

Haywood County “Toeprints”

March 1, 2011

Vol. #2 Issue #9 (Subject: **Released HCC Closed Minutes, Fairground Arena Building Temp C/O pulled.**)

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.

HCC Released Closed Minutes.

HCC released a number of closed minutes relating to the solar thermal portion of the new Creative Crafts Building, along with a number of agreements signed by the Board of Trustees. A consolidated summary of the closed minutes along with five (5) agreements has been posted on www.haywoodtp.net.

The bottom line on the solar thermal design is that it is still in complete lock-down by Rose Johnson, president of HCC. I have been advised that “the design is not yet complete”. The released closed minutes provide some insight that how control of this program has been mainly in the hands and direction of FLS and lawyers. At the beginning, FLS set the tone when “... the solar developer requires the structure of two documents because of their financing and tax credits. ...”, [re: Closed minutes, 8-12-10, www.haywoodtp.net .] This was the shield that was used constantly through out this process to keep everything under the table, including the actual design itself. Actual tables of rates FLS is charging HCC is still considered confidential and has not been released.

HCC Board of Trustee members built a provision into these agreements [re: Released Closed Minutes of 9-15-10]

“... There is one issue still not resolved and that is under 2.1, which had a number of contingencies that potentially allowed solar developer to get out of the contract if it can’t get financing. Mr. Levitis stated the College needed some point at which it could pull a plug if things couldn’t get done. **This was negotiated and the date of August 1, 2011 is the date that FLS doesn’t have everything finalized Trustees can terminate and find someone else. ...**”.

So here we are, March 1, 2011, with only five (5) full months before the August 1, 2011 deadline for FLS to have everything finalized, and we are still being told that the design is not completed.

County Commission Meeting February 7, 2011.

David Francis summarized the work of the Solid Waste

Committee and presented the recommendation for Landfill Operations - Santek. **Marc Pruett** [D] provided a glowing report on Santek requested by Marty Stamey. See the report on www.haywoodtp.net.

County Commission Meeting, February 21, 2011.

During the Public Comment session, the question was asked: Who owns the Haywood County Fairgrounds Arena Building? **Swanger** [D] had **Chip Killian** [D] respond. From the draft minutes of the meeting:

“... **Chip Killian**, County Attorney, explained that the MOU was entered into at the time money was loaned to the Fairground Board by the County in order to pay off the loan. **There is an agreement** for the leasehold improvements to be transferred to the County at such time as the County is able to find permanent financing. Then the County would buy those leasehold improvements from the Fairground Board. County Attorney Killian stated at this time the County owns the ground, and **the Fairground Board owns the improvements** until completion of the transaction.”

It is clear - the Fairground Board owns the Haywood County Fairgrounds Arena Building.

The “Fairgrounds Agreement” referred to by **Chip Killian** has been posted on www.haywoodtp.net .

Old Business - Commissioners to meet with Haywood County School Board to discuss relocation if the sale of the hospital is finalized.

“New” Old Business - Fairground Arena Building Status.

A new agenda item was added. **Ensley** [R] advised commissioners that the Haywood County Fairgrounds Arena Building had been closed. NCDOI told the Building Inspector, **Bruce Crawford** [D], that the building can’t run any longer under a Temporary Certificate of Occupancy. It will be re-opened once the Restroom Facilities and ADA Components have been completed. From a quote in The Mountaineer [re: “**Fairground events put in jeopardy**” by Vicki Hyatt, 2/23/2011], “**On Tuesday, Phelps told The Mountaineer there were no provisions in state code that allow for a temporary certificate of occupancy, no provisions allowing Port-a-Johns to make up facility deficits in permanent buildings and no provisions for waivers.**”

The Mountaineer - "Fairground events put in jeopardy".

An article was (finally) published in The Mountaineer about the Fairgrounds Arena Building fiasco. So far, there have been 20 comments added to the on-line version of the article, probably the most comments for any article The Mountaineer has posted.

My comment posted 2/ 26/ 2011 in The Mountaineer, [re: <http://www.themountaineer.com/fairground-events-put-in-jeopardy-5070>] is reprinted here:

"Here is a chance for the citizens and taxpayers of Haywood County to take part in the direction of your county. The cost to implement required additions to re-open the Fairgrounds Arena Building range from \$400K to \$856K+ [re: www.haywoodtp.net - Toeprints, Issue 12], money the county does not currently have.

County Commissioners typical knee-jerk reaction to date has been to pencil whip an approval of another loan, which increases county debt, currently at \$85M. It's now time to start following the direction set by Article 5 Section 4 of the North Carolina State Constitution and get voter approval for any new County Debt. County Commissioners need to get a mandate from County Taxpayers before they seek a loan to bring the Fairground Arena Building into compliance with State Law. This is the perfect time for you to attend the next county commission meeting on March 7th to express your concerns.

There is a pending agreement in place [re: www.haywoodtp.net - Fairgrounds Agreement] waiting for county commissioners to pull the trigger once they have pencil whipped a loan. Basically, the County (you) purchase the Fairground Buildings from the Fairground Board, yet the currently appointed Fairgrounds Board continues to operate the Fairgrounds with your Tax Money. There is no provision for any profit from Fairground revenue to be returned to the Taxpayers. Additionally, there is no accountability from the Fairgrounds Board with any future taxpayer money funneled to them for administering the Fairgrounds. This "agreement" maintains the concept of "business as usual". Despite all of the effort of volunteers that have worked diligently on the Haywood County Fairgrounds, I have to refer to the current and past Fairgrounds Boards as the gang that simply can't shoot straight. There is no accountability built into a system where a non-profit 501 c3 corporation administers an operation like running the Fairgrounds. This problem has to be resolved before we can proceed. There has to be accountability in the expenditure of hard earned taxpayer dollars. This is the real problem. Solutions for this problem? Make a comment.

A comment on the content of the article. Swanger, County Commissioner Chairman and Ex-FBI Agent guy said: "Uneven enforcement is always something of a concern, but what do I do, make a complaint and shut down the one in Asheville?" It appears that Swanger is telling us that when we see a problem, look the other way. I believe that is one of the reasons we are in this "MESS".

To "Megabyte" - Not done yet. What's this about Haywood County Public Schools? Looking forward to sharing a beer/wine. Perhaps "Disappointed" can join us.

Monroe A. Miller Jr., Haywood County Taxpayer."

[**Editors Note:** "Megabyte" and "Disappointed" were anonymous names used by people posting earlier comments for that article.]

Ensley speaks out with some choice words...

In an e-mail exchange with me and others, kind of an e-mail party line, on 1/14/2011, **Ensley** wrote:

Mr. Miller, The fairground board is a nonprofit organization so the "Freedom of Information Act" does not apply. Shawn probably had his attorney ask for information because he was threatening a lawsuit. The fairground board complied. (It seems to be open season on nonprofits in Haywood County.) None of us appreciate your threats and I would recommend they stop. You have not been refused anything and the info you have requested from the County has come at taxpayer expense (in my opinion several thousand dollars) and hinges on abuse. I will ask Mike Gordon the fairboard treasurer as well as the other fairboard members to send you the last two years of treasurer's reports. We run our organization (by choice) according to the open meetings law so I'm sure there will not be a problem. Mr Gordon has a job and volunteers for several organizations. He is very busy and it may be a few weeks before you get the reports. Kevin Ensley

There was quite a bit of e-mail dialog after that, but I immediately responded regarding his accusing me of "threats" with:

" ... I'm confused where it is that you said I have threatened anyone. I never threaten. I just do it! You see, when you threaten someone, all you do is piss them off and make them angrier. They probably won't do what you threaten them with anyway. If you fail to carry out a threat, your credibility is compromised. That is why I never threaten, I just do it. ..."

Following some additional e-mail dialog (copied to both The Mountaineer and Smoky Mountain News) requesting both past Fairgrounds Board Minutes and "Financial Information", **Ensley** finally punted with saying:

- **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**

Ensley, but the way, was the individual who wound up sending me the minutes and "financial data" via USPS, due to poor weather.

Not finished with comments directed towards me, **Ensley** had some additional choice words in an e-mail exchange with Jonnie Cure [re: printed here with the permission of Jonnie Cure].

Jonnie Cure wrote to **Ensley** on February 23, 2011, the Wednesday the article regarding the Fairground Arena Building appearing in The Mountaineer, in part:

The mountaineer is trying to make Monroe Miller look like the bad guy here instead of placing the blame for the Fairgrounds disaster where it rightfully belongs...ON THE COMMISSIONERS who appoint the board members for the Fairgrounds! The buck stops at the feet of the commissioners.....

Please read the article in the mountaineer and comment on it at the bottom of the article. We, the taxpayers of Haywood County are about to see our Commissioners pour hundreds of thousands of dollars into our Haywood County Fairgrounds. And we the taxpayers will be responsible for this debt!

The administration of the past and present Fairgrounds board is a disaster! This debt will end up in our laps. The decision of the Commissioners to bail out the fairgrounds default will cost you lots of money as a taxpayer.

to which Ensley responded:

From: L. KEVIN ENSLEY
Date: Wed, Feb 23, 2011 at 2:02 PM
Subject: Re: Fwd: Fairgrounds info
To: Jonnie Cure

The current problems at the fairgrounds is Monroe Miller's fault. The article is accurate. Mr. Miller's actions are costing taxpayers thousands of dollars. The negativity from you all is becoming nauseating. If you are not part of the solution or have solutions then you are just adding to the problem. We have hundreds of people in our community that have given time and hard work to make the fairgrounds possible. What have any of you done to make our community better? I have many fond memories of my kids' activities at the fairgrounds. The commissioners are not going to let Miller who evidently wants "bigger government and stricter regulations" stop the fairgrounds. His actions support my statement. He had lodged complaints with NCDOT, DOJ, IRS and others - and for WHAT? Kevin Ensley

If **Ensley** is interested to know where the problems originated at the fairgrounds, all he and the rest of the commissioners have to do is look in the mirror when they get up in the morning.

The trigger that set this whole thing off, of course, was the letter **Leon Killian** sent to Shawn Leatherwood on August 6, 2010, see ABUSE OF POWER, www.haywoodtp.net.

This is the second instance **Ensley** has asserted that I cost the taxpayers thousands of dollars. During the first e-mail party line exchange, with my e-mail directed to David Teague, Haywood County Public Information Officer on 1/12/2011, I wrote:

“ ... Additionally, immediately prior to seeing you yesterday, Chip Killian walked out of Marty Stamey's office holding a bunch of letters (all mine, requests for information), and reamed me out for about 5 minutes in front of Rebecca Morgan. In all his 30 years at County Attorney, he said, no one has ever asked for so much material or requested so much information. He conceded that I had a right to ask and a right to see all that I had requested. He was concerned about the amount of county employee time spent on me. Reflecting on the conversation, I wasn't sure what the main point the reaming was about. Was I to stop requesting public information? Reduce the amount? All that I have requested is important, and in most cases, due directly to the actions of the commissioners - they keep me busy. ...”

Chip Killian later indicated:

“This is what I said in part: "Monroe: I think you are being unreasonable". If he considers that a "reaming" I don't know what to say. Chip”

If **Ensley** would like to start backing up the assertion of my costing the taxpayers thousands of dollars, why doesn't he offer a suggestion to the Finance Department and have them set up a new account number? This account would be designated: The Monroe Miller Account For County Employee Time To Charge To When Monroe Miller Makes A Request For Information. County employees would simply charge their time to this account, a spread sheet analysis could be performed, a power point presentation could be made, and finally presented to the county commissioners. If indeed this accounts expenses run into the thousands of dollars, perhaps it should be added to the new 2011-2012 Budget so this expense can be better tracked.

Ensley's statement in his second e-mail deserves some special attention: “The commissioners are not going to let Miller who evidently wants "bigger government and stricter regulations" stop the fairgrounds.”

What does this mean?

- “Miller who evidently wants “bigger government and stricter regulation ...” is **not** something I want. I know this to be true, because I don't want “bigger government and stricter regulations”, and is not something I have even implied, let alone said. I **do** want the current laws of North Carolina enforced. If **Ensley** doesn't like the laws, he should change them.
- “The commissioners are not going to let Miller ... stop the fairgrounds”. It was never my intention to “stop the fairgrounds”, but simply point out that NC laws are not being enforced.

His statement can be taken one of two ways -

- The first way is the commissioners will do what they need to do to pour more Taxpayer money into the Fairgrounds Board to construct facilities into the Fairgrounds Arena Building so that it can receive a Certificate of Occupancy,

or

- The statement from this public official is an implied threat directed at me. Could this be construed as **official oppression** under Chapter 14 of the North Carolina General Statutes?

Perhaps **Ensley** can clarify the exact meaning of his statement at the next County Commission Meeting. At the same time, **Kirkpatrick** [D] can clarify his practically incoherent response [re: Toeprints, Vol 2, Issue 6 & 7] where:

One of several things has to happen now -

- I have to search further back and request Fairground Board minutes prior to two (2) years ago (that is like pulling teeth out of a tiger, and I have to wait for additional **poor weather**), or
- **Kirkpatrick** needs to be forthcoming and explain what he knew that caused him to throw Shawn Leatherwood under the bus by saying - “Mr. Killian was representing the Fairground and their position as to the issues that have occurred with Mr. Leatherwood over the last several years.”, or
- **Kirkpatrick** owes Shawn Leatherwood a public apology for allegedly slandering him in public.

or **Swanger** [D] may say, as he implied in The Mountaineer article [re: “Fairground events put in jeopardy” by Vicki Hyatt, 2/23/2011], listen guys, when we see a problem, look the other way.

You know, I think **Ensley** is a little too emotionally wrapped up with all this Fairground Board stuff. I think it would probably be in the Taxpayers best interest for **Ensley** to resign from the Fairgrounds Board and have another commissioner replace him. Any volunteers?

Day Counter for Mountaineer and SMN.

This feature shows the days since 1/1/2011 [county commission released closed minutes posted on www.haywoodtp.net] since either The Mountaineer or the Smoky Mountain News has said a single word about the Haywood County Fairgrounds Arena Building fiasco.

- The Mountaineer [*] 53 days
- Smoky Mountain News 60 days

[*] Mountaineer printed an article on 2/23/2011. Nothing yet from the Smoky Mountain News.

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, **D**emocrat, **R**epublican or **U**naffiliated. re: Haywood County Election Office - all voters 11/18/2010.]

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