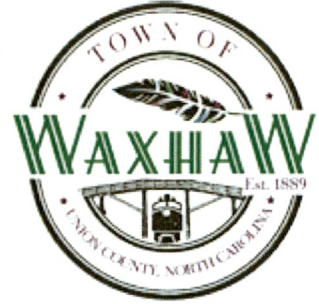


Board of Commissioners

Regular Meeting * PD Community Room

Tuesday, February 13, 2024 @ 6:30 pm



The Board of Commissioners held a regularly called meeting at the Police Department Community Room located at 3620 Providence Road South. The following Board members attended this meeting:

Present: Mayor Robert J. Murray, III, Mayor Pro-Tem Brenda McMillon, Commissioner Jason M. Hall, Commissioner Susanna Wedra, Commissioner Richard Daunt and Commissioner Tracy Wesolek

Absent: None

Staff: Town Manager Jeffrey Wells, Town Attorney Charles Buckley and Town Clerk Barbara Bruce

CALL TO ORDER

Mayor Murray called the meeting to order at 6:32 pm. A quorum was established as all board members were present.

CEREMONIAL OPENING

The Pledge of Allegiance to the American Flag was recited. Everyone remained standing for a moment of silence.

ADOPTION OF AGENDA

Town Manager Wells requested adding a Consent Order as item E.3 under the Consent Agenda.

MOTION was made by Commissioner Wesolek to adopt the agenda, as amended. **MOTION** carried unanimously (5:0).

GENERAL PUBLIC COMMENTS

The public comment period was held as required by law. None were forthcoming.

CONSENT AGENDA

Appointment of Tony Garshnick to the Downtown Waxhaw Association Board

Presenter: Ashley Nowell, Business Development Director

Adoption of Resolution (RES2024004) to Authorize Truist Bank to Open a New Account

Resolution #RES20204004 is hereby incorporated by this reference.

Authorization to sign Consent Order: Town of Waxhaw vs. Scotty Allen Gordon and Lori Gordon Chapman [ADDENDUM]

MOTION was made by Mayor Pro Tem McMillon to adopt the Consent Agenda, as amended. **MOTION** carried unanimously (5:0).

RECOGNITIONS

Planning and Inspections Department: 5 Year Service Award

Ms. Lisa Thompson, Planning & Inspections Director, recognized Lauren Lafond for her 5 years of service with Town of Waxhaw and was honored with a Service Award.

Waxhaw Police Department Recognition

Police Chief Wilson introduced and spotlighted Officer Tristan Turner who was recently sworn-in.

Recognition of Wellness Committee for Healthy Workforce Designation

Ms. Emily Learned recognized the Wellness Committee and their efforts in creating a robust wellness program, which helped the Town of Waxhaw obtain the 2023 Silver Level Cigna Healthy Workforce Designation.

PRESENTATIONS

FY 2023 Audit Report Presentation

Mr. Travis Hardee, CPA with Strickland Hardee PLLC presented the annual audit for the Town's fiscal statements as required by G.S. 159-34 for the year ending June 30, 2023. He provided an overview of the services that Strickland Hardee performed in conducting this year's audit report.

Mr. Hardee explained that an unmodified opinion was reported based on the basic financial statements and for the report from another auditor. He also explained for the major program that an unmodified opinion was reported based on the compliance requirements that would have a direct and material effect on the Coronavirus State and Local Fiscal Recovery and the Powell Bill Funds.

Mr. Hardee identified that the following projects for the Transportation Alternative Program Fund, the Downtown Park Honorarium from the General Government Fund and other small capital projects were over budget, which was in violation of G.S. 159-13 and 159-28. Additionally, the project funds were not misappropriated but just needed a budget.

amendment to address the overages. The Town would need to address these issues with the Local Government Commission and prepare procedures to ensure future budget overages were addressed.

Discussion

- Commissioner Wedra asked what types of services are included in the Economic Community Development line item. Mr. Hardee answered those were accounts that were provided by the Finance Director, Ms. Rosie Dodd. Ms. Dodd answered these accounts cover programs and services provided to the public from Business Development and Parks & Recreation Department.
- Commissioner Wedra then asked about the Environmental Protection fund. Mr. Wells answered that was the Sanitation Waste Program.
- Mayor Murray asked what the difference between the Governmental Expenditure and the Governmental Fund Expenditure. Mr. Wells answered this compare us to our peers. Mr. Hardee added the town was excellent compared to other entities.

PUBLIC HEARINGS

MOTION was made by Commissioner Wesolek to Open the Public Hearings. **MOTION** carried unanimously (5:0).

Public Hearing for Text Amendment TA-012-2024 for Park Land/ Fee-in-lieu Update

The Board of Commissioners fixed this date, place, and hour to conduct a public hearing for information on the proposed Text Amendment TA-012-2024 for the update of Park Land/ Fee-in-lieu payment.

Ms. Lisa Thompson, Planning & Inspections Director, provided an overview of the text amendment TA-012-2024. She noted the request was submitted by the Waxhaw Planning Department to amend Chapter 8 Section 8.9 J (2) of the Land Development Code (LDC) to clarify the fee-in-lieu payment adjustment to a fair market value at the time such payment was due and paid during the final plat process.

Discussion:

- Town Attorney suggested it was too long. Adjust the statement that the adjustment would be at fair market value.
- Commissioner Daunt confirmed that the fee-in-lieu would have a gap between the start. He asked when would it actually be paid and would an increase be factored in with inflation. Ms. Thompson answered, yes.

Public Comments:

The public comment period was held as required by law. None were forthcoming.

Public Hearing for Text Amendment TA-011-2024 - Downtown Signage Update

The Board of Commissioners fixed this date, place, and hour to conduct a public hearing for information on the proposed Text Amendment TA-11-2024 for the Downtown Signage Update.

Mr. Mattison Miller, Senior Planner, provided an overview of the text amendment petition TA-011-2024. He noted the request was submitted in partnership by the Waxhaw Planning Department and the Business Development Director, to amend Chapter 10.13.2 Attached Sign Standards and Chapter 10.15.B Internal Illumination of the Waxhaw Land Development Code (LDC) by altering the illumination standards for signage in the Main Street and TC Zoning Districts (Downtown). This update will allow greater illumination for new blade signs but limit the illumination for new wall signs for Downtown Businesses. He showed examples of the proposed lighting that would be allowed in Downtown.

Public Comment:

- Ms. Pam Murphy, resident of 2819 Blythe Rd, encouraged the Board to oppose the reverse channel lighting on the signs in downtown as adopted in surrounding towns.

Discussion:

- Commissioner Wedra suggested further restrictions by having the lighting more uniformed to protect the historic character of the downtown area and only allow external lighting for the wall signs.
- Commissioner Daunt agreed to only have external lighting on wall signs and blade signs.
- Mayor Pro Tem McMillon directed the Planning Staff to present the updated PowerPoint illustrating the different lighting at their next regular meeting on February 27th.

MOTION was made by Commissioner Daunt to Close the Public Hearings. **MOTION** carried unanimously (5:0).

NEW BUSINESS

Adoption of Resolution of Support (RES2024005) of the Town of Waxhaw's Application for the Paul Bruhn Historic Revitalization Grant Program

The Board of Commissioners considered for adoption Resolution (RES2024005) Endorsing Support of the Town of Waxhaw's Application for the Paul Bruhn Historic Revitalization Grant Program.

Ms. Janet Peirano, Planner II, provided an overview of the grant program. Staff was seeking consideration from the Board to submit the Paul Bruhn Historic Revitalization Grant through the National Park Service in the amount of \$550,000. The grant fosters economic development in rural communities through the rehabilitation of historic properties. If the Town was awarded the grant, it would provide funding to rehabilitate structures within the Waxhaw National Historic District, which the Downtown Waxhaw Association and Waxhaw Historic Preservation Commission support.

MOTION was made by Commissioner Hall to adopt Resolution (RES2024005) endorsing the Town of Waxhaw's application for the Paul Bruhn Historic Revitalization Grant in the amount of \$550,000. **MOTION** carried unanimously. (5:0)

Resolution #RES2024005 is hereby incorporated by this reference.

BOC Meeting Date Change Discussion

Mayor Murray entertained an open dialog amongst the Board of Commissioners to discuss the possibility of changing their regular meeting dates.

Ms. Barbara Bruce, Town Clerk, provided an overview of the various scenarios related to the meetings dates of other Advisory Boards and Commissions and the holidays that would fall on those days being considered to aide in the Board's discussions.

Discussion:

- Mayor Murray asked if the rules and procedures would need to be changed. Town Attorney Buckley explained that if the Board decided to change the date that would then automatically amend the rules and procedures as well.
- Mayor Murray asked if a meeting was typically held the week of thanksgiving. Mr. Wells answered, yes but it depends on which week Thanksgiving falls on.
- Commissioner Daunt commented that it was good to hear the presentation; so, that in the future they would have a better understanding of the timelines and rules. Mr. Wells added that they would get the results back from the attorneys that where reached out to.
- Commissioner Wedra noted if they changed the date to a Monday it could open up more options in filling the position of Town Attorney.
- Town Attorney Buckley advised the Board if they expand the pool of applicants was to post the position as hourly versus full time.
- Mayor Pro Tem McMillon (Her statement was inaudible and is hereby incorporated as an attachment to these minutes). Town Attorney Buckley advised Mayor Pro Tem McMillon to refrain from any comments related to the discussion.
- Mayor Murray commented that the discussion was added to the agenda to possibly broaden the pool in which attorneys might be available. Based on some of the feedback received, no one was typically available on Tuesday. This was just a platform to discuss the possibility of changing the date of the BOC meetings.
- Commissioner Wedra expressed her concerns regarding the 2x2 meetings the Board holds to discuss Town Business. Town Attorney Buckley commented that the 2x2 meetings were not in violation of the Open Meetings Law.
- Commissioner Daunt expressed his concern of the selectiveness of the emails that may be in violation.
- Mr. Wells suggested to wait until the responses come in from the attorneys of interest.
- Mayor Murray agreed and stated the intention of the discussion was to see how hard it would be to change the rules and procedures.
- Commissioner Wedra asked how many people responded and how many did they reach out to. Town Attorney Buckley advised Commissioner Wedra that the topics being discussed must be held in a closed session and to refrain form any discussions about this topic of appointing a new Town Attorney.
- Commissioner Daunt commented if the concerned was about the boards appearance in favoring one person, then it was clear that the town did not favor one person addressing the problem.

MOTION was made by Commissioner Hall to leave the BOC meetings as scheduled for the 2nd and 4th Tuesdays of every month. **MOTION** carried a vote of 3 to 2 with

Commissioner Wedra and Commissioner Daunt in opposition.

TOWN LEADERSHIP REPORTS

Town Manager Jeffrey Wells

- Union County Board of Elections started moving into the Rec Barn for early voting, which begins February 15th through March 2nd.
- All public hearings would be published on the website under Government as well as being posted on social media. The required notices and timelines would be posted as required by law.
- FY 2023 Audit Report would be published on the website.

Business Development Director Ashley Nowell

- Provided an update on Business Development projects.

Parks & Recreation Director Dena Sabinske

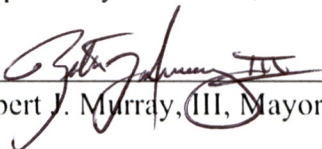
- Provided an update on park and event projects.

ADJOURNMENT

Being no additional business, Mayor Murray entertained a motion to adjourn. **MOTION** was made by Commissioner Hall to adjourn the regular meeting. **MOTION** carried unanimously (5:0).approved.

The meeting was adjourned at 7:53 pm.

Respectfully submitted,



Robert J. Murray, III, Mayor

ATTEST:



Barbara Bruce, Town Clerk



RESOLUTION: RES2024004



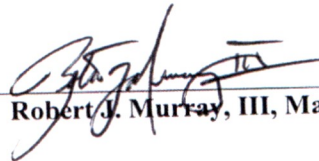
**A Resolution to Authorize Truist Bank to Open New Bank Account
Accepting Evidence Funds for the Town of Waxhaw Police Department**

BE IT RESOLVED, that the Town of Waxhaw Board of Commissioners hereby designates Truist Bank to open a new non-interest bearing checking account titled “**Waxhaw Police Department Evidence Funds**” under its Federal EIN #56-6001366, and that Finance Director and Police Department Evidence Technician be authorized effective February 14, 2024, to execute the opening of the account, the ability to manage the account, and authorization to sign checks on this account for the Town of Waxhaw and Waxhaw Police Department.

In addition, the Finance Director will have permission to open a fund account with the same names in financial software. Funds will remain in the account until a directive to disburse as received from the court systems.

BE IT FURTHER RESOLVED, that such evidence of cash recovered from crimes and checks will be signed or authorized by any two of said officials.

Duly adopted this 13th day of February 2024.


Robert J. Murray, III, Mayor

ATTEST:


Barbara Bruce, Town Clerk



RESOLUTION: RES2024005



Resolution Endorsing the Town of Waxhaw’s Application for the Paul Bruhn Historic Revitalization Grant Program

WHEREAS, the National Park Service has established an annual grant program that fosters economic development in rural communities through the rehabilitation of historic properties;

WHEREAS, the National Park Service has issued a call for applications for the 2023 Paul Bruhn Historic Revitalization Grant Program;

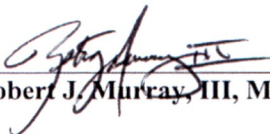
WHEREAS, the Town of Waxhaw Board of Commissioners has expressed a desire to assist in economic development and historic preservation efforts within the Town of Waxhaw;

WHEREAS, the Town of Waxhaw is seeking endorsement from the Waxhaw Board of Commissioners to apply for the Paul Bruhn Historic Revitalization Grant for the amount of \$550,000; and

WHEREAS, the staff recommends applying for the Paul Bruhn Historic Revitalization Grant, which will fund a subgrant program to rehabilitate structures within the Waxhaw National Historic District.

NOW, THEREFORE, BE IT RESOLVED, by the Waxhaw Board of Commissioners of the Town of Waxhaw, North Carolina hereby endorses the Town of Waxhaw’s Paul Bruhn Historic Revitalization Grant Application in the development of a subgrant program to foster economic development through the rehabilitation of properties within the Waxhaw National Historic District.

Duly adopted this 13th day of February 2024.


Robert J. Murray, III, Mayor

ATTEST:


Barbara Bruce, Town Clerk



Statement from...Mayor Pro Tem Brenda McMillon

WITH REGARD TO THE MEETING DATE CHANGE, I FIND SEVERAL CONCERNS.

ONE: THE MEETING SCHEDULE IS SET AFTER EACH ELECTION. THIS ALLOWS BOARD MEMBERS TO SET THEIR SCHEDULES ACCORDINGLY FOR THE YEAR. ALTHOUGH THE BOC HAS THE RIGHT TO CHANGE ITS OFFICIAL MEETING SCHEDULE THROUGH THIS CURRENT PROCESS.

ADVISORY TOWN BOARDS: ADVISORY BOARDS WHICH INCLUDE STAFF AND COMMUNITY VOLUNTEERS ALSO SET THEIR REGULAR MEETING SCHEDULES.

IN ADDITION, THERE ARE BOC BOARD MEMBERS WHO SIT ON ADVISORY BOARDS AND OTHER BOARDS WHO MAY NOT BE ABLE TO ADJUST THEIR SCHEDULES.

BUT WHAT IS OF SERIOUS CONCERN IS WHY IN FACT THERE IS NOW A NEED TO CHANGE THE CURRENT MEETING DATE. IT IS STATED THAT THE MEETING DATE CHANGE IS TO ALLOW FOR ADDITIONAL CANDIDATES TO APPLY FOR THE TOWN ATTORNEY POSITION.

HOWEVER , WHEN I REVIEW ONLINE CORRESPONDENCE AND EMAILS BETWEEN SEVERAL BOARD MEMBERS IT APPEARS THAT THERE WAS INTEREST IN ONE PARTICULAR PERSON AND THAT PERSON'S AVAILABILITY.

I DID NOT SEE AN ASK REGARDING ANY OTHER POSSIBLE CANDIDATES SCHEDULE.

THIS INFORMATION THAT HAS NOW BEEN MADE PUBLIC FOR ANY OTHER POTENTIAL CANDIDATE COULD GIVE THE APPEARANCE THAT INFACIT THIS BOARD, WHICH WAS ASKING FOR ADDITIONAL INFORMATION AND POSSIBLE MEETING DATES WITH CANDIDATES IS INFACIT INTERESTED IN ONE PARTICULAR PERSON. WHEN THAT IS NOT THE CONSENSUS OR DESIRE OF THE MAJORITY OF THIS BOARD.

PURSUANT TO NORTH CAROLINA GENERAL STATUTES CHAPTER 132, EMAIL ADDRESSES LISTED IN THE PARICULAR CORRESPONDENCE I AM REFERENCING MAY BE CONSIDERED PUBLIC RECORD UNDER THE NORTH CAROLINA PUBLIC RECORDS LAW AND MAY BE DISCLOSED TO THIRD PARTIES.

THE EMAILS ARE AN ELECTRONIC FORM OF AN OPEN MEETING. THE EMAILS WERE SENT TO THE MAYOR AND THE BOC WITH EVERYONE HAVING THE CAPABILITY TO REPLY TO ALL IN THE DISCUSSION. THERE WAS NO NOTICE OF THE MEETING.

IN ADDITION, IN REVIEW OF THE EMAIL AGAIN IS NOT FOLLOWING OPEN MEETING RULES. THE INFORMATION CONTAINED THEREIN WAS ALSO NOT FOLLOWING CLOSED SESSION RULES WITH REGARD TO PERSONNEL

MATTERS. THAT CAN ONLY BE DISCUSSED IN A LEGALLY CALLED CLOSED SESSION. A LEGALLY CALLED CLOSED SESSION CAN ONLY BE CALLED IN AN OPEN SESSION BY PROPER MOTION AND BY MAJORITY VOTE IN THE AFFIRMATIVE.

THIS DID NOT OCCUR DURING THIS UNOFFICIAL OPEN MEETING DISCUSSION.

THE QUESTION IS WHY WE ARE ACTUALLY DISCUSSING A CHANGE IN MEETING DATE?

IS IT TO ATTRACT ADDITIONAL CANDIDATES OR TO ACCOMMODATE ONE PARTICULAR POSSIBLE CANDIDATE.

AS I TAKE THIS A STEP FURTHER, I HAVE IN FACT CONTACTED THE NORTH CAROLINA LEAGUE OF MUNICIPALITY AND HAVE INQUIRED ABOUT ADDITIONAL CANDIDATES FOR THIS POSITION. THAT INFORMATION WILL BE FORWARDED ACCORDINGLY TO THE TOWN ATTORNEY AND THEN FOLLOWING PROPER PROTOCOL TO THE BOC OF COMMISSIONERS FOR CONSIDERATION.