

Haywood County “Toeprints”

August 20, 2010

Vol. #1 Issue #12 (Subject: **The “Rule”- R.I.P., HCC Public Hearing, Dr. R. Johnson, M. Nicklas, M. Shore**)

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.

The “Rule” - R.I.P. What just happened here?

Early one morning following the 8/2/2010 County Commission Meeting, Terry Ramey woke up at 4:00am and asked himself: “How can I solve this problem?”. By 8:00am, he had the answer. He stopped by to talk to Commissioner **Swanger**, and simply proposed the following idea: Let’s move the “Rule” from the Health Board over to the County Commissioners, and have them create an ordinance. We can resolve the seemingly unresolvable problem about the Class I Misdemeanor and assure citizens will be satisfied with the solution by having a committee of citizens assisting with the creation of the ordinance. **Swanger** wanted assurance that this would be in agreement with all of the folks that had concerns about the “Rule” - the folks that attended the 8/2/2010 county commission meeting expressing concerns during public comment, and those that had attended previous Health Board meetings. Ramey felt confident he could get unanimous agreement. Simple as that! Commissioners **Upton** and **Ensley** each called Ramey and expressed concurrence.

Terry Ramey had also contacted Andrea Keller (DENR), and she also concurred with Terry’s proposal. She also felt the best solution was an “ordinance” approach, rather than a “Rule” approach (and could be quoted at the meeting).

At the Health Board meeting on 8/10/2010, Terry Ramey spoke first during the 30 minute Public Comment period, and presented his proposal. He then asked all of the citizens present at the meeting (well over 100) if they were in agreement with the proposal. It was pretty nearly unanimous - almost everyone stood up. It was done. **The Health Board tabled the “Rule” amendment for 90 days** [vote was 9 to 1 in favor], to allow the County Commissioners to discuss the proposal and take whatever action they deemed appropriate. Everyone was friendly and shook hands after the meeting (no need for the Sheriff’s Deputy after all). Presuming that the County Commissioners take this recommended action, the existing rule will probably be repealed after the 90 day period.

[Editors Note: During the Public Comment period at the August 16th Commission Meeting, I commended Lynise Paschke for how professionally and efficiently I thought she had run this Health Board meeting.]

[Editors Note: There was nothing about what happened with the “Rule” in the latest (on-line) issues of the Smoky Mountain News or the Mountaineer. Lost interest, I guess.]

August 16, 2010 County Commission Meeting.

Terry Ramey was the first person to speak during the Public Comment Session. He had all the time he needed, normally a 3 minute time limit, to relate what had happened at the 8/10/2010 Health Board meeting. It was at that point that Chairman **Kirkpatrick** broke standard Public Comment protocol and asked **Swanger** to join an interactive discussion with Terry Ramey. **Swanger** concurred that Ramey presented an accurate representation as to what had transpired at the Health Board meeting. **Kirkpatrick** noted that unfortunately there had not been enough time to have this item placed on this meetings agenda, and requested David Cotton to create a new agenda item for the September 7th meeting. **Kirkpatrick** also recommended a committee be formed for the creation of this ordinance, indicating several people he thought that should be on it, including several people from the county. I’m presuming Terry Ramey will be on this committee, and I’m also presuming that **Kirkpatrick** and **Swanger** will respect Terry Ramey’s request for any citizens he might feel might want to and should be on this committee.

What a solution! This is the way government should work. Everyone (almost) is happy with this solution.

New Haywood County Fair Grounds Debt Proposal.

A new agenda item was added during the meeting - Haywood County Fairgrounds update. Commissioner **Ensley** indicated a new Fairgrounds board was in place. Dale Burris presented a potpourri of “stuff” the Fairgrounds needs to have happen to make it desirable for future events. They included:

- Rest Rooms,
- Parking Areas,
- Concession Area,
- Kitchen Renovations,
- Etc., etc., etc....

All of this for a mere **\$856K + \$27.5K** Architect’s fee. It was noted that the Fairgrounds is paying Interest Only to the bank right now, but that will change at the end of the year, so the County Commission needs to consider this now. This **\$856K** will be in the form of a loan the County will take out as **New Debt**, with no intention of the Fair Ground Board having a plan to ever repay it. So enjoy your new Fair Grounds, because this will be more debt that your county commissioners are taking on **Without a Public Vote**.

HCC Public Hearing for Creative Arts Building.

A Public Hearing was held at the beginning of the 8/16/2010 County Commission meeting. A number of HCC employees and supporters presented the case for the new Creative Arts Building. **Mike Nicklas**, the architect for the plans, and Michael Shore, CEO for FLS gave presentations.

[**Editors Note:** Unfortunately, I had left the room momentarily, and when I returned, Commissioner Ensley had asked a contractual question which had evidently flummoxed Shore and **Nicklas** for quite some number of moments. Be sure to watch on the video.]

As I had some recent serious concerns about the viability of what I had seen proposed regarding the Solar aspect of this project, I raised my concerns by speaking at the Public Hearing. My complete comments are posted on the www.haywoodtp.com website, "[Open Letter to HCC Board of Trustees - My Comments at HCC Public Hearing, 8/19/2010...](#)".

[**Editors Note:** It was brought to my attention that in the video recording of the Public Hearing, while the camera was focused on me, **Mike Nicklas** was seen seated in the background in the audience, presumably unaware that he was being recorded, and had some interesting gestures as I was speaking. I have not seen the video, and will wait with interest to see this when it becomes available on the county web site.]

Who are the Board of Trustees for HCC?

Mark Bumgarner, Chair	CPA
Donna Forga, Vice-Chair	Owner/Lawyer
Lynne Barrett	Licensed Psychologist
Charles Boyd	Owner/WNC Landscaping
Neal Ensley	Owner/Arrowhead Engineering
Richard Lanning	Owner/R. Lanning Contractor
Dean McMahon	Retired/First Citizens
Michael McConnell	Lawyer
Peggy Melville	Retired/Home Trust Bank
Robert Morris	Owner/Blue Ridge Glass
Steve Sorrells	Owner/Cold Mountain Nursery
Nicole Owen	Pres. HCC Student Association

How did these Trustees vote on the Solar proposal?

Mark Bumgarner , Chair	[No vote, Yes if tie vote]
Donna Forga , Vice-Chair	Yes
Lynne Barrett	Yes
Charles Boyd	No
Neal Ensley	Yes
Richard Lanning	No
Dean McMahon	No
Michael McConnell	Yes
Peggy Melville	Yes
Robert Morris	No
Steve Sorrells	No
Nicole Owen	[No vote?]
[Randy Herron]	Yes [Seat now vacant]

Update: August 18, 2010.

I thought it prudent to obtain additional information on the FLS Solar Design. To date, I don't have a single sheet of paper of either the Requirements, Specifications or any part of the Design. Frank Marshall, the marketing guy at FLS who I had previously spoken with, was "Unavailable". I attempted to reach Michael Shore - he was also "Unavailable". No engineers were available either. I could, however, submit questions by e-mail.

Update: August 19, 2010, 8:53am.

I thought I would ask **Dr. Rose Johnson**, President of HCC, if she could prevail upon FLS to share Solar Design information with me, as both people I had attempted to reach yesterday were "Unavailable".

Dr. Johnson indicated that both HCC and FLS where in contractual negotiations with attorneys, including our appointed County Attorney. That's fine, I indicated. I repeated, can you arrange with FLS that I be able to look at some of the Solar Designs?

She indicated that it was up to FLS to decide what it is that they wanted to share. [**Editors Note: No so!** HCC is FLS's customer, not the other way around. Since HCC is supposedly paying FLS (who knows how that is going to happen), signing contracts, etc., it is under the auspicious of HCC to direct FLS what information to share with outside people. That's why I came to **Dr. Johnson's** office in the first place to confirm it was still proper for me to contact FLS directly.]

I mentioned I had not seen a single piece of paper that related to the Solar Design. She said I was welcome to look at the document which details the qualifications expected of suppliers. [**Editors Note:** What?]

This is a public project. How can the poor county commissioners be expected to gain information about this project to be able to vote on approval of this loan if simple ordinary citizens like me can't get **any** answers, [**Editors Note:** i.e. are Stonewalled!?]

Dr. Johnson ended the conversation abruptly with a smack-down. She indicated that she was not going to answer any more of my questions because she was not comfortable with the way I present information to the public. [**Editors Note: RED FLAG!** What is she trying to hide?]

Irregardless of whether **Dr. Johnson** is comfortable or not comfortable with the way I present information to the public, I believe the public does deserve to know what it is that the Board of Trustees voted on, when they approved the Solar Thermal System and FLS as the designer in a special meeting on July 20th, 2010.

My only hope (and maybe the commissioners only hope) of learning more about this project, is that one of the members of the Board of Trustees feels the slightest bit uncomfortable about what just happening here and offers some information relating the design of the project. (Unless, of course, the lawyers got to them and they are under attorney/client privilege.) Surely, the Trustees must have information. They would have had to, because they voted to approve it. Perhaps one of the members of the Board of Trustees will read a copy of this "**Toeprints**", have pity on the citizens and taxpayers of Haywood County and do something about it, because it sure doesn't appear that **Dr. Rose Johnson** will.

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

www.haywoodtp.net