

Haywood County “Toeprints”

September 22, 2013

Vol. #4 Issue #13 (Subject: **David Francis, Mitchell Powell, Janie Benson**)

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.

County Commission Meeting, 9/16/2013.

Another nuclear meltdown. Tune in to the Government channel or watch it on www.haywoodnc.net. Commissioners and **David Francis** were hammered again, this time, **David Francis** resorting to slandering/disparaging Haywood County Taxpayers (Eddie Cabe, Terry Ramey and myself). This all happened again during the public comment session which lasted about 35 minutes.

It began with **Pat Carr**, Haywood County GOP chairman reading a resolution, “A resolution requesting actions to rectify errors in the 2011 revaluation”.

see: <http://haywoodtp.net/pubII/130920Resolution.pdf>

The Resolution was adopted at the September 12, 2013 GOP Executive Committee Meeting. The vote was unanimous in favor, but it was not known if **Mitchell Powell [RINO]** (GOP Vice chair) or **Ted Carr (Pat Carr’s husband)** voted in favor. No one voted against.

There were two (2) rebuttals to this resolution at the commission meeting.

- **Kevin Ensley [RINO]** read a prepared response, and
- **Janie Benson [D]**, chair of Haywood County democrat party, disguised as a simple public comment speaker who did not announce herself as chair of the Haywood County democrat party, also read a prepared response.

How did **Kevin Ensley [RINO]** and **Janie Benson [D]** get wind of this “resolution” before the meeting so they could read from prepared text? **Jonnie Cure** asked **Kirk Kirkpatrick** that question after the meeting was over, and **Kirkpatrick** indicated **Kevin Ensley [RINO]** had seen a video (taken at the GOP Executive Committee meeting). **Kevin Ensley [RINO]** did not attend the meeting.

I did attend the GOP executive meeting on September 12, 2013, and was aware of two people who were recording video of that meeting, **Debbie King** and **Mitchell Powell [RINO]**.

[**Editors Note:** I made an independent audio recording of that meeting.]

I have since spoken with **Debbie King**, and **Debbie King** did not supply **Kevin Ensley [RINO]** her video. It is left to the reader to attempt to figure out whose remaining video **Kevin Ensley [RINO]** saw, and who else saw it, possibly up through **Janie Benson [D]**. If the upper echelon of the North Carolina GOP feeding chain ever gets wind of this, they might have something to say to **Mitchell Powell [RINO]** about his continuation of video recording Haywood County GOP Executive Committee meetings.

Public Comment by Denny King.

Denny King had prepared an extensive power point presentation for the commissioners. He requested to be put on the agenda through **Marty Stamey**. **Mark Swanger** refused, and limited **Denny King** to a simple 3 minute public comment time period, no power point presentation.

See (on www.haywoodtp.net)

[Haywood County Neighborhood Delineation Problems, Presentation to be made by Denny King at 9/16/2013 County Commission Meeting \(if Swanger doesn't kill it\). 9/16/2013...](#)

or go to:

<http://haywoodtp.net/pubII/130916KingPPPresentation.pdf>

Jonnie Cure, **Ken Henson** and **Al Goodis** also gave public comments.

My public comment at the 9/16/2013 commission meeting. The full text of my public comment is on www.haywoodtp.net

<http://haywoodtp.net/pubII/130920PublicComment.pdf>

I presented two pages of redacted property tax page information to **Marty Stamey**, eight copies, to be handed out to the five commissioners, **Marty Stamey**, **Julie Davis** and **Chip and Leon Killian**. This information was obtained from **Tracy Wells** in the county tax office. It shows that attorney fees had been added to an individuals property tax bill. In addition, these attorney fees and taxes were paid by **Jeff Norris**, attorney for **Hayes Singleton** who was the final bidder for **Terry Ramey’s** foreclosed property. It is the original property owner that is responsible for paying taxes, not **Hayes Singleton**, who eventually paid these taxes.

Unbeknownst to **Hayes Singleton**, he also unwittingly, via his lawyer Jeff Norris, paid of a bunch of taxes on some mobile homes in Clyde during this fiasco.

No one, not **Mark Swanger, Kirk Kirkpatrick, Kevin Ensley [RINO], Michael Sorrells, Bill Upton, Chip or Leon Killian, Marty Stamey, Julie Davis or David Francis**, addressed the issue of why **David Francis** added attorney fees to an individuals property tax bill.

Those two redacted pages of tax bill information appear on <http://haywoodtp.net/pubII/130920PublicComment.pdf> .

In addition, I added the following in my public comment:

“By the way, when you turned Charles Meeker, the lawyer from Parker Poe that you hired to represent the county at the King’s Property Tax Commission hearing into a Gatekeeper, that is, someone the King’s had to go through to get public information about their case, that triggered a grievance against him that has just been filed with the North Carolina Bar Association, Conflict of Interest, Rule 3.4. Let’s see how that factors into your appeal.”

Does anyone realize what happened here? I announced something that is relatively unprecedented. I announced that a grievance has been filed against a lawyer (Charles Meeker) with the North Carolina Bar Association as the grievance is in progress, and I have further referenced the Rule of Professional Conduct that he has allegedly violated, Rule 3.4! How is that going to play with the county’s whole appeal process?

See <http://haywoodtp.net/pubII/130819DialogwithMeeker.pdf>

No one bothered to address this little item at the county commission meeting either.

Transcription of David Francis during 9/16/13 Meeting.
[Editors Note: Transcribed text is in BLUE. Text that is either slander or disparaging is highlighted in RED and Bold.]

Swanger: “Some, some speaker had asked for David Francis to come down. David, do you have anything you would like to add?”

Francis: “Let me try some answers and some questions as they came up. Uh, Ms. Cure, we never would talk about people, we never use names. It’s always use parcel names. Uh, Mr. Henson, we’re required to have an attorney, by state law. We can’t do it on our own. I kind of agree with you, I’d like to go and present the case as opposed to having an attorney, but state law prevents us, we have to have an attorney ...

Henson: [speaking from the audience] “But don’t you have a county attorney?”

Francis: “We, uh, uh, Mr. Killian’s law firm does some property tax appeals, but Mr. Meeker specializes in that, he does that full time. That’s why we use an attorney. We got the Raleigh attorney to be able instead of to be paying attorneys to go back and forth, back and forth, we thought it was a little bit cost effective to have an attorney down there already.

Mr. Miller! He called, come up here again talking about **Mr. Ramey, being Haywood County’s most inept and inaccurate blogger, he’s gotten things wrong again.** We started with, uh, out with **Mr. Ramey, with three different payment plans that he failed to comply with. We started back in February of 2010, trying to help Mr. Ramey out, and he failed on three different payment plans. We subsequently filed a lawsuit, Mr. Ramey chose not to pay the county taxes, did not pay the county of Waynesville for ten years. Ten years! How do you get away with something for ten years?** [Cell phone ringing, turned off.] **Thank you. His partner loaned him money, Mr. Ramey chose not to pay his partner back. So I wonder why you keep asking me about stuff when the responsibility completely lies with Mr. Ramey. Mr. Ramey did not pay the foreclosure out, he did not pay his taxes out, the winning bidder of the property is the one who paid the taxes and paid the attorney’s fees. Okay?**

Now, for the Kings, we’ll set the record straight, a little bit. The little poster board that you had plastered up here, those were not comps. You all know that those were not comps. Those were sales. We’ve been over those, we’ve been over those over and over again. Those were not comps. Those were sales, used in that neighborhood. Comps and sales are two different things.

[1] To tell you a little bit about the hearing, is we went down there, and we started out, there was a with five commission board. We started out with three commissioners. When we ended that meet-, that morning, we had a different commissioner. We had commissioners one, three, five. Commissioner two comes in eleven minutes late. Commissioner one leaves. We didn’t feel that we heard. If the King’s had appealed the win, if the county had won and the King’s appealed, we would understand after being in the hearing that morning, we would have completely understood.

[2] The commission also chose an arbitrary number, a number that was not put into evidence. And as for the language there, that they used, that is standard language used when they have a ruling or a decision. Nothing about just Haywood County.

[3] **Number three is the misinformation, that started somewhere, probably with Mr. Miller, cause he gets it wrong, talking about neighborhood delineation. Neighborhood delineation. There was nothing, not one word, said about neighborhood delineation. But there he goes, mouthing off, again. And he's wrong.** That's why we appealed, three reasons, that's why. Any questions, commissioners?

You've got to remember, this is one parcel out of fifty thousand parcels. One parcel. Not ten thousand parcels, it's one parcel. I stand by the work that we did. I think it's very accurate, as the 2011 numbers at the end of the year showed. There was 15, 17 counties that did revaluation in 2011. So, all the counties have inched up above the 100% mark. But those are the sales after reval, but we captured those sales, and nine in ten is the sales that we used. Those is what was set the market value, and the market rate. Okay? If there was sales came in, and we couldn't get up to 100%, you have to use a market rate to make sure that all properties are equal. And that's when market factors are used. That's where market factors ... the counties in North Carolina, most counties use market factors, or they have a different tool and a different name, but they use, is called market factor. Most counties do neighborhood delineation. And we understand, living in Haywood County, we understand that there's going to be mixed use, and heterogeneous uses, because there will be a stick built house here, a modular house here, and a mobile home in that same neighborhood.

And those grades that were pointed out earlier, that shows you, the thought that went into there where you grade those houses all the way down through there. When you have a B all the way down to an average. All those, shows you the thought that gone into each neighborhood in all those homes in each neighborhood. Not that it's wrong, it shows you it was looked at. And it was paid attention to. Did we miss some? Sure. We're not perfect. We're not saying we are perfect. But that's the way the programs work. You take a base house, 1,300 square feet, in average condition, a CDU of this average is C, and then it starts moving from there. If you have [unintelligible] planks, if you have brick, if you have wood siding, if you have vinyl siding, all these factors start moving into it. Age, depreciation, what kind of roof do you have on it, the heating system you have, all those things are factored in. This is not looking at a house and saying, oh!, that's what's that's worth. There's work, there's time and effort that goes into this. Is it what Mr. Cabe's, looking for, you know, our appraisers are certified by the Institute of Government, and by the Department of Revenue. They have to be certified. And our appraisers are certified. **Now we've helped, I think we've did a good job of helping Mr. Cabe out, his tax rate, or his value went down 33%, you know, we continued to in working with Mr. Cabe, was able to get his disability for him, he pays less than \$300 in taxes a year right now.** We work and we'll listen. I want to get up with Mr. Goodis, talk to him, see what he, what he's, what his neighborhood, what he's talking about, the 100 - 300. We'll work with you. We understand that. Thank you."

Analysis - David Francis diatribe.

- Rant on Terry Ramey. It is expected that Terry Ramey will address **David Francis** at the next county commission meeting.
- Me. He indicated that I was "**Haywood County's most inept and inaccurate blogger, he's gotten things wrong again.**"

It is up to Francis to prove ineptness. It is up to Francis to prove inaccuracy. Everything on my website is bulletproof. I am not a blogger. I write a newsletter and I maintain a website.

- Reasons for Appealing King's PTC decision. Francis indicated the third reason for the county appealing the King decision was me! "**Number three is the misinformation, that started somewhere, probably with Mr. Miller, cause he gets it wrong, talking about neighborhood delineation. Neighborhood delineation. There was nothing, not one word, said about neighborhood delineation. But there he goes, mouthing off, again. And he's wrong.**"

[re: August 3, 2013 Toeprints]

Commissioners vote to appeal 11PTC 838.

In the commissioners last secret closed session meeting on July 15, 2013, they resurfaced and authorized an appeal of a ruling by the Property Tax Commission.

The first time I mentioned "neighborhood delineation" was **after** the county appealed the PTC decision, and that was in the August 3, 2013 issue of Toeprints, **after** the county appealed. The Kings brought up Neighborhood Rates, not Neighborhood Delineation at the PTC hearing.

- Cabe. It is expected that Eddie Cabe will address **David Francis** at the next county commission meeting, re: bringing up the whole personal attack issue of a Haywood County Taxpayers disability and making it public.

In a perfect world, it would be up to the county commissioners to slap this guy **Francis** down for making false allegations and accusations. They appear to be encouraging him, along with our friends at the Mountaineer. [The Smoky Mountain News is still in deep space.]

Legend: If any name is in **bold**, it can't be a good thing.
[RINO] Republican In Name Only (i.e. **Kevin Ensley, Mitchell Powell**).

[**Editors Note:** We now know who **Mitchell Powell** [RINO] is].

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