

Monroe A. Miller, Jr.
2200 Camp Branch Road
Waynesville, NC 28786
March 16, 2022

Subject: Abuse of Power - Mike Eveland, Maggie Valley Mayor.

When **Mike Eveland**, during a Maggie Valley Aldermen Meeting on 3/8/2022, denied three (3) applicants that were applying for a zoning change to R-3, to present development plans, saying that “it was against the law”, he abused his power as a Mayor, along with his two crony Aldermen, **John Hinton** and **Jim Owens**.

This was an orchestrated event, held during a four (4) hour aldermen meeting, which included four (4) hearings. The meeting was audio recorded by the Town of Maggie Valley, and was video recorded as well. A second, higher quality recording, was obtained during playback of the video recording. Both recordings have been posted on www.haywoodtp.net.

<https://www.haywoodtp.net/pubII/220308MV-AldermenMeeting-Source-Video.MP3>
<https://www.haywoodtp.net/pubII/220308MV-AldermenMeeting-Source-MV.mp3>

The Town of Waynesville lawyer, Craig Justus (with the Van Winkle Law Firm) was sitting at the same table as **Mike Eveland**, presumably either allowing (and/or coaching) **Mike Eveland** to carry on.

When **Eveland** said “it was against the law”, it was impossible for any of the applicants to challenge him, or anyone else for that matter, presumably on the advice from the town’s counsel. Yet, during a prior Planning Board meeting, held on 2/10/2022, applicants were allowed not only to present their plans, but all the plans were approved to R-3 by the Planning Board.

[re: Planning Board draft minutes, along with plans (one of the plans by Robert Hotchkiss shown) on www.haywoodtp.net .]

<https://www.haywoodtp.net/pubII/220315PB2-10-22DraftMinutes%20.pdf>
<https://www.haywoodtp.net/pubII/220315HotchkissSketchPlanFebruary10.jpg>

The Town of Waynesville, on the other hand, allows applicants to present a proliferation of plans during all phases of both Planning Board Meetings and Aldermen Meetings when considering zoning changes.

Who is right? **Mike Eveland**, or the entire Town of Waynesville?

If **Eveland** claims “it is against the law”, then it stands to reason that there must be some kind of law on the books that would disallow applicants from producing plans at an Aldermen Meeting under consideration of a zoning change.

A simple Request for Public Information from the Town lawyer for that law would resolve **Eveland’s** actions. I made the Request for Public Information through both Kaitland Finkle and **Mike Eveland**. I could not make the request directly to Craig Justus, because I am not his client.

Following this piece are a copy of the email dialog between Kaitland Finkle and **Mike Eveland**.

I received the response from Craig Justus (though Kaitland Finkle) yesterday, about a week after sending the initial Request for Public Information. Instead of a reference to a North Carolina General Statute, Title, Code, or any other law, I got copies of two (2) case laws from LexisNexis¹ that were fifty (50) years old!

WTF?

Case law **is not** law.

These applicants were denied their right to present plans during this Aldermen meeting by **Mike Eveland**, even though there was interest from the people attending the meeting to see those plans. Everything that **Mike Eveland** attempted to squash and conceal is now flooded with sunshine on www.haywoodtp.net.

Where do we go from here?

Mike Eveland could consider another option at this point: that of re-evaluating his behavior. He can reflect on the previous Aldermen Meeting and call a special meeting to do a re-do. That is, re-conduct the three hearings on the request for a zoning change, but this time, allow the applicants to produce the plans to the Aldermen (and public). **Mike Eveland** might also reconsider re-conducting the forth hearing, regarding Housing First. Not a wise choice to put that into the table.

Let's see where this goes...

Monroe A. Miller, Jr.
Haywood County Taxpayer

¹ <https://en.wikipedia.org/wiki/LexisNexis>

Subject: Request for Public Information, NCGS
Date: Wed, 9 Mar 2022 09:19:23 -0500
From: Monroe Miller
To: Kaitland Finkle <kfinkle@maggievalleync.gov>

Kaitland,

This is a Request for Public Information. Please provide the NC General Statute referenced multiple times by Craig Justice during the meeting last night, where developers are not required, nor cannot provide development plans when a parcel is being considered for a zoning change.

Thank you,
Monroe A. Miller, Jr.

Subject: Re: Request for Public Information, NCGS, #2
Date: Thu, 10 Mar 2022 10:34:44 -0500
From: Monroe Miller
To: Mike Eveland <meveland@maggievalleync.gov>
CC: Kaitland Finkle <kfinkle@maggievalleync.gov>, Phillip Wight <pwight@maggievalleync.gov>, Tammy Wight <twight@maggievalleync.gov>, John Hinton <jhintonvol76@yahoo.com>, Jim Owens <jowens28785@gmail.com>, Vickie Best <vbest@maggievalleync.gov>

Mr. Eveland,

I attended the Aldermen meeting Tuesday evening. During that meeting, and specifically during the three (3) hearings where homeowners requested a zoning change to R-3, either you or Craig Justice (City Attorney) prohibited development plans from being introduced during the hearing, saying, on more than one occasion, that plans could not be introduced at the hearing because it was something like -

- against North Carolina General Statutes
- against the law
- developers are not required to produce plans
- developers cannot produce plans.

As I requested from Kaitland, who I understand is out of the office until Monday, I made a Request for Public Information for the basis for whoever blocked those plans from being introduced, and I am now redirecting that request to you. If you are not the custodian of that Public Information, please redirect me to the person to address this Request for Public Information.

If it is located in one of your ordinances, I would expect it would be in this one: https://codelibrary.amlegal.com/codes/maggievalley/latest/maggie_nc/0-0-0-2569#JD_Chapter154. Please point out where it indicates plans are prohibited from being introduced during a zoning hearing. Otherwise, please reference a North Carolina General Statute.

This is not how it works in the Town of Waynesville, where developers introduce a proliferation of plans during each phase of zoning hearings.

Please let me know.

Monroe A. Miller, Jr.
Haywood County Taxpayer.

Subject: RE: Request for Public Information, NCGS, #2
Date: Thu, 10 Mar 2022 13:06:20 -0500
From: mikesroadking06@yahoo.com
To: 'Monroe Miller'

Mr. Miller,

Was glad to see you made it to our meeting Tuesday night.

The information given to me is that the questions you are requesting has been given to Craig Justice (City Attorney)

and I understand Mr. Justice is in the process of getting you the state Statute regarding development plans.

I am sorry for the confusion during the meeting. I believe Mr. Justice should be able to give you the Statute outlining this.

Once you have that information please feel free to contact me if you have any other questions.

Have a great day:

Mike Eveland
Mayor of Maggie Valley, NC
900 Soco Rd
Cell:828-242-3012
e-mail: meveland@maggeyvalleync.gov
Maggie Valley, NC 28751

[**Editor's Note: Mike Eveland** did not bother to use his Town of Maggie Valley email address, rather was appears to be his personal email address.]

Subject: Re: Request for Public Information, NCGS
Date: Thu, 10 Mar 2022 16:01:59 +0000
From: Kaitland Finkle <kfinkle@maggievalleync.gov>
To: Monroe Miller

Monroe,

I forwarded your request to our Town Attorney Craig Justus with Van Winkle Law Firm. He responded that he will have his secretary pull the information together and send it to me. As soon as I have received it I will pass it along to you.

Sincerely,
Kaitland

Subject: Re: Request for Public Information, NCGS, #2
Date: Thu, 10 Mar 2022 19:31:41 -0500
From: Monroe Miller
To: mikesroadking06@yahoo.com, Mike Eveland <meveland@maggievalleync.gov>
CC: Kaitland Finkle <kfinkle@maggievalleync.gov>, Phillip Wight <pwight@maggievalleync.gov>, Tammy Wight <twight@maggievalleync.gov>, John Hinton <jhintonvol76@yahoo.com>, Jim Owens <jowens28785@gmail.com>, Gary Caldwell <gcaldwell@waynesvillenc.gov>, Chuck Dickson <cdickson@waynesvillenc.gov>, Julia Freeman <jfreeman@waynesvillenc.gov>, Anthony Sutton <asutton@waynesvillenc.gov>, Jon Feichter <jfeichter@waynesvillenc.gov>, Martha Sharpe Bradley <martha@sosharpe.com>, Jesse Fowler <jfowler@waynesvillenc.gov>, Eddie Ward <eward@waynesvillenc.gov>, Elizabeth Teague <eteague@waynesvillenc.gov>, Byron Hickox <bhickox@waynesvillenc.gov>, Vicki Hyatt <vhyatt@themountaineer.com>, Becky Johnson <bjohnson@themountaineer.com>, Tyler Auffhammer <tauffhammer@themountaineer.com>, Cory Vaillancourt <cory@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>, Susan T Smith <susanteassmith@me.com>, Ginger Hain <gghain@hotmail.com>, Stuart Bass <swbass8220@icloud.com>, Michael Blackburn <michael.fumc@gmail.com>, Don McGowan <djmcgowan100@gmail.com>, Ron Sneed <ronsneed@bellsouth.net>, Rob Hites <rhites@waynesvillenc.gov>

Mr. Eveland,

Thank you for your response. Looking forward to hearing from either you (or Kaitland's) response from Craig Justus (Justus is spelled "Justus", not Justice, got that from Kaitland). So, based on Craig Justus's opinion (unless he can site a North Carolina General Statute), either you or the Town of Waynesville is going down, because you, the way you conducted last Tuesday's meeting and the way the Town of Waynesville conducts Zoning hearings are diametrically opposed. My bet is that you are going down (in flames).

Don't forget to see: [Who is this? 3/10/2022...](#)

Monroe A. Miller, Jr.
Haywood County Taxpayer

[**Editors Note:** The following is a short message from **Rob Hites**, Waynesville Town Manager, the only response I received from this email. He responded within three (3) minutes of my sending this email.]

Subject: Re: Request for Public Information, NCGS, #2
Date: Fri, 11 Mar 2022 00:34:28 +0000
From: Rob Hites <rhites@waynesvillenc.gov>
To: Monroe Miller

I believe you should direct your query to Maggie Valley.

Sent from my iPhone

Subject: Re: Request for Public Information, NCGS, #2
Date: Thu, 10 Mar 2022 19:35:19 -0500
From: Monroe Miller
To: Rob Hites <rhites@waynesvillenc.gov>

I did.

Subject: Re: Request for Public Information, NCGS
Date: Tue, 15 Mar 2022 09:49:33 -0400
From: Monroe Miller
To: Kaitland Finkle <kfinkle@maggievalleync.gov>

Kaitland,

My initial request to you regarding this Request for Public Information was last Wednesday. It is generally conceded that respondents have ten (10) days to respond to a Request for Public Information, which would mean that Craig Justus has until this weekend to provide a NC General Statute. Please contact him to see if his secretary has pulled the information together, as he may have forgotten about it.

Thank you,

Monroe A. Miller, Jr.

Subject: FW: Request for Public Information, NCGS
Date: Tue, 15 Mar 2022 14:36:49 +0000
From: Kaitland Finkle <kfinkle@maggievalleync.gov>
To: Monroe Miller

Monroe,

I have attached the information provided from our Town Attorney, Craig Justus. Please do not hesitate to contact me if you need further assistance.

Best regards,
Kaitland

Kaitland Finkle, CZO
Town Planner
3987 Soco Road
Maggie Valley, NC 28751
(828) 926-0866 x104

From: Cynthia Arrowood <carrowood@vwlawfirm.com>
Sent: Tuesday, March 15, 2022 10:26 AM
To: Kaitland Finkle <kfinkle@maggievalleync.gov>
Cc: Vickie Best <vbest@maggievalleync.gov>; Nathan Clark <nclark@maggievalleync.gov>; Craig D. Justus <cjustus@vwlawfirm.com>
Subject: RE: Request for Public Information, NCGS

Kaitland,
See attached, let us know if you need anything else.

Thank you,

Cynthia Arrowood

Paralegal
The Van Winkle Law Firm

From: Kaitland Finkle <kfinkle@maggievalleync.gov>
Sent: Tuesday, March 15, 2022 10:00 AM
To: Craig D. Justus <cjustus@vwlawfirm.com>
Cc: Cynthia Arrowood <carrowood@vwlawfirm.com>; Vickie Best <vbest@maggievalleync.gov>; Nathan Clark <nclark@maggievalleync.gov>
Subject: FW: Request for Public Information, NCGS

Just following up on the previous request.

Best regards,

Kaitland

Kaitland Finkle, CZO
Town Planner
3987 Soco Road
Maggie Valley, NC 28751
(828) 926-0866 x104

[Editor's Note: Kaitland Finkle attached two (2) case files, researched by a Cynthia Arrowood at Van Winkle. She evidently conducted a search on LexisNexis that day and attached two case files, named:

Allred v. Raleigh_ 277 N.C. 530.PDF
Hall v. Durham_ 88 N.C. App. 53.PDF

Supreme Court of North Carolina, Jan. 20, 1971
Court of Appeals of North Carolina, Oct. 21, 1987

Both of these files are now on www.haywoodtp.net]

Subject: Re: FW: Request for Public Information, NCGS
Date: Tue, 15 Mar 2022 11:53:33 -0400
From: Monroe Miller
To: Kaitland Finkle <kfinkle@maggievalleync.gov>

Kaitland,

Thank you for being so prompt in soliciting the response from Craig Justus. I was, however, looking for a North Carolina General Statute (that would be law), rather than case law from 50 years ago. I just received feedback that Mark Pless indicated that there is no such law that developers are prohibited from presenting planning information before an Aldermen Meeting. Eveland stated "it was against the law" during the meeting [re: both recordings on www.haywoodtp.net, and soon to be actual video of the meeting]. Please go back to Craig Justus and have him cough up a North Carolina General Statute, Title, Code, whatever, other than 50 year old case law.

Eveland just went **Bold**.

The material you provided to me this morning is already on my website.

Thank you,

Monroe A. Miller, Jr

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