

Haywood County "Toeprints"

October 10, 2010

Vol. #1 Issue #19 (Subject: **Forestry Designation, Pruett, HCC Secret Closed Meeting.**)

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.

There were four (4) important meetings last week. The Health/Solid Waste meeting was covered in a **SPECIAL EDITION** #18 of Toeprints. The others were:

- County Commission Meeting, 10/4/2010
- Erosion and Sediment Board Meeting, 10/6/2010
- HCC Secret Closed Session Meeting, 10/7/2010

County Commission Meeting.

SOV - Schedule of Values. There was considerable discussion regarding raising the value of land designated as Forestry from Class III to Class II. Class III valued the land at \$90 an acre, and changing it to Class II raises the value to \$185 an acre. **Kirkpatrick** indicated that "this is simply the value, it doesn't determine the amount of tax" [re: recording]. **[Editors Note: What? If your land is increased in value and the tax rate remains the same, your tax will increase!]** **Kirkpatrick** indicated his family has hundreds of acres of land designated as Forestry. **[Editors Note: If so, Kirkpatrick should have recused himself from this vote. That's why they created the word - recuse.]**

This was the only category to be raised from Class III to Class II in the SOV. **Swanger** indicated initially that it was arbitrary to discuss scientific evaluation, rather wants to be consistent with the Class III designation in the entire document [then he voted for changing it - What the...?]. **Curtis** indicated it gave many people breaks, but would increase tax on 600 acres by \$300 in the tax bill.

David Francis recommended the class redesignation, and the Board seemed divided. Ultimately, **Kirkpatrick, Swanger, and Upton** (who characteristically sat like a stone throughout the discussion), voted to **Increase Your Tax**, if you have land designated as Forestry. **Curtis** was the surprise of the day, voting against, along with Ensley. (Revaluation will have an overriding effect on your tax bill.)

What can we do about this? Unfortunately, **Swanger** will be with us for a while, but you can check the handy voting guide at the end of this newsletter for suggestions for voting for your next county commissioners, and show **Kirkpatrick** and **Upton** the door.

Closing - Old Wal-Mart Building.

Haywood County closed on the purchase of the Old Wal-Mart Building on 10/4/2010, about 3pm. Now, can we inspect all the secret closed meeting minutes the commissioners had for the past year?

Erosion and Sediment Control Board Meeting.

The purpose of my attending this meeting was primarily to

monitor the behavior of this board of directors, and that of **Marc Pruett, Tim Surrett, and Jennifer Bradish**. The meeting was chaired by Ron Leatherwood, attended by two engineers and lawyer [Gavin Brown] for the client, the Estates of Boulder Creek, and two adjacent neighbors affected by recent sediment deposits on their land in recent rainstorms.

[Editors Note: I recorded the meeting, but there was a very noisy A/C intake vent above where attendees were seated, making it very difficult to hear (and record). There was no way to turn air flow off. This place was actually worse acoustically than the old County Courtroom.]

Ron Leatherwood had **Pruett** present the case for his department.



Pruett (pictured above) presented a time line, colorfully annotated with various events, plastered across the wall (inspections, citations, remedies, etc.). This was supplemented with a presentation of an extensive number of photographs taken by **Pruett** and by the affected neighbor(s).

Leatherwood then heard from the engineers who had worked with **Pruett** in summarizing the work completed to prevent further erosion and sediment from affecting the neighbors.

Leatherwood finally heard from the affected neighbors who described what had happened during the rain storms. They appeared satisfied with the work that was being done by the developer, and expressed concern that the project be monitored so there would be no re-occurrence of sediment flow.

Discussion. An NOV (Notice of Violation) had been issued against the developer. Additionally, a Bond had expired. Here is the part where I became interested - the behavior of the board and **Pruett**. Had they learned anything from the Cameron lawsuit which cost the county nearly a **Half Million Dollars**?

Leatherwood indicated he was interested in getting things

fixed, not necessarily penalizing anyone. This started a lot of discussion about what went wrong, what has been done to remedy the problems, all very give and take. In general, a very good discussion.

When it came to determining any fine, **Pruett** mechanically said: \$50 per violation, 5 violations, and 51 days of violations. [Editors Note: I didn't even bother to run the math on this...]. One of the board members interrupted, noting that after the Cameron fiasco, it had been determined that the board had discretionary authority to set the level of the fines. It could range from \$0 to \$5,000. The board walked through various possibilities regarding the fine, and it was ultimately agreed to \$2,500 for all past violations. That passed with a motion. The second motion: In order to get enforcement suspended for 60 days to get a Bond and continue remedy improvements to bring it back into compliance, or new fines will start as of today... Motion also passed. It was done.

Conclusion. I was impressed with how thoroughly and thoughtfully the board members approached this problem. I felt all affected parties were treated fairly. Unfortunately, I can't say the same for **Pruett's** behavior. I had to ask myself, suppose that **Pruett** had been fired after the Cameron fiasco, and this were being handled by DENR at the state level. **Pruett's** time line of events looked now more like a **harassment line**, where it appeared he and his department had nothing else to do but spend all their time fining someone to increase their departments revenue. [Editors Note: His department's revenue is \$9,917 to date for this fiscal year, re: Julie Davis]. When the subject of the fine was approached, he mechanically spewed out a standard fine [re: recording], without appearing to have learned any of the lessons of common sense from the Cameron fiasco, as the board members appear to have done. I think we need to continue to monitor **Pruett - Surrett - Bradish** further in this case and all others until we see some changes in behavior (if the commissioners are not going to fire him).

HCC Special Called Board of Trustees Meeting.

The meeting was called on 10/7/2010 at 7am - 9:15am. The topics were:

- Closed Session - Energy Use/Cost Comparisons for Solar and Solar Lease Negotiations, and
- County/College Creative Arts Building Agreements.

Before the meeting started, I asked **Bumgarner** why the portion on Energy Use/Cost Comparisons for Solar was included in the Closed Session. His response was "that it is part of the contract".

The meeting was attended by **Michael Nicklas**, the architect, and Steve Levitis, an attorney representing HCC.

After the meeting started (open session) prior to approving the motion to enter the closed session, there was discussion on this very topic, questioned by two board of trustee members. One member held up a spreadsheet of figures on comparisons that included a small portion that **Michael Nicklas** said was FLS proprietary information. [Editors Note: Why couldn't that have been pulled out and all the other comparisons opened up to the public. The trustee member commented that

this was the first time the board members had seen any definitive information like this from FLS]. He also asked why the design of the project had not been released. **Michael Nicklas** (who was seated directly in front of me) guardedly said that it had been, in the large sheets [re: recorder]. [Editors Note: The only "large sheets" I have been allowed to inspect had only two indirect references to the existence of a solar thermal project]. I feel that **Michael Nicklas's** statement was inaccurate and misleading, but believe some of the trustees recognized that (the ones that were not Rubber Stamping the project), since they haven't even seen the design. This project design is still in total **lock down** by **Rose Johnson**.

Obviously, the Board of Trustees have not yet voted on the approval of the Solar Thermal project, let alone even seen the design or had a chance to get any outside opinions of the design. Yet, the County Commissions, at the next meeting on Oct. 18th, will approve the General Contractor for this project. How can the construction of this project move forward if the heavily integrated Solar Thermal Project hasn't been approved or denied yet by the HCC Board of Trustees?

[Editors Note: I had been trying to figure out: Who is **Johnson's** boss? It was then brought to my attention that **Johnson** serves as president of HCC at the pleasure of the Board of Trustees. My recommendation to the Board of Trustees is to start looking for a new candidate for president of HCC, and to simply **not** renew **Johnson's** contract when it comes up for consideration, re: **County Commission verbatim transcript**, 9/7/2010, www.haywoodtp.net]

HCC Update - 10/08/2010.

Debbie Trull, Executive Director of Administrative Services at HCC, at the request of Bob Morris (an HCC Board of Trustee member), e-mailed me the RFP (Request for Proposal) that was originally sent to the three bidders for the Solar Project. The RFP was dated 4/8/2010. It does not contain anything about the current FLS design, which has been requested. But this is a start...

Updated Commissioner Voting Guide.

You can vote for three (3) county commissioners.

Toeprint Seal of Approval



Denny King
David Bradley

Not Approved



Kirk Kirkpatrick
Bill Upton
Tom Freeman

Note: Michael Sorrells name has been removed from the Toeprint Seal of Approval list.

[**Legend:** If any name is in **bold**, it can't be a good thing.]

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