

Haywood County “Toeprints”

March 24, 2011

Vol. #2 Issue #12 (Subject: **HCC Change Orders, Fairground Project Approved, Dale Burris**)

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 Building & Grounds Meeting.

The HCC Committee on Building & Grounds met on March 16, 2011, for the purpose of Discussion of the Change Order Process (for the Creative Arts Building). Those in attendance from HCC were:

- **Neal Ensley** [?], Chair
- **Mark Bumgarner** [D], Board Chair
- Steve Sorrells
- **Lynne Barrett** [?]
- **Michael McConnell** [?]
- Dean McMahan
- Bob Morris
- Richard Lanning
- Debbie Trull, Exec. Director of Administrative Services
- **Rose Johnson** [U]

Those in attendance from the County were:

- **Kevin Ensley** [R], County Commissioner
- **Michael Sorrells** [D], County Commissioner
- **Bill Upton** [D], County Commissioner
- Marty Stamey
- Julie Davis

Background.

The meeting was called for the single purpose to determine if County Commissioners needed to sign off on change orders for the Creative Crafts Building. Commissioners felt that since they were dispensing funds, they should sign off on change orders, like they do with the County School System. The HCC Board of Trustees wanted to be able to react quickly to any change orders, so that it didn’t hold the project up and subject them - and county taxpayers - to unnecessary extra charges the contractor might impose due to change orders being held up waiting for county commissioners to sign them - a built in time delay of up to two (2) weeks. It was HCC’s Board of Trustees stated intention to minimize costs and return any extra funds back to the county, including the extra \$400,000 that is rolling around someplace in this package. [What a refreshing concept!]

A couple of minutes into the meeting, **Bill Upton** realized that there were three (3) County Commissioners (a quorum) present in the same room, conducting County Business, and there had been no 48 hour public notice. He alertly called on one of the commissioners to leave the room, and **Michael**

Sorrells volunteered, citing a pending business appointment in Asheville.

After a complicated, spirited and lively discussion, it was determined that this project is different than the normal school board approval process, with the following entities eventually needing to approve change orders:

- HCC Board of Trustees
- County Commissioners
- A final approval by the State

A category of change orders, called an Architectural Field Order (AFO) was brought to light. One or more AFO’s can be compiled into a single Change Order. Local approval (without direct County Commissioners approval) of AFO’s would keep the contractor for the project running, so he would not have to charge extra money for waiting for County Commissioners approval, slowing down the project.

Steve Sorrells motioned that a small group be given the authority to approve any AFO. The group was composed of the following people:

- Bob Morris
- Richard Lanning
- **Neal Ensley**
- Debbie Trull
- **Dale Burris** [U], Haywood County Facilities Manager

A voice vote was taken, 4 to 1 to approve. There were eight HCC Board of Trustee members present, and the vote did not represent a majority. Steve Sorrells, called for a hand count of votes. **Neal Ensley** and **Mark Bumgarner** finally raised their hands in approval, with **Lynne Barrett** and **Michael McConnell** casing no votes [WHY?]. Motion passed, 6 to 2. [Editors Note: This was approved later in the day at the regular HCC Board of Trustees meeting]. This will be presented at the next County Commission Meeting in April.

Notice, in this whole equation and process, there is one person conspicuously missing from having anything to do with the approval process for AFO’s and/or Change Orders - **Rose Johnson**, President of HCC.

Agreement between HCC and FLS, Exhibit F.

Prior to the HCC Building & Grounds Meeting, Marty Stamey requested Exhibit F, part of the Solar Purchase Agreement between FLS SOLAR 20, LLC and The Board of Trustees of Haywood Community College for the Creative Arts Building [re: www.haywoodtp.net] from **Rose Johnson**. She indicated that the design is not yet complete, and didn’t have Exhibit F. Exhibit F is the Plans and Specifications for the solar thermal project. The lock down continues...

County Commission Meeting, March 21, 2011.

Old Business, Approval of Contractor/Award of Fairground Project Bid. [See the Presentation by **Dale Burris**, Facilities and Maintenance Director, and Budget Amendment by Julie Davis as Attachments 7 & 8 on www.haywoodtp.net].

I had requested to inspect the Bid Results prior to the Approval of Contractor/Award, but I was reminded by Marty Stamey that “[Informal bids/records are not available for public inspection prior to the contract being awarded by the governing body, re: GS § 143-131.](#)”

[**Editors Note:** This whole Fairgrounds Project and how these things are done is going to be a teachable moment for the Taxpayers of Haywood County. We will follow this whole process through from beginning to end, accounting for every single penny of this project.]

These were informal bids let out as both Single Prime and Multi Prime Contract Work. There were two (2) bidders for the Single Prime work, and one (1) for the Multi Prime work.

Single Prime:

- B. Allen Construction \$430K
- Murray Construction of Monroe, Inc. \$566K

Multi Prime

- General - Clark & Leatherwood \$410K
- Electrical - Midnite Electric \$ 54K
- Mechanical - NONE -----
- Plumbing - J.B. Plumbing \$ 90K

Dale Burris recommended B. Allen Construction after renegotiating the handrail material type and getting them to reduce their bid to \$415K. Julie Davis had already amended Attachment 8 to include the \$415K, plus \$10,850 for Miscellaneous and another \$4K (1%) for Contingency, raising the total to \$430K.

Commissioners immediately pencil whipped this award, noting that this money was to be replenished by the sale of county owned property. Nothing was said about continuing with getting a loan.

No Memorandum of Understanding.

Oops. Someone forgot to create a Memorandum of Understanding (MOU). One is kind of needed, as when the commissioners pencil whipped the \$337K to bail out the Fairground Board to keep the buildings from going into foreclosure. So here we are, the county pencil whipping \$430K to fix up buildings that they do not own with no MOU for accountability. How will this appear on the Haywood County Fair Board’s accounting books, for IRS purposes? This whole thing appears to be analogous to **Obama’s** foray into Libya when Defense Secretary Robert Gates said: “We haven’t done something like this kind of on-the-fly before”. It appears the Commissioners were simply in a blind rage to get this done quick, no matter what.

All the Single Prime and Multi Prime Contract Work Bids are now posted on www.haywoodtp.net .

It is interesting to note that **Dale Burris** is **not** the General Contractor on this project after all, as he had offered to in:

- Released Minutes of the HC Fair Board Special Called Meeting of 2/24/2011,
- Newspaper article in the Mountaineer on 3/4/2011,
- Standing before the County Commissioners at the March 7, 2011 meeting.

Dale Burris’s position will be the “Owner Representative”. But wait! Neither **Dale Burris** or the county are the owners of the Fairgrounds Arena Building! The Haywood County Fair Board, Inc. owns the building [re: MOU, www.haywoodtp.net]. Why isn’t one of the Haywood County’s Fair Board, a 501-c3 non profit corporation, the “Owner Representative”? Who is **Scott Donald** of Padgett & Freeman (the Architect) going to get Change Orders signed off by - **Dale Burris** or the actual Owner’s representative?

Perhaps it’s a good thing that **Dale Burris** is not the General Contractor on this project after all. Otherwise, North Carolina General Statue § 143-135, Limitation of application of Article, would have surely been tested. That’s the general statue which basically says that there is a limit on use of own forces (the county) for construction or repair projects not to exceed \$125K.

Notable Quotes:

Ronald Reagan, Address to the Nation on the United States Air Strike Against Libya, April 14, 1986: “... When our citizens are abused or attacked anywhere in the world on the direct orders of a hostile regime, we will respond so long as I'm in this Oval Office. Self-defense is not only our right, it is our duty. ...”

Monroe A. Miller Jr., on **Marc Pruett** [D] and **Chip** (a.k.a. **Leon**) **Killian** [D] and anyone else: “When someone that is either elected or appointed that either abuses their power or intimidates someone because of their power, I will respond.”

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.]

Monroe A. Miller Jr.,
Haywood County Taxpayer
19 Big Spruce Lane
Waynesville, NC 28786
www.haywoodtp.net