



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
TOWN COUNCIL MEETING**

**March 14, 2022
6:00 PM**

AGENDA

1. CALL TO ORDER

- A. The Town Hall Council Chambers will be open at our normal capacity. The meeting may also be accessed via the Zoom platform at the following link:

<https://us02web.zoom.us/j/83481877476?pwd=YzFjTlBDZWQweU9NVWR0QjFhRVVqQT09>

Meeting ID#: 834 8187 7476

Passcode: 212521

Or join by phone:

301.715.8592

312.626.6799

- B. AGENDA ADOPTION
- C. INVOCATION
- D. PLEDGE OF ALLEGIANCE
- E. SPECIAL PRESENTATIONS
- F. PUBLIC COMMENT - Anyone wishing to address the Town Council may do so during the Public Comment section. Please state your name and address for the record, be courteous and do not repeat what has already been said. Please keep your comments about the subject and not personal in nature.

2. CONSENT AGENDA

- A. Consider the minutes of the January 29, 2022, Town Council Budget Meeting
- B. Consider the minutes of the January 29, 2022, Closed Session
- C. Consider the minutes of the February 8, 2022, Town Council Budget Meeting
- D. Consider the minutes of the February 8, 2022, Closed Session
- E. Consider the minutes of the February 14, 2022, Town Council Meeting
- F. Consider the minutes of the February 14, 2022, Closed Session

- G. Consider the minutes of the February 23, 2022, Town Council Budget Meeting

3. COMMUNICATIONS

- A. TOWN MANAGER/FINANCE MONTHLY REPORT
- B. MAYOR'S COMMENTS
- C. COUNCIL COMMENTS

4. PUBLIC HEARINGS

- A. H2021-13-R - Public Hearing to consider a conditional rezoning and annexation request to add a portion of parcel to modify the previously approved Farmington PUD.
- B. H2021-14-R - Public hearing to consider a rezoning request to remove a portion of parcel and modify the previously approved Farmington PUD.
- C. H2022-01-R - Public hearing to consider rezoning and annexation of 2 parcels off of Paul Linker PL associated with an annexation request.
- D. Public Hearing to consider changes to the Harrisburg Code of Ordinances.

5. OLD BUSINESS

- A. 2017 Transportation Bond Review
- B. H2021-01 (R) – Consideration of Conditional Rezoning and Zoning Map Amendment for Oakview Residential Subdivision off of Hickory Ridge Rd. (behind Blume Phase II)

6. NEW BUSINESS

- A. Consideration of Contract with Martin Starnes and Associates, CPAs, P.A. for Financial Audit Services
- B. Consideration of FY2022 Budget Ordinance Amendments for Fire Vehicles

7. ACTION ITEMS

8. CLOSED SESSION

9. ADJOURNMENT

Town of Harrisburg's Vision Statement

Harrisburg will be the best small town in North Carolina based on low density housing, excellent economic opportunities, a safe living environment, and efficient and effective municipal services. Amenities such as excellent recreational programs, adequate open space, attractive shopping opportunities, a diversity of restaurants, and a connected system of roadways, sidewalks, greenways, and bicycle lanes will continue to enhance the quality of life of the Town. These services and amenities will be provided while retaining reasonable tax rates and debt levels.



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the January 29, 2022, Town Council Budget Meeting

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the January 29, 2022, Town Council Budget Meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. January 29 Minutes

**TOWN OF HARRISBURG, NORTH CAROLINA
TOWN COUNCIL MEETING
SATURDAY, JANUARY 29, 2022
8:00 AM**

MINUTES

This meeting was held in person as well as virtually via the Zoom platform.

Mayor Jennifer Teague called the meeting to order.

PRESENT: Mayor Jennifer Teague; Mayor Pro-Tem Maurice Price Jr., Councilmembers Ron Smith, Diamond Staton-Williams, Rick Russo, Ian Patrick, Rodney Dellinger and Altyn Cotell

1A.

ZOOM NOTIFICATION

The Zoom meeting link and details were published and advertised before the meeting took place and were shown on the agenda.

2A.

NEW BUSINESS

Budget Process Discussion. Brian Lee, Finance Director, went over the Budget process and timeline, and gave an explanation of all of the Town's funds.

2B.

NEW BUSINESS

Staffing Compensation Discussion. Discussion included:

- Market Conditions
- Potential Compensation Study
- Retention Bonus
- Premium pay options
- COLA/inflation
- Potential Benefits enhancements

2C

NEW BUSINESS

Council Goals. Lee Connor, Brian Lee and Rob Donham took 80 goals identified by Council and organized them into 9 main high-level goals with related tasks within each one:

- Economic Development
- Traffic/Roads
- Website/Internet
- Meetings/Boards/Committees
- Parks and Recreation
- Funding
- Public Safety
- Town Vision
- Internal Staff Goals

3.

CLOSED SESSION

MOTION:

Councilmember Smith made a motion to go into Closed Session to discuss personnel matters and economic development. Second was made by Councilmember Patrick. **The motion passed 7-0.**

Upon returning from Closed Session, the following action was taken:

MOTION:

Councilmember Smith made a motion to come out of Closed Session and return to regular business. Second was made by Mayor Pro-Tem Price. **The motion passed 7-0.**

ADJOURNMENT:

MOTION:

There being no further business, Councilmember Dellinger made a motion to adjourn the meeting. Second was made by Councilmember Staton-Williams. **The motion passed 7-0.**

ATTEST:

Jennifer Teague, Mayor

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the January 29, 2022, Closed Session

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the January 29, 2022, Closed Session.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

None



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the February 8, 2022, Town Council Budget Meeting

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the February 8, 2022, Town Council Budget Meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. February 8 Minutes

**TOWN OF HARRISBURG, NORTH CAROLINA
TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 8, 2022
6:00 PM**

MINUTES

This meeting was held in person as well as virtually via the Zoom platform.

Mayor Jennifer Teague called the meeting to order.

PRESENT: Mayor Jennifer Teague; Mayor Pro-Tem Maurice Price Jr., Councilmembers Ron Smith, Diamond Staton-Williams, Rick Russo, Ian Patrick, Rodney Dellinger and Altyn Cotell

1A.

ZOOM NOTIFICATION

The Zoom meeting link and details were published and advertised before the meeting took place and were shown on the agenda.

2A.

NEW BUSINESS

Budget Discussions. Discussion included the following:

- Items consistent throughout all departments:
 - Benefits
 - Merit increases – proposing 2.5% - 7%
 - Health insurance
 - 401k/457b – proposing 3% contribution/2% match
 - Longevity
 - Pension contribution – required contribution increasing to 12.25%
 - Uniforms – proposing \$50 increase
- Compensation Study – COLA now could potentially offset the costs of adjustments due to the results of the compensation study and would also help with compression issues. Staff was directed to bring back to Council at the April 4th budget meeting for further discussion.
- Council/Administration Budgets:
 - Mayor/Council salaries – proposing increases this year. Two options: Option 1 – Council \$7,700, Mayor \$9,900; Option 2 – Council \$7,600, Mayor \$11,500. Current salaries: Council \$6,500, Mayor \$9,400.
 - ARPA Funds: \$4,512,729 remaining – need to start prioritizing where to spend these funds.
 - Election costs removed for this year
 - \$200,000 shovel ready project removed this year. After some discussion, Council wants to put that back in.
 - Money for Town Hall Day in Raleigh
 - Money available for NC School of Government classes
 - Youth Council has been moved to Communications budget
 - Special projects – dollar amount to be determined by Council
 - Cabarrus Arts Council asking for close to \$10,000 this year.
 - Technology reduced – new technology comes in election years
 - Reviewed projects/items in process and completed
 - Top goals for upcoming year: Economic Development and Infrastructure
 - FY2022 review
 - FY2023 highlights – salaries, benefits, focus on Council goals, general line items, Capital Improvement Plan. Councilmember Patrick stated that he may have a conflict of interest in regard to the library project if it comes up.

- Finance Budget:
 - History of the department
 - Recent enhancements
 - Duties of the department
 - Budget
 - Financial Statements
 - Revenues/Expenditures
 - Capital/Capital Projects
 - Investments
 - Debt
 - Contracts
 - Reporting
 - Customer Service - collecting and processing utility fees, permits, fees, penalties; creating work orders for Public Works and general services; reconciling payments and cash across the Town, processing requests for new services, transfer of services, updates to accounts, disconnections; assisting residents
 - Types of Revenues/Expenditures
 - Financial Statements
 - Debt
 - Reviewed FY2023 budget proposals for the department
- Human Resources Budget:
 - History and overview of the department
 - High level look at duties and responsibilities
 - Recruitment/Onboarding
 - HRIS/Document Management
 - Benefits Administration
 - Wellness Program
 - Safety Program
 - Performance Management
 - Employee Relations
 - Initiatives for upcoming year
 - Reviewed FY2023 budget proposals for the department
- Town Clerk Budget:
 - Overview of the department duties and responsibilities
 - Custodian of all public records, maintains Town Seal, executes legal documents, arranges for legal notices
 - Performs statutory responsibilities
 - Coordinates preparation, publication, and distribution of Council agendas. Attends Council meetings and prepares or oversees preparation of minutes
 - Processes ordinances, resolutions, and other actions of the Council
 - Administers the Town's property and liability insurances
 - Assists with payroll processing
 - Serves as HR Generalist, working with the HR Director on various programs including data management, safety and wellness programs, recruitment and selection, new employee enrollment and orientation, records management, salary, and benefits administration, etc.
 - Reviewed FY2023 budget proposals for the department

3.

CLOSED SESSION

MOTION:

Councilmember Smith made a motion to go into Closed Session to discuss personnel matters. Second was made by Councilmember Cotell. **The motion passed 7-0.**

Upon returning from Closed Session, the following action was taken:

MOTION:

Councilmember Smith made a motion to come out of Closed Session and return to regular business. Second was made by Councilmember Cotell. **The motion passed 7-0.**

ADJOURNMENT:

MOTION:

There being no further business, Councilmember Smith made a motion to adjourn the meeting. Second was made by Councilmember Dellinger. **The motion passed 7-0.**

ATTEST:

Jennifer Teague, Mayor

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the February 8, 2022, Closed Session

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the February 8, 2022, Closed Session.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

None



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the February 14, 2022, Town Council Meeting

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the February 14, 2022 Town Council Meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. February 14 Minutes

**TOWN OF HARRISBURG, NORTH CAROLINA
TOWN COUNCIL MEETING
MONDAY, FEBRUARY 14, 2022
6:00 PM**

MINUTES

This meeting was held in person as well as virtually via the Zoom platform.

Mayor Jennifer Teague called the meeting to order.

PRESENT: Mayor Jennifer Teague; Mayor Pro-Tem Maurice Price Jr., Councilmembers Diamond Staton-Williams, Ian Patrick, Rick Russo, Rodney Dellinger, Altyn Cotell and Ron Smith

1A.

ZOOM NOTIFICATION

The Zoom meeting link and details were published and advertised before the meeting took place and were shown on the agenda.

1B.

AGENDA ADOPTION

MOTION:

Councilmember Dellinger made a motion to approve the agenda as presented. Second was made by Councilmember Smith. **The motion passed 7-0.**

1C.

INVOCATION

Wesley Shell from Multiply Church conducted the invocation.

1D.

PLEDGE OF ALLEGIANCE

1E.

SPECIAL PRESENTATIONS

None

1F.

PUBLIC COMMENT

- Joyce Osborne, 413 Parallel Drive, Harrisburg – concerns about the traffic backing up on Parallel Drive. Would like the Town to do something about it.

2.

CONSENT AGENDA

- A. Consider the minutes of the January 3, 2022, Called Town Council Meeting
- B. Consider the minutes of the January 3, 2022, Closed Session
- C. Consider the minutes of the January 10, 2022, Town Council Meeting
- D. Consider the minutes of the January 10, 2022, Closed Session
- E. Consider the minutes of the January 13, 2022, Called Town Council Meeting
- F. Consider the minutes of the January 18, 2022, Called Town Council Meeting
- G. Town Acceptance of Asphalt and Storm Drainage Systems in Churchill Farms Subdivision
- H. Town Acceptance of Asphalt and Storm Drainage Systems in Holcomb Woods Phase 1 Subdivision
- I. Set a public hearing for March 14, 2022, to consider changes to the Harrisburg Code of Ordinances
- J. Set a public hearing for March 14, 2022, to consider the annexation of parcels off Paul Linker Road (H2022-01 R)

- K. Set a public hearing for March 14, 2022, to consider the annexation of a portion of a parcel to modify the previously approved Farmington PUD (H2021-14 R)

MOTION:

Councilmember Smith made a motion to approve the Consent Agenda. Second was made by Mayor Pro-Tem Price.

The motion passed 7-0.

3A.

COMMUNICATIONS

TOWN MANAGER/FINANCE REPORT

Manager Report:

SHARP Award Presentation

- S.H.A.R.P. - Safety & Health Achievement Recognition Program
- Commissioner of Labor Josh Dobson presented the Public Works Department with the SHARP award this past Friday
- Recognizes certain categories of public sector employees that have developed and maintained effective safety and health programs
- One of very few local governments throughout the State that have received the award

ADA Work

- Rocky River Crossing sidewalk crossing

Pump Track

- Pump track construction underway at Harrisburg Park
- Will be working over the next month or so laying the dirt and sculpting it
- Another new amenity to the Park

Houses on Fire Land

- Waiting on paperwork from asbestos removal company
- Once this has been remediated will be closer to scheduling time for the burn trainings
 - Will keep Council and public aware of when that will happen

Upcoming Meetings

- Planning & Zoning Advisory Board Meeting – Tuesday, 2/15, Zoom
- Neighborhood Meeting – Thursday, 2/17, Zoom

Finance Report:

Finance Director Brian Lee presented the Finance report.

Law Enforcement Report:

Lt. Chris Measimer presented the Law Enforcement report.

Fire Department Report:

Fire Chief Bryan Dunn presented the Fire Department report.

3B.

COMMUNICATIONS

MAYOR'S COMMENTS

- Issued proclamations for Black History Month and the Health for Humanity Yogathon this month

- Tuesday, February 15th at 7:00 pm, Sheriff Shaw is hosting a Harrisburg Safety Meeting at the Lions Club in Harrisburg
- Departmental Assignments for Council:
 - Arts & Culture - Altyn Cotell
 - HBA- Diamond Station-Williams & Jennifer Teague
 - Youth Council- Maurice Price & Diamond Staton-Williams
 - Fire - Rick Russo
 - Parks & Rec- Altyn Cotell, Ron Smith (alt)
 - Planning & Zoning- Ian Patrick, Rodney Dellinger (alt)
 - Sustainability- Rodney Dellinger, Ian Patrick (alt)

3C.

COMMUNICATIONS

COUNCIL'S COMMENTS

None

4A.

PUBLIC HEARING

H2021-01 R – Consider Conditional Rezoning and Zoning Map Amendment for Oakview Residential

Subdivision off Hickory Ridge Road (behind Blume Phase II). Oakvu LLC, on behalf of the property owners of parcel 55167593100000, has submitted a request to rezone approximately 65.01 acres of land located on the eastern side of Hickory Ridge Road south of Rocky River Road and connecting to Cornflower Drive (behind Blume Phase II). The applicant proposes to develop a single-family subdivision with 30 detached units with a minimum lot size of 20,000 sq. ft. To achieve this, the applicant is requesting that the property be rezoned from Rural Estate (RE) to CZ-RL (Conditional Zoning Residential Low Density). The proposed gross density of the site is 0.46 dwelling units per acre.

The property is in the Town limits and does not require annexation. Planning and Zoning Board recommended approval of the rezoning request at their November 16, 2021, meeting.

A staff report has been provided for more information and a site plan submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the subsequent Preliminary Plat and Construction Document (CDs) reviews.

Sushil Nepal, Harrisburg Planning and Economic Development Director, presented the background information.

Sarah Beason, with Alexander Ricks PLLC, presented information concerning this rezoning request representing the applicant, Oakvu LLC

Discussion followed.

The public hearing was opened.

Speaking:

- Joyce Osborne, 413 Parallel Drive, Harrisburg – questions about traffic
- Steve Sciascia, 2265 Sweet Pea Lane, Harrisburg (emailed in comment) - against

The public hearing was then closed.

Action on this rezoning will be taken at the March 14, 2022, Town Council meeting.

5A.

OLD BUSINESS

None

6A.

NEW BUSINESS

H2021-04 S – Consider approval of the Preliminary Plat for Tramore Residential Subdivision.

McAdams Company, on behalf of Taylor Morrison, has submitted a Preliminary Plat application for 42 single family homes in Tramore Residential Subdivision, located on the western side of Hickory Ridge Road near Grady Harris Road. The site

PIN numbers are 5516-41-0869, 5516-51-2789 and 5516-42-6187, consisting of a total area of 52.17 acres. The subject property was rezoned in July 2021 (Case #H2021-03-R)) to CZ-RM1 to allow for 42 single family homes.

A staff report has been provided for more information and a site plan along with development notes submitted for consideration. Staff reviewed the site plan in accordance with the Harrisburg Area Land Use Plan (HALUP) and Unified Development Ordinance (UDO). The Planning and Zoning Board reviewed and recommended approval of the Preliminary Plat at their November 16th, 2021 meeting. The open space fee-in-lieu-of was presented to the Park and Recreation Advisory Board on Jan 15, 2022 and received a recommendation to accept the fee as presented.

Sushil Nepal presented the background information.

After some discussion, the following action was taken:

MOTION:

Councilmember Smith made a motion to approve the Preliminary Plat application as requested by the applicant for the related property in application H-2021-04 S. Councilmember Cotell made the second. **The motion passed 7-0.**

6B.

NEW BUSINESS

Consider Parks and Recreation Advisory Board Appointments. The Parks and Recreation Advisory Board has two (2) remaining appointments for the upcoming two-year term, which will begin as soon as appointed (February 2022). The town had four vacancies and filled two of those at the January Town Council meeting. Two additional applicants have since been received.

Per the By-Laws of the board, the vacancies were advertised for 60 days via the town's website and social media. The four board members' terms who expired in January 2021 were: Linda Thurman, Mohammed Idlibi, Carl Westine and Jason Marshall.

Linda Thurman has served eight years on the Parks and Recreation Advisory Board. Therefore, per the by-laws, she must step down from the board for one year before being eligible to apply again. Mohammed Idlibi did submit an application and was re-appointed to the Advisory Board in January as well as a new appointment, Michael Thevenin.

Two additional applications were received following the January Town council meeting from: Hannah Brown and Fred Brillante. The candidates attended the January 18, 2022, Advisory Board meeting to meet the board and answer questions about themselves.

The Advisory Board made a motion to recommend the following applicants be appointed: Hannah Brown and Fred Brillante. The motion was made by Tim Morris and seconded by Delroy Ross. The motion passed 6-0.

A summary of the applicants is provided below, and their applications have been submitted for consideration:

Hannah Brown: Hannah is a working mom, volunteer coach and parent of two children. She believes she can offer valuable insight between participants and their families and the department. She would like to give back to the community and specifically to the Parks and Recreation Department, which has been so influential in her children's lives and her family's involvement in Harrisburg.

Fred Brillante: Fred currently works at UNC Charlotte. He enjoys the parks and recreation in Harrisburg and believes he would be a good addition to the team. He likes the facilities and would like to give back to assist any way he can.

Both applicants reside within the town limits.

MOTION:

Councilmember Dellinger made a motion to approve the appointments of Hannah Brown and Fred Brillante to the Parks and Recreation Advisory Board. Second was made by Councilmember Staton-Williams. **The motion passed 7-0.**

6C.

NEW BUSINESS

Consider contract with JER HR Group for a Comprehensive Pay Study. The Town is requesting approval to conduct a comprehensive study to examine and implement a Classification System and Pay Development system that we can sustain. The last time the Town had a comprehensive external study conducted was 2016. In 2019, we did an internal study for all personnel with the exception of Department Heads to address shifts to the salary range based on inflation and salary adjustments to deal with any compression issues which were not addressed in the 2016 study. Requests for Proposals (RFP) were sent to seven (7) consulting firms and the Town received a response for consideration from four (4) firms. Our committee was made up of Lee Connor and Rob Donham, Town Manager's Office, Tihisha Sharif, Human Resources Director, Janet Rackley, Town Clerk, Brian Lee, Finance Director, and Bryan Dunn, Fire Chief. The purpose of the committee selection was to ensure we had representation from some of our larger departments as well as bring in our internal expertise. After review of the proposals, the committee all agreed to interview JER HR Group. They have 35 years of compensation consultant experience and have worked with 30+ cities during the last five years. After interviewing the respective vendor, the committee is recommending this consultant firm as their proposal captured everything we are trying to accomplish in this comprehensive study.

The scope of this project is to include:

- Conducting a comprehensive pay study to determine if the Town's salaries are competitive and appropriate within the current job market.
 - Analysis for pay step progression for public safety
 - Analysis of other pay offerings such as differentials, allowances, bonuses, etc.
 - Determine if there are any internal equity issues
 - Design pay structure system considering employee retention, longevity, cost of living and merit
 - Recommend a pay increase system and identify potential pay compression issues and provide suggestions for solutions
 - Work with administration to develop and present recommendations and impact studies including cost to implement the proposed changes
 - Provide comparable data/practices referencing shift differential, supplemental pay, stand by and call-in pay
 - Recommend wage adjustments to salary plans that will strengthen the Town's ability to satisfy its compensation and benefits objectives and recommend a plan and methodology for the Town to develop and maintain its pay plan at economically competitive levels over time.
 - Conduct a study of the fringe benefits, compare them to similar public and private sector organizations, and recommend any additional programs
 - Evaluate our current position designations of exempt and non-exempt to ensure compliance with the Fair Labor Standards Act (FLSA)
 - Review the accuracy of current position titles and descriptions regarding unique characteristics of the position, essential job functions, minimum qualifications, working conditions, licensing requirements, on-call requirements, and supervisory requirements
 - Recommend changes to the pay plan, strategies, policies, best practices, and other items related to maintaining a compensation structure that is competitive in the labor market.
 - Provide an effective classification/compensation and position evaluation system for the Town
 - Review the previous recommended certification pay program and discuss desired goals and outcomes with the Town's department heads to create a viable plan to assist with attracting and retaining quality personnel.

The project is expected to take 12 weeks to complete given all timelines are exact. The total fixed cost for this professional service is \$37,450.

Tihisha Sharif, Harrisburg Human Resources Director, presented the background information.

After some discussion, the following action was taken:

MOTION:

Councilmember Smith made a motion to approve the proposed contract with JER HR Group in the amount of \$37,450 for a comprehensive pay study and the related FY2022 Budget Ordinance amendment. Second was made by Mayor Pro-Tem Price. **The motion passed 7-0.**

7.

ACTION ITEMS

- Continue evaluating options for solutions to traffic issues on Parallel Drive

8.

CLOSED SESSION

MOTION:

Councilmember Dellinger made a motion to go into Closed Session to discuss legal matters. Second was made by Mayor Pro-Tem Price. **The motion passed 7-0.**

Upon returning from Closed Session, the following action was taken:

MOTION:

Councilmember Smith made a motion to come out of Closed Session and return to regular business. Second was made by Mayor Pro-Tem Price. **The motion passed 7-0.**

9.

ADJOURNMENT:

MOTION:

There being no further business, Councilmember Smith made a motion to adjourn the meeting. Second was made by Councilmember Patrick. **The motion passed 7-0.**

ATTEST:

Jennifer Teague, Mayor

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the February 14, 2022, Closed Session

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the February 14, 2022, Closed Session.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

None



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the February 23, 2022, Town Council Budget Meeting

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the February 23, 2022, Town Council Budget Meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. February 23 Minutes

**TOWN OF HARRISBURG, NORTH CAROLINA
TOWN COUNCIL MEETING
WEDNESDAY, FEBRUARY 23, 2022
6:00 PM**

MINUTES

This meeting was held in person as well as virtually via the Zoom platform.

Mayor Jennifer Teague called the meeting to order.

PRESENT: Mayor Jennifer Teague; Mayor Pro-Tem Maurice Price Jr., Councilmembers Ron Smith, Diamond Staton-Williams, Rick Russo, Ian Patrick, Rodney Dellinger and Altyn Cotell

1A.

ZOOM NOTIFICATION

The Zoom meeting link and details were published and advertised before the meeting took place and were shown on the agenda.

2A.

CONSENT AGENDA

None

3A.

NEW BUSINESS

Consideration of Town Manager Contract.

MOTION:

Councilmember Russo made a motion to approve the Town Manager contract and the related budget amendments. Second was made by Councilmember Smith. **The motion passed 7-0.**

3B.

NEW BUSINESS

Budget Discussions.

Draft 1 Goals:

- Deliver department requests after Finance and Management initial reviews
- No Council or Management approval decisions to be made at this point
- Staff does need to know if there is philosophical “No” on any item
- Revenues have not been forecasted
- Draft 2 will be first balanced budget presentation

Open Items from Prior Workshop:

- Proposed increase to Mayor and Council salaries – Council undecided about moving forward with this at this time. May come up for discussion again later in the budget process.
- Dollar amount to put in Council Special Projects
 - SAB Projects
 - Earth Day – much discussion concerning how much to allocate for this, if any

MOTION:

Councilmember Staton-Williams made a motion to support allocating \$1,500 for the Sustainability Advisory Board. Motion died for lack of a second.

More discussion was held. The funds they are requesting are in this budget year, as the Earth Day event will be held in April. Scott Noel would like Council to make a decision tonight so they can begin marketing the event.

Council consensus was to pass on this event this year and bring it back to Council for next year with more time to plan.

Information Technology Budget:

Implement, Manage and Maintain Systems and Data Connectivity at 9 Locations

- Responsibilities
 - Servers and Workstations
 - Network Routing and Security
 - Account Management
 - Task Specific Applications
 - Mobile and Remote Access
- Recent Projects
 - Upgrade data lines at all locations to fiber internet
 - Financial systems upgrade and data migration
 - Harrisburg Park surveillance, access control and splash pad PA
 - Surveillance upgrade at Stallings Road Park
 - Fuel system software upgrade
- Current Projects
 - Phone system migration to in-house
 - Software licensing compliance review
 - Disaster recovery testing
- Reviewed line items in the proposed budget

Communications Budget:

- Digital Communication/Marketing
 - Facebook
 - Instagram
 - Twitter
 - Town E-Newsletter
 - Parks and Recreation Bi-Weekly Buzz
 - Employee E-Newsletter
 - Website
 - Mobile App
 - Town Events
- Print Communications/Marketing
 - At Home in Harrisburg Quarterly Newsletter
 - Printed Flyers for events and programs
 - Town Partners (CVB, etc.)
 - Printed Banners for events at 6 locations
- Communication Department Boards/Groups
 - Liaison for Sustainability Advisory Board
 - Harrisburg YMCA Board
 - Citizens Academy
 - Harrisburg Youth Council
- Went over the recent Communications Survey
- Presented ideas for ways to enhance communications
- Presented information concerning potential website enhancements
- Reviewed line items in the proposed budget

Planning and Economic Development Budget

- Department Key Functions – Planning & Zoning
 - Manage and guide growth in accordance to vision set in the Harrisburg Area Land Use Plan, and implement the Unified Development Ordinance
 - Conduct Planning studies as needed
 - Work with internal departments and external agencies for Bike/Greenway plans, MPO plans, etc.
 - Liaison to Cabarrus-Rowan MPO

- Review and approve residential and commercial permits
- Review and approve rezoning cases, conditional use, variances, annexations
- Review and approve commercial site plans, sign permits
- Review and approve subdivisions – preliminary/final plats, construction documents
- Day-to-day resident and other stakeholder’s support
- Offer GIS mapping capabilities to the other departments in Town and residents as needed
- Presentations to HOA boards and others as needed
- Liaison to Planning and Zoning Board, Sustainability Advisory Board, and others as needed
- Department Key Functions – Economic Development and Code Enforcement
 - Shared function with Town Administration
 - Attract/retain new businesses/industries
 - Business support as needed
 - Manage and implement Façade Improvements Grant
 - Serve as liaison to the Harrisburg Business Alliance and Cabarrus EDC
 - Ensure regulations in the UDO are appropriately enforced to maintain the quality of life of residents and visitors
 - Compliance with applicable regulations in the UDO as well as some of the nuisance violations under the Town Code
 - Minimum housing enforcement for homes deemed to be unfit for human habitation
 - Project inspections prior to issuance of Certificate of Compliance
- Went over the Development review process and key players
- Reviewed typical rezoning process – plan review to occupancy
- Requesting a Planner position in this new budget year
- Requesting additional funds for the Façade Grant in this budget year
- Reviewed line items in the proposed budget

3C.

NEW BUSINESS

Consideration of amendment of rezoning condition #15 for the Harrisburg Town Center project (H2018-14 R) and allow the current City Center (CC) zoning associated with these properties to revert back to PUD.

Council discussed pros and cons of this request. After much discussion, the following action was taken:

MOTION:

Mayor Pro-Tem Price made a motion to amend rezoning condition #15 for the Town Center project to allow the current City Center zoning associated with these properties to revert back to PUD immediately. Second was made by Councilmember Cotell. **The motion passed 4-3 (Councilmembers Russo, Staton-Williams and Patrick voting against).**

4.

CLOSED SESSION

None

ADJOURNMENT:

MOTION:

There being no further business, Councilmember Smith made a motion to adjourn the meeting. Second was made by Mayor Pro-Tem Price. **The motion passed 7-0.**

ATTEST:

Jennifer Teague, Mayor

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

H2021-13-R - Public Hearing to consider a conditional rezoning and annexation request to add a portion of parcel to modify the previously approved Farmington PUD.

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

No motion at this time. Final consideration will be made at April 11, 2022 Town Council meeting.

Description/Background:

MVP Properties, on behalf of the the property owners of parcel 5506-13-9416 has submitted a request to rezone a portion of this parcel, approximately 1.557 acres of land located along the edge of Farmington PUD off Farmington Ridge Pkwy. The applicant proposes to rezone/annex and develop the parcel as part of the established Planned Unit Development (PUD) for Farmington. To achieve this, the applicant is requesting that the property be rezoned from Cabarrus County OI (Office/Institutional) to Town of Harrisburg PUD (Planned Unit Development). It is part of the land swap associated with another Rezoning H2021-14-R that will take away a portion of original PUD.

The property in question is in the County and requires annexation. The Planning and Zoning Board reviewed and recommended approval of the request at their February 15, 2022 meeting. Town Council will hold the public hearing at the March meeting but final consideration will not be made until the April 11, 2022 Council meeting.

A staff report is attached for more information and a site plan is submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the Construction Document (CDs) reviews. Staff is recommending approval of the rezoning request with conditions included in the staff report.

Recommendation:

The rezoning and proposed Site Plan Amendment is consistent with the Harrisburg Area Land Use Plan and the intent of the originally approved PUD H 2019-02-R. Planning and Zoning Department staff supports approval of the rezoning request. The Planning and Zoning Board reviewed and recommended approval of the request at their February 15, 2022 meeting.

Fiscal Impact:

None.

Attachments:

1. H2021-13-R Application
2. H2021-13-R Rezoning Plan PUD Amendment
3. H2021-13-R Site Map
4. H2021-13-R Site Survey
5. H2021-13-R PB Staff Report
6. H2021-13-R Neighborhood Mtg
7. Certificate of Sufficiency

8. Farmington_Annexation Map
9. Farmington Annexation Application
10. Resolution Fixing Date of Public Hearing



Subject Property Information

1. Street Address: 9360 Stafford Rd, Harrisburg NC 28075
2. PIN (10 Digit #) A Portion of 5506-13-9416
3. Deed Reference Book 5439 Page 189
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage) 1.557 ac
6. Street Frontage (feet)
7. Current Land Use Vacant
8. Surrounding Land Use and Zoning Classification

North: Zoning <u>OI</u>	Land Use <u>Vacant</u>
South: Zoning <u>PUD</u>	Land Use <u>Vacant</u>
East: Zoning <u>OI</u>	Land Use <u>Vacant</u>
West: Zoning <u>PUD</u>	Land Use <u>Vacant</u>
9. Request to Change Zoning From OI to PUD
10. Is this a request for a Conditional Rezoning? YES NO

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: The purpose of the rezoning is to modify the rezoning boundary for the adjacent PUD.



Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner Eugene W. Cochrane and Susan B.
Address 3533 Winslow Green Drive Charlotte,
Phone _____
Fax _____
Email: _____
Signature _____

13. Agent (if any) Bridget Grant
Address 100 N. Tryon Suite 4700 Charlotte NC 28202
Phone 704-331-2739
Fax _____
Email bridgetgrant@mvalaw.com
Signature Bridget Grant

14. Applicant (if any) MPV: Attn Jim Merrifield
Address 2400 South Blvd Suite 300 Charlotte NC 28203
Phone _____
Fax _____
Email jmerrifield@mpvre.com
Signature James E. Merrifield

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

PARCEL A
-ACREAGE: +/- 1.557 ACRES
-PIN #: 5506-13-9416
-EXISTING ZONING: O-1 (CABARRUS COUNTY)
-PROPOSED ZONING: PUD
-EXISTING USES: VACANT/FORMER FARMLAND
-PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE PUD ZONING DISTRICT
-CONDITIONS: THE SITE, CONSISTING OF A PORTION OF PARCEL 5506-13-9416, SHALL BE CONSIDERED A PART OF THE PREVIOUSLY APPROVED PETITION H-2019-02-(R). ALL ENTITLEMENTS, USES, STANDARDS AND OTHER REQUIREMENTS AND CONDITIONS AS SET FORTH ON PETITION H-2019-02-(R) SHALL APPLY TO THIS SITE. THIS REZONING MODIFIES THE OVERALL BOUNDARY OF PETITION H-2019-02-(R) WITHOUT INCREASING DEVELOPMENT LEVELS.



NOW OR FORMERLY EUGENE W. COCHRANE JR
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DB 1945-151
PIN 5505-36-3420

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED 0789-255
PIN 5506-03-9724
PB 85-101
TRACT 8

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED 0789-255
PIN 5506-13-5592
PB 85-101
TRACT 2

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED 0789-255
PIN 5506-13-5592
PB 85-101
TRACT 4

FARMINGTON RIDGE PARKWAY

NOW OR FORMERLY
ROCKY RIVER ROAD
ASSOCIATES LLC
DEED 0789-255
A PORTION OF
PIN 5506-12-7903
PB 85-101
A PORTION OF
TRACT 1

NOW OR FORMERLY EUGENE W. COCHRANE JR
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DB 5439-189
A PORTION OF
PIN 5506-13-9416
1.36 ACRES NET

NOW OR FORMERLY EUGENE W. COCHRANE JR
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DB 5439-189
A PORTION OF
PIN 5506-12-7903
PB 85-101
A PORTION OF
TRACT 1
60,130 SF
1.360 ACRES

NOW OR FORMERLY EUGENE W. COCHRANE JR
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DB 5439-189
PIN 5506-23-1083

ROCKY RIVER ROAD

NOW OR FORMERLY
WACHOVIA BANK
NATIONAL ASSOCIATION
DB 5455-381
PIN 5506-12-7593

NOW OR FORMERLY
GATE NORTH CAROLINA LLC
DB 1946-9
PIN 5506-22-1543

735.1
736.4
737.2
738.4
739.2
739.7

• VOP
• VPS
• VPC
• VSPFE

SCALE: 1" = 60'

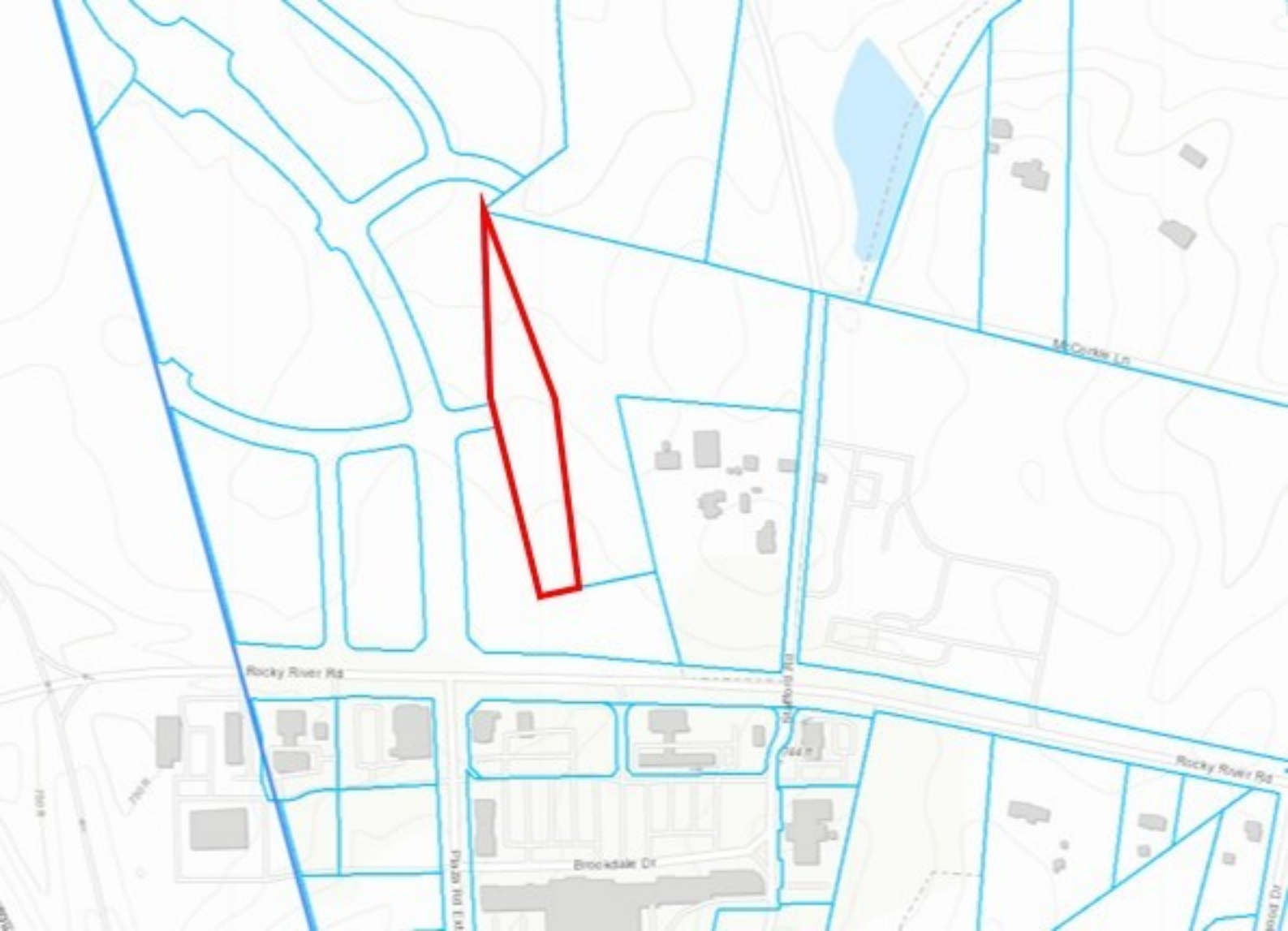
A horizontal scale bar with four segments. The first segment is black and labeled '0' at its left end. The second segment is white and labeled '30' at its right end. The third segment is black and labeled '60' at its right end. The fourth segment is white and labeled '120' at its right end.

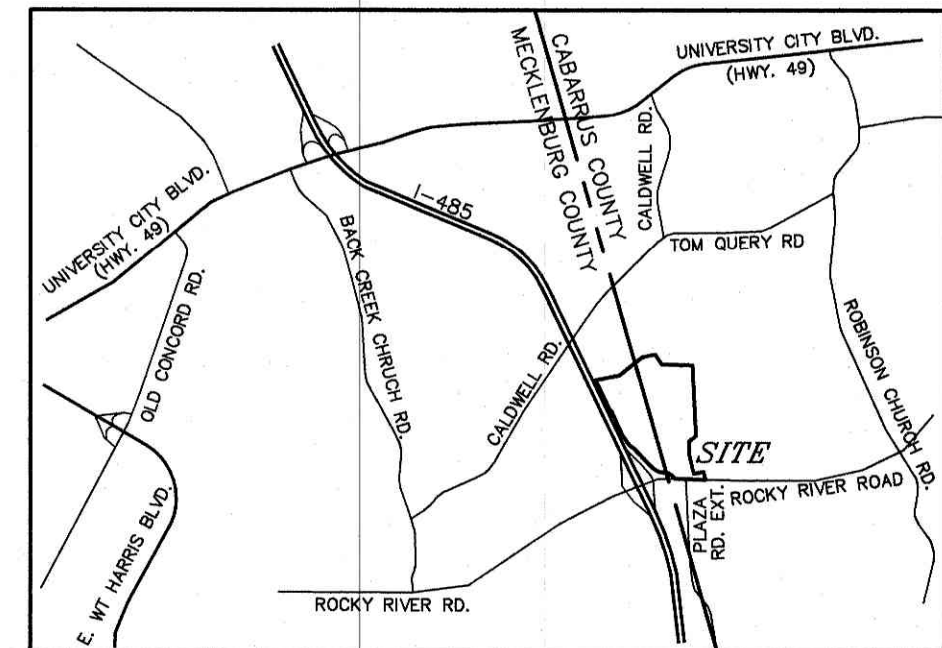
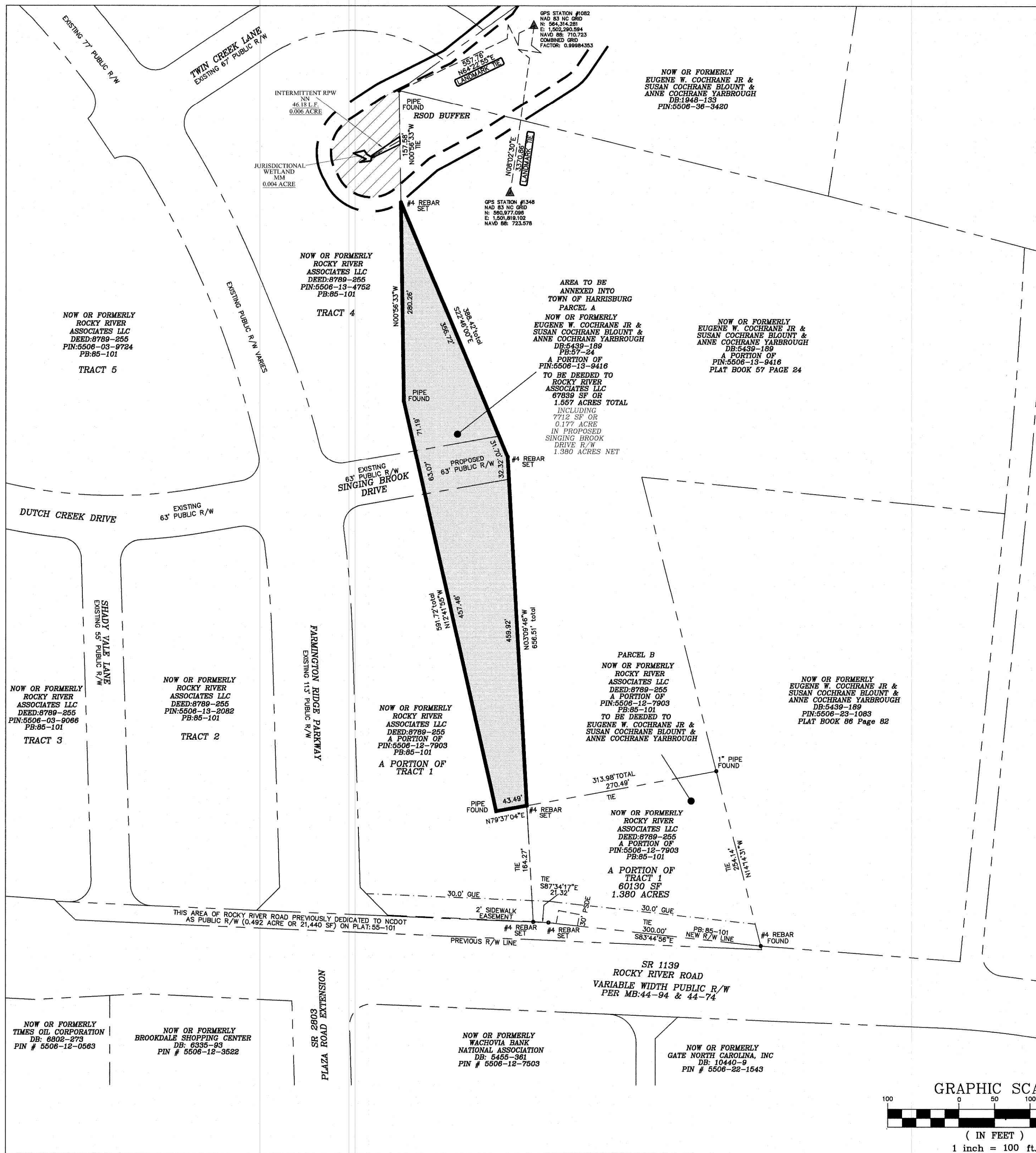
SCALE: 1" = 200'



A horizontal scale bar with alternating black and white segments. It is marked with the numbers 0, 100, 200, and 400, representing feet.

SHEET NUMBER **D3.1**





LEGEND
GUE - GENERAL UTILITY EASEMENT
MB - MAP BOOK
PSDE - PUBLIC DRAINAGE EASEMENT -
(MAINTAINED BY PROPERTY OWNER OR PROPERTY ASSOCIATION)
R/W - RIGHT-OF-WAY
SF - SQUARE FEET
YW&H - YARBROUGH-WILLIAMS AND HOULE

NOTES
BOUNDARY INFORMATION PREPARED BY YARBROUGH-WILLIAMS & HOULE.
THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF AN NCGS CONTROL MONUMENT.
A 2' SIDEWALK EASEMENT WILL BE IN PLACE WHERE SIDEWALK ABUTS RIGHT-OF-WAY.
CONTRACTOR SHALL FOLLOW ALL LOCAL, STATE, AND FEDERAL REGULATIONS IN DISPOSING OF DEMOLISHED MATERIALS REMOVED FROM THIS SITE.
THESE PROPERTIES ARE NOT LOCATED WITHIN FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3710550600K, DATED NOVEMBER 16 2018.

"I STATE THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5439, PAGE 189; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK 8789, PAGE 255; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS IN EXCESS OF 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600)."
THIS 1 DAY OF FEBRUARY, 2022.

PROFESSIONAL LAND SURVEYOR

THIS PLAT REPRESENTS ONE AREA ANNEXED TO THE TOWN OF HARRISBURG, NORTH CAROLINA PURSUANT TO NCGS 160A-58, BY ORDINANCE DULY ADOPTED 95-_____) AND IS NOT SUBJECT TO REVIEW OR APPROVAL BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.
THIS _____ DAY OF _____, 2022.

MAYOR
TOWN OF HARRISBURG

ATTEST: _____
TOWN CLERK

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN.

DATE _____ OWNER(S) _____

OWNERS
PARCEL A
NOW OR FORMERLY
EUGENE W. COCHRANE JR. &
SUSAN COCHRANE BLOUNT &
ANNE COCHRANE YARBROUGH
DE:5439-189
PB:57-24
A PORTION OF
PIN:5506-13-9416

SHEET TITLE

ANNEXATION MAP - 1.557 ACRES

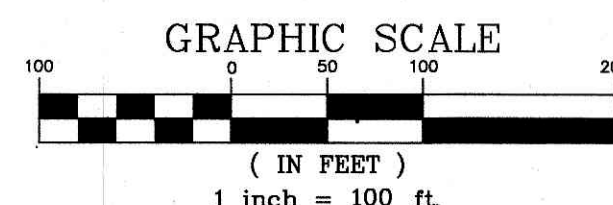
PROJECT

EUGENE W. COCHRANE, JR. & SUSAN COCHRANE BLOUNT &
ANNE COCHRANE YARBROUGH /
ROCKY RIVER ROAD ASSOCIATES LLC PROPERTY
TOWN OF HARRISBURG, CABARRUS COUNTY, N.C.
OWNERS: AS SHOWN ON MAP



YARBROUGH-WILLIAMS & HOULE, INC.
Planning • Surveying • Engineering
730 Windsor Oak Court
Charlotte, North Carolina, 28275
704.556.1900
P.O. Box 1198
Pineville, North Carolina, 28134
704.556.0505(fax)

PROJECT NO.
SCALE
1"=100'
DATE
09/28/21
DRAWN BY
YWH
CHECKED BY
JEW
ZONED
DRAWING NO.
XXX-XXX
SHT 1 OF 1 SHTS





Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: February 8, 2022

SUBJECT:

Request H-2021-13-(R): To rezone approximately 1.557 acres from Cabarrus County OI (Office/Institutional) to PUD (Planned Unit Development)

Location: The subject property is off Farmington Ridge Parkway north of Rocky River Road (portion of PIN 5506-13-9416).

Applicant: Bridget Grant, Moore & Van Allen PLLC and Jim Merrifield, MPV Properties

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: Held November 18, 2021

BACKGROUND:

Area: ±1.557 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North - Office/Institutional (OI), Cabarrus County
South - Planned Unit Development (PUD), Town
East - Office/Institutional (OI), Cabarrus County
West - Planned Unit Development (PUD), Town

Land Uses within 500 feet: North - Vacant, County
South - Vacant, Town
East - Single-family Residential, County
West - Vacant, Town

APPLICATION SUMMARY:

- The applicant proposes to annex and develop the parcel as part of the established Planned Unit Development for Farmington. To achieve this, the applicant is requesting that the property be rezoned from Cabarrus County OI (Office/Institutional) to Town of Harrisburg PUD (Planned Unit Development). It is part of the land swap associated with Rezoning H2021-14-R that will take away a portion of original PUD and add this new parcel into the PUD.
- The original Farmington PUD petition was H-2019-02-(R) and all the site notes and conditions associated with that approval shall apply to this site. This rezoning request is to modify the overall boundary of the original petition by adding this 1.577-acre parcel.
- As a conditional zoning request, the applicant has submitted a survey along with the request for rezoning, which is attached for your consideration. There is no current site plan associated with this parcel or rezoning request.
- The property is in the County and the applicant has also submitted a Petition requesting Annexation for the subject properties which are contiguous to the current Town of Harrisburg corporate limits.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 1.557 acres in size.

2. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives and policies of the Ordinance;

Per the Unified Development Ordinance, the intent of the proposed district depicted on the submitted site plan is as follows:

***PUD:** The PUD district is established to provide for the unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land uses shall be permitted, provided that the essential site development regulations are complied with or exceeded, and that the character of the development is not in conflict with the general purpose and intent of either the UDO or the HALUP.*

Per the Harrisburg Area Land Use Plan, the subject property is located in area designated on the future land use map as **Mixed Use Node**. The description of Mixed Use Node is as follows:

“These areas are intended to be centers of activity that include a mix of retail, restaurant, service, and office uses in addition to a variety of residential housing types. The mix of uses can be horizontal as well as vertical where a change in use can occur between floors of the same building. Buildings of two stories and above are common, and

connected streets include short block lengths and pedestrian facilities. Open space is integrated in the form of plazas and greens.

Based on the description of the Mixed Use Node land use classification, the proposed use would meet the intent that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-6** focuses on quality. The Farmington PUD has promoted a higher level of quality for the future development of the area by incorporating façade treatments, landscaping and site furnishings visible from the public view and available for public use. Farmington also helps promote **recommendation LU-2** by providing an interconnected network of local streets to minimize traffic volumes on key thoroughfares.

Recommendation LU-7 of the Plan recommends consistency between the Town’s zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the “appropriate” zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Mixed Use Node and the PUD district is appropriate for this land use classification.

3. The benefits or detriments for the owner, neighbors and surrounding community;

The benefits to the owner of the property would be that a 1.557 acre expansion of the PUD would allow for a larger buildable lot and could be achieved under the proposed zoning. Benefits to the neighbors and the surrounding community include the continued development of the Farmington area and prevent large vacant outparcels in the development.

4. Whether the proposed request is in compliance with the adequate public facilities criteria;

a. Utilities:

Utilities are available in this area and are sufficient to meet the needs of this property. Water and sewer access are located along Farmington Ridge Parkway. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

b. Transportation:

A Traffic Impact Analysis was completed for the existing PUD zoning district in 2018; all the traffic improvement will be completed as per that TIA. The addition of this 1.557 parcel is an expansion of existing outparcels without increasing development levels. As such, it has no new impacts on the transportation system.

c. Safety and Sanitation Services:

Adequate police, fire, and sanitation services are available for the proposed use, and will be provided upon annexation.

d. Schools:

Based on the location of the proposed rezoning in relation to original Farmington PUD approval, the proposed development is not residential and thus would generate no new students across all levels. A school impact calculation was provided during the original PUD approval.

5. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. The Commission shall consider the following:

- a. Whether the proposed zoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting or other nuisances;**

The proposed development is part of the larger Farmington development and is compatible with surrounding land uses.

- b. Any change of character in the area due to installation of public facilities, other zoning changes, new growth changes, deterioration, and development;**

Like all other development activity in this area, the development of this land would convert former vacant land into office and institutional uses. The addition of 1.557 acres is intended to increase the buildable area of two outparcels.

- c. The zoning districts and existing land uses of the surrounding properties;**

The areas around this property are generally zoned for a variety of uses, with retail and office in proximity to Rocky River Road. Existing land use patterns in the area typically consist of office, retail, and institutional, with residential nearby.

- d. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;**

The property is suitable for the uses which it has been restricted to under the existing zoning classification.

- e. Whether the rezoning is compatible with the adjacent neighborhood, especially concerning neighborhood stability and character;**

The specific use of the property is unknown at this time, but the proposed PUD zoning is an extension of existing zoning in the area and is consistent with

surrounding land uses. The zoning aligns with Mixed Use Node of the Harrisburg Area Land Use Plan (HALUP).

- f. The length of time the subject property has remained vacant as zoned (if applicable);**

This property has been vacant.

- g. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs;**

Land supply is not a direct issue in this area.

- 6. Whether the existing zoning was in error at the time of adoption.**

The existing zoning was not in error at the time of adoption.

Furthermore, as a Conditional Zoning request, the Board must consider the following criteria:

- 7. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the current Land Use Plan.**

The rezoning application to PUD district to the property is consistent with the lot size standards established for the base PUD Zoning District in the Unified Development Ordinance and Mixed Use Node land use classification in the Land Use Plan.

- 8. The use(s) requested are among those listed as an eligible permitted or conditional use in the general use district as included in the rezoning request.**

The applicant is seeking for the following uses to be allowed in this Conditional Zoning District:

- The same allowable uses in the PUD District. This is 1.557 acre expansion of the existing adjacent PUD zoning.

- 9. The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration and not create a nuisance.**

The applicant intends to work collaboratively with both Harrisburg town staff and the NC Department of Transportation in establishing appropriate connectivity for the development.

10. The use limitations and conditions as proposed and/or imposed for the requested district can reasonably be implemented and enforced for the subject property.

The conditions proposed and imposed for this district can be reasonably implemented on this site.

11. When implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district. If any standards are proposed that are different from the underlying zoning district, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the general district.

All proposed conditions recommended by staff are to bring the site into conformance with applicable local and state regulations.

12. The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district.

The applicant will need to agree to all conditions listed in this staff report. Any additional conditions placed on this property will need the acceptance of the applicant before a decision can be made on this application.

13. For an approval, the Board must adopt a consistency statement that the amendment being considered is either consistent or inconsistent with the adopted land use plan and that the Board considers the action to be reasonable and in the public interest.

The Planning and Zoning Board will need to adopt a consistency statement when a recommendation or decision is made on this item.

APPROVAL WITH CONDITIONS:

The proposal is a conditional re-zoning request. Conditions may be imposed on the zoning action; staff does not recommend any additional conditions be placed on this project. The following conditions were part of the original approval, H2019-02-(R), and will be part of this approval as well:

1. Applicant agrees to obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees to dedicate a 25 ft greenway easement (except for portions of multiuse path along Streets) and construct a 10 ft wide asphalt greenway as shown on plan, to meet requirements of article 6.5.5 of the UDO. The greenway shall be constructed prior to 50% completion of each residential pod (areas 2 and 3).
3. Applicant agrees to restrict cladding materials for all residential buildings to masonry products; vinyl siding will not be used.

4. Applicant agrees to install all required phased improvements as required by the final approved traffic analysis and at the direction of NCDOT.
5. Applicant agrees to the final design of Farmington Ridge Parkway and other streets within the development as depicted in sheets RZ-3 and RZ-4 of the Site Plan.
6. Applicant agrees to assess the pavement structure for the existing portions of Farmington Ridge Parkway and bring this portion of street up to current town standards as needed to accommodate the increased traffic this proposed development will place on this structure. This will be completed as part of Phase I, along with newly constructed Farmington Ridge Parkway.
7. Applicant agrees to construct Farmington Ridge Parkway in its entirety throughout the site as part of phase I of the development.
8. Applicant agrees that there will be no more than 20% of the residential units as rentals at any given time and will be restricted as such by the deed restrictions.
9. The applicant agrees to install greenway and amenities such as trash receptacles and benches along the greenway during greenway construction.
10. Applicant agrees to remove animal shelters as an allowed use in this PUD district.

RECOMMENDATION:

The rezoning and proposed Site Plan Amendment is consistent with the Harrisburg Area Land Use Plan and the intent of the originally approved PUD H 2019-02-R. Planning and Zoning Department staff supports approval of the rezoning request.

COMMUNITY MEETING REPORT FOR FARMINGTON LAND SWAP

Petitioner: MPV Properties

Property: 1.557 acres added to the Farmington PUD and 1.38 acres removed from the Farmington PUD

This Community Meeting Report is being filed with the Town of Harrisburg Planning Department.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Community Meeting was held on Thursday, November 18, 2021. The Town of Harrisburg mailed a written notice of the date, time, and details of the Community Meeting to the individuals and organizations as required by Ordinance.

TIME AND DATE OF MEETING:

The Community Meeting required by the Ordinance was held on Thursday, November 18, 2021, at 6:00 PM.

PERSONS IN ATTENDANCE AT MEETING:

Harrisburg staff documented the list of registered attendees from the required Community Meeting. The Petitioner's representatives at the required Community Meeting were Jim Merrifield with MPV Properties, and Bridget Grant with Moore & Van Allen, PLLC.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. Overview of Petitioner's Presentation.

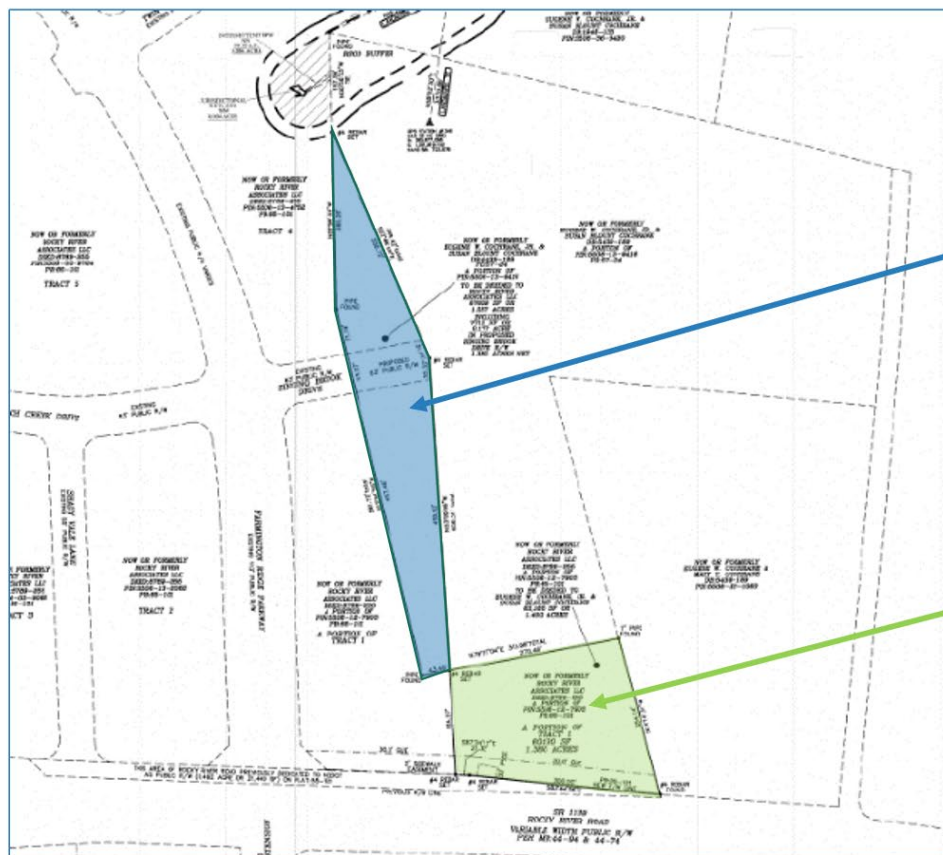
Introduction and Overview of Development Plan.

After introductions by the Town of Harrisburg Planning Staff, Bridget Grant welcomed everyone in attendance and introduced the rezoning team.

Ms. Grant described the site location and the minimal adjustments being made to the Farmington PUD overall boundary. Ms. Grant confirmed that no changes were being made to the permitted uses or the permitted development levels. The portion of the site being removed from the Farmington PUD is proposed for O-1 Zoning which is consistent with other zoning in the area.

The graphic depicting the proposed changes is below:

FARMINGTON ANNEXATION & AMENDMENT



- Adds 1.557 acres to PUD
- No increase in uses/entitlements

- Removes 1.38 acres from PUD
- Zoning O-I

Ms. Grant then opened the meeting up for questions.

II. Summary of Questions/Comments and Responses:

There were no questions specific to the proposed rezoning and annexation of the 1.557 acre site or the rezoning of the 1.38 acre site.

Mr. Merrifield provided a high level update on current leasing efforts at Farmington.

In closing, Ms. Grant and Mr. Nepal shared their email addresses in order to address any remaining questions.

CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:

The development team will continue to work with staff to revise plans with additional details as needed.

cc: Sushil Nepal, Planning Director, Town of Harrisburg
Jim Merrifield, MPV Properties
Bridget Grant, Moore & Van Allen, PLLC



CERTIFICATE OF SUFFICIENCY

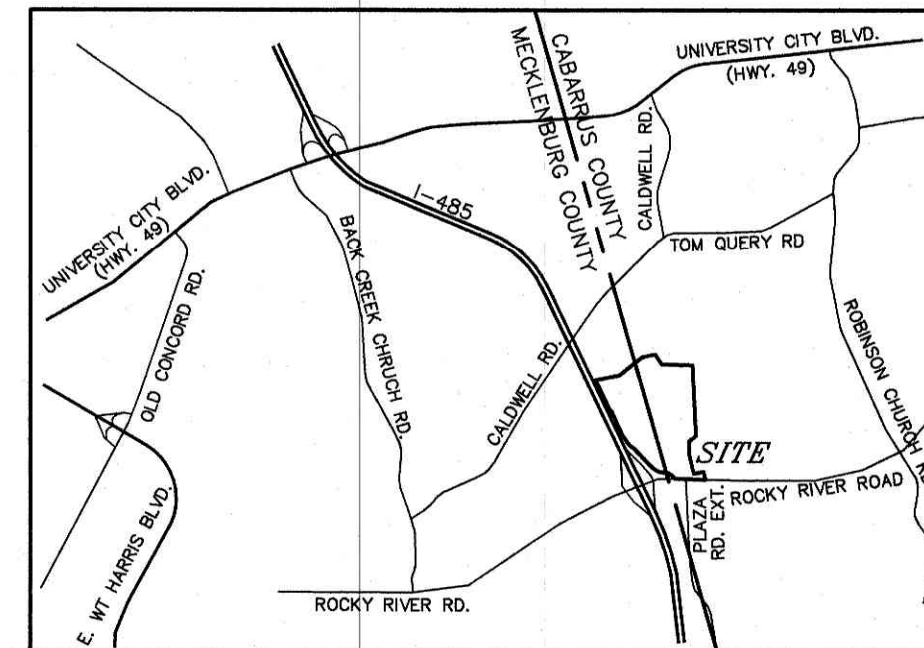
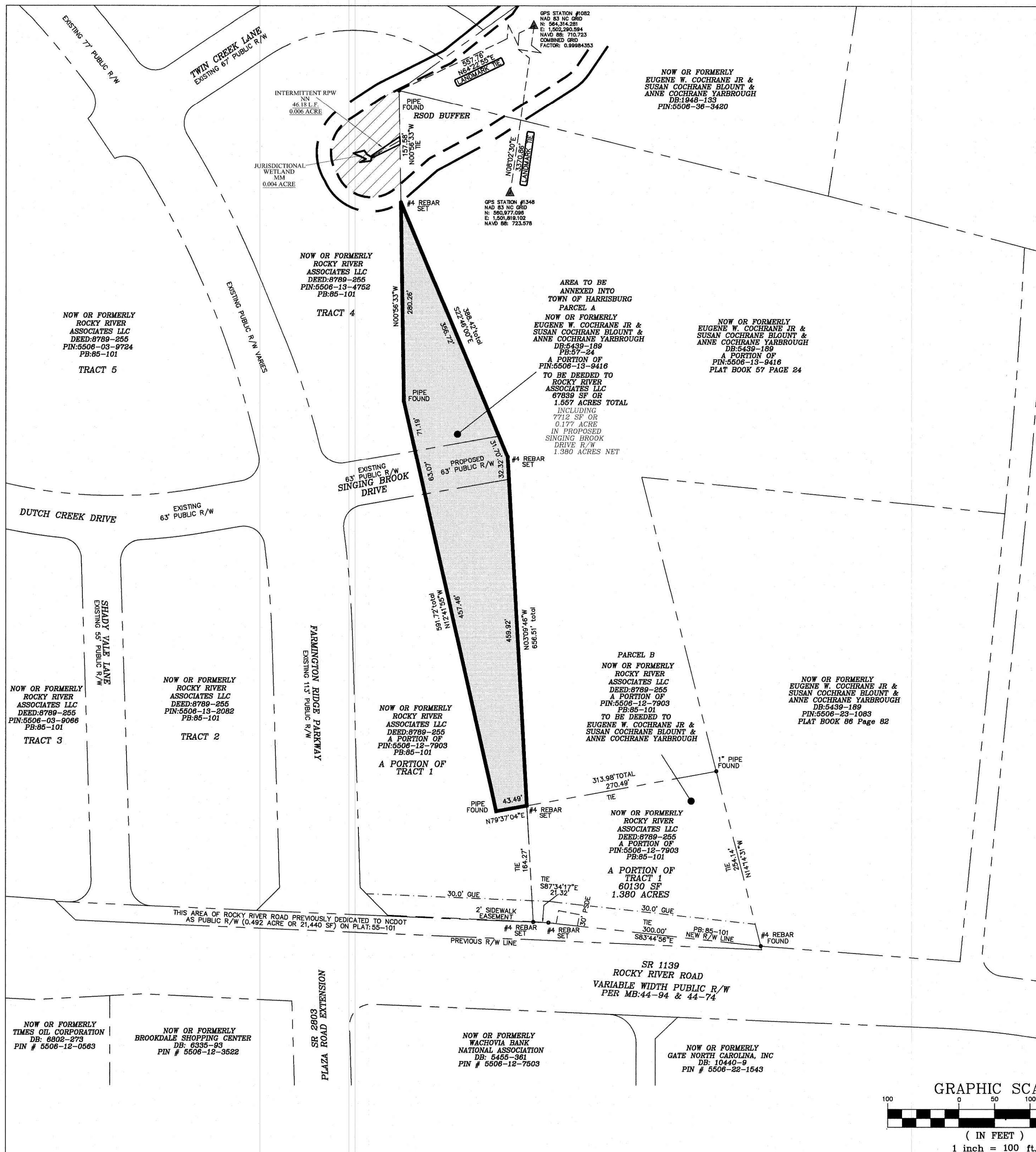
To the Town Council of the Town of Harrisburg of Harrisburg North Carolina:

I, Janet Rackley, Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Harrisburg of Harrisburg, North Carolina, this 7th day of February 2022.



Janet Rackley
Janet Rackley, Clerk



LEGEND
GUE - GENERAL UTILITY EASEMENT
MB - MAP BOOK
PSDE - PUBLIC DRAINAGE EASEMENT -
(MAINTAINED BY PROPERTY OWNER OR PROPERTY ASSOCIATION)
R/W - RIGHT-OF-WAY
SF - SQUARE FEET
Y&H - YARBROUGH-WILLIAMS AND HOULE

NOTES
BOUNDARY INFORMATION PREPARED BY YARBROUGH-WILLIAMS & HOULE.
THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF AN NCGS CONTROL MONUMENT.
A 2' SIDEWALK EASEMENT WILL BE IN PLACE WHERE SIDEWALK ABUTS RIGHT-OF-WAY.
CONTRACTOR SHALL FOLLOW ALL LOCAL, STATE, AND FEDERAL REGULATIONS IN DISPOSING OF DEMOLISHED MATERIALS REMOVED FROM THIS SITE.
THESE PROPERTIES ARE NOT LOCATED WITHIN FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3710550600K, DATED NOVEMBER 16 2018.

"I STATE THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5439, PAGE 189; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK 8789, PAGE 255; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS IN EXCESS OF 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600)."
THIS 1 DAY OF FEBRUARY, 2022.

PROFESSIONAL LAND SURVEYOR

THIS PLAT REPRESENTS ONE AREA ANNEXED TO THE TOWN OF HARRISBURG, NORTH CAROLINA PURSUANT TO NCGS 160A-58, BY ORDINANCE DULY ADOPTED 95-_____) AND IS NOT SUBJECT TO REVIEW OR APPROVAL BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.
THIS _____ DAY OF _____, 2022.

MAYOR
TOWN OF HARRISBURG

ATTEST: _____
TOWN CLERK

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN.

DATE _____ OWNER(S) _____

OWNERS
PARCEL A
NOW OR FORMERLY
EUGENE W. COCHRANE JR. &
SUSAN COCHRANE BLOUNT &
ANNE COCHRANE YARBROUGH
DB:5439-189
PB:57-24
A PORTION OF
PIN:5506-13-9416

SHEET TITLE

ANNEXATION MAP - 1.557 ACRES

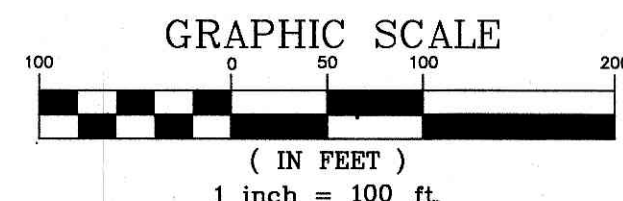
PROJECT

EUGENE W. COCHRANE, JR. & SUSAN COCHRANE BLOUNT &
ANNE COCHRANE YARBROUGH /
ROCKY RIVER ROAD ASSOCIATES LLC PROPERTY
TOWN OF HARRISBURG, CABARRUS COUNTY, N.C.
OWNERS: AS SHOWN ON MAP



YARBROUGH-WILLIAMS & HOULE, INC.
Planning • Surveying • Engineering
700 Windsor Oak Court
Charlotte, North Carolina, 28275
704.556.1900
P.O. Box 1198
Pineville, North Carolina, 28134
704.556.0505(fax)

PROJECT NO.
SCALE
1"=100'
DATE
09/28/21
DRAWN BY
YWH
CHECKED BY
JEW
ZONED
DRAWING NO.
XXX-XXX
SHT 1 OF 1 SHTS





PETITION REQUESTING ANNEXATION

DATE: __November 30, 2021__

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.

2. The area to be annexed is:

☒ CONTIGUOUS

☐ NON-CONTIGUOUS

to the Town of Harrisburg and the boundaries of such territory are:

☒ ATTACHED

☐ DESCRIBED AS FOLLOWS:

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

NAME

Eugene W Cochrane, Susan Cochrane Blount and Anne C. Yarbrough

ADDRESS

3533 Winslow Green Dr. Charlotte NC 28210

Eugene W. Cochrane



HarrisburgNC

The right side of opportunity

PETITION REQUESTING ANNEXATION

DATE: November 30, 2021

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.

2. The area to be annexed is:

☒ CONTIGUOUS

☐ NON-CONTIGUOUS

to the Town of Harrisburg and the boundaries of such territory are:

☒ ATTACHED

☐ DESCRIBED AS FOLLOWS:

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

NAME

Eugene W Cochrane, Susan Cochrane Blount and Anne C. Yarbrough

ADDRESS

3533 Winslow Green Dr. Charlotte NC 28210

Susan Cochrane Blount



HarrisburgNC
The right side of opportunity

PETITION REQUESTING ANNEXATION

DATE: November 30, 2021

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.
2. The area to be annexed is:

☒ CONTIGUOUS

☐ NON-CONTIGUOUS

to the Town of Harrisburg and the boundaries of such territory are:

☒ ATTACHED

☐ DESCRIBED AS FOLLOWS:

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

NAME

Eugene W Cochrane, Susan Cochrane Blount and Anne C. Yarbrough

ADDRESS

3533 Winslow Green Dr. Charlotte NC 28210

Anne Cochrane Yarbrough

12/20/2021



**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31**

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

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on March 14, 2022.

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

Being located in Number 1 Township, Town of Harrisburg, Cabarrus County, North Carolina and being more particularly described as follows:

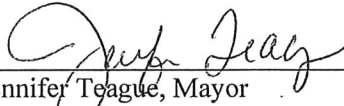
Annexation Area - PARCEL A containing 1.557 acres

Commencing at a pipe found, the northwest corner of the Eugene W. Cochrane Jr & Susan Cochrane Blount & Anne Cochrane Yarbrough property as shown in Deed:5439-189 and recorded in the Cabarrus County Register of Deeds Office, said pipe found also being S64-22-55W 557.76' from GPS Station #1062 having NAD 83 Grid Coordinate N 564,314.281 E 1,502,290.594; Thence S00-56-33E 157.58' to a #4 rebar set, the Point of Beginning

Thence from said Point of Beginning 2 new lines 1) S22-46-00E 388.42' to a #4 rebar set; 2) S03-09-46E 656.51' to a #4 rebar set on the northern line of the Rocky River Associates LLC property as shown in Deed:8789-255 and recorded in the Cabarrus County Register of Deeds Office; Thence with the northern line of the Rocky River Associates LLC property S79-37-04W 43.49' to a pipe found, a corner of the Rocky River Associates LLC property; Thence 2 calls with the eastern lines of the Rocky River Associates LLC property 1) N12-41-55W 591.72' to a pipe found; 2) N00-56-33W 280.26' to a # 4 rebar set, the Point of Beginning.

Said Property containing 1.557 acres and shown as Parcel A of the Annexation Map by Yarbrough—Williams & Houle Inc dated 02/01/2022.

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.



Jennifer Teague, Mayor

ATTEST: 

Janet Rackley, Town Clerk





TOWN OF HARRISBURG

Agenda Item Details

Title:

H2021-14-R - Public hearing to consider a rezoning request to remove a portion of parcel and modify the previously approved Farmington PUD.

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

No motion at this time. Final consideration will be made at April 11, 2022 Town Council meeting.

Description/Background:

MVP Properties, on behalf of the the property owners of parcel 5506-12-7903 has submitted a request to rezone a portion of this parcel, approximately 1.38 acres of land located along the edge of Farmington PUD off Farmington Ridge Pkwy. The applicant proposes to develop the parcel as Office and Institutional and be removed from originally approved Farmington PUD. This particular parcel is proposed to be office or institutional. To achieve this, the applicant is requesting that the property be rezoned from Town of Harrisburg PUD (Planned Unit Development) to O-I (Office and Institutional). It is part of the land swap associated with Rezoning H2021-13-R that will add a new parcel into the PUD.

The property in question is in the Town Limits and does not require annexation, upon rezoning and removal from the PUD the property will remain within Town Limits. A staff report is attached for more information and a site plan is submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the Construction Document (CDs) reviews. Staff is recommending approval of the rezoning request. Town Council will hold the public hearing at the March meeting but final consideration will not be made until the April 11, 2022 Council meeting.

Recommendation:

The rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request. The Planning and Zoning Board reviewed and recommended approval of the request at their February 15, 2022 meeting.

Fiscal Impact:

None.

Attachments:

1. H2021-14-R Rezoning Application
2. H2021-14-R Site Map
3. H2021-14-R Rezoning Plan PUD Amendment
4. H2021-14-R Survey
5. H2021-14-R PB Staff Report
6. H2021-14-R Neighborhood Mtg



Subject Property Information

1. Street Address: N/A
2. PIN (10 Digit #) A Portion of 5506-12-7903
3. Deed Reference Book 8789 Page 355
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage) 1.38 ac
6. Street Frontage (feet)
7. Current Land Use Vacant
8. Surrounding Land Use and Zoning Classification

North: Zoning <u>OI</u>	Land Use <u>Vacant</u>
South: Zoning <u>OI</u>	Land Use <u>Vacant</u>
East: Zoning <u>OI</u>	Land Use <u>Vacant</u>
West: Zoning <u>OI</u>	Land Use <u>Vacant</u>

9. Request to Change Zoning From PUD to O-1

10. Is this a request for a Conditional Rezoning? YES NO

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: The purpose of the rezoning is to remove the site from the existing PUD development and assign zoning consistent with surrounding parcels.



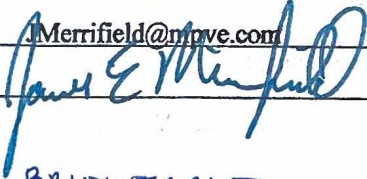
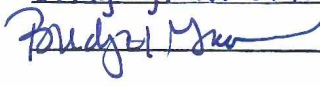
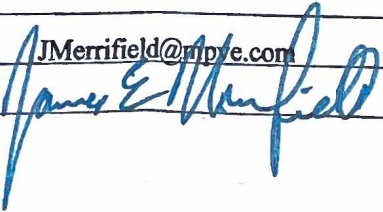
HarrisburgNC

The right side of opportunity

Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner Rocky River Road Assoc LLC
 Address c/o MPV Properties Charlotte NC 28203
 Phone _____
 Fax _____
 Email: JMerrifield@mpve.com
 Signature 
13. Agent (if any) BRIDGET GRANT
 Address 100 N. TRYON ST STE 4700
 Phone 704 331 2379
 Fax _____
 Email bridgetgrant@mvalaw.com
 Signature 
14. Applicant (if any) Jim Merrifield
 Address _____
 Phone _____
 Fax _____
 Email JMerrifield@mpve.com
 Signature 



McCorkle Ln

Rocky River Rd

Stafford Rd

744 ft

Brookdale Dr

Plaza Rd East

PARCEL A
-ACREAGE: +/- 1.557 ACRES
-PIN #: 5506-13-9416
-EXISTING ZONING: O-1 (CABARRUS COUNTY)
 -PROPOSED ZONING: PUD
-EXISTING USES: VACANT/FORMER FARMLAND
-PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE PUD ZONING DISTRICT
-CONDITIONS: THE SITE, CONSISTING OF A PORTION OF PARCEL 5506-13-9416, SHALL BE CONSIDERED A PART OF THE PREVIOUSLY APPROVED PETITION H-2019-02-(R). ALL ENTITLEMENTS, USES, STANDARDS AND OTHER REQUIREMENTS AND CONDITIONS AS SET FORTH ON PETITION H-2019-02-(R) SHALL APPLY TO THIS SITE. THIS REZONING MODIFIES THE OVERALL BOUNDARY OF PETITION H-2019-02-(R) WITHOUT INCREASING DEVELOPMENT LEVELS.



NOW OR FORMERLY EUGENE W. COCHRANE JR
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DE 0448-193
PIN 5506-36-3420

NOW OR FORMERLY ROCKY RIVER ROAD ASSOCIATES LLC
DEED 0789-255
PIN 5506-13-4724
PB 85-101
TRACT 5

NOW OR FORMERLY ROCKY RIVER ROAD ASSOCIATES LLC
DEED 0789-255
PIN 5506-13-4724
PB 85-101
TRACT 4

NOW OR FORMERLY ROCKY RIVER ROAD ASSOCIATES LLC
DEED 0789-255
PIN 5506-13-2082
PB 85-101
TRACT 2

FARMINGTON RIDGE PARKWAY

NOW OR FORMERLY ROCKY RIVER ROAD ASSOCIATES LLC
DEED 0789-255
PIN 5506-12-7903
PB 85-101
A PORTION OF TRACT 1

PARTIAL A
NOWN OR FORMERLY EUGENE W. COCHRANE JR
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DE 0448-193
PB 57-24
A PORTION OF
PIN 5506-13-9416
TO BE DEEDED TO
ROCKY RIVER ASSOCIATES LLC
67,203 SF
1.567 ACRES
INCLUDING 7,717 SF OR 0.177 ACRES
IN PROPOSED SINGING BROOK DRIVE
R/W
1.36 ACRES NET

NOWN OR FORMERLY EUGENE W. COCHRANE JR
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DE 0448-193
A PORTION OF PIN 5506-13-9416

NOWN OR FORMERLY EUGENE W. COCHRANE JR
& SUSAN COCHRANE BLOUNT
& ANNE COCHRANE YARBROUGH
DE 0448-193
PIN 5506-23-1083

NOWN OR FORMERLY ROCKY RIVER ROAD ASSOCIATES LLC
DEED 0789-255
PIN 5506-12-7903
PB 85-101
A PORTION OF TRACT 1
50,133 SF
1.150 ACRES

ROCKY RIVER ROAD

NOWN OR FORMERLY WACHOYA BANK NATIONAL ASSOCIATION
DE 0445-561
PIN 5506-12-7920

NOWN OR FORMERLY GATE NORTH CAROLINA LLC
DB 10440-9
PIN 5506-22-1543

BROOKDALE SHOPPING CENTER
DB 0308-90
PIN 5506-12-3552

SCALE: 1" = 60'

A horizontal scale bar with a black segment from 0 to 30 feet and a white segment from 30 to 60 feet. The total length is 120 feet.

PETITION NUMBER
XXXX-XX-XX

1/5/2022 5:09 PM CHASE WEAVER N:\2016\1016184\CAD\EXHIBITS\2021-12-13 LAND SWAP\6184-LAND SWAP.DWG

SUBJECT

FARMINGTON

HARRISBURG, NORTH CAROLINA

ROCKY RIVER ROAD
ASSOCIATES, LLC

PETITION NUMBER:
XXXX-XX-XX

DESIGN PROJ# 1016184

REVISION / ISSUANCE

[illegible]

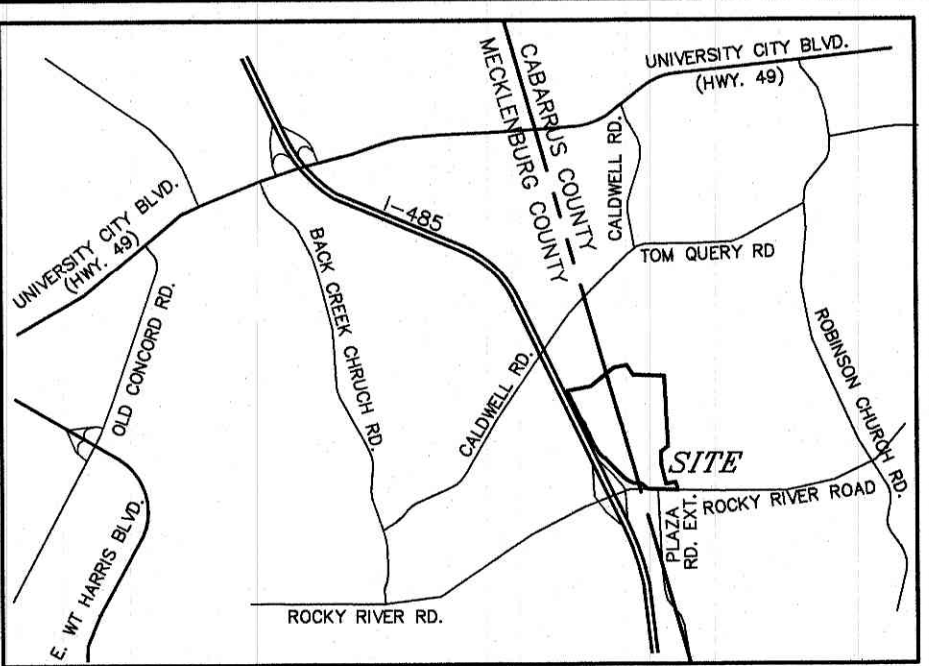
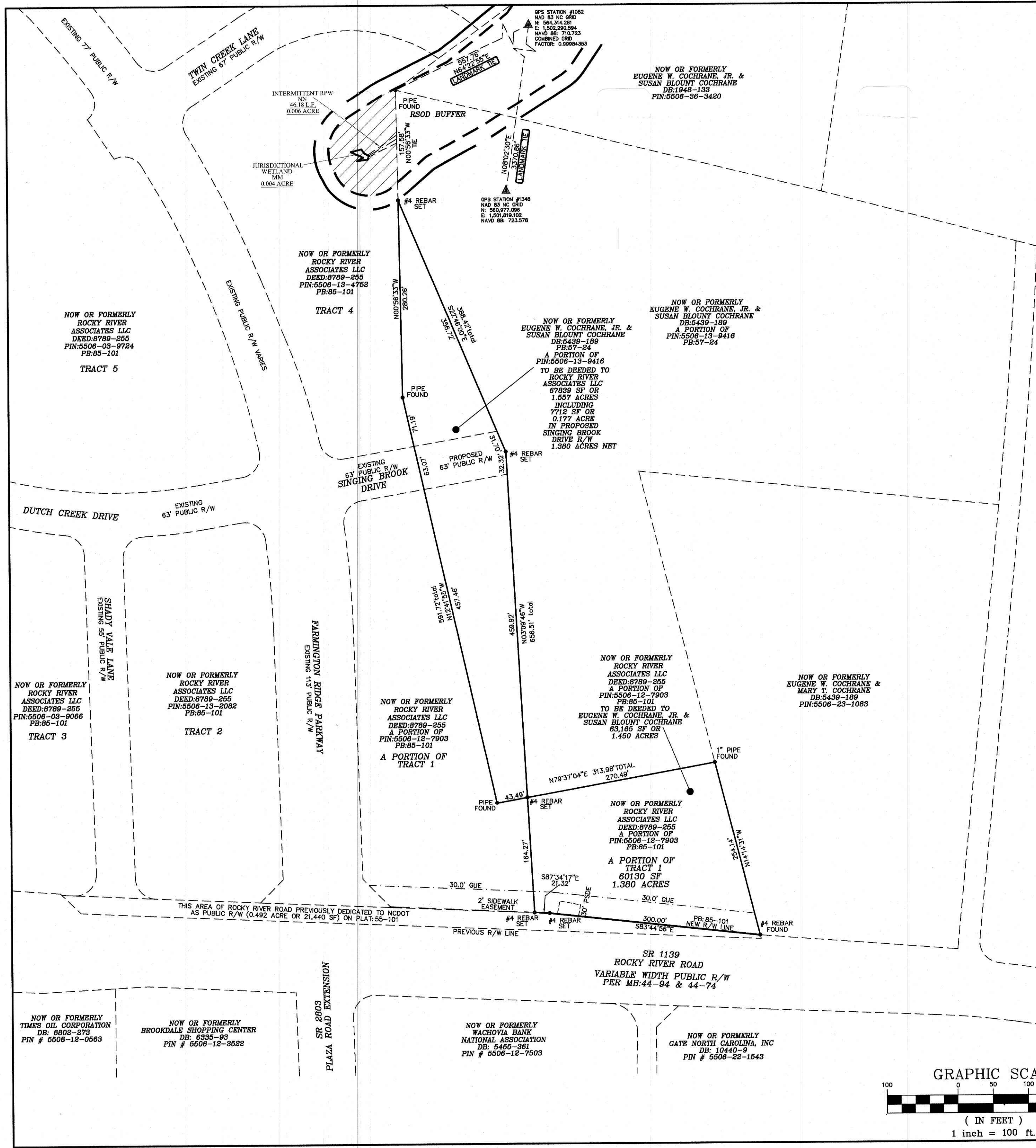
DESIGNED BY: LD
DRAWN BY: LD
CHECKED BY: LD

ORIGINAL SHEET SIZE: 30" X 42"

CONDITIONAL PLAN

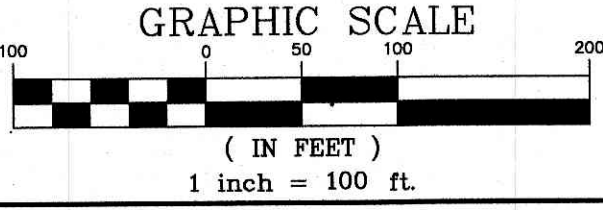
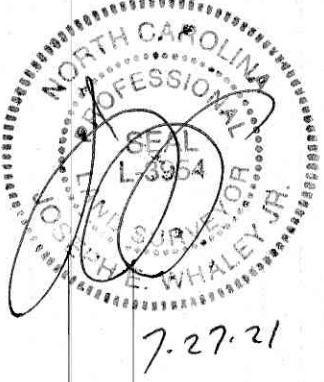
SET NUMBER _____

RZ-1



LEGEND
GUE - GENERAL UTILITY EASEMENT
MB - MAP BOOK
PSDE - PUBLIC DRAINAGE EASEMENT - (MAINTAINED BY PROPERTY OWNER OR PROPERTY ASSOCIATION)
R/W - RIGHT-OF-WAY
SF - SQUARE FEET
YWBH - YARBROUGH-WILLIAMS AND HOULE

NOTES
BOUNDARY INFORMATION PREPARED BY YARBROUGH-WILLIAMS & HOULE.
THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF AN NCGS CONTROL MONUMENT.
A 2' SIDEWALK EASEMENT WILL BE IN PLACE WHERE SIDEWALK ABUTS RIGHT-OF-WAY.
CONTRACTOR SHALL FOLLOW ALL LOCAL, STATE, AND FEDERAL REGULATIONS IN DISPOSING OF DEMOLISHED MATERIALS REMOVED FROM THIS SITE.
THESE PROPERTIES ARE NOT LOCATED WITHIN FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3710550600K, DATED NOVEMBER 16 2018.



SHEET TITLE		PROJECT NO.
BOUNDARY SWAP MAP		SCALE
		1"=100'
		DATE
		07/27/21
		DRAWN BY
		YWH
		CHECKED BY
		JEW
		ZONED
		DRAWING NO.
		XXX-XXX
		SHT 1 OF 1 SHTS
PROJECT		
EUGENE W. COCHRANE, JR. & SUSAN BLOUNT COCHRANE /		
ROCKY RIVER ROAD ASSOCIATES LLC PROPERTY		
TOWN OF HARRISBURG, CABARRUS COUNTY, N.C.		
OWNERS: AS SHOWN ON MAP		
YARBROUGH-WILLIAMS & HOULE, INC.		
Planning • Surveying • Engineering		
750 Windsor Oak Court, P.O. Box 1198		
Charlotte, North Carolina, 28278		
704.556.1990		
704.556.2000 (fax)		



Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: February 8, 2022

SUBJECT:

Request H-2021-14-(R): To rezone approximately 1.38 acres from PUD (Planned Unit Development) to O-I (Office and Institutional)

Location: The subject property is on Rocky River Road near the Farmington Ridge Parkway intersection (portion of PIN 5506-12-7903).

Applicant: Bridget Grant, Moore & Van Allen PLLC and Jim Merrifield, MPV Properties

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: Held November 18, 2021

BACKGROUND:

Area: ±1.38 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North - Office/Institutional (OI), Cabarrus County
South - Planned Unit Development (PUD), Town
East - Office/Institutional (OI), Cabarrus County
West - Planned Unit Development (PUD), Town

Land Uses within 500 feet: North - Vacant, County
South - Vacant, Town
East - Single-family Residential, County
West - Vacant, Town

APPLICATION SUMMARY:

- The applicant proposes to develop the parcel as Office and Institutional and be removed from originally approved Farmington PUD. This particular parcel is proposed to be office or institutional. To achieve this, the applicant is requesting that the property be rezoned from Town of Harrisburg PUD (Planned Unit Development) to O-I (Office and Institutional). It is part of the land swap associated with Rezoning H2021-13-R that will add a new parcel into the PUD.
- The original Farmington PUD petition was H-2019-02-(R). This rezoning request is to modify the overall boundary of the original petition by removing this 1.38 acre parcel, upon approval of the removal all site notes and conditions associated with original PUD approval will be removed for this site.
- The applicant has submitted a survey along with the request for rezoning, which is attached for your consideration. There is no current site plan associated with this parcel or rezoning request.
- The property is currently within the Town of Harrisburg.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 1.38 acres in size.

2. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives and policies of the Ordinance;

Per the Unified Development Ordinance, the intent of the proposed district depicted on the submitted site plan is as follows:

O-I: *The O-I district is established to provide for public and private agencies and offices together with supporting commercial development in contexts where single-use, single-building developments are appropriate.*

Per the Harrisburg Area Land Use Plan, the subject property is located in area designated on the future land use map as **Mixed Use Node**. The description of Mixed Use Node is as follows:

“These areas are intended to be centers of activity that include a mix of retail, restaurant, service, and office uses in addition to a variety of residential housing types. The mix of uses can be horizontal as well as vertical where a change in use can occur between floors of the same building. Buildings of two stories and above are common, and connected streets include short block lengths and pedestrian facilities. Open space is integrated in the form of plazas and greens.

Based on the description of the Mixed Use Node land use classification, the proposed use would meet the intent that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-6** is focused on quality. While this property is being removed from the PUD, it will still be held to a high standard of design consistent with the UDO and surrounding uses, including architectural features, landscaping and connectivity.

Recommendation LU-7 of the Plan recommends consistency between the Town's zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the "appropriate" zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Mixed Use Node and the O-I zoning district is appropriate for this land use classification.

3. The benefits or detriments for the owner, neighbors and surrounding community;

The benefits to the owner of the property would be that a 1.38 acre stand-alone parcel would be available for an appropriate compatible use to the surrounding area. Benefits to the neighbors and the surrounding community include the continued development of office and/or institutional uses along the Rocky River corridor.

4. Whether the proposed request is in compliance with the adequate public facilities criteria;

a. Utilities:

Utilities are available in this area and are sufficient to meet the needs of this property. Water access is located along Rocky River Road and sewer is available nearby on Farmington Ridge Parkway and Stafford Road. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

b. Transportation:

A Traffic Impact Analysis was completed for the existing PUD zoning district in 2018; all the traffic improvement will be completed as per that TIA. The removal of the 1.38 parcel is a modification to the PUD boundaries and thus no new impacts on the transportation system.

c. Safety and Sanitation Services:

Adequate police, fire, and sanitation services are available for the proposed use, and will be provided upon annexation.

d. Schools:

The proposed development is Office and Institutional and would generate no new students across all levels.

5. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. The Commission shall consider the following:

- a. Whether the proposed zoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting or other nuisances;**

The proposed development is similar to existing zoning in the immediate area and is compatible with surrounding land uses.

- b. Any change of character in the area due to installation of public facilities, other zoning changes, new growth changes, deterioration, and development;**

Like all other development activity in this area, the development of this land would convert the currently vacant land from the Farmington PUD into a stand-alone parcel for office and institutional uses.

- c. The zoning districts and existing land uses of the surrounding properties;**

The areas around this property are generally zoned for a variety of uses, with retail, institutional and office along Rocky River Road. Existing land use patterns in the area typically consist of office, retail, and institutional, with residential nearby.

- d. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;**

The property is suitable for the uses which it has been restricted to under the existing zoning classification.

- e. Whether the rezoning is compatible with the adjacent neighborhood, especially concerning neighborhood stability and character;**

The specific use of the property is unknown at this time, but the proposed O-I zoning is consistent with surrounding land uses. The zoning aligns with Mixed Use Node of the Harrisburg Area Land Use Plan (HALUP).

- f. The length of time the subject property has remained vacant as zoned (if applicable);**

This property has been vacant.

- g. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs;**

Land supply is not a direct issue in this area.

6. Whether the existing zoning was in error at the time of adoption.

The existing zoning was not in error at the time of adoption.

RECOMMENDATION:

The rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request.

COMMUNITY MEETING REPORT FOR FARMINGTON LAND SWAP

Petitioner: MPV Properties

Property: 1.557 acres added to the Farmington PUD and 1.38 acres removed from the Farmington PUD

This Community Meeting Report is being filed with the Town of Harrisburg Planning Department.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Community Meeting was held on Thursday, November 18, 2021. The Town of Harrisburg mailed a written notice of the date, time, and details of the Community Meeting to the individuals and organizations as required by Ordinance.

TIME AND DATE OF MEETING:

The Community Meeting required by the Ordinance was held on Thursday, November 18, 2021, at 6:00 PM.

PERSONS IN ATTENDANCE AT MEETING:

Harrisburg staff documented the list of registered attendees from the required Community Meeting. The Petitioner's representatives at the required Community Meeting were Jim Merrifield with MPV Properties, and Bridget Grant with Moore & Van Allen, PLLC.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

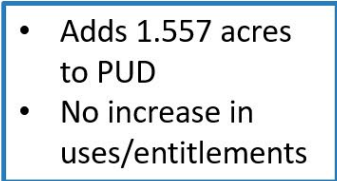
I. Overview of Petitioner's Presentation.

Introduction and Overview of Development Plan.

After introductions by the Town of Harrisburg Planning Staff, Bridget Grant welcomed everyone in attendance and introduced the rezoning team.

Ms. Grant described the site location and the minimal adjustments being made to the Farmington PUD overall boundary. Ms. Grant confirmed that no changes were being made to the permitted uses or the permitted development levels. The portion of the site being removed from the Farmington PUD is proposed for O-1 Zoning which is consistent with other zoning in the area.

The graphic depicting the proposed changes is below:



- Removes 1.38 acres from PUD
- Zoning O-I

II. Summary of Questions/Comments and Responses:

Mr. Merrifield provided a high level update on current leasing efforts at Farmington. In closing, Ms. Grant and Mr. Nepal shared their email addresses in order to address any remaining questions.

The development team will continue to work with staff to revise plans with additional details as needed.

CHAR2\2539969v1



TOWN OF HARRISBURG

Agenda Item Details

Title:

H2022-01-R - Public hearing to consider rezoning and annexation of 2 parcels off of Paul Linker PL associated with an annexation request.

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

No motion at this time. Final consideration will be made at April 11, 2022 Town Council meeting.

Description/Background:

The property owners of parcel 5527-12-6235 and 5527-12-7291 have submitted a request to rezone these parcels, approximately 4.233 acres of land located off Paul Linker PL. The applicant proposes to annex two parcels into the Town of Harrisburg town limits to have access to a Towns' sewer services for each lot. The two lots are currently in Cabarrus County. To achieve this, the applicant is requesting that the properties be rezoned from County LDR (Low Density Residential) to RL (Residential Low Density). The RL district has a maximum density of 1 dwelling unit per acre. The proposed density is 0.47 dwelling units per acre and the lot meets the RL dimension requirements per the UDO.

The property in question is in the County and requires annexation. A staff report is attached for more information, there is no site-specific plans for these parcels. Staff is recommending approval of the rezoning requests presented.

Town Council will hold the public hearing at the March meeting but final consideration will not be made until the April 11, 2022 Council meeting.

Recommendation:

The rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request. The Planning and Zoning Board reviewed and recommended approval at their February 15, 2022 meeting.

Fiscal Impact:

None.

Attachments:

1. H2022-01-R Application
2. H2022-01-R Site Map
3. H2022-01-R Survey
4. H2022-01-R Staff Report PB
5. Linker Annexation Application
6. Linker_Annexation Plat
7. Certificate of Sufficiency Linker
8. Resolution Fixing Date of Public Hearing



APPLICATION FOR ZONING MAP AMENDMENT

**The following steps are required in order for your application to be considered complete.
Incomplete applications will be returned to the applicant and will not be processed.**

1. Schedule a pre-application meeting with staff.
2. Submit a completed application for an amendment to the official zoning map. All applications must include:
 - a. A list of all adjacent property owners (include owner name, address, and Parcel Identification Number)
 - b. A recent survey or legal description of the property or area to be rezoned.
 - c. A copy of the letter, minutes, and the sign-up sheet from the Neighborhood Meeting.
 - d. Copies of the Traffic Impact Analysis (TIA), proposed site plan, landscape plan, and proposed building elevations (applicability determined at pre-application meeting with staff).
3. Submit cash, check or money order made payable to the Town of Harrisburg

Overview of the Rezoning Process:

1. Hold a pre-application meeting with staff to discuss your rezoning request and the map amendment process.
2. Hold a **neighborhood meeting** with the adjacent property owners. All adjacent property owners must be contacted and given an opportunity to meet with the applicant at a meeting established at a reasonable time. No member of the Town decision-making entity may participate in this meeting.
3. Submit a Zoning Map Amendment application to the Town of Harrisburg Planning Department. All applications must be submitted by the third Tuesday of the Month to go before the Planning and Zoning Board on the following month. NOTE: If the request is a Conditional Zoning request, complete and submit, with this application, a Conditional Rezoning Application.
4. Planning staff will review your application and subsequent information, prepare a staff report for the Board and take your request to the Planning and Zoning Board for a recommendation to the Town Council. Planning Board meetings are held on the third Tuesday of every month at 7:00 PM.
5. Once the Planning and Zoning Board has made a recommendation, staff will notify the adjacent property owners of the public hearing, post a sign on the property, and place announcements of the hearing in the local newspaper.
6. Town Council meetings are held on the second Monday of every month at 7:00 PM. At this meeting the Council will hold a public hearing and may vote on your request. Meetings are held at the Harrisburg Town Hall located at 4100 Main Street, Suite 101.

Questions: Contact the Town of Harrisburg Planning Department with any questions regarding rezonings in the Town of Harrisburg. Staff can be reached at 704-455-0709.



Harrisburg NC

The right side of opportunity

Subject Property Information

1. Street Address 7595 Paul Linker Pl Harrisburg NC
2. PIN(s) (10 digit#) 552 -- 712 -- 623; 5 -- --
3. Deed Reference Book 15588 Page 0336
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage) 2.099 ac.
6. Street Frontage (feet) 300.88'
7. Current Land Use LDR
8. Surrounding Land Use and Zoning Classification

North: Zoning	<u>LDR</u>	Land Use	<u>Residential</u>
South: Zoning	<u>LDR</u>	Land Use	<u>"</u>
East: Zoning	<u>LDR</u>	Land Use	<u>"</u>
West: Zoning	<u>LDR</u>	Land Use	<u>"</u>

9. Request to Change Zoning From _____ to _____
10. Is this a request for a Conditional Rezoning? YES ☒ NO

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: To have access to a 4" sewer
tap for a single residence to the Back Creek
Interceptor Sewer line at the South Property line



Harrisburg NC

The right side of opportunity

Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner

Address

Phone

Fax

Email:

Signature

Daniel Linker

7595 Paul Linker Pl Harrisburg Mc.

704 - 340 - 6071

Dlinker191@gmail.com

Daniel Linker

13. Agent (if any)

Address

Phone

Fax

Email

Signature

14. Applicant (if any)

Address

Phone

Fax

Email

Signature

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.



Harrisburg NC

The right side of opportunity

Subject Property Information

1. Street Address 7585 Paul Linker Pl. Harrisburg NC
2. PIN(s) (10 digit#) 5527 12 7291; _____
3. Deed Reference Book 15588 Page 0333
4. Township # 1

Description of Subject Property

5. Size (square feet or acreage) 2.134 ACRES
6. Street Frontage (feet) 140'
7. Current Land Use LDR
8. Surrounding Land Use and Zoning Classification
 - North: Zoning LDR Land Use Residential
 - South: Zoning LDR Land Use "
 - East: Zoning LDR Land Use "
 - West: Zoning LDR Land Use "
9. Request to Change Zoning From N/A to N/A
10. Is this a request for a Conditional Rezoning? YES NO

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: To have access to a 4" sewer tap
for a single residence to the Back Creek Interceptor
Sewer Line @ the South Property line.



Subject Property Information

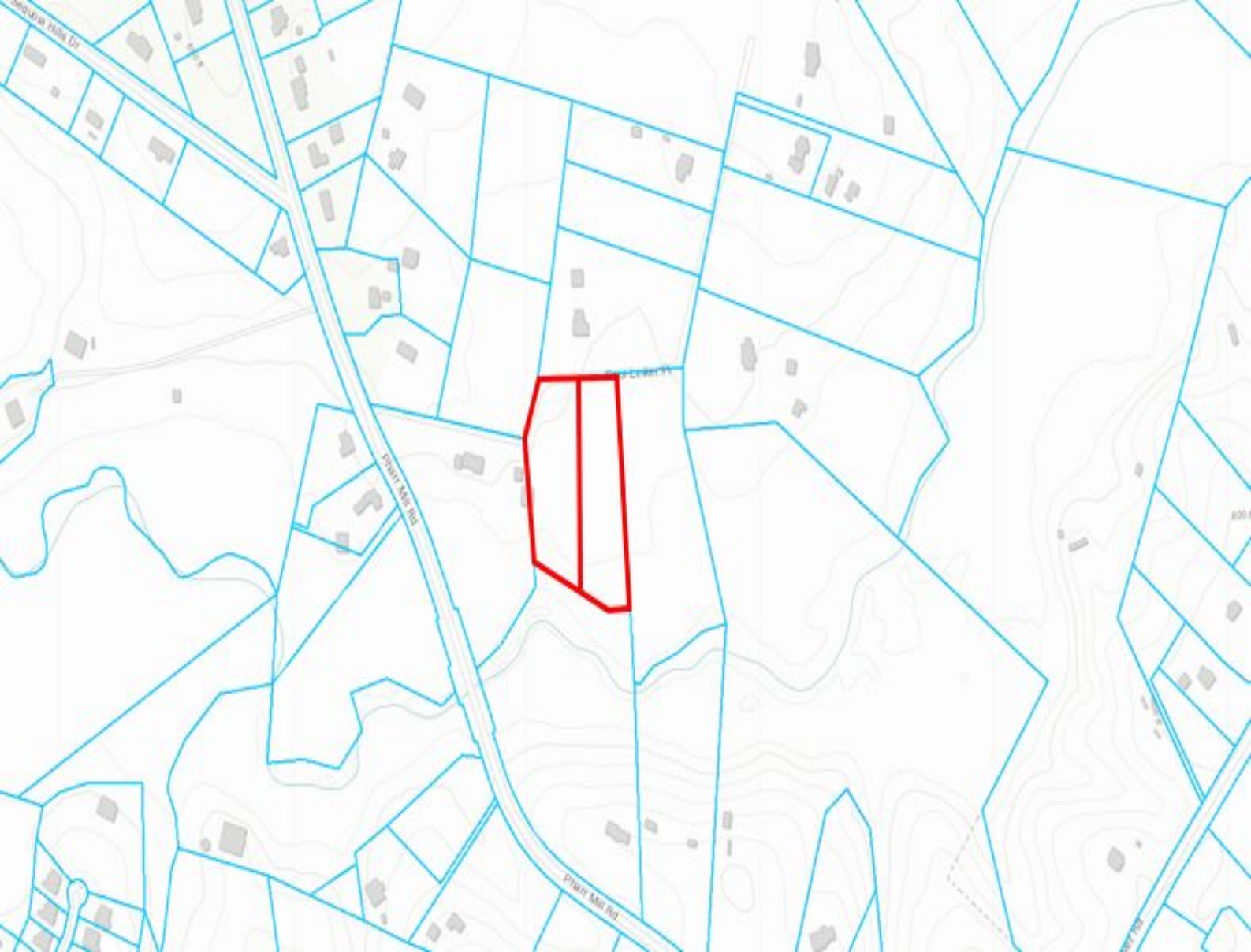
1. Street Address LOT 2 - 7545 Paul Linker Pl
LOT 3 7585 Paul Linker Pl
2. PIN(s) (10 digit#) 5527 -- 12 -- 6235; 5527 -- 12 -- 7291
3. Deed Reference Book _____ Page _____
4. Township # _____

Description of Subject Property

5. Size (square feet or acreage) LOT 2 2.099 LOT 3 2.134
6. Street Frontage (feet) LOT 2 300' LOT 3 140
7. Current Land Use VACANT
8. Surrounding Land Use and Zoning Classification
- | | | | |
|---------------|------------|----------|--------------------|
| North: Zoning | <u>LDR</u> | Land Use | <u>Residential</u> |
| South: Zoning | <u>LDR</u> | Land Use | <u>VACANT</u> |
| East: Zoning | <u>LDR</u> | Land Use | <u>VACANT</u> |
| West: Zoning | <u>LDR</u> | Land Use | <u>Residential</u> |
9. Request to Change Zoning From LDR to RL
10. Is this a request for a Conditional Rezoning? YES ☒ NO

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: To have access to a 4" sewer tap
for a single residence to the Back Creek
Interceptor Sewer Line at the South Property
line for LOTS 2 & 3





Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: February 8, 2022

SUBJECT:

Request H-2022-01-(R): To rezone approximately 4.233 acres from County LDR (Low Density Residential) to RL (Residential Low Density)

Location: The subject properties are located on Paul Linker Place off of Pharr Mill Road (PIN 5527-12-6235 and 5527-12-7291)

Applicant: Jason Linker on behalf of property owners Daniel Linker, Robert Marlow and Heather Marlow

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: N/A

BACKGROUND:

Area: ±4.233 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North - Low Density Residential (LDR), Cabarrus County
South - Low Density Residential (LDR), Cabarrus County
East - Low Density Residential (LDR), Cabarrus County and Office and Institutional (O-I) Town
West - Low Density Residential (LDR), Cabarrus County

Land Uses within 500 feet: North - Single-family Residential and Vacant, County
South - Single-family Residential, County
East - Single-family Residential and Vacant, County
West - Single-family Residential and Vacant, Town and County

APPLICATION SUMMARY:

- The applicant proposes to annex two parcels into the Town of Harrisburg town limits to have access to a Towns' sewer services for each lot. The two lots are currently in Cabarrus County. To achieve this, the applicant is requesting that the properties be rezoned from County LDR (Low Density Residential) to RL (Residential Low Density).
- The RL district has a maximum density of 1 dwelling unit per acre. The proposed density is 0.47 dwelling units per acre and the lot meets the RL dimension requirements per the UDO.
- The property is in the County and the applicant has also submitted a Petition requesting Annexation for the subject properties which are non-contiguous to the current Town of Harrisburg corporate limits.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 4.233 acres in size.

2. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives and policies of the Ordinance;

Per the Unified Development Ordinance, the intent of the proposed district:

RL: *The RL district is established to provide areas for low-density single-family residential uses on moderately-sized lots.*

Per the Harrisburg Area Land Use Plan, the subject property is located in an area designated on the future land use map as **Very Low Residential**. The description of Very Low Residential is as follows:

“This area intended to remain predominantly rural while allowing residential uses at very low densities. Conservation design is a common subdivision approach if utilities are available, allowing smaller lots in exchange for more open space. Architecture is sensitively integrated, avoiding valuable natural features. Gross densities are less than one unit per acre for conventional subdivisions, and up to two if conservation design standards are met. Some business uses typically located in rural areas, such as small engine repair, may be appropriate provided such uses adhere to performance standards to minimize potential impacts to surrounding areas.”

Based on the description of the Very Low Residential land use classification, the proposed density would meet the intent that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-5** states that the Town should “Expand Housing Options” to appeal to a broad range of audiences and products to those seeking Harrisburg’s high quality of life. The low density nature of this area and the proposed zoning would allow the property owners to build two single family homes and maintain the rural character of the area.

Recommendation LU-7 of the Plan recommends consistency between the Town’s zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the “appropriate” zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Very Low Residential and the proposed density of 0.47 dwelling units per acre is compatible with the standards designated by the RL district.

3. The benefits or detriments for the owner, neighbors and surrounding community;

The benefits to the owners of the properties would be that single-family residential zoning at the proposed density of 0.47 dwelling units per acre could be achieved under the proposed zoning, and annexation allows access to town offered services.

The addition of two single-family detached homes has no detrimental impact to the surrounding community. The construction of two new homes would be allowed under current Cabarrus County zoning. The rezoning and annexation request is to convert to the Town’s low density zoning and tap into the Town’s water and sewer availability.

4. Whether the proposed request is in compliance with the adequate public facilities criteria;

a. Utilities:

Utilities are available in this area, and are sufficient to meet the needs of this property. Water is available along Pharr Mill Road and sewer access is available to the southwest of the two properties on the other side of Pharr Mill Road. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

b. Transportation:

A TIA was not required based on the lower amount of traffic generated by this rezoning, with only two (2) lots and two homes involved. Driveway access will be reviewed and permitted by the Town and NCDOT during the permitting review.

c. Safety and Sanitation Services:

Adequate police, fire, and sanitation services are available for the proposed use, and will be provided upon annexation.

d. Schools:

The proposed development would generate no new students across all levels. Cabarrus County School did not offer an impact statement for this rezoning and single-family development as the impact is so minimal.

5. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. The Commission shall consider the following:

- a. Whether the proposed zoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting or other nuisances;**

The proposed single-family development and density of the proposed development (0.47 dwelling units per acre) is compatible with surrounding land uses.

- b. Any change of character in the area due to installation of public facilities, other zoning changes, new growth changes, deterioration, and development;**

Like all other development activity in this area, the development of this land would convert former vacant land into residential lots, while preserving the rural character of the area.

- c. The zoning districts and existing land uses of the surrounding properties;**

The areas around this property are generally zoned for low density residential use. Existing land use patterns in the area typically consist of low density residential lots and vacant forested land.

- d. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;**

The property is suitable for the uses which it has been restricted to under the existing zoning classification.

- e. Whether the rezoning is compatible with the adjacent neighborhood, especially concerning neighborhood stability and character;**

As previously mentioned, the specific use of the property, single family detached homes, is consistent with surrounding neighborhoods and aligns with Harrisburg Area Land Use Plan (HALUP).

- f. The length of time the subject property has remained vacant as zoned (if applicable);**

This property has been vacant.

- g. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs;**

Land supply is not a direct issue in this area.

6. Whether the existing zoning was in error at the time of adoption.

The existing zoning was not in error at the time of adoption.

APPROVAL:

The proposal is an annexation request to access Town's sewer, which requires the properties to be rezoned to Town's zoning classification RL (Residential Low Density) and meets dimensional requirements as noted in the Town's UDO.

RECOMMENDATION:

The rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request.



HarrisburgNC

The right side of opportunity

PETITION REQUESTING ANNEXATION

DATE: 1-18-2022

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.

2. The area to be annexed is:

☐ CONTIGUOUS

☒ NON-CONTIGUOUS

to the Town of Harrisburg and the boundaries of such territory are:

☒ ATTACHED

☐ DESCRIBED AS FOLLOWS:

TRACT # 2

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

NAME

ADDRESS

Daniel A. Linder 7595 Paul Linder Pl Harrisburg NC.



Harrisburg NC

The right side of opportunity

PETITION REQUESTING ANNEXATION

DATE: 1-18-2022

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.

2. The area to be annexed is:

☐ CONTIGUOUS

☒ NON-CONTIGUOUS

to the Town of Harrisburg and the boundaries of such territory are:

☒ ATTACHED

☐ DESCRIBED AS FOLLOWS:

TRACT # 3

3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

NAME

ADDRESS

Robert Morlan
Heather Morlan

7585 Paul Linker Pl Harrisburg NC.



Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner Robert & Heather Marlow
Address 7585 Paul Linker Pl Harrisburg NC.
Phone H- 980-322-5737 R- 352-805-3547
Fax _____
Email: _____
Signature Robert Marlow Heather Marlow
13. Agent (if any) _____
Address _____
Phone _____
Fax _____
Email _____
Signature _____
14. Applicant (if any) _____
Address _____
Phone _____
Fax _____
Email _____
Signature _____

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.



Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner

Address

Phone

Fax

Email:

Signature

LOT-2 Daniel Linker 7595 Paul Linker Pl
LOT-3 Robert & Heather Marlow 7585 Paul Linker Pl

LOT-3 980-322-5737 LOT-2 704-340-6071

13. Agent (if any)

Address

Phone

Fax

Email

Signature

14. Applicant (if any)

Address

Phone

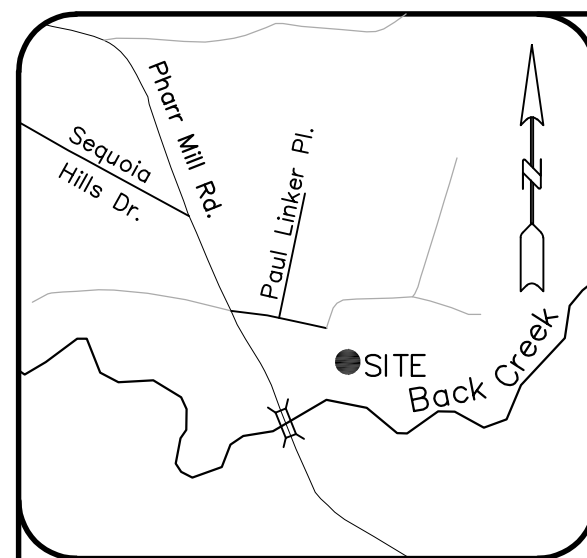
Fax

Email

Signature

Jason Linker
7525 Paul Linker Pl
980-322-7766
jlinker@cgcfields.com
Jason Linker

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.



VICINITY MAP
NOT TO SCALE

PAUL M. LINKER, III AND
BERTIE J. LINKER FAMILY TRUST
DATED AUGUST 17, 2007
PIN: 5527-12-4529
DB: 7982 PG: 184
ZONE: LDR
7532 PAUL LINKER PL

JASON ANDREW LINKER
AND WIFE
ANNA LENTZ LINKER
PIN: 5527-12-3144
DB: 567 PG: 125
DB: 566 PG: 711
ZONE: LDR
7525 PAUL LINKER PL

DANIEL A. LINKER
PIN 5527-12-6235
DB 15588 PG 336
TRACT 2 MB 89 PG 85
ZONE LDR
7595 PAUL LINKER PL
AREA 2.099 ACRES

ROBERT L. MARLOW
AND WIFE
HEATHER M. MARLOW
PIN 5527-12-3144
DB 15588 PG 333
TRACT 3 MB 89 PG 85
ZONE LDR
7585 PAUL LINKER PL
AREA 2.134 ACRES

MARGARET BULLARD LINKER
AS TRUSTEE OF THE
MARGARET B. LINKER LIVING
TRUST DATED JUNE 03, 2015
PIN 5527-22-0103
PORTION OF DB 11460 PG 335
TRACT 4, MB 89 PG 85
ZONE LDR

MICHAEL R. HARTZ and wife,
ALISHA R. HARTZ
PIN: 5527-12-8663
DB: 11189 PG: 179
ZONE: LDR
7520 PAUL LINKER PL

ARA JANE THORNTON
PIN: 5527-22-4397
DB: 8409 PG: 107
ZONE: LDR

- LEGEND**
- EIP #5 REBAR WITH CAP OR (AS DESCRIBED)
 - ⊗ NPS (NO POINT SET)
 - ⊗ SANITARY SEWER MANHOLE
 - POWER POLE
 - BOUNDARY LINE (AS SURVEYED)
 - BOUNDARY LINE (BY DEED OR PLAT)
 - TIE LINE
 - OVERHEAD POWER LINE
 - FENCE LINE
 - EASEMENT
 - CREEK TOP BANK
 - GRAVEL
 - RIGHT-OF-WAY
 - FLOOD ZONE (AS DESCRIBED)
 - FEMA FLOODWAY CENTERLINE
 - WATER BODY BUFFER LINE
 - BUILDING SETBACK LINE

SITE DATA	
TRACT 2 AREA	2.099 ACRES
TRACT 3 AREA	2.134 ACRES
TRACT 2-3 AREA COMBINED	4.233 ACRES

- NOTES:
- TRAVERSE ADJUSTED BY THE LEAST SQUARES ADJUSTMENT METHOD; RAW ERROR OF CLOSURE IS 1:103,000 (AS PER REFERENCE #5).
 - AREAS COMPUTED BY COORDINATE COMPUTATIONS.
 - ALL DISTANCES ARE HORIZONTAL, GROUND DISTANCES UNLESS OTHERWISE NOTED.
 - NO UNDERGROUND UTILITIES WERE LOCATED WITH THIS SURVEY. BEFORE DOING ANY DIGGING, CALL NC ONE-CALL (1-800-632-4949).
 - NC GRID NAD 83 (2011) EPOCH 2010.00 BASIS OF BEARING AND NAVD 88 ELEVATIONS DERIVED FROM NGS NETWORK RTK ON 02-22-2021 (HORIZONTAL POSITIONAL ACCURACY = 0.09'; VERTICAL ACCURACY = 0.07') USING GEOID MODEL GEOID12B, PROJECT LOCALIZED HOLDING CONTROL PT. #197 (N=571,528.93', E=1,521,369.74'), AND A COMBINED GRID FACTOR OF 0.99985189. UNITS ARE US SURVEY FEET (SEE REFERENCE #5).
 - FLOODPLAIN DATA SCALED FROM F.I.R.M. MAP NUMBER 3710552700K; EFFECTIVE DATE NOVEMBER 16, 2018. NOT FIELD LOCATED.
 - ZONE AE = SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD WITH BASE FLOOD ELEVATIONS DETERMINED.
 - ZONE X* = AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
 - ZONE X = AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
 - APPROVAL OF THIS PLAT DOES NOT PERMIT THE OWNER THE RIGHT TO ALTER PIPE, FILL, OR RELOCATE ANY EXISTING DRAINAGE FEATURE LOCATED ON THE PROPERTY WITHOUT SUBMITTING ENGINEERING PLANS FOR REVIEW AND APPROVAL TO THE COUNTY OF CABARRUS AND OTHER APPROPRIATE AGENCIES.
 - THE SUBDIVISION OF THIS PROPERTY WILL RESULT IN MORE THAN TWO HOMES SHARING THE SAME ACCESS AND SHALL MEET THE REQUIREMENTS OF CHAPTER 5 OF THE NC FIRE CODE.
 - SETBACKS DETERMINED USING CABARRUS COUNTY UDO SECTION 5-5. (SEE REFERENCE #5).
 - WATER BODY BUFFER ESTABLISHED USING A 120' MAX SETBACK FROM TOP OF BANK OF CREEK, AS PER CABARRUS COUNTY UDO SECTION 4-10. FIELD VERIFY LOCATION OF SET BACK BEFORE CONSTRUCTION. (SEE REFERENCE #5).
 - WETLANDS AS SHOWN BY CABARRUS COUNTY FARM WITHIN FLOODPLAIN.
 - LOTS 2, 3, & 4 (TOTAL OF 3 LOTS) WILL BE ACCESSING PAUL LINKER ROAD.
 - 20' WIDE PRIVATE ROAD TO BE ALL WEATHER ACCESS.
 - FIRE APPARATUS ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS (75,000 POUNDS) AND SHALL BE SURFACED SO AS TO PROVIDE ALL WEATHER DRIVING CAPABILITIES (SEE REFERENCE #5).
 - ADDRESSES SHOWN ARE PER CABARRUS COUNTY GIS

- REFERENCES:
- ALL DEEDS AND MAPS SHOWN HEREON.
 - CABARRUS COUNTY REGISTER OF DEEDS AND GIS TAX MAP.
 - MAP TITLED "EXCEPTION - RECOMBINATION PLAT BOUNDARY SURVEY" BY MEL G. THOMPSON & ASSOCIATES, DATED OCTOBER 13, 2017 AND RECORDED IN MAP BOOK: 74, PAGE 107.
 - MAP TITLED "MINOR SUBDIVISION FOR: 7775 PHARR MILL RD" BY GRIFFIN SURVEYING SERVICES, DATED JUNE 3, 2019, AND RECORDED IN MAP BOOK: 80 PAGE: 101.
 - MAP TITLED "MINOR SUBDIVISION & BOUNDARY SURVEY OF LINKER PROPERTY", BY CESI DATED SEPTEMBER 30, 2021, AND RECORDED SEPTEMBER 30, 2021, WITH THE CABARRUS COUNTY REGISTER OF DEEDS IN MAP BOOK 89 PAGE 85

I, DAVID L. HAYWOOD, JR., CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM A RECORD PLAT AND DEED UNDER MY SUPERVISION (DEED RECORDED IN DEED BOOK 15588, PAGE 336 AND MAP RECORDED IN MAP BOOK 89 PAGE 85); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEEDS AS SHOWN. THE ORIGINAL RATIO OF PRECISION AS CALCULATED IS 1:103,000 AS SHOWN IN MAP BOOK 89 PG 85; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600); AND THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND, DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 2ND DAY OF FEBRUARY, 2022.

**PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES.**

DAVID L. HAYWOOD, JR., PLS L-4822

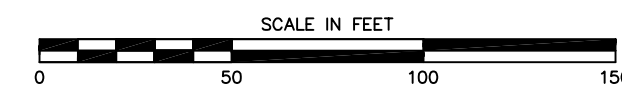
**BOUNDARY SURVEY OF:
TRACT 2 - 3, MAP BOOK 89 PAGE 85,
PIN 5527-12-6235 AND PIN 5527-12-3144
NO. 1 TOWNSHIP, CABARRUS CO., NORTH CAROLINA**

FOR OWNER:
DANIEL A. LINKER
7595 PAUL LINKER PL
HARRISBURG, NC

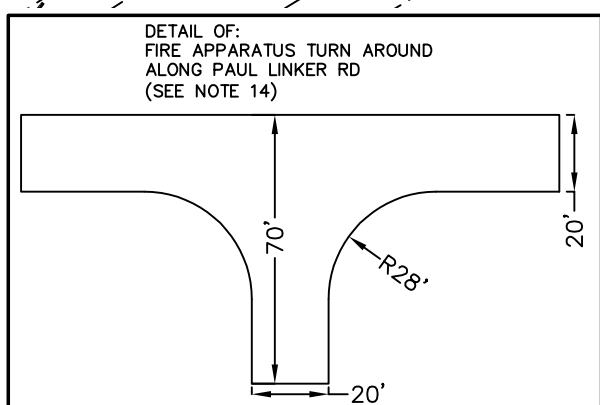
FOR OWNER:
ROBERT L. MARLOW
7585 PAUL LINKER PL
HARRISBURG, NC

DATE: FEBRUARY 02, 2022
REVISED:
SCALE: 1" = 50'
JOB NO.: 210100.000

COMPUTED BY: RV
DRAWN BY: RV
CHECKED BY: DLH



CESI
CIVIL - GEOTECHNICAL - SURVEYING
N.C. FIRM LICENSE NO. C-0263
45 SPRING STREET SW CONCORD (704) 786-5404
CONCORD, NC 28025 FAX (704) 786-7454
ACAD FILE: 210100 TRACT 2-3.dwg
© CESI 2022



MARGARET BULLARD LINKER
AS TRUSTEE OF THE
MARGARET B. LINKER LIVING
TRUST DATED JUNE 03, 2015
PIN 5527-22-0103
PORTION OF DB 11460 PG 335
TRACT 1, MB 89 PG 85
ZONE LDR

POINT OF LOCALIZATION
CONTROL POINT #197
TRAVERSE NAIL W/ WASHER
NC GRID NAD83(2011)
N: 571,528.93
E: 1,521,369.74
CGF: 0.99985189

#5 REBAR WITH CAP
LOCAL GROUND COORDINATE
N= 571,948.284'
E= 1,521,721.359'



HarrisburgNC

The right side of opportunity

To the Town Council of the Town of Harrisburg of Harrisburg North Carolina:

I, Janet Rackley, Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Harrisburg of Harrisburg, North Carolina, this 7th day of February 2022.



Janet Rackley
Janet Rackley, Clerk



**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.1**

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

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on March 14, 2022.

LEGAL DESCRIPTION TRACT 2, AND TRACT 3, MAP BOOK 89 PAGE 85

ALL THAT REAL PROPERTY IN CABARRUS COUNTY, STATE OF NORTH CAROLINA LYING SOUTH OF PAUL LINKER ROAD, A PRIVATE 60 FOOT RIGHT OF WAY, (DEED BOOK 812, PAGE 284, CABARRUS COUNTY REGISTER OF DEEDS), AND SHOWN AS TRACT 2, AND TRACT 3, OF MAP BOOK 89 PAGE 85, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT AN EXISTING NAIL WITH PLASTIC WASHER HAVING A NORTH CAROLINA GRID ~ NAD 83(2011) COORDINATES OF N= 571,528.93 FEET, E= 1,521,369.74 FEET;

THENCE N 39° 58' 45" E, A GROUND DISTANCE OF 547.26 FEET (GRID DISTANCE OF 547.18 FEET, COMBINED GRID FACTOR = 0.99985189) TO AN EXISTING #5 REBAR WITH CAP AT THE SOUTHEAST CORNER OF THE LANDS OF DANIEL A. LINKER (DEED BOOK 15588 PAGE 336, CABARRUS COUNTY REGISTER OF DEEDS), SAID EXISTING #5 REBAR WITH CAP BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG THE LINES OF DANIEL A. LINKER (DEED BOOK 15588 PAGE 336, CABARRUS COUNTY REGISTER OF DEEDS), THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1. N 61° 05' 26" W, A DISTANCE OF 193.71 FEET TO A COMPUTED POINT, SAID COMPUTED POINT BEING N 05° 14' 16" W, AND DISTANT 52.07 FEET OF A #6 REBAR;
2. N 05° 14' 16" W, PASSING AN EXISTING #5 REBAR WITH CAP AT 39.88 FEET, FOR A TOTAL DISTANCE OF 321.08 FEET TO AN EXISTING 1 INCH IRON ROD IN THE CENTERLINE OF PAUL LINKER ROAD, A 60 FOOT PRIVATE RIGHT OF WAY (DEED BOOK 812 PAGE 284, CABARRUS COUNTY REGISTER OF DEEDS);
3. N 18° 11' 24" E, AND WITH THE CENTERLINE OF SAID PAUL LINKER ROAD, A DISTANCE OF 160.88 FEET, TO AN EXISTING 1/2 INCH IRON ROD;
4. N 87° 06' 53" E, AND CONTINUING WITH THE SAID CENTERLINE OF PAUL LINKER ROAD, PASSING AN EXISTING #5 REBAR WITH CAP AT A DISTANCE OF 140.00 FEET, FOR A TOTAL DISTANCE OF 280.00 FEET, TO AN EXISTING #5 REBAR WITH CAP;

5. S 03° 18' 27" E, AND WITH THE EAST LINE OF THE LANDS OF ROBERT L. MARLOW AND WIFE HEATHER M. MARLOW, (DEED BOOK 15588 PAGE 333, CABARRUS COUNTY REGISTER OF DEEDS), A DISTANCE OF 617.38 FEET, TO AN EXISTING #5 REBAR WITH CAP;
6. S 85° 56' 14" E, A DISTANCE OF 90.02 FEET, TO AN EXISTING #5 REBAR WITH CAP;
7. N 61° 05' 26" W, A DISTANCE OF 87.74 FEET, TO AN EXISTING #5 REBAR WITH CAP, SAID EXISTING #5 REBAR WITH CAP BEING THE **TRUE POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS 4.233 ACRES MORE OR LESS, AND IS SHOWN ON A PLAT TITLED "BOUNDARY SURVEY OF TRACT 2-3, MAP BOOK 89 PAGE 85, PIN 5527-12-6235 AND PIN 5527-12-3144", BY CESI, (CESI JOB NUMBER 210100.000 LINKER SURVEY).

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.

ATTEST:

Janet Rackley
Janet Rackley, Clerk

Jennifer Teague
Jennifer Teague, Mayor





TOWN OF HARRISBURG

Agenda Item Details

Title:

Public Hearing to consider changes to the Harrisburg Code of Ordinances.

Presenting Personnel:

Lee Connor, Assistant Town Manager, Robert Donham, Town Engineer

Suggested Motion or Action:

None necessary. Action will be taken at the April 11, 2022, Town Council Meeting.

Description/Background:

Session Law 2021-138 decriminalizes a number of our Town ordinances. Because of this, those changes need to be incorporated into the Town's Code of Ordinances. Rich Koch has been working on this and his proposal for the changes is provided for Council review. We will need to hold a public hearing in March, and a vote on the changes could be taken at the April 11th Town Council meeting.

Recommendation:

Based on the direction of the new State law, Town staff recommends approval of this ordinance change.

Fiscal Impact:

None

Attachments:

1. Harrisburg Criminal Ordinance



AN ORDINANCE TO IMPLEMENT STATE CRIMINAL JUSTICE REFORMS

WHEREAS, a violation of a Town ordinance is a misdemeanor punishable by of up to a fine of \$500.00 for each offense, in accordance with N.C.G.S. § 14-4 and sections 10.99 (A) of the Town of Harrisburg Code of Ordinances; and,

WHEREAS, the General Assembly of North Carolina enacted Part XIII of Session Law 2021-138, which, in part, requires local governments to specify criminal penalties for each individual criminal offense; and,

WHEREAS, as the Harrisburg Town Council intends to maintain existing criminal penalties to the maximum intent allowed under law.

NOW, THEREFORE BE IT ORDAINED by the Harrisburg Town Council as follows:

Section 1. General Penalties.

Section 10.99 (A) of the Town of Harrisburg Code of Ordinances, North Carolina, is hereby amended to read as follows:

Section 10.99 (A). General Penalty.

(A) Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Code, or any ordinance of this county now in force or hereafter enacted, that is specifically designated as a misdemeanor and to which no specific criminal penalty is affixed, shall be punished in accordance with N.C.G.S. § 14-4 and shall be fined in an amount not to exceed \$500.00 for each offense.

~~(A) Unless otherwise provided herein, each violation of this Code shall constitute a misdemeanor, except as otherwise provided by statute, and violations of such provisions of this Code shall be punished by fine or imprisonment as by law provided.~~

(B) Violations of this Code shall constitute either a misdemeanor, if allowed, or at the election of the town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the town within 15 days of the issuance of a citation, may be recovered by the town in a civil action in the nature of

debt. Unless otherwise provided by a specific provision of this Code, such civil penalties shall be in the amount of \$50.00 for each violation, and each day any single violation continues shall be a separate violation.

(C) In addition to the civil penalties set out above, any provision of this Code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(D) In addition to the civil penalties set out above, any provision of the Code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the general court of justice. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(E) An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that abandoned or junked vehicles be removed; that improvements or repair be made; or that any other action be taken that is necessary to bring the property into compliance with this Code or such ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by such order, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material-man's lien. The defendant may secure cancellation of an order of abatement by paying all cost of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by judicial order. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(F) The provisions of this Code and any other town ordinances may be enforced by one, all, or a combination of the remedies authorized and prescribed by this section. ~~Any ordinances adopted by the Town Council, the violation of which shall incur a penalty, shall be construed to incur the criminal penal provisions of this section, unless a civil penalty is specified in the ordinance.~~

(G) (1) Upon determination of a violation of any section of this Code, the penalty for which is or may be a civil penalty, the town may but is not required to cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, and the date of the violation and shall contain an order to cease the violation immediately. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time may be stated within which the violation must be abated. The warning citation may specify that a second citation shall incur a civil penalty, together with costs and attorney fees.

(2) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the town and either served directly on the violator, his duly designated agent, or the registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the town or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear before the Town Council or its designee within 15 days of the date of the citation or, alternatively, to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(H) If the violator fails to respond to a citation within 15 days of its issuance and pay the penalty prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the general court of justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

Section 2. General Penalties regarding Sewer

50.99 Penalty. (A) (1) In addition to any other remedies cited in this chapter for the enforcement of the provisions of this chapter, the regulations and standards contained in this chapter may be enforced through the issuance of citations by the appropriate town official. These citations shall be in the form of a civil penalty. The town may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 72 hours after being cited for a violation. In addition, failure to pay the civil penalty within 72 hours may subject the violator to criminal charges, in accordance with N.C.G.S. § 14-4 and shall be considered a misdemeanor with a fine in an amount not to exceed \$500.00 for each offense. The following civil penalties are established for violations under this section:

- (a) Warning citations: correct violation within ten days.
- (b) First citation, \$25.00
- (c) Second citation, for same offense, \$100.00
- (d) Third and subsequent citation for same offense, \$200.00

(2) These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of this code of ordinances.

(B) In addition to the foregoing enforcement provisions, this chapter may be enforced by any remedy provided in N.C.G.S. § 160A-175 including, but not limited to, all appropriate equitable remedies issued from a court of complete jurisdiction as provided in G.S. § 160A-175(e). This section specifically provides that each day's continuing violation shall be a separate and distinct offense.

50.36 (E) Add to end of ordinance section: A violation of this section is punishable as a misdemeanor.

50.41. Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

50.43. Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

50.62 (C). Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

50.88. Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

Section 3. General Penalties regarding Water

51.99 Penalty. (A) (1) In addition to any other remedies cited in this chapter for the enforcement of the provisions of this chapter, the regulations and standards contained in this chapter may be enforced through the issuance of citations by the appropriate town official. These citations shall be in the form of a civil penalty. The town may recover this penalty in a civil action in the nature of a debt if the offender does not of this chapter, the regulations and standards contained in this chapter may be enforced through the issuance of citations by the appropriate town pay the penalty within 72 hours after being cited for a violation. In addition, failure to pay the civil penalty within 72 hours may subject the violator to criminal charges in accordance with N.C.G.S. § 14-4 and shall be considered a misdemeanor with a fine in an amount not to exceed \$500.00 for each offense. The following civil penalties are established for violations under this section:

- (a) Warning citations: correct violation within ten days.
- (b) First citation, \$25.00
- (c) Second citation, for same offense, \$100.00
- (d) Third and subsequent citation for same offense, \$200.00

(2) These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of this code of ordinances.

(B) In addition to the foregoing enforcement provisions, this chapter may be enforced by any remedy provided in N.C.G.S. § 160.175 including, but not limited to, all appropriate equitable remedies issued from a court of complete jurisdiction as provided in N.C.G.S. § 160A-175(e). This section specifically provides that each day's continuing violation shall be a separate and distinct offense.

51.18. Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

51.19. Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

51.20. Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

51.54. Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

51.55. Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

51.56. Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

Section 4. General Penalties regarding Stormwater

53.076 (C) Criminal penalties. Violation of this chapter may be enforced as a misdemeanor in accordance with N.C.G.S. §14-4 with a fine in an amount not to exceed \$500.00 for each offense.

Section 5 General Penalties regarding Abandoned Vehicles

90.99 Penalty. (A) (1) In addition to any other remedies cited in this code of ordinances for the enforcement of the provisions of this code of ordinances, the regulations and standards contained in this code of ordinances may be enforced through the issuance of citations by the designated town official. These citations shall be in the form of a civil penalty. The town may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 72 hours after being cited for a violation. In addition, failure to pay the civil penalty within 72 hours may subject the violator to criminal charges, in accordance with N.C.G.S. § 14-4 and shall be considered a misdemeanor with a fine in an amount not to exceed \$500.00 for each offense. The following civil penalties are established for violations under this section:

- (a) Warning citations: correct violation within ten days.
- (b) First citation, \$25.00
- (c) Second citation for same offense, \$100.00
- (d) Third and subsequent citation for same offense, \$200.00

(2) These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of this code of ordinances.

(B) In addition to the foregoing enforcement provisions, this chapter may be enforced by any remedy provided in N.C.G.S. § 160A-175 including, but not limited to, all appropriate equitable remedies issued from a court of complete jurisdiction as provided in N.C.G.S. § 160A-175(e). This section specifically provides that each day's continuing violation shall be a separate and distinct offense.

90.02 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

90.03 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

Section 6 General Penalties regarding Noise Control

~~Any person violating or failing, refusing, or neglecting to comply with any provision or requirement of any section or subsection of this chapter shall be punished as provided in § 10.99.~~

91.99 Violation of this chapter may be enforced as a misdemeanor in accordance with N.C.G.S. § 14-4 with a fine in an amount not to exceed \$500.00 for each offense.

91.01 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

Section 7 General Penalties regarding Public Nuisances

92.08 The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under the law for the abatement of public nuisances and this chapter shall not prevent the Town Council from proceeding in a criminal misdemeanor action against any person, firm or corporation violating the provisions of this chapter as provided in N.C.G.S. § 14-4, with a maximum fine of \$500.00.

Section 8 General Penalties regarding Streets and Sidewalks

93.99 (A) (1) In addition to any other remedies cited in this chapter for the enforcement of the provisions of this chapter, the regulations and standards contained in this chapter may be enforced through the issuance of citations by the designated town officials. These citations shall be in the form of a civil penalty. The town may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 72 hours after being cited for a violation. In addition, failure to pay the civil penalty within 72 hours may subject the violator to a misdemeanor criminal charge, with a maximum fine of \$500.00 as provided in N.C.G.S. § 14-4. The following civil penalties are established for violations under this section:

- (a) Warning citations: correct violation within ten days.
- (b) First citation, \$25.00
- (c) Second citation for same offense, \$100.00
- (d) Third and subsequent citation for same offense, \$200.00

(2) These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of this code of ordinances.

(B) In addition to the foregoing enforcement provisions, this chapter may be enforced by any remedy provided in N.C.G.S. § 160A-175 including, but not limited to, all appropriate equitable remedies issued from a court of complete jurisdiction as provided in N.C.G.S. § 160A-175(e). This section specifically provides that each day's continuing violation shall be a separate and distinct offense.

93.02 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

93.10 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

93.11 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

93.12 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

Section 9 General Penalties regarding Animals and Fowl

94.99 (New Section) Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this chapter shall be punished as provided in Section 10.99.

Section 10 General Penalties regarding Fire Prevention and Protection

95.104 New Section Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this chapter, that is marked as constituting a misdemeanor shall be punished as provided in Section 10.99.

95.001 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.002 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.003 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.004 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.005 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.006 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.007 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.008 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.009 (B) Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.010 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.011 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.012 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.013 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.014 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.015 (B) Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.070 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.076 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

95.103 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

Section 11 General Penalties regarding Alarm Systems

96.99 A person commits a ~~class 3~~ misdemeanor criminal offense punishable by § [10.99](#) of this code if he violates by commission or omission any provision of this chapter that imposes upon him a duty or responsibility.

96.03 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

96.04 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

96.06 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

96.07 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

96.08 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

96.09 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

Section 12 General Penalties regarding Parks and Recreation

97.99 (A) Parking violations with corresponding fines are listed below:

- (1) Parking or blocking in handicapped area: \$50.00
- (2) Speeding and/or reckless driving: \$50.00
- (3) Parking on grass: \$50.00
- (4) Parking on road shoulder: \$50.00
- (5) Parking in fire lane: \$50.00
- (6) Other parking violations: \$50.00

(B) Violation of any provision of this subchapter which also constitutes a violation of the criminal or motor vehicle laws of the state or the town shall be punishable as provided in such other law or ordinance. Violation of any other provision of this subchapter shall constitute a misdemeanor under N.C.G.S. § 14-4 and shall be punishable by a fine of not more than ~~\$50.00 or imprisonment not exceeding thirty days, or both.~~ \$500.00.

97.02 Add to end of ordinance section. A violation of any subsection is punishable as a misdemeanor.

97.03 Add to end of ordinance section. A violation of any subsection is punishable as a misdemeanor.

97.04 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

97.05 Add to end of ordinance section. A violation of any subsection is punishable as a misdemeanor.

97.06 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

97.07 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

97.08 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

97.09 Add to end of ordinance section. A violation of any subsection is punishable as a misdemeanor.

97.10 Add to end of ordinance section. A violation of any subsection is punishable as a misdemeanor.

Section 13 General Penalties regarding Housing Code

98.99 (A) In addition to other penalties, any person who fails, neglects or refuses to make corrections shall be subject to a civil penalty of \$100.00 for the first day following the expiration

of the time period specified in the order for such repair, alteration or improvement. A \$10.00 per day penalty shall be imposed for each subsequent day that the unfit dwelling or dwelling unit remains in violation of the order. If a person fails to pay the civil penalty within ten days after being notified of the amount due, the town shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt.

(B) The violation of any provision of this chapter shall constitute a misdemeanor, as provided by N.C.G.S. § 14-4 with a maximum fine of \$500.00. In addition to the remedy specified in this and in other sections of this chapter, the provisions of this chapter may also be enforced by the town by injunction and order of abatement or by any other equitable remedy issuing from a court of competent jurisdiction, as specified in N.C.G.S. §§ 153A-123(d) and (e).

98.03 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.04 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.05 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.06 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.07 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.08 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.09 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.10 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.11 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.12 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.15 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

98.16 (C) Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

Section 14 General Penalties regarding Urban Archery in Deer Season

99.99 (A) Unless otherwise provided herein, each violation of this code shall constitute a misdemeanor, except as otherwise provided by statute, and violations of such provisions of this code shall be punished by ~~fine or imprisonment~~ a maximum fine of \$500.00 ~~as by law provided~~ or as otherwise provided in N.C.G.S. § 14-4.

(B) Violations of this code shall constitute either a misdemeanor or, at the election of the town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the town within 15 days of the issuance of a citation, may be recovered by the town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this code, such civil penalties shall be in the amount of \$50.00 for each violation, and each day any single violation continues shall be a separate violation.

(C) In addition to the civil penalties set out above, any provision of this code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(D) In addition to the civil penalties set out above, any provision of the code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the general court of justice. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(E) An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that abandoned or junked vehicles be removed; that improvements or repair be made; or that any other action be taken that is necessary to bring the property into compliance with this code or such ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by such order, he or she may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all cost of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by judicial order. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(F) The provisions of this code and any other town ordinances may be enforced by one, all, or a combination of the remedies authorized and prescribed by this section. Any ordinances adopted by the Town Council, the violation of which shall incur a penalty, shall be construed to incur the criminal penal provisions of this section, unless a civil penalty is specified in the ordinance.

(G) (1) Upon determination of a violation of any section of this code, the penalty for which is or may be a civil penalty, the town may but is not required to cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, and the date of the violation and shall contain an order to cease the violation immediately. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time may be stated within which the violation must be abated. The warning citation may specify that a second citation shall incur a civil penalty, together with costs and attorney fees.

(2) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the town and either served directly on the violator, his or her duly designated agent, or the registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the town or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear before the 1997 S-3 Town Council or its designee within 15 days of the date of the citation or, alternatively, to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(H) If the violator fails to respond to a citation within 15 days of its issuance and pay the penalty prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the general court of justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

99.01 Add to end of ordinance section. A violation of any subsection is punishable as a misdemeanor.

Section 15 General Penalties regarding Business Registrations

110.99 (A) Criminal remedies. Conducting business within this town without a valid registration issued in accordance with the chapter, or without posting a registration in compliance with § [110.22](#) of this chapter, ~~is a misdemeanor punishable as provided in G.S. § 14.4,~~ subjects the violator to the civil penalties contained in Section 10.99. Each day that a person conducts business in violation of this chapter is a separate offense.

(B) Equitable remedies. ~~In addition to the criminal remedies set forth in division (A) of this section~~ and in compliance with N.C.G.S. § 160A-175(d), the town may seek an injunction against any person who conducts a business in violation of this chapter.

Section 16 General Penalties regarding Solicitation

111.99 This chapter may be enforced by any or both of the following ways as provided by law:

(A) Anyone violating any provision of this chapter shall be guilty of a ~~Class 3~~ misdemeanor and shall be punished in accordance with the provisions of N.C.G.S. § 14-4 and fined not more than ~~\$150.00 or imprisoned for not more than ten days~~ \$500.00.

(B) A violation of this chapter shall subject the violator to issuance of a citation in the amount of \$150.00 for each such citation. A citation remaining unpaid to the town after 15 days shall subject the violator to a civil penalty which may be recovered by the town in a civil action. A violation which is a continuing violation shall subject the violator to a separate citation for each day the violation continues.

Section 17 General Penalties regarding Weapons

130.99 Any person, firm or corporation violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with the provisions of N.C.G.S. § 14-4, with a maximum fine of \$500.00.

130.01 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

130.02 Add to end of ordinance section. A violation of this section is punishable as a misdemeanor.

No town ordinance regulating planning and regulation of development, stream clearing programs, regulating businesses and trades, outdoor advertising, solar collectors, cisterns and rain barrels, taxies, setback lines, curb cut regulations and tree ordinances cannot carry a criminal penalty.

NOTE:

Underlined words and phrases are additions to the ordinance provisions. Words and phrases that are crossed through are being deleted from the ordinance provisions. These cannot be adopted at the first meeting in which they are brought to the Council.



TOWN OF HARRISBURG

Agenda Item Details

Title:

2017 Transportation Bond Review

Presenting Personnel:

Mallory Hodgson, Project Manager, Brian Lee, Finance Director

Suggested Motion or Action:

No proposed motion.

Description/Background:

In 2017, the Town residents approved the 2017 Transportation Bonds. At the time, this included road resurfacing, sidewalk projects and roadway improvements. The total amount of the bonds was \$4M. As time has moved on, various factors have impacted the roadway improvements, including developer contributions as part of TIAs for new residential projects. Most of these were intersection improvements throughout Town. After careful analysis by Finance, Engineering and Town Management, new projects have been identified that could replace some of the intersection improvements. These projects include additional funding for greenways, Hickory Ridge Road Sidewalk, and Hwy 49 improvements, such as mast arm traffic lights and other related improvements.

The presentation will review the 2017 Transportation Bond projects and discuss the next steps for the remaining funding.

Recommendation:

No council action needed at this time.

Fiscal Impact:

All projects noted in this item are within the \$4M project budget for the 2017 Transportation Bonds.

Attachments:

None



TOWN OF HARRISBURG

Agenda Item Details

Title:

H2021-01 (R) – Consideration of Conditional Rezoning and Zoning Map Amendment for Oakview Residential Subdivision off of Hickory Ridge Rd. (behind Blume Phase II)

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

If approved, the following motion is suggested:

To approve the Conditional Rezoning and Zoning Map Amendment for Oakview Residential Subdivision off of Hickory Ridge Rd. (behind Blume Phase II) , as requested by the applicant for the related property in application H2021-01 (R).

If denied, the following motion is suggested:

To deny the the Conditional Rezoning and Zoning Map Amendment for Oakview Residential Subdivision off of Hickory Ridge Rd. (behind Blume Phase II) , as requested by the applicant for the related property in application H2021-01 (R).

Description/Background:

Oakvu LLC, on behalf of the the property owners of parcel 55167593100000, has submitted a request to rezone approximately 65.01 acres of land located on the eastern side of Hickory Ridge Road south of Rocky River Road and connecting to Cornflower Drive (behind Blume Phase II). The applicant proposes to develop a single-family subdivision with 30 detached units with a minimum lot size of 20,000 sq. ft.. To achieve this, the applicant is requesting that the property be rezoned from Rural Estate (RE) to CZ-RL (Conditional Zoning Residential Low Density). The proposed gross density of the site is 0.46 dwelling units per acre.

The property is in the Town limits and does not require annexation. A Town Council public hearing was held on February 14, 2022 to take action on the rezoning, Planning and Zoning Board recommended approval of the rezoning request at their November 16, 2021 meeting.

A staff report is attached for more information and a site plan is submitted for your consideration. If approved, staff will continue reviewing the site plan in accordance with our Unified Development Ordinance (UDO) during the subsequent Preliminary Plat and Construction Document (CDs) reviews.

Recommendation:

Planning and Zoning Department staff recommends approval of the conditional rezoning and zoning map amendment for Oakview Residential Subdivision. The Planning and Zoning Board recommended approval of the rezoning request at their November 16, 2021 meeting.

Fiscal Impact:

None.

Attachments:

1. Oakview Rezoning Application
2. Oakview Site Map

3. Oakview Staff Report_TC
4. Oakview Rezoning Plan
5. Oakview Neighborhood Report
6. Oakview Home Elevation Examples



APPLICATION FOR CONDITIONAL REZONING

Applications for a Conditional District must be accompanied by an application for a Zoning Map Amendment.

1. Please submit fifteen (15) copies of a complete development plan in conformance with Appendix B, Section B-4 of the UDO (all conditional rezoning applications shall include a site specific development plan which, if approved, shall be binding on the property in question). If approved, a zoning site plan review and approval will be required to receive a zoning compliance permit. For specific requirements, please see the form entitled "Site Plan Requirements".
2. Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Article 4.6 in the Harrisburg UDO titled "Use Regulations" and shall correspond to the Zoning District requested.

RL-CZ:SINGLE-FAMILY,DETACHED.

3. Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width, etc.).

1) 20' Greenway easement dedication along the existing sewer easement.



Owner Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process. It is further understood and acknowledged that it is the responsibility of the petitioner to file the development plan in the Cabarrus County Register of Deeds Office as a deed restriction upon the subject property.

If, after two years from the date of approval substantial construction has not begun, the property in question may revert to its prior zoning designation after a public hearing is held in compliance with the required procedure for a zoning map amendment.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

Property Owner	OAKVU, LLC.
Address	SUBJECT PROPERTY: 2718 GRADY HARRIS SR. RD. MAILING ADDRESS: 399 SUTRO FOREST DR. CONCORD, NC. 28027
Phone	704-699-5218
Fax	
Signature	<u>V. ARR</u> DATE: <u>01-12-2021</u>

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.

OFFICIAL USE ONLY:

Petition Number: _____
Date Filed: _____
Received By: _____



APPLICATION FOR ZONING MAP AMENDMENT

The following steps are required in order for your application to be considered complete.

Incomplete applications will be returned to the applicant and will not be processed.

1. Schedule a pre-application meeting with staff.
2. Submit a completed application for an amendment to the official zoning map. All applications must include:
 - a. A list of all adjacent property owners (include owner name, address, and Parcel Identification Number)
 - b. A recent survey or legal description of the property or area to be rezoned
 - c. A copy of the letter, minutes, and the sign-up sheet from the Neighborhood Meeting
 - d. Copies of the Traffic Impact Analysis (TIA), proposed site plan, landscape plan, and proposed building elevations (applicability determined at pre-application meeting with staff)
3. Submit cash, checks, or money orders made payable to the Town of Harrisburg for all fees listed in the pre-application checklist.

Overview of the Rezoning Process:

1. Hold a pre-application meeting with staff to discuss your rezoning request and the map amendment process.
2. Hold a **neighborhood meeting** with the adjacent property owners. All adjacent property owners must be contacted and given an opportunity to meet with the applicant at a meeting established at a reasonable time. No member of the Town decision-making entity may participate in this meeting.
3. Submit a Zoning Map Amendment application to the Town of Harrisburg Planning Department. All applications must be submitted by the third Tuesday of the Month to go before the Planning and Zoning Board on the following month. NOTE: If the request is a Conditional Zoning request, complete and submit, with this application, a Conditional Rezoning Application.
4. Planning staff will review your application and subsequent information, prepare a staff report for the Board and take your request to the Planning and Zoning Board for a recommendation to the Town Council. Planning Board meetings are held on the third Tuesday of every month at 7:00 PM.
5. Once the Planning and Zoning Board has made a recommendation, staff will notify the adjacent property owners of the public hearing, post a sign on the property, and place announcements of the hearing in the local newspaper.
6. Town Council meetings are held on the second Monday of every month at 7:00 PM. At this meeting the Council will hold a public hearing and may vote on your request. Meetings are held at the Harrisburg Town Hall located at 4100 Main Street, Suite 101.

Questions: Contact the Town of Harrisburg Planning Department with any questions regarding rezonings in the Town of Harrisburg. Staff can be reached at 704-455-0709.



1. Street Address 2718 GRADY HARRIS SR. RD.

2. PIN(s) (10 digit#) 55167 -- 59310 -- 0000 ; -- --

3. Deed Reference Book 14150 Page 0333

4. Township #

5. Size (square feet or acreage)	<u>65.0 AC.</u>
6. Street Frontage (feet)	<u>60' R/W (CORNFLOWER DR.)</u>
7. Current Land Use	<u>VACANT - WOODED</u>
8. Surrounding Land Use and Zoning Classification	

North: Zoning CX-RL, RE Land Use C.O.S., SINGLE-FAMILY

South: Zoning CR Land Use SINGLE-FAMILY

East: Zoning CR Land Use VACANT - WOODED

West: Zoning RL-CZ Land Use SINGLE-FAMILY, C.O.S.

9. Request to Change Zoning From RE to RL - RESIDENTIAL LOW DENSITY

10. Is this a request for a Conditional Rezoning? (YES) ~~NO~~

(If YES, you must also submit an application for a Conditional Rezoning)

11. Purpose for Request: _____

The Petitioner is seeking to rezone the current "RE" zoning classification to "RL-CZ" (Residential Low Density) zoning classification.



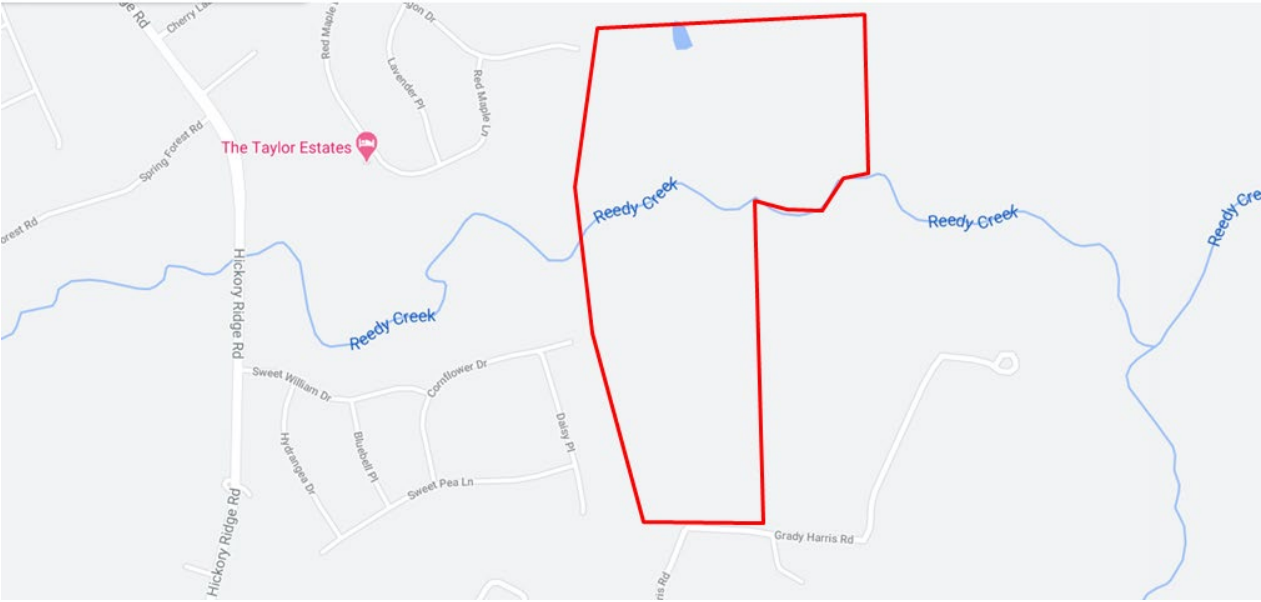
Owner/Agent/Applicant Information

It is understood by all parties hereto that while this application will be carefully considered and reviewed, the burden of providing its need and providing all required evidence rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is, to the best of my/our knowledge, correct.

12. Property Owner	<u>OAKVU, LLC.</u>
Address	<u>399 SUTRO FOREST DR., CONCORD, NC 28027</u>
Phone	<u>704-699-5218, HARI VUPPALA</u>
Fax	<u></u>
Email:	<u>hv399s@gmail.com</u>
Signature	<u></u>
13. Agent (if any)	<u></u>
Address	<u></u>
Phone	<u></u>
Fax	<u></u>
Email	<u></u>
Signature	<u></u>
14. Applicant (if any)	<u>Same as Owner.</u>
Address	<u></u>
Phone	<u></u>
Fax	<u></u>
Email	<u></u>
Signature	<u></u>

NOTE: If multiple parcels are involved in a request, property owners must sign an application identifying the individual parcel(s) represented. Each parcel included in the request must be accounted for in the application process for the application to be considered complete.





Town of Harrisburg
Planning and Economic Development Department
Rezoning Staff Report

DATE: February 01, 2022

SUBJECT:

Request H-2021-01-(R): To rezone approximately 65.01 acres from RE (Rural Estate) to CZ-RL (Conditional Zoning Low Density Residential)

Location: The subject property is located on the eastern side of Hickory Ridge Road south of Rocky River Road and connecting to Cornflower Drive (PIN 5516-75-9310).

Applicant: OakVu LLC

Staff Report Prepared by: Craig Thomas, Senior Planner

Neighborhood Meeting: Held January 21, 2021

BACKGROUND:

Area: ±65.01 acres Total

Existing Land Use: Vacant/Single-Family Residential

Zoning within 500 feet: North - Rural Estate (RE) and Residential Low Density (RL), Town
South - Countryside Residential (CR), Cabarrus County
East - Countryside Residential (CR), County
West - Residential Low Density (RL), Town

Land Uses within 500 feet: North - Single-family Residential, Town
South - Single-family Residential, County
East - Single-family Residential, County
West - Single-family Residential, Town

APPLICATION SUMMARY:

- The applicant proposes to develop a single-family subdivision with 30 detached units. To achieve this, the applicant is requesting that the property be rezoned from RE (Rural Estate) to CZ-RL (Conditional Zoning Low Density Residential).
- The proposed density of the site is 0.46 dwelling units per acre. The RL district has a maximum density of 1 dwelling units per acre for Conventional Subdivision and up to 2 acres for Conservation Subdivision but upon approval of this rezoning, the density will be capped at 0.46 units/acre and the site plan will be attached with the land.
- Per the Town subdivision regulations, the applicant is providing dedicated public open space. The applicant proposes the development of 0.86 acres of active open space as part of the development. The Public Open Space requirement is met with the dedication of 1.67 acres towards greenway easement on Reedy Creek, project will build deliver the greenway along with pedestrian bridge connecting the Oakview Community.
- As a conditional zoning request, the applicant has submitted a site plan along with the request for rezoning, which is attached for your consideration.
- The property is currently within the town limits of the Town of Harrisburg.

APPROVAL CRITERIA:

1. The size of the tract in question;

The subject property is approximately 65.01 acres in size.

2. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the goals, objectives and policies of the Ordinance;

Per the Unified Development Ordinance, the intent of the proposed district depicted on the submitted site plan is as follows:

***RL:** The RL district is established to provide areas for low density single family uses, with a maximum of two dwelling units per acre, which may provide buffers between the agricultural and RC classifications and the higher density areas of the Town. It includes flexible density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.*

Per the Harrisburg Area Land Use Plan, the subject property is located in area designated on the future land use map as **Low Density Residential**. The description of Low Density Residential is as follows:

“This area is characterized by low- to moderate-density residential development (1 to 2 dwelling units per acre). Single-family detached homes are complemented by natural areas as well as formal and informal open space amenities. Conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be recommended in locations with sensitive natural resources.”

Based on the description of the Low Density Residential land use classification, the proposed density and dedicated open space would meet the intent that has been set for this area in the Land Use Plan.

With regard to the overall goals of the Land Use Plan, **recommendation LU-5** states that the Town should “Expand Housing Options” to appeal to a broad range of audience and create value for property owners with smaller lots in exchange for preservation of open space.

Recommendation LU-7 of the Plan recommends consistency between the Town’s zoning regulations and the adopted Future Land Use Map. A table included as part of this goal establishes the “appropriate” zoning districts to use when making zoning decisions based on the Future Land Use Map. The map, as previously stated, designates this area as Low Density Residential and the RL district is appropriate for this land use classification.

3. The benefits or detriments for the owner, neighbors and surrounding community;

The benefits to the owner of the property would be that single-family residential development at the proposed density of 0.46 dwelling units per acre could be achieved under the proposed zoning. Benefits to the neighbors and the surrounding community include the preservation of open space areas, securing greenway easements and a new greenway with pedestrian bridge built, and a compatible connection to an existing neighborhood.

The addition of thirty (30) single-family attached homes has no detrimental impact to the surrounding community. The homes will connect with the existing Blume South subdivision and provide future connections to the vacant parcels to the east and south.

4. Whether the proposed request is in compliance with the adequate public facilities criteria;

a. Utilities:

Utilities are available in this area and are sufficient to meet the needs of this property. Water and sewer access are located along Cornflower Drive. Any utility line extensions or upgrades necessary to serve this development will be the responsibility of the developer.

b. Transportation:

A TIA was not required based on the lower amount of traffic generated by this subdivision with only thirty (30) homes. Access will be reviewed and permitted by the Town and NCDOT during the Construction Documents (CDs) review.

c. Safety and Sanitation Services:

Adequate police, fire, and sanitation services are available for the proposed use, and will be provided upon annexation.

d. Schools:

Per Cabarrus County, the APF Ordinance for schools is currently not being enforced after a ruling by the NC Supreme Court. However, Cabarrus County Schools does still review the capacity of the K-12 schools that this development will feed into and provides future capacity numbers based on the units proposed. For this site, Cabarrus County has provided the following information:

Current Capacity:

Elementary (Hickory Ridge ES) -	<u>109%</u>
Middle (Hickory Ridge MS) -	<u>93%</u>
High (Hickory Ridge HS) -	<u>112%</u>

Future Capacity Based on Unbuilt Lots and Including this Request:

Elementary (Hickory Ridge ES) -	<u>110%</u>
Middle (Hickory Ridge HS) -	<u>93%</u>
High (Hickory Ridge HS) -	<u>113%</u>

As per Cabarrus County Schools, the Single-family homes in this development will generate upon full buildout an additional 12 elementary students, 6 middle school students, and 8 high school students.

5. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. The Commission shall consider the following:

- a. Whether the proposed zoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting or other nuisances;**

The proposed single-family development and density of the proposed development (0.46 dwelling units per acre) is compatible with surrounding land uses.

- b. Any change of character in the area due to installation of public facilities, other zoning changes, new growth changes, deterioration, and development;**

Like all other development activity in this area, the development of this land would convert former vacant land into residential neighborhoods, while preserving appropriate area for open space as required by the UDO.

- c. The zoning districts and existing land uses of the surrounding properties;**

The areas around this property are generally zoned for low to medium density residential use. Existing land use patterns in the area typically consist of low to medium density residential neighborhoods and vacant forested land and land previously used for agricultural purposes.

- d. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;**

The property is suitable for the uses which it has been restricted to under the existing zoning classification.

- e. Whether the rezoning is compatible with the adjacent neighborhood, especially concerning neighborhood stability and character;**

As previously mentioned, the specific use of the property, single family detached homes, is consistent with surrounding neighborhoods and aligns with Harrisburg Area Land Use Plan (HALUP), particularly the single family residential.

- f. The length of time the subject property has remained vacant as zoned (if applicable);**

This property has been vacant.

- g. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs;**

Land supply is not a direct issue in this area.

- 6. Whether the existing zoning was in error at the time of adoption.**

The existing zoning was not in error at the time of adoption.

Furthermore, as a Conditional Zoning request, the Board must consider the following criteria:

- 7. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the current Land Use Plan.**

The rezoning application to RL district to the property, with the proposed density limitation, is consistent with the density and lot size standards established for the base RL Zoning District in the Unified Development Ordinance and Low Density Residential land use classification in the Land Use Plan.

The development proposal accompanying the rezoning request would restrict permitted uses to single family attached residences, which are appropriate in this area.

8. The use(s) requested are among those listed as an eligible permitted or conditional use in the general use district as included in the rezoning request.

The applicant is seeking for the following uses to be allowed in this Conditional Zoning District:

- Single-Family Detached Residential; this use is allowed in the RL District.

9. The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration and not create a nuisance.

The applicant intends to work with Harrisburg town staff in establishing appropriate improvements for the development. Improvements include greenway construction along with pedestrian bridge over Reedy Creek and connecting to internal sidewalks to promote pedestrian access.

Landscaping buffers shown are adequate to meet the needs of the adjacent properties, and active open space is designated as part of the subdivision.

10. The use limitations and conditions as proposed and/or imposed for the requested district can reasonably be implemented and enforced for the subject property.

The conditions proposed and imposed for this district can be reasonably implemented on this site.

11. When implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district. If any standards are proposed that are different from the underlying zoning district, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the general district.

All proposed conditions recommended by staff are to bring the site into conformance with applicable local and state regulations.

12. The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district.

The applicant will need to agree to all conditions listed in this staff report. Any additional conditions placed on this property will need the acceptance of the applicant before a decision can be made on this application.

13. For an approval, the Board must adopt a consistency statement that the amendment being considered is either consistent or inconsistent with the adopted land use plan and that the Board considers the action to be reasonable and in the public interest.

The Town Council will need to adopt a consistency statement when a recommendation or decision is made on this item.

APPROVAL WITH CONDITIONS:

The proposal is a conditional re-zoning request. Conditions may be imposed on the zoning action; staff recommends that the following conditions be placed on this project. Applicant agrees to the following:

1. Applicant agrees to obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees to restrict cladding materials for all residential buildings to masonry products; vinyl siding will not be used.
3. Applicant agrees that there will be no exposed concrete foundations and that siding must extend to the ground level on all sides of the homes.
4. Applicant agrees to the mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
5. Applicant agrees that all ponds shall be wet detention ponds with fountains. Ponds shall be designed such that there is a minimum depth of 10' over at least 25% of the permanent pool area.
6. Applicant agrees fence surrounding detention pond shall be vinyl 4-rail farm fence, preferably white.
7. Applicant agrees to construct greenway along Reedy Creek and provide pedestrian connection via pedestrian bridge to the proposed neighborhood.
8. Applicant agrees to bond the subdivision streets in the existing Blume Subdivision and perform any required maintenance due to construction access and heavy vehicle and equipment traffic on the Blume Subdivision streets.
9. Applicant agrees mailbox clusters shall meet ADA Standards at a minimum.
10. All streets should be to the Town of Harrisburg Engineering Design standards, alternate pavement schedule is not allowable. Roadways cross sections will be reviewed and approved at the construction document phase.

RECOMMENDATION:

With the proposed site plan and conditions proposed, the rezoning request is consistent with the Harrisburg Area Land Use Plan. Planning and Zoning Department staff supports approval of the rezoning request with conditions.

2718 GRADY HARRIS SR. DR.
HARRISBURG, NORTH CAROLINA

PROJECT NUMBER	20006
DATE	09/07/2021

ISSUED FOR
REZONING PLAN

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	05/05/2021	1ST CITY COMMENTS	JM/H
2	07/19/2021	2ND CITY COMMENTS	JM/H
3	09/07/2021	3RD CITY COMMENTS	JM/H
4	09/29/2021	4TH CITY COMMENTS	JM/H

PROJ. MANAGER: HN
DRAWN BY: JM/JF
CHECKED BY: HN

SEA

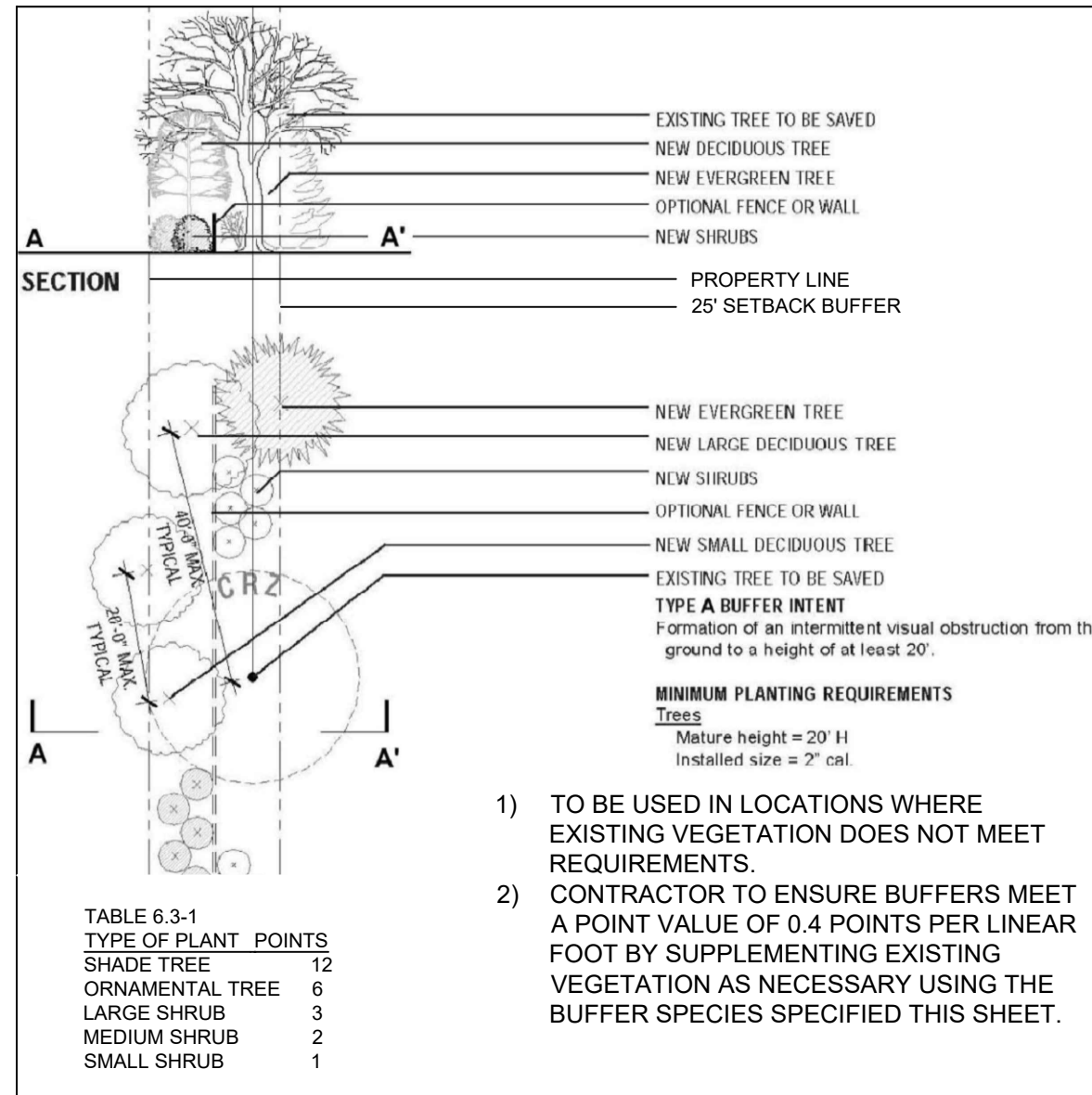


SCALE
AS INDICATED

DRAWING

REZONING PLANTING PLAN

RZ-3



30" TOTAL COTTONWOOD DIAMETER

30" OAK + 38" OAK = 68" TOTAL OAK DIAMETER

COTTON WOOD USING TULIP POPLAR
(12) x 2.5" MINIMUM DIA. = 30.0" TOTAL

OAK USING WHITE OAK
(19) x 2.5" MINIMUM DIA. = 47.5"
& USING SAWTOOTH OAK
(09) x 2.5" MINIMUM DIA. = 22.5"
TOTAL: 47.5" + 22.5" = 70" TOTAL

COS, SUBDIVISION REQUIRED	05.22 AC (8%)
COS, SUBDIVISION PROVIDED	40.17 AC (61%)
ACCESSIBLE COS AREA 1	38.26 AC
IN-ACCESSIBLE COS AREA 2	1.91 AC

ACTIVE COS, PER LOT REQUIRED	0.86 AC
(30) LOTS x $\frac{1}{35}$ AC/LOT	
ACTIVE COS, PER LOT PROVIDED,	1.67 AC.
GREENWAY AS ACTIVE TRAIL	1.37 AC
BENCH AREAS ALONG TRAILS, ACTIVE	
LAWN AREA WITH SIDEWALK, BENCHES,	
& LANDSCAPE	0.30 AC

TREESAVE AREA #1	±3.42 AC.
TREESAVE AREA #2	±4.15 AC.
TREESAVE AREA #3	±3.46 AC.
TREESAVE AREA #4	<u>±15.42 AC.</u>
	±26.45 AC.

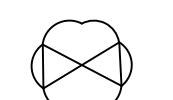
<u>DECIDUOUS TREES</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>CONT.</u>	<u>CAL</u>	<u>HEIGHT</u>	<u>REMARKS</u>
CP	28	QUERCUS PHELLOS	WILLOW OAK	B&B	2"-2.5"	10-12'	
QQ	28	CERCIS CANADENSIS	EASTERN RED BUD	B&B	1.5"-2"	6-8'	
UP	22	ULMUS PARVIFOLIA	LACE BARK ELM	B&B	2"-2.5"	10-12'	
CP	22	CRATAEGUS PHAENOPYRUM	WASHINGTON HAWTHORNE	B&B	1.5"-2"	6-8'	

<u>DECIDUOUS TREES</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>CONT.</u>	<u>CAL.</u>	<u>HEIGHT</u>	<u>REMARKS</u>
LT	12	LIRODENDRON TULIPIFER	TULIP POPLAR	B&B	2.5"	8'-10'	
QA	19	QUERCUS ALBA	WHITE OAK	B&B	2.5"	8'-10'	
QAT	09	QUERCUS ACUTISSIMA	SAWTOOTH OAK	B&B	2.5"	8'-10'	

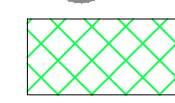
 EXISTING PROPERTY LINE
 PROPOSED LOT LINE
 PROPOSED RIGHT OF WAY
 PROPOSED LOT NUMBER



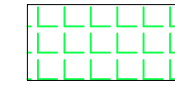
PROPOSED BMP POND OUTLINE



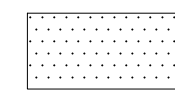
EX. TREES TO BE REMOVED.



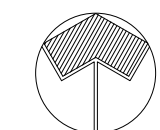
PROPOSED ACTIVE CO



PROPOSED ACTIVE COS AS TRIAL



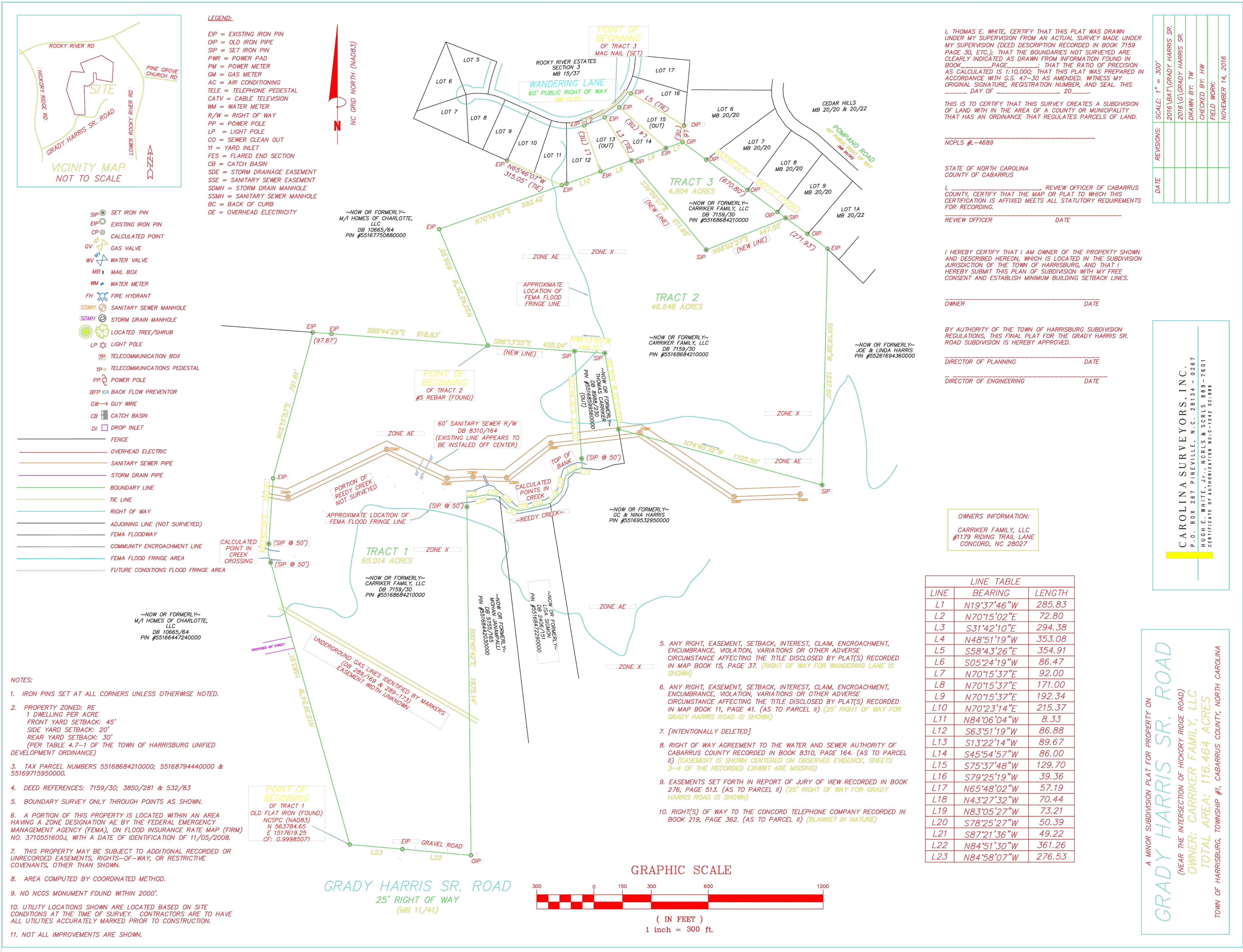
PROPOSED BUFFER



SCALE: 1" = 100'

0 50' 100' 200'

Plotted: C:\DPR Dropbox\Projects\Active\2020\20006 OakView Neighborhood SF-AVA Global-Harrisburg\CAD\Drawings\REZONING PLAN\20006 Rezoning Plan 2021-03-22.dwg / 9/30/2021 3:47 PM



master planning . civil engineering
urban design . landscape architecture

919 berryhill rd. ste 101 . charlotte, nc 28208
704.332.1204 . www.dprassociates.net
NC Firm License # C-0560

CLIENT / OWNER
OAKVIEW, LLC
389 SUTRO FOREST DR. NW
CONCORD, NC 28027
704-699-5218 HARI VUPPALA

SURVEYOR
MCADAMS
3450 TORINGDON WAY, SUITE 110
CHARLOTTE, NC 28277
704-527-9800

KEY MAP

PROJECT

OAKVIEW ESTATES

2718 GRADY HARRIS SR. DR.
HARRISBURG, NORTH CAROLINA

PROJECT NUMBER
20006

DATE
09/07/2021

ISSUED FOR

REZONING PLAN

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	05/05/2021	1ST CITY COMMENTS	JMHN
2	07/19/2021	2ND CITY COMMENTS	JMHN
3	09/07/2021	3RD CITY COMMENTS	JMHN
4	09/29/2021	4TH CITY COMMENTS	JMHN

PROJ. MANAGER: HN
DRAWN BY: JMUF
CHECKED BY: HN

SEAL

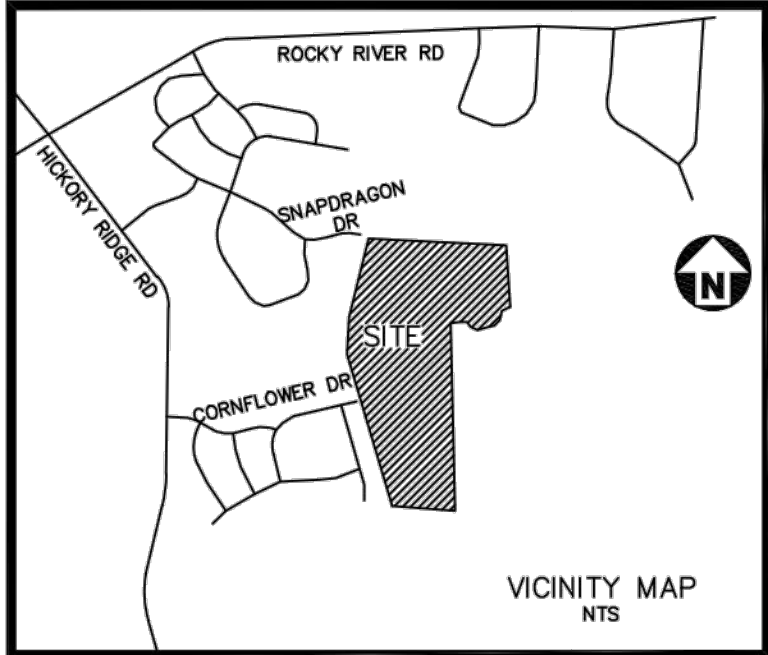
SCALE

AS INDICATED

DRAWING

REZONING SURVEY

RZ-5



GENERAL NOTES

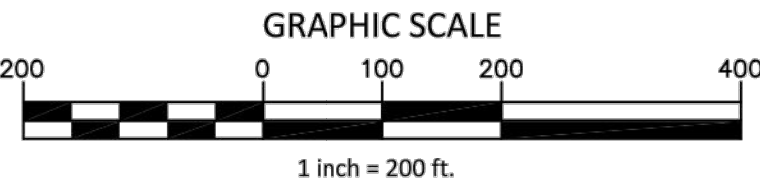
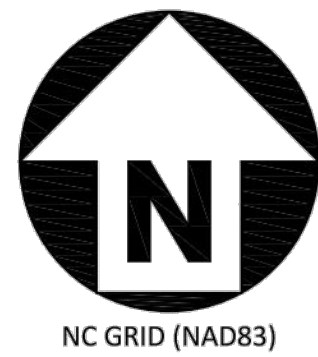
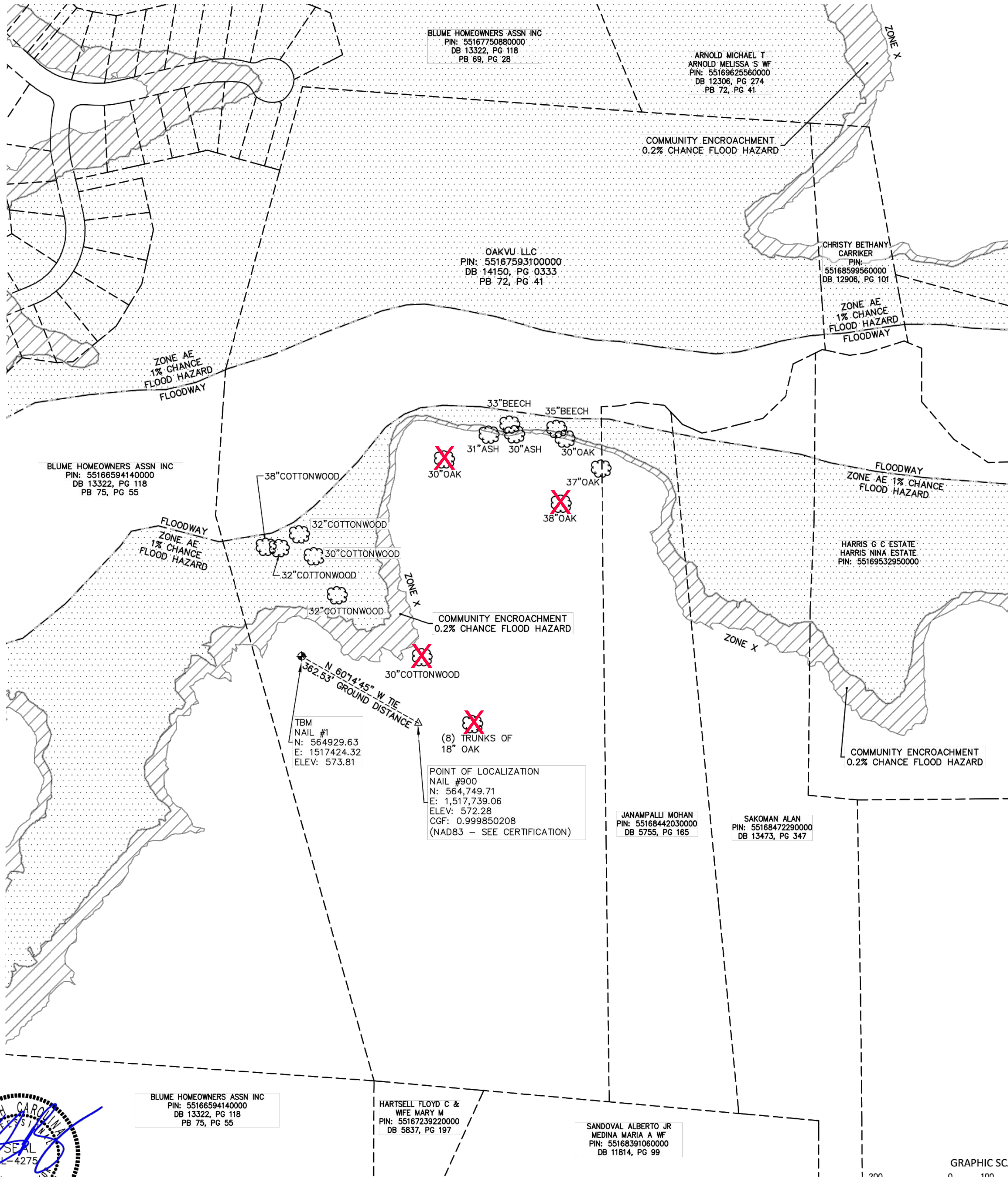
- 1.) THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND. THIS IS A TREE SURVEY. NO BOUNDARY SURVEY HAS BEEN PERFORMED. ALL DATA EXCEPT FOR TREE LOCATIONS, POINT OF LOCALIZATION AND TBM ARE PROVIDED ARE SHOWN PER GIS.
- 2.) BASIS OF HORIZONTAL DATUM IS NAD83(2011) AND VERTICAL DATUM IS NAVD88.
- 3.) ZONING: "RE" PER CABARRUS COUNTY GIS
- 4.) FLOOD NOTE: THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "AE FLOODWAY" AS DEFINED BY FEMA F.I.R.M. MAP NUMBER 3710551600K DATED NOVEMBER 16, 2018.
- 5.) REFERENCES: DEED BOOK 14150, PAGE 333; PLAT BOOK 72, PAGE 41 OF THE CABARRUS COUNTY REGISTRY PIN 55167593100000
- 6.) NO GRID MONUMENTS WERE FOUND WITHIN 2000' OF SITE.

LEGEND

- TEMPORARY BENCHMARK
- POINT OF LOCALIZATION
- TREE
- TIE LINE
- FEMA FLOODWAY
- PROPERTY LINE NOT SURVEYED

I, KEVIN S. BAUCOM, PLS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1)CLASS OF SURVEY: CLASS A
- (2)POSITIONAL ACCURACY: < 0.100'
- (3)TYPE OF GPS FIELD PROCEDURE: VRS
- (4)DATE OF SURVEY: 07-17-2020
- (5)DATUM/EPOCH: NAD 83(2011)
- (6)PUBLISHED/FIXED-CONTROL USED: NC49
- (7)GEOID MODEL: GEOID12A
- (8)COMBINED GRID FACTOR(S): 0.999850219
- (9)UNITS: METERS CONVERTED TO US SURVEY FEET



3430 Toringdon Way
Suite 110
Charlotte, NC 28277
phone 704. 527. 0800
fax 919. 361. 2269
license number: C-0293
www.mcadamsco.com

OWNER

HARI VUPPALA
OAKVU LLC
399 SUTRO FOREST DRIVE NW
CONCORD, NC 28027

GRADY HARRIS TREE SURVEY PROJECT ADDRESS CITY, CABARRUS COUNTY, NORTH CAROLINA

REVISIONS

NO.	DATE
-----	------

PLAN INFORMATION

PROJECT NO. SURS-20001
FILENAME SURS20001-T1.dwg
CHECKED BY KSB
DRAWN BY CCG
SCALE 1"=200'
DATE 7. 27. 2020

SHEET

TREE SURVEY

1-1



master planning . civil engineering
urban design . landscape architecture

919 berryhill rd. ste 101 . charlotte, nc 28208
704.332.1204 . www.dprassociates.net
NC Firm License # C-0560

CLIENT / OWNER

OAKVU, LLC
399 SUTRO FOREST DR. NW
CONCORD, NC 28027
704-699-5218 HARI VUPPALA

SURVEYOR

MCADAMS
3450 TORIZON WAY, SUITE 110
CHARLOTTE, NC 28277
704-527-0800

KEY MAP

PROJECT

OAKVIEW ESTATES

2718 GRADY HARRIS SR. DR.
HARRISBURG, NORTH CAROLINA

PROJECT NUMBER

20006

DATE

09/07/2021

ISSUED FOR

REZONING PLAN

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	05/05/2021	1ST CITY COMMENTS	JMHN
2	07/19/2021	2ND CITY COMMENTS	JMHN
3	09/07/2021	3RD CITY COMMENTS	JMHN
4	09/29/2021	4TH CITY COMMENTS	JMHN

PROJ. MANAGER: HN
DRAWN BY: JM/JF
CHECKED BY: HN

SEAL

SCALE
AS INDICATED

DRAWING

TREE SURVEY

RZ-6

NEIGHBORHOOD MEETING REPORT

Petitioner: OAKVU, LLC

Rezoning Petition No. H2021-01-R

This Neighborhood Meeting Report is being filed with the Town of Harrisburg Planning and Zoning Staff pursuant to the provisions of the Town's Unified Development Ordinance (the "UDO").

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

Town Staff mailed written notice of the date, time and location of the Neighborhood Meeting in accordance with the UDO.

DATE, TIME AND FORMAT OF MEETING:

The Virtual Neighborhood Meeting was hosted by Mr. Sushil Nepal, the Town's Planning Director, on Thursday, January 21, 2021 at 6:00 p.m. via the Zoom platform.

MEETING PARTICIPATION:

The Virtual Community Meeting had twenty-seven (27) attendees, including eighteen (18) members of the community in attendance, as listed in Exhibit A. The Petitioner was represented at the Neighborhood Meeting by Hari Vuppala, as well as by Petitioner's agents, Hy Nguyen and James McGivern with DPR Associates, and Collin Brown and Sarah Beason with Alexander Ricks PLLC.

SUMMARY OF PRESENTATION/DISCUSSION:

Mr. Nepal welcomed the attendees and provided an overview of the agenda and process for the Neighborhood Meeting and the Town's rezoning process in general.

Mr. Collin Brown introduced the Petitioner's team, using a PowerPoint presentation, attached hereto as Exhibit B. Mr. Brown showed aerials of the approximately 65.014-acre property located at 2718 Grady Harris Sr. Road (the "**Property**").

Mr. Brown gave a general overview of the existing zoning and the Harrisburg Area Land Use Plan (the "**Land Use Plan**") recommendation for the Property and surrounding area. Mr. Brown explained that the Petitioner is requesting a conditional rezoning to RL(CZ) (rural low-density district) to accommodate a single-family development with 30 lots. The rezoning plan commits to significant open space. He stated that this project is in line with the adjacent Blume development zoning, which he assisted with during its entitlement process.

He then opened the virtual meeting up for discussion and questions by community attendees. Questions were presented in both the chat box feature and live with an attendee unmuted.

In response to a question about the anticipated size of the homes, Petitioner's team noted that the proposed project sets out 30 large estate lots, on average 29,000 sq. ft., which is well below the permitted density on the Property and significantly larger lots than nearby developments.

Several neighbors of the Blume development asked about trails and the potential to connect the different portions of the Blume community. Petitioner's team responded that the Property is uniquely situated to provide such connection and would be willing to discuss ways to provide the same if the Blume community so desires. Mr. Nepal also stated that the Town would be requesting a condition requiring dedication of greenway on the Property in accordance with the Land Use Plan, which could also provide such connection.

One attendee asked whether a traffic impact analysis (“TIA”) would be prepared for the project. Mr. Nepal stated that the project does not meet the necessary threshold to require a TIA, which is generally about 70 single-family homes.

In response to questions related to Grady Harris Sr. Road, the Petitioner’s team and Mr. Nepal responded that emergency access would be provided only to emergency service vehicles via a secured access gate to the community.

One attendee inquired whether the public roads and water and sewer infrastructure for the proposed project would run to the eastern property line to accommodate future development. Mr. Nepal indicated that these services would run along the proposed stub road to the east of the property, to which any future development to the east could connect.

An attendee asked about whether a buffer would be required for the proposed project. Mr. Nepal informed attendees that the UDO does not require a buffer between residential projects, but the Town would likely request a buffer as a condition to the rezoning. Petitioner’s team noted that the proposed site plan already shows a voluntary twenty-five (25) foot buffer along the perimeter of the project. Given the large estate lots, the open space, and the goal of preserving significant trees within the project, Petitioner anticipates natural buffer zones with existing trees as well as planting additional trees as necessary.

The formal meeting concluded at approximately 6:35 p.m. with no additional questions or discussion topics from community members.

Respectfully submitted this 28th day of January 2021.

cc: Sushil Nepal, Town of Harrisburg, Planning Director
Craig Thomas, Town of Harrisburg, Senior Planner

Exhibit A

Attendees

1. John Howie
2. Alan Kerley
3. Douglas Donia
4. Gary Osterhout
5. Kathy Lancaster
6. Lloyd Quay
7. Mohan Janampalli
8. Rodney Dellinger
9. Roxie
10. Dianne
11. Christian Hall
12. Shaun Gaspanni
13. Thelma Chapman
14. Lamonte Pennington
15. Vickie Wallis
16. W. Oliver
17. JL
18. 980-565-7798
19. Eddie Moore
20. Srini Amara
21. Sushil Nepal
22. Craig Thomas
23. Hy Nguyen
24. James McGivern
25. Hari Vuppala
26. Collin Brown
27. Sarah Beason

Exhibit B

Petitioner's Presentation

REZONING PETITION H2021-01-R

OAKVIEW ESTATES

OAKVU, LLC

OFFICIAL NEIGHBORHOOD MEETING

JANUARY 21, 2021

Alexander
Ricks
PLLC

MEETING AGENDA

- **Introductions**
- **Property Location**
- **Current Zoning & Land Use Plan Recommendation**
- **Proposed Rezoning**
- **Conceptual Renderings**
- **Potential Rezoning Timeline**
- **Questions/Discussion**

TEAM INTRODUCTIONS

**Property Owner/
Developer:**

OakVu, LLC
Hari Vuppala



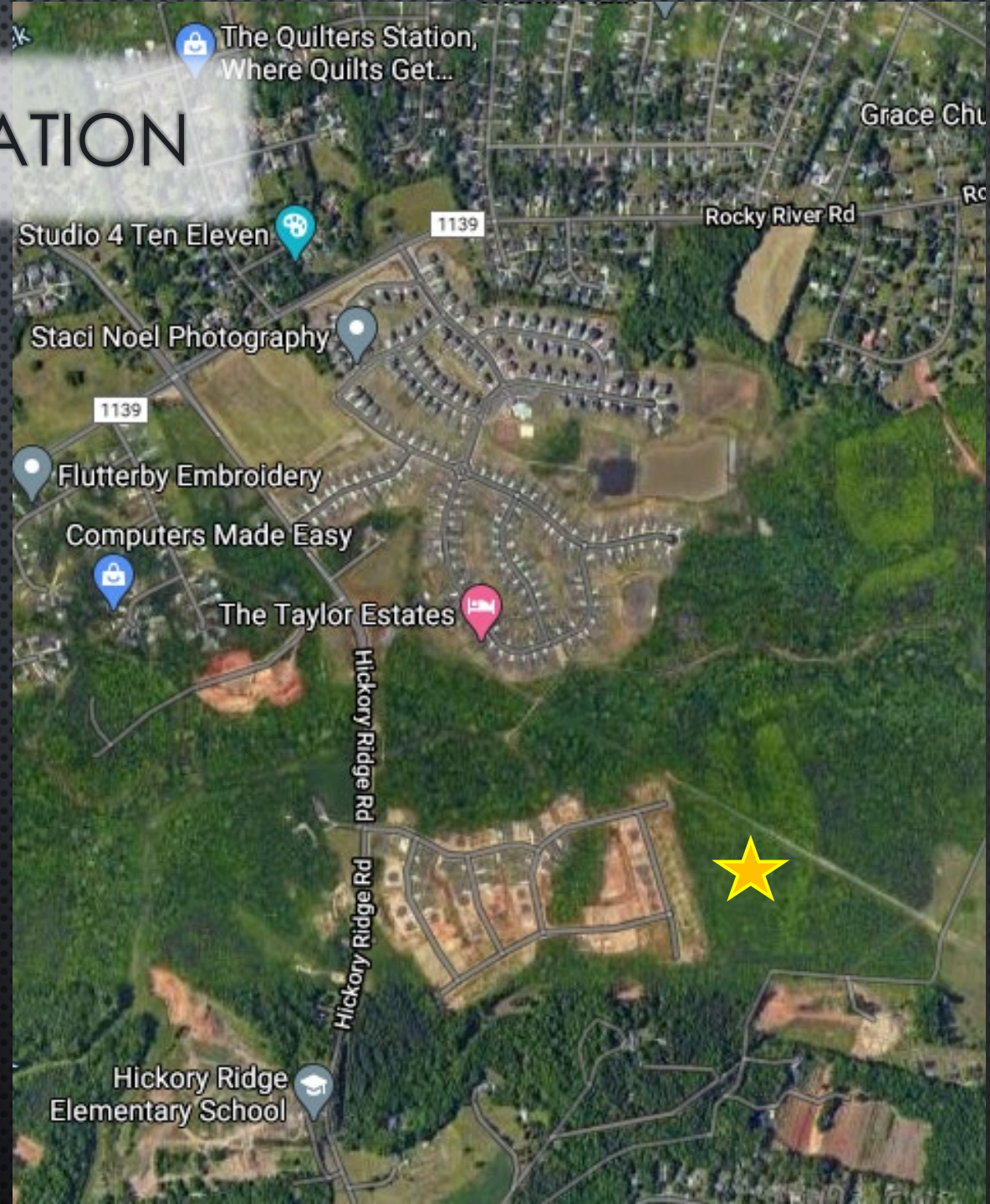
Collin Brown &
Sarah Beason



Hy Nguyen &
James McGivern

PROPERTY LOCATION

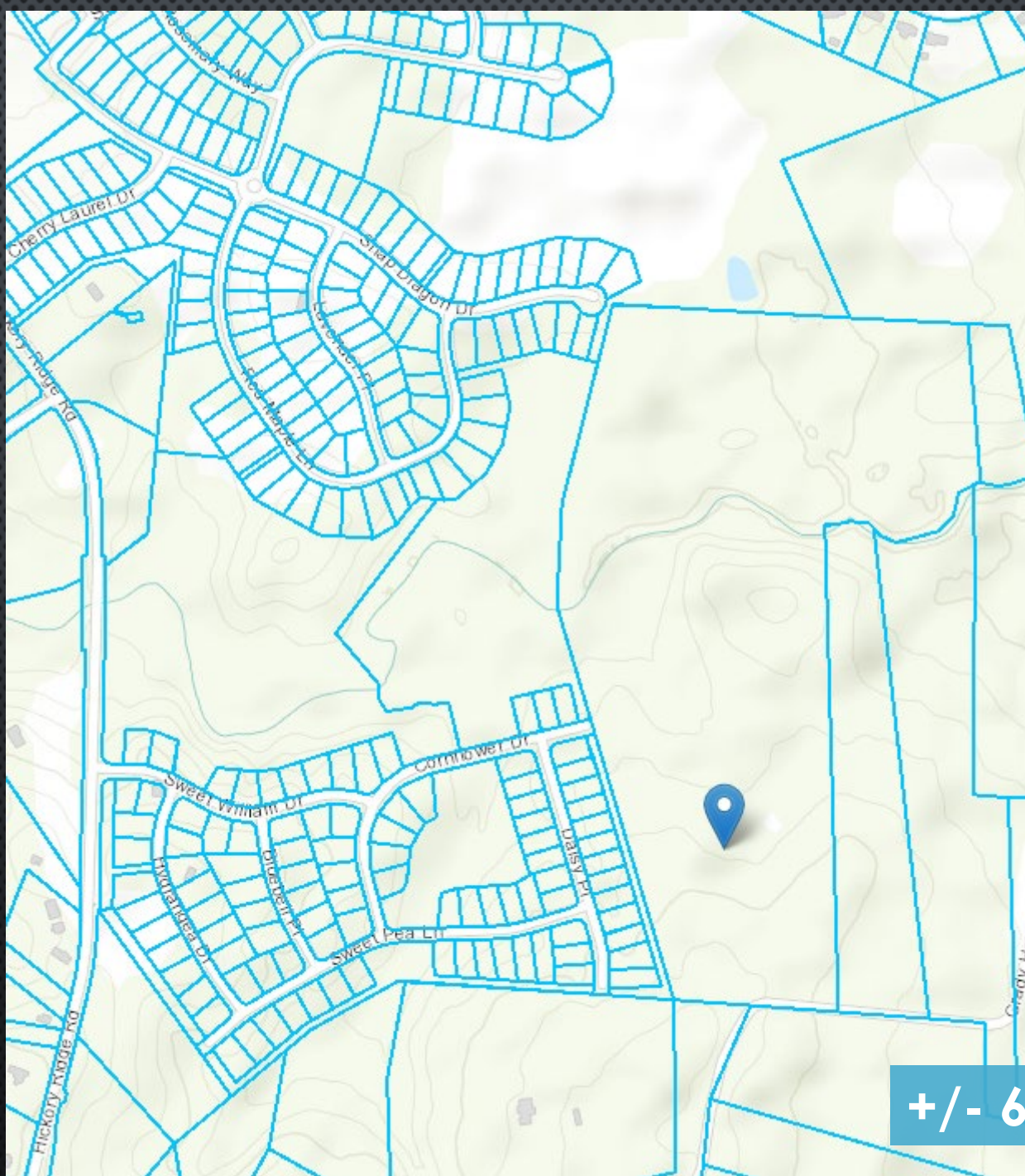
PROPERTY LOCATION



PROPERTY LOCATION



+/- 65.014 acres



+/- 65.014 acres

EXISTING ZONING

CURRENT ZONING



RE



RL



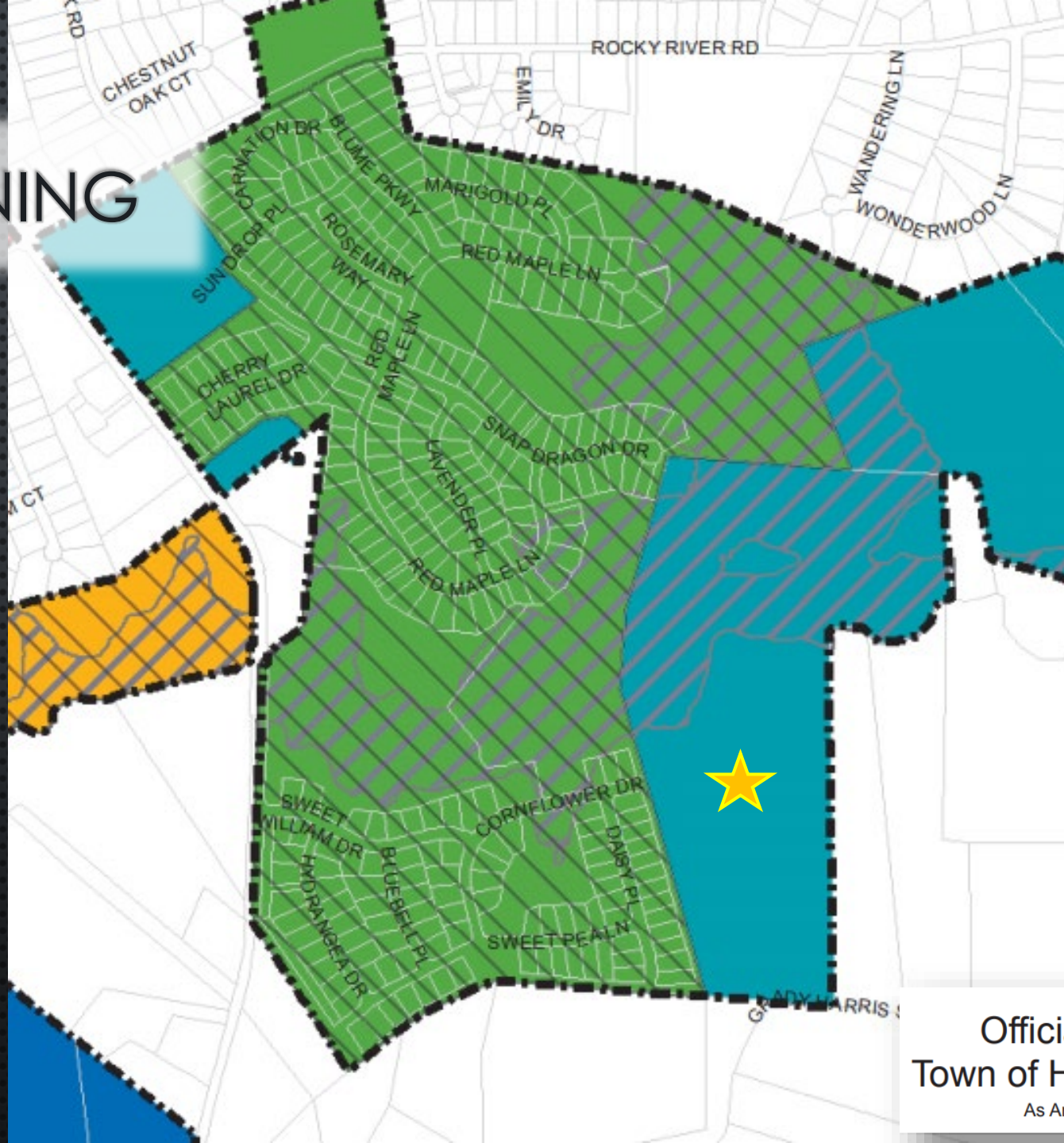
RC



FDPO



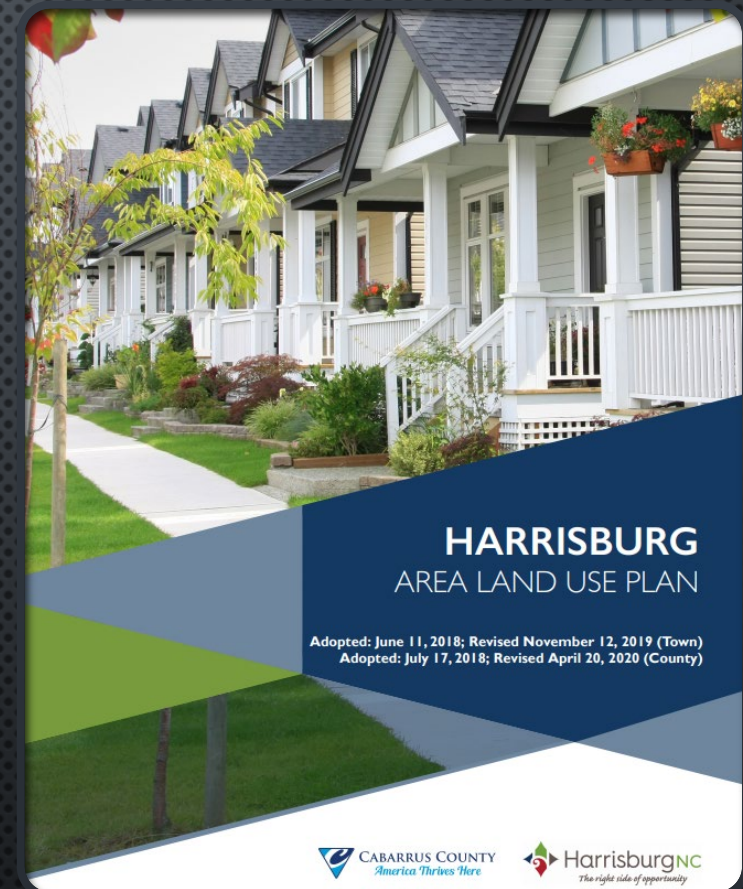
Conditional Districts

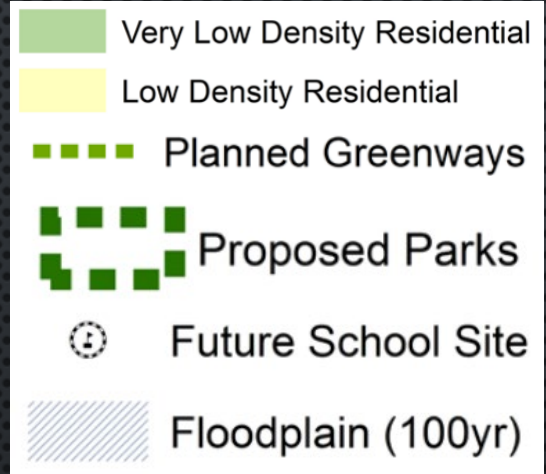


Official Zoning Map of the
Town of Harrisburg, North Carolina

As Amended Through: October 8, 2018

AREA LAND USE PLAN RECOMMENDATION





Low Density Residential
No more than 2 dwelling
Units per acre



D This node will have a smaller non-residential component comprised primarily of neighborhood-serving uses (convenience retail, small restaurants, and service uses). Adjoining townhome and small-lot single family home developments will be designed with pedestrian connections to the center.

REZONING PROPOSAL



CONCEPTUAL RENDERINGS

(*EXAMPLE ONLY)













THANK YOU!

Plotted: C:\DPR Dropbox\Projects\Active\2020\20006 OakView Neighborhood SF-AVA Global-Harrisburg\CAD\SHEETS\SITE\REZONING PLAN\20006 Rezoning Plan_2021-03-22.dwg / 9/30/2021 3:47 PM



HOUSE EXAMPLES FOR OAKVIEW ESTATES

NOTE:
THE ABOVE IMAGES ARE CONCEPTUAL IMAGES FOR THE PROPOSED HOMES
AND ARE INTENDED TO REFLECT AN ARCHITECTURAL STYLE AND THE
QUALITY OF HOMES TO BE CONSTRUCTED ON THE SITE. THE ACTUAL
HOMES CONSTRUCTED ON THE SITE MAY VARY FROM THESE CONCEPTUAL
IMAGES PROVIDED THAT THE DESIGN INTENT IS PRESERVED.



master planning . civil engineering
urban design . landscape architecture
919 berryhill rd. ste 101, charlotte, nc 28208
704.332.1204 . www.dprassociates.net
NC Firm License # C-0560

CLIENT / OWNER
OAKVIEW, LLC
399 SUTRO FOREST DR. NW
CONCORD, NC 28027
704-699-5218 HARI VUPPALA
SURVEYOR
MCADAMS
3450 TORINGDON WAY, SUITE 110
CHARLOTTE, NC 28277
704-527-9800

KEY MAP

PROJECT

OAKVIEW ESTATES

2718 GRADY HARRIS SR. DR.
HARRISBURG, NORTH CAROLINA

PROJECT NUMBER
20006

DATE
09/07/2021

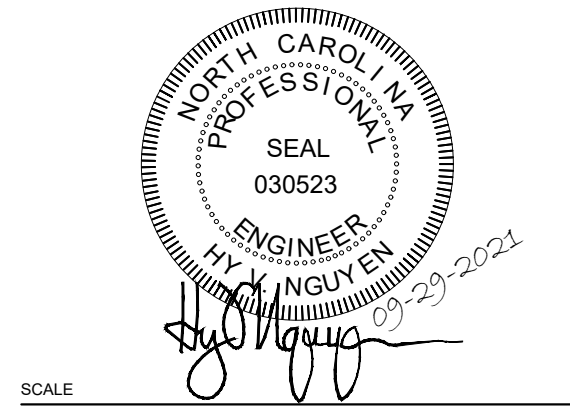
ISSUED FOR

REZONING PLAN

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	05/05/2021	1ST CITY COMMENTS	JMHN
2	07/19/2021	2ND CITY COMMENTS	JMHN
3	09/07/2021	3RD CITY COMMENTS	JMHN
4	09/29/2021	4TH CITY COMMENTS	JMHN

PROJ. MANAGER: HN
DRAWN BY: JM/JF
CHECKED BY: HN

SEAL



SCALE
AS INDICATED

DRAWING
REZONING ELEVATIONS

RZ-4



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of Contract with Martin Starnes and Associates, CPAs, P.A. for Financial Audit Services

Presenting Personnel:

Brian Lee, Finance Director

Suggested Motion or Action:

Motion to approve the attached contract with Martin Starnes and Associates, CPAs, P.A. for the Town's audit services for fiscal years 2022, 2023, and 2024.

Description/Background:

The Town and its component units, Harrisburg Community and Youth Association, Inc. (HCYA) and Harrisburg Business Alliance, Inc. (HBA), are required to have an annual audit performed by a qualified external CPA firm. The results of this audit are a part of the Town's annual financial statements and are submitted to the Local Governmental Commission (LGC) along with the statements each year. For the past 4 years, the audits were performed by Elliott Davis, who has withdrawn from performing governmental audits in the state.

On January 5, 2022, the Finance Department issued a two-part request for proposals (RFP) that was directly provided to reputable firms, advertised on a few of the State's listserv's, and advertised and made available on the Town's website and social media outlets. The proposals were to address the following key items:

1. Type of Audit - financial and compliance audit of the Town's financial statements, MD&A, supplementary information, and schedules and compliance with the laws and regulations of NC. The financial and compliance audit also covers federal and State grant awards in accordance with generally accepted auditing standards. The audit will cover the governmental activities, business-type activities, each major fund, discreetly presented component units and the remaining fund information, which collectively constitutes the basic financial statements. The audit will also include a State or federal Single Audit in any given fiscal year in which expenditures of State grant funds exceed \$500,000 and/or expenditures of federal funds exceed \$750,000.
2. Period - Audit services shall cover the fiscal years ending 6/30/2022, 6/30/2023, and 6/30/2024, with an option to extend for two additional fiscal years or until a determination is made to request new proposals.
3. Requirements for the audit, including the due date for audit submission to the LGC by 10/31 each year
4. Part 1 - Firm Profile
5. Part 2 - Cost Estimates

A total of six qualified firms provided proposals that were considered responsive. Each of the six firms was evaluated by the auditor-selection committee based on qualifications first, and cost second. The firms were narrowed down to three that were considered responsible, or capable of providing the quality of services that we desire. The Town's committee consisted of the Finance Director, Financial Analyst, and an additional Department Head, the Planning and Economic Development Director. The committee made its selection unanimously to recommend Martin Starnes and Associates, which the committee believes is the gold standard in NC for municipal audits. The selection committee and the Finance Department are confident that Martin Starnes and Associates will not only provide a quality, timely audit, but will be a partner with the Town going forward as we continue to grow in size and complexity.

Recommendation:

Staff recommends approving the contract with Martin Starnes and Associates, CPAs, P.A. for financial audit services for fiscal years 2022, 2023, and 2024, with an initial-year contract price not to exceed \$42,500, which includes the cost for the two component unit audits.

Fiscal Impact:

The fiscal impact to the Town is an expenditure of \$42,500 in year one, which covers the Town's regular audit (\$29,500), a Single audit for the expenditure of ARPA funds (\$3,500), and audits and tax returns for both of the Town's component units (\$4,750 each), which are funded by the Town. This fee increases to \$44,800 in year two and \$46,600 in year three.

For comparison purposes, the FY2021 audit fees under Elliott Davis totalled \$40,000.

Attachments:

1. Town of Harrisburg - 2022 Single Audit Engagement Letter
2. Town of Harrisburg - 2022 Audit Contract

MARTIN ♦ STARNES & ASSOCIATES, CPAs, P.A.

"A Professional Association of Certified Public Accountants and Management Consultants"

February 28, 2022

Brian T. Lee, Finance Director
Town of Harrisburg
4100 Main Street, Suite 101
Harrisburg, NC 28075

You have requested that we audit the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Town of Harrisburg, NC, as of June 30, 2022, and for the year then ended, and the related notes to the financial statements, which collectively comprise the Town of Harrisburg's basic financial statements as listed in the table of contents.

In addition, we will audit the entity's compliance over major federal and state award programs for the period ended June 30, 2022. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the entity's major federal and state award programs. The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) and in accordance with *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit are to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the entity complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and *Government Auditing Standards*, if any, and perform procedures to address those requirements.

Accounting principles generally accepted in the United States of America require that certain supplementary information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis
- Local Government Employees' Retirement System's schedules

Supplementary information other than RSI will accompany the Town of Harrisburg's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

- Combining and individual fund financial statements
- Budget and actual schedules
- Ad valorem tax schedules
- Schedule of Expenditures of Federal and State Awards

Schedule of Expenditures of Federal and State Awards

We will subject the Schedule of Expenditures of Federal and State Awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the Schedule of Expenditures of Federal and State Awards is presented fairly in all material respects in relation to the financial statements as a whole.

Data Collection Form (if applicable)

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, Schedule of Expenditures of Federal and State Awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the Federal Audit Clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the Federal Audit Clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the *earlier* of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal

cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act. As part of an audit of financial statements in accordance with GAAS and in accordance with *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Harrisburg's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of the Town of Harrisburg's basic financial statements. Our report will be addressed to the governing body of the Town of Harrisburg. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable

to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Audit of Major Program Compliance

Our audit of the Town of Harrisburg's major federal and state award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended, the Uniform Guidance, and the State Single Audit Implementation Act, and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance and the State Single Audit Implementation Act and other procedures we consider necessary to enable us to express such an opinion on major federal and state award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance and the State Single Audit Implementation Act require that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal and state award programs, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the entity's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, the Uniform Guidance, and the State Single Audit Implementation Act will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the entity's compliance with the requirements of the federal or state programs as a whole.

As part of a compliance audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

Our procedures will consist of determining major federal and state programs and, performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs, and performing such other procedures as we consider necessary in the circumstances. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

Also, as required by the Uniform Guidance and the State Single Audit Implementation Act, we will obtain an understanding of the entity's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal and state award programs. Our tests will be less in scope

than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal and state award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management's Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
3. For identifying, in its accounts, all federal and state awards received and expended during the period and the federal and State programs under which they were received;
4. For maintaining records that adequately identify the source and application of funds for federal and state funded activities;
5. For preparing the Schedule of Expenditures of Federal and State Awards (including notes and noncash assistance received) in accordance with the Uniform Guidance and State Single Audit Implementation Act;
6. For designing, implementing, and maintaining effective internal control over federal and state awards that provides reasonable assurance that the entity is managing federal and state awards in compliance with federal and state statutes, regulations, and the terms and conditions of the federal and state awards;
7. For identifying and ensuring that the entity complies with federal and state laws, statutes, regulations, rules, provisions of contracts or grant agreements, and the terms and conditions of federal and state award programs, and implementing systems designed to achieve compliance with applicable federal and state statutes, regulations and the terms and conditions of federal and state award programs;
8. For disclosing accurately, currently and completely the financial results of each federal and state award in accordance with the requirements of the award;
9. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
10. For taking prompt action when instances of noncompliance are identified;
11. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
12. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
13. For submitting the reporting package and data collection form to the appropriate parties;
14. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;
15. To provide us with:

- a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements including the disclosures, and relevant to federal and state award programs, such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit;
 - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
 - d. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report (if applicable); and
 - e. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report (if applicable).
16. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year or period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
 17. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
 18. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
 19. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant roles in internal control and others where fraud could have a material effect on compliance;
 20. For the accuracy and completeness of all information provided;
 21. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
 22. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the Schedule of Expenditures of Federal and State Awards referred to above, you acknowledge and understand your responsibility (a) for the preparation of the Schedule of Expenditures of Federal and State Awards in accordance with the Uniform Guidance and the State Single Audit Implementation Act, (b) to provide us with the appropriate written representations regarding the Schedule of Expenditures of Federal and State Awards, (c) to include our report on the Schedule of Expenditures of Federal and State Awards in any document that contains the Schedule of Expenditures of Federal and State Awards and that indicates that we have reported on such schedule, and (d) to present the Schedule of Expenditures of Federal and State Awards with the audited financial statements, or if the schedule will not be presented with the audited financial statements, to make the audited basic financial statements readily available to the intended users of the Schedule of Expenditures of Federal and State Awards no later than the date of issuance by you of the schedule and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Nonattest Services

We will perform the following nonattest services:

- Preparation of auditor portions of Data Collection Form (if applicable)
- Preparation of 990 return for Harrisburg Community & Youth Association, Inc.
- Preparation of 990 return for Harrisburg Business Alliance, Inc.

We will not assume management responsibilities on behalf of the Town of Harrisburg. However, we will provide advice and recommendations to assist management of the Town of Harrisburg in performing its responsibilities.

The Town of Harrisburg's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards.
- The nonattest services are limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account codings and approving journal entries. Our firm will advise the Town of Harrisburg with regard to tax positions taken in the preparation of the tax return, but the Town of Harrisburg must make all decisions with regard to those matters.

Other Matters

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

During the course of the engagement, a portal will be in place for information to be shared, but not stored. Our policy is to terminate access to this portal after one year. The Town is responsible for data backup for business continuity and disaster recovery, and our workpaper documentation is not to be used for these purposes.

Provisions of Engagement Administration and Fees

We will prepare from your records and information you will provide, Internal Revenue Service Form-990, *Return of Organizations Exempt from Tax*, and related filings. Should these require an extension, we will notify you as soon as possible. We will not audit or express assurance on these returns and filings.

Erica Brown is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Martin Starnes & Associates, CPAs, P.A.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report. To ensure that our independence is not impaired under the AICPA Code of Professional Conduct, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Our fees for these services are as follows:

Audit Fee	\$ 29,500
Single Audit Fees (up to 3 programs)	<u>3,500</u>
	<u>\$ 33,000</u>
Additional Fees:	
Charge per major program in excess of 3	<u>\$ 3,500</u>

Our invoices for these fees will be rendered in four installments as work progresses and are payable upon presentation. In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for non-payment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination.

We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use the Town of Harrisburg's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

We want our clients to receive the maximum value for our professional services and to perceive that our fees are reasonable and fair. In working to provide you with such value, we find there are certain circumstances that can cause us to perform work in excess of that contemplated in our fee estimate.

Following are some of the more common reasons for potential supplemental billings:

Changing Laws and Regulations

There are many governmental and rule-making boards that regularly add or change their requirements. Although we attempt to plan our work to anticipate the requirements that will affect our engagement, there are times when this is not possible. We will discuss these situations with you at the earliest possible time in order to make the necessary adjustments and amendments in our engagement.

Incorrect Accounting Methods or Errors in Client Records

We base our fee estimates on the expectation that client accounting records are in order so that our work can be completed using our standard testing and accounting procedures. However, should we find numerous errors, incomplete records, or the application of incorrect accounting methods, we will have to perform additional work to make the corrections and reflect those changes in the financial statements.

Failure to Prepare for the Engagement

In an effort to minimize your fees, we assign you the responsibility for the preparation of schedules and documents needed for the engagement. We also discuss matters such as availability of your key personnel,

deadlines, and work space. If your personnel are unable, for whatever reasons, to provide these items as previously agreed upon, it might substantially increase the work we must do to complete the engagement within the scheduled time.

Starting and Stopping Our Work

If we must withdraw our staff because of the condition of the client's records, or the failure to provide agreed upon items within the established timeline for the engagement, we will not be able to perform our work in a timely, efficient manner, as established by our engagement plan. This will result in additional fees, as we must reschedule our personnel and incur additional start-up costs.

Assistance with Financial Statement Drafting

Your personnel is responsible for drafting the financial statements and related notes and the Schedule of Expenditures of Federal and State Awards. Upon completion of the drafted financial statements, we will review them and return them to you with suggested revisions. If significant assistance is needed to make those revisions, this will result in additional fees based on the amount of assistance required.

Our fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our fees for such services range from \$75-\$300 per hour.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

At the conclusion of our audit engagement, we will communicate to management and those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;

- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Martin Starnes & Associates, CPAs, P.A. and constitutes confidential information. However, we may be requested to make certain audit documentation available to the Local Government Commission, Office of the State Auditor, federal or state agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Martin Starnes & Associates, CPAs, P.A.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm to the Contract to Audit Accounts for your consideration and files.

Please sign and return a copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements and compliance over major federal and state award programs, including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

Martin Starnes & Associates, CPAs, P.A.

Martin Starnes & Associates, CPAs, P.A.
Hickory, North Carolina

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of the Town of Harrisburg by:

Signature: _____

Title: _____

Date: _____

The of and	Governing Board Town Council
	Primary Government Unit Town of Harrisburg, NC
	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Martin Starnes & Associates, CPAs, P.A.
	Auditor Address 730 13th Avenue Dr. SE, Hickory, NC 28602

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/22	Audit Report Due Date 10/31/22

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.
2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.)(G.S. 159-34 and 115C-447) All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: ☐ Auditor ☒ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:

Title and Unit / Company:

Email Address:

Brian T. Lee, CPA, CLGFO

Finance Director, Town of Harrisburg

blee@harrisburgnc.org

OR Not Applicable ☐ (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Harrisburg, NC
Audit Fee	\$ See engagement letter
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ See engagement letter
Writing Financial Statements	\$ See engagement letter
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 0.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 0.00

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Martin Starnes & Associates, CPAs, P.A.	
Authorized Firm Representative (typed or printed)* Amber Y. McGhinnis	Signature* 
Date* 02/28/22	Email Address* amcghinnis@msa.cpa

GOVERNMENTAL UNIT

Governmental Unit*	
Town of Harrisburg, NC	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed)* Jennifer Teague, Mayor	Signature*
Date	Email Address jteague@harrisburgnc.org

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Brian T. Lee, CPA, CLGFO, Finance Director	Signature*
Date of Pre-Audit Certificate*	Email Address* blee@harrisburgnc.org

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
N/A	
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
 Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
N/A	
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
 required signatures prior to submission.

PRINT



Report on the Firm's System of Quality Control

To the Shareholders of Martin Starnes & Associates, CPAs, P.A. and the
Peer Review Committee, Coastal Peer Review, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and an audit of an employee benefit plan.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 4, 2021

Raleigh

4060 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619

919 782 9265
919 783 8937 FAX

Durham

3500 Westgate Drive
Suite 203
Durham, North Carolina 27707

919 354 2584
919 489 8183 FAX

Pittsboro

579 West Street
Post Office Box 1399
Pittsboro, North Carolina 27312

919 542 6000
919 542 5764 FAX

Smithfield

212 East Church Street
Post Office Box 2348
Smithfield, North Carolina 27577

919 934 1121
919 934 1217 FAX



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of FY2022 Budget Ordinance Amendments for Fire Vehicles

Presenting Personnel:

Bryan Dunn, Fire Chief

Suggested Motion or Action:

Motion to approve the attached FY2022 Budget Ordinance Amendments for Fire vehicle purchases in the amount of \$52,700.

Description/Background:

The Fire Department has four vehicle purchases approved and underway in FY2022. Those vehicle replacements are for the following positions as the primary driver: Logistics, Training Captain, Training Chief, and Battalion Chief.

The initial project funds requested for these particular projects were derived either in the beginning or early into the covid-19 pandemic. During that time, most pricing or estimates were either unobtainable or very limited due to shutdowns/closures. Also, during that time there was little to no knowledge or speculation of the future economic impact on pricing, labor and other supply chain challenges which caused significant pricing increases (in some areas/industries up to 40+ percent).

Another unforeseen challenge that wasn't factored into or known at the time is the discontinuation of certain products and components that are no longer supported or available, which forces the purchase of other components that are compatible with newer systems. These factors limit us in reusing/repurposing certain electronics and components from older vehicles to new vehicles as has been relied upon with previous vehicle upfits. For example, in most of our pre-2019 vehicles, we used a Motorola control head & siren system that encompasses several functions - Radio, Siren and Warning light controls. Unfortunately, Motorola has since discontinued and no longer supports or sells that system and we cannot reuse any components we had in inventory (or from older units) with new control heads and related components (post-2019) as these components are now proprietary and cannot be used universally among different manufacturers as it was in the past.

Fire staff is requesting the following increase to the vehicle projects:

1. Logistics - \$8,200
 - a. Bed Liner
 - b. Side Steps
 - c. Warning Lights
2. Battalion One - \$14,900
 - a. Cargo Slide Tray
 - b. Camper Top
 - c. Warning Lights
3. Training Captain - \$14,800
 - a. Cargo Slide Tray
 - b. Camper Top
 - c. Warning Lights
4. Training Chief - \$14,800

- a. Cargo Slide Tray
- b. Camper Top
- c. Warning Lights

Recommendation:

Staff recommends approval of the attached FY2022 Budget Ordinance Amendments for Fire Vehicles.

Fiscal Impact:

The fiscal impact to the Town is an additional expense of approximately \$52,700. As a capital expenditure, the funding would be provided by the Capital Reserve Fund - General Fund, which is currently projected to end the fiscal year with a balance of \$3,311,000. If approved, this projected ending balance would be decreased to approximately \$3,258,000 to conclude FY2022.

Attachments:

- 1. Amendment - GF - Fire Vehicles 03142022
- 2. Amendment - CRF-GF - Fire Vehicles 03142022



AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022:

Section 1. Amend the General Fund to account for Fire vehicle purchases.

Section 2. To amend the General Fund, the appropriations are to be changed as follows:

Increase line item 100-2100-57103 \$ 8,200
Capital Outlay
Project #: 2021-2100-004

Increase line item 100-2100-57103 \$ 14,800
Capital Outlay
Project #: 2022-2100-004

Increase line item 100-2100-57103 \$ 14,800
Capital Outlay
Project #: 2022-2100-006

Increase line item 100-2100-57103 \$ 14,900
Capital Outlay
Project #: 2022-2100-007

Section 3. To amend the General Fund, the revenues are to be changed as follows:

Increase line item 100-49905 \$ 52,700
Transfers In – Capital Reserve Fund – General Fund

Section 4. Copies of this budget amendment shall be furnished to the Clerk of the Town Council, and to the Budget Officer and the Finance Officer for their direction.

Section 5. That this ordinance shall be effective upon its passage. Adopted this 14th day of March, 2022.

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk



AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022:

- Section 1.** Amend the Capital Reserve Fund – General Fund to account for Fire vehicle purchases.
- Section 2.** To amend the Capital Reserve Fund – General Fund, the appropriations are to be changed as follows:
- | | |
|-----------------------------------|-----------|
| Increase line item 200-8500-59100 | \$ 52,700 |
| Transfers Out – General Fund | |
- Section 3.** To amend the Capital Reserve Fund – General Fund, the revenues are to be changed as follows:
- | | |
|------------------------------|-----------|
| Increase line item 200-48599 | \$ 52,700 |
| Appropriated Fund Balance | |
- Section 4.** Copies of this budget amendment shall be furnished to the Clerk of the Town Council, and to the Budget Officer and the Finance Officer for their direction.
- Section 5.** That this ordinance shall be effective upon its passage. Adopted this 14th day of March, 2022.

Jennifer Teague, Mayor

ATTEST:

Janet Rackley, Town Clerk