
**TOWN OF WENTWORTH
MINUTES FOR**

**THE TOWN COUNCIL MEETING
MAY 1, 2012
7:00 P.M.**

The Wentworth Town Council held its regular monthly meeting on **Tuesday, May 1, 2012**, at **7:00 p.m.** in the Town Hall Council Chambers.

Council members present: Mayor Dennis Paschal, Mayor Pro Tem Evelyn Conner, Councilman Robert Aswell, Councilwoman Iris Powell, and Councilman Dennis Paschal III.

A quorum was present.

Staff Present: Brenda Ward, Town Administrator & Town Clerk / Yvonne Russell, Finance Officer & Deputy Clerk / Tom Terrell, Town Attorney, and Deputy Travis Loftis.

ARTICLE I. CALL TO ORDER: Mayor Dennis Paschal

ARTICLE II. INVOCATION: Mayor Paschal

ARTICLE III. Approval of May 1, 2012, Town Council Agenda

A. Requests & Petitions of Citizens

Mayor Paschal noted that no one signed the Speaker Register, and made a motion, *“That we approve the Agenda as written.”*

Councilman Paschal seconded the motion. All voted in favor and the motion carried.

ARTICLE IV. Approval of Minutes

▪ **Joint Town Council & Planning Board Meeting on March 20, 2012**

Mayor Paschal made a motion, *“To approve those Minutes as written.”*

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

▪ **Town Council Meeting on April 3, 2012**

Councilman Robert Aswell made a motion, *“That the Minutes stand approved as written.”*

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

ARTICLE V. PUBLIC HEARING

A. Consideration of Revisions to the Town of Wentworth Planning & Zoning Ordinances

1) Chapter 2- Zoning

- **Article V. Establishment of Districts, Section 5-1;**
- **Article VII. District Regulations - Sections 7-1 through 7-4.6;**
- **Article VIII. Dimensional Requirements, Section 8-1;**
- **Article X. Signs, Section 10-6.3**
- **Article XV. Landscape, Design and Site Standards, Section 15-2; and Appendix B**

2) Chapter 3 – Subdivisions

- **Article VI. Section 5.c**

*This is a request to **rename** the Central Business District-Core (CBD-C) to Central Business District (CBD), and to delete the Central Business District-Secondary zoning district; and to **correct** the name “Restricted” Protected Conditional District to read “Residential” Protected Conditional District; and to **add** a new “NC 87-65 Highway Overlay District” (HOD); to **change design standards** for the Central Business District zoning district, and to **add design standards** for the NC 87-65 Highway Overlay District; to delete the Central Business District Concept Plan map, to **add** the Central Business district and NC 87-65 Highway Overlay District map and to **delete** and **add** text to other zoning and subdivision sections to effect these changes.*

Mayor Paschal moved to the next item on the Agenda—a Public Hearing for Consideration of Revisions to the Town Of Wentworth Planning and Zoning Ordinances.

After opening the Public Hearing, **Mayor Paschal** asked **Lucas Carter** with the Rockingham County Planning Department, to address Council concerning the text amendments.

Mr. Carter began: “The amendments before you tonight are the result of a lot of hard work by the Town Council, the Planning Board, and by staff members as well, who have been there along the way.”

“Just to give a quick overview of how to read the amendments that have been submitted, and for anybody out there in the audience who might have questions as well, you will notice that some of the language will have a strikethrough—a line through the text, meaning those words are to be taken out... You will also notice that some wording is italicized. That is the part proposed to be *added* to the ordinance.”

Article V. PUBLIC HEARING – Continued

Mr. Carter said the goal of the proposed changes is to take the Central Business District-Secondary zoning district, and for the most part, *convert it to an overlay district*. The overlay district would be named the **North Carolina 87/65 Highway Overlay District**.

“In order to do so,” **Mr. Carter** said, “there are several changes throughout the ordinance that need to take place. What you had to begin with was *two* Central Business zoning districts—one, the *Core* and one, the *Secondary*. By doing away with the secondary, there is no need to reference the remaining CBD (Central Business District) as Core, or to distinguish it in any way, other than just **Central Business District (CBD)** zoning district.”

Mr. Carter noted that the area in the *new* Central Business District is the same as the previous CBD-Core and CBD-Secondary, combined.

He continued, “So, that is the first change that you see there under [Article V. Section 1] District Names, is to strike through CBD Secondary and to strike through the word ‘Core’ after CBD.”

“Also, In District Regulations, this is the part of the ordinance where the name of each zoning district is given and then the purpose for the zoning district is given...again, taking out core and completely striking CBD Secondary, because it is no longer a zoning district.”

Mr. Carter then referenced Section 2. Conditional Districts, explaining that the next change, “...is actually just a housekeeping thing.”

He pointed out that in the chart, beside RP-CD, the word “restricted” has been marked through because it should read *Residential* Protected Conditional District, rather than “restricted” Protected Conditional District.

Councilwoman Powell asked Mr. Carter if he could reference what page he is on so that Council could follow along better. **Mr. Carter** advised that he was “on the back of Page 1...Page 2, under Section 2. Conditional Districts...in the chart where it lists each zoning district.”

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The second change to the chart referenced by Mr. Carter, was the removal (strikethrough) of CBD-S-CD (Central Business District-Secondary Conditional District) since that is no longer a valid zoning district.

“The next change,” said **Mr. Carter**, “has to do with taking the Central Business District-Secondary and making it an *overlay district*. This is under Section 3. Overlay Districts. It is the part of the ordinance that lists each overlay district recognized under the Wentworth UDO (Unified Development Ordinance) and we are proposing to add a HOD (Highway Overlay District) district, which is the North Carolina 87/765 Highway Overlay District.”

Mr. Carter read the purpose of this district for Council: “*The purpose of the NC 87-65 Highway Overlay District is to provide design standards creating a transition between the Central Business District and existing development in the Town of Wentworth*”.

He said this wording is proposed to be added to the Town’s ordinance.

Moving to the Table of Permitted Uses (Section 4), **Mr. Carter** explained that CBD-S is proposed to be stricken from the table, “because we are doing away with that zoning district, and there does not need to be a representation of that district in the zoning table.”

Mr. Carter asked Council to move to the “Notes to the Table of Permitted Uses” section and advised that there are places where the Central Business District – Core and CBD-Secondary are referenced.

He explained, “In Notes 9 and 10, any mention of core is taken out in both, and any mention of CBD-Secondary is taken out in both.”

Mr. Carter referenced the section after “Notes to the Table of Permitted Uses” in Council’s handout, explaining that he did not cut and paste complete text for the sections described, since no (design) standards are being changed but only the *removal* of the Central Business District- Secondary as a zoning district where the uses mentioned will be allowed.

He added, “I am just referencing the specific design guidelines or the specific Special Use Permit and saying this specific one, we are removing all CBD-S as a zoning district where this use would be allowed.”

“Under Development Guidelines , we are deleting CBD-Secondary as a district altogether, and therefore it is not a district where Special Events would take place.”

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“As for Special Uses, again, we would delete CBD-Secondary as a Special Use District for Tourist Homes, including Bed and Breakfast.”

Mr. Carter continued, “In the requirement for a Special Use Permit for a Planned Business Development, we are also taking out CBD-Secondary as a zoning district for that use...again, because we are proposing to strike all references to CBD-Secondary.”

“Moving to the next Special Use, we are taking Central Business District-Secondary out of the Special Use District for Public Utilities, which would include substations, transformers, water or sewage treatment plants, and water towers.”

“Also, we will be taking out CBD-Secondary as a Special Use District for schools, academic and building trade, which would include academic schools and business/trade schools.”

“The next section of the Ordinance that would be impacted by the removal of Central Business District-Secondary is under Article VII – Dimensional Requirements in Section 1. Table of Area and Yard Requirements, also know as *Setbacks Table*. Again, any mention of Central Business District-Secondary is to be removed from this Table, meaning that all of the regulations that would be listed under that zoning district are also taken out.”

Mr. Carter referred Council to Page 5 under Article X – Signs.

As for **Outdoor Advertising Signs**, the regulations mention CBD-*Core* and CBD-*Secondary*, so we will strike core and secondary.”

“Now, we move to the Landscape, Design and Site Standards (Article XV) and this is what we have been working on for a long time.”

“In making the changes and looking over how it would read, it just made sense to me to have the Design Review Process apply to both the CBD and the NC87/65 Highway Overlay District. We, basically, had it that way before, but it didn’t really say that. They both fell under Section 2, so they would both be applicable to the process discussed there in Section 2, but it didn’t actually say that both would be applicable. We have added NC87/65 HOD to that, so both are covered. Also, in the Pre-meeting part...you see in italics the proposed addition of NC87/65 HOD.”

Mayor Paschal asked, “Regarding the Outdoor Advertising Signs, we talked about the signs out here on the road. You mention a *minimum distance between any two outdoor advertising sign structures of 1,000 linear feet*—is that for any one person or is it for separate property owners...?”

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“So, we should specify what an Outdoor Advertising Sign *is*,” said **Mr. Carter**. “This is the very large billboard sign you would see riding down the highway. What you see on this stretch of road out here—where the actual business owns the property—that is a principle use identification sign, so it is the sign identifying where the business is located.”

“In this case,” said **Mr. Carter**, “it can be as high as 672 square feet on a four-lane highway, and those are the big billboard signs.”

Mayor Paschal replied, “I noticed the dimensions were large, so I just wanted to be sure it wasn’t what we talked about for out here.”

Mr. Carter added, “The amendments for the signs that we discussed at our joint meeting comes later, and that brings us to a good place for me to say that if at any time you all want me to stop and you have a question, please speak up.”

At this point, **Tom Terrell** of Smith Moore Leatherwood, attorneys for the Town, said he would like to ask a question.

Mr. Terrell asked, “On the sign standards, who makes the decision on whether or not something complies with design standards...is it a staff determination or does it come before the Town Council?”

Mr. Carter replied, “In this case it is a legislative procedure, so it would be up to the applicant to meet these standards and then it could go to the Board and if they decide it doesn’t meet the standards, they can deny it...”

Mr. Carter explained, “This kind of legislative proceeding would be done as a Conditional District rezoning, and there would be a condition referencing these and saying that...you would have to conform to these standards. So, it would be part of Staff review...when the developer came in and submitted their plans, they would need to show something in the packet of information for design review, that they are meeting these standards.”

Mr. Terrell explained to the Mayor and Council, “The reason I am asking the question is because what I’m seeing here in my initial voyage through these new standards, is that there is a degree of subjectivity, and subjectivity raises the red flag that at some point, if it is going through you as the elected body, it becomes a quasi-judicial hearing, because you are making findings as to whether or not it meets the *subjective* standards. Now, if they are reasonably *objective*, then there is no problem.”

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“If it is a staff-level decision and you are making what would be determined as a subjective call, then your decision could be appealable to the Board of Adjustment. I just want to be sure that those protections are built in...and this is the first time I’ve seen it (ordinance text changes). The answers may be there...I don’t know...I’m just raising the question,” **Mr. Terrell** explained.

(**Note:** Mr. Terrell was standing in as legal counsel for the Town, due to the resignation of Town Attorney, Fred Baggett, and had not been involved in the process (work sessions) for the text amendment changes.)

Mr. Carter explained, “There is nothing in this section that specifically states that this can be appealed, but there is another section in the ordinance already that says if an applicant wants to appeal the Zoning Administrator’s decision...they could do so and then they could either clarify the language or make a determination as to whether or not the proposal actually meets that particular standard...so it is appealable to the Board of Adjustment, and is already in the ordinance in another section.”

Mr. Terrell asked, “But that’s when it comes *back* to you to make the decision?”

Mr. Carter: “In order to make an appeal on this, it will have gone through the rezoning process...”

Mr. Terrell remarked, “If I hear you right, I think you’re saying you make application, then it would go through the Planning Board first, then it comes to Council and Council decides...whether or not to rezone it, and then they add the condition that it *must* meet these design standards. Then, whether or not it meets the design standards, is a staff-level decision.”

“Yes”, replied **Mr. Carter**, “and that will be imposed when the developer comes in to request site-plan approval, which would be this design review process...what is set out here.”

“But that can be appealed to the Board of Adjustment?” asked **Mayor Paschal**.

“If the Zoning Administrator makes the decision as to whether or not the developer has followed these guidelines, that (decision) is appealable to the Board of Adjustment,” **Mr. Carter** replied.

Mr. Terrell noted, “I’m looking at this and I see, ‘the façade shall create *visual* rhythm’...it is highly subjective and whether or not a color is *muted* is a subjective determination, but if it is appealable, I think you’re safe.”

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“Yes, sir, it is appealable,” **Mr. Carter** replied.

He added, “Everything that comes through, whether it is zoned Central Business District or in the Highway Overlay District, would have to go through this Design Review Process. That is where the developer would submit their plans to Staff and Staff would basically use this as a check list and would go down that list to see, ‘Do you meet this, do you meet this...’ If not, then the way it would work is that the developer could be denied a building permit because it does not meet the ordinance you guys have adopted. If they want to appeal that, they can do so and the Board of Adjustment would make a determination. That is how the Design Review Process fits into the total Ordinance.”

Mr. Carter asked if anyone had additional questions about the Design Review Process.

Councilman Paschal asked, “In the Design Review Process, just for clarification, that is *after* we have approved the rezoning...?”

“Yes sir,” replied **Mr. Carter**, “and even on a rezoning, if you did not put a condition on the rezoning that these are applicable, it says in here that they *are* applicable. There is an applicability section that says in this situation it is applicable.”

Mr. Carter continued, saying, “We can discuss a little bit about the difference between the Central Business District and the Highway Overlay District. The Central Business District is a zoning district, which means that in order for those regulations to be applicable, someone would actually have to come through and request rezoning to the Central Business District.”

“In the Highway Overlay District, you will notice the map in the very back of your packet—anything that falls within that orange/yellow outline, and that is also *non-residential* development, is subject to the Highway Overlay District Design Guidelines.”

Councilman Paschal asked, “So, even if we didn’t put in the conditions for review, they would still be applicable...in other words, even if we didn’t add that specific condition as part of our motion to approve the rezoning, the Zoning Administrator can come back and still say it is not applicable to the CBD if we don’t put it in as a condition...”

Mr. Carter replied, “Well, no, because they would say that it *would* be applicable if it was rezoned to Central Business District. There was a question about that before...I added an applicability section to both the CBD zoning district guidelines and the Highway Overlay District guidelines. “

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“The Applicability section for the Central Business District guidelines reads: ‘The design standards set forth for this zoning district apply to all development on properties that are zoned Central Business District and that are located within the Central Business District boundary, as shown on the Central Business District and NC 87/65 Highway Overlay District map, located in Appendix B’, and that is the map I just referenced,” **Mr. Carter** explained.

“So, in order for the CBD Design guidelines to be applicable, they (properties), (1) have to be located within this red boundary, because that is the area that has been set aside as the CBD; (2) they also have to rezone to the Central Business District zoning district. Only in that little section of town and in that zoning district would those design guidelines be applicable.”

He added, “I guess to round up the CBD, the only other change that is being proposed to be made to that is the watershed compliance, what is discussed there. It...says, ‘the core is subject to watershed regulations’, which it is. All properties that are located within a watershed are subject to watershed regulations. The way it is in the ordinance now, is that a maximum of impervious surface area would be seventy percent, and this will remain.”

Mr. Carter continued, “It says, ‘the compliance shall be achieved through contributions, either in cash or in kind,’ which is to say they can donate money to a fund either for the purchase of additional lands for preservation within that watershed, or to actually donate somewhere else within the watershed to be preserved, in lieu of preserving a portion of this property as open space and impervious area.”

“Since there is not a mechanism in place to do this,” said **Mr. Carter**, “...no fund has been set up to accept those donations and nothing set up to keep track of that...that part of the text has been stricken as well...”

Mr. Carter asked if there were any questions about the changes concerning the Central Business District.

There were no questions, so **Mr. Carter** moved on to the Central Business District-Secondary portion that is proposed to be stricken and renamed NC 87/65 Highway Overlay District.

He read the “applicability section” for the Highway Overlay District: “‘The design standards set forth in this overlay district apply to all non-residential development that takes place within the Highway Overlay District boundaries as shown on the CBD and NC87/65 Highway Overlay District map located in Appendix B,’ and this is the same map that we referenced before.”

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“The difference with this is that it is applicable to ‘any non-residential development’, so not just a rezoning to a certain zoning district, but it would be anything that takes place within that area and that is also Community Shopping, or Light Industrial, or Highway Commercial—anything that is non-residential development would be subject to these design guidelines. If there is a property in this area that is zoned residential, and someone comes in and wants to build a house, they would be able to do so, and these design guidelines would not be applicable to that residential development.”

Mr. Carter moved on to “building façades” and explained that it says, “...‘of non-residential structures,’ to drive home the fact that the guidelines are *not* applicable to residences.”

“The proposal is to strike, ‘building exteriors shall be constructed primarily of brick or stone with contrasting materials used for architectural details. Trademark franchise building designs will not be permitted.’ The proposal is to strike that and to change it to...and this would be applicable to only front building exteriors: ‘Front building exteriors shall be clad with stucco, wood, vinyl siding, brick, stone, or similar material with architectural details being contrasting materials and/or colors.’”

Mr. Carter explained, “The *and/or colors* was something the Planning Board wanted to add on there, so you don’t have just one color for the entire façade...that there would be some breaking up of color as well as material. Well, the material itself wouldn’t have to be (different), but at least the color would.”

“Moving on to *Side...*, ‘Side and rear building exteriors shall be clad with stucco, wood, vinyl siding, brick, stone...’, and you will notice that metal paneling is an option here for the side and rear building exteriors, and it says, ‘or similar material with architectural details being contrasting materials and/or colors. If metal paneling is used, then two-thirds of the wall may be metal paneling and one-third of the wall shall be contrasting material and color.’”

Mr. Carter asked if anyone had questions about the building façade, and added, “This next paragraph is one the Planning Board also discussed and wanted to add to this.”

“Where non-residential development takes place on a corner lot, the side building exteriors oriented to a public street shall comply with the front building exterior design standards above.”

“The purpose of that is to say...if we want the front building façade to look nice because that is the one facing the public street, then if you have a side (of the building) that is also facing a public street, wouldn’t you also want that to look nice as well?”

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Mr. Carter explained further, “So, that is to say that all of those materials—the stucco, wood, vinyl siding, brick, stone, or similar material would be allowed, and by omission, metal paneling would *not* be allowed on the outside.”

Mr. Carter asked if there were any questions.

Councilman Paschal asked, “What if a street was put in *after* the building was constructed?”

Mr. Carter replied, “You would not be able to go in and retroactively say...”

“It would be grandfathered,” **Councilman Paschal** said.

“It would be grandfathered,” agreed **Mr. Carter**, “unless they wanted to make a change to the building. Let’s say you have a structure and when it was constructed, it met these standards and there was no side street. But, if later, a side street was added, at that point we couldn’t enforce these standards retroactively; but if the person who owns the building wanted to come in and *add on* to the structure, then at that point we could enforce these standards.”

“Even if it changes hands...?” **Councilman Paschal** asked.

“Yes sir,” replied **Mr. Carter**. “If it changes hands and nothing about the building... changes, structurally, then you can’t go back and retroactively apply these design guidelines. It would have to be only when something changes about the building... basically meaning that they are either tearing down the old building and building a new one on the same lot, or if they are expanding the existing building, that would be an example of when they would have to follow these guidelines.”

“Moving on,” **Mr. Carter** continued, “‘Building exterior colors shall be subdued, muted, or naturally occurring earth tones. Windows and doors shall be located on the façade to balance proportions and create visual rhythm. Windows shall occupy no less than twenty percent (20%) of the façade of a building.’”

He added, “This is where it was stricken that it can be no greater than forty percent (40%) and if they want to go greater than 40%, that can be attractive as well, so why not let them.”

Mr. Carter noted the text to be stricken: “Shutters, if used, shall be sized so as to cover the expanse of the window, if closed.”

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“To be added,” said **Mr. Carter**, “In no case shall new, non-residential buildings have a blank wall oriented to a public street.”

He continued, “‘Main building entrances shall face’...that is proposed to be stricken and replaced with, ‘Building façade shall be generally parallel to a public street. If it is not feasible to place the building entry directly on the front façade, the entry shall be placed where it is readily visible and faces a main road or internal street.’”

“Proposing to strike, ‘chimneys shall be constructed of real brick or stone,’ and then, ‘porches, balconies, and railings, shall be appropriate to building to which they are attached’...that’s already in there.”

“In the next section,” **Mr. Carter** continued, “‘Mechanical service areas and trash receptacles shall be located in the rear of the lot and screened from view on all sides with architecturally similar materials.’”

Councilman Paschal, realizing the text was different from what had been discussed at the joint meeting, asked, “Was that...when was that...?”

Mr. Carter answered, “That is a little different as well from what you all discussed...the Planning Board wanted to add, ‘on all sides with architecturally similar materials’.”

Mayor Paschal added, “We had said ‘on all sides’ but we didn’t say ‘with architecturally similar materials’, correct?”

“Yes,” replied **Mr. Carter**.

He continued, “Also being proposed to be stricken is, ‘wall-mounted signs’...that section there is referencing signs and we discuss that in Section B below.”

“Into ‘Signs’, under Section B, it was something else, but because Signs is kind of an expanded section and a little longer, we made that its own section. So, any mention of street-lighting or the developers having to add street lighting...that has been stricken because you could end up with six different types of street lamps...and that would be better left up to the Town to do...”

“Sidewalks, also...that section has been stricken. Crosswalks and walking paths, all of those things that would be best for the town to handle themselves. All of that is proposed to be stricken.”

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Mr. Carter continued, “So, now, when we talk about signs in the expanded version, it says, ‘Other than the exceptions below, signs shall be in conformance with Chapter 2 Article X.’ And that is the normal section where anyone who wants a sign must follow those regulations. That is basically referencing the sign ordinance in your zoning ordinance.”

Continuing with the text in the expanded version on signs, **Mr. Carter** advised, “Wall mounted signs shall be no greater than twenty-four square feet and have applied lettering not exceeding twelve (12) inches in height. Projecting signs shall be no greater than six square feet; suspended signs shall be no less than ten feet from the ground level, or as approved by the Planning Administrator. Any ground sign braced to a post or posts, shall be no greater than thirty-six (36) feet, shall measure at least twelve (12) feet from ground level to the bottom of the sign face, and shall be no taller than eighteen (18) feet. Any ground sign attached to a contiguous structural base or planter box that is the same width or greater than the message portion of the sign shall be no greater than twenty-four (24) square feet and no taller than six feet.”

Mr. Carter commented, “That part is basically as we discussed in the joint meeting.” He asked if there were any questions about the sign section.

“To complete the Central Business District changes,” said **Mr. Carter**, “We also have to delete the map that was part of the Appendix B because that map references CBD boundaries and that is no longer called a CBD. That is now the overlay district. The grid pattern on that map is something that just can’t be done, so the proposal is to replace it with the new Town of Wentworth Central Business District and NC 87/65 Highway Overlay District map, which shows the CBD boundary in red, and then the Highway Overlay District boundary in the yellow-orange color.”

Pointing out the text to be deleted, **Mr. Carter** explained, “Mention of the CBD-Secondary District and the CBD Concept Plan is all throughout the ordinance. In Chapter 3 there is a section that talks about roads and your street system and it also says, ‘The layout of new and extended streets and roads shall be coordinated with existing road systems and the Central Business District Concept Plan, so as to provide reasonable traffic and travel patterns.’ So the proposal is to strike out ‘*and the Central Business District Concept Plan*’ because that goes back to that original map that is now being stricken.”

Councilwoman Powell commented, “So I guess that means we are not going to have a round-about.”

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“It is not discussed in your ordinance,” said **Mr. Carter**. “...Just because this map is no longer in your ordinance doesn’t mean there is never going to be a round-about...it could still be an option. By omitting that map, it doesn’t mean that it is...never going to happen.”

Town Attorney, Tom Terrell, asked Mr. Carter and Council, “Are there places where the boundaries of the map do not run coterminous with the lot lines?”

“Yes,” replied **Mr. Carter**, “for the most part they do...”

Mr. Terrell: “It looks like for the most part they do, but there are places where it looks like it does not.”

Mr. Carter: “There is some property owned by the school system there, where it does not run with the property line. That is a large property...”

Mr. Terrell pointed out the school property on the map and asked, “Is that the only one?”

Mr. Carter confirmed it as the only property he was aware of. He explained, “When I did the GIS or the mapping for this, I took the overlay district that was provided on the original map and just put it right in there, because that was already the area approved by Council, so I didn’t do a study on how far from the street or back off the street should we make this. That was boundary for the CBD Secondary that was approved several years ago, so that is what we used, the existing boundary.”

Mr. Terrell said, “I would recommend to the Board that you not have a zoning line that is not specific. You need to know, whether you are the property owner or whether you are the Administrator—somebody’s in or somebody’s out.”

Mr. Terrell continued, “I know, in this particular case, that most of that tract is in, but other questions could arise. If part of the tract is in the overlay, do the standards apply to the whole tract, and what can you do on the portions that are outside. I just think that, especially in this case, it would be easier to just make it a little bit to the east and make it run with the lot line.”

Mayor Paschal asked, “You’re talking about the school property there?”

“That’s the one that was given as an example,” said **Mr. Terrell**, “but any property...it’s difficult to see here...I see it goes through the middle of a lake, and I don’t know if that’s where the property boundary goes, with that pond or not.”

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Mayor Paschal commented, “Most of that is county land over there or the college.”

Mr. Terrell said, “But right above the pond, it looks like it is cutting through the middle of a lot. It looks, on the bottom in the southwest part of it, that it is running below a line.”

Mr. Carter advised, “We can change that however you guys want to.”

Council talked about the different property lines, as to what was school property and what was county property.

Mr. Terrell added, “This is legal advice, it’s not a legal order.”

“The way I understand the GIS system,” said **Mayor Paschal**, “they can come out here and locate any line by the way it’s drawn or the description of it. But with him not having a verbal description of it, how would you figure out where that line is if it did not include a whole tract?”

Mr. Carter answered, “What we do on a usual basis, is ask the applicant to submit to us the location on the property. From there, we can work with the GIS Department and they can locate that for us...and we’ll just look at the boundary line shown here and see where that falls. Our GIS parcels layer is not a survey and shouldn’t be looked at as a survey. The lines can be off.”

“One thing you may want to do if you want it to follow property lines,” **Mr. Carter** continued, “is to have a section that says, ‘The CBD boundary and highway overlay boundary should generally follow property lines’. That way, if there is a corner that’s not picked up but it looks like it is supposed to be following that property line, you could interpret it to follow the boundary line.”

“So, in essence, what you are trying to say,” said **Councilman Paschal**, “is that there may be some cases where, technically, it is included, but this isn’t an official survey, so that’s how it happens...”

Mr. Carter replied, “We would do the best we could with the GIS that we have, to determine if the property lines are...when this GIS layer was being made, it wasn’t done by a county department. I don’t know what they were thinking as far as, ‘We’re going to try to follow property lines.’ Some places, it looks like they did that pretty well, and some places they didn’t, so we would just do the best we could to make sure that it fell within those boundaries.”

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Mayor Paschal asked the attorney, “What would your recommendation be, Tom? Is there some wording we could put in there to do that, or do we need to have the map redrawn, or what?”

Mr. Terrell replied, “Actually, it *could* work to have a general paragraph that defines how you interpret where the boundary line is. Problems can arise, for example, and I’m not sure I’m seeing this right...in this area right here, it looks like that’s just a frontage of a much larger tract and it’s not run by a lot line. If I’m reading it right, that property owner would come in with a lot of questions, and I wouldn’t know how to interpret where the zone line is, you would not, and he would not. So, either, it needs to run with the boundaries, and if it cannot, as this is a very large tract where you don’t want to go all the way out, then you need to have a paragraph that needs to be very carefully written.”

Mayor Paschal asked, “To say that it...”

Mr. Terrell explained, “It should be interpreted to follow the property lines but where *not* feasible, you have to decide from a policy standpoint how you want to interpret that.”

“Well, like there,” said **Mayor Paschal**, “could you say, ‘follows the right-of-way’ in that particular...”

“Yes, you can say it follows the right of way,” replied **Mr. Terrell**, “although I think the intent would be for something a little bit beyond the right-of-way because it’s to govern the building facades, and other things are not going to be constructed in that right-of-way.”

He added, “It would be easier to say one hundred feet back or two hundred feet...something that is measurable either from a center line or from the right-of-way. That would be something the Board would decide, but it would certainly make it easier.”

Mayor Paschal asked, “So you could say where it is not following the property line, it would include 100 feet within the...”

Mr. Terrell replied, “Whatever number the Board would decide...that would be an easy and clear way. Nobody has to debate it. You have once and for all ended the discussions as to where the boundary is.”

Mr. Carter asked if Council wanted to add the text as discussed about following property lines, and did they want to use one hundred feet.

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Mayor Paschal referenced the Carter property at the corner of NC 87 and County Home Road—“A hundred feet may not go back that far but it would still give you the aesthetics of being able to control signs up there on the road, instead of trying to control the whole property, because I’m sure that the property line there...is more than a hundred feet, but if we said one hundred feet from the right of way...it would still give you the ability to regulate signs and...”

“How about down on NC87/65 there...the Brown property...the south side?” asked **Councilman Aswell**.

Mayor Paschal replied, “It doesn’t look like to me it’s getting that first lot down there at the Brown property, but wherever it’s not including the whole property, it would only get a hundred feet.”

Councilman Aswell asked, “Do you think a hundred feet would be enough?”

Mayor Paschal said he thought it would...but commented, “I don’t think there is any need in arbitrarily cutting the property in two...we could say three or four hundred feet if we wanted to, but I think you’re going to have to use that right-of-way there to have a standard and then say so many feet from that right of way...”

Councilman Aswell said, “I think we should go at least two hundred feet, and if they wanted to build...”

Councilman Paschal asked, “Are you talking about the Fleming property? Does the boundary for the Town extend all the way to that property?”

Mayor Paschal answered, “Yes, it does.”

Councilman Paschal asked, “We are talking about one hundred feet or two hundred feet...my only question would be if that were to be developed at some point in time, it is so close to the overlay district...you could potentially have something there that would be so very close to the overlay district but wouldn’t be in compliance...and is that zoned Residential...or Commercial as well...”

No one was sure how the Fleming property is zoned.

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Councilman Paschal added, “I’m not saying I feel strongly about it either way, I just feel like we should bring that point up...”

“You have several properties like that, but do we want to make the whole town an overlay?” asked **Mayor Paschal**.

Mayor Paschal asked Council how they felt about the distance from right-of-way—“Do you want to say one hundred or two hundred feet?”

Councilman Aswell said, “Two hundred feet.”

The **Town Administrator** reminded Council that in the questionnaire provided by the Planning Department, one of the questions asked of the Planning Board and Council concerned how far into the properties along NC 87 should the boundary be extended. She asked Mr. Carter if he had the results of that survey and suggested Council may want to take that into consideration.

Mr. Carter retrieved the results of the questionnaire and read the question to Council: “That was number 3 on the CBD overlay district questions, and the question was, ‘If you feel that the boundary should be extended to the town limits...how deep should the district boundary extend into the properties along NC87/65—a hundred feet on each side of the road, one hundred and fifty feet on each side, or two-hundred feet on each side of the road.’ Of the responses, 50% said 150 feet and the other 50% had 200 feet on each side of the road.

Mayor Paschal asked the Town Attorney, “How would we word this...where would we insert that...?”

Mr. Terrell replied, “What I would suggest is something like this: ‘The CBD boundary lines shall be interpreted as either (1) running along and coterminous with lot lines where most of a tract has been included within the CBD, or (2) extending ‘x’ number of feet from the highway right-of-way for road frontage tracts where the CBD boundary indicates that a portion of a road frontage tract is included.’”

Mayor Paschal asked, “And where would we insert that?”

“I don’t know the ordinance structure...” replied **Mr. Terrell**.

Mr. Carter made some suggestions but then concluded, “It may be smoother to have it as a note to the map because you are looking at the map and then if you have any questions, there is the interpretation section.”

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Mr. Terrell added, “As a point of information, whether it is in the Ordinance or as a note, actually, there is a difference. If it is a note, it could be relegated to a point of staff interpretation only...either way, staff at some point has to determine where that line is, and under the General Statutes, that is appealable to the Board of Adjustment, as to the actual location of a zoning district boundary or lot line boundary.”

“So, either way, it would be appealable,” said **Mayor Paschal**.

The **Mayor** then made a motion, *“That we add a note to the map using the attorney’s language as stated and using two hundred feet as the boundary, where we are not following the lot line.”*

The motion was seconded by **Councilman Aswell**; there was no further discussion, all voted in favor and the motion carried.

Mayor Paschal thanked Lucas Carter for reviewing the text amendments for Council, and noted that no one signed the Speaker Register in regards to the Public Hearing.

After closing the Public Hearing, **Mayor Paschal** made the following motion: *“That we approve the revisions to the Wentworth Planning and Zoning Ordinance related to the Central Business District and the associated design changes, and the addition of a Highway Overlay District and design standards as discussed, along with the addition and deletion of text to other zoning and subdivision sections necessary to effect these changes; and with the additional changes as will be recorded in the Minutes; and to show that our action in approving these revisions is consistent with the adopted comprehensive plan, I further move that we adopt the Statements of Consistency as required by North Carolina General Statutes 160A-382(b) and 160A-383, as outlined in the Town Council’s Analysis and Statement.”*

Councilman Aswell seconded the motion. **Mayor Paschal** asked for any discussion.

Attorney Terrell asked, “Does your motion state how it’s consistent (with the Land Use Plan)?”

The **Town Clerk** replied, “He referenced the Town Council’s Analysis and Statement, noting that it is attached...and will be attached to these Minutes.”

Mr. Terrell said, “Then you should adopt the Town Council’s Analysis in your motion, and you can do that by reference.”

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At the attorney's suggestion, **Mayor Paschal** said, *"I would like to amend my motion to include adoption of the Town Council's Analysis and Statement, also."*

Councilman Aswell said he would second the amendment to the motion.

The **Town Clerk** said that the adoption of the Town Council's Analysis and Statement has always been included as part of the main motion to approve text amendments.

Mr. Terrell said he may not have heard it correctly when the initial motion was made. In reviewing the motion passed to him by the Clerk, **Mr. Terrell** confirmed, "I think that's sufficient...yes."

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

Mayor Paschal thanked Mr. Carter again for his assistance and for, "...the time you and Staff put into this."

ARTICLE VI. OLD BUSINESS

A. Update on Lobby Floor

Mayor Paschal referenced samples of replacement tile and expansion joints supplied by the contractor for repairs to the Town Hall lobby floor.

In discussion, everyone agreed, for the most part, to use the gray-colored and stainless steel expansion joint, unpainted, and to use the tile sample that appears to be a match to the existing tile.

Mayor Paschal made a motion, *"That we go with the 30 millimeter expansion joint cover with the gray color in rubber."*

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

Mayor Paschal asked the Town Administrator/Clerk when the work would begin on the lobby floor.

Mrs. Ward replied, "I really don't know. They just told me to let them know as soon as you made a decision, so I'll be in touch with them."

B. Update on Post Office – Town Administrator

Mrs. Ward referenced the printed copy of her update, noting the timeline of contacts made with the Greensboro Postal Service.

Mrs. Ward continued, “You will see...in my conversation with **Ms. Tinort**, by phone, that she mentioned that if we were *insistent* about it, then a teleconference would be better for her because she did not have the staff to send and that their travel has been cut...”

Mayor Paschal said, “Check with her on the option of us coming over there. Make sure she will meet with us there and we’ll go over there and talk to her.”

“I’ll give it a try,” **Mrs. Ward** replied.

ARTICLE VII. NEW BUSINESS

A. Submission of Budget Message/Budget Summary/Estimated Revenues and Expenditures for Fiscal Year 2012-2013

- Set Public Hearing Date

Mayor Paschal asked the Town Administrator for her comments.

Mrs. Ward advised, “We have submitted the Budget Message which is a narrative on the budget, and Yvonne made some notes from the message in case you had any questions, but what you see is the result of the budget work sessions you participated in, and we haven’t made any other changes.”

Mayor Paschal commented, “The budget has been submitted and is on the table. We need to set a public hearing for adoption of the budget, and we can do that at our next meeting, which is *June 5, 2012, and I would like to make that a motion, ‘to set that date and time of 7:00 p.m. for our Public Hearing on the budget that has been submitted.’*”

Mayor Pro Tem Conner seconded the motion. There was no further discussion, and all voted in favor.

ARTICLE VII. NEW BUSINESS - Continued

B. Consideration of Appointment of Gretchen R. Parrish, 910 County Home Road, Wentworth, as 2012 Chairman for “A Day of Prayer in Wentworth” (National Day of Prayer Observance)

1. National Day of Prayer Proclamation

Mayor Paschal made a motion, *“That we appoint Mrs. Parrish of 910 County Home Road, in Wentworth, as Chairman for A Day of Prayer in Wentworth.”*

Mayor Pro Tem Conner seconded the motion.

There was no discussion and all voted in favor.

Mayor Paschal then read the National Day of Prayer Proclamation, “...proclaiming the first Thursday of May, 2012... as ‘A Day of Prayer in Wentworth’, and to encourage the citizens of Wentworth to observe the day in ways appropriate to its importance and significance.

(**Note:** A copy is attached hereto as part of these Minutes.)

Mayor Paschal made a motion, *“To adopt the Proclamation for the National Day of Prayer.”*

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

ARTICLE VIII. PUBLIC COMMENTS

The **Mayor** said no one signed the Speaker Register for public comment and moved on to the announcements.

ARTICLE IX. ANNOUNCEMENTS

- The **Wentworth Planning Board’s** Regularly Scheduled Meeting is **Tuesday, May 15, 2012, at 7:00 p.m.** in the **Town Hall Council Chambers.**

ARTICLE IX. ANNOUNCEMENTS – Continued

- The next regular meeting of the **Wentworth Town Council** will be held in the Town Hall Council Chambers on **Tuesday, June 5, 2012, at 7:00 P.M.**

Note: There will be a **Public Hearing on the Town’s Budget for Fiscal Year 2012-2013 at the June meeting.**

- There will be an “**Old Fashioned 4th of July Celebration**” at Rockingham Community College on **Wednesday, July 4th, 2012, from 2:00 - 6:00 p.m.**

Note: Event sponsored by the **Town of Wentworth, RCC & the Museum & Archives of Rockingham County**

Mayor Paschal also encouraged everyone to go out and vote on May 8th in the primary elections.

The **Mayor** asked if anyone else had an announcement to make.

Mrs. Ward said she was sure that Mrs. Parrish would like for everyone to come out to the Town Hall on Thursday and participate in the National Day of Prayer.

Councilman Paschal said he knew several council members, “...attended the Wentworth Garden Tour over the weekend, and I just want to say that I thought that was a really great thing, very successful. I don’t know what the final numbers were but a lot of people in the community came out to support it...and I hope they do it again next year.”

ARTICLE X. A D J O U R N

Mayor Paschal made a motion, “*That the meeting be adjourned.*”

Councilwoman Powell seconded the motion. All voted in favor to adjourn the meeting.

Respectfully Submitted By: _____
Brenda Ward, Town Clerk

Approved: _____
Dennis Paschal, Jr.
Mayor