

Village of Wimberley

City Council Meeting Minutes

City Hall, 14500 RR 12, Suite 22
Thursday, June 7, 2001 – 7:00 PM

1. **Call to Order** Mayor Hewlett called the meeting to order at 7 p.m.

2. **Invocation** Invocation was delivered by Dr. David Shaller,
Wimberley Presbyterian Church.

3. **Pledge of Allegiance** was led by Mayor Linda Hewlett

4. **Roll Call – Present were:** Mayor Linda Hewlett
Councilmember Walter Brown
Councilmember Martha Knies
Councilmember Matt Manis
Councilmember Tony McGee
Councilmember Steve Klepfer

5. Consent Items

a. **Minutes** of the May 17, 2001 meeting were approved as presented.

b. **Discussion & possible action on a Resolution excusing the absences of Commissioner Marilee Wood from meetings of the Wimberley Planning & Zoning Commission.**

Mayor Hewlett informed the Council that Commissioner Marilee Wood had been unable to attend Planning and Zoning Commission meetings due to personal reasons beyond her control. The Commission desired to relieve Commissioner Wood of the obligatory meeting attendance requirement that would normally be enforced to maintain Commission membership.

Councilmember Walter Brown made the motion that Commissioner Wood be excused from meeting the attendance requirement to maintain membership on the Commission. .
Seconded by Councilmember Matt Manis, the motion was approved 5-0.

6. Presentations of Citizens

Dr. Sally Caldwell requested that Council consider placing an item on a future agenda to discuss requiring filing fees – and/or signature petitions of citizen support -- for potential candidates in local elections in order to offset the costs of an election. Councilmember Manis noted that the last election cost the city \$1604.08.

David Wilson asked when the city will have the Village web site online so citizens can access the codes, meeting agendas, etc. Mayor Hewlett informed Mr. Wilson that Dan Williams is ready to go online, all documents have been submitted to Timeline, and Dan says it should not be too much longer.

Clint Frankemann told the Council that he applauded their efforts to acquire the park but was concerned about the probable liability if swimming is allowed in the creek and he hoped Council would carefully consider the safety issue involved. The second item regarded the O'Quinn property situation; in that he said that Texas Historical Commission is looking into the road swap and will be sending some correspondence regarding it. He further stated that according to his information, Commissioner Burnett was supposed to supply a permit from TNRCC and from the Antiquities Division of the State of Texas and as of this date, he has not done so and, in fact, they are not even aware that he has applied for one. According to State Law, there will not be a road deal unless this permit is obtained from the Antiquities Commission and from TNRCC (because the road crosses the river).

7. Reports from Committees

a. Report on zoning activity to date and the zoning application process.

P&Z Chairman Glenn Fryer presented a report from the Commission which had not been reviewed by Council as yet (attached to and made a part of these minutes). The report states: The Village of Wimberley Zoning ordinance was adopted on April 5, 2001 and there have been (to date) 15 applications for initial zoning. Initial zoning is required when there is a change of use on the property or there has been a change of intensity in development of the property. Initial zoning may be desirable to protect the "grandfathered use" of the property. Three things about the zoning ordinance cannot be mentioned too frequently: 1) the Zoning Ordinance does not zone property without an application from the owner, 2) so called residential or commercial zoning that was conferred on the property by a subdivision prior to the adoption of the Village Zoning Ordinance is not, in itself, an indication of the zoning that may be applied under the ordinance, 3) property buyers and sellers should not use this unofficial -- and now irrelevant -- "description of zoning. In the early stages of implementation, the applications and the processing of the applications has not been as smooth as it needs to be. The three most difficult problems in the first ten or so applications have been, 1) the applicant's misunderstanding of the available zoning under the planning area of the interim comprehensive plan and the zoning ordinance, 2) applicants should not submit an application until they fully understand the zoning that is required and its availability in the planning area of the comprehensive plan, 3) failure to supply a complete list of property owners within the 200 ft. obligatory notification range. Applicants need to know that, although it rarely happens, any property owner who has not been notified has the right to call into question the zoning. There are two conference periods before P&Z meetings, which seem to work better in a public session rather than in a one to one setting. There are held at 5:30 p.m. on the second and fourth Mondays of the month.

Councilmember Brown stated that he would like to hear from Chairperson Fryer again in a few months to see how the pre-hearing conferences are helping. Chairman Fryer stated that he appreciated the patience of the public in the implementation of zoning.

b. Report from the Uniform Directional Signs working group and discussion of possible Village-endorsed uniform sign program.

Dick Kinan, Chairperson, in collaboration with Gary Brim, presented an extensive draft of possible solutions to meet the need for "offsite signs" in the community. The proposed plan will call for up to five kiosks to be placed in strategic places around Wimberley. The focus of the plan is to provide an incentive for businesses with free-ranging off-site signs to remove them and advertise on the uniform signs that will be placed round town. The report is hereby made an official part of the minutes of this meeting and is attached hereto. The Mayor commended the committee for their work, told them the report will be considered by Council and possibly placed on next Council meeting agenda.

c Report from Parks & Recreation Committee concerning progress on the Master Park Plan.

Councilmember Knies reported that the committee had prepared the first draft of the Village Parks & Recreation Master Plan and held one public forum which produced some recommendations. The Planning and Zoning Commission has looked at the plan and made some recommendations as has the grantwriter. These recommendations will be taken into consideration and as yet, have not been incorporated into the plan. The plan has been sent to Joel Seffert, Texas Parks and Wildlife Department for his review, and the committee is awaiting his comments. Then, all the comments will be put into a revised master plan – have a public hearing either separately or in conjunction with a council meeting for discussion and possible voting on the plan.

5c (Out of sequence agenda item): Discussion & possible action to amend the Village of Wimberley Zoning Ordinance No.2001-010 to permit the following initial zoning:

(1) Property of Brady Steward, 1865 Wayside Dr., for business to be known as Ice Moon; request for Zoning of R-2;

Councilmember Brown asked that the Chair of the Planning Commission present the recommendation on this item and asked if the applicant was present. The applicant (or his representative) was not present and Chairman Fryer presented the item. He stated that the request for Zoning of R-2 was not exactly accurate since there was some negotiations as to what the zoning should be. Chair Fryer stated that this application was continued from the initial meeting because at that time the applicant insisted he have a zoning that was of a commercial character and he was uncertain as to what he wanted but felt he must have a commercial zoning in spite of the fact that his initial statement of use would fit into the category befitting a "home use business". In the final meeting, his partner clarified the intention of their use and the description was quite different from the initial use as presented. It became much different from the initially presented use – it became much more than a "glass" studio – it became a welding studio for welding artwork – and also became a bronze foundry – to produce art pieces 100 ft. in dimension. So, with a 200 pound bronze foundry requiring 240 kwh of power, 5000 gallons of propane fuel per month, and plans for a yard for welding very large structures, the whole concept moved from a residential occupation to a light industrial classification. The Interim Comprehensive Planning Map provides only AG or R-1 in that area of the Village. Under the current structure of the zoning ordinance of the Interim Comprehensive Plan, the Commission could not find a way to provide for a zoning at that level of intensity for that part of the Village, so the application was recommended for denial. Fryer stated that in the event the applicant or a representative was not present, the

ordinance provides that the request might be continued or denied at this juncture in the process. Councilman Brown asked for the vote of the committee. Fryer stated that two Commission members were absent (B.J. Kolenda and Marilee Wood). Commissioners Curt Busk, Pam Showalter, Glenn Fryer, David Glenn voted "yes" to deny the application.

The Mayor asked for public comment, pro or con.

David Wilson commented that he was present at the Zoning Commission and that the applicant was honest and forthcoming about his use. Mr. Wilson stated that he was familiar with the type of work to be carried on at this location and he felt the level of activity required might be too intense for this area.

Glenn Fryer commented that the specific area for this project is not very conducive to residential use considering the surrounding use of property, but given the ordinance content, it was felt the permit should not be granted. The applicant had letters from the surrounding absentee land owners approving the requested use of same. It was pointed out that adjoining property owners held mainly ranch land and were large pieces of property.

Councilman McGee brought up the fact that the applicant had encountered some problems ascertaining whether or not his property was inside Village city limits. In other words, he thought he was outside the city limits and the property was bought with that thought in mind. In response to Bill Johnson's question, it was determined the property consists of 1.9 acres. Councilmember Knies stated that she visited the site and felt it might be a pretty good location for such a business and she felt it did not look either residential or agricultural. Curt Busk stated that the activity requested would be more appropriate for the center of the Village instead of the outlying areas. Dr. Caldwell stated that under the Interim Comprehensive Plan, which outlined usage for Planning Area A the district suggested for that area would be AG or R1 and to grant a commercial or anything else – would constitute "spot zoning". In her response to a request to define "Spot Zoning", Dr. Caldwell stated that whenever zoning was granted in an area that is not supported by the comprehensive plan and would be inconsistent with the surrounding property, the action would be considered "spot zoning."

Councilman Brown moved that the hearing be closed. Seconded by Councilman Klepfer, the hearing was declared closed. The Mayor asked for Council comment. Councilman McGee moved that the application be continued to a future date (to be set) and that the Council (by this motion) request the P&Z Commission to make further inquiry into the appropriateness of the uses now contained in our interim Zoning Plan (i.e., for the uses that can be made of property in the general area of this tract of land) and to determine whether or not it would be appropriate to redefine those uses and come back to Council with their findings. Seconded by Councilwoman Knies.

In discussion, Councilman Klepfer stated that this zoning request, as it stands, can be either accepted or denied – and that having been present at the P&Z meeting, he felt there was a very thorough discussion of the issues, with compassion for the applicant, and that the commission understood how difficult it was for the applicant. However, he stated that because the land use (as finally determined) was clearly not appropriate for this area and that he backed the decision of the commission. He further said, that if the Village needs to request P&Z to revisit their land use definitions, that might be appropriate. However, since Council had set a comprehensive plan and empowered the Commission to look at these issues, this

gentleman's land use is not even close to what the comprehensive plan approved for this area, he recommended that Council send it back to the Commission and let the applicant go through the process, or change his land use, or come back to the commission and convince them that this should be an industrial area of this town and he can then resubmit. Further, if the council does not like what they have put in place, they should go back and redo it, but since Council put a comprehensive plan and a zoning ordinance in place, he felt it would be wrong to not vote on the first decision made by P&Z to deny a request. Councilman Manis agreed

Chairman Fryer pointed out that under the present rules the applicant would not be able to resubmit the application for one year – and this rule would have to be waived for him to do so. Councilman McGee said he would like to consult with counsel to ascertain the legality of waiving the one-year requirement. He was concerned about not being able to waive the one-year requirement under the current language of the ordinance.

Councilman McGee amended his motion to state that council "continue" the request until a legal opinion is obtained as to the proper procedures that might follow the denial in case the applicant were to ask for a waiver of the one-year time requirement for re-filing. Seconded by Councilwoman Knies. Councilman Brown commented that as time goes on and zoning decisions are presented to council, there will be some hard-luck situations that will bring about some difficult decisions by Council. He also pointed out that the Council is responsible for treating every citizen –within our jurisdiction – identically, not making exceptions for citizens who have maybe made some bad decisions or been told the wrong thing by a title company. "That is not our job. Council is not liable for what people find out or believe on their own. We are liable for the application of this ordinance."

The motion for continuing the zoning request failed by the following votes: Not to continue:
Yes – 3 (Brown, Manis, Klepfer. No – 2 (Knies and McGee. Motion failed 3-2).

Councilmember Walter Brown made the motion that Council accept the Planning Commission's recommendation to deny the request for R-2 zoning. He clarified that, in making this motion, it was primarily based on his opinion that sending this back to the Planning Commission is not going to get them from agricultural to industrial in modification of the plan. Seconded by Councilman Klepfer and clarified by Councilman Matt Manis that the motion was to support the Planning Commission's decision to deny. The motion passed 3 for (Brown, Manis, Klepfer) and one "no" (Knies) and one abstention (McGee). The motion passed 3-1-1.

(2) Property of Mavis Woolsey, 303 Wimberley Square; for business to be known as Carol's Coney Island for Zoning of C-1.

Councilman Klepfer recused himself due to his business being within the 200-ft proximity of the subject property. The Planning and Zoning Commission unanimously approved this zoning request. Councilman Matt Manis made the motion that Council accept the Planning and Zoning Commission recommendation to approve. Seconded by Councilmember Martha Knies, and by hand vote, the motion passed 5-0.

(3) Property of Charles R. Garrett, 310 Packsaddle Pass; for primary residence; for Zoning of AG.

Chairman Fryer stated that the use of the property is suitable for the requested land use and having found the application to be consistent with the review criteria and the comprehensive plan, the Commission recommended its approval. There was no opposition, the public hearing was closed. Councilmember Brown moved the zoning request be approved. Councilmember Knies seconded, and the motion passed 5-0.

Councilman Brown requested that the applicants be reminded they could appear at the time their application was presented.

8. Old Business. None.

9. New Business

a. Discussion & possible action on an amendment to the Wimberley Zoning Ordinance(No. 2001-010), as recommended by the Planning & Zoning Commission, with possible additions by the City Council.

Councilman Brown presented the amendments to Zoning Ordinance No. 2001-010 stating these were for districts that had not been included when the ordinance was adopted. These proposed amendments were presented to council members for their review. New districts were: industrial park (light industry); public safety districts, i.e., EMS, fire department, etc.; utility switchyards, participant recreation districts (low impact variety) like campground – with facilities; entertainment (no more than 100 persons at a time) libraries, parks, religious assemblies, community centers, and a district for arenas, outdoor theaters; public facilities like schools, post office, etc. and communication services (where all the towers are). Councilman Walter Brown moved that the amendment to the Zoning Ordinance be continued in order to give Council time to study the proposed amendments.. Seconded by Councilman Manis, the motion passed 5-0.

b. Discussion & possible action to set a time certain for a public hearing on the proposed Telecommunications Antenna Ordinance, and to extend the Antenna Moratorium for 30 days (Proposed public hearing date: June 21, 2001, 7:15 p.m.).

Councilman Walter Brown moved that the moratorium be extended for 45 days from this date and that a hearing be set Thursday, June 21, 2001 to be posted for July 5. Seconded by Councilman Steve Klepfer, the motion passed 5-0.

***c. Discussion & possible action to confirm the Mayor's authority to sign the contract executed May 28, 2001 for the purchase of a 7.24-acre tract in the Amasa Turner 1 Survey, Abstract 461, Hays County, Texas for parkland in the Village of Wimberley.**

Councilman Tony McGee moved that the Council confirm the Mayor's authority to execute the contract for the purchase of the 7.24 acre tract in the Amasa Turner No. 1 Survey, Abstract 461, Hays County, Texas for parkland in the Village of Wimberley. Seconded by

Councilwoman Martha Knies, Council Brown stated "that Council expected to have all the money needed to meet the required match by the day of closing (December 28th) or we will not buy it and will only lose the \$1,000 earnest money. The motion carried 5-0.

d. Discussion & possible action approving an Ordinance designating the Village of Wimberley City Council as the Board of Adjustment.

Councilmember Walter Brown made the motion that the Council assume the role of a Board of Adjustment pointing out that if this is not done, the current board would continue to act, and that it was more feasible for Wimberley Council to take on this role since they could convene during any council meeting. Seconded by Councilman McGee, the motion passed 5-0.

e. Discussion & possible action to authorize the Mayor to sign the Community Center Agreement between the Village of Wimberley and the Wimberley Senior Citizens Activities, Inc.

Councilman McGee made the motion that the Council approve this agenda item as presented, stating that the contract was drafted in two meetings between David Glenn and Ron Millard, representing WSCAI, and and Steve Klepfer and Tony McGee, representing the Village of Wimberley. Seconded by Councilwoman Knies, the motion passed 5-0.

f. Discussion & possible action to enact a Resolution appointing the President of the Wimberley Senior Citizens Activities, Inc. (WSCAI) or her successor to make application for a Texas Parks & Wildlife grant for the construction of the Village of Wimberley Community Center.

Councilman Tony McGee made the motion that the Village Council adopt a resolution designating the President of WSCAI to deal with the Texas Parks and Wildlife Department in making an application for grant funds to build the community center. Seconded by Councilman Steve Klepfer, the motion was approved 5-0.

g. Discussion & possible action to enact an Ordinance providing for notice to the Village of Wimberley City Council of certain facts concerning claims for property damages or for damages for personal injury or death before a suit may be instituted against the Village of Wimberley for such damages.

Councilman Tony McGee moved that Council adopt an ordinance as stated in the agenda item. This ordinance was requested by the insurance carrier for the Texas Municipal League. Seconded by Councilman Klepfer, the motion passed 5-0.

h. Discussion & possible action to enact a Resolution approving the organization of a 4th of July parade by the Chamber of Commerce and authorizing the Mayor to request TXDOT's approval of the parade.

Curt Busk informed the Council that the Chamber had encountered many problems setting up the yearly Fourth of July Parade. Because Wimberley is now incorporated, TXDOT will only deal with the City and has informed the Chamber that they will be enforcing all the permit laws they have had in place for many years. Which means that barricades will have to be put

at four county roads along the parade route, which will cost \$1,000 because they must be rented. Hence, the Chamber is requesting that the Village Council make the required request of TXDOT so that the Chamber can be allowed to hold the July 4th parade.

It was clarified that this happenstance had nothing to do with Wimberley incorporating, but has everything to do with TXDOT deciding to enforce their own rules regarding procedures for small towns to have local parades.

Councilman Tony McGee made the motion that Council enact a resolution authorizing the Mayor to approve the organization of a 4th of July parade by the Chamber of Commerce and to request TXDOT's approval of the parade. Seconded by Councilman Steve Klepfer, the motion passed 5-0.

i. Discussion of Little Arkansas road changes; impact of these changes on the Village of Wimberley; and Hays County/Village of Wimberley Communication regarding road changes.

Councilman Klepfer asked that this item be continued. Seconded by Councilman Walter Brown. Councilman Klepfer stated that Commissioner Bill Burnett did come to the Roads Advisory meeting with every intention of reporting to the committee but that the committee also had the head of TXDOT (for our region) and the meeting ran two hours and Commissioner Burnett was unable to attend. Hence, the item will remain on the agenda until it can be heard.

j. Discussion & possible action on a Watershed Overlay District amendment to the Zoning Ordinance.

Councilman Klepfer stated that this item should be adopted but requested that this item be continued.

k. Discussion & possible action on protocol for the setting of council meeting dates and public forum where a quorum of the Village of Wimberley City Council will be in attendance.

Councilman Steve Klepfer moved that the Council establish protocol for calling special council meetings and setting date for it, especially when these meetings involve public forums where a quorum of the Council should be in attendance. He stated that this motion does not in any way negate any power the Mayor has to call such special meetings. Seconded by Tony McGee, the motion was approved 5-0.

l. Report on Village of Wimberley Finances.

Councilman Manis presented the financial report for the month of May. He pointed out the cost of the election, \$1604.08. The city has made a payment of almost \$15,000 on the loan, leaving a balance of \$30,000. He stated that Verizon had turned out to produce more revenue than expected; and that since the Village was operating under the original budget, he would present monthly reports as to what items and dollars were moved into other categories and would report this each quarter, so they can be approved on a quarterly basis.

Council was informed by Councilman Brown stated that approximately \$3500 had been derived from building permits and fees. He informed Council that there would be a payment on the loan of \$15,000 on June 15th and another one for \$15,000 on July 15th. On June 15th, the Village will be getting their first sales tax check – which should be around \$15-17,000. After the first nine month's budget costs vs revenues totals have been ascertained, councilmembers will be given this analysis for their review and to use as a basis for next year's budget allocations.

***m. Discussion of personnel matters. Specifically, employee titled "Development Services Administrator" to assist zoning and subdivision applicants, coordinate the application and notification process, maintain zoning and subdivision records, and manage compliance with these ordinances and the Village of Wimberley Sign Ordinance.**

Councilmember Walter Brown made the motion that the Village hire a person to carry out the duties outlined in agenda item 9m. on a part-time basis (two days per week) through September 30th at which time the need will be re-evaluated. Seconded by Councilman Klepfer, the motion passed 5-0.

***n. Discussion & possible action on protocol for the setting of council meeting dates and public forums where a quorum of the Village of Wimberley City Council will be in attendance.**

Councilmember Klepfer made the motion and presented a resolution for council adoption that outlined procedures for calling special council meetings – especially forums – where a quorum of the Village of Wimberley Council will be in attendance. He stated that this resolution would in no way negate the authority of the Mayor to call such special meetings. Seconded by Councilman McGee, the motion passed 5-0.

10. Items from Council

a. Annual Goals due by June 21, 2001.

Mayor Hewlett stressed the importance of the Council to set goals and that while members of council were inundated with work, she asked that this not be put off too long.

11. Announcements

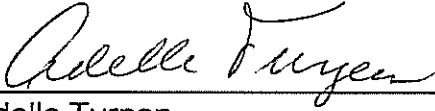
Councilman Klepfer announced that there would be an important hearing by TNRCC AquaSource meeting at Danforth on June 11, 2001, 7:00 p.m.

Mayor Hewlett stated that there would be a Workshop in Austin at the attorney's office on June 16th for all councilmembers.

Mayor Hewlett clarified the action on the P&Z Commission's recommendation regarding "member absences" by Commissioner Marilee Wood, in that by this resolution, all of her absences were declared "excused."

***Council adjourned to an Executive Session** at 9:20 p.m. to discuss Agenda Items 9c – 9k 9m and 9n. Council reconvened at 10:42 p.m. (having taken no action) at which time the agenda items were taken up.

There being no further business, the meeting was adjourned at 11:05 p.m.



Adelle Turpen
City Secretary



Linda Hewlett
Mayor

The Next Regular Council Meeting to be held on Thursday, June 21, 7 p.m. at City Hall.

June 7, 2001

Report to Council on the Zoning Activity and the Zoning Application Process

This is a report of the Chairman which has not been reviewed by the Commission.

The Village of Wimberley Zoning Ordinance was adopted on April 5, 2001 and there have been, to this date, 15 applications for initial zoning. Initial zoning is required when there is a change of use on a property or a change in the intensity of development on a property. Initial zoning may be desirable to protect a grand-fathered use of a property.

Three things about the zoning ordinance can not be mentioned too frequently.

1. The Zoning ordinance does not zone property without an application from the owner.
2. All property and uses on property are grand-fathered under the ordinance.
3. So called residential or commercial zoning that was conferred on a property by a subdivision prior to the adoption of the Village zoning ordinance is not in itself an indication of the zoning that may be applied under the ordinance. Property buyers and sellers should not use this unofficial and now irrelevant description of zoning.

In these early stages the application for zoning and processing the applications has not been as smooth as we need it to be. It is the responsibility of the Village to make the process understandable and easy as possible for all applicants. In the two months since the ordinance has been in place we in the Village Government have learned quite a lot about where there needs to be improvement and are working continuously to do that. I say from personal experience that when an applicant has trouble with the process that trouble for the Village is multiplied ten fold. The Council and public can be assured that we have ample incentive to simplify the process as much as possible.

The three most common difficulties in the first ten or so applications were:

1. The applicants misunderstanding of the available zoning under the Interim Comprehensive Plan and the Zoning Ordinance. Applicants should not submit an application until they fully understand the zoning they require and its availability in the Planning Area of the Interim Comprehensive Plan.
2. Failure to specify exactly the zoning requested. If the applicant appears at the hearing this can sometimes be resolved in the hearing.
3. Failure to supply a complete list of property owners within the 200 ft statutory notification range. While it would be a rare occurrence, applicants should know that the zoning on their property could be called into question if a property owner that was not notified later complained about the zoning.

In addition there were random omissions of information from the application forms.

These difficulties showed that a more understandable set of instructions was required and that some applicants needed access to pre-application counseling. We found that applicants needed to be better prepared in their own minds regarding the zoning they were requesting and their responsibilities in the process.

Random pre-application counseling , one on one between applicant and Commissioner, has not proven to be fully satisfactory, largely because applicants may involve the Commissioner in personal considerations of their project which, while important to the applicant, are irrelevant to the information to be obtained from the Commissioner.

A revised instruction set, and a reserved table in City Hall is now available for zoning applications. We have had two pre-application conferences before P&Z meetings which seems to work better in a public setting than in a one on one meeting.

The Commission has begun, officially next Monday, to hold pre-application conference session with one or two counselors present, beginning at 5:30 PM, before the regular 6:30 PM Commission meetings on the second and fourth Mondays of the month.

The most difficult item in the zoning application is the list of property owners to be notified of the zoning request. We have the Appraisal District maps from which some of the tax account numbers can be obtained. The names for these accounts can then be obtained from a web site. However the lots in subdivisions as shown on these maps have only lot numbers to which there is no reference on the web site. In most cases and perhaps for most addresses a personal visit to the Appraisal Office will be necessary to obtain all the required owner addresses. For residential uses in particular the applicants seem to believe this is an onerous process.

Difficulties with the Interim Comprehensive Plan, Zoning Ordinance and they way they interact, carry over into the application process. These concern the zoning districts permitted in the Planning Areas of the Interim Comprehensive Plan. This is being addressed in the Commission's work which will be brought to the Council in the next few weeks in the form of a recommended amendment to the ordinances.

Question about the ordinances will however continue to be a point of frustration for applicants and pre-application counselors each time a previously unconsidered circumstance arises. Commissioners as counselors have a problem in these cases since they cannot speculate on possible solutions that might not be completely congruent with the ordinances. For a Commissioner to advise an applicant in a way that later turns out to be unsupportable in an open meeting is a bad thing. Ideally Commissioners should not be in contact with applicants outside of full quorum public meetings.

GF