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2200 Camp Branch Road
Waynesville, NC 28786
July 27, 2022

Subject: Shoot-Out at the OK Corral, a.k.a. Public Comments at Waynesville Aldermen Meeting.

Public Comments at the 7/26/2022 Town of Waynesville Aldermen Meeting exposed the soft under-belly of how this place is run by the Mayor and four Aldermen. Two (2) of the public comments are reprinted here, and there will be much, much more to come.

You will need to read between the lines when reading these public comments, as much of the material has not been made public.

- An appeal was referred to. What Appeal?
- **Elizabeth Teague**, Town Planning Director, provided inaccurate information on how to file an appeal.
- **Martha Sharpe Bradley**, stuck her nose where it didn't belong by denying a legal binding appeal.

It is important to remember [re: Homeowners Association 101] that "A lawyer can only express an opinion, it is the Judge that makes the Ruling."

Speaking of opinions, this is a solicited opinion from a lawyer that was asked to express an opinion about **Martha Sharpe Bradley's** opinion -

"This is pretty specific. Martha had no right to hold appeal app back from the board of adjustment on the basis of an erroneous ordinance. She is not only subverting NC law, she is subverting Janet's 5th amendment rights under the US constitution."

There were a total of seven (7) people that spoke during the public comment period. Two of those, Janet Presson's and Sherry Morgan's, are reprinted here. It is notable that the first speaker, Peggy Hannah, was called out by the Mayor, **Gary Caldwell**. Peggy Hannah informed the Board in an impassioned speech, about various, very specific, incidences of crime occurring within the City of Waynesville. **Gary Caldwell** basically called Peggy Hannah a liar. **Gary Caldwell**, that's strike one. You get three.

No other Aldermen responded to any of the other public comments, with the exception of the last guy, related to getting more money from county commissioners for the Parks and Recreation Department.

The UNC online training module referred to by both of these public speakers is on www.haywoodtp.net

<https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/online-modules>

[Copy and paste into your browser.]

An audio recording of this meeting will be posted when available, so that you can listen for yourself.

This is yet one more nail in the coffin as to why **all** of these Aldermen should be thrown out at the next election. **Martha Sharpe Bradley** should be fired immediately and a new lawyer should be hired that will properly carry out Section 160D. Janet Presson's appeal is still standing. **Elizabeth Teague** should be fired as well, and replaced with someone that can understand Section 160D.

Monroe A. Miller, Jr.
Haywood County Taxpayer

Town Council Remarks- June (sic) 26, 2022

Good evening. I'm Janet Presson and I live in Waynesville. Dave Almquist and I own 113 Belleview Road, which abuts the proposed Preservation Way development.

As you are already aware, we filed an appeal with Town Clark (sic) Eddie Ward on June 14, and I've spoken with you about this appeal at the June 28th Town Meeting.

A group of us concerned citizens have continued to research the appeal process, since Martha Bradley and Elizabeth Teague have given us conflicting information. After the meeting this evening, we are sending each of you a presentation of online training modules from the UNC School of Government. These modules consist of an attorney providing training on 160D- the New Land Use Law for NC. Scroll down to the 9th module and you will see very clearly explained the appeal process- which we followed but apparently the Town of Waynesville-under Martha Bradley's direction- has not! Interestingly enough, this training can also be found on the Town of Waynesville's own website in the LDS Updates section- so it is clearly available to you all!

I'd like to make 3 points:

1. We filed our appeal correctly and we expect it to be heard by the Zoning Board of Adjustment. To be brushed off like we have may actually be a violation of our 5th Amendment Right to due process. That's pretty serious.....
2. I've heard you all talk about not wanting the town to get sued by unhappy developers. How about in this case you get sued by us AND by the unhappy developers? All of your employees need to understand the process and follow it or that is exactly what is going to happen.
3. I grew up in the military and then was active duty myself. I really don't have a hometown so in 2008 we bought here and have made this our home. I think we all want the same thing- a wonderful town- and we need to work together to make that happen. We don't want to spend the next year or two in court about this and I think it would certainly be a waste of town resources and tax dollars on your part.

I'm asking each of you to watch that module and then let's make the appeal process happen as outlined in 160D.

Thank you!

In light of the public outcry and the controversy over the possible construction on the ridgeline above the Hillside Community, the Citizens of this town deserve clarification on how to file an Appeal of an Administrative decision for a construction development approval. Town Planner Elizabeth Teague, referred me to the section in our Town of Waynesville Land Development Standards and also gave me step by step instructions on how to file an Administrative appeal through the zoning board of adjustments, and then town Attorney Martha Bradley disputed those instructions and denied a legal binding appeal from the Presson's who have standing for the large Apartment complex on Preservation Way. We all know the safety issue of adding 120 cars on a narrow unlined road with no sidewalks, is reason enough to deny the permit. Now we're hearing Preservation Way is under a new contract and Elizabeth Teague has handed over the prior approval from the former buyers who backed out. In November of last year the Planning Board created a Subdivision Subcommittee, to align the Land Development Standards with State Law 160D, because of the change from quasi-judicial to Administrative reviews. On the Town of Waynesville web site labeled LDS Updates you'll find Chapter 160D Online training Modules by the UNC School of Government, where you'll find an attorney discussing the Administrative Land Use Decisions. He explains step by step how an Administrator, which is considered staff, has been defined by the new 160D laws and how the appeal process for an Administrative approval should be carried out. We're asking for this training module to be shown and explained in our next Aldermen meeting for all citizens of this town to understand how to file an Administrative appeal. The appeal goes from Jesse Fowler straight to the chairman of the Zoning Board of Adjustments, where they hold a Quasi-Judicial process and then on to Superior Court if needed. The Presson's legal appeal for the Preservation Way project still stands and the Citizens of this town stand with them.