

**Haywood County "Toeprints"**

January 26, 2011

Vol. #2 Issue #5 (Subject: \* **SPECIAL EDITION** \* Released Closed Minutes - County, Fairgrounds.)

[www.haywoodtp.net](http://www.haywoodtp.net)

**What's Happening?**

This is a **SPECIAL EDITION** of Toeprints...

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.

[**Editors Note:** Commissioners released additional closed minutes of meetings. This **SPECIAL EDITION** covers closed minutes from the County Commission, and minutes from the Fairgrounds Board that predate those covered in Toeprints Issue #4. The format presented here will be text copied from the released minutes.]

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HAYWOOD COUNTY BOARD OF COMMISSIONERS  
CLOSED SESSION MINUTES, DECEMBER 20, 2010  
MEMBERS PRESENT: Chairman Mark S. Swanger,  
Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill  
L. Upton, L. Kevin Ensley, and Michael Sorrells present.

MEMBERS ABSENT: none

STAFF PRESENT: Interim County Manager Marty Stamey,  
County Attorney Leon M. "Chip" Killian, III, Finance  
Director Julie Davis and Administrative Assistant Rebecca  
Morgan.

OTHERS PRESENT: none

GENERAL STATUTE: Litigation §143-318.11(a)(3)

SUBJECT: Fairgrounds

DISCUSSION: County Attorney Killian confirmed that a  
settlement regarding the fairgrounds was made for \$25,000  
with the settlement paid by Haywood County Fairgrounds  
Board.

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Some comments:

- This is the \$25K settlement paid to Shawn Leatherwood. \$20K came from the Fairground Budget, with another \$5K tossed in by the county [re: Haywood County Fair Board, Inc., Minutes, November 29, 2010, "...the board directed Enloe to request that \$20,000 of the the above referenced payment be drafted from the Fairgrounds line item in the 2010-2011 County budget, and that the remaining \$5,000 be secured from other county resources. ..."]. Those "other county resources" was a transfer of your tax dollars over to the Fair Board [re: Julie Davis, January 13, 2011]

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HAYWOOD COUNTY BOARD OF COMMISSIONERS  
CLOSED SESSION MINUTES, DECEMBER 20, 2010  
MEMBERS PRESENT: Chairman Mark S. Swanger,  
Vice-Chairman J.W. "Kirk" Kirkpatrick, Commissioners Bill  
L. Upton, L. Kevin Ensley, and Michael Sorrells present.  
MEMBERS ABSENT: none

STAFF PRESENT: Interim County Manager Marty Stamey,  
County Attorney Leon M. "Chip" Killian, III, Finance  
Director Julie Davis and Administrative Assistant Rebecca  
Morgan.

OTHERS PRESENT: none

GENERAL STATUTE: Attorney/Client Privilege  
§143-318.11(a)(3)

SUBJECT: Tractor Supply

DISCUSSION: Upon purchasing the property located on  
Paragon Parkway (former Wal-Mart), Tractor Supply  
agreeded to continue leasing a section of the building with the  
understanding that the Tractor Supply lease may be subject to  
public records requests.

Julie Davis, Finance Director, has received a redactive version  
of the lease from Tractor Supply.

The County notified Tractor Supply via letter and email on  
December 10th that the County is going to release the  
redacted lease document on December 22nd to be consistent  
with the County's obligation under the North Carolina Public  
Records Act, N.C.G.S. §132-1.

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Some comments:

- I already have a copy of the redacted version of the lease from Tractor Supply. Unfortunately, I am not interested in a copy of a version of the lease that has vital information blacked out by someone in the Tractor Supply's Company legal department. Since the county purchased the old Walmart Building and properties from RGC - Waynesville, that lease should have been assigned over to the county, which the county should now have in it's possession. It contains information as how much rent the Tractor Supply Company is paying now to the County, and for how long. This information is now of interest to the Taxpayers of Haywood County as County Revenue, and to me, who carefully follows the County Budget Preparation for the coming year. I was informed yesterday by David Teague, Haywood County Public Information Coordinator, that "The Tractor Supply lease is available for your review." Will follow up.

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HAYWOOD COUNTY BOARD OF COMMISSIONERS  
CLOSED SESSION MINUTES, JANUARY 12, 2011  
MEMBERS PRESENT: Chairman Mark S. Swanger,  
Vice-Chairman J.W. "Kirk" Kirkpatrick,  
Commissioners Bill L. Upton, L. Kevin Ensley and Michael  
T. Sorrells.

MEMBERS ABSENT: none

STAFF PRESENT: Interim County Manager Marty Stamey,  
County Attorney Leon "Chip" Killian, III, Finance Director  
Julie Davis, and Administrative Assistant Rebecca Morgan

OTHERS PRESENT: none

GENERAL STATUTE: Personnel §143-318.11(a)(6)  
SUBJECT: Interim County Manager Marty Stamey  
DISCUSSION: The Board discussed Interim County Manager Marty Stamey and offered Mr. Stamey the position of County Manager. Mr. Stamey accepted the position of County Manager.

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Some comments:

- Yea! Congratulations to Marty Stamey [re: Toeprints Issue #9 - **Public Hearing and Work Session, June 1, 2010**. No public comments on the proposed budget. Why? It was due to the **Outstanding Work of Marty Stamey**, the Assistant County Manager and **Julie Davis**, Head of the Finance Department, and all of their departments. **I believe that Marty Stamey should now be considered for appointment to the position County Manager for his excellent work.** [I also still believe that County Clerk responsibilities should be transferred over to Rebecca Morgan.]

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The following are minutes from the **Haywood County Agricultural and Activities Center Association, Inc.**, now a.k.a. the **Haywood County Fairgrounds Board**. These minutes are only available as a scanned image, and are appended to the end of this issue of Toeprints (+ 2 pages).

These minutes were extremely difficult to obtain, as related by Shawn Leatherwood. The rough chronological sequence of events is:

“I started asking for this in June/July of 2010. I called the HCAAC office in June of 2010 and spoke with the secretary who told me to contact the President. I called Sam Smith in June of 2010, he said he "couldn't give them to me as he was no longer on the board. I met with Kirk Kirkpatrick in August of 2010 and asked him for them, no reply. I also spoke with Kevin Ensley in June, no minutes, I spoke with Skeeter Curtis in July, no minutes, no response etc.....and on it went. I did not get it until James Johnson sent a Freedom of Information Act request when he sent my response letter on October 7th, 2010.”

There are several noteworthy items to consider in these minutes.

- “The architect contract payoff to Shawn Leatherwood was renegotiated by **Skipper** and **Sam** from \$44,000.00 to \$30,000.00 to release all ties with the county or Fairgrounds”. Unfortunately, the Fairgrounds Board never came through with the \$30,000.00.
- “Arena Bleachers ( 2 Section) - 70,000.00. The Haywood County Fairgrounds Estimated Construction Cost included additional bleachers. Keep this in mind when we review what the total number of toilets required by the North Carolina Building Code is to verify what Padgett and Freeman are proposing in their new “feasibility Study” architectural drawings.

- “**Bill Skelton** made a motion to recommend a request of \$623,724.44 for construction & equipment costs, the amount of the loan payoff (approx \$350,000) and the architect contract payoff fee of \$30,000.00 with the total not to exceed \$1,000,000.00.” Since the total cost of construction was estimated to be over \$500,000, why wasn't the new architectural design sent out for bids? The board (or county) was evidently busily engaging Padgett and Freeman for a “feasibility study” [re: Haywood County Agriculture and Activities Center Governing Board Meeting Minutes, July 27, 2010, "... and stated that Dale Burgess of Padgett & Freeman are now working on updated plans for facilities expansion and improvement in accordance with perceived need and in compliance with current ADA law".

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### **UPDATE! UPDATE! UPDATE!**

I had requested to inspect the past two years minutes and financial records for the **Haywood County Agricultural and Activities Center Association, Inc.**, a.k.a., **Haywood County Fairgrounds Board**, and had thus far received only the minutes from July 27, 2010 to the present. No minutes prior to July 27, 2010 (with the exception of the 6/3/2010 minutes obtained by James Johnson's Freedom of Information Act request, appended in this issue), and no financial information, until yesterday.

I received something from David Teague, with his note indicating: “Attached is a Fairgrounds financial report that covers the time since the new board was seated. This report, along with the other information we've already provided, covers what the County has to provide. Any remaining financial information needs to come from the Fairgrounds, as we've stated.”

I'm still not quite sure what this document is yet. It consists of three (3) pages. It has been scanned, and follows the two pages of the 6/3/2010 minutes.

It raises more questions than it answers:

- Why did I receive this from David Teague, the Haywood County Public Information Coordinator, and not **Nancy Davis [D]**, the secretary to the Fairgrounds Board?
- Why is it that, as David Teague stated: “This report, along with the other information we've already provided, covers what the County has to provide.”
- The report has no title, no indication of who prepared the report, and no name of what this document is.
- It shows Income and Expenses for dates between Aug 1, '10 - Jan 20,11 (current to a couple of days ago).
- David Teague stated: “Any remaining financial information needs to come from the Fairgrounds, as we've stated.” I received the following response from **Nancy Davis** this morning regarding the balance of my request to inspect the minutes and financial information for the past two years:

Mr. Miller,

Perhaps you misunderstood; while I have in fact been in touch Mr. Smith to familiarize myself with the historical records pertaining to the former HCAAC, I am not, nor do I intend to be, in possession of what amounts to several filing cabinets full of files, some of which may or may not be pertinent to the current activities of the current board. Until such time that significant filing space can be created at the Fairgrounds or other facility, these records will be difficult to collate in one place. My task as the secretary of the current BOD is stated in our By-Laws as follows:

"The secretary shall keep a full and true permanent record of all meetings of the Board, both regular and special. He/she will send announcements, agendas, distribute copies of minutes to each Board member and perform such duties as are usually required of a secretary to a board of directors." I am not, nor did I volunteer to be, the historian for the former board (now the volunteer advisory council); therefore, that information is not in my possession.

Nancy Davis, Waynesville, NC

Canzada Shelties

crecomfort@bellsouth.net

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"Until one has loved an animal, part of their soul remains unawakened."

Wow. I'm beginning to feel like Shawn Leatherwood! I believe I am getting the run-around. I didn't ask **Nancy Davis** if that information was in her possession, I simply asked to inspect it. From Shawn Leatherwood's interaction with **Sam Smith**, "I called Sam Smith in June of 2010, he said he couldn't give them to me as he was no longer on the board." Suggestions, anyone?

Continuing with comments regarding the document sent to me by David Teague...

- Even though there is no title, who it was created by, or even what this is, it does contain several keywords that implies that this has something to do with the Fairground.
- It depicts that \$45K was income from the county, called Haywood County Allocation, and \$25K was spent on the Shawn Leatherwood settlement, Architecture Expense Arena. That should leave \$20K. Yet after all income and expenses are considered, the remaining balance is \$17,598.58, **a net loss of \$2,401.52**. That tells me this is still a losing operation.
- The minutes state [re: Haywood County Agriculture and Activities Center Governing Board Meeting Minutes, July 27, 2010] "He (**Ensley** [R]) discussed the current short-term loan held by the county, stating that it is costing \$17,000/month in interest fees, ...". Where are those interest costs in this document, or is the county picking up that tab? "... the current short-term loan held by the county..."? I thought the loan was held by the Haywood County Agricultural and Activities Center Association, Inc. Wasn't that why the \$337K was transferred to the Fairground Board with the MOU [re: [www.haywoodtp.net](http://www.haywoodtp.net)]

- Where is it shown where the county dipped into the General Fund and sent the Fairgrounds Board \$337,111 as an income entry [re: Haywood County Year to date Budget Report, 1/4/2011] on 12/21/2010, and the Fairgrounds Board turned this around and gave it to First Citizens Bank to pay off the loan so the buildings wouldn't be foreclosed, an expense entry? Am I to believe from this report that the Fairgrounds Board simply pocketed the \$337K?
- I saw no reference to any payments made for legal expenses to Nelson Mullins, for the Letter that **Leon Killian** [D] wrote to Shawn Leatherwood on August 6, 2010 [re: [www.haywoodtp.net](http://www.haywoodtp.net), ABUSE OF POWER]. Did the county pick up the tab for that, or did **Leon Killian** volunteer his and Nelson Mullins services, you know, pro bono?
- And last, but not least, there is an entry for porta-johns, listing it as an expense of \$606.94. It would seem from the categories listed in whatever this document is, that there has been some activity at the Fairgrounds from August 1, 2010 to January 20, 2011, i.e. Fair 10, Flea Markets, Horse Show, Jamboree BBQ, Truck-Pull, etc. Since the North Carolina Building Code requirement for the Fairgrounds Arena was to have 41 toilets at rated capacity events, and the minutes stated [re: Haywood County Fair Board, Inc., Minutes, January 13, 2011], "General discussion by **Ensley** regarding a request by Monroe Miller for the past two years' of financial statements from the Haywood County Fairground occurred, as well as a potential problem with arena use since the planned restroom facilities are not in place. **Davis responded that rental organizations are required to provide portable restrooms for any events held in the arena, which should meet the the requirements for the arena's use.**", this must have been the best deal in town! Porta-johns for all these events for only \$606.94! At least someone on this board should be given credit for this deal!

[**Editors Note:** Until the new drawings by Padgett & Freeman are approved and permitted, Shawn Leatherwood's drawings are the drawings of record for the permit currently being used. Only once new permits are issued will they be allowed to work under a different standard.]

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[**Legend:** If any name is in **bold**, it can't be a good thing. Brackets following a name in **bold** with [D], [R], or [U] denote the individuals party affiliation, Democrat, Republican or Unaffiliated. re: Haywood County Election Office - all voters 11/18/2010.]

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

JAN 25 2011

'Called' HCAAC Board Meeting 6/3/2010

President Skipper Russell called the meeting to order.

The architect contract payoff to Shawn Leatherwood was renegotiated by Skipper and Sam from \$44,000.00 to \$30,000.00 to release all ties with the county or Fairgrounds.

Haywood County Fairgrounds Estimated Construction Cost

Priority #1	
Construct Restroom/ Concession 'A'	150,776.74
Construct Restroom/ Storage 'C'	125,838.00
ADA (Handicapped Access) Parking & Storm Drainage	80,344.20
ADA Ramp ( Bldg A-B-Arena with appropriate landings)	78,909.71
ADA Access Sidewalks (Arena)	48,909.69
Arena Bleachers (2 sections)	70,000.00
Total	554,778.34
Priority #2	
A Bldg Kitchen Renovations (Commercial oven & hood)	21,311.46
Wireless Intercom (Bldgs A, B & Arena) & Fire Alarm	13,000.00
Total	34,311.46
Priority #3	
Maintenance Equipment (Tractor, Mower, Scrape)	30,000.00
Protective Fencing (Portable Fence)	4,634.64
Total	34,634.64

Total Construction & Equipment Cost 623,724.44

Note: These are only estimated calculations for use in securing the USDA loan.

Bill Skelton made a motion to recommend a request of \$623,724.44 for construction & equipment costs, the amount of the loan payoff (approx \$350,000) and the architect contract payoff fee of \$30,000.00 with the total not to exceed \$1,000,000.00. The motion was seconded by Bob Massie and unanimously approved by the Board.

Skipper thanked everyone for their hard work on this project.

Bill Skelton made a motion to adjourn the meeting and was seconded by Stephanie Parkins. The meeting was adjourned.

Approved: June 15, 2010



JAN 25 2011

Aug 1, '10 - Jan 20, 11

<b>Income</b>	
Bank Interest	65.56
Fair 10	
bingo	1,491.50
Carnival	5,435.00
concessions	1,573.85
fish fry	1,566.00
gate	12,253.75
Premium sponsor	879.73
Sponsor	525.00
Sponsor Petting Zoo	2,000.00
Truck Pull	305.00
vendor rental	5,370.00
<b>Total Fair 10</b>	<b>31,399.83</b>
Flea Markets	
Booth	7,260.00
Concessions	3,857.50
<b>Total Flea Markets</b>	<b>11,117.50</b>
Fund raising	
concessions	3,264.00
Farm Bureau Dinner	2,100.00
<b>Total Fund raising</b>	<b>5,364.00</b>
<b>Haywood County Allocation</b>	<b>45,000.00</b>
Horse Show Revenue	1,390.01
Interest Inc	1.36
Jamboree BBQ	1,142.16
Jamboree concessions	327.00
Jamboree sponsors	600.00
Jamboree Tickets	2,966.00
Rentals	
Arena & Bldg B	3,050.00
Bldg A, Arena & Grounds	500.00
Deposits	200.00
Entire Facility	2,630.00
Exhibit Building A	7,758.00
Exhibit Building B	5,911.00
Kitchen	400.00
<b>Total Rentals</b>	<b>20,449.00</b>
Truck-Pull Revenue	
50/50 Drawing	122.00
Concessions	734.58
Entry Fee	155.00
Gate	626.80
<b>Total Truck-Pull Revenue</b>	<b>1,638.38</b>
<b>Total Income</b>	<b>121,461.80</b>
<b>Expense</b>	
Accounting	2,421.00
Ads	116.00
Architectural Expense	
Arena	25,000.00
<b>Total Architectural Expense</b>	<b>25,000.00</b>
Arena	
Loan	3,833.97
<b>Total Expense</b>	<b>28,371.07</b>

JAN 25 2011

	Aug 1, '10 - Jan 20, 11
<b>Building B</b>	
<b>loan</b>	3,046.54
<b>Total Building B</b>	<b>3,046.54</b>
<b>Cash</b>	900.00
<b>Cleaning</b>	
Building Maintenance	760.00
supplies	1,023.98
Cleaning - Other	2,220.00
<b>Total Cleaning</b>	4,003.98
<b>Concession Stand supplies</b>	2,209.32
<b>Fair 10 Expenses</b>	
advertising	3,495.24
Cleaning	1,180.00
concession	980.31
Cookies school day	106.59
entertainment	6,050.00
entry tags	129.60
fish fry	713.30
Judges	356.00
Livestock Premium	2,413.00
livestock trophies	1,170.54
parking	2,500.00
porta-johns	606.94
Premiums	2,308.00
pumpkins	80.00
ribbons	1,977.39
supplies	162.05
trophies	453.28
Volunteer Lunch	458.13
<b>Total Fair 10 Expenses</b>	25,140.37
<b>Fire Extinguishers</b>	28.00
<b>Flea Market</b>	
Booth Rentals	-2,270.00
Concessions	1,421.98
service fee	1,503.00
<b>Total Flea Market</b>	654.98
<b>Fund Raising Events</b>	
Farm Bureau Dinner	895.04
<b>Total Fund Raising Events</b>	895.04
<b>Horse Show-Lions Club</b>	175.00
<b>Horse show District 8</b>	686.57
<b>Insurance</b>	
Liability	6,326.00
Property	3,023.10
<b>Total Insurance</b>	9,349.10
<b>Interest Payment</b>	1,510.36
<b>Jamboree</b>	
advertising	400.00
BBQ	430.34
entertainment	3,500.00
miscellaneous	26.97
<b>Total Jamboree</b>	4,357.31
<b>Lawn Care</b>	2,650.00
<b>Postage and Delivery</b>	188.00

JAN 25 2011

	<u>Aug 1, '10 - Jan 20, 11</u>
reimbursement	200.00
rental	
agent	2,500.00
<b>Total rental</b>	<u>2,500.00</u>
<b>Repairs</b>	
Arena	170.14
building A	189.28
grounds	150.00
Repairs - Other	461.89
<b>Total Repairs</b>	<u>971.31</u>
<b>Returns</b>	
deposit	345.00
Returns - Other	200.00
<b>Total Returns</b>	<u>545.00</u>
Service Charge due to late pay	159.55
Signs	
entrance	231.02
<b>Total Signs</b>	<u>231.02</u>
Truck-Pull Expense	80.00
Truck Pull Expense	
Concessions	31.40
Truck Pull Expense - Other	251.63
<b>Total Truck Pull Expense</b>	<u>293.03</u>
<b>Utilities</b>	
Commercial Waste	312.95
Gas BLDG A & B	3,339.08
Sewer & Water	926.13
Telephone	109.98
<b>Total Utilities</b>	<u>4,688.14</u>
Utilities Electric	5,430.74
void	0.00
Web site	90.00
<b>Total Expense</b>	<u>103,853.22</u>
<b>Net Income</b>	<u><u>17,598.58</u></u>