

Haywood County “Toeprints”

September 9, 2010

Vol. #1 Issue #13 (Subject: “**Rule**”/ Ordinance, Johnson - Forga - Bumgarner, Crackdown on Public Comments)

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.

Health “Rule” / Ordinance Advisory Committee.

Commissioners created an Ordinance Advisory Committee at the 9/7/2010 County Commission Meeting. The committee will consider, among other things, the level of severity of offences, appeals process, review body and the possible infringement on property rights (unlawful search and seizure), major problems that existed with the Health Board “Rule”.

Who is on the Committee?

- **Mark Swanger** (County Commissioner)
- Vicki Gribble (lawyer, member of Health Board)
- Bruce Gardner
- Terry Ramey

The following will attend as required -

- **David Cotton** (County Manager)
- DENR (as appropriate)
- **Steven King** (Waste Department)
- Appointed County Attorney

Solar Thermal Project at HCC

The board voted to approve the following documents to set the HCC Creative Arts Building loan in motion:

- Approving Resolution
- Installment Financing Contract
- Deed of Trust
- Agency Agreement
- Lease

The motion passed because the commissioners were told by **Mark Bumgarner**, the Chair of the Board of Trustees, that there was unanimous agreement among the HCC Board of Trustees that they approved the plan. What **Bumgarner** forgot to mention was that the Board of Trustees had **only approved** a motion to remove some of the Creative Arts Building construction costs to bring it back in line with the original bids at the 9/2/2010 Board of Trustees meeting. He, **Donna Forga** (running for District Court Judge in Nov.) and **Rose Johnson**, who were all standing at the podium, failed to mention that the Board of Trustees had not even seen the final contract between HCC and FLS, the Solar Thermal company, and had not voted on it yet. **Bumgarner** kept saying at the last Board of Trustees meeting, “It’s very important we have a unanimous vote on this (removing construction costs) for the County Commissioners” [re: meeting recorded.]

It should be noted that the last time there was a vote taken regarding the solar portion of the project, the vote was 6 to 5 in favor. Randy Herron has since resigned, and if the vote were taken today, it would be a tie - there are as many people **for** the solar portion as there are **against** the solar portion. The Chair, **Bumgarner** would cast a final vote in favor. However, all it would take is for a single Board member to come to their senses and vote **no**, and **Bumgarner** would no longer have the deciding vote.

I laid this all out to the commissioners at that meeting during my Public Comments [posted on www.haywoodtp.net, “[My Public Comments at the 9/7/2010 County Commission Meeting - HCC - Solar Thermal Program, 9/7/2010...](#)”]. After this character **Bumgarner** told the commissioners “It was unanimous...”, it was as though what I had told the commissioners went in one ear and right out the other. It evidently didn’t matter to the commissioners that the Board of Trustees had not even seen the FLS contract.

It appears to me that there might have been a slight bit of deception on the part of **Bumgarner, Donna Forga** (who is running for District Judge in Nov.) and **Rose Johnson** (who all stood at the podium) in misleading the commissioners to believe the Board of Trustees “... were unanimous”. [Perhaps **Bumgarner** and **Forga** might consider stepping aside from their current positions as Chair and Vice-Chair, respectively, on the Board of Trustees at this time]. It is now left up to the discretion of the HCC Board of Trustees to determine if the Solar Thermal portion of this project will be approved - **not** the county commissioners any more.

If the Board of Trustees votes **no**, for whatever reason, the building construction will move forward without the solar thermal design. Will it be compliant with Senate Bill 668? “Maybe”, said one Board of Trustee member. That will be a risk the County Commissioners will have to assume, as they are now the owners of the Creative Arts Building.

The local newspaper re-cap.

Quotes from the Smoky Mountain News article by **Becky Johnson** on 9/8/2010:

- “If you had come in here today and it was still a 6-5 decision, I would be uncomfortable that you didn’t have a stronger consensus,” said Commissioner Chairman **Kirk Kirkpatrick**. “I don’t want to be in the position as a commissioner to stop a project another board wants to go forward with. If they are all in consensus now with the project, I would feel comfortable approving it, but not because I am sold on it completely.”,

and from the Mountaineer's article by Vicki Hyatt on 9/8/2010:

- “Several commissioners said it made a difference that the college’s governing board has come together to unanimously support the project. An earlier 6 to 5 vote on whether to proceed with the solar elements of the project as well as other indications of internal board divisions was a problem, commissioners indicated.”

What can we do?

We have the opportunity to vote in a new set of county commissioners at the November election whose input from tax payers doesn't go in one ear and right out the other. **Curtis** is not running and **Swanger** will be with us for a while. Please review the following handy chart of recommended candidates for the seats of County Commissioners in the November election. This list will grow as we approach the election.



(Toeprint seal of approval)

- Denny King



(Not approved)

- **Kirk Kirkpatrick**
- **Bill Upton**

NC Governor's Highway Safety Program.

Sheriff Suttles requested additional funding for a grant for additional officers and equipment to handle increased traffic. This grant provides limited funding, but the county will need to co-pay. Over a four year period, the county will need to contribute nearly 50%, or about \$236K. Commissioners balked, and sent the matter over to Julie Davis to see how this impacts the budget over the next four (4) years. Scheduled to be reviewed again at the next meeting on 9/20/2010.

Public Records Request Policy.

This thing came back to life. Check out the draft version of this on www.haywoodtp.net, Attachment #24.

Public Comment Guidelines.

I hate to say it, but I think this is all about me. It seems like I have violated almost all of these proposed rules, and now everyone else has to pay for it. Check out the draft version of this on www.haywoodtp.net, Attachment #25.

DENR Administration Consent Agreement and Settlement Document.

All of the commissioners seemed to express shock and surprise after learning that the county was going to have to pay \$32,754.10 in fines and penalties to DENR, negotiated down from \$40,129.10. **Kirkpatrick** didn't feel like paying the penalty, but **Curtis** cautioned that you don't mess with DENR.

This all stems from four (4) main issues at the White Oak Municipal Solid Waste Landfill:

- Solid waste placed outside the liner limits,
- Leachate discharged outside the liner limits,
- Existing monitoring wells were abandoned without approval,
- Intermediate soil cover not placed over waste.

[See the Compliance Order letter from McGill Associates, dated 8/13/2010, and DENR on www.haywoodtp.net]

What's happening here?

- Why were the commissioners surprised today when the letter from McGill went to **Cotton** on 8/13/2010?
- Why was Jeff Bishop from McGill negotiating with DENR to reduce the settlement for the county?
- Why did these infractions happen in the first place?
- Who is responsible? Shouldn't they be paying the penalty?
- Where was **Steven King** during all of this?
- Where was **Steven King** during all of this? (Yes, twice.) Why wasn't this being continuously reported to the commissioners so they wouldn't act surprised?

So many questions, so few answers.

Solid Waste Tax Increase.

As most of you have received your 2010 Haywood County Tax bill, you have noticed that your tax has increased this year. My increase was due solely to the landfill increase rate. I was discussing with a taxpayer how well Marty Stamey and Julie Davis had done balancing the budget and not having to raise the tax rate. He chastised me saying that his rate rose anyway due to the landfill increase. All that mattered to him was his rate got jacked up.

During the last budget proposal, I tracked in lockstep every phase of the budget preparation. I paid no attention to Solid Waste. It was in a completely separate account or section. I thought it was innocuous. I won't make that mistake next year. This thing seems like the 1,000 pound gorilla that won't go away. This penalty will be paid out of the Special Revenue Solid Waste Fund.

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