Board of Commissioners

Regular Meeting * PD Community Room Tuesday, September 24, 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

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

Town Manager Wells requested the following amendments to the agenda:

- Removed presentation item G.2. Union County Tax Department Revaluation Update until the October 22nd meeting. *Removed during the meeting*.
- Added under Recognitions as agenda item F.3. Proclamation (PRO2024016) in Honor of Ms. Rosa Cherry Covington. *Addendum added during the meeting*.

Mayor Pro Tem McMillon requested removal of Proclamation (PRO2024013) in Support of National Breast Cancer Awareness Month from the consent agenda and placed under Recognitions *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

- Ms. Erin Muldoon, a resident of 8104 Winter Oaks Court, expressed her dissatisfaction of the appointment process for the Waxhaw Advisory Boards. She also expressed dissatisfaction to the BOC for not adhering to their own process to appoint the recommended candidates presented by the OAB.
- Ms. Regan Shaw a resident expressed her concerns and dissatisfaction regarding the behavior of the protestors during the PRIDE event held on Saturday, September 21, 2024, at the Community Corner in Downtown Waxhaw.
- Ms. Sofia Chabot, a resident expressed her concerns and dissatisfaction of the behaviors surrounding the PRIDE event held on Saturday, September 21, 2024, at the Community Corner in Downtown Waxhaw.

CONSENT AGENDA

Approval of BOC Meeting Minutes

Regular Meeting - September 10, 2024

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

RECOGNITIONS

Introduction of New Employee in the Human Resources Department

Human Resources Manager, Emily Learned introduced Gabriella Gervais as the new Human Resources Assistant. Welcome Gabriella!

Introduction of New Employee in the Facilities Management Department

Assistant Town Manager/Engineering Director, Matt Hubert introduced David Timchula as the new Facilities Manager. Welcome David!

Adoption of Proclamation (PRO2024016) In Honor of Ms. Rosa Cherry Covington

The Board of Commissioner considered for adoption Proclamation (PRO2024016) in honor of Ms. Rosa Cherry Covington.

Mayor Pro Tem McMillon recognized Ms. Rosa Cherry Covington who celebrated her 90th Birthday on September 16, 2024. She was honored by her family and friends with a Birthday Celebration held on September 14, 2024. Mayor Pro Tem McMillon read Proclamation (PRO2024016) honoring Ms. Rosa Cherry Covington.

Proclamation (PRO2024016) is attached and incorporated herein by this reference.

Adoption of Proclamation (PRO2024013) in Support of National Breast Cancer Awareness Month[Addendum]

The Board of Commissioners considered for adoption Proclamation (PRO2024013) proclaiming October as National Breast Cancer Awareness Month.

Commissioner Wesolek, who will celebrate her fourth year as a Breast Cancer survivor next month, read Proclamation (PRO2024013) honoring and supporting those that have been affected by breast cancer and the health care providers who strive each day in fight against breast cancer.

Proclamation (PRO2024013) is attached and hereby incorporated by this reference.

PRESENTATIONS

Union County Public Schools Bond Presentation

The Board of Commissioners received as information the Union County Public Schools Bond package in the amount of \$39,421,448.00 presented by Rev. Jimmy Bention Sr. and Ms. Michele Morris of the Union County Board of Education. The bond package would address aging facilities at Parkwood High and East Union Middle Schools, which were built in the 1950s and 1960s. Union County residents are encouraged to vote for the school bonds at the November 5th elections.

OLD BUSINESS

<u>Consider Adoption of Proposed Amendments to the Board of Commissioners Rules of Procedure</u>

The Board of Commissioners considered adopting amendments to the Board of Commissioners Rules of Procedure. The BOC removed from the agenda Rule 13 to add "C. Board Response to Public Comment" and removal of "I General Public Comment" for discussion at their Annual Retreat scheduled in January 2025.

Barbara Bruce, Town Clerk, provided an overview and background information of the proposed amendments. She noted the amendments were being proposed to incorporate the last sentence, adopted by the BOC on 9/28/2021, to avoid any impropriety on the Waxhaw Advisory Boards. She also requested the BOC to consider adding an Appendix C to keep a record of all amendments and to clean up all branding and formatting issues.

- Rule 13. Order of Business to add "C. Board Response to Public Comment" and reorder accordingly.
- Rule 13. Order of Business to remove "I. General Public Comment" and reorder accordingly.
- Rule 34. Committees and Boards to add the last amendment adopted by the BOC on September 28, 2021: "Additionally in order to avoid the appearance of impropriety and the possibility of undue influence the Board any not appoint a spouse, a child, or an immediate family member living in the same household of a Board Member to the statutory boards and organizations listed in Article 3 Chapter 160D of the North Carolina General Statutes. (New sentence is hereby amended per BOC adoption on September 24, 2024.)"
- Add Appendix C to record all amendments to these Rules of Procedure.
- To clean up any formatting issues related to logo, fonts and spacing.

MOTION was made by Mayor Pro Tem McMillon to adopt the proposed amendments for Rule 34 and add Appendix C to the Board of Commissioners Rules of Procedures as presented. **MOTION** carried unanimously (5:0).

NEW BUSINESS

2024 Historic Preservation Fund (HPF) Grant Award

The Board of Commissioners considered for adoption Ordinance (ORD2024023) establishing a special revenue fund to accept the grant award from the 2024 Historic Preservation Fund (HPF) in the amount of \$24,000 for the Town of Waxhaw to fund the Waxhaw African American History Project.

Ms. Janet Peirano, Planner II/Historic Preservation Planner, provided an overview and background information on the project. She explained it would be community driven oral history project using the State Archives of North Carolina oral history protocols guidelines. It would identify geographical locations, neighborhoods and individual landmarks including documented artifacts, architectural surveys, photos, and events of African American History. She noted the estimated total cost of the project was \$40,000 with a local match in the amount of \$16,000.

MOTION was made by Mayor Pro Tem McMillon to adopt Ordinance (ORD2024023) establishing a special revenue fund and authorize the Town Manager and Finance Director to accept the grant award in the amount of \$24,000 to help fund the Waxhaw African American History Project, as presented. **MOTION** carried unanimously (5:0).

Ordinance (ORD2024023) is attached and hereby incorporated by this reference.

Consider Approval of Building Exterior Improvement Grant Request BEIG-005-2024

The Board of Commissioners considered a building exterior improvement rant petition submitted by property owner Lauren Edwards for the porch roof of the property located at 333 North Broad Street.

Ms. Janet Peirano, Planner II/Historic Preservation Planner, provided an overview and historical background information and the proposed improvements on the building. Additionally, she added, the Historic Preservation Commission (HPC) reviewed the petition at their regular meeting on September 12, 2024, and unanimously recommended approval.

MOTION was made by Mayor Pro Tem McMillon to approve Building Exterior Improvement Grant Petition BEIG-005-2024 as present, up to 50% of the actual cost of work, not to exceed \$3,325. **MOTION** carried unanimously (5:0).

Preliminary Subdivision Plat Petition: SUB-015473-2024 Artisan at Prescot

The Board of Commissioners considered for approval the Preliminary Subdivision Plat SUB-015473-2024 Artisan at Prescot. The request was submitted by the applicant Eric Candee with Widewaters for a by-right preliminary subdivision plat of approximately 66.92 acres located along Prescot Glen Parkway.

Ms. Lisa Thompson, Planning & Inspections Director, provided an overview of the project. The property was zoned NC, Neighborhood Center and R-4, Residential. All lots in the proposed subdivision met the minimum dimensional requirements and setbacks using the R3 and R4 clustering provisions, sidewalks were proposed throughout the subdivision on both sides of the street and all driveways were at least 20 feet making them a sufficient length to keep vehicles off the alley and sidewalks. Additionally, she added, the proposed subdivision contained 169 single family attached units with an over all density of 2.5 units per acre.

MOTION was made by Commissioner Wesolek to approve the Preliminary Subdivision Plat Petition: SUB-015473-2024 Artisan at Prescot, as presented. **MOTION** carried unanimously (5:0).

Consider Appointments/Reappointments to Waxhaw's Advisory Boards and Commissions for 2024

The Board of Commissioners considered the Slate of Candidates for appointment/reappointment to the 2023 Board and Commission.

Michael Evola, OAB Chair and Barbara Bruce, Town Clerk, provided an overview of the appointment process. The OAB completed the interviews with all applicants and recommended a Slate of Candidates for consideration for appointment or reappointment to serve on the 2024 Waxhaw Boards & Commission.

Discussion

- Mayor Pro Tem McMillon asked if the interviews were conducted by the entire OAB members or individually and how many individuals interviewed the applicants during this process. Mr. Evola answered that each representative of the OAB interviewed the applicants for the Advisory Board they represent. After the interviews were conducted, the OAB met and discussed the applicants and made the recommendations as one board.
- Mayor Pro Tem McMillon asked the Town Clerk, previously, how were interviews held, either by the OAB or members to the individual committees. Ms. Bruce answered the same process is used with the OAB. The OAB receives the applications. The Chair or Vice Chair from the each board schedules and conducts the interviews with support from the Staff Liaisons.
- Mayor Pro Tem McMillion clarified that previously there was a round-robin type of
 interview process were all applicants were interviewed in the same room on the
 same day by members. Ms. Bruce answered that may be true but she was not
 employed with the Town of Waxhaw during that process. Additionally, the Board
 of Commissioners conducted a round-robin interview process with applicants for the
 Planning Board/BOA seats when the Planning Board and BOA was dissolved and
 reinstated as one board.
- Town Manager Wells confirmed that round-robin interviews were conducted in the past with possibly two Commissioners leading the process.
- Commissioner Wesolek confirmed when the OAB was first established there were 2 Commissioners that overseeing the process, then the OAB was dissolved and the BOC conducted the round-robins to interview all applicants and discussed the candidates at a subsequent meeting. Additionally, she added, during COVID the OAB consisted of 2 Commissioners and the Town Clerk conducting the interviews,

then most recently the Board directed for the Chairs or Vice Chairs from each advisory board to be OAB members and the Board should discuss whether this process is working.

- Commissioner Daunt questioned the process.
- Commissioner Wesolek felt it opens up bias in the current process.
- Mayor Murray noted the Board was discussing a process that has ended. He added
 that it was time for the Board to proceed with a motion to accept the slate of
 candidates or proceed with individual motions for the recommended candidates.

Mayor Murray entertained the following motion:

MOTION was made by Commissioner Daunt to approve the Slate of Candidates for appointment and reappointment to serve on the 2024 Waxhaw's Advisory Boards and Commissions. **MOTION** carried a vote of 2:3 with Commissioners Wedra and Daunt in favor and Mayor Pro Tem McMillon and Commissioners Wesolek and Hall in opposition.

Board members deliberated on the process for conducting the individual motions for the 2024 Waxhaw Advisory Boards and Commission.

Mayor Murray entertained the following motions for the individual candidates recommended for appointment/reappointment to serve on the 2024 Advisory Boards and Commission:

MOTION was made by Mayor Pro Tem McMillon to appoint Patrick McCullough to the ABC for a 3-year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried unanimously (5:0).

MOTION was made by Mayor Pro Tem McMillon to appoint John Mullen to the HPC for a 3-year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried unanimously (5:0).

MOTION was made by Mayor Pro Tem McMillon to appoint Vivie Miller to the HPC for a 3-year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried unanimously (5:0).

MOTION was made by Mayor Pro Tem McMillon to reappoint Terry Settle to the HPC for a 3-year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried unanimously (5:0).

MOTION was made by Mayor Pro Tem McMillon to reappoint Mark Hagerty to the PCR for a 3-year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried unanimously (5:0).

MOTION was made by Commissioner Daunt to reappoint Sila Vlachou to the PCR for a 3-year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried unanimously (5:0).

MOTION was made by Commissioner Daunt to appoint Avril Arendse to the PCR for a 3-

year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried unanimously (5:0).

MOTION was made by Mayor Pro Tem McMillon to appoint Jennings Whitt to the PAC for a 2-year term beginning October 1, 2024 and ending September 30, 2026. **MOTION** carried unanimously (5:0).

MOTION was made by Commissioner Daunt to reappoint Daniel Farris to the PB/BOA for a 3-year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried a vote of 2:3 with Commissioners Wedra and Daunt in favor and Mayor Pro Tem McMillon and Commissioners Wesolek and Hall in opposition.

MOTION was made by Commissioner Daunt to reappoint Deepa Limaye to the PB/BOA for a 3-year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried unanimously (5:0).

MOTION was made by Commissioner Daunt to appoint Christine Winward to the PB/BOA Alternate for a 3-year term beginning October 1, 2024 and ending September 30, 2027. **MOTION** carried a vote of 2:3 with Commissioners Wedra and Daunt in favor and Mayor Pro Tem McMillon and Commissioners Wesolek and Hall in opposition.

TOWN LEADERSHIP REPORTS

Town Manager Jeffrey Wells provided the following updates:

- Announced the Town of Waxhaw received the Strap Grant Award in the amount of \$85,714.00 for stream debris removal. The grant is provided by the Soil and Water Conservation Commission and administered through the North Carolina Department of Environmental Quality (NCDEQ).
- Provided an update on the Town Campus

Assistant Manager Matt Hubert

• Provided an update on Engineering projects.

Communication Strategy Director Ian Redman

• Provided an update on Communication projects.

Planning & Inspections Director Lisa Thompson

• Announced her resignation as Planning & Inspections Director.

Waxhaw Police Chief Dexter Wilson

• Provided an update on Police projects.

Board of Commissioners

Commissioner Wedra provided the following statement into the record:

• "On July 23, 2024, the Waxhaw BOC voted unanimously to appoint 4 volunteer

board members to the Organization Advisory Board (OAB).

The OAB vet's candidates for all of the towns volunteer boards by conducting interviews, scoring applicants, and making impartial recommendations to the BOC. On September 09, 2024, after interviewing candidates for multiple vacancies on several boards, including the Planning Board, the OAB finalized their review and scored the candidates.

The Planning Board has three upcoming vacancies. On a scale of 1 to 5, the OAB scored the 9 candidates as follows.

Danial Farris (present chair) received 5 points.

Deepa Limaye (active member) received 4 points.

Christine Winward (an army veteran and company commander with extensive project management experience, who deployed to Iraq) also received 4 points.

The other six candidates received between 1 and 3 points. The OAB recommended the top three scoring candidates.

Now we have three commissioners on this board who are trying to undermine the process and install a personal friend over the OAB's recommendations.

An individual who while serving on the Waxhaw BOC between 2019 and 2023, never once voted against a conditional rezoning application.

A person who in the 2023 Waxhaw election received only 17.96% of the vote. An individual who in the 2024 Union County BOC primary received only 11.97% support from citizens.

Twice in the last 10 months, Waxhaw citizens clearly indicated that this applicant's vision for the community did not align with theirs. As an electorate, they do not want her involved in the planning and development process in any way, shape or form. This fact alone should disqualify her as a candidate. There is simply no valid basis for installing a candidate to the Planning Board through the back door, when the front gate was closed by both the electorate and the OAB. This type of conduct is everything people despise about government, and it has no place in Waxhaw.

Specifically, such action would raise valid questions in many people's minds about nepotism, political favors and potential violations of the ethical duties to which each Board member is subject.

We as board members agreed to abide by the BOC Rules of Procedure which declare in part that The Board will recognize and respect the public trust and will represent the Town in an ethical manner for both public and private matters (#2 of the preamble).

Further, our Code of Ethics clearly states that "Public Officials should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach..... The Town Board will consider impropriety in terms of whether a reasonable person who is aware of all of

the relevant facts and circumstances surrounding the Board member's action would conclude that the action was inappropriate."

In my opinion, reasonable people aware of the facts and circumstances already discussed would easily conclude that the appointment of Anne Simpson to the planning board is completely inappropriate. But sadly, the facts don't even end there. Since being sworn in 9 months ago, I have had lunch meetings with department heads and volunteer board members so I could learn more about their roles and responsibilities.

On May 31, 2024, such a meeting took place between me, Commissioner Daunt, and two planning board members, one being Danial Farris.

Soon after our meeting, Mr. Farris received a text message from Commissioner Wesolek containing surveillance photos of us at lunch – one inside the restaurant and one outside the restaurant. No other context....just the photos. Any reasonable person would interpret

Commissioner Wesolek's actions as, quite literally, "sending them a message" in an attempt to intimidate.

Precisely two days later, Commissioner Wesolek also responded to a citizen on her Commissioner Facebook page, citing her displeasure with the planning board's recent decision to recommend against a project, stating that, "I'm not sure why all of a sudden, the Planning Board is not working effectively. Obviously, this is something that needs to be addressed." I guess this is the way to address it.

Taken together, Commissioner Wesolek's express displeasure with a planning board recommendation along with the contemporaneous message she sent to the Planning Board Chair, are tantamount to intimidation aimed at placing undue influence on the Planning Board and

demonstrate that exercising a vote on these current Planning Board appointments would reek of impropriety in violation of our Code of Ethics. Accordingly, I formally request that she recuse herself from the entire planning board recommendation process and vote. And if this does not happen, I would formally request the town attorney, or the Town manager investigate whether

this overall course of conduct from alleged intimidation of the planning board to the ultimate recommendation to appoint her friend and failed candidate to the planning board today if it

violates the code of ethics or any other applicable rule. I would like to submit my comments, the photos, and the post."

ADJOURNMENT

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

The meeting was adjourned at 8:27 pm.

Respectfully submitted,

Robert J. Minray, III, Mayor

ATTEST:

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A Proclamation in Honor of Ms. Rosa Cherry Covington

WHEREAS, Ms. Rosa Cherry Covington was honored by relatives and friends on the occasion of her 90th Birthday on September 14, 2024;

WHEREAS, She was born on September 16, 1934, in Union County (Waxhaw), North Carolina and has been a resident of this community for most of her life;

WHEREAS, She was a graduate of the Western Union High School of Waxhaw, North Carolina;

WHEREAS, She left this community to attend college at Catholic University beginning her career with Howard University Medical Laboratory and Mobile Sickle Cell Unit and worked for 12 years as a valued and significant team member;

WHEREAS, She returned to North Carolina to work in Greensboro at the historic L. Richardson Hospital serving the African American community in the laboratory, then continued her work through the North Carolina State Department of Corrections, Probation and Parole where she provided drug testing;

WHEREAS, She became the wife of Robert Convington, and this marriage was blessed with 2 children, Virginia and Riva. In addition to being a wife, mother and professional, she has been active at Marvin AME Zion Church as a Faithful Sunday School Teacher, Class Leader, Leader of Leaders, Missionary, Lay Council, Deaconess, and a Delegate at the Annual Conference for the Marvin AME Zion Church:

WHEREAS, She served the Wadesboro Monroe District in the Lay Council, Coordinator for the Bureau of Supply for the Missionary Department and Delegate for the Missionary Quadrennial in New Orleans, Louisiana;

WHEREAS, She has been active in civic responsibilities serving as a judge at the polls, a poll worker in Waxhaw, and a volunteer with Fix it for Christ in Waxhaw;

PROCLAMATION: PRO2024016

WHEREAS, during a long and productive lifetime, she has demonstrated in countless ways her dedication to the welfare of others and has earned the respect and affection of people from all walks of life and ages; and

WHEREAS, She has lived during the most eventful century of this word's history and in her quiet way has been a force for good and a stabilizing influence on those around her during these turbulent times.

NOW THEREFORE, I, Robert J. Murray III, Mayor of the Town of Waxhaw, North Carolina, deem it an honor and a pleasure to extend this proclamation to Ms. Rosa Cherry Covington on the occasion of her 90th birthday with sincere congratulations and best wishes for many more happy, productive years.

Duly adopted this 24th day of September 2024.

Robert J. Murray III, Mayor



Proclamation in Support of National Breast Cancer Awareness Month

WHEREAS, breast cancer touches the lives of Americans from every background and in every community across our Nation;

WHEREAS, while considerable progress has been made in the fight against breast cancer, it remains the most frequently diagnosed type of non-skin cancer and second leading cause of cancer deaths among women;

WHEREAS, thousands of women and men will be diagnosed with breast cancer this year, and tens of thousands of women are expected to lose their lives to the disease;

WHEREAS, the exact causes of breast cancer are unknown, understanding its risk factors is essential to prevention. Older women and those who have a personal or family history of breast cancer are among those at greater risk of developing the illness. Early detection is also key in the fight against breast cancer. Getting recommended screening mammograms can help to detect breast cancer early. Women and men are encouraged to speak with their health care provider about breast cancer, and to visit www.cancer.gov to learn more about symptoms, diagnosis, and treatment; and

WHEREAS, this month, we stand with those who have been affected by breast cancer, and we recognize the ongoing efforts of dedicated advocates, researchers, and health care providers who strive each day to defeat this terrible disease. In memory of the loved ones, we have lost and inspired by the resilience of those living with the disease, let us strengthen our resolve to lead our Nation toward a future free from cancer in all its forms.

NOW, THEREFORE, BE IT PROCLAIMED, I, Robert J. Murray, III, Mayor of the Town of Waxhaw, North Carolina, do hereby proclaim October 2024 as National Breast Cancer Awareness Month in Union County and urge all citizens to support this observance. I further urge our citizens to increase their awareness, education and importance of early detection of breast cancer which deeply affects a large number of families in our State each year and to dedicate themselves to prevention, detection and treatment of breast cancer.

Duly adopted on this 24th day of September 2024.

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Section: 100-31

ORDINANCE: ORD2024023



Ordinance Authorizing the Establishment of a Special Revenue Fund to Accept the 2024 CLG Grant Project: Waxhaw African American History Project Award of \$24,000 Town of Waxhaw, North Carolina

WHEREAS, the North Carolina General Statute 160A-12 gives local municipalities the authority to create a special revenue fund to accept State Appropriation (Grant) Funds;

WHEREAS, this Special Revenue Fund is created to receive the 2024 CLG Grant Project: Waxhaw African American History Project Funding Award;

WHEREAS, the Town of Waxhaw wishes to establish a Special Revenue Fund for the 2024 CLG Grant Project: Waxhaw African American History Project; and

WHEREAS, revenues received in excess of \$.00 will be used to fund the cost of the project.

NOW, THEREFORE, BE IT ORDAINED BY THE WAXHAW BOARD OF COMMISSIONERS THAT:

Section 1. The Board of Commissioners authorizes the Town Manager and Finance Director to establish a Special Revenue Fund to receive Funds for the targeted budget amount of \$24,000.

Section 2. The Special Revenue Fund shall be named Fund 225 – 2024 CLG Grant Project WAAHP.

Section 3. The Board of Commissioners authorizes the Town Manager and Finance Director to perform a Budget Amendment to increase Revenue and Expenditures, allocated to the Town's Grant Match of \$16,000.

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS ADOPTION AND APPROVAL.

Duly adopted this 24th day of September 2024.