

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
~~April 19, 2015~~
~~May 21, 2015~~
June 3, 2015

UPDATED - UPDATE

Subject: Commissioners Leasing County Acquired Property for Private Use.

This is an Updated-Update from May 21, 2015, of my torturous continuous attempt to extract information from Ira Dove, Haywood County Manager, since April 16th, 2015 - [re: <http://haywoodtp.net/pubII/150521UpdateDenOfThieves.pdf>, and the first one - <http://haywoodtp.net/pubII/150419DenOfThieves.pdf>].

This dialog picks up with e-mails beginning May 21, 2015 and ending today, June 3, 2015.

More and more of these county deals seem to violate the spirit and letter of Am Jur § 471. **Property for municipal or public purposes**, which states:

“Municipalities may acquire and hold title to real property only for legitimate corporate purposes. Because a municipal corporation or county may not expend public funds for a purpose that is not public, such entities have no authority to purchase and hold property for a purpose not connected with a public use.”

As you will see, it took sixteen (16) Requests for Public Information to get the information I was looking for, and more is still to come.

This e-mail dialog culminates in Mark Swanger and Ira Dove signing a lease for the **James Weaver “Kirk” Kirkpatrick III Super-Duper Sports Complex Park** (PIN 8607-27-9452) with Dan and Rhonda Ross which was approved at the June 1, 2015 County Commission Meeting for \$5,555.55 for one year on property the county purchased for **\$1,600,000!**

[**Editors Note:** At this rate, it will take **288 years** to recoup what the county commissioners paid for this land, not including interest, legal fees, lost revenue in tax on the land, etc., etc., etc... The best way to deal with this is to vote Kevin Ensley and Mark Swanger out of office in the 2016 County Commission election.]

Enjoy this e-mail dialog with Dove. It’s like pulling teeth...

Monroe Miller
Haywood County Taxpayer.

Subject: Re: 5th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Thu, 21 May 2015 12:22:53 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson , Jeremy Davis

Mr. Dove,

See: <http://haywoodtp.net/pubII/150521UpdateDenOfThieves.pdf> and <http://haywoodtp.net/pubII/150521Bid-LeasesKirkpatrickPark.pdf>.

Hint to Stoney Blevins... The new yearly contract for the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park will have to be signed prior to May 31,2015 for it to be continuous, best as I can figure. Here is a hint for you to watch out for being thrown under the bus by your boss, Ira Dove. If Ira Dove comes to you one day prior to May 31, 2015 and says "Hey Stoney, I will be out sick today. How about being a pal and signing that James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park lease for me. After all, you are Assistant County Manager. Be back tomorrow."

Mr. Dove, still looking for #2: A copy of each lease agreement on county-owned property will be available to you on CD as soon as practicable. The proposed date for completion is within two weeks of today, if all goes well. You will be notified when it is ready. I have requested that an employee create a cd of all County leases. Although we have no documents that would show "getting caught red-handed," it has been determined that this verbiage is not part of the request. These lease agreements should include all flood recovery property owned by the County, the Senior Resource Center, community centers, Haywood Pathways, and any others.

Also, when you get a chance, how about shooting of the signed lease for the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park

Monroe Miller

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

Subject: Re: 9th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Fri, 22 May 2015 18:05:04 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson , Jeremy Davis

Mr. Dove,

Now that your Proposed Budget Public Hearing is over, I trust you can now devote more of your time to other important issues.

- Still looking for #2 (below): A copy of each lease agreement on county-owned property will be available to you on CD as soon as practicable. The proposed date for completion is within two weeks of today, if all goes well. You will be notified when it is ready. I have requested that an employee create a cd of all County leases. Although we have no documents that would show “getting caught red-handed,” it has been determined that this verbiage is not part of the request. These lease agreements should include all flood recovery property owned by the County, the Senior Resource Center, community centers, Haywood Pathways, and any others.
- When you sign the lease for the James Weaver “Kirk” Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin’, please forward me an executed copy of that lease. I’ll need it as an attachment to your grievance with the North Carolina Bar Association.
- Don’t forget, that ole EMO revision that you said you would do is still kicking around someplace down there in the bunker. Let me know when you have a revision ready. I’ll put it on my website.

Remember, you can always get your Assistant County Manager, Stoney Blevins to help out. I just found out that Bruce Crawford knew he was an Assistant County Manager. (Do you know Bruce Crawford? See: Criminal Complaints against Bruce Crawford, Haywood County Building Inspector, and Johnny Glance, Haywood County Fire Marshall, sent to Haywood County Grand Jury. 12/31/2012....) I am still attempting to figure out what Stoney Blevins qualifications are to have him named as an Assistant County Manager. No one can seem to provide me with that information.

Monroe Miller

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Subject: Re: 10th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Wed, 27 May 2015 08:49:56 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson , Jeremy Davis

Mr. Dove,

[?]

Monroe Miller

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Subject: RE: 9th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Thu, 28 May 2015 16:12:16 +0000
From: Ira Dove <IDove@haywoodnc.net>
To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson , Jeremy Davis

Mr. Miller,

A cd with the leases of County property has been prepared for you and can be picked up from Ms. Way in the Administrative Office.

Ira Dove
County Manager
Haywood County Government
215 N. Main St.
Waynesville, North Carolina 28786
(828) 452-6625 office
(828) 452-6715 FAX
ido@haywoodnc.net

Subject: Re: 12th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Fri, 29 May 2015 08:33:01 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson , Jeremy Davis

Mr. Dove,

After a quick inspection of the CD I received from Candace Way yesterday, I did not see the lease(s) for PIN 8712-10-5918. That is, of course, the White Oak Landfill, owned by the county. The leases I am missing is where the county is leasing this land to a private company for profit. Please supply any and all leases you have with Santek, including the amendment where you have eliminated the daily tonnage limitation.

Also, don't forget -

- When you sign the lease for the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin', please forward me an executed copy of that lease. I'll need it as an attachment to your grievance with the North Carolina Bar Association.
- Don't forget, that ole EMO revision that you said you would do is still kicking around someplace down there in the bunker. Let me know when you have a revision ready. I'll put it on my website.

Monroe Miller

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Subject: Re: 12th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Fri, 29 May 2015 09:15:20 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stonewall Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis

Mr. Dove,

Perhaps you can be of assistance to me, since you are a lawyer. I'm having a problem resolving an issue with Santek...

In reading Vicki Hyatt's piece in this mornings on-line version of the Mountaineer in her article attempting to prop up KEVIN ENSLEY and MARK SWANGER and make them still seem like viable candidates for next year's County Commission election [re: <http://themountaineer.villagesoup.com/p/heres-a-few-little-known-facts-that-can-be-found-in-the-county-budget/1353286>], she says:

"The silver lining is that the contract negotiated with Santek Environmental several years back on the county's current landfill in the White Oak guarantees this is the last time county taxpayers will be saddled with the costs of cleaning up a county landfill."

On the other hand, whilst reading the original Santek Agreement [re: <http://haywoodtp.net/pubII/110902SLOA.pdf>], I missed the part of the contract that protects Haywood County Taxpayers where as soon as White Oak is filled, all Santek has to do is pay a penalty fee and then cut and run, leaving Haywood County Taxpayers again holding the bag. It's been brought to my attention that Santek may have done this twice before at other landfills - checking on that as we speak.

So, since you are a lawyer, can you show me in the lease (don't forget to check the amended lease which eliminated the daily tonnage limitation) where Santek can't simply cut and run? I mean, if this protection was not built into a lease I signed, and I was running a landfill operation, and I had to choose between paying a simple one time penalty fee or maintaining a landfill forever, what do you think I would choose?

Please let me know when you get a chance. By the way, don't forget -

- When you sign the lease for the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin', please forward me an executed copy of that lease. I'll need it as an attachment to your grievance with the North Carolina Bar Association.
- Don't forget, that ole EMO revision that you said you would do is still kicking around someplace down there in the bunker. Let me know when you have a revision ready. I'll put it on my website.

Monroe Miller

Subject: Re: 12th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Fri, 29 May 2015 14:32:57 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stonewall Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkinsley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson , Jeremy Davis

Mr. Dove!

After a more thorough investigation of the CD you (your name is all over this) provided to me, I have not found a lease between the county and CWS for PIN 8605-70-8918. This happens to be the spot I drop off garbage, right next to the Sheriff's Office and Pathways. The gentleman overseeing the operation of that facility informed me that CWS (Consolidated Waste Service) has a lease on this county owned property. There is a sign at the exit signifying this is run by CWS. CWS is a for profit private company. The operator told me that CWS owns all the equipment on that premises. "Even this control box that operates the hydraulics to squish the trash?" "Yes", he said.

What the [expletive deleted]?

Did you "forget" to put these two leases on the CD that you had Candace Way provide to me (that would reflect incompetence), or did you intentionally mislead me by omitting these leases on the CD (that would reflect deception, or lying)?

How many other leases did you "forget" or intentionally withhold putting on this CD?

Your name is on all this stuff, and these e-mails are currently being copied to the Sheriff, FYI.

How about going over these leases and verifying these are the only two that you "forgot".

Monroe Miller

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Subject: RE: 12th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Fri, 29 May 2015 19:55:50 +0000
From: Ira Dove <IDove@haywoodnc.net>
To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson , Jeremy Davis

Mr. Miller,

You requested real property leases where the County owned the property and leased it to a third party. You received, to my knowledge, the real property leases that matched your request. The County has a management contract with CWS and this should still be posted on the Haywood County website. Check the first January Board meeting.

The Santek Management agreement was entered into around September, 2011 and expanded management began last year. This contract should also be on the web.

There is a personal property, equipment lease, in the agreement, however, that was not part of your request.

Have a good weekend.

Ira Dove
County Manager
Haywood County Government
215 N. Main St.
Waynesville, North Carolina 28786
(828) 452-6625 office
(828) 452-6715 FAX
ido@haywoodnc.net

Subject: Re: 13th Request for Public Information - Request For Proposals To Lease Property - AMENDED.
Date: Fri, 29 May 2015 16:29:03 -0400
From: Monroe Miller
To: Ira Dove <IDove@haywoodnc.net>, Stonewall Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>
CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson , Jeremy Davis

Mr. Dove,

This is not the first time you have weasel-worded my request so that you can cherry-pick your response.

Going back to what started this whole thing, Am Jur § 471. Property for municipal or public purposes . It states:

Municipalities may acquire and hold title to real property only for legitimate corporate purposes. Because a municipal corporation or county may not expend public funds for a purpose that is not public, such entities have no authority to purchase and hold property for a purpose not connected with a public use.

In my view, both your Santek and CWS agreements (and the lease for the James Weaver “Kirk” Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin’) violate § 471. Property for municipal or public purposes. Santek and CWS are both private corporation, not connected with public use. Do I have to make an appointment with you to come in and explain I don't want to look at the Haywood County website to search out these agreements, as I did not want to use Maps On Line to search for county owned property. I wanted this information to come directly from a responsible county employee. Let me know if I need to set up an appointment. I guess this request needs to be amended again to include "management contracts".

In the meanwhile, do not forget -

- When you sign the lease for the James Weaver “Kirk” Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin’, please forward me an executed copy of that lease. I'll need it as an attachment to your grievance with the North Carolina Bar Association.
- Don’t forget, that ole EMO revision that you said you would do is still kicking around someplace down there in the bunker. Let me know when you have a revision ready. I'll put it on my website.

Monroe Miller

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Subject: Re: 14th Request for Public Information - Request For Proposals To Lease Property - AMENDED, Again...

Date: Sat, 30 May 2015 09:03:24 -0400

From: Monroe Miller

To: Ira Dove <IDove@haywoodnc.net>, Stonewall Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis

Mr. Dove,

Is David Teague out on vacation? I notice, for the first time in my recollection, no agenda for Monday's county commission meeting has been posted as of this time and date (Saturday morning, around 9am).

However, and this again would be the first time in my recollection in history, I see that you have posted a notice for a Commissioner Work Session immediately after the Monday morning commission meeting (no agenda yet). What's up? I thought that when the county manager presented the new budget, that was it, finito (finished), end of story, etc. Could it be that KEVIN ENSLEY and MARK SWANGER are taking so much heat about the property tax rate that they are going to ask you to go back to the drawing board and eliminate it? Do you know how much work that is going to be for you to change anything in your proposed budget, and think of poor Julie Davis. I think commissioners are spooked.

Lucky for me, I win either way.

- If the tax rate is eliminated, I win.
- If the tax rate increase remains, I win again, making my job easier in dealing with Ensley and Swanger in the 2016 county commissioner election.

A cautionary note! This applies only to people that have iPhone's (I don't have one). There is something called "Siri", an application that responds with a sultry female voice. Well, it turns out Siri (an "it", not a "her") can read e-mails aloud, useful when driving. Anyway, one of the folks receiving this e-mail dialog yesterday busted a gut laughing, and nearly drove off the road. Apparently, "its" (not "her") inflections while reading my e-mail to you about "(that would reflect deception, or lying)" is something everyone with an iPhone should ask Siri to do - BUT NOT WHILE DRIVING!

Did you catch the constituent concern I had about Santek yesterday?

"So, since you are a lawyer, can you show me in the lease (don't forget to check the amended lease which eliminated the daily tonnage limitation) where Santek can't simply cut and run? I mean, if this protection was not built into a lease I signed, and I was running a landfill operation, and I had to choose between paying a simple one time penalty fee or maintaining a landfill forever, what do you think I would choose?"

I would think as a responsible county manager and a lawyer, you would have looked into this and made some type of comment. Why don't you have David Francis give a special report on this at the next meeting.

In the meanwhile, do not forget -

- When you sign the lease for the James Weaver “Kirk” Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin’, please forward me an executed copy of that lease. I’ll need it as an attachment to your grievance with the North Carolina Bar Association.
- Don’t forget, that ole EMO revision that you said you would do is still kicking around someplace down there in the bunker. Let me know when you have a revision ready. I’ll put it on my website.

Don't forget to acknowledge that the AMENDED Request now includes all leases, management contracts, management agreements, including but not limited to those with personal property and equipment leases in the contract. Check with Chip, I'm sure that you will get a response saying "You have to comply", but you already know that, because you are a lawyer.

Have a nice weekend.

Monroe Miller

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Subject: Re: 14th Request for Public Information - Request For Proposals To Lease Property - AMENDED, Again...

Date: Sat, 30 May 2015 13:11:30 +0000

From: Candace Way <ecway@haywoodnc.net>

To: Monroe Miller

CC: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>, Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwkclaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclclure@haywoodnc.net>, Andrew Jackson , Jeremy Davis

Mr. Miller, you can find the agenda under the main menu, board of commissioners, minutes agendas and videos. It was accidentally left off of recent updates but it is on the site. Have a good day.

Sent from my iPhone

Subject: Re: 15th Request for Public Information - Request For Proposals To Lease Property - AMENDED, Again...

Date: Sun, 31 May 2015 07:08:36 -0400

From: Monroe Miller

To: Ira Dove <IDove@haywoodnc.net>, Stonewall Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J. W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Ken Hensen, Mark Zaffrann

Mr. Dove,

You indicated, on 5/29/2015, " ... The County has a management contract with CWS and this should still be posted on the Haywood County website. Check the first January Board meeting. The Santek Management agreement was entered into around September, 2011 and expanded management began last year. This contract should also be on the web."

See <http://haywoodtp.net/pubII/110902SLOA.pdf>. Anything that you or the county has posted on the county website, www.haywoodnc.net, have been un-executed contracts. I have no interest in un-executed contracts. There is no guarantee that, for example, a last minute change had been inserted or removed from these contracts.

This now becomes the 15th request on this subject for leases related to Am Jur § 471. Property for municipal or public purposes .

I see now that you are jamming the lease for the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin' as the last item of new business for Monday's meeting. Again, what is posted on your website is an un-executed copy. As stated before, I would like the executed copy of this lease (along with the executed copies of the Santek and CWS contracts) -

- When you sign the lease for the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin', please forward me an executed copy of that lease. I'll need it as an attachment to your grievance with the North Carolina Bar Association.
- Don't forget, that ole EMO revision that you said you would do is still kicking around someplace down there in the bunker. Let me know when you have a revision ready. I'll put it on my website.

Have a nice weekend.

Monroe Miller

Subject: Re: 16th Request for Public Information - Request For Proposals To Lease Property - AMENDED, Again...

Date: Tue, 02 Jun 2015 09:12:56 -0400

From: Monroe Miller

To: Ira Dove <IDove@haywoodnc.net>, Stonewall Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J. W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Ken Hensen, Mark Zaffrann

Ms. Way,

I had requested, but not received, executed copies of some documents from your boss, Ira Dove. Can you please send me the executed documents?

- From yesterdays meeting: 5. Approval of one year lease in the amount of \$5,555.55 to Dan W. and Rhonda J. Ross for the County owned Jonathan Creek Property for agricultural purposes –Claire Carleton, Recreation and Parks Director – ATTACHMENT 14
- Executed copy of original Santek Sanitary Landfill Operation Agreement - SANTEK, 9/6/2011. 9/2/2011...
- Executed Amendment to Santek Agreement
- Executed CWS Agreement

By the way, it was a surprise to hear Ira Dove say that Jean Hazzard resigned yesterday. Too bad, I understand she was only months away from retiring and collecting a pension. She wasn't fired, was she? That sort of puts the whole animal thing in chaos, doesn't it? I mean, after all, Jean and Dr. Hammett were the two people who championed this new animal building (yes, I call it a glorified dog pound). I nearly dropped my jaw when Dove, your boss, suggested that the whole animal business get sucked up into the DSS conglomeration.

Looking forward to the executed copies.

By the way, and this is my error, you had sent to me before details of the Commissioner Workshop on December 4, 2014. It was in a form of a link that has expired. I normally save all this stuff, but cannot locate it (very uncharacteristic of me, and I apologize). Can you resend the link pertaining to the presentation given by David Francis again?

Thank you,

Monroe Miller

Subject: RE: 16th Request for Public Information - Request For Proposals To Lease Property - AMENDED, Again...

Date: Tue, 2 Jun 2015 15:40:23 +0000

From: Ira Dove <IDove@haywoodnc.net>

To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Ken Hensen, Mark Zaffrann

2 files have been attached via Copy

The attachments will be accessible until Thu Jul 2 11:41:42 2015 (EDT).

09-06-2011 - Sanitary Landfill Operation Agreement with Santek Environmental of NC LLC.pdf
signed second amendment Santek.pdf

[View All Attachments](#)

Mr. Miller,

Attached is the executed Santek contract. Due to the size of the files, the CWS contracts will be sent in a separate email.

Ira Dove
County Manager
Haywood County Government
215 N. Main St.
Waynesville, North Carolina 28786
(828) 452-6625 office
(828) 452-6715 FAX
ido@haywoodnc.net

Subject: RE: 16th Request for Public Information - Request For Proposals To Lease Property - AMENDED, Again...

Date: Tue, 2 Jun 2015 15:42:04 +0000

From: Ira Dove <IDove@haywoodnc.net>

To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Ken Hensen, Mark Zaffrann

Mr. Miller,

Attached are the CWS contracts.

Ira Dove
County Manager
Haywood County Government
215 N. Main St.
Waynesville, North Carolina 28786
(828) 452-6625 office
(828) 452-6715 FAX
ido@haywoodnc.net

Subject: RE: 16th Request for Public Information - Request For Proposals To Lease Property - AMENDED, Again...

Date: Tue, 2 Jun 2015 16:04:57 +0000

From: Ira Dove <IDove@haywoodnc.net>

To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Ken Hensen, Mark Zaffrann

Mr. Miller,

Attached is the material presented by Mr. Francis at the work session in December, 2014.

The Lease on the Jonathan Creek Property you requested is not fully executed. An electronic copy will be forwarded to you after it is.

Ira Dove
County Manager
Haywood County Government
215 N. Main St.
Waynesville, North Carolina 28786
(828) 452-6625 office
(828) 452-6715 FAX
ido@haywoodnc.net

Subject: Re: 16th Request for Public Information - Request For Proposals To Lease Property - AMENDED, Again...

Date: Tue, 02 Jun 2015 17:59:40 -0400

From: Monroe Miller

To: Ira Dove <IDove@haywoodnc.net>, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMcClure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Ken Hensen, Mark Zaffrann

Mr. Dove,

Looking forward to the executed lease on the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin' when it is signed off.

We had an excellent visit with NCDENR today. Did you know that there is a current violation on the White Oak Landfill?

Among other things that came up in the discussion today with DENR personnel today - do you remember back at the Public Hearing in the Budget, where Jimmy Rogers, School Board Member, expressed concern over the safety of Tracy Hargrove and the School maintenance employees working at that building on top of the Francis Farm Landfill? Well, that was discussed today, among other things. Did you realize that there is active gas monitoring system installed at that location, and a ventilation system? I didn't know that. It is comforting to know that you, a lawyer and prior DSS guy, are watching out for Haywood County School Maintenance personnel. But you know what I was thinking? We could kill several birds with one stone here with my new idea.

Why not cancel the deal on the property the county commissioners paid over a quarter of a Million Dollars for to build a glorified dog pound, and move those guys out of the maintenance building and relocate the glorified dog pound in that building. Move the maintenance department across the street from the old hospital in the Annex II building, so they are closer to Anne Garrett.

Multiple issues could be solved here. Instead of having to euthanize dogs at cats, simply let them drink from the contaminated well water. By the way, in addition to Jean Hazzard "resigning", I understand that three or four other people "resigned" also. This certainly puts the animal control department in extreme chaos. Considering all this, it makes sense to move the animal control operation up to the top of the Francis Farm Landfill. What are your thoughts?

Again, looking forward to the executed lease on the James Weaver "Kirk" Kirkpatrick III Super-Duper Sports Complex Park to a private individual for profit growing corn for our Pig Pickin' when it is signed off.

Thank you,

Monroe Miller

Subject: RE: 16th Request for Public Information - Request For Proposals To Lease Property - AMENDED, Again...

Date: Wed, 3 Jun 2015 13:47:11 +0000

From: Ira Dove <IDove@haywoodnc.net>

To: Monroe Miller, Stoney Blevins <tsblevins@haywoodnc.net>, Candace Way <ecway@haywoodnc.net>, Claire Carleton <ccarleton@haywoodnc.net>

CC: Chip Killian <CKillian@haywoodnc.net>, Leon Chip Killian <chip.killian@nelsonmullins.com>, L. Kevin. Ensley <lkensley@bellsouth.net>, Mark S. Swanger <markswanger@bellsouth.net>, Michael T. Sorrells <sorrells@cbvnol.com>, Bill L. Upton <billupton@bellsouth.net>, J W. Kirkpatrick <kirk@jwklaw.net>, David Francis <DBFrancis@haywoodnc.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Kevin Fuller <kfuller@themountaineer.com>, Becky Johnson <becky@smokymountainnews.com>, Jonnie Cure, Eddie Cabe, Sheriff Greg Christopher <GChristopher@haywoodnc.net>, Denny King, Bill Hollingsed <wpdchief@waynesvillepd.com>, Kathi McClure <KMclure@haywoodnc.net>, Andrew Jackson, Jeremy Davis, Ken Hensen, Mark Zaffrann

Mr. Miller,

Attached is the executed Lease on the Jonathan Creek Property.

Ira Dove
County Manager
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