

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
May 8, 2022

Subject: Email dialog with Tom Maguire and Ed Smather's / Dennis Ramsey's "Fence from Hell".

The "Fence from Hell" (a spite fence) was constructed between the properties at 146/156 on Johnson Hill Drive by **Ed Smathers** and **Dennis Ramsey** on 6/23/2021. For additional background, see www.haywoodtp.net -

[Email Dialog, Zeb Smathers, Jesse Fowler + others and the No Parking Sign on Johnson Hill Drive, continued. 4/6/2022...](#)

or

<https://www.haywoodtp.net/pubII/220406EmailSmathersFowler.pdf>



What did the Town of Waynesville code enforcement have to say about this? This is an email dialog with Tom Maguire, Senior Code Enforcement Official for the Town of Waynesville, documenting the evolution of the Fence from Hell.

Monroe A. Miller, Jr.
Haywood County Taxpayer

Subject: Request for Public Information

Date: Sun, 24 Apr 2022 16:01:13 -0400

From: Monroe Miller

To: Tom Maguire <tmaguire@waynesvillenc.gov>

CC: Jeff Stines <jstines@waynesvillenc.gov>, Byron Hickox <bhickox@waynesvillenc.gov>, Elizabeth Teague <eteague@waynesvillenc.gov>, Olga Grooman <ogrooman@waynesvillenc.gov>

Mr. Maguire,

On or about June 16, 2021, you and Olga Grooman were called out to 146 Johnson Hill Drive regarding an installation of a chain link fence by Ed Smathers. Lois Hollis, at 156 Johnson Hill Drive expressed concern about being able to open up the electrical box, which the fence was going to obstruct. Please provide the write up or any other documentation you have regarding that inspection and recommendations of where Ed Smathers was to install the fence. Also, please include a copy of the building permit for that fence.

See the inserted reference photos.



Thank you,

Monroe A. Miller, Jr.

Subject: Re: Request for Public Information

Date: Mon, 25 Apr 2022 20:21:20 -0400

From: Monroe Miller

To: Tom Maguire <tmaguire@waynesvillenc.gov>

CC: Jeff Stines <jstines@waynesvillenc.gov>, Byron Hickox <bhickox@waynesvillenc.gov>, Elizabeth Teague <eteague@waynesvillenc.gov>, Olga Grooman <ogrooman@waynesvillenc.gov>, Martha Sharpe Bradley <martha@sosharpe.com>

Mr. Maguire,

Can you please acknowledge my Request for Public Information?

Don't forget to see:

[Video \(.mp4\) CAUTION - GRAPHIC VIOLENCE. Ed Smathers violently forcing his hand through vehicle window of 78 year old Lois Hollis, and smashing her phone into her face, sustaining injuries to mouth and teeth. Truly Evil. Waynesville Police advises - don't provoke him. Perhaps Ed Smathers will be a candidate for the Sheriff's Secret Peer Support Specialist Program, or maybe bottom-feeding lawyer, Zeb Smathers, will represent him. 4/22/2022. 4/24/2022..](#)

[<https://www.haywoodtp.net/pubII/220422EdSmathers.mp4>]

Monroe A. Miller, Jr.

Subject: Re: Request for Public Information, #3, Ed Smathers Fence
Date: Tue, 26 Apr 2022 08:48:15 -0400
From: Monroe Miller
To: Elizabeth Teague <eteague@waynesvillenc.gov>
CC: Jeff Stines <jstines@waynesvillenc.gov>, Byron Hickox <bhickox@waynesvillenc.gov>, Olga Grooman <ogrooman@waynesvillenc.gov>, Martha Sharpe Bradley <martha@sosharpe.com>, Tom Maguire <tmaguire@waynesvillenc.gov>

Ms. Teague,

I'm not having any success in getting Tom Maguire to acknowledge my Request for Public Information. Is that because I am using the wrong email address? On your website,

<https://www.waynesvillenc.gov/sites/default/files/inline-files/Accessory%20Structure%20Brochure.pdf>,

it lists his email address as: tmaquaire@waynesvillenc.gov - note the spelling is different. Under any circumstances, can you print this out and walk over to his office and let him know I am requesting that he acknowledge my Request for Public Information?

The referenced video (5 second) clip should jog his memory as to whom Ed Smathers is.

Thanks,

Monroe A. Miller, Jr.

Subject: RE: Request for Public Information, #3, Ed Smathers Fence
Date: Tue, 26 Apr 2022 13:10:27 +0000
From: Thomas Maguire <tmaguire@waynesvillenc.gov>
To: Monroe Miller, Elizabeth Teague <eteague@waynesvillenc.gov>
CC: Jeff Stines <jstines@waynesvillenc.gov>, Byron Hickox <bhickox@waynesvillenc.gov>, Olga Grooman <ogrooman@waynesvillenc.gov>, Martha Sharpe Bradley <martha@sosharpe.com>

Mr. Miller, my office hours are T-Th 8 am to 4 pm, so I did not get your RPI until today. Be assured that I will respond in a timely manner. My correct email address is: tmaguire@waynesvillenc.gov. Not sure where you got the one you referred to in this thread, but now you have the right one.

Subject: RPI Johnson Hill Dr.

Date: Wed, 27 Apr 2022 19:12:14 +0000

From: Thomas Maguire <tmaguire@waynesvillenc.gov>

To: Monroe Miller

CC: Elizabeth Teague <eteague@waynesvillenc.gov>, Olga Grooman <ogrooman@waynesvillenc.gov>

As per your request of April 24, 2022 I have attached the documentation in my file. The Town of Waynesville would not require a permit for the fence.

124-156 Jackson Hill ①

06-22-2021

Met on site w/ Joe Lipari and Lois Morris explained that if the owner of the property next door wants to build a fence on the common property line, there is no prohibition of it in the building code or zoning code. It will be a civil matter.

Mr. Lipari stated he had a surveyor from Assurance coming out to establish the property line. Mr. Spatler, the owner of the property next door also is going to have a survey done.

I suggested that the fence be put

(2)

on hold until the property line was
firmly established and agreed on.

There are a few issues with
access to the electrical breaker panel
at the service entrance at 124
South son hill and possibly access to
the side yard. This ^{may} ~~will~~ emerge when
the survey is done.

I suggested that perhaps the two
parties work together through a 3rd
party or mediator to solve the problems
to avoid going to court.

I first met Lois Hollis and Joseph Lipari when they came to the office on June 21, 2021. Esther asked me to come over and talk to them. They were talking about the fact that they used the shared driveway with their neighbors for many years, and now their new neighbors in that house wanted to build a fence there, and that, according to them, would limit their access to the house. They mentioned several times that Mr. Joseph was 70% handicapped and needed this space to get to the house. Esther and I suggested they went to the courthouse and checked if there were any easements on that part of the property. I clarified that we did not regulate fences. I also asked them whose property was the driveway, and they responded a few times that it was the neighbors'. Lois and Joseph were deeply emotional about the issue and spoke in the elevated tone. We gave them Tom Maguire's (our Chief Code Enforcement Officer) phone number so that they could ask about any possible code enforcement issues.

Next day, on June 22, 2021, Tom and I went on site (156 Johnson Hill Dr.) and met with Lois, Joseph, and Ed Smathers. Tom re-iterated that we did not regulate fences, and that dispute would be a civil matter between them and the neighbor. Tom looked at the electrical box, and I measured the clearance from it to the end of the cement gutter right under it. It was about 3 feet. Tom explained that the clearance of 3 feet is generally required for the electrical unit. Tom also explained that the retaining wall that they built did not have any permits with our office. He explained that a wall over 4 feet high needed to be designed by an engineer. Lois and Joseph said that they hired a stone-work person and were unaware.

Ed Smathers as well as Lois and Joseph confirmed that they would be getting their own surveys to establish clear property lines. Tom suggested to Lois and Joseph to work out the matter with their neighbors directly before going to court. During our time there, Mr. Joseph Lipari said several times that he wanted to turn himself in to the police, and if they told him no, he could not guarantee that he wouldn't commit a crime. Ms. Lois started crying by the end of our visit, saying that this situation was very stressful on them.

Alge Brown
6-22-21

06-24-2021

This morning Mr. Lipari and Mr. Hoccus
of 124 JOHNSON Hill came into the
office to express concern that the
last post for the fence being erected
between their house and the adjacent
property might be on town of Hayesville
property. I met with Chris Snyder from
Public works who said that the post
was not encroaching into our street.

Subject: Fwd: RPI Johnson Hill Dr.

Date: Wed, 27 Apr 2022 15:58:16 -0400

From: Monroe Miller

To: Tom Maguire <tmaguire@waynesvillenc.gov>, Olga Grooman <ogrooman@waynesvillenc.gov>

CC: Elizabeth Teague <eteague@waynesvillenc.gov>, Byron Hickox <bhickox@waynesvillenc.gov>, Jeff Stines <jstines@waynesvillenc.gov>, Chris Snyder <csnyder@waynesvillenc.gov>, Martha Sharpe Bradley <martha@sosharpe.com>

Mr. Maguire,

It would appear that Ed Smathers lied to you, and did not move forward to get a survey prior to installation of the fence, as he promised. See the reference photo in my original request, dated 6/23/2021, one day after your last visit, preparation for setting posts.

Thank you for your report.

Monroe A. Miller, Jr.

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