



# Town of Waynesville

AGENDA  
REGULAR MEETING  
BOARD OF ALDERMEN  
TOWN OF WAYNESVILLE  
TOWN HALL - 9 SOUTH MAIN STREET  
NOVEMBER 23, 2010  
TUESDAY - 7:00 P.M.

Call to Order

1. Approval of Minutes of November 9, 2010
2. Award of Bid  
Cardio Equipment for Recreation Center
3. Award of Financing  
Cardio Equipment for Recreation Center
4. Award of Bid for Garbage Truck
5. Request by Jason and Cammy Woodbery for De-annexation of  
Property at 245 Woods Edge Road
6. Cancellation of December 28, 2010 Meeting
7. Adjournment

Additional information regarding this agenda is available at [www.townofwaynesville.org](http://www.townofwaynesville.org)

REGULAR MEETING  
TOWN OF WAYNESVILLE  
BOARD OF ALDERMEN  
TOWN HALL – 9 SOUTH MAIN STREET  
NOVEMBER 9, 2010  
TUESDAY – 7:00 P.M.

The Board of Aldermen of the Town of Waynesville held a regular meeting on Tuesday, November 9, 2010. Members present were Mayor Gavin Brown, Aldermen Gary Caldwell, Libba Feichter, J. Wells Greeley and LeRoy Roberson. Also present were Town Manager A. Lee Galloway, Assistant Town Manager Alison Melnikova, Town Clerk Phyllis McClure, Planning Director Paul Benson and Town Attorney Woodrow Griffin. Mayor Brown called the meeting to order at 7:00 p.m.

Approval of Minutes of October 26, 2010

Alderman Caldwell moved, seconded by Alderman Roberson to approve the minutes of the October 26, 2010 meeting as presented. The motion carried unanimously.

Public Hearing Request of Ingles Markets Amendment to Sections 154.100, 154.101 and 154.095 to Establish Conditional Zoning

At the Planning Board meeting of October 18, Ingles Markets requested the addition of Conditional Zoning to the Town's Land Development Standards. The firm would like to have the Conditional Zoning permitted now so that they can begin the process of renovating their grocery store on Barber Boulevard rather than wait several months until the Land Development Standards are approved by the Town Board.

The Planning Board unanimously recommended approval of the request as reflected in their minutes of October 18. Attorney Michael Eagan made a presentation at the Planning Board meeting on behalf of Ingles and in support of Conditional Zoning.

Mayor Brown said he met with representatives of Ingles, along with Public Works Director Fred Baker and Paul Benson earlier in the afternoon. Mayor Brown added that Mr. Baker and Mr. Benson represented the Town very well.

Attorney Michael Eagan, Land Use Lawyer, practicing in Hendersonville, said Ingles contacted him because there were development issues that kept them from developing their site. Mr. Eagan said he spoke at the last Planning Board meeting, explaining that Conditional Zoning Districts are one of the best tools local governments have. By coupling a site specific plan with a rezoning request it gives the town some control with the proposed development. He explained that Conditional Zoning Districts is a legislative decision, but you do not have the quasi judicial procedure to use and he highly recommends this procedure. Mr. Eagan said conditional zoning districts are particularly beneficial when you have properties that have been developed under a

different standard. It is easier to develop a site that is vacant. It is important for Ingles to get started as soon as they can and they have a limited amount of money to put into new projects. It is hoped that this issue will be back to the Board of Aldermen at their meeting in December. Ingles wanted this project for Waynesville and feel that this will be a good thing for the town.

Attorney Griffin opened the public hearing. The following persons spoke:

Philan Medford said one thing she hopes will happen at the Ingles site is that the proposed site plan and drawings come in and exceed the 2003 Land Development Standards, providing some real pluses in the new draft, to make them better.

Mayor Brown said after meeting with the Ingles representatives, he felt that this will be an interesting process for the Planning Staff, Town Board and Planning Board to go through. If the Town does not feel that they like what is presented, they do not have to go through with it. There is a political process to go through, but he felt that it is a responsible process, especially in the development process. In some cases conditions will be needed.

Alderman Feichter said when the Board first started talking about land development standards, they knew that sometimes it is very difficult when infilling and redeveloping existing sites and there are some of these sites around.

Mr. Eagan said 50 to 60 jobs will be created with this development. Mayor Brown said this is nice to hear during these economic times.

Mr. Eagan said more communities are using this process which was enacted by the North Carolina General Assembly in 2005. The process began in Charlotte and Brevard uses this process. He is currently working with Blowing Rock and they plan to incorporate the process. The process is voluntary. Typically developers want to know the answer before they begin. This process gives the Board the chance to look at what is being proposed and can negotiate with the developer.

Alderman Greeley asked when the negotiation process begins. Mr. Eagan said it began today and he hopes to have Ingles' application submitted to Planning Staff in the near future and hopes that town staff is comfortable with the plan submitted.

Manager Galloway asked if the board can add other items after review by town staff. Mr. Eagan said other items could be added.

Mr. Eagan said on page 1, line 5 the ordinance should read "standards" and on page 10, line 4, if the project is not complete the wording should say "or" rather than "and"; in section 6, the penalty code is the wrong reference, it should be 154.632. Section 154.095 should be 154.096.

Attorney Griffin closed the public hearing.

Alderman Caldwell moved, seconded by Alderman Feichter to approve amending Sections 154.100, 154.101 and adding Section 154.096. The motion carried unanimously. (Ord. No. 15-10)

#### Amendment to Budget Ordinance

With the addition of Conditional Zoning Districts a fee schedule is needed. Planning Director Paul Benson recommended the following:

#### Conditional District Rezoning Application

1 lot < 1 acre	\$ 400
2-4 lots or 1-3 acres	\$ 600
4-9 acres	\$ 800
10+ acres	\$1,000

Alderman Greeley moved, seconded by Alderman Roberson, to amend the Budget Ordinance as recommended to include a fee schedule for conditional district rezoning applications. The motion carried unanimously. (Ord. No. 16-10)

#### Public Comment Watershed White Pine Harvest Plan

As discussed at the meeting of September 14, the Watershed White Pine Harvest Plan is now up for public review and comment. Information has been posted on the Town's web site and an article was included in the quarterly newsletter and in the local newspaper encouraging the public to review the proposal on line or at the Municipal Building and to submit comments after review of the plan.

At the meeting on September 14, it was suggested that each agenda through November 9, 2010, include a specific section for public comment upon the Proposal. Rob Lamb from Western Carolina and Forest Stewards attended the meeting to help answer any questions that might arise or to address any issues which come up.

The Town Attorney, Assistant Town Manager and Town Manager have been reviewing the proposed contract with Forest Stewards to handle the white pine harvest on behalf of the Town of Waynesville. They are also in review of the potential bid document which Forest Stewards plans to use in soliciting firms interested in conducting this work.

On behalf of the Watershed Advisory Committee, Manager Galloway requested that the Board consider approval of the Harvest Plan and direct town staff to negotiate the contract with Forest Stewards for oversight of this project.

No comments were received at the Board meeting. However, a letter was written and submitted to the local newspaper, The Mountaineer. Mayor Brown expressed appreciation for Mr. Miller's comments and requested that the comments be included in the records. Mr. Miller's comments were as follows:

## **Watershed needs protection from logging**

To the editor:

In the early 20<sup>th</sup> century, the Waynesville town board purchased the Allens Creek watershed, to assure that the town would have a high quality drinking water supply for future growth and development. Unfortunately, the people considered the board "A bunch of spend thrifts" and fired them all at the next election.

During the remaining years, various boards allowed logging in the watershed, often with disastrous environmental results. Near the close of the Century, the public did not support any kind of logging. Soon the watershed began a remarkable natural recovery from the past logging scars.

By the 1980s, the citizens of North Carolina, and their state government, were becoming alarmed at the loss of quality drinking water supplies throughout the State.

Waynesville's Allens Creek watershed was given the State's highest quality drinking water classification – a WS-1, because of its own outstanding natural recovery and removal of man-made forestry impacts. The original "spend thrift" board members are now considered historic heroes.

Much to the surprise of many citizens, the 2004 board announced that it favored limited logging in the watershed. A large number of citizens did not agree, and presented to the board a 600-signature petition, protesting any type of tree removal from the area.

Regardless of the public's feelings, the board moved forward, with taxpayers' money, funding a Western North Carolina University flawed "Healthy Forest Study Plan," to selectively log the area.

In a political move, most of the 2004 board members ran for the 2008 Board, apparently among other goals pursuing the "WCU Healthy Forest Plan" agenda.

Concerned about the future potential danger to the Watershed's water quality, I ran as a 2008 board member. Although I garnered over 800 votes, I could not overcome board coalition to obtain a seat. This failure has only encouraged me to fight harder to protect our pure drinking water for future generations.

In the Town of Waynesville's Vol. 7 No. 4 October 2010 Report, as I explained and predicted above, the mayor is now requesting public support for the board's "Healthy Forest Watershed Management Plan." Public comment will be accepted through Nov. 12, 2010.

In the past six years, I have talked with some of the most highly educated and experienced watershed environmental scientists about the Waynesville Watershed Management Plan. All have emphasized protecting its boundary and leaving the area's natural ecosystem processes to produce and maintain a continual pristine water supply – as it has for thousands of years before man began to tear at its fabric.

Even a professor at the NC State School of Forestry wrote in *The Mountaineer* that the Allens Creek Watershed should not be logged, because of its steep slopes. He was correct. Remember the numerous landslides and debris flows that developed on historic logged sites after visits of tropical storms Frances and Ivan?

Watershed ecologists, whom I have talked with, consider the term "healthy forest" a nonscientific term. It is often used by some agencies and woodlot managers to justify tampering with a natural forest ecosystem for commercial purposes. A healthy forest is one that survives under its own natural processes without the help of man.

The board's present justification to log the decadent, old white pine plantation makes no sense nor has scientific validity. This stand of trees is now being naturally and ecologically replaced by the native hardwoods and their large host of other plants and animals forming a unified natural web of life fabric, which in turn will make the native forest and soils more stable and produce more pure water.

Tearing at this healing web has the potential of endangering future purification of the drinking water supply. Every citizen, scientist, school child and informed environmentalist should be speaking out against the proposed plan.

Tell the board to abolish their "Healthy Forest Management Plan," and leave the watershed to its own ecology.

If however, they follow through with their present stubbornly, greedy plan, then follow the money trail. The Allens Creek watershed is not a "cash cow."

Charles Miller  
Waynesville

Alderman Roberson moved, seconded by Alderman Feichter, to approve the Watershed White Pine Harvest Plan as presented. The motion carried unanimously.

Mr. Lamb said the work will begin as soon as possible. The Board thanked Mr. Lamb for all the work he has done on this project.

#### Code of Ethics

The North Carolina General Assembly in 2009 mandated that all elected officials at the local and county levels attend ethics training, and all five of the Town Board members have done so. In addition, the General Assembly required that each local government adopt a "Code of Ethics" under which it will operate.

The School of Government at the University of North Carolina developed a model code of ethics which local governments could use to create one for their own entity. Assistant Town Manager Alison Melnikova and Town Manager Lee Galloway developed one for Waynesville and provided a copy for the board to review a few months ago. The policy is required to be adopted by December 31, 2010.

One of the options which may be included in the Code of Ethics is a procedure in which the Town Board may censure one of its members. There is no requirement that this be included but was offered as an option for the Board to consider. The Code of Ethics may be adopted with or without the procedure for censure. Manager Galloway said while he could not possibly envision the use of that process with the current Town Board members, future elected officials might find such a procedure helpful should they be dealing with the conduct of future Board members.

Alderman Feichter moved, seconded by Alderman Caldwell, to adopt the Code of Ethics Policy as presented, with the elimination of the censure section. The motion carried unanimously.

#### Community Food Drive Update

Manager Galloway reported that a portion of the Community Food Drive has been completed. Five truck loads of food have been delivered to Haywood Christian Ministry. Students at Junaluska Elementary collected two truck loads and Haywood Christian Ministry staff was very happy to receive the food. Students at Hazelwood Elementary School are also participating and the children are enthusiastic about helping other people. Waynesville is very proud of all these students for their work in the food drive collection.

#### Audit Report

Manager Galloway reported that the audit report will be presented to the Board of Aldermen at their meeting on December 14. He added that this was a good audit and the town did okay despite the difficult economics. The Enterprise Funds all made money last year.

### Employee Appreciation Luncheon

Manager Galloway said the Employee Appreciation Luncheon is scheduled for Friday, December 3, 2010.

### Skateboard Park Update

Alderman Caldwell said he and Parks and Recreation Director Rhett Langston met with a representative of Southern Concrete to get cost estimates for concrete at the skateboard park and to get ideas about the park. Fundraising should begin soon.

### Haywood County Chamber of Commerce Fire and Ice

Ron Reid announced that the Haywood County Chamber of Commerce has scheduled an event in January called "Fire and Ice". Several activities are planned during this event, including an ice carving competition and iron chef food competition. Mr. Reid said judges are needed for these competitions and he asked the board to consider serving as judges. No action was needed.

### Adjournment

With no further business, it was the consensus of the board to adjourn the meeting at 7:50 p.m.

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Phyllis R. McClure  
Town Clerk

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Gavin A. Brown  
Mayor

ITEM 2.        AWARD OF BID  
CARDIO EQUIPMENT FOR RECREATION CENTER

In developing the 2010-2011 General Fund budget, the Board approved funds for the purchase of approximately \$160,000 in exercise equipment for the Recreation Center. When the Center opened in 1999, a good deal of cardio equipment was included in the exercise features that were a part of the center. This equipment receives a great deal of use and abuse, so it was ordered as commercial grade or heavy duty equipment at the onset. Over the past ten years, Tim Plowmen has done an excellent job of maintaining and repairing the equipment and keeping it operational. But it reached the point that a good bit of the cardio equipment was beyond repair and we needed to add new equipment at the center.

The budget anticipated a total expenditure of \$160,000, with a \$40,000 down payment coming out of the 2010-2011 budget and the Town financing the balance of \$120,000. Bids have been opened on the equipment and Tim Plowman has visited several recreation and fitness facilities in North Carolina to evaluate the equipment and determine the pros and cons that other users have found.

As a result of these visits and upon evaluating the bids received on the equipment, the Recreation Department is prepared to present their recommendation to the Town Board for its approval. This recommendation is attached.

Town of Waynesville									
Recreation Department									
Cardio Equipment Bid Evaluation									
Thursday, October 21, 2010									
<u>Intergrated Viewing Screens</u>									
EQUIPMENT	Advantage Fitness Products	Carolina Sport & Fitness	Fitness Resource	Gym Source/Cybex	Specialized Fitness, Inc	Technogym			
Treadmill x 10	\$ 51,950.00	\$ 43,605.00	\$ 49,978.90	\$ 56,970.00	\$ 41,000.00	\$ 68,646.00			
Elliptical Machine x 6	\$ 27,570.00	\$ 23,370.00	\$ 22,408.44	\$ 34,542.00	\$ 19,182.00	\$ 32,211.60			
Upright Stat. Bike x 4	\$ 13,180.00	\$ 8,780.00	\$ 10,728.44	\$ 12,228.00	\$ 5,800.00	\$ 14,130.40			
Recumbent Stat Bike x 4	\$ 13,980.00	\$ 9,580.00	\$ 11,360.00	\$ 12,708.00	\$ 6,540.00	\$ 13,858.40			
Stairclimber x 1	\$ 3,895.00	\$ 2,645.00	\$ 3,103.16	\$ 2,997.00	\$ 2,895.00	\$ 4,076.60			
Other Cost Installation/Delivery	\$ 5,000.00	\$ 28,000.00	\$ 10,200.00	\$ 10,944.29	\$ 16,800.00	\$ 14,289.22			
Total Cost Equipment	\$ 115,575.00	\$ 115,980.00	\$ 107,778.94	\$ 130,389.29	\$ 92,217.00	\$ 147,212.22			

ITEM 3.      AWARD OF FINANCING ON  
CARDIO EQUIPMENT FOR RECREATION CENTER

In connection with the bidding of the Cardio Equipment, Finance Director Eddie Caldwell sent out invitations to all financial institutions within Waynesville seeking their proposals on financing an estimated \$120,000 for a three year period. The Town would make the down payment on the equipment cost exceeding \$120,000 and then there would be payments in the budgets for 2011-2012, 2012-2013 and 2013-2014.

For whatever reason, only two of the local financial institutions submitted proposals to finance the equipment – Home Trust Bank and BB&T. As you will see on the enclosed calculation sheet, the proposals were very close, with Home Trust Bank offering a rate of 1.94% over three years and BB&T offering a rate of 2.03%. This is the lowest rate I have seen for a lease purchase arrangement since that method of financing was approved around 1980.

The Town has lease purchase agreements with both of these financial institutions and has no qualms about doing business with either one. We would recommend that the 1.94% proposal of Home Trust Bank with a projected three year cash outflow of \$124,685.82 be accepted.

**Town of Waynesville**

## Summary of proposals for financing \$120,000

Quotes opened November 16, 2010 at 3:00 p.m.

**Excise Equipment and related apparatus \$120,000**

[illegible]

ITEM 4.      AWARD OF BID FOR GARBAGE TRUCK

The bids on a new residential, rear loading garbage truck are being received on November 18, 2010. After bids are opened, Purchasing Supervisor Julie Grasty, Streets and Sanitation Superintendent Daryl Hannah and Assistant Public Works Director Robert Hyatt will evaluate the bids and prepare a recommendation for the Board. This will be presented at the Board meeting on Tuesday evening.

ITEM 5.      REQUEST BY JASON AND CAMMY WOODBERY FOR  
DEANNEXATION OF PROPERTY AT 245 WOOD EDGE ROAD

In September, 2010, the Town received a letter from Jason and Cammy Woodbery asking that their property located at 245 Woods Edge Road be “de-annexed”. This property was part of a larger, 12 acre tract for which Ed and Linda Woodbery petitioned for annexation in 2007. After the investigation of the petition by Town Clerk Phyllis McClure, the Board held public hearings and the annexation was approved and became effective in June, 2008.

In October, I responded to Jason and Cammy Woodbery on behalf of the Town and provided Board members with a copy of that correspondence. In my letter, I explained the history of the annexation, noting that Ed and Linda Woodbery had petitioned for annexation so that they could secure sewer service at the home they were building at 101 Woods Edge Drive. I also explained that the de-annexation was a rare occurrence, one that must be approved by the North Carolina General Assembly, not the Town Board.

Jason and Cammy Woodbery have submitted a second letter renewing their request that their property at 245 Woods Edge Drive be de-annexed. I am providing the Board with a copy of the initial and subsequent letter from Jason and Cammy Woodbery and my response to each.

Jason & Cammy Woodbery  
245 Woods Edge Rd.  
Waynesville, NC 28786  
828-452-9641  
September 13, 2010

Mayor, Mr. Gavin Brown & Town Aldermen  
Town of Waynesville  
16 South Main St.  
Waynesville, NC 28786

Dear Mr. Gavin Brown & Town Aldermen:

We respectfully request that the following deannexation request be reviewed for the following address: 245 Woods Edge Road.

Approximately April, 2008, a request was made by former resident, Edward B. Woodbery to annex the current address of 245 Woods Edge Rd., and new address 101 Woods Edge Rd. This request was approved and both addresses became part of Waynesville city limits.

Approximately 2 ½ years have gone by and as of this date, absolutely no road maintenance has been performed on Woods Edge Rd. Several calls have been made requesting patch work (not complete paving), and each time the response has been no. During the past winter, town owned plows drove up Woods Edge Rd. to get to Sapling Drive without plowing the drive. Once they plowed Sapling Drive the drove back down Woods Edge Rd. without plowing.

To this date, approximately \$350.00 dollars of asphalt patch has been purchased from Lowes in order to make primitive repairs to the drive. Best estimate another \$350.00 to \$400.00 in asphalt patch would be needed to complete this project. Again, as a temporary fix to the problem. Money was spent on sand, ice melt, and a private individual to scrape Woods Edge Rd.

As of this date taxes paid: 2008= \$1,205.68, 2009= 1,205.68, and 2010= 1,205.68 for a total of \$3,617.04.


We have paid \$3,617.04 dollars in taxes basically for garbage collection. With the money spent on taxes alone, we could have already paid to have our road repaired by a private individual.

The only services we receive at this time is garbage collection. With our road already in a state of disrepair, the heavy trucks are only further deteriorating the roadway. We have never seen the Waynesville Police Department or the Waynesville Fire Department in this area. We do not even receive City Electricity. Our neighbors, who are actually closer to the city limits than we are, still belong to the county, as well as Medowlark Lane who are even closer to town.

We feel the annexation of 245 Woods Edge Rd. was a premature decision of the previous owner.

We appreciate your time in this matter and respectfully request the deannexation of 245 Woods Edge Rd.

Sincerely,

  
Jason & Cammy Woodbery



## Town of Waynesville

October 13, 2010

Jason and Cammy Woodbery  
245 Woods Edge Road  
Waynesville, North Carolina 28786

Dear Mr. and Ms. Woodbery:

I am responding to your letter to Mayor Brown and the Board of Aldermen with a request that the Town de-annex your property at 245 Woods Edge Road. I apologize for the delay in responding but it has taken a while to gather the information for me explain and clarify several issues you noted in your letter.

When Ed Woodbery approached the Town in 2007 to seek annexation, his stated purpose was to receive sewer service for the new house being constructed at 101 Woods Edge Road. The Town's Sewer Use Ordinance states that if a property owner wishes to benefit from Town services by connecting to the sewer system, a petition for annexation is mandatory. In this particular case, I did not speak with Mr. Woodbery, and he met with Fred Baker, Public Works Director. It is Mr. Baker's recollection that he advised Mr. Woodbery that it was not necessary to annex the entire 12 acres he owned in order to receive sewer service, but it was Mr. Woodbery's desire to include the entire tract. So Mr. and Ms. Woodbery petitioned for the entire tract, and that is what the Board approved after public hearings on the matter. This was a voluntary annexation petition.

The property at 245 Woods Edge Road was apparently connected to the sewer system which was owned and operated by Junaluska Sanitary District (JSD). Several years ago, JSD turned over that portion of their water and sewer system to the Town of Waynesville. I am assuming that would explain why 245 Woods Edge was connected to the sewer system without being annexed into Waynesville.

You raised questions about the condition of the road and noted that no road maintenance has been performed. Woods Edge is a private road, has not been brought up to Town standards and has never been accepted for maintenance by the Town. This was made clear to the Gardners when they developed the homes on the south side of Woods Edge Road several years ago. You are correct in noting that last winter the Town did send plows up Woods Edge Road to remove the snow from Sapling Lane. That is due to the fact that Sapling Lane was built to Town standards, the right-of-way was dedicated to the Town and the Town accepted Sapling Lane into the Town's system. Sapling Lane is a Town street. Woods Edge remains a private street.

Mr. and Ms. Jason Woodbery  
Page Two

The snow removal situation you noted was brought to the Town's attention last winter, and we explained to the property owners on Sapling Lane that Woods Edge was private and not under Town ownership or maintenance. At that time, the Town Attorney prepared right-of-way easements/dedications for the owners of property abutting that section of Woods Edge Road between the Asheville Road and Meadowlark Lane. Mr. Baker provided the documents to David Gardner, and he explained to Mr. Gardner that the road would need to be brought up to standards before the Town would accept it for maintenance. We have heard nothing further on the easements from Mr. Gardner.

With rare exceptions, a Town may not make improvements or maintain a road it does not own – that would be illegal. You have indicated that \$350 was spent on materials from Lowes to make primitive repairs to the road and that a similar amount would be needed to complete the work. From what I have observed on the condition of Woods Edge from the Asheville Road to Meadowlark Lane, the cost to bring it up to Town standards for acceptance will be thousands of dollars, not hundreds of dollars.

You noted that you have received garbage service but have not seen the police or fire departments in your neighborhood. The property taxes you pay cover a wide range of services which you may or may not use. Taxes often cover the availability of services rather than the actual use of those services. Services provided our citizens include police, fire and first responders, recreation, planning, zoning and inspections, just to mention a few. The fees charged for garbage service come nowhere close to paying the actual cost of the operation and taxes subsidize the cost of garbage service as well as many other services. We just added a \$400,000 fire truck to our department so that we may provide better service and your tax dollars will help make the payments on the truck.

There is some good news regarding your account for water and sewer services. You took over the account at 245 Woods Edge Road in May, 2008, close to the effective date of annexation. Since then, we have mistakenly charged you the out of town water and sewer rates. In reviewing your bills from June 19, 2008 until August 19, 2010, we charged you \$1,244.72 but should have charged \$807.26. You are entitled to either a refund or a credit of \$437.46 on your utility account, whichever you prefer. We have switched your account to "inside rates", so the bill you most recently received was at the correct rate. Please contact Lisa Burnett at 454-8888 to advise if you wish a credit or a refund check for the \$437.46. We apologize for this error made on your account billing and are pleased to make this correction.

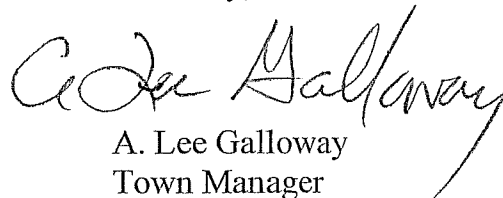
Mr. and Ms. Jason Woodbery  
Page Three

Regarding your request that the Town de-annex your property, I would explain that under North Carolina law, de-annexation is a rare occurrence. In my 37 years in the profession, I am only familiar with one other de-annexation, and that was when a city discovered that they could not provide sewer service to a particular business without the installation of a sewage pump station. It was based upon not being able to provide public services as required under the State Statutes.

I would also note that the governing body of a municipality may not de-annex property. That power is left to the General Assembly, typically at the request of the municipality. The annexation of your property was voluntary, was requested by the property owner, was researched to determine that it was legal to annex and met all of the requirements of the North Carolina General Statutes. The request was submitted so that the property could benefit from the services available from the Town of Waynesville. I believe that it would be highly unlikely that the Waynesville Town Board would now decide to seek the approval of the General Assembly to de-annex this 12 acre tract.

I hope that my letter explains some of the misunderstandings about the road and the road maintenance as well as the services provided for the tax dollars paid. I regret the error we made on your utility account, but am pleased to offer the refund or credit for the over charge we have made. Should you have questions or need further information, please let us know.

Sincerely,

  
A. Lee Galloway  
Town Manager

CC: Mayor and Board of Aldermen  
Woody Griffin, Town Attorney  
Fred Baker, Public Works Director  
Alison Melnikova, Assistant Manager  
Phyllis McClure, Town Clerk

Jason & Cammy Woodbery  
245 Woods Edge Rd.  
Waynesville, NC 28786  
828-452-9641  
November 15th, 2010

Town Manager, Mr. Lee Galloway  
CC: Mayor, Mr. Gavin Brown & Town Aldermen  
Town of Waynesville  
16 South Main St.  
Waynesville, NC 28786

Dear Mr. Galloway:

Thank you for your timely response regarding the de-annexation of 245 Woods Edge Rd. There are several items I wish to clarify and once again request the de-annexation of 245 Woods Edge Rd.

We are only requesting the de-annexation of 245 Woods Edge Rd. which consists only of .93 acres. We do not represent Mr. & Ms. Woodbery of 101 Woods Edge Rd nor the property they currently own as well as Mr. Gardner and the properties he currently owns at Sapling Dr. Their properties would remain inside the city limits.

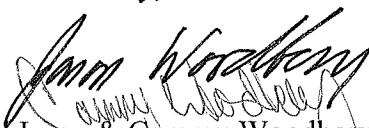
We also were not requesting the entire length of Woods Edge Rd be paved by the Town of Waynesville. However we requested approximately the last 50 ft. of the upper portion of Woods Edge Rd. be patched and not paved. The \$350.00 dollars spent to patch the road was done to make this area drivable; not to bring it into compliance.

We are now receiving complaints from neighbors regarding the damage the town's garbage trucks are causing to the road and also their private driveway being used in order for the trucks to turn around. We suggested they follow the proper chain of command as we have to resolve these issues.

We do not wish to create issues; however we feel that this area (245) should have never been annexed, even though a voluntary request, due to the fact that not all services would be provided. It is understandable for 101 and Mr. Gardner's properties because they were both new construction and needed water and sewer services. 245 had all these existing services.

Once again we respectfully request de-annexation of 245 Woods Edge Rd. which consists only of .93 acres. We are aware of the chain of command and general statutes regarding state representation which have to be followed when de-annexation is requested. We are taking these steps and hope you continue with the same. The last word does not come from you and you alone, no matter the outcome; we wish to follow through with all actions in this situation.

Sincerely,

  
Jason & Cammy Woodbery



## Town of Waynesville

COPY

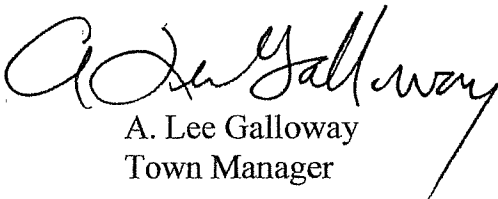
November 17, 2010

Jason and Cammy Woodbery  
245 Woods Edge Road  
Waynesville, North Carolina 28786

Dear Mr. and Ms. Woodbery:

As requested in your letter of November 15, 2010, I will submit your letter to the Mayor and Town Board so that they may consider your request for deannexation of the property at 245 Woods Edge Road, Waynesville, North Carolina.

Sincerely,

  
A. Lee Galloway  
Town Manager

CC: Mayor and Board of Aldermen  
Woody Griffin, Town Attorney  
Fred Baker, Public Works Director  
Alison Melnikova, Assistant Manager  
Phyllis McClure, Town Clerk

ITEM 6.      CANCELLATION OF DECEMBER 28, 2010 BOARD MEETING

It has been traditional that the Town Board would cancel the second regularly scheduled meeting of December, as it usually falls very close to or on Christmas Day. In 2010, the second meeting of December is scheduled for December 28. The month of December is normally a very slow time of the year in municipal government as people seem to be focused on other things besides dealing with town business. We have also found that oftentimes, elected officials or staff members travel during that time of the year or have company visiting. With these things in mind, it would be my recommendation that the Board cancel the meeting of December 28, 2010.