



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
PLANNING AND ZONING BOARD MEETING**

**August 15, 2023
6:00 PM**

AGENDA

1. CALL TO ORDER

A. PUBLIC PARTICIPATION VIA ZOOM

Harrisburg Town Hall's Council Chambers will be open for the public to attend the meeting in person.

The public has the option to join the meeting virtually via the Zoom platform using the following link:

<https://us02web.zoom.us/j/82922934233?pwd=UUVibHlWenglYStOUUVmVWdtZXllQT09>
Webinar ID: 829 2293 4233
Passcode: 249745

Or join by phone:
312.626.6799
301.715.8592

B. AGENDA ADOPTION

C. SPECIAL PRESENTATIONS

1. Swear in New Board Members
2. Introduction and Overview for the Planning & Zoning Board

D. PUBLIC COMMENT - Anyone wishing to address the Board 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 adoption of minutes from the May 15th, 2023 Planning and Zoning Board meeting.**

3. OLD BUSINESS

4. NEW BUSINESS

- A. Elect Chairperson and Vice Chairperson**

- B. H-2023-02-TA: Consider UDO text amendment to Section 144.03 - Legislative and Quasi-Judicial Bodies.**

5. STAFF UPDATES/INFORMATION

- A. Planning Director Update
- B. Adopt Annual Meeting Schedule

6. ADJOURNMENT

Vision Statement

Harrisburg will be a distinctive, family-focused community where memories are made.

Mission Statement

Together, we enhance our quality of life by collaborating, planning, and investing to create our community of choice.



RULES OF PROCEDURE HARRISBURG PLANNING & ZONING BOARD

Section 1. Membership of the Board

The Town Council shall appoint each member of the Board as hereinafter set forth. Members of the Board shall be broadly representative of all areas in and around the Town with an interest in and a willingness to be supportive of the goals of the Board and the Planning Department in all forms.

The Harrisburg Planning & Zoning Advisory Board shall be composed of seven (7) area residents with no less than six (6) of these members to be residents of the Town of Harrisburg and one (1) who may reside in the Town's extraterritorial jurisdiction (ETJ), which shall be appointed by Cabarrus County. After notification to the County of an ETJ member vacancy, they shall have 90 days to appoint an ETJ member to the Board. If the County is not able to do so within 90 days, the Town may then appoint a member to that vacancy from anywhere within the Planning Area, including Town limits. One (1) additional ex-officio, non-voting member shall be on the Board, with a focus and expertise in sustainability. There will be one (1) staff liaison from the Planning Department (either the Planning Director and/or their designee) and one (1) liaison from Town Council, assigned by Mayor in January of each year. There will further be one (1) alternate liaison from Town Council to be assigned by the Mayor in the event the primary Council liaison is not available.

Section 2. Terms

Board members shall have two (2) year staggered terms. Terms will begin on July 1. Board members may serve two (2) consecutive two (2) year terms, (four (4) years total), and then may be reappointed after an absence of four (4) years.

Town Council may appoint a replacement Board member to fill any uncompleted term. Appointment processes for these partial terms will follow those described in Section 6. Appointment to an uncompleted term only lasts until the term expires.

Section 3. Regular Meetings

At its organizational meeting, the Planning & Zoning Board shall fix the time and place of its regular meetings. The regular meeting schedule may be changed by the Board at any time upon compliance with the notice provisions of the open meetings law as provided in NCGS § 160A-364, and 160A-384.

Section 4. Special Meetings

Upon compliance with the notice provisions of the open meetings law, the Chairman, or, in the absence of the Chairman, the Vice Chairman, or four or more members of the Planning & Zoning Board may call a special meeting by causing a written notice stating the business to be transacted and the time and place of such meeting, and signed by the person or persons calling the same, to be delivered in hand to each member or to be left at his usual dwelling or place of business at least 24 hours before the time of such meeting. Only the business stated in the written notice may be transacted at the special meeting so called.

Section 5. Organizational Meeting

At the regular meeting in July, upon receiving the report of the nominating committee (if any) of the Planning & Zoning Board, the Board shall elect from its members a Chairman and Vice Chairman for a term of one year.

Section 6. New Appointments: Procedures

A call for applications shall be posted on Town's website 90 days prior to the vacancy. Applications shall be accepted for 30 days from the posting on the Town website. A committee comprising at least one of the Council liaisons and the staff liaison shall review the applications received for the vacant positions. All incumbents wanting to continue serving on the Board shall submit applications. The Town Council may decide to have a committee interview all qualified applicants, including the incumbents, before making the recommendations to Town Council. If held, interviews should be held within 30 days from the last day applications were accepted. The committee recommendations shall be presented to the Town Council no later than the June Council meeting each year, for normal appointments.

Example of Normal Appointment Timeline

- April 1 – April 30 – Open period to receive applications for vacancy
- May 1 – May 31 – Interview period, if needed
- June Council meeting – Recommendations to Town Council

Section 7. Agenda: Procedures

1. The Planning & Zoning staff shall prepare the agenda packet for the meeting and distribute a copy of the agenda packet to the Planning & Zoning Board 7 days in advance. The agenda packet shall be available for public inspection when it is distributed to Board members.
2. During its consideration of the agenda, Board members shall confine their discussion and comments to those items that appear on the agenda.
3. Any matter which is not on the agenda may be discussed upon the completion of the agenda. The Board may not take formal action on any non-agenda matter unless all Board members vote to add the matter to the agenda. A motion to suspend the rules shall not be in order if the purpose of the motion is to suspend the requirement of unanimity necessary to add a non-agenda matter to the agenda.
4. The Chairman or any member of the Board may request the staff to place an item on a future agenda by making such a request at a Planning & Zoning Board meeting. Unless a Board member objects, the requested item shall be included. If a Board member has an objection, the item in question shall not be included on a future agenda unless a majority of the Board votes in favor of including the item.

5. The Planning & Zoning Board may periodically hold policy agenda meetings and workshops to discuss issues of a policy nature and to determine the necessity for further action. Policy agenda meetings and workshops will be considered informal sessions of the Planning & Zoning Board and no formal decisions shall be made at these meetings but a quorum is needed. The Planning & Zoning staff shall prepare an agenda for the meeting and the recorder shall provide minutes of the meeting.

Section 8. Addressing the Planning & Zoning Board

1. Persons desiring to speak on a non-agenda matter that falls within the purview of the Board may be recognized by the Chairman to speak during the Public Comment section. Persons desiring to speak on an agenda matter may be recognized by the Chairman to speak when the item comes up on the agenda. Each speaker shall identify himself by name and address and limit their comments to fifteen (15) minutes.
2. For each agenda item, proponents shall be heard first and shall be provided fifteen (15) minutes each. Opponents shall be heard after the proponents for that particular agenda item and shall be provided fifteen (15) minutes each. The Chairman may limit time for each speaker proportionate to the number of persons who signed up to comment, if more than 30 minutes will be required for both proponents and opponents.

Section 9. Office of the Chairman

The Chairman shall preside at all meetings of the Planning & Zoning Board. In order to address the Board, a member must be recognized by the Chairman. The Chairman is entitled to vote on all matters and shall be considered a member for all purposes, including the determination of whether a quorum is present. In addition to participating as a member, the Chairman shall have the following duties:

1. To rule motions in or out of order, including any motion patently offered for obstruction or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency, and
5. To appoint, as needed, special committees from among the members.

Section 10. Office of Vice Chairman

At the organizational meeting, the Planning & Zoning Board shall elect from among its members a Vice Chairman. A Board member who serves as Vice Chairman shall be entitled to vote on all matters and shall be considered a member for all purposes, including the determination of whether a quorum is present. In the Chairman's absence, the Vice Chairman shall preside, and when presiding, shall have the right to vote upon all questions.

Section 11. Quorum

A quorum shall be defined as a minimum of four of the seven appointed members **attending in person**. This requirement is in place regardless of whether there are any vacancies on the Board. A member, who leaves a meeting, whether excused or unexcused, shall not be counted as present for purposes of determining whether a quorum is present. If this happens, the only action the Board may take is to adjourn the meeting.

If an appointed member attends a public meeting remotely, whether part of a full remote meeting or simply attending remote themselves, there are two provisions that must followed. First, the member that is attending remote cannot be counted as part of the meeting quorum. Only members attending in person can be counted for this purpose. The second provision is that while a member attending remotely can fully participate in the meeting, they are not allowed to cast a valid vote. Only members attending in person can have their votes counted.

Section 12. Attendance

In order for the Board to carry its duties and responsibilities it is necessary for all members to attend the regular meetings. The Town Council may remove members who do not attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Section 13. Action by the Planning & Zoning Board

The Planning & Zoning Board shall proceed by motion, although limited discussion of a matter may be had prior to a motion being made. Any member may make a motion. All motions shall require a second in order to be considered by the Board.

Section 14. One Motion at a Time

A member may make only one motion at a time.

Section 15. Substantive Motion

A substantive motion is out of order while another substantive motion is pending.

Section 16. Adoption by Majority Vote

A motion shall be adopted if it receives affirmative votes from a simple majority of members present.

It is the duty of each member to vote, unless excused by a majority vote of the Board as in the instance of conflict of interest or other legitimate reason. A member wishing to be excused from voting shall so inform the Chair who shall take a vote of the remaining members. A member who fails to vote, whether excused or unexcused, shall not be able to record a vote. This section in no way mitigates the quorum requirement for any official action.

When any board member(s) has a direct or indirect affiliation on matters coming before the Planning & Zoning Board, the board member(s) will not be able to cast a vote in the affirmative or negative on said matters or participate in any communications (verbally, written or electronically). In order to prevent any perceived influence, board member will be required to leave the room until the discussion on said matter has been completed or voted upon by the remaining board members. Any such board member is excused for this purpose shall still count for the purposes of establishing a quorum. A direct or indirect affiliation is considered to be but not limited to an employer, developer, builder, business partner, real estate broker, loan company or immediate family member.

Section 17. Debate

The chairman shall state the motion and then open the floor to debate on it. The Chairman shall preside over the debate according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first, and
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.

Section 18. Procedural Motions

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

1. To adjourn.
 - a) The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. To take a recess.
3. To suspend the rules.
 - a) The motion requires a vote equal to the number required for a quorum.
4. To divide a complex motion and consider it by paragraph.
5. To defer consideration.
 - a) A substantive motion whose consideration has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
6. Call of the previous question.
 - a) The motion is not in order until all members who have indicated a desire to be recognized have had an opportunity to speak once.
7. To postpone to a certain time or day.
8. To refer to a committee.
 - a) Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, whether or not the committee has reported to matter to the Planning & Zoning Board.
9. To amend.
 - a) An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the intent of the motion. The amending of a motion is effective only with the consent of the maker and seconder of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made.
10. To revive consideration.
 - a) The motion is in order any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.

11. To reconsider.

- a) The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.

12. To rescind or repeal.

13. To ratify

14. To prevent reconsideration for three (3) months.

- a) The motion shall be in order immediately following the defeat of a substantive motion and at no other time. To be adopted, the motion requires a vote equal to the number required for a quorum; it is valid for three (3) months.

15. To substitute.

- a) A motion to substitute may seek the opposite result of the original motion, but it must be pertinent to the subject matter of the original motion. A substitute motion is voted on prior to taking a vote on the original motion. It shall not be necessary for the Board to vote a second time on the same subject matter if a motion to substitute is approved.

Section 19. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Section 20. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote. Permission of the members seconding the motion is not required.

Section 21. Duty to Vote

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chairman, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present at the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Section 22. Adoption of Motions and Resolutions

The affirmative votes of a simple majority of members present shall be required for the passage of any motion.

Section 23. Amendment

The Planning & Zoning Board may amend the Rules of Procedures at any time provided that the amendment is presented at one meeting and action is taken at the next scheduled meeting.

Section 24. Minutes

Minutes of the Planning & Zoning Board meetings shall be kept and shall be opened to the inspection of the public. The results of each vote shall be recorded in the Minutes.

Section 25. Committees of the Planning & Zoning Board

The following rules shall be applicable to the meetings of any standing or ad hoc committee, which may be formed by the Planning & Zoning Board from among its own members:

1. A quorum shall be required consisting of a majority of the members of the committee.
2. The chairman of the committee shall have a vote on all matters coming before the committee.
3. Minutes of committee meetings shall be kept and open to the inspection of the public. The results of each vote shall be recorded in the minutes.

Approved and adopted this 8th day of May, 2023.




Jennifer Teague, Mayor

ATTEST:


Janet Rackley, Town Clerk

ACKNOWLEDGEMENT

I have received a copy of the Planning & Zoning Advisory Board Bylaws and Rules of Procedure and agree to abide by such.

Committee Member Signature

Date

Print Name



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider adoption of minutes from the May 15th, 2023 Planning and Zoning Board meeting.

Presenting Personnel:

Suggested Motion or Action:

Motion to approve as presented or approve with modifications.

Description/Background:

Review minutes from the May 2023 P & Z meeting.

Recommendation:

Approve as presented.

Fiscal Impact:

N/A

Attachments:

1. PZ MINS MAY 16 2023

**TOWN OF HARRISBURG, NORTH CAROLINA
PLANNING & ZONING ADVISORY BOARD MEETING
TUESDAY, MAY 16TH, 2023**

MINUTES

1.

CALL TO ORDER

Andy Rathke called the meeting to order.

PRESENT: Kevin Schaffner, Thelma Thorne-Chapman, Monica Long, Andy Rathke, Kevin Hutchins

STAFF: Zac Gordon, Planning Director, Craig Thomas, Senior Planner, Carly Bedgood, Planning Technician

ABSENT: Jacob Carpenter

A.

AGENDA ADOPTION

MOTION

Monica Long made a motion to adopt the agenda as presented, which was seconded by Kevin Schaffner.

The motion passed 5-0.

B.

SPECIAL PRESENTATIONS

C.

PUBLIC COMMENT

None

2.

CONSENT AGENDA

- A. Planning Board meeting minutes of March 21, 2023, Planning and Zoning Board meeting and Board of Adjustment.

MOTION

Kevin Schaffner made a motion to approve the Consent Agenda, which was seconded by Kevin Hutchins.

The motion passed 5-0.

3.

OLD BUSINESS

None

4.

NEW BUSINESS

A.

H-2022-16-R Harrisburg Retirement Residence

Mr. Gordon gave a PowerPoint presentation explaining the applicant's request for a conditional rezoning of property on Rocker River Road from County OI (Office Institutional) and Town CZ-C-2 (Conditional Zoning-Commercial) to CZ-GC (Conditional Zoning-General Commercial) to develop the site for a 149-unit senior living facility (see attached "Harrisburg Retirement Residence Project Narrative"). To achieve this conditional rezoning, the applicant will also need to annex a portion of the subject property in the county, which is contiguous to the current Town of Harrisburg primary corporate limits. Mr. Gordon noted that the GC district allows for Group Living Uses as a permitted use "by right" and that the proposed use meets the dimensional requirements of the Town's UDO. He also stated that the

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PLANNING & ZONING ADVISORY BOARD MEETING MINUTES
Tuesday, May 16th, 2023**

applicant's request for rezoning is consistent with the Harrisburg Area Land Use Plan., which locates this property in an area with a "Future Land Use" designation of mixed-use (MU). In consideration of the foregoing, Planning and Zoning Department staff are recommending approval of the request for rezoning and that the Planning and Zoning Board also recommend approval of the applicant's request by the Town Council. As a conditional re-zoning request, conditions may be imposed on the request for rezoning, subject to agreement by the applicant. Accordingly, staff recommends that the following conditions be placed on the requested conditional rezoning, with concurrence of the applicant:

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 make all required improvements to Rocky River Road, as approved by the Town Council and detailed in the final approved construction plans.
3. Applicant agrees that the permitted uses for this property be limited to group living.
4. Applicant agrees that the attached site plan and architectural renderings be included in the conditional zoning request.

Public Comment:

Bridget Grant, Moore & VanAllen, made a presentation to the Board, and answered question by the Board members. The main question was whether any heritage trees will be saved on the lot, with Ms. Grant noting that all of these trees will be kept along with many others that are on the site. The Board also asked the applicant if there will be any walking trails on the property. Ms. Grant noted that, as of now, none are planned. The Board also asked if there is any signage proposed on the building facing Rocky River Road. Ms. Grant indicated that the only signage planned is a ground sign along Rocky River Road.

MOTION:

Kevin Schaffner made a motion to recommend approval of H-2022-16-R, with conditions, and forward to the Town Council for their consideration. Motion seconded by Kevin Hutchins. **The motion passed 5-0.**

The following Consistency Statement was presented to the Board for its consideration:

CONSISTENCY STATEMENT:

1. Based on the staff report and staff presentation, the request for rezoning is consistent with the Harrisburg Area Land Use Plan, and it is reasonable and in the public interest.

MOTION:

Kevin Schaffner made a motion to approve the proposed Consistency Statement, which was seconded by Thelma Thorne-Chapman. **The motion passed 5-0.**

B.

H2022-15-R Divine Residential Development

Mr. Gordon made a PowerPoint presentation and explained that the applicant is proposing to develop a 155-lot single-family subdivision on property located off Peach Orchard Road. This subdivision will require rezoning and annexation into the town limits. To allow for the proposed subdivision, the applicant is requesting to rezone the property from its current Cabarrus County designation of CR (Countryside Residential) to a Town of Harrisburg designation of CZ-RL (Conditional Zoning Low Density Residential). As a conditional zoning request, the applicant has submitted a site plan along with the request for rezoning, which is attached for the Board's consideration. The property is currently located in an unincorporated area within Cabarrus County. Concurrent with this request for rezoning, the applicant has submitted a Petition for annexation of the subject property by the Town. The proposed annexation is considered to be a contiguous annexation, as the proposed subdivision is located immediately adjacent to the Town's corporate limits. The RL zoning district has a maximum density of 1-2 dwelling units per acre. The proposed density for this subdivision is 0.91 dwelling units per acre. If rezoning approval is granted, site density may not exceed 0.91 units/acre and the development will be subject to all the conditions imposed by the Town Council and agreed to by the applicant. The applicant has also

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Tuesday, May 16th, 2023**

agreed to make traffic improvements to accommodate and mitigate the impact of the proposed development, as recommended by the Traffic Impact Analysis (TIA) for this subdivision, as explained in further detail in the staff report. Per the Town's subdivision regulations, the applicant is required to provide 51.30 acres of active and passive open space to serve residents of the subdivision, with 51.77 acres provided. The applicant is also required to provide 4.42 acres of public open space to serve the broader Harrisburg community, with 6.55 acres provided. The request to rezone the subject property as Residential Low (RL) is consistent with the HALUP, which designates this property as Very Low Density Residential (VLDR). The VLDR designation calls for less than one dwelling unit per acre for conventional subdivisions and up to two units per acre if conservation standards are met. At 0.91 dwelling units per acre, the proposed subdivision complies with the HALUP future land use recommendation for this property.

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 install all required improvements as required by the final approved Traffic Impact Analysis. H-2022-15-R | Page 10 of 10
5. Applicant agrees to the mitigation or replacement of heritage trees if damaged during construction, in accordance with the Town of Harrisburg Unified Development Ordinance.
6. Applicant agrees to construct 10 ft paved greenway along eastern portion of property, located within a dedicated 25 ft greenway easement.
7. 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.
8. Applicant agrees fence surrounding the detention pond shall be vinyl 4-rail farm fence, preferably white.
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.
11. Applicant agrees to provide a minimum 8 foot landscape easement (4 feet on each side of the property line) for residential lots sharing a rear property line.

Public Comment:

Attorney Sarah Beason, Alexander Ricks PLLC, spoke on behalf of the project. She shared a power point presentation along with answering questions from the Board members.

Dan Robinson, Director of Land Acquisition for Empire Communities, responded to several Board questions regarding heritage trees on the property. He stated they will have to remove seven (7) of these trees, but they will be replaced and that they will try to save as many of these trees as possible. A member of the Board asked if there will be any benches on the walking trails? The applicant indicated that, they will work with the planning department to try to get the best quality style benches for this.

MOTION:

Kevin Hutchins made a motion to recommend approval of H-2022-15-R and sent it on to the Town Council for their consideration with a second from Kevin Schaffner. **The motion passed 5-0.**

The following Consistency Statement was presented to the Board for its consideration:

CONSISTENCY STATEMENT:

1. Based on the staff report, staff presentation and testimony of the applicant, the request for rezoning is consistent with the Harrisburg Area Land Use Plan and is reasonable and in the public interest.

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MOTION:

Kevin Schaffner made a motion to approve the proposed Consistency Statement with a second from Kevin Hutchins. **The motion passed 5-0.**

5.

STAFF UPDATES/INFORMATION

- Planning Director Zac Gordon informed the Board that we are close to having a new Assistant Planning Director that will hopefully be starting in June.
- Next month we currently do not have anything on the agenda but will keep everyone posted on whether there will be a meeting.
- Mr. Gordon gave the board a brief overview of the presentation that was given to the Town Council regarding the reorganization, elimination, and addition of committees. He showed a table of comparisons for each table explaining the number of members, term limits, term end dates and meeting attendance requirements. He also noted that the process for soliciting applicants for boards and committees will be initiated 90 days before terms end and that a committee to review applicants will consist of at least one Council liaison and the staff liaison.
- A question was raised about training for existing and new board members. Mr. Gordon indicated that training will be scheduled soon for all members. With new terms of appointment being 2 years, the goal is to get the training done as soon as possible after new members are appointed to the board.
- Mr. Gordon also noted that the Fire Advisory Board and the Sustainability Advisory Board will be eliminated, with an ex-officio (non-voting) sustainability appointment added to the Planning and Zoning Board.
- Mr. Gordon stated that there is still a plan to do a mailing to ETJ residents in the hope that this position can be filled as soon as possible.
- Beginning June 30th, all boards will be voluntarily, with no compensation.

6.

ADJOURNMENT

MOTION:

There being no further business, Andy Rathke made a motion to adjourn, with a second from Kevin Schaffner. **The motion passed 5-0.**

Andy Rathke, Chairman

Carly Bedgood, Secretary



RULES OF PROCEDURE HARRISBURG PLANNING & ZONING BOARD

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The Harrisburg Planning & Zoning Advisory Board shall be composed of seven (7) area residents with no less than six (6) of these members to be residents of the Town of Harrisburg and one (1) who may reside in the Town's extraterritorial jurisdiction (ETJ), which shall be appointed by Cabarrus County. After notification to the County of an ETJ member vacancy, they shall have 90 days to appoint an ETJ member to the Board. If the County is not able to do so within 90 days, the Town may then appoint a member to that vacancy from anywhere within the Planning Area, including Town limits. One (1) additional ex-officio, non-voting member shall be on the Board, with a focus and expertise in sustainability. There will be one (1) staff liaison from the Planning Department (either the Planning Director and/or their designee) and one (1) liaison from Town Council, assigned by Mayor in January of each year. There will further be one (1) alternate liaison from Town Council to be assigned by the Mayor in the event the primary Council liaison is not available.

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Section 4. Special Meetings

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Example of Normal Appointment Timeline

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- June Council meeting – Recommendations to Town Council

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1. The Planning & Zoning staff shall prepare the agenda packet for the meeting and distribute a copy of the agenda packet to the Planning & Zoning Board 7 days in advance. The agenda packet shall be available for public inspection when it is distributed to Board members.
2. During its consideration of the agenda, Board members shall confine their discussion and comments to those items that appear on the agenda.
3. Any matter which is not on the agenda may be discussed upon the completion of the agenda. The Board may not take formal action on any non-agenda matter unless all Board members vote to add the matter to the agenda. A motion to suspend the rules shall not be in order if the purpose of the motion is to suspend the requirement of unanimity necessary to add a non-agenda matter to the agenda.
4. The Chairman or any member of the Board may request the staff to place an item on a future agenda by making such a request at a Planning & Zoning Board meeting. Unless a Board member objects, the requested item shall be included. If a Board member has an objection, the item in question shall not be included on a future agenda unless a majority of the Board votes in favor of including the item.

5. The Planning & Zoning Board may periodically hold policy agenda meetings and workshops to discuss issues of a policy nature and to determine the necessity for further action. Policy agenda meetings and workshops will be considered informal sessions of the Planning & Zoning Board and no formal decisions shall be made at these meetings but a quorum is needed. The Planning & Zoning staff shall prepare an agenda for the meeting and the recorder shall provide minutes of the meeting.

Section 8. Addressing the Planning & Zoning Board

1. Persons desiring to speak on a non-agenda matter that falls within the purview of the Board may be recognized by the Chairman to speak during the Public Comment section. Persons desiring to speak on an agenda matter may be recognized by the Chairman to speak when the item comes up on the agenda. Each speaker shall identify himself by name and address and limit their comments to fifteen (15) minutes.
2. For each agenda item, proponents shall be heard first and shall be provided fifteen (15) minutes each. Opponents shall be heard after the proponents for that particular agenda item and shall be provided fifteen (15) minutes each. The Chairman may limit time for each speaker proportionate to the number of persons who signed up to comment, if more than 30 minutes will be required for both proponents and opponents.

Section 9. Office of the Chairman

The Chairman shall preside at all meetings of the Planning & Zoning Board. In order to address the Board, a member must be recognized by the Chairman. The Chairman is entitled to vote on all matters and shall be considered a member for all purposes, including the determination of whether a quorum is present. In addition to participating as a member, the Chairman shall have the following duties:

1. To rule motions in or out of order, including any motion patently offered for obstruction or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency, and
5. To appoint, as needed, special committees from among the members.

Section 10. Office of Vice Chairman

At the organizational meeting, the Planning & Zoning Board shall elect from among its members a Vice Chairman. A Board member who serves as Vice Chairman shall be entitled to vote on all matters and shall be considered a member for all purposes, including the determination of whether a quorum is present. In the Chairman's absence, the Vice Chairman shall preside, and when presiding, shall have the right to vote upon all questions.

Section 11. Quorum

A quorum shall be defined as a minimum of four of the seven appointed members **attending in person**. This requirement is in place regardless of whether there are any vacancies on the Board. A member, who leaves a meeting, whether excused or unexcused, shall not be counted as present for purposes of determining whether a quorum is present. If this happens, the only action the Board may take is to adjourn the meeting.

If an appointed member attends a public meeting remotely, whether part of a full remote meeting or simply attending remote themselves, there are two provisions that must followed. First, the member that is attending remote cannot be counted as part of the meeting quorum. Only members attending in person can be counted for this purpose. The second provision is that while a member attending remotely can fully participate in the meeting, they are not allowed to cast a valid vote. Only members attending in person can have their votes counted.

Section 12. Attendance

In order for the Board to carry its duties and responsibilities it is necessary for all members to attend the regular meetings. The Town Council may remove members who do not attend seventy-five percent (75%) of the Regular meetings in a twelve (12) consecutive month period, or miss three (3) consecutive regular meetings.

Section 13. Action by the Planning & Zoning Board

The Planning & Zoning Board shall proceed by motion, although limited discussion of a matter may be had prior to a motion being made. Any member may make a motion. All motions shall require a second in order to be considered by the Board.

Section 14. One Motion at a Time

A member may make only one motion at a time.

Section 15. Substantive Motion

A substantive motion is out of order while another substantive motion is pending.

Section 16. Adoption by Majority Vote

A motion shall be adopted if it receives affirmative votes from a simple majority of members present.

It is the duty of each member to vote, unless excused by a majority vote of the Board as in the instance of conflict of interest or other legitimate reason. A member wishing to be excused from voting shall so inform the Chair who shall take a vote of the remaining members. A member who fails to vote, whether excused or unexcused, shall not be able to record a vote. This section in no way mitigates the quorum requirement for any official action.

When any board member(s) has a direct or indirect affiliation on matters coming before the Planning & Zoning Board, the board member(s) will not be able to cast a vote in the affirmative or negative on said matters or participate in any communications (verbally, written or electronically). In order to prevent any perceived influence, board member will be required to leave the room until the discussion on said matter has been completed or voted upon by the remaining board members. Any such board member is excused for this purpose shall still count for the purposes of establishing a quorum. A direct or indirect affiliation is considered to be but not limited to an employer, developer, builder, business partner, real estate broker, loan company or immediate family member.

Section 17. Debate

The chairman shall state the motion and then open the floor to debate on it. The Chairman shall preside over the debate according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first, and
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.

Section 18. Procedural Motions

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

1. To adjourn.
 - a) The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. To take a recess.
3. To suspend the rules.
 - a) The motion requires a vote equal to the number required for a quorum.
4. To divide a complex motion and consider it by paragraph.
5. To defer consideration.
 - a) A substantive motion whose consideration has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
6. Call of the previous question.
 - a) The motion is not in order until all members who have indicated a desire to be recognized have had an opportunity to speak once.
7. To postpone to a certain time or day.
8. To refer to a committee.
 - a) Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, whether or not the committee has reported to matter to the Planning & Zoning Board.
9. To amend.
 - a) An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the intent of the motion. The amending of a motion is effective only with the consent of the maker and seconder of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made.
10. To revive consideration.
 - a) The motion is in order any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.

11. To reconsider.

- a) The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.

12. To rescind or repeal.

13. To ratify

14. To prevent reconsideration for three (3) months.

- a) The motion shall be in order immediately following the defeat of a substantive motion and at no other time. To be adopted, the motion requires a vote equal to the number required for a quorum; it is valid for three (3) months.

15. To substitute.

- a) A motion to substitute may seek the opposite result of the original motion, but it must be pertinent to the subject matter of the original motion. A substitute motion is voted on prior to taking a vote on the original motion. It shall not be necessary for the Board to vote a second time on the same subject matter if a motion to substitute is approved.

Section 19. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Section 20. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote. Permission of the members seconding the motion is not required.

Section 21. Duty to Vote

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chairman, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present at the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Section 22. Adoption of Motions and Resolutions

The affirmative votes of a simple majority of members present shall be required for the passage of any motion.

Section 23. Amendment

The Planning & Zoning Board may amend the Rules of Procedures at any time provided that the amendment is presented at one meeting and action is taken at the next scheduled meeting.

Section 24. Minutes

Minutes of the Planning & Zoning Board meetings shall be kept and shall be opened to the inspection of the public. The results of each vote shall be recorded in the Minutes.

Section 25. Committees of the Planning & Zoning Board

The following rules shall be applicable to the meetings of any standing or ad hoc committee, which may be formed by the Planning & Zoning Board from among its own members:

1. A quorum shall be required consisting of a majority of the members of the committee.
2. The chairman of the committee shall have a vote on all matters coming before the committee.
3. Minutes of committee meetings shall be kept and open to the inspection of the public. The results of each vote shall be recorded in the minutes.

Approved and adopted this 8th day of May, 2023.




Jennifer Teague, Mayor

ATTEST:


Janet Rackley, Town Clerk

ACKNOWLEDGEMENT

I have received a copy of the Planning & Zoning Advisory Board Bylaws and Rules of Procedure and agree to abide by such.

Committee Member Signature

Date

Print Name



TOWN OF HARRISBURG

Agenda Item Details

Title:

H-2023-02-TA: Consider UDO text amendment to Section 144.03 - Legislative and Quasi-Judicial Bodies.

Presenting Personnel:

Shelley DeHart, Assistant Planning Director

Suggested Motion or Action:

Motion to Approve the request for a text amendment of Section 144.03 of the UDO as presented and to transmit the recommendation for approval to Town Council.

Description/Background:

Consider the draft text amendment of the UDO proposing to modify the framework of the Planning and Zoning Board and the Board of Adjustment consistent with the adopted Rules of Procedures recently amended by Town Council.

Motion options for the Board are to:

1. Approve as Presented
2. Approve with modifications; or
3. Disapprove

A motion is also needed to make required findings as provided below.

Recommendation:

Motion to recommend to Town Council:

1. Approve as Presented; and
2. Find this text amendment is consistent with the applicable Common Decision Criteria found within Section 145.01.07 of the UDO because:
 1. It establishes clear appointed board regulations consistent with the adopted rules of procedure approved by Town Council; and
 2. It is consistent with LU-7 of the Harrisburg Area Land Use Plan (HALUP), because the actions of these boards carry out the implementation of local land development regulations, one of the most effective tools for accomplishing the future vision within the planning area.

Fiscal Impact:

N/A

Attachments:

1. H-2023-02 Staff Report to PB



Town of Harrisburg
Planning and Zoning Department
Staff Report – Planning and Zoning Board
Text Amendment H-2023-02-TA

DATE: August 15, 2023

SUBJECT:

H-2023-02-TA: UDO text amendment to modify Legislative and Quasi-Judicial Board terms and operations consistent with the Rules of Procedure adopted by Town Council

Applicant: Staff Text Amendment

Staff Report Prepared by: Shelley DeHart, Assistant Planning Director

Neighborhood Meeting: N/A

BACKGROUND:

Legislative and Quasi-Judicial Bodies

As granted by the State, local jurisdictions have the authority to establish land use regulations and make local decisions on development within the framework granted. This authority establishes advisory and decision-making boards, appointed by the Town Council, to carry out legislative, advisory, quasi-judicial, and administrative actions. The town boards are:

Boards	Actions
Planning and Zoning Board	Advisory on legislative applications: Rezoning and Text Amendments of the Unified Development Ordinance (UDO) Advisory on Land Use Plans
Board of Adjustment	Quasi-judicial board: Final decision-making authority on – Appeals of Administrative Decisions, Variances, Special Use Permits, and interpretations of the Zoning Map.

The framework and operations of these bodies are found within the Unified Development Ordinance (UDO) and the associated Rules of Procedure. At its May 8, 2023, meeting, the Town Council revised the Rules of Procedure for the:

- **Planning and Zoning Board** - adjusting term duration, term limits, and modifying the duties of the board.
- **Board of Adjustment** - establishing term limits and membership.

The purpose of this text amendment is to ensure uniformity with UDO regulations and the adopted Rules of Procedure.

Proposed Text Amendment

144.03.02 Planning and Zoning Board

- A. Establishment.** This Section establishes a Planning and Zoning Board.
- B. Generally.** The Board shall provide an advisory function to assist in making decisions pertaining to amendments to the [Harrisburg Area Land Use Plan](#) (HALUP) or this UDO, and development review applications.
- C. Powers and Duties.**
 - 1. *Matters in this UDO.* The Board shall have the authority to make recommendations or make final decisions on the development review applications denoted in Section [145.01.14, Development Review Summary Table](#), and the following:
 - a. To initiate preparation of and or amendments to the HALUP;
 - b. To initiate, hear, review, and make recommendations to the Town Council on applications for text amendments of this UDO;
 - c. To hear, review, and make recommendations to the Town Council on applications for Zoning Map amendments;
 - d. To hear, review, and make recommendations to the Town Council on all applications for major subdivision approval in accordance with this UDO; and
 - e. To adopt bylaws, policies, procedures, and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Board. All bylaws, policies, procedures, and regulations shall be consistent with this Ordinance and shall be approved by the Town Council before taking effect.
 - 2. *Matters Outside of this UDO.* The Board shall have the following additional powers and duties. The Board shall:
 - a. Recommend amendments of the HALUP to the Town Council; and
 - b. Make periodic report to the Council as to the Board's activities, as requested.
- D. Membership.**
 - 1. *Numbers.* The Board shall consist of seven members.
 - 2. *Appointments.* The Town Council shall appoint members of the Board for terms of ~~three~~ two (2) years. Terms begin ~~from the date of appointment on July 1.~~ Board

members may serve terms as outlined in the adopted Rules of Procedure for the Board.

3. *Composition.* The membership shall include proportional representation for extraterritorial areas.
4. *Vacancies and Removal.* The Town Council shall fill vacancies in an unexpired term by appointment for the remainder of the term. The Town Council may vote to remove a member for good cause at any time in a public meeting.
5. ~~*Compensation.* Members may be compensated per diem, based upon meetings actually attended and reasonable and necessary expenses, as determined by the Town Council.~~

E. Officers and Staff.

1. *Election.* The Board shall elect a Chairperson and Vice-Chairperson at the ~~first regular~~ meeting ~~in July of each calendar year or~~ as specified in the Board adopted by-laws.
2. *Officer Duties.* The chair, or in the chair's absence the vice-chair, shall administer oaths, be in charge of all proceedings before the Board, and take such action necessary to preserve the order and integrity of all proceedings before the Board. In the absence of both, the Board shall elect a temporary chair to conduct the meeting.
3. *Staff.* The Director shall serve as the professional staff of the Board and shall appoint a recording secretary to keep minutes to summarize all proceedings, attested to by a majority of the members of the Board voting. In addition, the secretary shall maintain all records of Board meetings, hearings, and proceedings, as well as the correspondence of the Board.

F. Quorum and Voting. A quorum shall consist of a minimum of four of the seven appointed members attending in person~~a majority of the entire membership of the Board~~, and any issue to be voted on shall be resolved by a majority of those members present. The Chairperson shall be entitled to vote upon any question but shall have no veto power.

G. Meetings and Procedures.

1. *Frequency, Location, Date, and Time.* The Board shall meet not less than once each month unless there are no items for it to review. Meetings shall be held at the place, time, and date stated on the notice of meeting posted at the Harrisburg Town Hall. Meetings shall be open to the public. The Town Council, Chairperson, a majority of the Board or the Director may call a special meeting following required notice.
2. *Absences.* Any member of the Board who misses seventy-five percent (75%) or three (3) consecutive regular meetings without valid reason, as determined by Council, shall be deemed no longer interested in serving may be removed by Council, and the Council ~~shall~~ may appoint a new interim member to fill the vacancy.
3. *Rules of Procedure.* The Board may establish its own rules of procedure, provided that such shall not conflict with the laws applicable to the Board or the provisions of this UDO.

4. *Postponed Item.* If a matter is postponed due to lack of a quorum, the chair of the Board shall continue the meeting to the next Board meeting. The recording secretary shall notify all members and all appropriate parties of the date of the continued meeting.

144.03.03 Board of Adjustment

- A. **Establishment.** This Section establishes a Board of Adjustment (BOA) in accordance with Chapter 160D of the General Statutes of North Carolina. ~~In accordance with Section 144.03.02, the Planning and Zoning Board shall act in the capacity of the Board of Adjustment, in addition to its capacity as the planning agency.~~
- B. **Powers and Duties.** The BOA shall have the authority to make final decisions on the development review applications denoted in Section 145.01.14, *Development Review Summary Table*.
- C. **Membership.**
 1. *Numbers.* The BOA shall consist of five regular members.
 2. *Appointments.* The Town Council shall appoint members of the BOA for terms of three years. Terms begin ~~from the date of appointment on July 1.~~ Members shall serve terms as outlined in the Rules of Procedure for the Board.
 3. ~~Alternative~~ Alternate *Members.* The Town Council shall appoint two alternate members of the BOA to temporarily serve in the absence of a permanent member. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. The Town Council may fill a vacancy among the alternate members in the same manner as a vacancy among the regular members.
 4. *Composition.* The regular membership shall include proportional representation for extraterritorial areas. ~~All seven of the regular and alternate members shall be the same persons as are appointed as regular members of the Planning and Zoning Board.~~
 5. *Vacancies and Removal.* The Town Council shall fill vacancies in an unexpired term by appointment for the remainder of the term. The Town Council may vote to remove a member for good cause at any time in a public meeting.
 6. ~~Compensation. Members may be compensated per diem, based upon meetings actually attended and reasonable and necessary expenses, as determined by the Town Council.~~
- D. **Officers and Staff.**
 1. *Election.* The BOA shall elect a Chairperson and Vice-Chairperson at the ~~first regular~~ meeting of each calendar fiscal year in July as specified in the Board adopted by-laws.
 2. *Officer Duties.* The chair, or in the chair's absence the vice-chair, shall administer oaths, be in charge of all proceedings before the BOA, and take such action necessary to preserve the order and integrity of all proceedings before the BOA. In the absence of both, the BOA shall elect a temporary chair to conduct the meeting.

3. *Staff.* The Director shall serve as the professional staff and clerk of the BOA and in his or capacity as clerk shall keep minutes to summarize all proceedings, attested to by a majority of the members of the BOA voting.
4. *Recordkeeping.* Minutes of the proceedings of the BOA showing the vote of each member and records of its examinations and other official actions shall be filed in the Planning and Zoning Office as a public record.

E. Meetings and Procedures.

1. *Frequency, Location, Date, and Time.* The BOA shall meet not less than once each month unless there are no items for it to decide upon. The Chairperson may call a special meeting following required notice.
2. *Absences.* Any member of the BOA who misses seventy-five percent (75%) or three (3) consecutive regular meetings without valid reason, as determined by Council, shall be deemed no longer interested in serving may be removed by Council, and the Council ~~shall~~may appoint a new interim member to fill the vacancy.
3. *Rules of Procedure.* The BOA may establish its own rules of procedure, provided that such shall not be in conflict with the laws applicable to the BOA or the provisions of this UDO.

F. Oaths. The chair, acting chair, or clerk of the BOA shall administer oaths to those participating in any matter coming before the BOA. Any person who, while under oath during a proceeding before the BOA who willfully swears falsely is guilty of a Class 1 misdemeanor.

G. Subpoenas. The BOA, through the chair or acting as chair may subpoena witnesses and compel the production of evidence.

STAFF RECOMMENDATION:

Staff believes that this text amendment is consistent with the applicable Common Decision Criteria found within Section 145.01.07 of the UDO because:

1. It establishes clear appointed board regulations consistent with the adopted rules of procedure approved by Town Council; and
2. Is consistent with LU-7 of the Harrisburg Area Land Use Plan (HALUP), because the actions of these boards carry out the implementation of local land development regulations, one of the most effective tools for accomplishing the future vision within the planning area.

Therefore, staff recommends the Board support this text amendment by recommending approval to the Town Council.

P & Z Action:

1. Motion to recommend approval, approval with modifications, or disapproval to the Town Council; and
2. Motion to approve or disapprove the required findings as presented or modified.



HarrisburgNC

The right side of opportunity

PLANNING AND ZONING BOARD

**2023-2024 MEETING CALENDAR
THIRD TUESDAY OF EACH MONTH AT 6 PM
HARRISBURG TOWN HALL**

JULY 18, 2023

AUGUST 15, 2023

SEPTEMBER 19, 2023

OCTOBER 17, 2023

NOVEMBER 21, 2023

DECEMBER 19, 2023

JANUARY 16, 2024

FEBRUARY 20, 2024

MARCH 19, 2024

APRIL 16, 2024

MAY 21, 2024

JUNE 18, 2024