



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Tuesday, November 13, 2012

7:00 PM

Council Chambers

A Regular Meeting of the Mayor & Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 7:00 PM

Mayor David Leake called the meeting to order.

1. Call to Order Town Council

Councilman Steve Aitken: Present, Councilwoman Rebecca Bare: Present, Councilwoman Katherine Harnest: Present, Councilwoman Mary-Lou Scarbrough: Present, Councilman Milt Kenworthy: Absent, Vice Mayor Jay Tobias: Present, Mayor David Leake: Present.

B. Call to Order Planning Commission

Chair Bob Weir calls the Planning Commission public hearing and special meeting to order at 7:01 p.m.

Commissioners Present are: Robinson; Ring; Bare; Weir

2. Pledge of Allegiance

3. Joint Public Hearing with Planning Commission

1. Special Use Permit Application #SUP20121005 - The Very Thing/The Very Thing For Her
Chair Weir opens the public hearing for special use permit #SUP20121005 for a retail second hand sales use at both 15000 Washington Street, Suite 100 and 6630 Washington Street.

No Public Comment

2. Special Use Permit Application #SUP20121009 - Upscale Seconds

Chair Weir opens the public hearing for special use permit #SUP20121009 for a retail second hand sales use at 14891-B Washington Street.

Attorney for the applicant addresses the Planning Commission and asks if there are any questions.

3. State HB ZTA's as submitted by Planning Commission.

Chair Weir opens the public hearing for the Town initiated zoning Text Amendments for, Chair calls for anyone wishing to speak on the matter

No Public Comment

4. Planning Commission Special Meeting

Bare moves that the Planning Commission forward #SUP20121005, special use permit for secondhand retail sales at 15000 Washington Street, Suite #110, and 6630 Jefferson Street, to the Town Council with a recommendation of approval in accordance with Town Code Section 58-178(5), Ring seconds;

Ayes: 4 Nays: 0 Absent: 0

Ring motions that the Planning Commission forward #SUP20121009, special use permit for secondhand retail sales at 14891 Washington Street, Suite B, to the Town Council with a recommendation of approval in accordance with Town Code Section 58-178(5), conditioned upon the applicant occupying only that portion of the building previously occupied by Arthur's Court, and full separation of the occupied space from the remainder of the structure, and an inspection by the Town Building Official, Bare seconds;

Ayes: 4 Nays: 0 Absent: 0

Bare motions that the Planning Commission forward amendments to Section 58-554, Certificate of Appropriateness; Section 58-553, Boundary of the Old and Historic District of Haymarket; and Section 58-468, Rules and Regulations of Board of Zoning Appeals, to the Town Council with a recommendation of

Minutes Acceptance: Minutes of Nov 13, 2012 7:00 PM (Minutes Acceptance)

approval, Robinson seconds;

Ayes: 4 Nays: 0 Absent: 0

Bare motions to adjourn the special meeting of the Planning Commission, Ring seconds;

Ayes: 4 Nays: 0 Absent: 0

Weir reopens the Planning Commission meeting to deal with one outstanding matter.

Weir motions to approve the Zoning Permit/Certificate of Appropriateness for Upscale Seconds to be located at 14891 Washington Street as a second hand sales

retailer, Ring seconds;

Ayes: 4 Nays: 0 Absent: 0

Weir motions to adjourn the special meeting of the Planning Commission, Bare seconds;

Ayes: 4 Nays: 0 Absent: 0

5. Citizen's Time

Mike Vaness, Chief election officer for the absentee precinct here at the Town Hall. He is here to thank the Town for allowing the use of Town Hall, he would like to especially thank the staff. He specially thanks the Town Manager for his support on the weekends and during the storm. We had over 3,400 county citizens that voted absentee in person here at the Town Hall, which is more than any other precinct on election day.

6. Updates & Information

A. Stream Revitalization Angler Environmental

Agenda item cancelled

B. Tree Dedication - Ed Milhous

Motion to table agenda item 6B to December

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT:	Milt Kenworthy

C. Museum Update

Next month there will be an extensive Museum report submitted for 2013; what she would like to see happen is to turn the museum into use for children again, a learning experience. She will be looking from council their direction for the museum.

7. Agenda Items

1. Special Use Permit - the Very Thing/For Her

Motion that the Town Council approve #SUP20121005 for secondhand retail sales at 15000 Washington Street, Suite #110, and 6630 Washington Street as described on the Special Use Permit Application dated October 5, 2012, pursuant to Section 58-178(5) of the Zoning Ordinance; I further move that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, but expressly conditioned upon the following: Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property owner) to submit a new application for an SUP, which shall be treated in all respects as a new and different application, subject to approval or disapproval, in accordance with general principles of law for a new application. If such notice is given to the applicant or present property owner, this SUP shall terminate automatically and without further notice or action by the Council 60 days from the giving of such notice.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rebecca Bare, Councilwoman
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT:	Milt Kenworthy

2. Special Use Permit - Upscale Seconds

Motion that the Town Council approve #SUP20121009 for second hand sales at 14891-B Washington Street as described on the Special Use Permit Application dated October 9, 2012, pursuant to Section 58-178 (5) of the Zoning Ordinance; conditioned upon the applicant occupying only that portion of the building previously occupied by Arthur's Court, and full separation of the occupied space from the remainder of the structure, and an inspection by the Town Building Official; further move that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, but expressly conditioned upon the following: Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property owner) to submit a new application for an SUP, which shall be treated in all respects as a new and different application, subject to approval or disapproval, in accordance with general principles of law for a new application. If such notice is given to the applicant or present property owner, this SUP shall terminate automatically and without further notice or action by the Council 60 days from the giving of such notice.

Tobias notes that the sandwich board signs are not getting removed from the sidewalks in the evening, he remains concerned about enforcement and ask that we inform the new business of the rules for sandwich board signs.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rebecca Bare, Councilwoman
SECONDER:	Jay Tobias, Vice Mayor
AYES:	Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT:	Milt Kenworthy

3. ZTA's

Motion to adopt Resolution 20121113-A to amend the Town Code with Ordinance #ORD20121113-1

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 58-554, RELATING GENERALLY TO CERTIFICATES OF APPROPRIATENESS.

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in regular session this 13th day of November, 2012:

That Section 58-554 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Sec. 58-554. - Certificate of appropriateness required to erect, reconstruct, alter, restore or raze a building.

(a) In order to promote the general welfare, through the preservation and protection of historic places and areas of historic interest, all buildings within the Old and Historic Town of Haymarket which are 50 years old or older are designated historic buildings. No historic building may be demolished, in whole or in part, nor may any architectural features of such buildings which are subject to public view from a public street be altered without prior application to the architectural review board, unless the local maintenance code official consistent with the Uniform Statewide Building Code, Part III Maintenance, determines that it constitutes such a hazard that it shall be razed, demolished or moved.

(b) No building, structure or sign shall be erected, reconstructed, altered or restored within the

Old and Historic Town of Haymarket, unless and until an application for a certificate of appropriateness shall have been approved by the board or, on appeal, by the town council after consultation with the board. Review of such application by the board will include analysis of external architectural features which are subject to public view from a public street, way or place, in light of their architectural compatibility with the historic buildings in the district.

(c) The term "altered" as used in this article, means any readily apparent change, including painting. The zoning administrator shall determine whether a change is readily apparent, subject to appeal to the board of zoning appeals.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Steve Aitken, Councilman
AYES:	Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT:	Milt Kenworthy

4. Zoning Text Amendment Sec. 18-71

Motion to adopt Resolution 20121113-B to amend the Town Code with Ordinance #ORD20121113-2

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 18-71, RELATING GENERALLY TO MONITORING, REPORTS, AND INSPECTIONS.

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in regular session this 13th day of November, 2012:

Section 18-71 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Sec. 18-71. - Monitoring, reports, and inspections.

(a) The Town may require the person responsible for carrying out the plan to monitor and maintain the land disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The program administrator shall through a certified Virginia Department of Conservation and Recreation Erosion and Sediment Control inspector, conduct inspections of any land disturbing activity for which a grading permit has been issued. The inspector shall assess compliance with the approved erosion and sediment control plan and county codified ordinances as well as the Virginia Erosion and Sediment Control Law and Regulations. The inspector shall inspect site projects in accordance with the department of building and development erosion and sediment control program enforcement protocol, or as amended, and "Board" approved Alternative Inspection Program in accordance with the Virginia Erosion and Sediment Control Regulations (4VAC50-30-60B). The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection. The property owner shall pay for such inspections. If the program administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and, upon conviction, shall be subject to the penalties provided by this article.

(c) Upon determination of a violation of this article, the program administrator may, in

conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. If land disturbing activities have commenced without an approved plan, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all of the land disturbing activities be stopped until an approved plan or any required permits are obtained. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this article. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order for noncompliance with a plan shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the county. The order for disturbance without an approved plan or permits shall be served upon the owner by registered or certified mail to the address specified in the land records of the locality, shall be posted on the site where the disturbance is occurring, and shall remain in effect until such time as permits and plan approvals are secured, except in such situations where an agricultural exemption applies. If the alleged violator has not ~~obtained an approved plan or any required permits~~ implemented the specified corrective measures within seven days from the date of service of the order, the program administrator may issue ~~an a subsequent~~ order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until ~~an approved plan and any required permits have been obtained. Such an~~ such corrective measures are implemented. The subsequent order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the town. The owner may appeal the issuance of ~~an any~~ order to the circuit court of the county. Any person violating or failing, neglecting or refusing to obey an order issued by the program administrator may be compelled in a proceeding instituted in the circuit court of the county to obey the order and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the program administrator from taking any other action authorized by this article.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT:	Milt Kenworthy

5. Zoning Text Amendment Sec. 58-468

Motion to adopt Resolution 20121113-C to amend the Town Code with Ordinance #ORD20121113-3

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 58-468, RELATING GENERALLY TO RULES AND REGULATIONS OF BOARD OF ZONING APPEALS.

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in regular session this 13th day of November, 2012:

Section 58-468 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Sec. 58-468. - Rules and regulations of board of zoning appeals.

- (a) The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.
- (b) The meeting of the board shall be held at the call of its chairman or at such times as a

quorum of the board may determine.

(c) The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

(d) The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(e) All meetings of the board shall be open to the public.

(f) A quorum shall be at least three members.

(g) A favorable vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

(h) In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Mary-Lou Scarbrough, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT:	Milt Kenworthy

6. Zoning Text Amendment 58-553

Motion to adopt Resolution 20121113-D to amend the Town Code with Ordinance #ORD20121113-4

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 58-553, RELATING GENERALLY TO CREATION; BOUNDARIES.

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in regular session this 13th day of November, 2012:

Section 58-553 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Sec. 58-553. - Creation; boundaries.

(a) In order to preserve the unique cultural heritage of the town, there is hereby established an overlay district to be known as the "Old and Historic Town of Haymarket," which shall include all that area which lies within the corporate limits of the town.

(b) Prior to the expansion of the historic district the Town shall identify and inventory all structures being considered for inclusion in such a district and shall establish written criteria to be used in making such determination. The Town shall the identify all landmarks and designate by ordinance any building, structure, district, object, or site as part of a local historic district, subsequent to soliciting public input in a manner consistent with § 15.2-2204 of the Code of Virginia. The owners of such property proposed for designation shall be given written notice of the public hearing on the ordinance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT:	Milt Kenworthy

7. Board of Zoning Appeals Appointments

Motion to appoint Eric Mathews of 6600 Fayette Street; Jason Grogg of 6771 Madison Street, and Robert Day of 6945 Jockey Club Lane to the terms ending January 31, 2014, 2016 and 2017

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rebecca Bare, Councilwoman
SECONDER: Katherine Harnest, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT: Milt Kenworthy

8. ARB Membership Expansion

Tobias motions to remove the matter of the expansion of the Architectural Review Board membership for this Council Session, ending June 30, 2012

Tobias asks that the staff advertise the open position on the Planning Commission that was vacated.

Scarbrough recommends that we contact the persons that were interested this past summer in the vacant position.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jay Tobias, Vice Mayor
SECONDER: Katherine Harnest, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT: Milt Kenworthy

9. Policy

Tobias motions to adopt the Council Rules and Procedures as presented, with the effective date of November 13, 2012

The Mayor would like it noted for the record he will discuss his power of veto with the Town Attorney, the Mayor objects to this policy

RESULT: ADOPTED [3 TO 2]
MOVER: Jay Tobias, Vice Mayor
SECONDER: Rebecca Bare, Councilwoman
AYES: Rebecca Bare, Katherine Harnest, Jay Tobias
NAYS: Steve Aitken, Mary-Lou Scarbrough
ABSENT: Milt Kenworthy

10. Motion to call for a vote on the Council Rules and Procedures Policy

Motion to end discussions and call for a vote on the agenda item AGI-2012-70

RESULT: ADOPTED [3 TO 2]
MOVER: Jay Tobias, Vice Mayor
SECONDER: Rebecca Bare, Councilwoman
AYES: Rebecca Bare, Katherine Harnest, Jay Tobias
NAYS: Steve Aitken, Mary-Lou Scarbrough
ABSENT: Milt Kenworthy

11. Initiate ZTA

Jessica Saxton with Walsh, Colucci, Lubeley, Emrich, & Walsh PC, legal counsel for the applicant.

Motion to adopt Resolution #RES20121113-3 as documented and forward to the Planning Commission for their consideration if the amendment to the Town Code is in the best interest of the public.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jay Tobias, Vice Mayor
SECONDER: Rebecca Bare, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT: Milt Kenworthy

12. Temporary Occupancy Request

Motion that the Town Council approve a temporary occupancy permit for 6612 James Madison Highway, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

Temporary occupancy of tenant space that is to be vacated will not be permitted by the building inspector and a zoning permit will not be issued by the Town Council until the property owner has submitted a Minor [Site Plan] Modification application pursuant to Section 58-510 of the Town Code and addressing the following items:

- a. Revised building square footage and revised parking tabulations to account for the expansion of Next Level Fitness (i.e. the juice bar area)
- b. Striping plan for loading spaces / parking spaces for all uses within the complex to include spaces that are to be continued to be used by tenants within the Rose building
- c. Landscape plan identifying the landscape materials / landscape areas required by the previously approved site plan (Missing landscape materials to be planted / landscape areas to be installed).
- d. Dumpster locations for all dumpsters and screening as necessary
- e. Additional site lighting as necessary for public safety
- f. Unless accounted for on the site plan modification (i.e. parking areas) and attributed to the businesses located at the property, recreational bus storage and storage of trucks / trailers will not be permitted on the property without a requisite special use permit.

It is further moved that site improvements required by the minor modification shall be completed by the property owner within 6 months of Town Council approval of the minor site plan modification. A building occupancy permit will be issued upon completion of the required improvements. Failure of the property owner to complete the required improvements within the timeline prescribed above will result in the suspension of the temporary occupancy permit and a zoning violation notice will be issued to the property owner and tenant.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Steve Aitken, Councilman
SECONDER: Rebecca Bare, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT: Milt Kenworthy

13. Temporary Occupancy request 6630 James Madison Highway

I move that the Town Council approve a temporary occupancy permit for 6630 James Madison Highway, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

Temporary occupancy will not be permitted by the building inspector and a zoning permit will not be issued by the Town Council until the property owner has submitted a Preliminary Site Plan Application and the improvements listed below are completed.

- a. Striping of parking areas / handicapped parking areas identified on the interim parking plan within the shared access easement.
- b. Building inspector requirements for tenant up-fit.
- c. Clean up and/or screening of outdoor storage building materials / equipment stored on the property.

It is further moved that the Final Site Plan shall be submitted by the property owners within 6 months of the Town Council approval of the Preliminary Site Plan. Construction of the site improvements required by the final site plan shall be completed within 12 months of Town Council approval of the final site plan. An occupancy permit will be issued upon completion of the required improvements. Failure of the property owner to complete the required improvements within the timeline prescribed above will result in the suspension of the temporary occupancy permit and a zoning violation notice will be issued to the property owner and tenant.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Steve Aitken, Councilman
SECONDER: Rebecca Bare, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT: Milt Kenworthy

8. Department Reports

- A. Police Report
- B. Building Official Report
- C. Treasurers Report

Council asks that the Alexandra's Keep remaining proffer funds be placed on the December agenda.

D. Transfer of Funds - General Reserves to Museum

Motion to reallocate, out of General Reserves from the Alexandra's Keep revenue designated for Historic Resources to the Museum Programs budget line item, increasing that line item from \$3,000 to \$9,000

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jay Tobias, Vice Mayor
SECONDER: Katherine Harnest, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT: Milt Kenworthy

E. Town Managers Report

Sheetz Corporation has a mobile truck that distributes free coffee and drinks locally. They have asked if they can park in the Town Hall parking lot on Saturday. Any donations they get they would like to give to the Haymarket Food Pantry. No objections from Council

Last week we received four bids for the construction phase of the streetscape project. The low bidder is 10% higher than the estimate. Councilwoman Bare volunteers to sit on a committee to review the bids.

9. Closed Session

1. Enter into closed session

Motion to enter into closed session pursuant to 2.2-3711 A(7) Consultation with legal council regarding the streetscape project and regarding an existing contract with a town vendor

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jay Tobias, Vice Mayor
SECONDER: Mary-Lou Scarbrough, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT: Milt Kenworthy

- 2. Attiva Corporation
- 3. Streetscape Settlement Agreement

4. Certification of the Closed Session

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT:	Milt Kenworthy

5. Directive for the Town Manager

The Town Council asks that the Town Manager take the legal advise from the Town's attorney with regard to the properties owned by the Rafferty's and Ms. Leonard

10. Councilmember Time

A. Steve Aitken - PD Update

B. Rebecca Bare - PC Update

PC will appoint a new liaison to the ARB, new text amendments will be coming, update on the Comprehensive Plan is still being worked on.

C. Katherine Harnest - ARB Update

She would like the Planning Commission to review the possibility of the Town becoming a Certified Local Government. Bare will have the matter placed on the next Planning Commission Agenda. Also, she reminds that all correspondence regarding the ARB be sent to her and copy Lisa and Ken.

D. Mary Lou Scarbrough

E. Milt Kenworthy

F. James Tobias

Tobias asks that all the street lights be repaired from the hurricane damage. Tobias asks about memo from Councilwoman Bare. Tobias notes that he would have liked the opportunity to have volunteered for the Town effort for victims of Hurricane Sandy in our northeast region. Bare adds that she feels if we are acting on behalf of the Town, as reported, we should inform the rest of the Council and give everyone an opportunity to help.

G. David Leake

11. Motion to Adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Tobias
ABSENT:	Milt Kenworthy

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor

Minutes Acceptance: Minutes of Nov 13, 2012 7:00 PM (Minutes Acceptance)