

**MINUTES OF REGULAR BOARD MEETING
HORRY COUNTY SOLID WASTE AUTHORITY, INC.
August 23, 2022**

The Horry County Solid Waste Authority, Inc. held a Board Meeting on Tuesday, August 23, 2022, at 10:30 A.M., at the Authority's Administrative Office, 1886 Highway 90, Conway, South Carolina. In accordance with the Freedom of Information Act, notices setting forth the date, time, and place of the meeting were mailed to the news media.

Present were the following Board Members: W. Norfleet Jones, Chairman; Robert J. Kemp, Vice Chairman; Amos C. Berry, Sr., Treasurer; Bo Ives, Secretary; and Board Members, Carl H. Schwarzkopf, and Samuel T. Johnson, Jr. Board Member Michael H. Hughes was not in attendance.

County Administrator Steve Gosnell and Grace Gifford represented the public in attendance. There were no members of the media present.

The following individuals were also in attendance: Danny Knight, Executive Director; Ed Marr, Assistant Executive Director; Esther Murphy, Director; Jan Bitting, Director; Mike Bessant, Director; and staff members Katherine Bell, Stephanie Todd, and Monica Collier.

CALL TO ORDER

Chairman Jones called the meeting to order and asked Mr. Berry to render the invocation.

PLEDGE OF ALLEGIANCE

Mr. Johnson led the group in the Pledge of Allegiance.

Chairman Jones asked everyone to please raise their hand if they wish to speak and to please wait until their name was called to respond.

APPROVAL OF AGENDA

Mr. Berry moved to approve the Agenda as presented. There was a second by Mr. Ives and the Motion was carried.

APPROVAL OF MINUTES

Chairman Jones asked for any questions on or amendments to the Minutes of the Regular Meeting for the Board held on July 26, 2022; however, there were none.

Mr. Ives moved to approve the Minutes of the July 26, 2022; Regular Meeting as presented. There was a second by Mr. Schwarzkopf and the Motion was carried.

PUBLIC INPUT

Chairman Jones indicated one request to speak at Public Input had been received. He asked Mrs. Grace Gifford to come forth.

Grace Gifford – Mrs. Gifford reported that she was at the SWA on behalf of The Chirping Birds Society. She stated that she was proud to use the Homewood Recycling Center and commented that staff at the recycling center works very hard. Mrs. Gifford stated that the Chirping Birds Society

participated in the national event called Plastic Free July and offered an update. She reported that the Chirping Birds Society was also affiliated with Beyond Plastic which was a national project offered at Bennington College. She generally discussed the Beyond Plastic curriculum and the recent study performed on plastic and autism.

Chairman Jones thanked Mrs. Gifford for her time and her work.

Mr. Schwarzkopf asked Mrs. Gifford to expand on the Bennington College Beyond Plastic curriculum. Mrs. Gifford commented that the class was highly recommended and could be attended virtually.

DEPARTMENTAL REPORTS

Recycling and Corporate Affairs Update – Esther Murphy, Director of Recycling and Corporate Affairs offered an update of various projects in the Recycling and Corporate Affairs Division that were included on pages 12-17.

FY2022-2023 Talkin’ Trash Campaign – Mrs. Murphy gave an update on the Talkin’ Trash program. She stated that the proposal team which consisted of Ed Marr, Monica Collier, Kendra Dickerson, Victoria Johnson, and herself met with three (3) groups in the month of August. She stated that WMBF/MIM, WFXB and WBTW all submitted proposals. Mrs. Murphy indicated that WBTW was awarded the 2022-2023 Talkin’ Trash Campaign. She stated that the campaign will begin in October and SWA was excited on what the year would bring.

Mr. Ives commented that WBTW did an outstanding job last year.

Caught Green Handed Update – Mrs. Murphy informed the Board the July “Caught Green Handed” winner was Mrs. Lubertha Bellamy. She stated that Mrs. Bellamy was a regular recycler at the North Myrtle Beach Recycling Center. Mrs. Murphy reported that Mrs. Bellamy was thrilled to be recognized as the recycler of the month. Mrs. Bellamy received a prize packet and media recognition.

Upcoming Events – Mrs. Murphy gave an update on various upcoming events.

- September 5, 2022, Labor Day – SWA Administrative Office-Closed; Landfill – Holiday Hours; MRF –
- Regular Hours; Recycling Centers – Regular Hours
- September 13, 2022 – Recycle & Corporate Affairs Committee Meeting – 11AM
- September 21, 2022 – Green Tie Luncheon – Columbia, SC.
- October 11, 2022 – Annual Employee Appreciation Drive Thru Event- 4 PM
- October 11–12, 2022 – UCS Training/Employee Appreciation
- October 13, 2022 – Fall Community Meeting

Mrs. Murphy gave an update on the monthly UCS Pulls Report for July. She advised the Board that the Lake Arrowhead Recycling Center was now included on the report. She stated during July, two (2) commingle pulls were made and the compacter would most likely be pulled by the end of the month.

Mrs. Murphy advised the Board of the thank you card from Ms. Tara Riden the part-time attendant at Recycle Road Convenience Center. She stated that Ms. Riden expressed her thanks for the cost-of-living adjustment that was given in July.

Finance and Administration Update – Mrs. Bitting offered an update of the following which was included as pages 18-35 in the Board Packet.

Monthly Finance Reports – Mrs. Bitting stated that the SWA is in pretty good shape for the first month of the fiscal year. Mrs. Bitting reported that Solid Waste is over budget at 10.71% and Mixed Construction revenues were over budget projections of 8.86%. Mrs. Bitting commented that Yard Waste revenue was slightly below budget projections of 8.14%. Mrs. Bitting said that there was a decrease overall in tipping fees as compared to same time last year. She commented that she is hopeful that it will move in the right direction. She stated Recyclable Sales are slightly below sales at 7.97% of budget and C&D Processing Facility revenue was over expense for the month. Mrs. Bitting reported the Material Recycling Facility is over for the month which is great.

Mrs. Bitting reviewed the income statement and reported overall revenue was at 7.49% which was slightly below budget. She stated that SWA expenses are at 5.67 which was great. Mrs. Bitting stated that she talked with staff and there was some significant decreases in recyclable prices and the Finance Department would continue to monitor expenses.

Mrs. Bitting reported for the month revenue over expenses of \$649,967.04 and said the SWA will continue to monitor the budget.

Mrs. Bitting gave an overview of the landfill tonnage report and stated Solid Waste tonnage was the same compared to last year. She reported that solid waste and yard waste was down, and Mixed Construction was up.

Mrs. Bitting informed the Board that the SWA financial audit was completed by Smith, Sapp Professional Association. She commented the SWA had an outstanding audit and was extremely proud of staff. Mrs. Bitting reported that she would be scheduling a Finance Committee meeting the first week of September and she would present it to the Board. She stated that the workers compensation audit would be held on Monday and that would be the last audit of the year.

Operations and Planning Update – Mr. Bessant, presented the following update which was included on page 35-50 in the Board Packet.

Landfill Update – Mr. Bessant informed the Board there was a landfill inspection on August 11, 2022, from SCDHEC. He stated the inspection passed all requirements and had no notation of anything that needed attention. Mr. Bessant reported that the leachate tanks were under contract and stated the cleaning and repairing would begin on September 12, 2022. He reported that each leachate tanks would be down for repairs for 60-65 days. He said that DHEC would complete the Title 5 Inspection on August 31, 2022. Mr. Bessant stated that C&D Recycling Facility had a 70% recycling rate.

HHW Update – Mr. Bessant reported on the recent pickup of Household Hazardous Waste (HHW) material and indicated the SWA shipped out 29.33 tons with 23.3 tons being paint alone.

MRF Update – Mr. Bessant stated that commingle material was down by 4.5% and pricing for products continues to decrease. Mr. Bessant reported that cardboard decreased from \$165 to \$120, office paper increased by \$50.00 and mixed paper dropped down from \$96 to \$77.50. Mr. Bessant stated that the SWA sold a bale of cardboard for \$50.00.

Mr. Bessant commented there was a decrease of recyclables in June at the MRF by 8.29% as compared to last year. He anticipated that MRF sales were down due to market changes. Mr. Bessant generally discussed challenges staff was facing in finding buyers for materials. He informed the Board that the cardboard market was decreasing; however, he believed in the next 2 to 3 months it would increase. He stated that the SWA was having a problem finding a buyer for PET.

Driver of the Month Update – Mr. Bessant stated the August Driver of the Month was Mr. Dana Lewis, who works for GFL.

Mr. Ives asked Mr. Bessant with the volume of paint that the SWA was collecting, could it be resold? Mr. Bessant commented that paint was too much of a liability and said the SWA use it on the landfill.

Executive Director Update – Mr. Knight offered an update which was included as page 51-52 in the Board Packet.

Green Tie Awards – Mr. Knight reported that the Green Tie event would be held on September 21st. He stated that there were four (4) tickets available and if anyone was interested to please let him know.

Mr. Knight informed the Board that there was robbery at the SWA a couple of weeks ago. He stated that law enforcement is handling the case and there are no further details at the present time.

COMMITTEE REPORTS

There were no Committee Meetings held to report on.

OLD BUSINESS

Professional Services – Chairman Jones advised the group that a request had been made to obtain a written legal opinion on whether professional services had to be formally bid. He indicated that a legal opinion had been prepared by Ms. Henrietta Golding of the law firm of Burr & Forman and asked Mr. Knight to distribute it to the group.

Chairman Jones gave the Board time to review the document. He stated if there were no comments, Mr. Knight would move forward with securing the needed services.

Mr. Johnson commented that Ms. Golding's opinion states that under the SWA's purchasing policy, the Authority is not required to engage in a formal bidding process to enter into contract with Beam Associates. He stated, per the South Carolina Budget & Control Board Procurement Regulations, concerning consulting services, "consulting advice to the state of South Carolina, or any government body thereof, over whom the state or government body has the right of control as to the result to be accomplished but not as to the details and means by which that result is to be accomplished. Services which fall within this definition shall be procured in accordance with the code and these regulations."

Chairman Jones stated a written legal opinion had been prepared and said he was not clear on the direction Mr. Johnson was going. Mr. Johnson replied that the legal opinion received was related to the SWA purchasing policy. He said he was requesting a legal opinion on the South Carolina legislative purchasing policy from the procurement code and regulations. Mr. Johnson commented that the SWA purchasing policy is not following South Carolina's purchasing policy.

Mr. Ives remarked that the SWA is a quasi-governmental entity and did not have to abide completely by regulations for a state agency. He said Mr. Knight had indicated in the past that the SWA usually operates within the confines of the state guidelines. However, Mr. Ives stated, the SWA was not required to abide by those regulations.

Mr. Berry commented that this issue had been discussed in the past and he believed it was time to move on and take care of the business of the Solid Waste Authority.

Mr. Johnson stated that he did not believe a proper interpretation of the policy had been given. Chairman Jones replied it was his understanding that his request was for a legal opinion on whether professional services had to be formally bid and said that had been prepared.

Mr. Johnson then asked if he could request a legal opinion on whether or not the SWA was bound and obligated to follow the South Carolina procurement laws per the statutes and if the SWA was following those laws. Mr. Ives indicated Mr. Johnson's request required a second.

Chairman Jones asked Mr. Johnson if he would be satisfied with Mr. Knight asking this question of the attorney and furnishing the answer to the Board or if he required another written legal opinion. Mr. Johnson stated he would like a written legal opinion. Chairman Jones stated in that a written legal opinion would result in additional cost, a second to his request would be necessary. Chairman Jones called for second to Mr. Johnson's request, however, it did not receive a second.

Chairman Jones asked for any further comments; however, there were none. There being no further discussion, Chairman Jones advised that Mr. Knight would move forward with securing the needed professional services.

Contract Labor – Chairman Jones commented that the Board had discussed temporary labor on numerous occasions since March of 2020. He indicated that he requested staff obtain a legal opinion on the SWA process and legalities regarding contract labor. Chairman Jones stated the opinion was prepared by Ms. Henrietta Golding and subsequently distributed a copy of the opinion to the Board. He then called for a 15-minute recess to allow everyone the opportunity to review the document.

Upon returning to open session, Chairman Jones asked if there were any comments regarding the contract labor opinion prepared by Ms. Golding. Mr. Johnson asked if the opinion was pertaining to temporary employees at the MRF. Chairman Jones indicated it was. Mr. Johnson inquired as to whether the jobs were full-time positions and Chairman Jones stated they were not.

Mr. Knight explained that Ms. Golding's opinion referred to all the temporary staffing companies the SWA utilizes. He commented that it was Ms. Golding's opinion that these individuals are the employees of their respective agencies, regardless of how long they may work at the SWA.

Mr. Johnson asked if duties performed by the temporary employees at the MRF included the daily operation of the baler and working the sort line. Mr. Knight responded that was correct. Mr. Johnson indicated that in the past the Board was not willing to fund these positions. Mr. Knight indicated discussion on that matter was held at the Budget Workshop on March 10, 2020.

Mr. Johnson stated that temporary employees should fill temporary positions when the full-time staff member is not available and said this should be over a certain length of time, which would be temporary. He said temporary employees cost businesses less to hire in terms of wages and benefits and stated federal state employment laws are in place to prevent labor abuses against them. Mr. Johnson further commented that some agencies offer insurance benefits; however, companies that retain temps for too long face misclassification lawsuits and stiff penalties. He remarked that if these are full time jobs, and the SWA is using those positions as full-time, they needed to be full-time. Mr. Johnson referenced a list which was previously provided that pertained to temporary employees at the MRF and indicated several had been working at the MRF from 5-15 years. He commented this would not fall under a category of classification of temporary workers and said the positions would be considered full-time position, which required full-time workers and the SWA needed to make it that way. Mr. Knight again reiterated that the workers were employed by a contract labor company.

Mr. Bessant addressed the Board and discussed the difference between a temporary agency and a labor company. He informed the Board that in 1997, the SWA contracted with a labor company to provide staff for the MRF. He said it was in their contract, the SWA cannot hire any staff from the contract labor company. However, Mr. Bessant indicated, the SWA can hire staff from temporary agencies and has done so in the past.

Mr. Johnson again referenced the people who have worked at the MRF for several years and stated these positions could have been filled by Horry County residents; however, he remarked, the Board is not willing to fund the positions. Chairman Jones stated the purpose of the legal opinion was to determine if the SWA's process regarding the use of contract labor was legal or not.

Mr. Berry commented that a special committee had reviewed the matter in the past and determined the SWA's process was legal. However, he remarked, the matter has been brought up for discussion again. Mr. Berry indicated he believed the Board should move on.

Mr. Johnson expressed his displeasure at being told the SWA had other matters of concern. He remarked that the issue was important to him and stated it should be important to the Board. Mr. Johnson indicated he had the right to bring up and discuss those matters that were important to him as often as he felt the need to. Chairman Jones stated Mr. Johnson made a good point.

NEW BUSINESS

Roundtable Discussion – There was no Roundtable discussion to come before the Board.

MOTION FOR EXECUTIVE SESSION

Mr. Schwartzkopf made a Motion for an Executive Session for the purpose of discussing Mr. Knight's evaluation. Mr. Ives gave a second, and the Motion was carried unanimously.

The Board went into Executive Session at 11:45 A.M.

**MOTION TO COME OUT OF EXECUTIVE SESSION
AND BACK INTO OPEN SESSION**

At 11:50 A.M., Motion was made, seconded, and carried that the Board come out of Executive Session and back into open session.

STATEMENT FOR THE RECORD

Chairman Jones asked for the record to reflect that the Executive Session was held for the purpose of discussing Mr. Knight’s annual evaluation. He stated no votes or actions were taken in the Executive Session.

Mr. Berry made a Motion that Mr. Knight receive a merit increase in the same manner as all SWA employees. There was a second by Mr. Schwartzkopf.

Mr. Kemp offered favorable comments regarding Mr. Knight’s leadership of the SWA and expressed their respect and appreciation for his efforts as Executive Director. There being no further discussion, **the Motion was carried with Mr. Johnson voting in opposition.** Mr. Knight thanked the Board for their comments and commented that it takes everyone to make it work.

MOTION TO ADJOURN

There being no further business to come before the Board, **Mr. Schwartzkopf moved, seconded by Mr. Berry to adjourn the meeting. The Motion was carried,** and the August Board Meeting was adjourned at 12:00 P.M.

Minutes approved on September 27, 2022.

HORRY COUNTY SOLID WASTE AUTHORITY, INC.

BY: _____ (L. S.)
W. Norfleet Jones, Chairman

ATTEST:

Bo Ives, Secretary

Amos C. Berry, Sr.

Michael H. Hughes

Samuel T. Johnson, Jr.

Robert J. Kemp

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Carl H. Schwarzkopf