

Haywood County "Toeprints"

January 27, 2011

Vol. #2 Issue #6 (Subject: **Quarry, Fairground Update, Solid Waste Update**)

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.

Quarry DENR Permit Application Approved.

DENR approved the permit application for Harrison Construction Company on or about January 7, 2011. As explained in a previous update [re: Toeprints, Issue #25], nothing really changes much from what Harrison Construction Company is doing at the quarry regarding remediation of the slide that occurred almost two years ago.

County Commission Meeting, January 12, 2010.

I spoke during the Public Comment segment. See **ABUSE OF POWER** on www.haywoodtp.net. Two commissioners took the opportunity to respond to my comments. The following is their transcribed response [re: video - www.haywoodnc.net]. The conversation picks up after **Swanger** [D] asked if there were any Constituent Concerns.

Swanger: Anyone care to make any comments regarding content of the Public Comments?

Kirkpatrick [D]: I suppose I could just have a brief response. Mr. Miller's concerns were regarding the Fairground litigation, which was involving the Fairground, not necessarily the county. It's my understanding that Mr. Killian wrote a letter on behalf of the Fairground, not the county.

In that letter, Mr. Killian was representing the Fairground and their position as to the issues that have occurred with Mr. Leatherwood over the last several years.

Certainly I disagree with a lot of the characterization of Mr. Miller - the way he characterized the letters in and of themselves, and people can take a look at those letters on line, But certainly they don't know the facts. And anytime Mr. Killian writes a letter, he's doing so on behalf of, either in that case, the Fairgrounds. If he writes one for us on behalf of the county representing the county, and the people of this county. And so, in some instances, you may appear that it is an abuse of power, lots of times, and most of the time, it's a representation of the citizens of this county, and their best interest, and take care of the money that supplies this county for the government functions.

Ensley [R]: I would just comment that I'm on the Fairground Board. We don't have an attorney. The Fairgrounds is

basically made up of - we was talking the other night - there must be a hundred volunteers. Wade might could speak to it too, none of 'em are attorneys, and so we asked Chip to help us, in the matter, and he did, and we appreciate it.

Kirkpatrick's response is practically incoherent, and he's a lawyer. To reiterate the first sentence in **Leon Killian's** [D] letter to Shawn Leatherwood on August 6, 2010 [re: see **ABUSE OF POWER**, www.haywoodtp.net], "**We represent Haywood County (the "County") and the Haywood County Agriculture and Activities Center Association, Inc. (The "Association")...**". "**We**" meant Nelson Mullins, not Haywood County.

Perhaps **Kirkpatrick** should re-evaluate his comments when he said "It's my understanding that Mr. Killian wrote a letter on behalf of the Fairground, not the county."

Kirkpatrick indicated that "Mr. Killian was representing the Fairground and their position as to the issues that have occurred with Mr. Leatherwood over the last several years."

What are the issues that have occurred with Mr. Leatherwood over the last several years? I don't know. That is why I have made a public request for information to inspect the last two years worth of minutes and financial records for the Fairgrounds. I have been met with nothing but what I have felt was obstruction and intimidation, beginning with both **Chip Killian** and **Kevin Ensley**. Here is a short sequence of events and where my request stands now:

- In an e-mail to **Kevin Ensley**, dated January 16, 2011, "... Under any circumstances, can I direct you to the attached document: [Complying With the New IRS Corporate Governance Guidelines for 501\(c\)\(3\) Organizations: Keeping Corporate Minutes](#). It says, in part:

In response to recent scandals involving not-for-profit organizations, the Internal Revenue Service (IRS) has redesigned the Form 990...

Item 6 of the draft Part III requires the not-for-profit organization to disclose whether it "contemporaneously document[s] the meetings of the governing body and related committees through the preparation of minutes or other similar documents." The IRS has indicated that if a not-forprofit organization is unable to answer affirmatively to questions such as Item 6, its management controls may be suspect, **and it will be more likely to be audited...**

So you see, it would be important for you to contact Skipper Russell or Sam Smith yourself, and remind them of the possible adverse consequences (i.e. IRS audit) of not having the minutes. Please let me know when the "new" board has obtained them from the "old" board."

That resulted in **Ensley** going ballistic and yelling at me [Editors Note: whenever someone depresses the CAPS LOCK key in a response, it is generally considered yelling],

- **I AM NOT DOING ANYTHING!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! IF YOU WANT THEM THEN YOU KNOW WHO TO CONTACT. KEVIN ENSLEY, and**
- **TO ALL: MAYBE MY MS IS JUST MAKING ME GRUMPY BUT I WILL NOT BE OPENING ANY MORE EMAILS FROM MR. MILLER. I HAVE A DELETE BUTTON. KEVIN ENSLEY**

[Editors Note: This particular e-mail exchange went out on e-mail party line, which included both Vicki Hyatt of the Mountaineer, and Colby Dunn of the Smoky Mountain News, not that you will ever see a word printed about any of this stuff in either publication.]

I then sent a letter to **Chip** (a.k.a.) **Leon Killian**, since he was familiar with the Fairgrounds Board, to see if he had any recommendations with whom I could follow up with my request for public information, as I wanted to respect **Ensley's** wishes and not have to have him lift his finger to depress the delete button.

That resulted in a response from **Nancy Davis** [D], secretary to the Fairgrounds Board, who provided attachments of all Fairgrounds Board minutes from July 2010 to the present [re: Toeprints, issue 4]. I reiterated that I was looking to inspect the minutes and financial data for the past two years.

After addressing both David Teague and **Nancy Davis** to consolidate my request, I received some additional information from David Teague, which included a dubious "financial report" [re: Toeprints, issue 5] for the Fairgrounds from the same time period, August to the present. I reiterated my request to **Nancy Davis** to inspect the records prior to July 2010.

I then received a snippy e-mail from **Nancy Davis** advising me "that information is not in my possession." [re: See again, Toeprints, issue 5].

Shawn Leatherwood had attempted to inspect this information previously from **Sam Smith**, and Leatherwood recalled that "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". So, I figured I would be wasting my time, and his, attempting to contact **Sam Smith**, as **Ensley** had advised me to do.

Further, Teague indicated that the county's responsibility ended to me when it turned over the dubious "financial report / document", since they were only responsible from July 2010 forward.

[Editors Note: Still trying to figure out why that is.]

So you see, I am getting the classic run-around here. If there was nothing to hide, you would think there would be no problem in getting to inspect this information. So it comes back now to rest on the door step of **Nancy Davis**, secretary to the Fairgrounds Board. The ball seems to be in her court.

[Editors Note: Future snippy letters will be reprinted in Toeprints].

Solid Waste Workshop, January 20, 2011.

... and The Winner is: Santek!

There is a power point presentation, [BOCC Mid-Year Budget Evaluation Work Session.pptx](#), but I haven't been able to open it, consequently, I hesitate to post it on [www.haywoodtp.net](#). Perhaps David Teague will post it on [www.haywoodnc.net](#).

Solid Waste Committee Meeting, January 24, 2011.

The following people attended:

- David Teague
- **Mark Swanger**
- **Dale Burris** [D]
- Chris Boyd
- Julie Davis
- **Steven King** [?]
- **Chip Killian**
- David Francis
- 5 people I did not recognize, municipalities?
- Marty Stamey (late)
- **Bill Upton** [D] (late)
- myself.

Swanger stated the two (2) purposes of the meeting [re: recording]

- Recommend Santek to the commissioners, and
- Recommend Transfer Function be Discontinued.

[Editors Note: I met with two representatives of Republic near the conclusion of the Solid Waste Workshop on January 20th. They expressed several concerns to me, which I related to David Francis prior to this meeting. Only the issues relating to the 325 ton / day were discussed during this meeting].

A general starting comment: This is a "no brainer".

Julie Davis explained the rationale for the bid response comparisons. A Set Budget of \$6M was created, as if the county were to run solid waste for the coming year. The responses from the bidders were compared against that.

Swanger wanted to begin negotiations with Santek. **Swanger** outlined an ambitious schedule of how long it would take before Santek could be brought on-line. It was rather typical of what I had seen of **Swanger** in the past, wanting to shove things through as fast as possible.

There was an issue of Santek's number of 325 tons per day. There were all kinds of triggers, thresholds and other criteria with that particular number. It was questioned by some of the folks that might have been representing some of the local municipalities. For example, if Santek did not reach 325 tons per day, and reached only 320 tons per day, the county, not Santek would be responsible for opening new "cells" in the landfill, about a \$4M to \$5M expense. Stuff like that.

Both of **Swanger's** two (2) stated purposes of the meeting passed.

One of the folks, again presumably representing a municipality, asked: "What about the lady that was sitting right over there at the last meeting (pointing to the other side of the table), that Santek had a problem at a Kentucky landfill? [Her name was Sylvia Blakeslee]. Everyone looked blank. **Swanger** immediately blew her off by attempting to discredit her - "She doesn't want the White Oak Landfill changed anyway". Not phased, the original fellow persisted, and wanted someone to check into it. Still blank looks. It's not clear who was going to do that.

Swanger was going to seek permission from the Board to take it to the next level, i.e. begin to negotiate. "They will have to give us every contract they have", someone commented.

Here comes the part where everything goes under the table. **Swanger** said they will probably make us sign a CONFIDENTIALITY AGREEMENT, because we haven't seen any marketing information from them yet. **Chip Killian** concurred. This will be part of the negotiation process.

The only point in time that the word Public Hearing was mentioned, was in the context of having to have one relating to a permit change with DENR regarding increasing the quantity of garbage per day into the landfill.

This sets the stage for this going completely silent, and then one day, it will be presented to the commissioners to pass, and they will do it. So far, I see the public getting pretty much locked out of this whole decision process.

You know, this represents a lot of money, now, and in the future for the taxpayers of Haywood County. I am interested to insure that the playing field is level for all the bidders, not for only a single bidder that wasn't knocked out in pre-bidding analysis.

[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 individual's party affiliation, Democrat, Republican or Unaffiliated. re: Haywood County Election Office - all voters 11/18/2010.]

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