

Approved

## MINUTES

### LOUDON COUNTY SOLID WASTE DISPOSAL COMMISSION

September 14, 2021

The Loudon County Solid Waste Disposal Commission met on September 14<sup>th</sup>, 2021 at 6:00 p.m. at the Loudon City Municipal Building. The Commission was represented by Chairwoman Ms. Kelly Littleton-Brewster, Ms. Tammi Bivens, Ms. Pat Hunter, Mr. Larry Jameson, Mr. Art Stewart, Mr. Terry Small and Mr. Steve Field. Other attendees included Attorney Mr. Kevin Stevens; Republic/Santek representatives included Mr. Ben Johnston and Mr. Adam Hall; Public attendees included Mr. Richard Anklin and Mr. Bill Satterfield.

Chairwoman Ms. Kelly Littleton-Brewster called the meeting to order at 6:05 p.m.

Ms. Tammi Bivens led the room in the Pledge of Allegiance.

Ms. Brewster led the room in the invocation.

**MOTION:** Chairwoman Ms. Littleton-Brewster asked for a motion to approve the August 10<sup>th</sup>, 2021, minutes. Ms. Bivens made a motion. Ms. Hunter requested changes be made to the minutes, and she had prepared a corrected draft of the minutes. This draft will be emailed to the Commission and the Commission will review and approve at the next meeting.

**MOTION:** Ms. Hunter made a motion to add two previously discussed questionnaires to the September agenda under Old Business. Mr. Field seconded the motion. The motion approved unanimously.

**MOTION:** Ms. Littleton-Brewster made a motion to add the 2007 landfill RFP, presented by Mr. Field, to the agenda as item number 10; moving Old Business and New Business down. Mr. Small seconded the motion. The motion passed unanimously.

**MOTION:** Ms. Bivens made a motion to approve the amended September agenda. Mr. Field seconded this motion. The motion passed unanimously.

During items of public concern, Mr. Satterfield stated that he and other members of the County Commission agree that the current contract with Republic/Santek is not in the county's favor, and that the county gets the "short end of the stick in several areas". Mr. Satterfield stated that he would like to see the LCSWDC take their time in the negotiation of the new contract to try and rectify some of the current concerns of the county, so the new contract may better serve the community. Mr. Jameson stated for clarification that the negotiation in progress is not for a new contract but for an extension. Mr. Satterfield stated that he would like to see the LCSWDC let the current contract run out and put it out to bid.

Additionally, during the items of public concern, Mr. Anklin presented a revised record request, specifically addressing the June closure plan. Mr. Anklin stated he has requested a copy of the letter addressed to TDEC for three months. Mr. Anklin also stated there were items in the final copy of the closure post closure plan that were submitted to TDEC that could have been changed or addressed during these meetings. Mr. Anklin stated that the map on the back of the final report shows closures past 2027 and no change in the landfill area, which he objected too. Mr. Anklin stated that the information outlined does not meet the agreement on closure cost or time. Mr. Anklin also distributed a handout referencing various statements from past meeting minutes about the contract negotiations, and stated that he spoke

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with Loudon County Commissioner Henry Cullen and was informed there was a request for no negotiation. Mr. Anklin presented a projected revenue report, stating that the 90/10 split under the current contract will not leave enough money to cover the cost of the planned closure.

Ms. Littleton-Brewster stated that there was an executive meeting where the Commission discussed concerns of the Commission as well as the stakeholders; however, they have not yet taken any votes or started any negotiations. Mr. Stevens stated that the presented numbers were inaccurate and there will be a surplus not a deficit if the proposed amendment proceeds. Mr. Field asked Ben Johnston if under the "new" TDEC closure requirements if Santek/Republic will be funding the phased closure at their expense and Mr. Johnston indicated affirmatively that Santek/Republic will be responsible for paying for the phased closure.

During the Attorney's Report, Mr. Stevens stated that there was an executive meeting regarding the negotiation process. Mr. Stevens stated that the Commission formulated a strong proposal that could potentially shift \$12 million dollars back to the Commission by reducing liability and increasing reserves over the life of the extended contract. Mr. Stevens stated that there are several points that are still to be negotiated, including the phased closure plan; borrow area for soil for interim closure; area waste and where it comes from; stakeholder tipping fees; and how the stakeholder tipping fees related to fees charged to other customers.

Mr. Stevens stated that any negotiations will ultimately be made in public in front of the Commission. Ms. Hunter stated that her main concern has been the interlocal agreement and the bylaws. Ms. Hunter stated that a main point in the negotiation needs to allow the Commission the authority to raise and lower the tipping fee, as the Commission is the only party who will know the amount needed to cover potential liabilities.

**MOTION:** Ms. Bivens made a motion to authorize contract negotiations. Mr. Jameson seconded this motion. Ms. Hunter stated one very important issue is the out of county waste. Ms. Littleton-Brewster stated that the out of county waste as well as the tipping fees are on the list of issues to be discussed in the negotiation process. Under a rollcall vote, the motion passed 6 to 1, Ms. Hunter voted No.

**MOTION:** Ms. Hunter made a motion to explore hiring a contract attorney to look at the issues that are important and to negotiate on our behalf. There was no second, the motion failed for lack of a second.

**MOTION:** Ms. Hunter made a motion that any informal negotiations take place in Loudon County at a public building. There was no second, the motion failed for lack of a second.

**MOTION:** Mr. Jameson made a motion for The Chairman and Attorney to schedule a meeting with Republic/Santek and discuss the items proposed during the executive meeting. Mr. Field seconded the motion. Under a rollcall vote, the motion passed 6 to 1 Ms. Hunter voted No.

Mr. Johnston presented the cash activity report for the month of August. Mr. Johnston also presented the Commission with the operations reports as outlines in the packets distributed to the Commission. Ms. Littleton-Brewster asked Mr. Johnston to explain how one customer is bringing in waste for Lenoir City, a city entity. Mr. Johnston stated that this customer/entity is a third-party contractor for the city to provide

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disposal services. Mr. Johnston stated that when this customer brings in residential waste on behalf of the city, he is charged the stakeholder rate, which is billed to Lenoir City. Mr. Johnston also stated that this customer is charged the gate rate for any commercial waste brought to the landfill. Mr. Hall stated that when the customer's vehicle is weighed in at the scale, he notifies the scale house attendant of which waste is being brought in and pays cash for waste that is not part of the city contract. Mr. Jameson stated that there is no way to verify the origin of the waste. Mr. Johnston stated that any discrepancies in billing or volume should be investigated by Lenoir City as they have contracted this third-party vendor to perform services on their behalf. Mr. Johnston stated that the invoices provided to Lenoir City have disposal volumes outlined, which can be compared to the scale tickets provided to the drivers when they leave the landfill. Mr. Johnston also stated that there are industry procedures such as riding with the driver or shadowing the route that can be performed to vet collection routes and guidelines of the contract.

Mr. Stevens suggested a segregation of large cash customers. Mr. Jameson asked for a tonnage report of this customer by the next meeting. Ms. Hunter requested a list of the top 5-10 cash customers. Mr. Hall stated that because of the additional work required for this list, he will provide the tonnage for the top 2-3 cash customers. There was no inspection report at the time of the meeting. Mr. Hall addressed some concerns with the road's appearance leaving the landfill, stating that the area where the waste is unloaded had been moved roughly a half of a mile closer to the road resulting in mud on the road. Another incident included a customer sliding off the road into the mud, who then bypassed the landfill's wheel wash, resulting in mud on the highway. Mr. Hall stated that all problems have been corrected.

During the Chairman's report Ms. Littleton-Brewster presented the Commission with an invoice for the newspaper and the attorney. Ms. Hunter stated that she would like large invoice amounts to be recorded in the minutes. Ms. Littleton-Brewster asked Mr. Hall to explain the cost of disposal of mattresses and large tires. Mr. Hall suggested to increase the fee of mattresses to \$20 per mattress. This would help offset the handling requirements associated with mattresses. Mattresses that are not disposed of correctly can cause damage to landfill equipment. Mr. Hall stated that he will post a notice at the landfill for a month before initiating the fee. Additionally, the tire price will increase to \$5 per tire for semi tires and \$200 dollars per ton for anything larger than a semi tire.

**MOTION:** Ms. Bivens made a motion to accept the new tire disposal fee and the mattress fee. Ms. Littleton-Brewster seconded this motion. Mr. Field stated that with a new mattress fee the Commission will be missing out on their cut of the new revenue, as the weight will not change but it does affect the airspace. Mr. Johnston stated that the money will go into the overall revenue of the landfill which the Commission gets a percentage of. Under a rollcall vote, the motion passed unanimously. The new fees are set to start on October 14<sup>th</sup>, 2021.

Ms. Hunter stated that the letter from Santek/Republic to TDEC, Notice of Acquisition, should be in the meeting packet and that any request of Republic should be responded to in a timely manner. Mr. Johnston presented the Commission with the letter from Santek to LCSWDC that was sent to the appropriate representatives of the Commission in April. Ms. Hunter stated that she is still waiting for, and requesting, an organizational chart and company contact information from Mr. Randy Dixon. Mr. Johnston stated that he will follow up on that. Ms. Hunter requested a final version of the Republic/ Santek post closure plan

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and all supporting documents. Ms. Hunter stated that the version that was given to her is incomplete. Ms. Bivens stated that the original version was presented as an incomplete draft. Ms. Hunter stated that each version or draft must be in the county office building.

Mr. Field presented the 2007 RFP as a point of reference for the contract that the Commission is currently working under. Mr. Field stated that the two major concerns outlined in the 2007 RFP were to address the revenue necessary to accommodate closure, as well as the option to shut down the landfill and operate a transfer station. Mr. Field stated that the RFP took months to prepare but there were several resources used at the time to help develop the contract.

During the items of Old Business, Ms. Hunter stated that there still should be a simple questionnaire sent out to the stakeholders to get the opinions of the stakeholders. Ms. Hunter stated that during deliberation it is important to know what the stakeholders and the public would like to do. Mr. Jameson stated that during several meetings he has attended, the unanimous opinion of each stakeholders is to keep the stakeholder's rate low. Mr. Jameson stated that he would like to take the stakeholders the new revised negotiation terms to be reviewed as they complete the questionnaire, once they are available. Mr. Jameson stated that it would be the most beneficial to receive questionnaires from each commissioner serving for the three stakeholders. Mr. Jameson stated that he would like to see the questionnaires answered before the extension negotiation terms are submitted to Republic/Santek. Ms. Littleton-Brewster stated that she is on the agenda for the County workshop to discuss the solid waste board's plan moving forward. Ms. Hunter asked Mr. Stevens for answers to the questions asked during the executive meeting, Mr. Stevens said he will follow up on this. Mr. Field stated that previously there were various questionnaires, and some were addressed to each commissioner individually. Mr. Stevens stated this situation is different as they will be trying to modify an existing contract verses creating a new RFP. Mr. Johnston stated Republic/Santek is open to further discussions around the contract extension.

**MOTION:** Mr. Jameson made a motion to adjourn. Ms. Bivens seconded the motion. The motion passed unanimously.

The next Loudon County Solid Waste Disposal Commission meeting will be held Oct. 12<sup>th</sup>, 2021, at 6 p.m. at the Loudon City Municipal Building.

Respectfully submitted,

Kelly Littleton-Brewster

Loudon County Solid Waste Disposal Commission