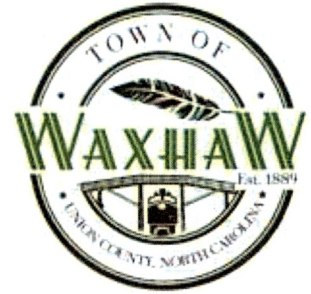


Board of Commissioners

Regular Meeting * PD Community Room

Tuesday, August 27, 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 Cindy Reid and Town Clerk Barbara Bruce

CALL TO ORDER

Mayor Murray called the meeting to order at 6:30 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

MOTION was made by Mayor Pro Tem McMillon to adopt the agenda, as presented.
MOTION carried unanimously (5:0)

GENERAL PUBLIC COMMENTS

Jeff Carroll, a resident of 3304 Collins Road, expressed concerns regarding Waxhaw's growth and the proposed alignment of the Waxhaw Parkway. He encouraged the Board of Commissioner to slow down the growth in Waxhaw.

CONSENT AGENDA

Approval of BOC Meeting Minutes

- Regular Meeting - June 11, 2024
- Regular Meeting - June 25, 2024

Approval of Proposed Revisions to the Organization Advisory Board (OAB) Rules of Procedures

MOTION was made by Mayor Pro Tem McMillon to approve the consent agenda, as presented. **MOTION** carried unanimously (5:0).

RECOGNITIONS

Introduction of the Newly Appointed Fire Chief, Kevin Rigoli, to the Waxhaw Volunteer Fire Department

Town Manager Jeff Wells introduced Kevin Rigoli as the newly appointed Fire Chief of the Waxhaw Volunteer Fire Department. Chief Rigoli had been serving as Interim Fire Chief prior to his new appointment. Congratulations Chief Rigoli!

Introduction of New Employees for the Parks & Recreation Department

Deputy of Recreation, Melissa Johnson introduced Amanda Howard and Hayden Jordan as the Town of Waxhaw's newest employees for the Parks & Recreation Department. Amanda Howard was hired to serve in the capacity of Events Manager and Hayden Jordan was hired to serve in the capacity of Events Coordinator. Welcome Amanda and Hayden!

Recognition of Janet Peirano for completing the Sustainable Preservation Certificate Program

Planning & Inspections Director Lisa Thompson recognized Janet Peirano, Planner II, for completing the Sustainable Preservation Certification Program. Congratulations Janet!

Police Department: 5 Year Service Award

Police Chief Dexter Wilson recognized Sergeant George Whalley for his 5 years of service with the Town of Waxhaw Police Department and honored him with a Service Award. Congratulations Sergeant Whalley!

OLD BUSINESS

Second Reading of Proposed Changes to the Town Code of Ordinances for Commercial Vehicle Updates

The Board of Commissioners considered for approval the proposed changes to Section 66:21: Trucks, tractors, trailers, motorcoaches and the like updating the exceptions and definitions for commercial vehicle in the Town Code of Ordinances.

Mr. Mattison Miller, Senior Planner and Code Enforcement Administrator, provided an overview and background information on the updates. This was a recommendation by Code Enforcement Staff to allow residents greater flexibility when residing in the Town limits with a commercial vehicle.

MOTION was made by Commissioner Daunt to approve Ordinance (ORD2024020) Section 66:21 amending Commercial Vehicle exceptions and definitions related to Trucks, tractors, trailers, motorcoaches and the like. **MOTION** carried unanimously (5:0).

Ordinance (ORD2024020) is attached and hereby incorporated by this reference.

Decision for Text Amendment TA - 016-2024 - An amendment to add R2 Single-Family Residential Zoning District and Conservation Development Design Standards to the Land Development Code

The Board of Commissioners considered for approval Text Amendment Petition TA-016-2024 to add R2 Single-Family Residential Zoning District and Conservation Development Design Standards in the Land Development Code (LDC).

Ms. Lisa Thompson, Planning & Inspections Director provided an overview of the petition. She noted it was a request submitted by the Planning Department amending various sections of the LDC to remove cluster subdivision standards, replacing the text with Conservation Development Design Standards, and include a new R2 single-family zoning district.

MOTION was made by Commissioner Wesolek to approve Text Amendment TA-016-2024 and the Reasonableness and Consistency Statement: the text amendment is consistent with the Waxhaw 2040 Comprehensive Plan and reasonable and in the public interest in that it preserves and establishes continuous open space corridors and improves site development design to maximize environmental values. **MOTION** carried unanimously (5:0).

NEW BUSINESS

Initiation of Voluntary Annexation Petition 18-235 Hatzinikias Property

The Board of Commissioners received as information the voluntary annexation petition 18-235 for the Hatzinikias property.

Ms. Lisa Thompson, Planning & Inspections Director identified the property being annexed. She provided an overview of the proposed site and explained the steps in the annexation process.

- **MOTION** was made by Commissioner Wesolek to approve Resolution (RES2024019) directing the Town Clerk to Investigate Annexation Petition 18-235. **MOTION** carried unanimously (5:0).

Town Clerk Bruce verified the petition was investigated and found sufficient.

- **MOTION** was made by Commissioner Wesolek to approve Resolution (RES2024020) scheduling the public hearing for September 10, 2024, at 6:30 p.m. in the Police Department Community Room. **MOTION** carried unanimously (5:0).

Resolutions (RES2024019) and (RES2024020) are attached and hereby incorporated by this reference.

Authorize and Execute the Memorandum of Understanding (MOU) Update with CRTPO

The Board of Commissioners considered for approval the updates to the 2024 Memorandum of Understanding (MOU) with CRTPO.

Mr. James Kelly, Traffic-Transportation Project Engineer provided an overview and background information on the recommended revisions to the 2024 MOU. He noted the CRTPO Board endorsed updating its MOU and directed CRTPO staff to acquire the necessary signatures at their meeting on July 17th. CRTPO retained attorney Mujeeb Shah-Khan, Esq. to assist in drafting the MOU updates. The CRTPO Board leadership requested that all jurisdictions sign and return the executed documents electronically via email by September 13, 2024.

MOTION was made by Commissioner Daunt to approve the CRTPO endorsed Memorandum of Understanding 2024 Update and authorize the Mayor and Clerk to sign and execute the document. **MOTION** carried unanimously (5:0).

Consider the Adoption of Resolution (RES2024018) to Finalize the CRTPO Comprehensive Transportation Plan (CTP) Procedural Amendment for the Northeast and Southeast Quadrants of the Waxhaw Parkway

The Board of Commissioners consider for adoption resolution (RES2024018) finalizing the CRTPO's Comprehensive Transportation Plan (CTP) procedural amendment for the Northeast and Southeast Quadrants of the Waxhaw Parkway.

Mr. Matt Hubert, Assistant Town Manager/Engineering Director provided an overview and background information of the CRTPO/CTP's procedural amendments. At the July 23rd regular meeting, the Board of Commissioners directed staff to draft a resolution to finalize CRTPO's procedural amendment for the northeast and southeast quadrant of the Waxhaw Parkway for feedback, discussion and consider for adoption.

MOTION was made by Mayor Pro Tem McMillon to adopt Resolution (RES2024018) to Finalize the CRTPO Comprehensive Transportation Plan (CTP) Procedural Amendment for the Northeast and Southeast Quadrants of the Waxhaw Parkway. **MOTION** carried unanimously (5:0).

Resolution (RES2024018) is attached and hereby incorporated by this reference.

TOWN LEADERSHIP REPORTS

Town Manager Jeffrey Wells

- Reminder of Waxhaw 101: Session 1 Comms/Administration is Wednesday, August 28th at 6:00 pm in the PD Community Room.
- The columbarium in the Waxhaw Cemetery has been completed with 48 niches.
- The Public Services Team completed a small metal building on the compost site to store the three (3) large leaf vac trucks and equipment.
- Reminder of the Union County Leadership Summit scheduled for September 11th from 8:30 am to 3:30 pm with keynote speaker Doug Griffith on Collaboration,

Cooperation and the Future of our Community.

Assistant Town Manager Matt Hubert

- Provided an update on Engineering Projects.

Waxhaw Police Department Chief Dexter Wilson

- Provided an update on Police Department Programs.

Planning & Inspections Director Lisa Thompson

- Provided an update on Planning & Inspection Projects

Board of Commissioners

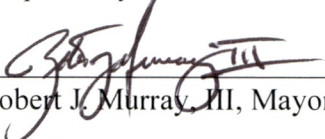
- Commissioner Wedra expressed her sincere gratitude to Lisa Thompson and the Planning Department for their hard work on the conservation subdivision design plan.

ADJOURNMENT

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

The meeting was adjourned at 7:27 pm.

Respectfully submitted,



Robert J. Murray, III, Mayor

ATTEST:



Barbara Bruce, Town Clerk



Section: 66-21
ORDINANCE: ORD2024020



Ordinance Amending Trucks, Tractors, Trailer, Motorcoaches and the like from the Town Code of Ordinance

WHEREAS, in pursuance of authority conferred by G.S. 160A-174 and 160A-175 and for the purpose of protecting the health, safety, or welfare of the people in the Town of Waxhaw, the Waxhaw Board of Commissioners has determined to amend certain provisions of its ordinance regulating noise.

NOW, THEREFORE, BE IT ORDAINED, by the Waxhaw Board of Commissioners of the Town of Waxhaw, North Carolina that Chapter 66-21 is amended to replace 66-21 as follows:

Section 66-21. Trucks, Tractors, Trailer, Motorcoaches, and the like.

- (a) *On-street parking of truck tractors/truck trailer units and commercial vehicles in public streets, alleys, and bridges.*
- (1) It shall be unlawful for truck tractors and/or truck-trailer units to be parked or remain standing on public streets, alleys, and bridges or right-of-way thereof within the municipal limits of the town.
 - (2) A commercial vehicle is prohibited from being parked overnight in the public right-of-way within 1,200 feet of the Main Street Zoning District. The exception is taken to this prohibition in the following instances:
 - a. The vehicle is engaged in a permitted construction project or is engaged in routine pickups, deliveries, or similar type activities in the area;
 - b. The vehicle is involved in a governmental purpose and/or performing an emergency function;
 - c. The vehicle is involved in a special event recognized by the town.
- (b) *Unlicensed and special/commercial vehicles.*
- (1) An automobile, truck and/or trailer of any size and/or type without a current license plate and a current vehicle safety inspection emblem shall not be parked and/or stored within any residential primary zoning district, as indicated on the zoning map, unless contained within a completely enclosed building. Any vehicle not found in compliance with this requirement will constitute a separate offense.
 - (2) A special/commercial vehicle, as defined in subsection (b)(4) of this section, is prohibited from being parked and/or stored in any residential primary zoning district as indicated on the zoning map. The exception is taken to this prohibition in the following instances:
 - a. The vehicle is engaged in a permitted construction project in the zoning district or is engaged in routine pickups, deliveries, or similar type activities in the district;
 - b. The vehicle is engaged in bona fide farm operations;
 - c. The vehicle is designed and operated in conjunction with typical residential purposes such as a home garden tractor or a grass mower;

Section: 66-21
ORDINANCE: ORD2024020

- d. The vehicle is involved in a governmental purpose and/or performing an emergency function;
- e. The vehicle is licensed as a school, church, or nonprofit organization bus or is a travel/motorcoach vehicle as regulated in subsection (b)(3) of this section; and/or
- f. The vehicle is associated with and stored/parked at a permitted use or legally existing nonconforming use.
- g. The vehicle is light or medium commercial weighing less than 14,000 pounds which is primarily used to operate a power attachment or tool and is parked where the owner resides. Commercial vehicles may not be parked overnight on public streets.

Any vehicle not found in compliance with this requirement will constitute a separate offense.

- (3) No more than one recreational vehicle (as defined in G.S. 20-4.01 (32b)) or trailer unit is permitted to be parked and/or stored on a lot within any residential primary zoning.
 - a. No recreation vehicle shall be occupied either permanently or temporarily while parked and/or stored, except within a conforming manufactured home park.
 - b. Any recreation vehicle or trailer unit not found in compliance with this requirement will constitute a separate offense punishable in accordance with the provisions hereof.
 - c. Exception to this requirement is taken to any unit temporarily occupied for not more than seven days in any 90-day period where occupancy is for the purpose of visitation to persons residing on the premises.
 - d. No recreation vehicle or trailer unit shall be stored/parked in the front yard, except for temporary purposes as set out above. Any recreation vehicle or trailer not found in conformance with this requirement will constitute a separate offense.
 - e. Recreational vehicles or trailers shall not be parked or stored on any public right-of-way within the town. Exceptions to this requirement include parking on any public right-of-way for the duration necessary to load or unload such vehicle as may be necessary for its intended use, provided that such loading and unloading shall not exceed 12 hours in one interval.
- (4) The following words, terms, and phrases, when used in this subsection (b), shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:


Special/commercial vehicle means a vehicle that meets any one of the following classifications:

- 1. A large vehicle designed for off-road usage such as a bulldozer, front-end loader, and similar construction equipment;
- 2. A vehicle designed to transport 16 or more passengers, including the driver;
- 3. A vehicle used in the transport of hazardous materials that requires the vehicle to be placarded under 49 CFR part 172, subpart F;
- 4. A vehicle requiring the driver to have either a Class A or Class B state driver's license or the equivalent; and/or
- 5. A vehicle with more than two axles or a gross vehicle weight rating of 14,000 pounds or more.

Duly adopted and effective this the 27 day of August 2024.

ATTEST:


Barbara Bruce, Town Clerk


Robert J. Murray, III, Mayor



RESOLUTION: RES2024019



**Resolution Directing the Clerk to Investigate
Annexation Petition 18-235**

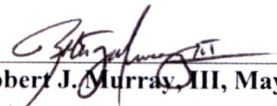
WHEREAS, a petition requesting annexation of an area described in said petition was received on August 27, 2024 by the Board of Commissioners;

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Board of Commissioners of Waxhaw, NC deems it advisable to proceed in response to this request for annexation.

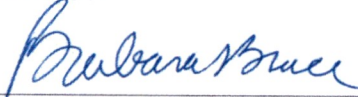
NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Waxhaw, North Carolina that the Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Commissioners the results of her investigation.

Duly adopted this 27th day of August 2024.



Robert J. Murray, III, Mayor

ATTEST:



Barbara Bruce, Town Clerk



RESOLUTION: RES2024020



**Resolution Fixing Date of Public Hearing on
Annexation Petition 18-235 Pursuant to G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described herein has been received;

WHEREAS, the Board of Commissioners of the Town of Waxhaw, North Carolina has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Waxhaw, North Carolina that:

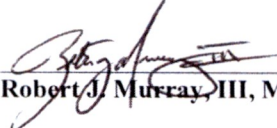
Section 1: A public hearing on the question of annexation of the area described herein will be held in the Police Department Community Room located at 3620 Providence Road South on September 10, 2024, at 6:30 pm.

Section 2: The area proposed for annexation is described as follows:


- Tax Parcel Number 05141001D containing approximately 7.35 acres located at 9931 Waxhaw Highway - See **Exhibit A** hereto.

Section 3: Notice of the public hearing shall be published in the Charlotte Observer, a newspaper having general circulation in the Town of Waxhaw, North Carolina at least ten (10) days prior to the date of the public hearing.

Duly adopted the 27th day of August 2024.


Robert J. Murray, III, Mayor

ATTEST:


Barbara Bruce, Town Clerk



RESOLUTION: RES2024020

EXHIBIT A
Parcel 05141001D

Beginning at an iron pin found, said iron being the northwestern property corner of the now or formerly Benjamin Jordan property, as described in Deed Book 5832 Page 283 in the Union County Register of Deeds. Thence from said iron S 84° 23' 12" E for a distance of 344.08 feet to an iron pin found, said iron being the northwestern property corner of the now or formerly Phillip and Donna Simpson property as described in Deed Book 658 Page 723 in the Union County Register of Deeds Thence from said iron S 09° 07' 10" W a distance of 1115.44 feet to a computed point, passing an iron pin found at 999.62' on the right of way of N.C. Hwy 75, a 60' Right as Deed Book 6794 Page 95 in the Union County Register of Deeds County. Thence from said computed point along the centerline of S.A.L.R.R. a 100' right of way as described in Plat Cabinet 1 file 289 in the Union County Register of Deeds, S 83° 07' 08" W for a distance of 258.78 feet to a computed point. Thence from said computed point, passing an iron pin found at 118.15' along the right of way of the aforementioned N.C. Hwy 75, N 14° 11' 56" E for a distance of 1069.35 feet to the point of beginning, containing 7.36 Acres.



Resolution to Finalize the CRTPO Comprehensive Transportation Plan (CTP) Procedural Amendment for the Northeast and Southeast Quadrants of the Waxhaw Parkway

WHEREAS, the Waxhaw Parkway is a future roadway connecting NC Highway 16 and NC Highway 75 east of the Town of Waxhaw, located in western Union County;

WHEREAS, the Waxhaw Parkway has been planned for decades by Town of Waxhaw, Union County, Town of Mineral Springs, NCDOT, and CRTPO to alleviate congestion and improve regional mobility, safety, and connectivity between existing collector roads and thoroughfares most heavily traveled by local and regional users;

WHEREAS, the Charlotte Regional Transportation Planning Organization (CRTPO) has designated the Waxhaw Parkway as a recommended boulevard within the Comprehensive Transportation Plan (CTP) for the northeast and southeast portions of the Waxhaw Parkway;

WHEREAS, NCDOT conducted a 2022 feasibility study seeking to minimize alignment impacts and brought forward twelve (12) alternatives for consideration, and the Town of Waxhaw, the Town of Mineral Springs, and Union County recommended to proceed with **Exhibit A: Concept A.2+B3.1** for the Waxhaw Parkway which would construct a 2-lane road on a 4-lane right-of-way from NC Highway 16 to NC Highway 75;

WHEREAS, the 2023 Origin-Destination (O-D) study, identified that approximately two-thirds of the traffic in and around the area of downtown Waxhaw is non-local traffic, and a regional transportation solution is needed to alleviate congestion and provide regional mobility in western Union County;

WHEREAS, the 2023 O-D study recommended an alternative alignment for the northeast and southeast quadrants of the Waxhaw Parkway to shift closer to downtown Waxhaw which will provide a more favorable north-south travel pattern, and this is achieved by the feasibility amendment;

WHEREAS, **Exhibit B: Waxhaw Parkway Amendment Map** dated April 2023 displays the northeast quadrant of the Waxhaw Parkway, following Concept A.2+B3.1, and the southeast quadrant, aligned with the O-D study outcomes, and to ensure a continuous north-south travel route;

RESOLUTION: RES2024018

WHEREAS, Union County initiated the CRTPO CTP Procedural Amendment Process and held a public comment period from July 20, 2023, to August 20, 2023, with majority of the public comments supporting both the proposed CTP alignment amendment and to build the Waxhaw Parkway;

WHEREAS, the Town of Waxhaw initiated the Waxhaw Master Transportation Plan update and held additional public comment from February 29, 2024, to April 1, 2024, ranking the Waxhaw Parkway East Road Extension project as Waxhaw's highest unfunded project priority based on weighted score and public comment;

WHEREAS, the Waxhaw Police and Fire Departments have stated that the Waxhaw Parkway is crucial to improve emergency response times and address significant safety concerns related to train crossings and downtown congestion;

WHEREAS, the Town of Waxhaw's mission is to preserve the overall character, quality, and historical nature of downtown Waxhaw;

WHEREAS, the Downtown Waxhaw Association supports the Waxhaw Parkway East extension to ensure the success of downtown and the safety of its business owners and shoppers;

WHEREAS, the Waxhaw Parkway will enhance the quality of life for all road users by reducing travel times, minimizing traffic congestion, and improving road safety; and

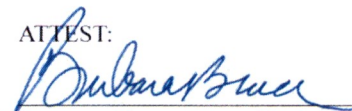
WHEREAS, the Town of Waxhaw recognizes that this is a collaborative process and have engaged our regional partners, stakeholders, and governmental agencies to ensure successful planning, funding, and implementation of the Waxhaw Parkway feasibility amendment.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Town of Waxhaw, North Carolina directs the following:

1. Waxhaw CRTPO representatives advocate, support, and vote in favor of the northeast and southeast quadrants of the Waxhaw Parkway CRTPO CTP Procedural Amendment as presented in Exhibit A: Concept A.2+B3.1 and Exhibit B: Waxhaw Parkway Amendment Map.
2. Waxhaw CRTPO representatives oppose any delay or opposition to the northeast and southeast quadrants of the Waxhaw Parkway CRTPO CTP Procedural Amendment.
3. Waxhaw staff to finalize the CRTPO CTP Procedural Amendment process.

Duly adopted and effective on this 27th day of August 2024.

ATTEST:


Barbara Bruce, Town Clerk


Robert J. Murray III, Mayor

