

Haywood County "Toeprints"

April 7, 2010

Vol. #1 Issue #3 (Subject: **Voting for Debt, Architectural Plans, Garbage**, www.haywoodtp.net)

What's Happening?

The purpose of this newsletter is to inform Haywood County Taxpayers of what transpires at the bi-monthly County Commission Meetings. This newsletter will be written from the perspective of a casual observer, myself. Any opinions expressed will be mine.

April 5th Commission Meeting - Voting for Debt.

I utilized the public comment segment to ask the following:

" Article V, Section 4 of the North Carolina State Constitution basically states that before a county can assume any debt, it must be voted on by a majority of the citizens of that county.

Decisions have been made recently to increase the county debt, which currently stands at \$ 60 million. These increases are:

- \$ 12.5 million debt for the purchase and renovation of the old Walmart building,
- \$ 700 thousand debt for the bailout of the Haywood County Fairgrounds, and
- \$ 10.2 million debt for a new upcoming Arts and Crafts building for HCC.

These decisions are being made without the benefit of knowing what the wishes of the majority of the citizens of the county are, who may very well like to have an input on this, since they are ultimately responsible for paying off the debt.

This question is for Candidate **Kirkpatrick**, not Chairman **Kirkpatrick**, and I'd like Commissioner **Upton** to feel free to also respond at the end of the public comment period as Candidate **Upton**.

Would you be in favor of taking a "time out" and suspending these decisions until these matters can be brought to a vote before the people of Haywood County, and of equal importance - will you listen to what they say?"

Chairman **Kirkpatrick** responded:

- He indicated it was an expensive item to have a vote,
- He stands by his decision,
- General Statute § 160A-20 - Security interests, has been ruled constitutional, and makes it legal for them to pencil whip these debts,
- Citizens have already voted for the HCC loan,
- (Commissioner **Upton** remained silent).

It is clear the commissioners have taken the position that they, and they alone, know what is best for this county.

Chairman / Candidate **Kirk Kirkpatrick** has his heels dug in. Attempting to get a response from Commissioner / Candidate **Bill Upton** is like pushing wet spaghetti.

As I mentioned before [re: Toeprints Issue #2], I'm neutral on how I personally would have voted on this issue as a citizen, as I don't have a clue as to the criteria the county commissioners used for their decision. Those criteria are still bottled up **in secret**, in closed minutes that have not been released.

There is a problem when Chairman **Kirkpatrick** indicated the citizens have already voted for the HCC loan.

The only thing that had been voted on by the voters that comes remotely close to what he said was voted on was a referendum providing the funding to finance capital expansion projects at HCC. Voters have **not** voted on this debt, and in fact, the \$10.2 million capital expansion has not even been formally submitted. This project (and debt) will also likely be pencil whipped by this board.

I inquired as to the history of the 1/4 cent sales tax referendum with regard to HCC. Evidently, you cannot put the designation of funds on the ballot. Commissioners made a 'motion' on how to disperse the funds, which were to go to HCC. The 'resolution' on 2/4/2008 (before the vote) stated "...the Haywood County Board of Commissioners endorses vote approval to levy the 1/4 cent local option sales tax revenue to fund capital projects at Haywood Community College." Then, after it was approved, the resolution on 7/7/2008 simply said: "...is necessary to help address and alleviate fiscal constraints within Haywood County". Another board can come along and simply change the resolution. **So much for having the voters get what they think they voted on.** I think the folks at HCC realize what is going on and are a little concerned. That is why the county was able to transfer the \$ 1.1 million in accumulated 1/4 cent tax revenue for simple repair invoices (instead of only for capital improvements).

The 1/4 cent sales tax revenue will presumably be structured to pay for the \$10.2 million debt, but if sales tax income does not meet projections, it is still the citizens of Haywood County that are ultimately responsible for the debt, and I believe they should have a say.

Architectural Plans for the old Walmart building.

There were two interesting items under IX. New Business:

3. Architect Services Agreement for renovation of former Walmart for Department of Social Services / Health / Central Permitting - ATTACHMENT 10, and,
4. Preliminary Design Schematics Floor Plan - Not for Construction - for renovation of former Walmart for

Department of Social Services / Health / Central Planning - Scott Donald, AIA, Padgett & Freeman Architects - ATTACHMENT 11 and PowerPoint Presentation.

Both of these items passed with ease. But wait...

You would think that the County already owned the building with the commissioners passing the Service Agreement and Architectural Floor Plans. **The point of fact is that the County has not closed on the purchase yet** [re: PURCHASE AND SALE AGREEMENT, www.haywoodtp.net]. The closing date is to be 7/31/2010. They approved a Standard Form of Agreement Between Owner and Architect. **They don't own the building! How can it be approved when the county is not the owner?**

The Architect Services Agreement is loaded with terms (30 pages) specified by Rural Development (USDA loan application boiler plate).

But wait again.... Suppose the USDA loan does not go through or is significantly delayed?

The county is then obligated [re: PURCHASE AND SALE AGREEMENT, www.haywoodtp.net] to obtain a regular conventional loan at less than a 40 year term, a higher down payment and higher interest rate. (This is the same templet being set forth with the \$ 700 K loan for the Haywood County Fairgrounds bailout.) Conceivable, the Architect Services Agreement would either have to be re-written, or will remain loaded down with terms specified by Rural Development. The yearly service debt would be higher. This is starting to look like a house of cards.

Back to the March 15th Commission Meeting

David Cotton made an extraordinary suggestion regarding the county's Waste Department which may have gone almost completely unnoticed! It certainly astonished me!

Agenda: VIII. Old Business, 2. Recommendation of Packer System for Materials Recovery Facility (MRF) Stephen King, Solid Waste Director - ATTACHMENT 6.

For as long as I have attended these meetings, the most expensive thorn the commissioners side has been to deal with solid waste (garbage). There are continuous problems with "The Bailer", some kind of device that bails garbage so it can be transferred to the White Oak Landfill, which constantly breaks. It is expensive to repair. The landfill committee makes continuous suggestions/recommendations ad nauseam.

Then, (after David Cotton scurried around during the meeting with sidebars,) he took to the podium along side of Stephen King and made the astonishing recommendation: **As an alternative, he indicated he was exploring a Public / Private Partnership. Once he gets the numbers hammered down, he will put it in a power point presentation to demonstrate cost savings of using the county work force vs a Private Entity to come in and provide the exact same service within the exact**

same parameters and demonstrate lower cost. He recommended this be brought up at the April 5th meeting.

It never appeared on the April 5th agenda and was never discussed. What happened!

I recall asking David Cotton in one of our meetings - "Why is the county in the garbage collection business anyway?" I don't think I really got a good answer.

This is one of the great ideas I have heard since I have been attending these meetings. I presume David Cotton is still hammering out the cost trade-offs for his power point presentation. Looking forward to this at the next meeting.

Did you know?

The following candidates won in 2006 with the following vote totals:

- **Kirkpatrick** 12,890
- **Upton** 12,059
- **Curtis** 11,651

Announcement - new web site.

Toeprints are available on www.912wnc.com and now on www.haywoodtp.net. In addition, there will be additional "Interesting Stuff" on www.haywoodtp.net. The following have already been posted:

- The county PURCHASE AND SALE AGREEMENT for the old Walmart building,
- The released closed minutes of the Cameron lawsuit,
- The Letter the Haywood County Fairground Association sent to the board requesting the Bailout with the list of conditions,
- The power point presentation from Padgett & Freeman depicting the renovation of the old Walmart building,
- Much, much more to come...

Announcement.

The Second Annual Tax Day "Taxed Enough Already" TEA Party sponsored by NC Freedom / 9-12 Haywood Project will be held from 3-6pm in front of the Haywood County Historic Courthouse and Justice Center on Thursday, April 15, 2010. To get involved and for continuing information, sign up to receive updates- www.912wnc.com or contact Beverly Elliott at 400-5556.

Vote.

You have a right to have a say what is going on in Haywood County. **You are not getting that now, especially in voting for debt.** The first place to go in re-establishing your right is at the voting booth in the May Primary Election, and then in the November Election. Take care to understand candidates positions when you vote. Remember, it is always possible to vote in someone that is worse than who is already there!

Monroe A. Miller Jr.,
Haywood County Taxpayer
19 Big Spruce Lane
Waynesville, NC 28786