

Haywood County “Toeprints”

August 3, 2012

Vol. #3 Issue #4 (Subject: FLS - Enka Solar Project, 99 CVS 03497, David Francis, HCC Candidates)

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.

Outstanding County Employee.

From time to time, in a small way, I honor those county employees that (to me) perform outstanding work. It’s always easy to find fault with people, and just as easy to recognize outstanding qualities. Two names have been removed from this list, Rebecca Morgan (when she resigned), and Marty Stamey, County Manager.

- Julie Davis Finance Director
- Judy Hickman Business Tax Assessor
- Sherri Rogers Register of Deeds
- Teresa Starrs Haywood Community College

The principle reason Marty Stamey was removed from the List - unable and/or unwilling to mend fences and thus maintain a good communication path to the County Manager.

Buncombe County School Board Information Session.

Buncombe County? What does that have to do with Haywood County?

A public Information Session was held 8/2/2012 at 3:00pm at the School Board Central Office, 175 Bingham Road, Asheville. There were two topics:

- STEM (Science Technology Engineering Mathematics) High School Planning Update, and
- Enka Solar Project Update.

My interest was the Solar Project Update, as the solar integrator is FLS, the same company responsible for the solar thermal installation at HCC.

The STEM update turned out to be interesting and informative. I didn’t even know what STEM was going into the session, and came away with mixed thoughts. What was clear was that this session exposed that there is a real problem with the majority of the members of their school board. More on this whole \$4M fiasco as time, space and community interest permit.

The following information was sent out in a newsletter by Lisa Baldwin, a Buncombe County school board member prior to the Information Session:

[Enka Solar Project Update](#) (School Board attorneys were paid \$13,000 to negotiate a contract with First Light Solar. In return, BCS gets \$4,100 per year to rent the roof to FLS investors. It will take close to 4 years to recoup the attorney fees. The FLS investors receive a 65% tax credit, sell the electricity to Progress/Duke Energy for 15 cents/kwh, and can trade Renewable Energy Credits on the carbon credit market. The backlash is that residential and business electric rates will go up in December. Do we want our schools used by for-profit enterprises? BCS is left with the burden of removing the panels if roof repairs are necessary, possible risk of fire from the inverter boxes -converts solar to electric power- and the cost of removing obsolete panels when the FLS investors pull out in 7 years.)

With 15 minutes left for the presentation, none other than **Michael Shore**, President of FLS walked up to the podium. He explained that the photo-voltaic portion of the project would generate 200KW with a cost of \$750K, and there were 20 hot water solar panels at a cost of \$100K.

[**Editors Note:** I was interested to see if he would disclose the financial partners on this project, as not even the Board of Trustees at HCC know who the financial partners are with the Creative Arts Building].

Shore then announced that the Financial Partner FLS had been working with **backed out in March**. WOW!

[**Editors Note:** Looks like FLS is starting to fall apart!].

Shore explained that investors are now looking at projects that are over TEN MILLION DOLLARS (\$10M), so the near term prospects for the Enka facility are “challenging”. Of course, **Shore** indicated, the school board can kick in almost a MILLION DOLLARS and fund this themselves.

[**Editors Note:** Fat Chance].

Then **Shore** indicated that **no contract had been signed with the school!** What? What about all of the integration cost that had been spent on the building to strengthen the roof, plan for hot water integration, legal fees, etc., etc., etc.?

Lisa Baldwin asked the school board lawyer for a breakdown of legal costs, and the school board’s lawyer’s snippy response was that he would respond to a school board inquiry, not one from a single board member.

[**Editors Note:** No inquiry from the entire board is likely to happen. You would have had to have been there to understand how this school board was behaving through this Information Session. The closest parallel I can come up with

is the behavior exhibited by the Haywood County Board of Commissioners].

I recorded the session, it is about 15 minutes. The primary voices are **Michael Shore**, president of FLS, and Lisa Baldwin, female board member towards the end, asking what I felt were relevant questions, and some of the other board members chiming in near the end of the recording. It's explosive!

What does all this have to do with Haywood County?

Buncombe County looks like they will be stuck with a lot of expensive empty space at Enka High School. It looks like FLS will have to modify their business model and business plan to take into account the shifting tide of solar business (Solyndra and other bankruptcies) in the US. My concern is: Will FLS still be in business when HCC turns on the solar thermal switch in October or whenever the Creative Arts Building is complete?

99 CVS 03497

99 CVS 03497 is an old (archived) Buncombe County Court decision (1999) of Dawes, Yelton and Morgan vs. Buncombe County Board of Commissioners and Wanda Greene, Buncombe County Manager.

Again, what the heck does this have to do with Haywood County? From the Superior Court Judgement (Judge Loto Caviness) on September 1, 1999:

This case involves a dispute over the defendant's implementation of a Multiple Information Requests Policy which as of July 9, 1999 was enforced against the Plaintiffs so as to require them to make written requests to the Buncombe County Manager in order to obtain public records of the County.

BASED UPON THE FOREGOING FINDING OF FACT THE COURT CONCLUDES AS MATTER OF LAW AS FOLLOWS:

- The NC Public Records Law, General Statute 132-1 et seq., provides that "[e]very custodian of public records shall permit any record in the custodian's custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law". General Statute 132-6(a).
- The law provides that "[t]he public official in charge of an office having public records shall be the custodian thereof." General Statute 132-2.
- The law by its own express terms does not permit for the interposition of a "gatehouse" or "overseer" between members of the public who desire access to public records and the custodians of public records.

- Custodians of public records (but not a "gatekeeper") are entitled to develop reasonable rules, applicable to all citizens of equally, governing their production of public records. ...

[**Editors Note:** The complete 99 CVS 03497 file is now posted on www.haywoodtp.net].

Relevance again to Haywood County?

There is a problem with **David Francis**, Tax Collector of Haywood County.

It was brought to my attention that a letter was sent c/o to the daughter of a woman who died in 2010 dated June 4, 2012, by the Haywood County Office of Assessor, a department under **David Francis**. This woman does not even live in Haywood County. The letter listed an old camper and old truck, indicating that (the dead woman) was the owner of the above mentioned personal property located in Haywood County January 1, 2012. Further, the Assessor's Office failed to receive her (the dead woman's) signed abstract for the 2012 tax year, indicating failure to list during the listing period would result in a 10% late listing penalty. In addition to all penalties prescribed by law, any person who willfully fails or refuses to list within the time prescribed by law shall be guilty of a Class 2 Misdemeanor. "For the 2012 tax year, the above-mentioned property will be taxed at \$1,180 value". The letter was signed by Teresa Deaver, Tax Clerk II.

This woman's father died in 2004, the dead mother did not even have a drivers license, and the truck and camper were disposed of, one went to a crusher, the other a scrap yard.

The county billed her for \$1,180 and threatened her with this letter.

In a subsequent phone call to **David Francis**, this woman was told by **Francis** that this was not a bill after all! **Francis** cleared the slate. **Francis** asked the woman, "Do you know Monroe Miller"? **Francis** attempting to confirm she knew me because of my letter dated June 12, 2012 blasting him on this matter.

It was further brought to my attention that another instance (letter) occurred with another Haywood County Taxpayer, this time **Francis** started to garnish his wages for this "not a bill".

I made a request for Public Information to inspect all like letters sent out to Haywood County Taxpayers. In a response from **David Teague** on June, 22, 2012, he indicated there are some 2,000 similar in nature to the one received by this woman. Further, on June 29, 2012, **Teague** indicated that I will be billed \$180 for copies that have to be pulled out of individual files, required a down payment of \$90, and would not receive this public information until October.

My other recourse, was to contact “Tax Administrator **David Francis**” and schedule a time to review the documents.

After unsuccessfully attempting to schedule a meeting with **David Francis**, I received the following tangential e-mail from **David Francis**:

Mr. Miller:

I don’t know why I was included in the email from you. It appears you need further clarification from what Mr. Stamey has outlined. The Haywood County Tax Office does not collect any road taxes or tolls for the state of NC nor the NCDOT. As the casual observer, one would think that the most causal of observers were able to discern the article is about NCDOT and had nothing to do with Haywood County Government.

Now, Mr. Stamey is on your bad side because he simply pointed out that an apology should come from you and not Vicki? You made the inaccurate and pejorative statement to undermine the reputation of a solid hard working public servant as Dale Burris. Your flippant responses to Mr. Stamey and no apology to Mr. Burris reveal the vanity of your character. You have held our feet to the fire and we’ve had to listen to your diatribes and read your incessant emails but apparently the standard you live by is a double standard.

I have been hesitant in meeting with you, as it has been my experience and just as the email from Tuesday shows that facts can be taken completely out of context and twisted to match your opinion. My dealings with you and your treatment of my other county employees have only reinforced such with continued skepticism (paraphrasing you in this instance is extremely accurate).

With that said, I can not for the life of me come close to contemplating why I would waste my time meeting with you. I am under no compunction to meet with you personally, professionally or statutorily.

David B Francis
Haywood County
Tax Collector/Administrator

FYI: No one wants to be on your Outstanding County Employee List.

To which (in part), I replied:

... For Mr. Francis’s clarification, I copied him on the first e-mail to Mr. Stamey because I mentioned his name. It is my general policy that when someone is mentioned in one of my e-mails (letter’s), they are copied so they hear whatever I have to say directly from me, and not someone else.

In a separate e-mail dialog, I had requested to set up a meeting with David Francis regarding a letter that was sent to *****. I have a sheet of questions regarding that letter to ask Francis - a bonafide public information request, already in process. Mr. Francis has chosen to spew righteous indignation again [re: Haywood County Toeprints, Vol 2, Issue 24], to attempt to avoid a setting up a direct meeting to answer these questions, which again is public tax record information. Houston, we have a problem. We’ll get back to this in the Request for Public Information e-mail dialog, Mr. Francis.

Finally, Francis indicated:

FYI: No one wants to be on your Outstanding County Employee List.

which is ironic, as during the origination of the Outstanding County Employee List, Francis was the only one champing at the bit to get on the List. ...

So now we finally get back to 99 CVS 03497. **Francis** is compelled to have a meeting with me to respond to questions relating to the letter(s) sent out by his department. He cannot pass this off to any “gatekeeper”. I will record the meeting.

If anyone else received one of these letters, let me know.

HCC Presidential Candidates.

The final five (5) candidates for HCC President were in town for interviews during the week of July 23, 2012. All made themselves available to the Board of Trustees, to HCC employees, and to the general public (for about half an hour). I took the opportunity to ask each one [*] during that period a single question. Based on their response, I rated them on a scale of 0-10, 0 being the lowest rating and 10 being the highest rating. The question was related to the solar thermal stuff on the Creative Arts Building, and simply stated: What would you do if it doesn’t work?” Ratings are:

Dr. Teresa Smith	7
Dr. John Gossett	6
Dr. Barbara Beebe	2
Dr. Douglas Allen	1
Dr. Keith Mackie	[*] 0

[*] Did not even bother to ask the question.

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

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