

## Haywood County “Toeprints”

December 18, 2010

Vol. #1 Issue #26 (Subject: **Updates: HCC, White Oak Landfill, Fairgrounds MOU**)

### 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.

### County Commission Meeting, December 6, 2010.

An organizational meeting was held to determine Commissioner positions and appoint people to various positions. The two commissioners that were re-elected changed their positions.

- **Kirkpatrick** from Chair to Vice Chair,
- **Upton**, from Vice Chair to regular commissioner.

**Swanger** was elected Chair. Disappointingly, instead of naming Rebecca Morgan to Clerk to the Board, Marty Stamey remained Clerk to the Board.

### HCC Update, Board of Trustees meeting.

A regular meeting was held December 15, 2010. It was disclosed by **Rose Johnson** that HCC had received the legal package from **FLS** the day before, but it has not been signed, because the General Contract for the Creative Crafts Building has not yet been signed. That has to be signed first, then the **FLS** contract can be signed, she said.

What?

Why hasn’t the General Contract been signed?

**Rose Johnson** conducted the “electronic vote” fire drill on October 29<sup>th</sup> to have the Board of Trustee members approve an incomplete **FLS** contract (that was almost two months ago). How could board members approve in advance something that was only made available December 14<sup>th</sup>? There are a myriad of questions that have been submitted to HCC who have yet to respond. There has not been, for example, any indication the **FLS** solar thermal design has been completed, among other things.

**Donna Forga** submitted her letter of resignation as Vice Chair and from the Board of Trustees. Bob Morris was elected Vice Chair to fill the vacancy.

### Solid Waste - White Oak Landfill Privatization Update.

Sorry, no update. The Solid Waste committee held a secret closed meeting December 8<sup>th</sup> to review presentations submitted by vendors responding from the public Request for Proposals (RFP’s). Evidently, three separate presentations were reviewed.

Here’s my problem: This was a public RFP - it was

announced on the Haywood County website. A copy of the RFP is on [www.haywoodtp.net](http://www.haywoodtp.net). Copies of the responses for three companies are also posted on [www.haywoodtp.net](http://www.haywoodtp.net). Under normal circumstances, when presentations are reviewed, I thought it was supposed to be an open process. I had been told that prices were to be discussed, and those have to be held confidential from the other respondents. Additionally, proprietary information was disclosed that could not go to other respondents. Don’t these companies know that eventually these details are going to be released, or are they?

I thought this was going to be public information. If this committee presents their findings to the county commissioners, how are they going to do that? Will the county commissioners now declare another closed session to review this committee’s secret findings and make a decision without public comment on this matter? This is the second instance of this type of behavior happening in recent history in this county. The first instance was, of course, **Rose Johnson**, president of HCC, holding a closed meeting to review the presentations by the three companies bidding for the Solar Thermal Project. That information has never been publicly disclosed.

### Closed Minutes Release Status.

Commissioners will presumably discuss releasing minutes of closed meetings they have had regarding the purchase of real property [re: old Walmart Building and HCC Creative Crafts Building] at the next commission meeting.

The word “**frustrate**” seems to be the key word here. It is the description of the primary criteria for whether commissioners can and should release the closed minutes, and in particular:

- **NCGS § 143-318.10(e)**. Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session.

There appears no reason to withhold these minutes closed any longer. The deals are done.

### **Fairgrounds Memorandum of Understanding (MOU).**

A MOU will be approved at the December 20<sup>th</sup> board meeting, as ATTACHMENT 11 [re: [www.haywoodtp.net](http://www.haywoodtp.net)]. This is pretty confusing. The county is going to loan the Fairgrounds \$337,110.59, so that the Fairgrounds can pay off the loans for the buildings to First Citizens Bank. Since this is a “loan”, it appears as though the county commissioners have done it again - increasing county debt without voter approval. Where is this money coming from? It appears to come out of the General Fund, but I don’t recall this being approved as part of the current budget.

It appears obvious, the Fairgrounds couldn’t pay off the original loan in the first place, so how will the Fairgrounds ever repay this loan back to the County? What are the terms of the loan?

It is not clear if this loan is part of the **\$856K + \$27.5K Architects Fee** the County Commissioners had discussed back in August [re: Toeprints, Issue #12] to fix the place up.

### **Wake County Taxpayers Association's petition.**

Speaking of increasing debt without voter approval, the city of Raleigh has a debt of \$1.2 Billion, of which \$420M is non-voter approved debt and Wake County has an additional \$314M of non-voter approved debt [re: Wake County Taxpayers Association's petition on [www.haywoodtp.net](http://www.haywoodtp.net)]. It kind of makes Haywood County’s debt of \$85M seem small in comparison.

“Although the NC State Constitution Article 5 Section 4 clearly states, with only a few exceptions, local governments must obtain voter approval to increase debt, both the City of Raleigh and Wake County have twisted the allowed exceptions to increase debt without voter approval”.

The loop-hole appears to be that the (city) can borrow if they do not pledge the full faith and credit of the (city), and they don't use the full tax authority as collateral [re: Carolina Journal video, posted on [www.haywoodtp.net](http://www.haywoodtp.net) ]. It appears that the taxpayers over in Wake County are about to slam the door on this behavior. This referendum is something the Taxpayers of Haywood County might consider doing.

### **Old Business, Offer to Purchase “Old Haywood County Hospital”.**

This item will be discussed under “Old Business” at the December 20<sup>th</sup> meeting. From an excerpt from the draft minutes of November 15th:

“Return from Closed Session.

The Board returned from closed session.

Commissioner Swanger made a motion to authorize the Chairman and Interim County Manager to enter into an agreement with Fitch Development Group to sell the old Haywood County Hospital property, not including the excess parking and Smoky Mountain Center building, to be identified by a current survey, for a sales price of \$1,275,000 for use and development as elderly housing involving certification as a historic site, award of tax credits by the N.C. Housing Finance Agency, zoning changes together with a public loan of \$159,000, the contract to be subject to the upset bid procedures set forth under G.S. Section §160A-269. Commissioner Curtis seconded and the motion carried unanimously.”

Here are my questions:

How much does this developer plan to invest in renovation of this building once it is purchased for \$1.3M, and if his total renovation cost is less than \$12.5M, why didn’t the county do this rather than purchasing and renovating the old Walmart Building for \$12.5M? If the completed product is satisfactory for elderly housing, it should have been satisfactory for DSS employees.

Perhaps when the commissioners release the closed minutes on all of this, we will all gain some insight.

Merry Christmas and Happy New Year!

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

Monroe A. Miller Jr.,  
Haywood County Taxpayer  
19 Big Spruce Lane  
Waynesville, NC 28786  
[www.haywoodtp.net](http://www.haywoodtp.net)