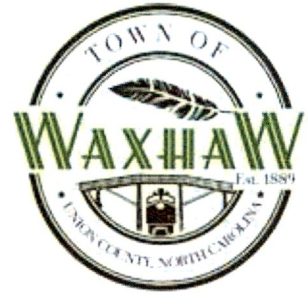


# Board of Commissioners

Regular Meeting \* PD Community Room

Tuesday, September 10, 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 Murray III, Mayor Pro-Tem Brenda McMillon, Commissioner Jason 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

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## **CALL TO ORDER**

Mayor Murray called the meeting to order at 6:30 pm. A quorum was established as all board member 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 to amend the agenda to add as item F.2. under Recognitions Proclamation PRO2024011 in support of National Stillbirth Prevention Day. *Addendum added during the meeting.*

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

## **GENERAL PUBLIC COMMENTS**

Judy Hall, a resident expressed concern regarding the decorum of the Board at prior meetings.

Eric Kelly, announced a program the American Legion is providing called "Be the One" to educate individuals on how to conduct themselves with American Veterans. He share a flyer on the walk campaign for Suicide Awareness among veterans. He explained the process of a flag burning ceremony.

## **CONSENT AGENDA**

### **Approval of BOC Meeting Minutes**

- Regular Meeting - July 9, 2024
- Regular Meeting - July 23, 2024
- Regular Meeting - August 13, 2024
- Regular Meeting - August 27, 2024

### **Approval of Closed Session Minutes**

- July 23, 2024

### **Approval of Final Budget Amendment BA.6.30.24 for FY 2023-2024**

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

## **RECOGNITIONS**

### **Introduction of New Employees to the Customer Service Team**

Administrative Services Manager, Susan Lee introduced Jennifer Carlson and Heather Faulkenberry as the new part-time Customer Service Representatives. Welcome Jennifer and Heather!

### **Adoption of Proclamation (PRO2024011) in Support of National Stillbirth Prevention Day [ADDENDUM]**

The Board of Commissioners considered for adoption Proclamation (PRO2024011) in Support of National Stillbirth Prevention Day. Town Manager Wells read the proclamation into the record.

**MOTION** was made by Commissioner Wesolek to adopt Proclamation (PRO2024011) in Support of National Stillbirth Prevention Day. **MOTION** carried unanimously (5:0).

*Proclamation PRO2024011 is attached and hereby incorporated by this reference.*

## **PUBLIC HEARINGS**

**MOTION** was made by Mayor Pro Tem McMillon to open the public hearings. **MOTION** carried unanimously (5:0).

### **Public Hearing for Voluntary Annexation Petition 18-235 Hatzinikitas Property**

The applicant pulled this item. Therefore, the Board of Commissioners cancelled the public hearing that was advertised in the Charlotte Observer 10 days prior to the public hearing as required by law.

**Public Hearing for Initial Zoning Petition RZ 015230-2024 Hatzinikitas Property**

The applicant pulled this item. Therefore, the Board of Commissioners cancelled the public hearing that was advertised in the Charlotte Observer 10 days prior to the public hearing as required by law.

**MOTION** was made by Mayor Pro Tem McMillon to close the public hearings. **MOTION** carried unanimously (5:0).

**NEW BUSINESS**

**Preliminary Subdivision Plat Petition: SUB-015367-2024 Yarbrough Farms**

The Board of Commissioners received as information the Preliminary Subdivision Plat Petition SUB-015367-2024 Yarbrough Farms, which was a request by the applicant, BRD Land & Investment, for a by-right preliminary subdivision plat on approximately 230.81 acres located east of the existing Hermitage Place and Wysacky Park Subdivision. In addition, the proposed subdivision contains 502 units with 321 single-family detached homes and 181 attached dwelling units, which was a by-right subdivision request, therefore, conditions could not be placed on the plat. The developer provided an overview of the plans with a sufficient amount of green space, which cannot be donated so the developer requested a fee in lieu.

Mr. Scott Stone, President & CEO, American Engineering, provided an overview of the preliminary site plan for the property and the approved section of the Waxhaw Parkway. He noted that the applicant agreed upon several elements not required by Waxhaw's ordinances such as: (1) Accommodating potential future north and south Waxhaw Parkway alignments; (2) Dedication of Land for Greenway Trails on both sides of the site; (3) Dedication of a 100-foot right of way for the parkway; and (4) a 10-foot multi-use path and bridge over the creek area for a north and south connector as outlined in Waxhaw's 2040 Plan. Additionally, he provided the significant topography constraints, the publicly accessible recreation space, the 30-percent (56.20 acres) required tree save in which the applicant agreed to 30.4-percent (58.07 acres), the 20-percent (41.65 acres) required open space in which the applicant agreed to 43.6-percent (96.48 acres) on the site. He explained the usable land on the property was 230.80 acres for the total site and 59.91 acres for the lot area, which left a total of 25.96-percent of the site. Therefore, the required percentage of park land dedication was 7.5-percent (14.34 acres for 1/35 acre lots). The applicant proposed two (2) options: Option A would allow for 16 acres and provide two (2) greenways of more than one parcel dedicated and Option B would allow for 14.34 acres and provide for one greenway and only one parcel, which would have met the Town's ordinance.

**Discussion:**

- Commissioner Wedra expressed concerned that the plan did not address the park recreation for example sport activity fields. She was in favor of parkland dedication rather than fee in lieu because kids need a place to play that's not in a creek.

- Commissioner Daunt confirmed there was not enough parkland in accordance with Waxhaw's 2040 Plan. Ms. Thompson answered that is correct.
- Mayor Pro Tem questioned if there was an active Carolina Thread Trail on the site. Ms. Thompson answered yes.
- Commissioner Wedra noted that developers were taking up too much land and not providing enough park land.
- Commissioner Daunt expressed his concerns that the plan does not meet the Town's ordinances.
- Commissioner Hall read the following statement into the record:

*"It is my opinion that it is important to view this, not just through the lens of regulations, but also through the broader impact on our community. The proposed land dedication aligns with our Master Plan and offers a great opportunity to expand accessible recreation options for our residents. In particular, walking and running trails they've included serve a wide variety of people from families taking a stroll to athletes looking for a place to train. Not just something solely for soccer or baseball or some active sport. The walking trails are for everybody, all taxpayers in Waxhaw. There has been some conversation as to whether these trails meet the usability requirement in our ordinance but I want to make the case that they absolutely do. Trails like this are a cornerstone of healthy connected communities and they provide immense value to the public.*

*Let me explain why this dedication is both compliant with our ordinance and a positive step for our Town:*

1. **Public accessibility and usability of trails:** *Section 8.9E states that "publicly accessible recreation space may take the form of trails." A walking running trail clearly aligns with this as it provides recreational value for both active running and passive walking uses. Trails are a widely accepted form of recreation space as seen in regional projects like the Carolina Thread Trail, which serves both local residents and visitors. Dismissing the full width of a trail as not being usable overlooks the community value that it provides.*
2. **Alignment with the Master Plan:** *Section 8.9H.3.b specifically allows greenways constructed as part of an adopted Master Plan to be credited against the land dedication requirement if the proposed land for the trail aligns with the master plan and is dedicated to public use it is by definition a suitable contribution under this ordinance. The plan in front of us integrates well with the Town's vision for public greenways and recreational space.*
3. **Active recreation Definition:** *Section 8.9H.3.b mentions that two-thirds of the land dedication must be suitable for active recreation listing examples such as sports fields and playgrounds. However, greenways and trails provide an alternative but equally valuable form of active recreation allowing residents to engage in activities like walking, running, and cycling. These are recognized forms of active recreation as demonstrated by successful projects across the region.*
4. **Flexibility and recreation spaces:** *The ordinance allows for some flexibility in the nature of open spaces, section 8.9 C, D, and E, recognizing that public needs vary. The trail enhances connectivity which is a significant recreational and community building function that aligns with town and regional planning objectives by enhancing the town's recreational infrastructure with greenway trails. This plan meets both present and future recreational needs.*
5. **Connection to existing and future facilities:** *Section 8.9H.3.a permits multiple parcels to be dedicated if they provide connectivity to existing or proposed*

*recreation facilities. The trail can be viewed as an integral part of a larger recreational network not just for the immediate development but for the town as a whole. If the land connects or expands existing greenways or public spaces it further supports the usability and public value argument.*

***Final thoughts:***

*The trail provides significant recreational value and complies with the ordinance definition of usable land. Trails are a recognized form of publicly accessible recreational space under Section 8.9 E and the proposed dedication enhances the Town's greenway network in line with the Master Plan. We must be careful not to undervalue the broader community benefit offered by greenway trails which provide active and passive recreation."*

- Mayor Murray commented the property was 500 homes, which would bring 1000 kids. The Town currently does not have enough sport activity fields. The Waxhaw Athletic Association is turning away kids due to over use of the fields. There is a need for more sport activity fields in Waxhaw.
- Town Manager Wells suggested that the Board take 2 to 3 weeks to review the site plans with the Engineering Team to determine how much land is available for different types of recreation for the Board to be more comfortable with their decision.
- Mr. Bill Hayes, Representative of BRD Land & Investment, proposed to dedicate the proposed land usage and pay the full amount of the Park Land fee in lieu to the Town as a compromise.

**MOTION** was made by Mayor Pro Tem McMillon to continue Preliminary Subdivision Plat Petition SUB-015367-2024 Yarbrough Farms for 2 weeks to allow the town's engineering staff, Town Manager, and the engineering staff with Yarbrough to review the subdivision plat again and come back, if possible, with a viable area for recreation. **MOTION** carried by 3 to 2 with Mayor Pro Tem McMillon, Commissioner Wesolek, and Commissioner Hall in favor and Commissioner Wedra and Commissioner Daunt in opposition.

**Discussion of Elected Officials Responding to Public Comments**

The Board of Commissioners received as information and feedback for responding to residents questions during the public comment period. Commissioner Daunt noted that he observed a board meeting of the Town of Indian Trail where board members were given an opportunity to respond to their resident's questions during the public comment period. He expressed this would be as a courtesy and would bring more interest into the Waxhaw Board of Commissioners meetings.

**Discussion:**

- Commissioner Wedra commented that it was a good idea and a great way to interact with the public.
- Mayor Murray commented this item could be discussed further perhaps at the annual retreat. He noted this item could be added at any time, then asked Town Manager Wells for his feedback and guidance.
- Town Manager Wells verified with Town Clerk Bruce the Board would need to amend their Rules of Procedure to add response to public comments. Ms. Bruce

answered yes.

- Commissioner Wesolek commented that it was appropriate for the Mayor or Town Manager to respond to a simple question from the public, but was concerned about debates occurring between the public and the Board since they function as one Board.

## **TOWN LEADERSHIP REPORTS**

### **Town Manager Jeffrey Wells**

- Waxhaw 101 is going well with 2 sessions completed.
- Union County Chamber of Commerce Leadership Summit will be held September 11th.

### **Assistant Town Manager Matt Hubert**

- Provided an update on Engineering Projects.

### **Business Development Director Ashley Nowell**

- Provided an update on Business Development projects.

### **Parks & Recreation Director Dena Sabinske**

- Provided an update on park programs and events.

### **Board of Commissioners**

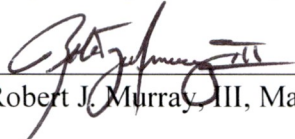
- Commissioner Wesolek requested that the Town Clerk provide the Ranking Matrix and Slate of Candidates for the advisory boards for the review. She confirmed that Board members could contact and schedule an interview with each candidate. Town Clerk Bruce answered yes and that she would be happy to schedule interviews with each candidate based on the Board's availability.
- Mayor Pro Tem McMillon announced that Ms. Rosa Cherry Covington would celebrate her 90th birthday on September 16th. Wishing her a Happy Birthday!
- Mayor Pro Tem McMillon recognized the 2,977 people who lost their lives during the 9/11 attacks, which included firefighters, police officers, Emergency Service Unit personnel, military personnel, paramedics, spouses, flight attendants, airline pilots, and many more. We should always remember and honor them on this day. She encouraged everyone to join the Town of Waxhaw for Patriot's Day on Wednesday, September 11th at the Wall of Honor in downtown Waxhaw to remember and honor those that lost their lives on September 11, 2001.

## **ADJOURNMENT**

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

The meeting was adjourned at 7:51 pm.

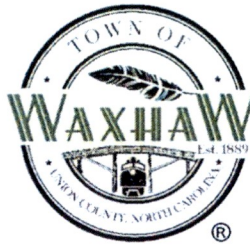
Respectfully submitted,

  
\_\_\_\_\_  
Robert J. Murray, III, Mayor

ATTEST:

  
\_\_\_\_\_  
Barbara Bruce, Town Clerk





## **Proclamation in Support of National Stillbirth Prevention Day**

**WHEREAS**, the 188<sup>th</sup> Congress adopted House Resolution 686 Supporting the designation of September 19<sup>th</sup> as “*National Stillbirth Prevention Day*”, recognizing tens of thousands of American families that have endured a stillbirth, and seizing the opportunity to keep other families from experiencing the same tragedy;

**WHEREAS**, approximately 21,000 pregnancies end in stillbirth each year and racial disparities persist in birth outcomes, with Black, Hispanic, Native Pacific Islander, and Indigenous families at the greatest risk of losing a baby to stillbirth; and according to the Centers for Disease Control and Prevention, the annual number of stillbirths far exceeds the number of deaths among children under 15 years of age due to sudden infant death syndrome, car accidents, drowning, guns, fire, poison, and flu combined;

**WHEREAS**, in the last 2 decades, the stillbirth rate in the United States declined by a negligible 0.4 percent, and in a report published by the World Health Organization comparing progress in improving stillbirth rates, the United States ranked 183 out of 195 countries;

**WHEREAS**, stillbirths are devastating and have a profound and lifelong impact on families who endure them and is linked to an increased risk of maternal mortality;

**WHEREAS**, with increased awareness and better data collection, the United States will be able to better understand why stillbirths are happening at an alarming rate and identify what can be done to combat this crisis;

**WHEREAS**, proven stillbirth prevention efforts have the power to save thousands of babies every year, and innovations in stillbirth prevention could save thousands of additional families nationwide from the heartache of losing a baby;

**WHEREAS**, recognizing “*National Stillbirth Prevention Day*” is an opportunity to increase awareness, support evidence-based prevention efforts, promote research, encourage improved data collection and greater understanding, and provide support to those who have experienced stillbirth; and


**WHEREAS**, “*National Stillbirth Prevention Day*” calls upon elected officials to use their authority to take action to help reduce stillbirths and to ensure every expectant family is educated on how to reduce the risk of losing a baby to stillbirth.



PROCLAMATION: PRO2024011

**NOW, THEREFORE, BE IT PROCLAIMED**, I, Robert J. Murray, III, Mayor of the Town of Waxhaw, do hereby proclaim September 19, 2024, as "*National Stillbirth Prevention Day*," in the Town of Waxhaw, North Carolina, recognizing tens of thousands of American families that have endured a stillbirth, and helping to raise awareness in order to prevent this tragedy from impacting other families.

**Duly adopted and effective this the 10<sup>th</sup> day of September 2024.**

  
Robert J. Murray, III, Mayor

ATTEST:

  
Barbara Bruce, Town Clerk

