. Harrison reported he has shown the Matlock Property to a solar farm developer who has worked with the Tennessee Valley Authority on solar projects. The developer is interested in putting solar panels on closed portions of the Matlock Bend Landfill as well as a 20-acre slope facing Highway 72 . Mr. Harrison said the developer will pay between \$500 to \$1,000 per acre per year on a 25-year landfill lease. Mr. Field requested that Mr. Harrison ask the developer to inquire with the Tennessee Department of Environment and Conservation to see if the agency would give its approval to establish a solar farm on closed portions of the landfill. Mr. Field also said he wanted assurances that the landfill operations wouldn't be infringed upon.

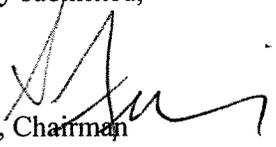
Mr. Harrison said he finally had an opportunity to sit down with Loudon County Trustee Chip Miller to discuss reinvesting the Commission's funds. Mr. Miller said he would give the Commission a proposal in which the Commission has control of its funds. Mr. Harrison said the Trustee also said he's had at least one Loudon County Commissioner in the Trustee's office telling the Trustee to not let the Commission tell the Trustee how to invest the Commission's funds.

MOTION: Mr. Harrison made a motion to invite Mr. Miller to the Commission's next meeting to present investment options that fall within the state's legal parameters. Mr. Stewart seconded the motion and it passed unanimously.

MOTION: Ms. Littleton-Brewster made a motion to adjourn the meeting at 8:20 p.m. Mr. Jameson seconded the motion and it passed unanimously.

The Commission's next regularly scheduled meeting is January 12, 2016 at 6:30 p.m. at the Loudon County Courthouse Annex.

Respectfully submitted,



Steve Field, Chairman
Loudon County Solid Waste Disposal Commission