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**TOWN OF WENTWORTH  
TOWN COUNCIL MEETING  
MINUTES  
JANUARY 5, 2010  
7:00 P.M.**

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**The Wentworth Town Council** held their regular monthly meeting in the Town Hall Council Chambers, on **Tuesday, January 5, 2010, at 7:00 p.m.**

**Council members present:** Mayor Robert Aswell, Mayor Pro Tem James Belcher, Councilwoman Evelyn Conner, and Councilman Dennis Paschal

**Council members absent:** Councilwoman Iris Powell

**A quorum was present.**

**Staff Present:** Brenda Ward, Town Administrator - Town Clerk  
Fred Baggett, Town Attorney / Yvonne Russell, Finance Officer, and Deputy Clarence Cheshire

**Article I.** Mayor Aswell called the January 5<sup>th</sup>, 2010, Wentworth Town Council Meeting to order.

**Article II.** Mayor Pro Tem James Belcher gave the **Invocation.**

**Article III.** **Discussion / Revisions / Adoption of Agenda**

**A. Requests and Petitions of Citizens**

Mayor Aswell noted, *“We need to add to the Agenda, under Article VI. New Business, Item C-3, the application from Whit Whitley as a member of the Wentworth Planning Board, and approve the Agenda with this addition.”*

Mayor Pro Tem James Belcher seconded the motion. There was no discussion. All voted in favor and the motion carried.

**Article IV.** **Approval of Town Council Meeting Minutes**

**A. Town Council Organizational Meeting – December 1<sup>st</sup>, 2009**

Councilman Dennis Paschal made a motion, *“To approve the Minutes as written.”* Mayor Aswell seconded the motion. There was no discussion. All voted in favor and the motion carried.

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**Article V. OLD BUSINESS**

**Mayor Aswell advised**, “We have no Old Business to discuss.”

**Article VI. NEW BUSINESS**

**A. Consideration of Plat Approval (Subdivision for Recombination of Lots—E. Lee Kimbro property (Wentworth Estates) & McMichael Property on NC 87**

- **Ms. Frankie Legaux, Assistant Director, Rockingham County Planning Department**

**Mayor Aswell** invited Ms. Frankie Legaux to address Council concerning the plat approval.

**Ms. Legaux** explained to Council, “I sent you a memo on why this is coming before you. Normally, this would not be considered a subdivision. As you know, a consent judgment was filed between Mr. Kimbro and the Town of Wentworth, the Town Council, regarding the rezoning and subdivision known as Wentworth Estates.”

“Condition # 7 in the Judgment says that Mr. Kimbro and *‘any entities in which he has a substantial ownership shall not be allowed to subdivide the southern portion of the tract which remains zoned Residential Agricultural. This condition is specific and personal to Plaintiff Kimbro and entities in which he has substantial ownership, and is not binding upon future owners, heirs, successors or assigns.’*”

“The McMichael property is located west of Wentworth Estates Tract A, as can be seen on the map in your packets. Mr. McMichael’s property is not part of Wentworth Estates and not a part of the Consent Judgment. But, as shown on the plat, a fence, block building, and slab, encroaches on Tract A of the Kimbro property. Apparently, Mr. McMichael has been trying to sell this lot, and people have been concerned about the situation, so Mr. McMichael would like to get it corrected.”

**Ms. Legaux** advised, “Mr. Kimbro and Mr. McMichael have agreed to this recombination of lots which would place the building and fence on Mr. McMichael’s property. Additionally, the Wentworth Planning and Zoning Ordinances classify a recombination as an exception. An exception is a division of land that is not subject to the regulations prescribed by the ordinance and not subject to approval by the Town Council or the Planning Department.”

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**Ms. Legaux** added, “The Town Attorney (Fred Baggett) concurs with Staff and recommends that the Town Council approve the plat since it is not actually a subdivision of Tract A and therefore not inconsistent with the intent of the Judgment.”

**Ms. Legaux** asked Council if they had any questions concerning the Plat Approval.

**Mayor Pro Tem Belcher** replied, “This is just strictly to realign...already conforming lots...”

**Mayor Aswell** agreed, and **Ms. Legaux** affirmed also.

There were no other questions.

**Mayor Pro Tem Belcher** made a motion, “*To approve the recombination of lots for E. Lee Kimbro and McMichael property, as described on the plat supplied to Council.*”

**Councilman Paschal** seconded the motion. There was no further discussion. All voted in favor and the motion carried.

**Article VI. New Business – Continued**

**B. Consideration of Proposal from John Davenport Engineering, Inc. (± \$6,000) for Traffic Impact Analysis**

**Mayor Aswell** advised that the Town Administrator contacted the gentleman from John Davenport Engineering to see if he could be present at the meeting in case anyone had questions concerning the proposal.

**Mayor Aswell** said that Mr. Howard W. Fleming, Jr. was unable to make it to the January meeting, “...so I make a motion that we table this until the next meeting (February 2, 2010).”

**Mayor Pro Tem Belcher** seconded the motion. There was no discussion. All voted in favor and the motion carried.

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**Article VI. New Business - Continued**

**C. Consideration of Applications for Appointment to the Town of  
Wentworth Planning Board, Effective January 5, 2010**

- 1) Joey D. Troxler**
- 2) Robert Witherspoon**
- 3) Whit Whitley**

**Mayor Aswell** said he had a suggestion regarding the Planning Board, concerning Alternates Ken Hux and Sandra Griffith—*“I would like for us to officially remove them as Alternates.* Brenda (Town Administrator) said that neither of them has attended a meeting in a couple of years.”

**Mrs. Ward** confirmed that Mr. Hux teaches a college class on Tuesday evenings and, “...hasn’t been able to come to any meetings, and we haven’t seen or heard from Sandra Griffith in quite a long time.”

**Mrs. Ward** then asked Mayor Aswell, “So, are you making that a motion?” **Mayor Aswell** replied, “Yes, it is a motion.”

**Mayor Pro Tem Belcher** seconded the motion. There was no further discussion. All voted in favor and the motion carried.

**Mayor Aswell** said Council was advised at the October, 2009, Town Council Meeting that Planning Board Member Judy Wall did not want to be reappointed to the Planning Board at the expiration of her term (December 2009). He noted that James Talley had agreed to replace Judy Wall as a regular member of the Wentworth Planning Board.

**Mayor Aswell** said that the Town Clerk asked that this be restated, “for the record,” to confirm Council approval for Mr. Talley to serve as a regular member of the Board. There was no objection from Council.

**Mrs. Ward** said, “The January Minutes will reflect Mr. Talley’s status as a regular member of the Planning Board. *(Note: Judy Wall was appointed by Council at the November, 2009, Town Council Meeting, as an Alternate member of the Planning Board).*”

**Mayor Aswell** moved on to consideration of the applicants listed on the Agenda for appointment to the Planning Board, explaining that *only one regular member* is needed to replace outgoing member, Cindy Shannon, whose term has expired.

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**Councilwoman Evelyn Conner** said, *“I think that we should appoint Robert Witherspoon as a member of the Planning Board. He applied one other time, and he has been very willing and available to help the Town when we need something, and he apparently has an interest in serving.”*

The **Town Clerk** asked, “Is that a motion?” “It is,” replied **Councilwoman Conner**.

**Councilman Paschal** seconded the motion. There was no discussion. All voted in favor of appointing Mr. Witherspoon as a regular member of the Town of Wentworth Planning Board. *(Note: Per Policies for Town Boards and Committees, Mr. Witherspoon is appointed for a four-year term, from January 2010 through December 2013.)*

**Mayor Pro Tem Belcher** made a motion, *“To appoint Mr. Joey Troxler and Mr. Whit Whitley as Alternate members of the Planning Board.”*

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

**Article VI. New Business – Continued**

**D. Consideration of Applications for Appointments to the Town of Wentworth Recreation Committee**

**1. Mr. Jim Scott (Replacing Richard Capps)**

**Mrs. Ward, Town Administrator**, referred Council to her memo advising them that Mr. Capps, Chairman of the Recreation Committee, had decided *not* to resign from the Committee.

“In the meantime,” **Mrs. Ward** explained, “Jim Scott submitted an application to serve on the Recreation Committee. The problem is that our bylaws state that only one non-resident may serve on Town committees. If Mr. Capps were going to resign, you could appoint Mr. Scott who also resides outside the Town limits of Wentworth. However, unless you change the bylaws, you cannot appoint both of them, since they are both non-residents.”

**Mayor Pro Tem Belcher** made a motion, *“To remove the statement in the Recreation Committee Bylaws, that limits the number of out-of-town residents who can serve on a committee.”*

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

**Mayor Pro Tem Belcher** then made a motion, *“To appoint Jim Scott to serve on the Town of Wentworth Recreation Committee.”*

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

*(Note: For the record, Mr. Capps’ three-year term on the Recreation Committee will expire at the end of 2010. Mr. Scott’s appointment is from January 2010 through December 2013.)*

**Article VII. Public Comments**

**Mayor Aswell** said no one signed the Speaker Register to address Council.

**Article VIII. Announcements**

The **Town Administrator** asked Town Attorney Fred Baggett to explain the requirements of the new law regarding ethics training for elected officials. **Mr. Baggett** said it is mandatory that all elected officials take this course. He encouraged council to take advantage of the opportunity to do so at one of the Essentials of Municipal Government classes in the next couple of months.

**Mayor Aswell** made the following announcements:

- The **Town of Wentworth Planning Board** *will not meet* in January. The next regularly scheduled meeting is **Tuesday, February 16, 2010**, at 7:00 p.m.
- The next regular meeting of the **Wentworth Town Council** will be held in the Town Hall Council Chambers on **Tuesday, February 2, 2010**, at 7:00 p.m.

**Deputy Clarence Cheshire** asked to address Council. He thanked everyone for the help and support he received on the Christmas Parade, and acknowledged Mr. Roy Sawyers’ presence at the meeting and complimented him on the good job he did covering the parade on his website ([www.RCENO.com](http://www.RCENO.com)).

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In further discussion, **Mayor Pro Tem Belcher** and **Councilwoman Conner** reminded the Town Clerk to have a plaque made for Robert (“Tink”) Witherspoon. This is to express Council’s appreciation for the many times Mr. Witherspoon has volunteered his time and labor to help the Staff and the Town in various ways.

**Article IX. A D J O U R N**

**Mayor Aswell** asked for a motion to adjourn. **Pro Tem Belcher** made a motion, “That we adjourn the meeting.”

All voted in favor and the motion carried.

**Respectfully Submitted By:** \_\_\_\_\_  
**Brenda Ward, Town Clerk**

**Approved By:** \_\_\_\_\_  
**Robert P. Aswell, Mayor**