

## Haywood County “Toeprints”

March 14, 2011

Vol. #2 Issue #10 (Subject: **Solar Agreement, \$400K approved for toilets, Mountaineer - SMN.**)

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

### Agreement discovered between the County and FLS.

Released closed county commission minutes back on December 20, 2010 revealed some sort of “HCC Solar Panel Contract / a confidentiality agreement” [re: Toeprints, Vol 2, Issue 1]. No one seemed to have a copy of that agreement for inspection, neither the county or HCC. Still have not seen it.

Finally, the gigantic HCC \$11.1M Installment Financing Contract package was finally presented to the County last week by **Parker Poe Adams & Bernstein LLP**. This voluminous package contained something called a **Solar Purchase Agreement** between the County and **FLS**. **FLS** is the solar company installing the solar thermal equipment on **our** building (the county is paying for the building and owns the land and the building), the new Creative Crafts Building. HCC reported that “the [solar thermal] design is not yet complete”. More to come...

### “Fairground events put in jeopardy”, By Vicki Hyatt.

An article in The Mountaineer by Vicki Hyatt on February 23, 2011, simultaneously posted on the Mountaineer web site, drew 24 Comments, probably the most comments the Mountaineer has ever had with an on-line article. It is still on the front page of the [www.themountaineer.com](http://www.themountaineer.com) web site under **Popular Articles**, along with a second popular article, “Arena upgrade weighed”, By Vicki Hyatt, March 4, 2011 with 10 Comments. **The comments contain a wealth of information, and is worthwhile reading.** The links to both articles are:

<http://www.themountaineer.com/fairground-events-put-in-jeopardy-5070> [4,335 words contained in 24 comments]

and

<http://www.themountaineer.com/arena-upgrade-weighed-5216> 4,018 words contained in 10 comments].

I posted a comment on the first article “**Fairground events put in jeopardy**” and is partially reprinted it 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: <http://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: <http://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”.”

**Our Views, by The Mountaineer.**

An editorial appeared in the Mountaineer on March 11, 2011, “Fairground advocates owe county watchdogs a debt of gratitude”. It refers to:

- Monroe Miller, “a self-appointed county government watchdog”, and
- Shawn Leatherwood, “the facilities disgruntled former architect”.

With all due respect, Shawn Leatherwood should have been referred to as the architect who survived an intimidation attack [re: **ABUSE OF POWER**, [www.haywoodtp.net](http://www.haywoodtp.net)] by the Nelson Mullins lawyer **Leon Killian** [D] a.k.a. Haywood County Attorney **Chip Killian** [D], and I should have been referred to as Monroe A. Miller Jr., simply a concerned Haywood County Taxpayer.

**Smoky Mountain News.**

Colby Dunn was finally able to get a article in the Smoky Mountain News on March 9<sup>th</sup>, along with a little hit piece “County’s leading critic stirs up trouble for fairground arena”, written by someone hiding under the title of **Admin**.

**County Commission Meeting, March 7, 2011.**

There was considerable discussion during the public comment session regarding the Fairground Arena Building. See the video recording of this meeting on the cable channel or at [www.haywoodnc.net](http://www.haywoodnc.net) when posted.

Agenda Item: VII. Old Business, 1. Fairgrounds Financing / Construction Bidding Options - Julie Davis, Finance Director and Dale Burris, Facilities and Maintenance Director - ATTACHMENT 4. [**Editors Note:** ATTACHMENT 4 is now posted on [www.haywoodtp.net](http://www.haywoodtp.net) ].

Commissioners had no problem with pencil whipping this proposal, as all were unanimous. This was actually a done deal before the meeting even started. The only somewhat comical point in the discussion was when **Kirkpatrick** [D] asked (not the first time he has asked this question, by the way), “Will the county ever see any repayment from the Fairgrounds when this project is completed”?

**“Silence”** .....

Evidently disturbed by the silence, commissioners directed Marty Stamey to discuss this with **Mary Ann Enloe** [D], who was sitting in the front seat who nodded approvingly.

**Wait a minute! Some complications ...**

Julie Davis has proposed two methods to finance the County Commissioners dipping into the General Fund for the toilets:

- Secure a 3-7 year loan, another MOU to the Fairgrounds Board, and
- Secure a 2-3 year loan, another MOU to the Fairgrounds Board. [The county selected this option].

The problem is that “either of these options will preclude the County from securing an USDA loan for the building portion of the project as USDA prohibits this type of reimbursement use of funds”.

Where does that leave us (Haywood County Taxpayers) with the yet to be executed “Agreement” between The County and Haywood County Fairgrounds, Inc., the Fairgrounds Board? This is the “[Pending Fairgrounds Agreement referred to by Chip \(a.k.a. Leon\) Killian at the County Commission Meeting on 2/21/2011. 2/25/2011...](#)” [re: [www.haywoodtp.net](http://www.haywoodtp.net)].

By the way, this 24 page Agreement has been and is currently being studied by a small army of high horsepower attorney’s in different counties and different states, and it’s got them all scratching their heads (and giving some of them headaches!)

**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](http://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 68 days

It took roughly two (2) months for our local newspaper media to print anything about the Fairgrounds Arena Building.

**New Feature - Subject Index on [www.haywoodtp.net](http://www.haywoodtp.net)**

A Subject Index has been added to the Site Menu to guide you to previous editions of Toeprints on a couple of different subjects. Also referenced are topics under Interesting Stuff.

**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.]

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