

Monroe A. Miller, Jr.  
2200 Camp Branch Road  
Waynesville, NC 28786  
November 16, 2021

**Subject:** Town of Waynesville Planning Board Meeting, Quasi-Judicial Proceeding, 11/15/2021.

Reasons for attending this Planning Board Meeting were twofold.

- Give a Public Comment regarding NCDOT,
- Observe why so many (all) new developments are being approved.

Public Comments are reserved as the last agenda item (except comments are allowed during each hearing), so all other business had to be completed. I gave my public comment just before 10pm.

There were two major developments on the agenda for consideration:

- A 14-unit town home development at Richland and Church Street, and
- A 150-unit apartment development at 1426 Howell Mill Road (Quasi-Judicial Proceeding).

Both, I figured, were Done Deals.

The first development sailed through, presented by Olga, with the Board voting to approve the project.

The second development item began around 6:30pm. It was a Quasi-Judicial Proceeding. Fortunately, I had attended one of these Quasi-Judicial Proceedings during the Browning Branch LLC project. Ginger Hain (Vice Chair) chaired the meeting. There were five (5) other board members present, including Ron Sneed, the lawyer for the Planning Board.

Not much was explained by the chair, rather, procedure was described by **Elizabeth Teague**. Speakers were sworn in, and the process moved forward mechanically. The development activity was presented by staff, **Byron Hickox**, the developer made a presentation, and one person was determined to have “standing” to ask questions during the hearing. This Quasi-Judicial Proceeding is part of how things get passed and approved with the planning board. There were multiple speakers, all giving impassioned statements and arguments for pleading with this board not to pass this project. In the end, they had all wasted their time.

After all the speakers had been called, Hain called for a 5 minute break, during which time, most of the speakers left the meeting.

When the meeting was called back to order, Hain made a curious announcement.

[**Editor’s Note:** A recording of this meeting / hearing has been requested, and will be posted on [www.haywoodtp.net](http://www.haywoodtp.net) when available.]

Hain indicated that the only reason for this Quasi-Judicial Proceeding today was for the board to determine if the established density limit of 104 units should be raised to 150 units for this development.

WTF?

Hain said - “It’s too bad most of the people who came here to speak did not hear this”.

WTF?

Why the [expletive deleted] didn't she announce this at the beginning of this agenda item?

What the [expletive deleted] kind of chair is this?

Ron Sneed rattled off seven questions that the board must answer, and if all are yes, then the density increases.

The first, and most complex question, was basically, what **evidence** did you hear during the meeting that allows you to vote yes for raising the established density limit of 104 units to 150 units?

After considerable discussion, there was no evidence anyone could find. They were deadlocked.

Sneed suggested going through the remaining six (6) questions, because they were easier.

During this process, member after member referred to the agenda packet for clues as to evidence about the various remaining questions. No member ever referred to testimony provided by any of the people who spoke publicly.

If the public speakers had been forewarned about what it is that these members were tasked to vote on at this meeting, they could have adjusted their comments to provide "evidence" rather than feelings.

It was a sham.

The board, after considerable consideration, deemed "Yes" to the last six questions. Back to Question #1. You should have seen it. Members blurted out personal feelings about how they felt about getting this density approved, but no one could base it on any evidence presented during the hearing.

It was getting late, and I had not given my public comment.

Sneed, wanting to get out of there, started giving hints to board members on what they could vote for, even if it wasn't evidence, as no one wanted to defer this decision.

Hain threw up her hands, and made a motion to pass question one, (a flip of the coin whether the motion should be made to pass or deny), it was seconded, and four voted "Yes", two voted "No". The new density passed.

[**Editors Note:** Correction. Previously indicated all voted "yes", but two voted "no", Gregory Wheeler and Don McGowan.]

Hain ranks right up there as being able to conduct a meeting as does **Amy Murphy-Nugen** (a.k.a. Down Home NC Hack) former "facilitator" for the Homelessness Task Force.

Everyone was exhausted, and Hain was anxious to close the meeting when I raised my hand, still wanting to give a public comment. I was recognized, and gave the following comment (next page).

Monroe A. Miller, Jr.  
2200 Camp Branch Road  
Waynesville, NC 28786  
November 15, 2021

**Subject:** Public Comment, Town of Waynesville Planning Board.

Three years ago, this board approved the Browning Branch development, contingent on upon NCDOT approving the Driveway Access Permit Application. Chris Lee, the NCDOT District Engineer, pencil whipped an approval on October 15, 2018. The application listed Neal K. Ross as the developer, not Marek Hevier, who it was discovered later is the real developer. Elizabeth Teague knew full well who the real developer was.

I filed a complaint against Chris Lee for the manner he approved the permit, approving a knowingly falsified application. I've also brought this matter before the DA's Office.

I'm here to advise you that NCDOT has two levels of approval for Driveway Access Permit Applications.

- The original application, pencil whipped by Chris Lee, as was the case with Browning Branch,
- The Final Approval, based on final construction Drawings, also as is the case with Browning Branch.

According to Wanda Austin, Division Engineer (above Chris Lee) on 10/1/2021:

“The driveway permit is still open and has not been accepted at the time of this email. The Department will investigate the construction of the driveway and make any suggestions/conditions of acceptance once we are notified construction is complete.”

A Public Records Request from NCDOT reveals that no new information as of 10/14/2021 has been supplied to NCDOT since the first pencil whipped Application for the Browning Branch development.

Browning Branch LLC does not have final approval!

Turning our attention to the Queen Subdivision or Sunny Side Development.

I currently have three Requests for Public Information open, two with the Town of Waynesville.

- Elizabeth Teague and Byron Hickox for all of their email's dealing with the Queen Subdivision or Sunny Side Development to determine the identity of the “real” developer,
- NCDOT for the Queen Subdivision or Sunny Side Development Driveway Access Permit Application to determine if the name on the application matches that supplied by Elizabeth Teague, and
- The approved NCDOT Driveway Permit and the Affidavit Elizabeth Teague says she has from Patrick Bradshaw, Civil Designs Concepts.

When I receive this information, I expect I will come before this board again to review my findings.

If you are interested, I can read what I sent to Wanda Austin regarding the intersection of Allens Creek and Katka / Buchanan Drive. It will likely go over 3 minutes.

Your call.

[**Editor's Note:** Hain declined to listen to the following dialog, wanting to close the meeting, I guess, but said I could turn it in and have it put in the record. I never did.]

Thank you for allowing the time for me to express my concerns.

[**Editor's Note:** Walked away.]

---

I responded to her email on October 15, 2021, exactly three years after Chris Lee pencil whipped his approval, I wrote to her:

“Well, I sure hope that this intersection will receive a careful review before any final driveway permit is approved.

You see, the problem is that the entrance to the Browning Branch, LLC development and access to the existing road, Buchanan Drive, is not big enough to accommodate both. Both streets have official street signs. The entire layout is a Disaster. The only solution I see, is to install a complex traffic light system, carefully aiming lights to traffic going and coming out of Katka Loop, and traffic going and coming from Buchanan Drive. The Buchanan Drive Right of Way extends all the way to Allens Creek Road. So you will have a nicely paved entrance for Browning Branch, LLC development, and have to retain the gravel road for Buchanan Drive. This might set a precedence for NCDOT, that of installing a traffic light for a gravel road in Western North Carolina. Can't install a Sarasota Loop vehicle detector on a gravel road, as that road washes out with heavy rains. Will have to be more creative in the type of vehicle sensor.

I have spoken to some of the folks that use Buchanan Drive, and they indicate that they have almost been T-boned with people coming out of Katka Loop and the Gravel Dump Trucks speeding down the road coming from the Gravel Pit. You know, these large, fully loaded trucks cannot stop on a dime. This is impending disaster.

So, I hope that you will all take the time to come out to this potential disaster location, and put your heads together to come up with a solution that does not result in potential fatalities and potential law suits.”

She responded -

“The Department will evaluate the location once the driveway is complete. Thank you for your continued interest in providing safe transportation.”