

Haywood County "Toeprints"

June 6, 2011

Vol. #2 Issue #20 (Subject: * **SPECIAL EDITION** * Personal attack by Francis, Kirkpatrick, Swanger.)

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.

County Commission Meeting, June 6, 2011.

This **SPECIAL EDITION** of Toeprints will cover my public comment at this meeting, and responses by:

- David Francis, Tax Collector,
- Kirk Kirkpatrick, Vice Chairman, County Commissioner,
- Mark Swanger, Chairman, County Commissioners.

The purpose of my public comment was to read my response to Assistant Attorney General Mark Teague to the public.

[Editors Note: The full text of my thank you letter to Mark Teague, Assistant Attorney General, along with Francis's spreadsheet is found on www.haywoodtp.net, [Public Comment - Dialog of sorts with NC DOJ Assistant Attorney General Mark Teague on Property Values. 6/4/2011...](#) Key excerpts are copied here.]

Dear Mr. Teague, ...

Thank you for pointing out that I may have taken two of your sentences in your April 13, 2011 letter to Steve Martin out of context, and taking the time to create two new sentences to replace your original sentences. You replaced your original two sentences:

"Further, in the thirty (30) months since the completion of the appraisal, real estate values have dropped precipitously. Indeed, the State Property Office is of the opinion that there has been a minimum diminution in the real estate market of approximately thirty (30) percent."

with these two sentences:

"The State Property Office is of the opinion¹ that if a current appraisal, conducted by a duly licensed appraiser, were made of these particular tracts of land, the value reflected in such an appraisal would be lower than the value indicated in the 2008 appraisal by as much as thirty percent."

As I mentioned in my May 20th letter to you, **David Francis created a spread sheet during those years [2006 - 2011] which show a constantly increasing total value for Haywood County property.** As I mentioned, he used two primary inputs for this spreadsheet:

- Pre-Bills. These are the sum of all tax bills sent out to Taxpayers each year. Since the numbers only change when a revaluation is made, these are constant for each year.
- New Construction. Any new construction during the year is added to this value.

There is no provision for any decrease, unless a house burns down, then it is removed. The fatal flaw in his assessment is that he fails to account for any decrease due to a drop in demand or any other factor.

I contend that David Francis' numbers are wrong. If they are used as input to the CAFR's, then I contend that the CAFR numbers are wrong. The CAFR values from 2007 to 2011 are used in the Revenue-Neutral Tax Rate Calculation [re: NCGS 159-11(e)], and if the CAFR numbers are wrong, then I contend that will have an adverse impact on the taxpayers of Haywood County. **It gives the appearance of the county relying on artificially inflated and internally produced values, perhaps hoping to gain added revenue without raising rates.**

Transcript, June 6, 2011, County Commission Meeting.

[Editors Note: This was transcribed from my recorder at the meeting. Audio from the County Video System should be better, and you should listen to that when it becomes available.]

[Editors Note: While you are reading this transcript, **try to locate where my assertion is ever answered**, i.e. **I contend that David Francis' numbers are wrong**. My assertion had nothing to do with revaluation issues discussed at this public comment by two other citizens (Edwards and Cabe), rather, my assertion was with his spreadsheet analysis.]

Francis

"Excuse me, I just want to clarify a couple of things. Is Mr. Miller here? Mr. Miller has insinuated that I have artificially propped up the numbers, on behalf of the county. That is asinine, insidious, and blatantly ignorant! I would never do anything like that. I don't appreciate that, I take my job with a lot of integrity, I work very hard at the job, and I would never do anything to undermine the taxpayers of Haywood County. I don't appreciate that, and as you can well tell, I am pretty well ticked off about that. At this kind of language, this is what starts stuff, this is what makes people upset. When we have baseless accusations like this, that have no bearing, and that are completely false. Enough. Thank you."

[Editors Note: I would have expected Francis to say something like "My spreadsheet numbers are right, and here is why".]

Kirkpatrick

“Let me go last, because I’m probably going to be a little bit lengthy.

Well, I appreciate David, I know that you spent a lot of time with the re-appraisals and I have seen you and what you have done to try to be fair. And we tried to explain this process but there’s a few of you that don’t want to hear and don’t want to listen, uh, and that’s unfortunate. Uh, and it does get a little frustrating - I’ve been doing this for nine years. Generally, uh, most people understand why you make a decision, and they may not agree with you, but at least they understand, but, uh, we’ve certainly heard the same stories over and over again, from some of the people that comment at the meetings. And I can assure you that, that the five of us, David, Marty, do nothing intentional against any person in this county, except we’re here to try to help, and any insinuation that there’s something different going on is completely wrong. And, to be honest with you, I don’t appreciate it either. And I don’t say a whole lot, try not to, uh, because I think I don’t want to discourage anyone from giving their public opinion about what they think, but I think some of the statements need to be more along the line of fact based. Not just pick and choose what you want to say, and when you want to say it.

And uh, you know, Mr. Cabe’s property, I think most people would probably feel fortunate that their property went up, that much of a percent. And think about the description that you made, and I hope you explained it to the appeals board, is the fact that they can’t come to your house, to see if you have pull down [light]. There is no way for us to appraise that. There is fifty, fifty-five thousand, is there that many, parcels of property, and you can’t come in and evaluate each one. So the only thing that they can do, is take the sales that’s taken place, which those sales have in fact gone down, There’s no question, that the number of sales has gone down. They take those sales, they look at the value of those sales, they take comp’s, they look at your house from the outside, because that’s all they can do. Is look at your house from the outside, compare it to those in the neighborhood, and put the best price they can on it. The best fair price. Not to try to inflate it.

Not to try to take advantage of those in the lower socioeconomic class, because the fact of the matter is, is that those values have gone up. Those sales have increased, which is a good thing. As opposed to someone who has a piece of property that the values gone down tremendously, or they could be underwater. So, and Mr. Miller, you know, I appreciate what you have to say, but the fact of the matter is, that you’re picking an choosing things to say to make us look bad, to make our county people look bad, who work as hard as they can. You know, they have to service you all the time. You’re in here every day, almost. Getting some information, or taking their time. I want everyone in the county to know that. That their county dollars are spent paying their salaries, and their salaries with their time they spend dealing with you, instead of doing other things they could be doing to benefit the county.

And Mr. Edwards, you’ve come in today, and I’m not quite sure, it’s almost like you didn’t even listen to what Mark had to say. I mean, Mark, brings out these values, to say this year, that these properties, the sales price, and I’m going to repeat it again to make sure that everybody knows, that the sales of the properties through April of this year, are higher than the appraised - the new appraised values by 5%, and that’s overall. That’s taking into account the fact that there could have been a high priced home. I know that there’s been high priced homes that have sold less. I had people with higher priced homes come into my office this year and bring money to the table to get them closed. But I haven’t had many with the low priced homes. I had them walking out with money in their hands. Which is good for them. But, those are just the facts. And, I’m not saying every time is right. I’m not saying that Marty might not mess up on something, David or me or Mark. I mean, we’re gonna mess up, but we’re not doing anything intentionally to harm the people of Haywood County. I can guarantee you that. And, I appreciate this county, I love this county, and if there are those of us that don’t like living here, don’t agree with the government, you can do two things, and I’m sure you will do that, I’m sure you didn’t vote for me last time. You can vote against them, vote against us, and try to get us out if you don’t think we’re doing that good a job, or you can go somewhere else to live. Nobody’s holding, nobody here makes anybody stay in Haywood County. But I can bet you money, that there’s still people trying to get to this county to live here. One of the reasons we don’t have so many sales is because across the nation, it’s a whole lot worse that it is right here. Those people wanting to get here can’t get here, because they can’t sell their house.”

[Editors Note: “You can vote against them, vote against us, and try to get us out if you don’t think we’re doing that good a job, or you can go somewhere else to live.” Is this the language you would expect out of your elected Haywood County Commissioner? Again, where does **Kirkpatrick** ever defend **Francis’s** spreadsheet?)

Swanger

“I too, want to say to David Francis that [...] confidence, and I didn’t appreciate Mr. Miller’s comments as well. I think if the citizens of, I think some citizens would be very dismayed, at what some of our employees have been forced to tolerate from Mr. Miller. I’ll just leave it at that.”

[Editors Note: **Swanger** has learned. He knew there would be a transcript, so he kept this short. Still, where does **Swanger** ever defend **Francis’s** spreadsheet?)

End Transcript.

This was a vicious personal attack by **Francis, Kirkpatrick and Swanger**, because it was their only viable response.

All anyone had to do was answer the assertion and tell me why **David Francis's** spreadsheet numbers are not wrong.

The simple answer is that **David Francis's** numbers are not defensible. **I contend that David Francis's numbers are wrong.**

[**Editors Note:** This was the one time I had announced before a meeting what my public comment was going to be about. **David Francis** looked like he was reading from prepared notes.]

[**Editors Note:** During the break while the commissioners were in closed session, I spoke with Vicki Hyatt, Editor of the Mountaineer, in the courtroom. In all fairness, she asked what I thought of the lashing I received today (or something like that), but I regretfully told her that I don't do interviews. It was a public meeting, and anyone can say what they wanted. I appreciate her asking, though, to get all sides of the story.]

Day Counter for Mountaineer and SMN.

This feature shows the days since 3/30/2011 since either The Mountaineer or the Smoky Mountain News will have anything to say about the Haywood County Fairgrounds Arena Building Contract fiascos.

- The Mountaineer 68 days
- Smoky Mountain News 68 days

Legend: If any name is in **bold**, it can't be a good thing.

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