
**TOWN OF WENTWORTH
TOWN COUNCIL MEETING
AUGUST 3, 2010
7:00 P.M.**

The Wentworth Town Council held their regular monthly meeting in the Town Hall Council Chambers, on **Tuesday, August 3, 2010, at 7:00 p.m.**

Council members present: Mayor Robert Aswell, Councilwoman Iris Powell, and Councilwoman Evelyn Conner

Council members absent: Mayor Pro Tem James Belcher and Councilman Dennis Paschal

A quorum was present.

Staff Present: Brenda Ward, Town Administrator - Town Clerk
Fred Baggett, Town Attorney / and Deputy Clarence
Cheshire

Article I. **Mayor Robert Aswell** called the August 3rd, 2010, Wentworth Town Council Meeting to order.

Article II. **Councilwoman Iris Powell** gave the **Invocation.**

Article III. **Approval of August 3, 2010 Agenda**

A. Requests and Petitions of Citizens

Mayor Aswell advised that no one signed the Speaker Register to address Council, and made a motion, *“That the Agenda stand as is.”*

Councilwoman Conner seconded the motion. There was no discussion. All voted in favor and the motion carried.

Article IV. **Approval of Minutes - July 6, 2010 Town Council Meeting**

Mayor Aswell asked if there were any corrections to the Minutes.

Councilwoman Powell made a motion, *“That we accept them as they are.”*

Mayor Aswell seconded the motion. There was no discussion. All voted in favor and the motion carried.

Article V. **Old Business** – There was no Old Business for discussion.

Article VI. PUBLIC HEARING

- A. Consideration of Revisions to Town of Wentworth Planning and Zoning Ordinances – Chapter 3: Subdivisions, Article IV, Section 2(c); Article V, Sections 1-5; Article VI, Section 9(a, c, & d) and Section 16; Article VII, Section 3(a, b & e) and, Appendices to Chapter 3: Request to adopt revisions to environmental health requirements for subdivision plat approval; to clarify the subdivision approval process; and to revise the plat specifications, certificates, and statements.**

- **Frankie Legaux, Assistant Director / Rockingham County Planning and Zoning Department**

Mayor Aswell asked **Ms. Frankie Legaux**, Assistant Director of Rockingham County Planning and Zoning, to present the requested changes and revisions to Council.

Ms. Legaux advised, “Tonight you are considering revisions to your Planning and Zoning Ordinance in Chapter 3, Subdivisions. The main reason we are doing this is because, in 2008, the environmental health regulations changed throughout the State. When the ordinances were initially written, the environmental health rules were quite a bit different than they are now, so we wanted to take the time to update the Ordinance to include all of the new things that have gone in.”

“The other thing...is that we are going to clarify the subdivision approval process and then in the actual appendices to Chapter 3, we are updating the plat specifications, certifications, and statements.”

Ms. Legaux asked Council if they would like her to go through the revisions item by item, or to “just highlight the main things”. Council advised her to highlight the major changes, since they had already reviewed the information in their packets.

Ms. Legaux continued: “As far as environmental health changes, the main difference is that now Environmental Health allows licensed soil scientists to actually perform the initial test of a property to determine whether or not it will perc. She noted that in a major subdivision a licensed soil scientist can have a certificate on the plat stating that he has evaluated the soils and that “it *looks* like it will perc.”

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“But,” **Ms. Legaux** continued, “it does not change the fact that for a final plat approval, you will still need to have the Rockingham County Environmental Health Department sign off on a plat. The sign-off will not take place on the plat like it usually does. What they are going to do now is issue a letter. They will not sign off on the plat, but there will be a statement on the plat that says it has been evaluated and that there is a letter on file, and that an individual can go to the environmental health department and find out what the specifications are on that lot. The reason is...before, a lot would either perc or it wouldn't perc, and that is what they put on the plat. Now they are saying that although it may perc, they can also put conditions on a specific site. It might be issued with the condition that you not disturb any of the soil in the septic area...that's a possible condition, but there may be other conditions they would place on it.”

“This letter to us, for example...if they have 15 lots that are being evaluated, it might say that lots one through eight received an improvement permit, but lots nine and ten did not...and then eleven through fifteen, they may issue improvements on. So they can actually designate which lots pass, which lots didn't pass, and if there are any conditions on specific lots.”

“There may be a case also where they would state that an off-site septic system would be required for a particular lot. It will give them a little more control over what is being allowed.”

“Normally, an improvement permit is issued for five years...by Environmental Health. At the end of five years, it expires; however, what we were doing in the past was signing off on it and saying that this lot would perc twenty, thirty years down the road. So that is another reason these rules are changing...because the permit is only issued for a five-year period, and if we put that on a plat—that it percs, it meant that it percs forever. So, it's giving them a little more control over the lots and what might happen to them in the future...if, for example, people come in and grade or disturb the site in one way or another.”

Ms. Legaux added, “The other thing that has changed in environmental health regulations is, prior to 2008, Environmental Health would do a check of the existing system. For example, if you had a larger parcel of land, and someone was cutting out a lot for their child, and there might be an existing house on it. Before the new changes, Environmental Health was required to do a check of the

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existing systems on that lot. A check of the existing system is still required, but the individual has to hire a licensed, certified, on-site wastewater contractor to do this test. You will also have a statement on there that says the test has been done. Environmental Health will receive a letter from the certified, on-site, wastewater contractor, and will keep that letter on file.”

Ms. Legaux referred Council to Certificate 2 in Appendix B, explaining, “We have had a lot of problems in subdivisions that have covenants...people calling the County and wanting us to solve problems that arise from their covenants...disagreements between neighbors about what is allowed or not allowed under the covenant. We have always taken the approach that covenants are agreements between the purchaser of the property and the developer and/or the Homeowners’ Association, and the County is not a part to that. We normally advise them that they should consult a lawyer to determine what their rights are under the covenant.”

Ms. Legaux advised that sections (a) and (b) under Certificate 2 (Page III-30) reflect this information. She also said that during the Planning Board meeting, she realized that the statement in (b) should also name the Town of Wentworth, as well as Rockingham County, as far as them not being responsible for enforcement of any deed restrictions/covenants.

Ms. Legaux informed Council that she did not write these changes on her own. She advised that Environment Health personnel assisted her to be sure their regulations were accurately incorporated. She also said the Mr. Edwin Stott, an employee of Environmental Health attended the Planning Board meeting to answer any questions, but was unable to attend the Town Council meeting.

Ms. Legaux said she would be glad to answer any questions Council may have. There were no questions from Council.

Mayor Aswell made a motion, “*That we approve the revisions to the Town of Wentworth Planning and Zoning Ordinance, Chapter 3, and that we adopt the Statements of Consistency as required by North Carolina General Statutes 160A-382(b) and 160 A-383, and as outlined in the Town Council’s Analysis and Statement.*”

Councilwoman Powell seconded the motion. There was no further discussion. All voted in favor and the motion carried.

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Article VII. NEW BUSINESS

A. Discussion

(1) Road Name (Extension of NC 65/87)

**(2) Road Name Change for Prison Camp Road, as Requested
By Rockingham County.**

- **Frankie Legaux, Assistant Director / Rockingham County
Planning and Zoning Department**

Mayor Aswell commented, "I think we should just let the County name the road," and asked Ms. Legaux for her comments.

Ms. Legaux advised, "What we have is a plat that you have in front of you, and the County wants to name Prison Camp Road something else...what, we don't know yet."

Ms. Legaux said the County wants to get the process started for naming the new road before the next town council meeting and wanted Council to have a look at the plat now.

She explained, "This is a plat that was done for discussion purposes with the (Fidelity) bank, Mr. (Jimmy) Thompson, NCDOT, and also Fleming Engineering. Because the area is in the Town of Wentworth, the County wanted to include you in the discussion."

Ms. Legaux referred to the new street that would go behind Fidelity Bank, over to what is currently Prison Camp Road. She advised that Mr. Thompson would like to name that street (Street B) "Thompson Way or something similar that includes his name."

"We thought it was appropriate," said **Ms. Legaux**, "for the Town to name Street A since it will probably eventually connect to Peach Tree, as one of the main roads in your Central Business District."

Town Administrator, Brenda Ward, advised that the Town's Master Plan shows a road crossing Peach Tree Road, in back of the Town Hall and around to NC 87. She reminded Council that in previous discussions, Town Hall Drive was the suggested name.

Mrs. Ward said the County is assuming that the Town would want to name Street A, beginning at the intersection of NC65/87, "...but we need to keep in mind that it may eventually come around to connect to Peach

Tree Road, and that's why I think Town Hall Drive would be appropriate, unless y'all have other ideas."

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Ms. Legaux reviewed the plat in greater detail for Council, as to the bank's driveways, exactly where the extension of NC65/87 would come in on the other side of the Vocational Rehabilitation building, and a planned entrance into the bank from Street B (Thompson Way).

Mayor Aswell advised that in a recent meeting with NCDOT, the decision was made to allow the bank to keep one of the driveways open, although there had been previous plans by D.O.T. to close both of them.

Ms. Legaux advised that this would be considered a major subdivision because of the road being put in, and would therefore go before the Technical Review Committee. She added, "We know that the Town Council reviews major subdivisions, but there won't be a rezoning involved with this property, so that is why we are submitting it to you tonight...so that you will have seen the configuration and know exactly what is happening."

Ms. Legaux apologized for not having a better plat and noted that a final plat will reflect, "...your specifications for a major subdivision."

"What we would like," said **Ms. Legaux**, "is something from you to allow us to go to NCDOT, because the road name will have to be on the plat."

Ms. Ward said she thought the Town would have to request the road name change, by resolution, since it is in the town limits.

Ms. Legaux replied, "There is going to have to be a resolution done, but we wanted to get your general agreement."

Councilwoman Conner asked Ms. Legaux how soon she needed Council's decision.

Ms. Legaux replied, "It will have to be ready by the third Wednesday of this month (August 18) in order for it to go before the TRC on the fourth Thursday(August 26). They need to get the go-ahead to be able to start the construction."

Ms. Legaux advised, "We would like to know the name of the road (Street A) and to know that the plat is okay with you, because then we can prepare the resolution that will be needed for the name change (Prison Camp Road) and by us naming it, the County will take care of that. We are just asking for the road name so it can be put on the plat."

“It has to be drawn (on the plat) to go to TRC,” **Mr. Baggett**, Town Attorney, commented.

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Mayor Aswell asked if the County wants the Town to rename Prison Camp Road.

Ms. Legaux replied, “The County will rename Prison Camp Road and do the resolution. Street B, Mr. Thompson would like to have named Thompson Way, and Street A is what we want you to name.”

Councilwoman Conner made a motion, “*To approve naming Street B, Thompson Way.*” **Mayor Aswell** seconded the motion. There was no discussion. All voted in favor and the motion carried.

Mayor Aswell made a motion, “*That we name Street A, Town Hall Drive.*” **Councilwoman Conner** seconded the motion. There was no discussion. All voted in favor and the motion carried.

Mayor Aswell asked if Council had any recommendations for renaming Prison Camp Road.

Councilwoman Conner said she would like for it to be named after “Captain Taylor who was over the prison for so many years.”

Ms. Ward advised Council that County Manager Tom Robinson has suggested Justice Drive.

Deputy Cheshire said perhaps the two names could be combined as in “Taylor Justice Drive.”

Councilwoman Conner then made a motion, “*That we recommend the name Taylor Justice Way.*”

Mayor Aswell seconded the motion. There was no further discussion. All voted in favor and the motion carried.

**Article VII. B. Approval for Town Clerk to Attend the N.C. Association of Municipal Clerks’ Conference in Asheville NC / Aug. 12-15
Registration: \$185 (includes meals); Room Rate: \$129.00**

Councilwoman Conner made a motion, “*That we approve the Town Clerk’s attendance at the N.C. Association of Municipal Clerks’ Conference in Asheville, August 12-15.*”

Mayor Aswell seconded the motion. There was no further discussion. All voted in favor and the motion carried.

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**Article VII. C. Approval for Planning Board Members/Staff to Attend the
NC Planning Conference in New Bern, NC
September 29-Oct. 1, 2010
Registration: \$159 each (Includes Breakfasts & Lunches)
Room Rate: \$109.00 - \$159.00**

Councilwoman Conner made a motion, *“To approve the planning board members and staff’s attendance at the North Carolina Planning Conference in New Bern, September 29 through October 1st, 2010.”*

Councilwoman Powell seconded the motion. There was no discussion. All voted in favor and the motion carried.

Article VIII. PUBLIC COMMENTS

No one signed the Speaker Register for public comments.

Article IX. ANNOUNCEMENTS

Mayor Aswell made the following announcements:

- The next regular meeting of the **Town of Wentworth Planning Board** will be held on **Tuesday, August 17, 2010**, at **7:00 p.m.** in the Town Hall Council Chambers.
- The next regular meeting of the **Wentworth Town Council** will be held in the Town Hall Council Chambers on **Tuesday, September 7, 2010**, at **7:00 p.m.**

Article IX. A D J O U R N

Mayor Aswell made a motion, *“To adjourn the meeting.”*

The motion was seconded by **Councilwoman Conner**. All voted in favor and the meeting was adjourned.

Respectfully Submitted By: _____
Brenda Ward, Town Clerk

Approved By: _____
Robert P. Aswell, Mayor