

**MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REGULAR MEETING
October 8, 2019**

THE WAYNESVILLE BOARD OF ALDERMEN held its regular meeting on Tuesday, October 8, 2019, at 6:30 p.m. in the board room of Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Mayor Gavin Brown called the meeting to order at 6:30 p.m. with the following members present:

Mayor Gavin Brown
Alderman Jon Feichter
Alderman LeRoy Roberson
Alderman Julia Freeman
Mayor Pro Tem Gary Caldwell

The following staff members were present:

Rob Hites, Town Manager
Bill Cannon, Town Attorney
Amie Owens, Assistant Town Manager
Eddie Ward, Town Clerk
Ben Turnmire, Finance Director
Brian Beck, Interim Police Chief
Elizabeth Teague, Development Services Director
Jesse Fowler, Planner
David Foster, Public Services Director
Julie Grasty Asset Services Manager
Jonathan Yates, Outside Facilities
Kyle Cook, Water Plant Superintendent

The following media representatives were present:

Becky Johnson, The Mountaineer

1. Welcome /Calendar/Announcements

Mayor Brown reminded the Board of the following calendar events:

Saturday October 12 – Church Street Art & Craft Show 10:00 – 5:00 PM
Saturday October 12 – 5th Annual Greenhill Cemetery Tour – 4:00 PM
Saturday October 19 – Apple Harvest Festival – 10:00 – 5:00 PM

2. Adoption of Minutes

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve the minutes of the September 24, 2019 regular meeting, as presented. The motion passed unanimously.

B. PRESENTATION

3. 28785/28786 1% Zip Code Funding Year End Report
 - Lynn Collins Executive Director, Tourism Development Authority

Lynn Collins, Executive Director of the Haywood County Tourism Development Authority (TDA) provided a report on the 28785/28786 1% Zip Code funding for fiscal year 18/19. She provided a listing of the various projects and funding amounts that were granted and noted that the cooperative marketing received the most funding. Later in her presentation, Ms. Collins noted the work of the cooperative marketing to include print and electronic ads, e-newsletters, billboards and Facebook and other social media posts and provided samples of each. The Experience Waynesville Facebook page has grown from 18,925 in 2016/17 to over 102,000 in 2018/19. Ms. Collins continued by illustrating the economic impact of travel on Haywood County in 2018, noting the following: Tourism generated expenditures of \$189.94 million which is a 4.21% increase from 2017. The tax savings per Haywood County resident is \$276.84. She concluded by noting that Haywood County ranked 28th in the state for tourism expenditures and 5th in the Western Prosperity Zone of NC.

Alderman Jon Feichter asked if there was any way to extrapolate the data to be Waynesville-specific for the savings and the tourism generated expenditures. Ms. Collins answered that there was not, but that the numbers may be lower in Waynesville due to the lack of hotels. She was encouraged by the overall increase and hopeful that the trend would continue.

Mayor Brown thanked Ms. Collins for her report and for her continued efforts to make Waynesville and Haywood County a travel destination.

C. CALL FOR PUBLIC HEARING

4. Call for Public Hearing to consider application for a Conditional District Rezoning and Map Amendment at 366 Russ Avenue, PIN # 8616-40-3231
 - Elizabeth Teague, Development Services Director

Ms. Elizabeth Teague, Development Services Director, told the Board that the owners of the Mountain Creek Plaza, RFLP Mountain Creek LLC, with Tribridge Residential and engineering assistance from Civil Design Concepts, is making application to apply a conditional district zoning overlay to the property known as the "Bi-Lo Shopping Center" site. She said that in accordance with the Town's Land Development Standards Section 15.15, the Planning Board held a public hearing at a Special Called Meeting on October 1, 2019 and reviewed the application. The application was approved by the Planning Board and now she is asking the Board of Aldermen to call for and hold a public hearing as with any other zoning map or text amendment and find that this action would be reasonable and in the public interest and consistent with the town's 2020 Comprehensive Land Use Plan.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to call for a public hearing to be held on October 22, 2019 at 6:30 pm, or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville, to consider a conditional district rezoning application at 366 Russ Avenue, PIN # 8616-40-3231. The motion passed unanimously.

D. PUBLIC HEARING

5. Public Hearing to consider the amendment of Chapter 54 Traffic and Vehicles – Section 54-113 Speed Limits Established

- Alderman Gary Caldwell
- Brian Beck, Interim Chief, Police Department

Mayor Brown said The Board of Aldermen has the authority to regulate traffic speeds within the Town limits under Section 54-111, and a schedule of all authorized variations shall be maintained in the office of the town clerk and recorded in section 54-113.

The Town of Waynesville Police Department conducts traffic studies on various streets and intersections related to complaints received related to speeding. The current speed limit on Hendrix Street is 35 mph. He said a request had been made by Alderman Caldwell to modify the speed limit on Hendrix Street to 25 mph. During the days of August 7 and August 13, a stealth traffic study was completed with a total of 4,907 vehicles on the first day, and 4,223 vehicles on the second day which indicated an average speed of 29.82 and 29.53.

The Board was reminded that they have the authority to regulate traffic speeds within the Town limits under Section 54-111. A schedule of all authorized variations shall be maintained in the office of the town clerk and recorded in section 54-113.

Attorney Cannon opened the Public Hearing at 7:23 pm and asked if anyone wished to speak.

**Phyllis Austin
100 Hendrix Street**

Ms. Austin presented the Board with petition which included 56 signatures of people who believe that something needs to be done about the speed limit on Hendrix Street. She said that the traffic and their speed increase every year. She stated she had seen several people run over the curb in the front of her house and expressed her concerns for her grandchild who lives with her and likes to play in the yard. She said she did not think lowering the speed limit would help, but she would like to see speed bumps installed.

Mayor Brown asked that the Petition be entered the minutes of the meeting. The document will be incorporated into these minutes as attachment A.

**Jim Plemmons
235 Hendrix Street**

Mr. Plemmons said that with the increased population of Air B and B's on Allens Creek, there are people who come off the by-pass at 60 miles per hour, and then continue up Hendrix at the same rate of speed. He said it is the children and the elderly that could be affected by the speeders. At certain places, Mr. Plemmons said the street was not wide enough, and when people are speeding, they hit the curb, and this could be the cause of a deadly accident.

Chris Barker
132 Hendrix Street

Mr. Barker stated that he had been in public safety his entire life and is currently a RN at Memorial Mission Hospital. He said he had seen the consequences of traffic accidents and did not want to see that on the street where he lives. He reiterated the fact that there are many children on this street, and it is a very unsafe situation with the speeders. He said he had not seen one ticket written on that street.

Attorney Cannon closed the Public Hearing at 7:31 pm.

When discussing the Hendrix Street speed limit, it was noted by several in attendance, and by Board members, that utilizing traffic calming devices such as speed bumps may help to reduce the speeding and risk to pedestrians and property. David Foster, Public Works Director, added that he and Town Engineer Preston Gregg had developed a policy related to when traffic calming implements may be installed. He reminded the Board that there are considerations such as grade of the street, height of implements and ability for public safety responders to safely traverse the devices used when determining the type of implement. Alderman LeRoy Roberson asked about temporary speed bumps. Mr. Foster indicated that it is possible to use them; however, in inclement weather, they become a hindrance to street clearing. He noted also that adding these implements came with different price tags based on what would be required. Mr. Foster will forward a copy of the policy for the Board to review. Interim Police Chief Brian Beck added that police are also aware of reports for streets where there are concerns and have shared information with Public Services in an effort for all to work together to find a suitable solution.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to approve the amendment to Chapter 54 Traffic and Vehicles – Section 54-113 Speed Limits Established to reduce the speed limit on Hendrix Street from 35 mph to 25 mph. The motion carried unanimously.

Mayor Brown asked Staff to gather information concerning traffic slowing devices and present a report at a future meeting.

E. NEW BUSINESS

6. Drought Status Report and Plan Update Request

- David Foster, Public Services Director
- Kyle Cook, Water Treatment Superintendent

Mr. David Foster, Public Services Director, explained to the Board that Public Services would like to revise our Water Shortage Response Plan, specifically to adjust the trigger levels to be more consistent and closer to our peer agencies in Haywood County.

Pending discussion, but recommended trigger levels would be as follows:

- Level 1- 3 feet (previously 6 feet) (Voluntary Reductions)
- Level 2- 6 feet (previously 11 feet) (Mandatory Reductions I)
- Level 3- 11 feet (previously 16 feet) (Mandatory Reductions II)
- Level 4- 16 feet (previously 26 feet) (Emergency Reductions)
- Level 5- 20 feet (previously 40 feet) (Water Rationing)

Mr. Foster would also update the Water Shortage Response Plan, so it is current.

A motion was made by Alderman Jon Feichter, seconded by Alderman Julia Freeman, to authorize Public Services staff to adjust the Water Shortage Response Plan triggers to be more consistent with peer Haywood County agencies. The motion passed unanimously.

7. Maintenance Area of Outside Facilities

- Julie Grasty, Asset Services Manager
- Jonathan Yates, Outside Facilities Supervisor

Ms. Julie Grasty, Asset Services Manager, explained to the Board that Outside Facilities staff maintains different properties around Town that are not owned by the Town. The list of these properties has had many additions over the years and has never been brought before the Board for approval. Some of these properties are NC DOT property, Haywood County Schools property and other private property. Ms. Grasty said that Staff has been instructed to compile a formal list of these properties for the Board to approve the maintenance of these areas, which was included in the Board packet.

Town Manager Rob Hites said that Public Services is maintaining the grounds of some non-profits and NCDOT areas. He said that in order to give more attention to maintaining municipal properties, he recommends going through the list item by item in order to deem it necessary to maintain or not maintain.

Assistant Town Manager Owens reminded the Board that half of Mr. Yates' crew was moved to the Recreation Department in order to concentrate on keeping the Recreation grounds looking nice and accessible. This leaves Mr. Yates with less man power to maintain the rest of the Town.

Alderman Caldwell suggested that Ms. Grasty and Mr. Yates confer with Manager Hites to compile a list of properties to be maintained by their staff.

Mayor Brown said he felt it was time to review the complete list and allow the public to see the areas that are being maintained by the Town. He asked the Board to defer discussion on this matter until the next meeting in order to give Manager Hites and staff time to study the list. The Board was in consensus.

8. New – First Time Special Event – November 2019

- Amie Owens, Assistant Town Manager

Assistant Town Manager Owens told the Board that she had received a request for a new event in the Town of Waynesville, Tuscola Cross Country Mountaineer 5K. The event will utilize the same race route as the Power of Pink 5K from Frog Level to Hazelwood and back via Sulphur Springs Road and Hazelwood Avenue. This is a fundraiser for the cross-country program and will be held on Saturday November 16th.

She explained that the Special Events Committee has reviewed the application, there were no concerns about the event.

A motion was made by Alderman Jon Feichter, seconded by Alderman Gary Caldwell, to approve the special events permit applications and direct Town Manager to execute special events permits, as presented. The motion carried unanimously.

9. Request to call the Planning Board for a workshop to consider stricter regulations regarding fences in Waynesville.
- Jesse Fowler, Planner

Mr. Jesse Fowler, Planner stated that in response to the Board of Aldermen's request to research fence ordinance best practices, Planning staff is requesting that the Board of Aldermen refer to the Planning Board to discuss staff research on fence ordinances. He suggested that that the Planning Board would also draft an Ordinance that would essentially create a text amendment to the Town's Land Development Standards. He said that a workshop for the Planning Board to discuss fencing in Waynesville would be most beneficial especially since they will be starting from scratch.

Mayor Brown reminded everyone in the audience that this issue was not about one person, but it is about a community-wide effort.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Julia Freeman, to permit Planning staff to meet with the Planning Board in order to hold a workshop to discuss if and how we may want to draft a text amendment to the Land Development Standards which would regulate fencing in the Town of Waynesville. The motion carried unanimously.

Mayor Brown asked that a copy of the Statement to the Town of Waynesville Board of Alderman from the public be included into the minutes. The document will be incorporated into these minutes as attachment B.

10. Budget Amendment and Amendment to the Financial Operating Plan for Janitorial Services
- Ben Turnmire, Finance Director

Mr. Ben Turnmire, Finance Director stated that the proposed amendment is needed to approve a Janitorial Services contract with "A Better Clean" cleaning service effective November 1, 2019 – June 30th, 2020. He said that the Town's current Janitorial Service provider did not renew their contract, which expires on October 31, 2019.

A motion was made by Alderman Gary Caldwell, seconded by Alderman Jon Feichter, to approve Ordinance No. 17-19 Amendment 6 to the 2019-2020 Budget Ordinance in the amount of \$30,800.00 for the Janitorial Contract with "A Better Clean" Janitorial Service. The motion passed unanimously.

A motion was made by Alderman LeRoy Roberson, seconded by Alderman Jon Feichter, to approve Resolution R-19-19 Amendment 2 to the 2019-2020 Financial Operating Plan for Internal Services. The motion passed unanimously.

F. COMMUNICATIONS FROM STAFF

Manager's Report

- Rob Hites, Town Manager

11.. Request of County Tax Office to collaborate in removing dilapidated mobile home from 31 Paralee Lane

Manager Hites explained to the Board that the County has foreclosed the property located at 31 Paralee Lane. The lot is located behind and above the upholstery shop on Dellwood City Road and is 46 feet by 160 feet in size. The estate owes \$2,075.02 in Town of Waynesville taxes and \$1480.43 in County Taxes. Manager Hites said he has visited the site several times and found that the mobile home on the property is a safety hazard. He said that the Town Building Inspectors have inspected the mobile home and said it is dilapidated to exceed 50% of its value. The Police Department have visited the site and discovered the use of illegal drugs. The County has posted the property for a foreclosure sale on October 18th. Haywood County has received a quote of \$5,000.00 to remove the mobile home, and \$2,000.00 to clear the trees around the home to make it accessible to the mover. They have asked the Town to join them in clearing the lot. Manager Hites said this would not be a money-making effort for the Town but would be done for the safety and crime prevention concerns.

Manager Hites said the plan would be for the contractor hired by Haywood County would remove the mobile homes, and Town staff to clear the area of brush and trees.

A motion was made by Alderman Jon Feichter, seconded by Alderman Gary Caldwell, to approve the Town entering into an agreement with the County to clear the vegetation around the mobile home and engage a mover to remove the mobile home on the property located at 31 Paralee Street. The motion passed unanimously.

12.. Attorney's Report

- Town Attorney Bill Cannon

Attorney Cannon had nothing to report.

G. COMMUNICATIONS FROM THE MAYOR AND BOARD

Alderman Jon Feichter asked Manager Hites about re-establishing the truck route that had been brought up in previous Board meetings. Manager Hites stated he had spoken to Mr. Bryan Burch, Division NCDOT Director concerning the truck route in the Town of Waynesville. Mr. Burch said he could not find that there had ever been a designated truck route in the Town. Manager Hites stated that Staff could draft a Resolution requesting that NCDOT designate a truck route to be approved by the Board. The Resolution will then need to be approved by the NCDOT.

Alderman Feichter said that he had driven up South Main Street towards Walmart, and he expressed concerns about the weeds, grass and trash that is along the street. He said the even though the South Main area is set for a reconstruction project in 2023 or later, and the owners of the buildings along this route do not wish to do improvements to their buildings because of the upcoming project, he asked is the weeds and grass at least be cut and the trash be cleaned up.

H. CALL ON THE AUDIENCE

**Vic Dossey
61 Glendale Drive**

Mr. Dossey explained to the Board that during the last week, the Electric Department had been on his property to cut some trees from the electric lines. He said that Mr. Willie Smith had come to his house and told him that the Town would be trimming the trees. Mr. Smith had explained the entire procedure to him, and later in the week the Town staff came to do the trimming. When the project was finished, Mr. Smith had gone back to Mr. Dossey's home to make sure that the tree trimming process had gone as described. Mr. Dossey praised the staff and Mr. Smith for the work and consideration he had been given during the process.

I. ADJOURN

With no further business, a motion was made by Alderman Gary Caldwell, seconded by Alderman Julia Freeman, to adjourn at 8:21 p.m. The motion carried unanimously.

ATTEST:

Gavin A. Brown, Mayor

Robert W. Hites, Jr. Town Manager

Eddie Ward, Town Clerk

Statement to the Town of Waynesville Board of Aldermen

Introduction

We would like to address a recent Board of Aldermen meeting as well as a front-page article in the Mountaineer newspaper concerning a situation with a parcel of property, which is located at 233 Eagles Nest Road in Waynesville and is owned by Mr. David Acosta.

History

Let's be perfectly clear why this has become an issue...Mr. Acosta is using his property as he sees fit, and within the law. People are angry at him for something they assume he got away with, abusing his dog, even though Mr. Acosta was never charged with, nor convicted of any violation. Animal Control, who was contacted multiple times to report the supposed abuse or neglect, came to the house each time, was welcomed in, and never substantiated any of the allegations. The Code Enforcement office was contacted multiple times for supposed violations. Mr. Acosta always welcomed in whomever showed up, explained his actions, and was never obstinate or unreasonable when discussing the complaint. He always tried to comply with all ordinances, as well as state laws.

The special interest group 4 Love of Animals/Chain Free has made it their mission to make Mr. Acosta's life miserable. He has been called a 'scumbag' among other things. They make derogatory and untrue statements about him and his property. In addition to the Facebook page of this group hurling insults at him, Mr. Acosta also received a handwritten note saying he is disgraceful, has no respect for his property, and doesn't appreciate having a home. After literally years of enduring scrutiny for false reports, caring for his mother before her death, raising two kids of his own as well as his little sister, seeing vehicle after vehicle slow down and stare at his house multiple times a day, Mr. Acosta had had enough. He was angry. He was protective of his kids. He was out of work with a severe work-related injury. He let the grass grow. When Code Enforcement showed up with a complaint, he mowed the grass and put up a mesh fence...a privacy mesh screen and t-posts that were given to him by a family member who was as worried as he was about his children's safety. It was a last resort to keep people from staring at his kids as they played outside, to prevent calls about imagined violations, and to stop the online shaming, insults, and harassment. Of course, the insults then turned to how Mr. Acosta could have spent his money on putting up a "proper" fence.

With all of these crimes being committed against Mr. Acosta, after all of the harassment and the continual insults and phone calls about false violations, all of which caused him and his family to fear for his children and his property, his only retaliation was to not mow his grass and put up a mesh fence.

Then the Board of Aldermen got involved after town hall was "pummeled" with complaints about the fence, according to an article in the Mountaineer. Now the Board is considering adopting ordinances to restrict the use of everyone's property concerning fences, doghouses, and inoperable vehicles...strangely enough, these are the exact issues that instigators have long been hounding Mr. Acosta about.

Fence Ordinance

The town of Waynesville has survived for 209 years, since it's incorporation in 1810, without a fence ordinance. Now, after all these years, Alderwoman Julia Freeman states, "We have to have some sort of regulations on these." Alderman Gary Caldwell said, "I would definitely agree." Why would these aldermen think that they know better than all the previous town administrators? Maybe there's a reason we don't have an existing fence ordinance...because it would infringe on our rights as Americans and as citizens of North Carolina. Maybe it's because a majority of residents don't want a fence ordinance. Section 1 of the North Carolina Constitution states that citizens have the right to "life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness." Telling a resident that he or she can only erect a certain type of fence based solely on aesthetic value, when no deed restrictions were stated in the deed when purchased, and no harm to the public is prevented, is denying that resident their liberty, the enjoyment of the fruits of their labor, and their pursuit of happiness. We do not purchase property with the intent to use it the way the Town of Waynesville dictates on the whim of a special interest group.

Alderman Gary Caldwell said, "What if that fence blew over on a bunch of kids or blew out in the street and caused an accident? It is a safety issue." If the Board of Alderman want to disguise this obvious violation of our rights by saying that there is a safety issue, then we suggest they regulate ANYTHING that can 'blow over on a bunch of kids' or 'blow out in the street and cause an accident.' Trash cans, lawn chairs, patio tables, toys, decorative planters, clotheslines, trees, bushes, and much more comes to mind. Actually, let's begin with political signs that are simply pushed down a few inches in the ground

with small gauge wire. It is much more likely that they would be caught in a wind, blow into the road, and cause an accident by obstructing someone's view than it is for Mr. Acosta's well-secured privacy screen to do so. If we are going to protect the entire town from possible imagined dangers, we have a lot to legislate before we start infringing on the people's rights of security and privacy on their own property. Mr. Caldwell also expressed concern that "fences that totally obscure the front of a house could also make it difficult for police to keep tabs on well-being." Is Mr. Caldwell seriously insinuating that our Fourth Amendment Rights stated in the United States Constitution should be violated?

Police do NOT have the right to "keep tabs" on us inside our home or on our property without being invited in. Anything they can see from the road is fair game, but we still have the right to restrict their view on private property by closing our curtains, closing our doors, erecting a privacy fence, or building a brick wall if we choose. What would Mr. Caldwell suggest next? That we not be allowed to have solid front doors? That we be required to install see-through glass doors so that the government can make sure we're not doing anything it doesn't approve of? Maybe outlaw curtains? Government, whether it be federal, state, or local, cannot legislate that everyone has the right to view what goes on inside the boundaries of private property. That's simply ludicrous.

Alderman Leroy Roberson expressed concern that if Mr. Acosta was using his fence in an effort to hide junk, that would be "inappropriate in a residential area." Mr. Roberson needs to be reminded that there is already an ordinance about that. He should call Code Enforcement. Mr. Acosta will welcome the appropriate official in behind the fence to see if he is in violation of any junk ordinance.

Before the Board of Aldermen discuss whether or not an ordinance should be enacted that fences be "see-through" or restricted to 4-feet tall, we would like to say this: We put up fences for one reason...to keep unwanted people and pests out therefore keeping our family and property safe. We put up privacy fences for one reason...to protect our privacy, which we have a right to do. A 4-feet tall, see-through fence is no protection at all from someone who wishes to do harm to our families, and would violate our right to privacy, possibly sparking a civil rights lawsuit for the people to defend their rights against a government that wishes to violate those rights in order to bow to an elite minority.

And just as a side note...Anthony Sutton and Chuck Dickson will definitely have our votes. Thank you, gentlemen, for standing up for our rights and freedoms!

Doghouse Ordinance

If the Board of Aldermen intend to enact an ordinance that no doghouses be allowed in front yards, we only have two questions. First, if a resident decides to stake a dog on a lead in the front yard to protect their home, a perfectly legal and acceptable activity (hence the title 'guard dog',) then is that dog exempt from having to have a shelter? Secondly, are there going to be new ordinances concerning flowerpots, porch swings, treehouses, etc.? After all, isn't the person that doesn't like the look of a treehouse disrupting the natural beauty of a tree as important as the person who doesn't like the look of a doghouse?

Vehicle Ordinance

The town board will also be discussing the possibility of regulating how many cars residents can park in their front yard, whether they can park in the grass, and whether they can have a so-called junk car. We would like to remind the Aldermen that each citizen in North Carolina has the right to "the enjoyment of the fruits of their own labor." If a citizen can afford to purchase 10 cars because he or she has earned the financial means to do so, and he or she owns real estate that was purchased without restrictions concerning the number of vehicles, why do the Aldermen think they have the right to tell that citizen where they can park those vehicles? Or if they can park them on grass the citizen paid for?

The People Behind the Harassment

Denise Brooker founded the Facebook page 4 Love of Animals/Chain Free and has actively pursued legislation in Haywood County making it illegal to chain a dog. There are a lot of animals in Haywood County that are abused and neglected, and Ms. Brooker could have used her influence to help all those animals. Her platform would have been much more effective had she understood due process and taken the advice of Mr. Teague and the local animal adoption groups. Mr. Acosta's dog, Thor, was the "poster child" for her cause. Ms. Brooker's goal may have come to fruition if she had focused on an animal that was actually being abused. Hateful rhetoric, including threats of illegal behavior such as stealing Mr. Acosta's dog, is commonplace on the Facebook page.

For example, Carolyn Mickey posts, "Get a drone to get pics." NCGS 15A-300.1(b) states that no person, entity, or state agency shall use an unmanned aircraft system to conduct surveillance of private real property without the consent of the owner. Therefore, Ms. Mickey's post is a request to the public at large to break the law and invade Mr. Acosta's privacy in order to satisfy their curiosity concerning what is behind his fence. Kim Gillespie responded, "They shouldn't need a drone. There has been animal abuse there before, so AC (animal control) should be able to just stop by and do a check. And if dogs are chained up and abused, they should be taken immediately. This is crazy." Ms. Gillespie is recommending that Haywood County ignore Mr. Acosta's 4th Amendment right against illegal search simply because SHE has decided that he is guilty of the crime of animal abuse, without him ever being charged, tried, or convicted. She is also suggesting that animals should be taken away from him without due process, based on the whim of an animal control employee. The actual law does not seem to have any bearing on what lengths these people are willing to go to.

4 Love of Animals/Chain Free has harassed Mr. Acosta for years. They post pictures of his house online. They incite anger and violence against him by saying he abuses his pets. They attempt to intimidate and bully him online. He fears that their inflammatory rhetoric will spark retaliation from fanatics, putting his family in danger. NCGS 14-196.3 (b) states that it is unlawful for a person to electronically communicate to another repeatedly...for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person. They have threatened to enter Mr. Acosta's property without his permission, steal his pets, made false statements about him abusing his pets, and continually attempted to annoy, harass, and embarrass him.

It is important to note that Carolyn Mickey (a resident and homeowner of Maggie Valley), Kim Gillespie (a resident of Maggie Valley), and Denise Brooker (a resident and homeowner of Lake Junaluska), are not residents or taxpayers of Waynesville; therefore they would not be subject to any ordinances that the Board of Aldermen might enact.

In addition to the 4 Love of Animals/Chain Free group, Mr. Acosta has been subjected to vehicle after vehicle slowing down in front of his home, driving slowly and staring at his kids, pets, and property. We feel that their actions easily fit into the category of Stalking as defined in NCGS 14-277.3A. Mr. Acosta has installed motion activated cameras that video record any activity. If the stalking and harassment continue, he will contact an attorney and seek advice concerning legal action.

Summary

Now, after so many failed attempts of depriving Mr. Acosta of his rights and after so many years of harassment, 4 Love of Animals/Chain Free, along with others, have rallied their troops and are out for blood. They are determined to use the Board of Aldermen as a weapon to legislate Mr. Acosta out of his property rights. All for the simple purpose of winning a war that they waged against a single dad who was simply living his life, within the law, without bothering anyone by chaining a dog in his yard like hundreds, if not thousands, of other residents do daily. The dog they are upset about is dead, but their rage lives on, and they demand vengeance.... any way they can get it. We would advise the Board of Aldermen to not join the lynch mob that 4 Love of Animals/Chain Free and the select few people who stand with them have assembled, and whose aim it is to intimidate Mr. Acosta and deprive him of his rights.

When the elected officials of Waynesville decide they have the authority to legislate ordinances designed to limit or infringe on our constitutional rights, especially at the request of a special interest group or a select few, the citizens will not stand for it. The Mayor and the Aldermen must remember that they are ELECTED OFFICIALS, and that the residents of Waynesville elected them. And the residents of Waynesville can remove them. If Waynesville's Mayor and Aldermen decide to cave to the demands of an elite few and create unneeded ordinances to tell us how we can use our private property, we will contact a civil rights attorney to discuss legal action to challenge the ordinances they enact. In the meantime, front yard dog houses and mesh fences may multiply exponentially.

We sincerely hope that the Mayor and the Board of Aldermen will remember that their oaths of office require them to uphold the laws of the United States of America and the laws of the State of North Carolina, and to support, maintain, and defend the United States Constitution and the North Carolina Constitution. It would be wise for them to remember Section 2 of the North Carolina Constitution..."All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole." In making decisions concerning our rights and freedoms, please remember that WE ARE "We the People."

1. Wayne McCall
2. Jessica Belt
3. Josh Phillips
4. Kimberly Phillips
5. Misty Pooler
6. Nate Pooler
7. Ann McCall
8. Tasha Smith
9. Ron Ledford
10. Rebecca Osborn
11. Megan Trull
12. Nathan Osborn
13. Jeremy Davis
14. Scarlett Harris
15. Randy Phillips
16. Nathalie Smith
17. Ashley Inman
18. William Swanger
19. Loulou Woods
20. Kayla Smith
21. Krista Joyce
22. Dewayne Pressley
23. Jacklyne Metcalf
24. Zachery Davis
25. Amanda L. Owenby
26. Stephanie Willett
27. Katie Willis
28. Andrea Rathbone
29. Josh Wright
30. Mikeala Parton
31. Diné Elizabeth
32. Brandon Batson
33. Jared Gilliland
34. Dalton Messer
35. Kim McCall
36. Kim Dillard
37. David Acosta
38. Paula Prillaman
39. Matt Walker
40. Sherry Barton
41. Charlie Alexander
42. Brittany Johnson
43. Ann Whitner
44. Robin Rupe
45. Ashley Wood
46. Samuel Rupe
47. Anna Hightower
48. Sherrie Griffith
49. Travis Wood
50. Matthew Gentr
51. Austin Rogers
52. Lori Anne Surret
53. Aleisha Evans
54. Brandon Aldredge
55. Yvonne McMahon
56. Lucas Alexander
57. Clarissa DuJat
58. Kathy Caldwell
59. Misty Barton
60. Teresa Kirkpatrick
61. Robert McClure
62. Lisa Allison
63. Barri Dawn Willis
64. Amanda Parker
65. Lisa Caldwell
66. Linda Trantham
67. Eric Lemerise
68. Karen Thomas

(These are the signatures on the letter at the time it was submitted to the Town of Waynesville.)

Community Petition for Town of Waynesville Assistance

Concerning increased traffic & speeding on Hendrix St. Waynesville

We, the undersigned, would greatly appreciate the Town of Waynesville assistance and consideration for our concerns regarding increased traffic & speeding on Hendrix St. in Waynesville. Hendrix St is a main access road, near Wal-Mart and a bypass road from Old Balsam Rd to Allens Creek. It is frequently the custom of drivers to well exceed the speed limit of 35 mph, with little regard for being stopped by the law. Dailey, we observe and hear cars speeding and scraping their tires against the curbs due to this. Every month for the past few years someone has hit the curb and busted a tire from speeding or not paying attention. Many drivers, especially motorcycles, and many other fast vehicles race through the straight-away like they are on an open highway. This excessive speeding is causing dangerous circumstances for our families on our residential street. As residents of this community we are concerned for our families and the people in our community's safety. There are many people; the elderly, disabled veterans, young families walking, and other disabled people in wheel chairs who travel the sidewalks on our street in order to get to the stores and other community places. There are children who play in the yards close to the street and it is our worry that one day a major accident will occur. To avoid such a tragedy, we ask for your help. We would very much like to see speed bumps installed on our street. We feel this will provide a physical reminder for people to slow down, where as a lower speed limit would just be ignored. We feel speed bumps will prevent those drivers from increasing their speed in the strait of ways, as they do this on a daily basis. We hope you take our petition seriously and will consider helping us with the speeding concerns for our street & community. Thank You for listening to us.

Community Petition for Towns assistance

For increased traffic & speeding concerns on Hendrix St. Waynesville.

1. K. Boyer #132 Hendrix St.
2. ~~Hank~~ Jo Bottger " " "
3. Phyllis M. Austen 100 Hendrix St.
4. William B. Hunter 100 Hendrix St.
5. ~~Edna~~ ~~Blaylock~~
6. ~~Ronia~~ ~~Holt~~
7. John Clark Disabled I use the street
8. Ricky Pollard Disabled I use the street
9. Leah Fowler 127 Hendrix St.
10. David Fowler " "
11. Brooke Silver 1102 Hendrix St.
12. Troy Silver " "
13. M. Kennedy 152 Hendrix St.
14. Thomas Cooper 125 Franklin St.
15. Carolyn Cooper 1131 Franklin St.
16. Jason Phillips 106 Franklin St.
17. Billy Phillips 106 Franklin St.
18. James D. Brown 95 Franklin St.
19. Jamie GARDNER 92 Franklin St.
20. Kim GARDNER 92 Franklin St.
21. Makayla Pulliam 67 Franklin St.
22. Ruby E. Rogers 52 Franklin St. Waynesville
23. Robin Rupe 28 Franklin Street Waynesville NC 28786
24. Travis ~~for~~ Wood 28 Franklin Street Waynesville
25. Samuel Rupe 28 Franklin Street Waynesville
26. Charlie Alexander 28 Franklin Street Waynesville
27. John Rhea 28 Franklin Street Waynesville
28. Betty Jo Conard I Walk this Rd
29. Kimberly Joney 159 Hendrix St Waynesville.
30. ~~John~~ ~~Mushy~~ 35 Franklin Waynesville, NC
31. Kara ~~W~~ 85 Franklin St Waynesville NC
32. Ryan ~~W~~ " " " " "