Public Hearing
May 19, 2003

A Public Hearing was held on Monday, May 19, 2003 at 6:45 P.M., in Council Chambers with Mayor Wayne E. Printz presiding. The roll call was as follows:

PRESENT
J. T. Dean
C. H. Murphy
T. Pence
L. Sigafoose
R. L. Snow
P. Workman

Faye Vickers, Treasurer, Richard Pullen, Chief of Police, Todd McCoy, Director of Public Works/Zoning Administrator, Richard Carey, Clerk of Council, and Madelyn Dixon and Dan Talbot from the Planning Commission were also in attendance.

Mayor Printz stated the purpose of the Public Hearing was to receive comments on amending the Town Code Book to delete sidewalk and curbing & guttering requirements in Sections 110-609E(5)(g), 110-609F(3), 110-707F(2)(g), 110-707G(1)(e) and 110-904I(7)(9).

Mr. McCoy stated the notice of the Public Hearing appeared in *The Valley Banner* on May 1 and May 8, 2003.

Mary K. Hutton, 515 Chestnut Avenue, asked what person, or committee, proposed the Code change, and what was the purpose. Although she had not researched the State Code regarding annexation, she assumed that curbing and guttering would be required within a specified time in the annexed areas. As a long-time resident of the Town, Mrs. Hutton stated her street did not have curbing and guttering.

Mayor Printz answered a part of Mrs. Hutton's inquiry by stating the Planning Commission, after a lengthy discussion, recommended this amendment. Council member Snow added this requirement was relatively new, having been added five to ten years ago.

Lee Dearing, 124 North Street, believed the amendment would benefit only the developers and supported the Code as it is currently written. He named the new sub-division development across from Roosters, the undeveloped area of Elkwood, and Chicken Hill as three locations that would have run-off entering the Town. Mr. Dearing stated that in time the taxpayers would shoulder the burden of run-off if sidewalks and curbing & guttering were not required in sub-division development.

Dan Talbot, a member of the Planning Commission, stated the amendment applied only to sub-divisions. The Planning Commission recognized an added burden for developers within Town, as the County of Rockingham does not require curb and gutter. It was the Planning Commission's recommendation to maintain the sidewalk requirement to allow for pedestrian egress. Mr. Talbot also made it clear that a developer must meet State Code.

Council member Pence, speaking as a resident of Elkwood, stated he did not have a sidewalk or curbing & guttering, which he was satisfied not to have.

Caroline Brill, 148 Sweetgum, favored not eliminating the current requirements, but suggested Council consider each development plan for the need for curb & gutter.

Mike O'Neill, 425 East Rockingham, spoke in favor of the current language. Mr. O'Neill agreed with Mrs. Brill that developers will build Elkton because the Town has water and sewer. The relaxing of the rules to accommodate developers troubled him.

Vice Mayor Murphy inquired about State Code for curb & gutter. Attorney Miller stated he believed it was not a requirement under State Code.

Council member Workman believed by channeling storm water with curb & gutter would only lead to additional problems for the Town. Mr. McCoy corrected some comments by stating that storm water does not flow into the Town's sewer system.

Ray Knicely stated State Code mandates that more water after development cannot drain on to adjoining properties than existed prior to development. Mr. Knicely stated that a holding pond would be constructed at the low end of the development, with drainage pipes designed to release the storm water at the same rate that would be experienced without the development. He envisioned the pond to occupy approximately 1/4 to 1/3 acre in size. Most ponds are 4 to 6 feet deep, with fencing - generally.

As there were no additional comments, Mayor Printz closed the Public Hearing.

MAYOR: _____
Wayne E. Printz, Mayor

RECORDER: _____
Richard D. Carey, Clerk