

**TOWN OF HARRISBURG, NORTH CAROLINA  
TOWN COUNCIL MEETING  
MONDAY, APRIL 11, 2016  
6:00 PM**

**MINUTES**

**1A.  
CALL TO ORDER**

Mayor Steve Sciascia called the meeting to order and the Town Clerk conducted the roll call.

PRESENT: Mayor Steve Sciascia, Councilmen Chad Baucom, Jeff Phillips, Rick Russo, Ron Smith, Christopher Barfield, John Booth (arrived at 6:30 pm), Councilwoman Benita Conrad

**1B.  
INVOCATION**

Pastor Neil Carter, from Rocky River Presbyterian Church, conducted the invocation.

**1C.  
PLEDGE OF ALLEGIANCE**

**1D.  
SPECIAL PRESENTATIONS**

**1. Alcohol Awareness Month Proclamation**

**1E.  
AGENDA CHANGES**

None.

**1F.  
PUBLIC COMMENT**

None.

**2.  
CONSENT AGENDA**

- A. Consider the minutes of the March 14, 2016 Town Council meeting.
- B. Consider the minutes of the March 14, 2016 Closed Session.
- C. Consider the minutes of the March 22, 2016 Called Town Council meeting.
- D. Consider the minutes of the March 22, 2016 Closed Session.
- E. Consider annual Cabarrus County Economic Development Public Investor Agreement for 2016.
- F. Contract for services – Morehead West Small Area Plan.

**MOTION:**

Councilman Baucom made a motion to approve the Consent Agenda. Second was made by Councilman Russo. **The motion passed 6-0.**

**3A.  
COMMUNICATIONS  
Town Manager's Report**

- Fire Station #3 should be occupied and running soon. Our new recruits will finish up June 10 and after that we should be good. The IT folks have been working pretty hard to get everything wired up there and ready to go.
- Branded Gateway Signs – we have begun actively getting the second one at Pharr Mill Road and Highway 49 up. The drawings are complete and the fabrication is underway so hopefully we will have that by the end of this fiscal year.
- New Public Works Site – we have the fence up and we have the plans for the storage building complete so we should be getting the permitting finished up and then we will be able to finish up the design for the rest of the building and get that before Council so we can get approval on that and move forward.
- Saddle Creek Gate – just waiting for the power to get cut for a little while to get the electronic part of the gate hooked in and then it should be operational.
- Roberta Road Bridge Renaming – NCDOT has responded and told us that they will not approve naming the bridge Harrisburg Veteran’s Bridge because of the Blue Star Memorial Network. They put four alternate options before us: we can dedicate one of our facilities; we can rename the road, put a sign out at our welcome sign saying that we support veterans, or adopt a highway. Mayor Sciascia stated that he had spoken to the American Legion today and they would be okay with us naming the road Harrisburg Veteran’s Memorial Road. No one lives on that road and there are currently no businesses either, so it shouldn’t be too impactful to change the name from Roberta Road Extension to Harrisburg Veteran’s Memorial Road. Consensus of Council was to move forward with this option.
- Roberta Road Bridge – the decking is being laid now, so hopefully we are getting closer to that opening. NCDOT is still projecting late summer or early fall. Before that time we will have the 45 day close of School Circle and that should happen over the summer.
- Stallings Road Bridge – the bridge closed today and will be closed for 6 months. While that is closed Scott Cole mentioned that they are going to attempt to get the turn lanes completed that need to be installed for the Raging Ridge Road Extension.
- Signal at Tom Query and Robinson Church Road – NCDOT has completed the right-of-way acquisitions and they are currently working with Duke Energy and the contractor to get the existing power lines adjusted and the signal installed. He is saying that should be up and running in about 90 days.
- Pay and Classification Study – the MAPS Group has held almost all of the employee meetings. They have just a few more to do this week. They should have everything they need internally from staff. The Personnel Committee has been working on getting the comp cities together, and once they have all that they will be able to put the study together. They have already begun giving us some recommendations that they will be passing on to Council. The plan will be for the May 14 budget workshop; they will be here to present a draft of the report, and we can look at any potential impact for the budget.
- We have two budget workshops coming up this month; one on April 16 and the other April 30. Staff will not be here for those, they are just for Council.
- Harrisburg Art Walk will be held on April 16.
- I Love My City is on the weekend of April 22 – 24. We will have the kick-off here at the Rockin' the Burg spring concert on April 22. You can get online at [Ilovecity.com](http://Ilovecity.com) and see any of the projects that are out there and sign up for anything you are interested in.
- Farmer’s Market opens April 25.
- EDC Meeting on April 26.
- Also, thanked Council for allowing him to operate as the Interim Town Manager.

### **3B.**

#### **Mayor’s Comments**

- Thanked Lee for his work as the Interim Town Manager and presented him with a thank you card on behalf of Council.
- Also presented the clerk with a thank you card for assisting the Council in the search for a new Town Manager.

- Budget – advised Council to look through the draft budget that Lee Connor prepared for them and highlight any areas of question. Be prepared to talk about those this Saturday at the workshop.

### 3C.

#### Council's Comments

##### Councilman Barfield

- Recognized one of our local businesses – the Cake Makin' Sisters. They were on the Steve Harvey Show today.

##### Councilman Phillips

- A few weeks back, Pepsi had an open house. Some members of Council attended as well as some staff members and they welcomed us with open arms. They are up and running and we will be seeing a lot of trucks going in and out of there in the early morning hours.

##### Councilman Smith

- Marcus King, the Parks and Recreation Advisory Board Chairman, reached out to say that the Advisory Board believes the Town has a real need to acquire more land for parks in Town.

### 3D.

#### Budget

- In addition to the two budget workshops we have this month we will have another on May 14. That is the one the MAPS Group will be at as well as staff.
- June 4 is a placeholder for the final budget review. Basically that meeting is there in the event that there are any open items after the May 14 meeting.
- Budget Binders – each tab is a different department/fund. The index is in the very front. Just past tab one; there is a three page memo that details changes in the revenues proposed. If you have any questions, call Lee.
- NC League of Municipalities – we have received the revenue projecting report for the coming year from the League and all of the numbers are updated based on those projections in the document you have now.

### 4A

#### PUBLIC HEARING

**Consideration of voluntary contiguous annexation request by Tamara Blume.** Josh Watkins, Planning Director, presented the background information. Tamara Blume has requested annexation for approximately 0.05 acres off of Hickory Ridge Road. The property is adjacent to existing Town limits, and the applicant is requesting the annexation in order to develop the parcel with a pole mounted solar array as an accessory use to their home. Staff is recommending approval of this request.

The public hearing was opened.

Speaking: none

The public hearing was then closed.

#### MOTION:

Councilwoman Conrad made a motion to approve the annexation request by Tamara Blume. Second was made by Councilman Russo. **The motion passed 6-0.**

### 4B.

#### PUBLIC HEARING

**Consideration of voluntary contiguous annexation request – Mulberry Industrial Park.** Josh Watkins presented the background information. Angela S. Lewis has submitted an annexation request for 132.79 acres off of Mulberry Road. The request is part of a rezoning application for the Mulberry Industrial Park, which is also scheduled for a public hearing tonight. Staff is recommending denial of the annexation based on the fact that the rezoning request is

being recommended for denial. Both staff and the Planning and Zoning Board have made recommendations of denial for the rezoning request. If the property is annexed into the Town, and the rezoning is not approved, the current landowner will be annexed into Town with no approvals for development.

The public hearing was opened.

Speaking:

- Jerry Meade, Meade – Meade-Gunnell – for
- Wally Coble – 4034 Carl Parmer Drive, Harrisburg - against

The public hearing was then closed.

**MOTION:**

Councilman Baucom made a motion to deny the annexation request for Mulberry Industrial Park. Second was made by Councilwoman Conrad. **The motion passed 6-0.**

**4C.**

**PUBLIC HEARING**

**H2016-06 (R) – Tamara Blume Administrative Rezoning 2.** Josh Watkins presented the background information. The property owner for this parcel has requested a voluntary annexation into the Town of Harrisburg. As part of the annexation process, staff has initiated a rezoning petition to assign a Harrisburg zoning designation. The property is currently zoned CR, Cabarrus County Low Density Residential District. Staff is seeking a zoning of RE, Rural Estate Residential District. The parcel is located off of Hickory Ridge Road, approximately 250 feet south of the Cherry Laurel Drive intersection. The Planning and Zoning Board unanimously recommended approval of this request at their March meeting.

The public hearing was opened.

Speaking: none

The public hearing was then closed.

**MOTION:**

Councilman Barfield made a motion to approve H2016-06 (R). Second was made by Councilman Baucom. **The motion passed 6-0.**

The following Consistency Statement was then proposed:

**CONSISTENCY STATEMENT:**

For the reasons stated in the staff report and the staff presentation, the proposed rezoning is consistent with the provisions of the Harrisburg Area Land Use Plan and reasonable and in the public interest.

**MOTION:**

Councilman Baucom made a motion to approve the proposed Consistency Statement with a second from Councilwoman Conrad. **The motion passed 6-0.**

**4D.**

**PUBLIC HEARING**

**H2016-05 (R) – Mulberry Industrial Park.** Since the annexation of this property was denied earlier in this meeting, there is no need to hear the rezoning request.

**4E.**

**PUBLIC HEARING**

**H2016-03 (R) – Foxhole, LLC.** Josh Watkins presented the background information. Shannon Elmore, of Foxhole, LLC, has submitted a request for rezoning of property that was previously included in the PUD zoning that

encompassed The Preserve at Greyson project; more recently known as The Epic development. The applicant would like the zoning to revert to the I-1 zoning that was in place prior to the PUD being approved. The Planning and Zoning Board voted unanimously to recommend approval of this request at their March meeting. Staff is recommending approval of this rezoning request as well.

The public hearing was opened.

Speaking: none

The public hearing was then closed.

**MOTION:**

Councilwoman Conrad made a motion to approve H2016-03 (R). Second was made by Councilman Russo. **The motion passed 7-0.**

The following Consistency Statement was then proposed:

**CONSISTENCY STATEMENT:**

For the reasons stated in the staff report, and the staff presentation, the proposed rezoning is consistent with the provisions of the Harrisburg Area Land Use Plan and reasonable and in the public interest.

**MOTION:**

Councilman Baucom made a motion to approve the proposed Consistency Statement with a second from Councilman Russo. **The motion passed 7-0.**

**4F.**

**PUBLIC HEARING**

**H2016-04 (R) – Eastwood Townhomes.** Josh Watkins presented the background information. Mike Kemp with Eastwood homes has submitted a rezoning request for property located on the east side of Roberta Road. The applicant is proposing to develop a residential development consisting of 201 attached single-family residential units and 57 detached single-family residential units adjacent to the Town Center development. The development includes a greenway that will be built by the developer and turned over to the Town to meet the Public Open Space dedication requirements. Also, the applicant has offered to place a condition on the project that vinyl siding will not be utilized on any of the buildings; all facades will be covered in masonry based products. A Traffic Impact Analysis is currently underway for this project, and the developer will be required to install all necessary improvements to the transportation network to mitigate traffic impacts. The request is being made as part of an innovative development option. In our ordinance, there is an innovative development option that allows you to ask for things that may not have been tried yet. This would not set a standard for the rest of the Town; it would only be approved for this development. There are three areas where they are asking to use this option:

- Front and side setbacks – for townhomes that do not provide parking directly behind them, it is required that the townhomes be set back 50 feet from the street. The applicant is looking to reduce that back to a 20ft setback and instead of providing the parking directly behind them, they are providing marked spaces along the streets as well as off-street parking lots.
- Minimum street cross-section – our ordinance still doesn't speak to on street parking through any sort of standard detail drawing. Therefore, we have worked with the developer to design a street cross-section that allows on-street parking, utilizes some of the same features we have here in Town Center and improves on some of the issues we found here.
- Minimum lot size – in the RV zoning, the minimum lot width for single-family is 50 feet. The applicant is proposing a 40ft wide single-family lot.

Staff is recommending the following conditions for approval:

1. Applicant agrees to obtain any and all applicable local, state, and federal permits required for development prior to any development activity can take place. (Planning)

2. A driveway permit from NCDOT will be required for the entrances off Roberta Road, and all Rights-of-Way necessary for road improvements will be acquired prior to NCDOT Driveway Permit being executed. (NCDOT)
3. The developer shall be responsible to make all roadway improvements as identified in the approved TIA. (NCDOT)
4. The developer agrees to dedicate the 30ft wide area for greenway to meet the Public Open Space requirements per Section 6.5.5 of the UDO per the recommendations of the Parks and Recreation Advisory Board. Furthermore, the applicant agrees to construct a 10ft asphalt greenway within this 30ft wide area to fulfill the remaining fee in lieu of dedication requirement. (Parks and Recreation)
5. Developer agrees to revise the stream buffer along Davis Branch to show a Class 2 RSOD stream buffer as well as a 20ft No Build buffer. (Planning)
6. Developer agrees to restrict all construction traffic to the entrance at Roberta Road for the duration of construction; no construction traffic shall enter or exit through connections made to Town Center. (Planning/Public Works)
7. Developer agrees to restrict cladding materials for all buildings to masonry products; vinyl siding will not be used. (Applicant)

The Planning and Zoning Board voted unanimously to recommend approval of this request at their March meeting. Staff is recommending approval of this rezoning request with the proposed conditions as well.

Josh also told Council that the traffic study on this project is not complete yet because they need to wait until Publix has completed their traffic study and then this traffic study will be completed based on the results of that one. They expect the traffic study to be completed in the next couple of weeks.

Questions and concerns of Council included:

- Traffic issues through Town Center as well as on Roberta Road.
- 40ft wide lots for detached homes.
- Impact on schools

Applicant Mike Kemp, 4084 Bamborough Drive, Fort Mill, SC, presented information to Council concerning Eastwood Homes and the proposed development.

Matt Levesque, ESP Associates, 7144 Weddington Road, Concord, NC, also spoke to Council concerning the proposed development.

The public hearing was opened.

Speaking:

- Dan Robinson, 6314 Kee Lane, Harrisburg – against
- Esther Murray, 4010 Carl Parmer Drive, Harrisburg – against
- Richard Bennett, 3941 Harrisburg Drive, Harrisburg – against
- Matt Levesque – for
- Mike Kemp – for
- Jessica Connor – 6051 Roberta Road, Harrisburg – concerns about traffic

The public hearing was then closed.

#### **MOTION:**

Councilman Smith made a motion to defer H2016-04 (R) until the May Council meeting so the traffic study can be completed. Second was made by Councilman Russo. **The motion passed 7-0.**

**Jerry Meade asked to speak to Council concerning the Mulberry Industrial Park. He asked that a report he prepared for Josh be entered into the record.**

**4G.**

**PUBLIC HEARING**

**H2016-03 (T) – Transportation Amendments.** Josh Watkins presented the background information. Staff has been working on several text amendments that can all be categorized under transportation amendments. The first set of amendments is intended to implement the policy recommendations adopted as part of the Bicycle, Pedestrian, and Greenway Plan. These amendments were recommended by the consultant in order to ensure that the elements of this plan are implemented as part of development projects where they occur. The second amendment being proposed affects Appendix C, and is specifically designed to address the issue of a developer's responsibility to provide connectivity, even over streams. In the recent decision in *M/I Homes v. Town of Harrisburg*, the decision was made by the courts to allow the developer to proceed without providing pedestrian connectivity over Reedy Creek. Staff has crafted this text amendment specifically to avoid such issues in the future; it is now clear that it is the developer's responsibility to provide this connectivity. The final amendment being proposed addresses alternative parking lot materials. Staff has increasingly received requests to allow gravel parking lots for certain types of commercial development, with this ordinance being cited as allowing them to do so. Staff is of the opinion that the vast majority of nonresidential uses should have paved parking, and if there is a valid reason to deviate from paving, the variance process exists for the developer to ask for such a deviation. The Planning and Zoning Board voted unanimously to recommend approval of this request at their March meeting. Staff is recommending approval as well.

The public hearing was opened.

Speaking: none

The public hearing was then closed.

**MOTION:**

Councilman Baucom made a motion to approve H2016-03 (T). Second was made by Councilman Russo. **The motion passed 7-0.**

**4G.**

**PUBLIC HEARING**

**Business Registration Fees.** Lee Connor, Finance Director and Interim Town Manager, presented the background information. The NC state legislature removed municipalities' ability, with NCGS 160A-94, to charge privilege license taxes across the state, beginning with FY2016. They have since allowed municipalities to establish business registrations and charge a nominal fee associated with the administration of this program. In order to establish this program, the Town needs to formally remove the existing privilege license ordinance and replace it with a business registration ordinance.

The new program will require businesses to complete their registration process with the Town, by physical location. This will allow the Town to maintain a current and accurate database of all of our businesses, for communication and economic development purposes. Also, in the event that the State reinstates the privilege license tax, all of the information will be there to begin using that again.

Planning and Zoning will be establishing a process of having these completed with any permits that they need at the beginning of the process for new business. They will be contacting existing businesses to get their registrations completed.

NCGS 160A-94 limits the amount that can be charged to only a cost that covers the administration of the program. Currently, the budget includes \$2,950 in hard costs associated with the software to keep these registrations and supplies/postage for the registration forms. There will also be staff time associated with the administration of this, which we are estimating at approximately \$5,000. These costs over the estimated number of businesses,

approximately 400, would yield a per registration cost of \$19.87, or \$20 per business. The Economic Development Committee discussed these amounts and determined that their recommendation was not to charge any fee for these business registrations. Therefore, this ordinance explicitly states that with inception, there will be no fee associated with them. However, the ordinance also details that this will be considered on an annual basis and updated with the fee schedule, if needed.

We do not have a copy of the final ordinance tonight. The attorney is in the process of reviewing it at this time and has recommended that we hold the public hearing tonight and defer voting on this ordinance until next month.

The public hearing was opened.  
Speaking: none  
The public hearing was then closed.

**MOTION:**

Councilman Phillips made a motion to defer consideration of this item until the May Council meeting. Second was made by Councilman Russo. **The motion passed 7-0.**

**5.  
OLD BUSINESS**

None.

**6A.  
NEW BUSINESS  
Town Manager Decision.**

**MOTION:**

Councilman Russo made a motion to hire Bobby Williams as the new Town Manager, with a second from Councilwoman Conrad. **The motion passed 7-0.**

**6B.  
NEW BUSINESS**

**Action Items:**

- Get with NCDOT and work on the renaming of Roberta Road Extension to Harrisburg Veteran's Memorial Road.
- Work on ways to communicate to the public changes to a developer's plans following a neighborhood meeting.

**7.  
CLOSED SESSION**

**MOTION:**

Councilman Smith made a motion to go into Closed Session concerning pending litigation. Second was made by Councilman Barfield. **The motion passed 7-0.**

After returning from Closed Session the following action was taken:

**MOTION:**

Councilman Baucom made a motion to come out of Closed Session and return to regular business with a second from Councilman Russo. **The motion passed 7-0.**

7.

**ADJOURNMENT**

**MOTION:**

There being no further business, Councilman Russo made a motion to adjourn the meeting with a second from Councilman Booth. **The motion passed 7-0.**

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Steven J. Sciascia, Mayor

ATTEST:

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Janet Rackley, Town Clerk