

Village of Wimberley

Special Called Stakeholder Meeting Minutes

City Hall, 14500 RR 12, Suite 22

Friday, July 20, 2001 – 9:00 a.m.

1. **Call to Order:** The meeting was called to order by Mayor Linda Hewlett at 9 a.m.
2. **Public Hearing on the Village of Wimberley Ordinances:**

Council Member Brown assured those attending the meeting that the council was open to hear every citizen's comment

Jim Gillock, chair of the original sign committee stated that the sign committee had met for about three months; that the committee was been made up of seven members (four of which were business owners) and included a diversity of community members, even two were sign company owners. He said the committee had started with a blank page and had used items from like cities that they felt might apply to Wimberley. Committee members included liberal, conservative and moderate thinking members. Hence, there was a great deal of spirited debate among committee members. He said that even though the committee has disbanded they would be willing to re-activate. If necessary. He made it clear that he was a sign ordinance advocate mainly because of the proliferation of signs caused by population growth in the community. He outlined methods used by the committee to make sure all interests were represented and stated the ordinance was prepared in accordance with the law and from input from the community, and the sign committee members were open to suggestions from the public.

I. Comments from Stakeholders, Council Members and the Planning & Zoning Commission Chairman and the Sign Committee Chairman on the Village of Wimberley Sign Ordinance.

Brendy Kilber: expressed concern about undue restrictions that she felt were being placed on her property on Ranch Road 12. In her opinion, the Square is under stress and she believes that the entire plan needs to be looked at again; that the city government is restricting areas that were not included in the city limits when the Village incorporated. Restrictions and ordinances do not have a good connotation in her mind. She expressed the wish that entrepreneurship will not be repressed. In her opinion, the city council has enacted regulations that have restricted her signs and her property beyond what her original zoning was designated. She asked that P&Z call on her – she would like to be of assistance. She felt that the county rules and TNRCC rules should be adequate for the community. She informed council that her deed states that her property is designated as "commercial" but has been re-zoned by the ordinance and since property on RR 12 usually is commercial, she would like to retain her original designation.

Mike Robinson had many concerns, but his main concern regarded the sign restrictions that he believed hindered his ability to conduct various businesses. He outlined the specifics which he felt applied to his situation, i.e., sign restrictions only permit signs that are too small and persons going fast on RR 12 cannot read his signs, painting restrictions and fees. He wanted more flexibility in freestanding signs advertising the many business ventures on his property. He agreed that the non-compliant sign was not attractive, but he thought he could not "touch" that sign. He wanted to keep the sign but modify it. After general conversation regarding his concerns, council members informed him that he – in fact – could paint the sign in question without fear of retribution if he applied for a permit to do so. Councilmember Brown pointed out that there were provisions for multi-business enterprises, i.e., monument signs. Mr. Robinson's preference was to put numerous wooden signs along RR 12 that he felt would fit into the Wimberley ambiance. Mr. Gillock pointed out that there was possibly more flexibility than Mr. Robinson perceived there was - and suggested that he come in to talk to the sign administrator. General council conversation clarified for Mr. Robinson that he could repaint his legal non-conforming sign. In response as to whether or not he thought the sign fee structure was prohibitive, he stated he really had no objection to the sign fees, except for the temporary sign fee, especially banners. He also mentioned "event" signs restrictions as being objectionable.

Mr. Gillock remarked in closing, that, "under the 'Design Guidelines', Section Six, there is one word that people may be misinterpreting, i.e., it states that 'you are **encouraged** to follow these guidelines'. – not being told that you **have to follow these guidelines**. And, the sign ordinance is not restricting design of signs, it is restricting size, location, height and number. No limitation on design and creativity, only encouragement to follow the guidelines."

Bob Flocke agreed that the Village does not want a proliferation of signs, but he felt the sign ordinance is a "sledgehammer" approach to get the "net" and overdoes everything. Main area of contention is "for sale" signs in cars and limitation of one sign per car. He did not understand why this item was even in the ordinance. Requirement to pay separate fee and a separate application for each sign is, in his opinion, prohibitive. He stated that, "if a business person had their act together and had multi signs and could come in with all of them, there should be only one fee." Anything put in all at once – with one evaluation – he recommends one fee for all the signs being applied for at one time. He believed that temporary sign fees were exorbitant. Council Member Klepfer commented that council has taken a solemn vow to keep this city government self-supporting and had looked very carefully at the fee structure to make sure they paid for the costs of administering the staff time, etc. and Mr. Flocke agreed that this was needed but believes it could be accomplished without being burdensome for anyone.

M.F. Johnson commented that she agreed with the provisions of the sign ordinance and those putting in a Wimberley business should conform or don't put in the business. She asked the council to hang on and hang in on the sign ordinances.

Peter Anderson stated that although the sign ordinance might need to be returned and adjusted somewhat, there are a lot of people who favor a strong sign ordinance, and he is one of them. Today, in the space of a mile, he counted twenty off-premise signs. He stated he moved here to enjoy the beauty of the Valley and not to read signs.

Council Member Klepfer remarked that signs in the community should meet the community standards of the people who live here - not the tourists - and aesthetically keep the scale of our community and the bombardment of commercialism down -- and if council continues to do that, the tourists will be fine because that's what they are coming here for. If they wanted to see Oak Hill, they would go there. You can see "sign garbage" in any city in the state. We need to keep doing what our very 'smart community' says to do - as business people, and - our business will be fine."

Callie Kaiser stated she and her husband are owners of **The Fork Café** and she felt that the current sign ordinance provisions are a restraint to her business. She would like to put a sign on RR 12. Council members informed her that a monument sign was legal. She stated she understood the subdivision owner had to have a PUD in order to put a sign on RR 12. Council members clarified that as long as it is on the property - and was a monument sign - that it was very legal. She was urged to make an appointment with the sign administrator so she could be "walked through" the rules and regulations.

Clint Frankmann said that the main concern of the sign committee was the proliferation of signs. He called attention to the "parasite signs" that are popping up - one example is the signs that are at the entrance to Woodcreek piggybacked on other signs. He stated that as they popup more and more, there must be rules and regulations. He said that everyone in the community has to obey the regulations or nobody is going to want to come here. Most people came here for the naturalness of the area. He said, in his opinion, Wimberley government is accommodating and has tried to be open. He stated this most of the people who came down to complain have not been a part of the process from the beginning. He believes this is the right approach and that the community needs to work with the government and with each other.

Council Member Klepfer stated he believed the sign ordinance is working; one example is the consideration given the city rules by a Texaco operator wanting to add another pump to an existing station on Blanco Road. Without any squawking, they complied with the sign ordinance, keeping the sign down to a human level.

Council Member Brown shared a story about the new Diamond Shamrock facility. The owner stated the national organization wanted him to put up a new canopy like that one at the Junction. The owner of the store said himself - he wanted to keep it as it is because it fits into the community and he has a loyal local customer base. Brown stated he believed this is one example of the sign ordinance having a good effect for the community.

Tracy Dean stated he thought the sign ordinances needed to be tweaked to make it fit everyone. He stated that he is the owner of South River and the PUD limitations would not let the monument sign be high enough (referred to by the owner of the Ford Café). The implementation of a PUD is expensive but he is trying to do it. He stated that he was in agreement with what council is trying to accomplish.

Council Member Knies quoted from the minutes of a meeting held on March 23, 1994 in Wimberley to find ways to encourage foster and preserve the beauty and traditions of the village and surrounding area. These minutes describe what this group believed to be the essence of Wimberley, i.e., unique, Norman Rockwell like – Saturday Evening Post area, historic, long ago time, slow paced, hill country look, etc. that they felt represented Wimberley; an environment that restores the soul, safe friendly environment for shoppers and families with a large community of fine artists, held in high esteem. These characteristics were put on paper in 1994, and this council is trying to move into this direction. She pointed out that big city families move here to escape city chaos, make sacrifices to do so, and are very willing to make these sacrifices.

Council Member Manis stated that we must accept the fact that those who move here must learn to change – Wimberley is not going to change – those who come here must change to fit in. When you have to make money – or want to – dollar signs get in front of what we want for our community. Unless the Village holds the line, this community will be like any another community in the world.

Tony McGee stated that citizens must realize that Wimberley is not the same as it used to be – and change is inevitable – and the change will be in a modern form, including the types of business that decide to come here. Council is charged with responsibility to accommodate change in a way that least disturbs the qualities of Wimberley. We cannot say we are opposed to change – we must work together to find that ground where local merchants can accomplish their work – but others can keep this a pleasant place to be. It's a matter of compromise – not lines drawn in the sand.

Council Member Klepfer stated he believed the Wimberley process is the most "freedom allowing" possible and will be at its best when the PUD process is working. The process must be very friendly – they are just starting – and feedback on that process is being asked for.

Frank Austin stated he believed that Wimberley is turning into a bureaucratic nightmare with all the rules and regulations, ordinances, etc., many that can be done away with. He emphasized that he has worked on every incorporation effort for the last twenty years. But he stated that there are economic bounds necessary for successful businesses. Anytime unnecessary regulations are imposed, business hurts. In his opinion, the process as outlined by Council Member Brown at the meeting two weeks ago was the right way to address the issues involved. He was disappointed that there was no process outlined to name the members of this committee - and the idea of a committee

was completely cancelled at the next meeting. We need some of these ordinances – but not the ones that are overreaching, especially the nit-picking sign ordinances. Council Member Klepfer asked for specifics and Austin stated he had given council a list of specifics and he would resubmit that list.

DeeAnn Story stated she liked the sign ordinance and she hoped that council would pay attention to those who do like it. She stated that this is a "learning" process and that she lauded the diligent work of the council.

II. Comments from Stakeholders, Council Members and the Planning & Zoning Commission Chairman of the Village of Wimberley Zoning Ordinance.

Council Member Brown stated that the chair of the Planning & Zoning Commission as well as members of the commission were not at the Stakeholders Meeting because they were all in Austin attending an American Planning Workshop covering the following topics: "Texas Planning – What you need to know in 2001"; "Being An Effective Planning Commissioner", "Roles, Responsibilities, Ethics and Legal Issues"; "Comprehensive Planning That Works"; "Introduction to Zoning and the Enabling Act"; "Duties and Role of the Board of Adjustment", "Planned Unit Development Zoning" and this year's hot topics following the legislative changes. These people are improving their ability to advise the council and are doing a very good job of this. Council Member Brown read a message from Chairman of the Planning & Zoning Commission, Glenn Fryer, in that he supported the work of the commission and hard working members stating that response from the community to him was that they overwhelmingly supported work of the Planning & Zoning Commission.

General Comments:

Dr. Sally Caldwell, commenting on the Zoning Ordinance said that she believes it represents a terrific job - well done. She said "that in her years of working with many, many zoning ordinances and with comprehensive plans, and by having been involved in the creation of this document, she believes that without question, it is one of the most flexible plans she has ever seen." As to the zoning ordinance, she would suggest that the key to success is to go back and look at the PUD, and its flexibility, which is allowed anywhere in this community. She applauded the efforts of the Commission.

Jack Hollan stated he was very proud of the work council was doing, they are representing the wishes of this community as they see them. As population grows, we will need more – community agreed upon – regulations. Wimberley is a very special place and most people are here by choice. Growth is throwing down a gauntlet in that we must make our choices. As we grow and get more heavily populated, we are gaining things, people, new businesses, more traffic, opportunities to make money, more noise, more crowds, new ideas. But we are losing something, quiet, solitude, laid back way of life, kind of spaciousness where you generally know all your neighbors. We are losing open space and wildlife habitat, even to almost losing our creek last summer. Many times, the

persons who are concerned about these issues might not show up always to meetings but it is good to know that council represents this group also.

Barbara Nelson lives off 1492 – been here since 1991 – concerned about proliferation of antennas. She asked about regulations for “piggyback” antennas. Council Member Brown explained that federal regulations prohibit much control over these antennas. She asked about regulations for PEC, i.e., clear-cutting larger areas than necessary, cutting down trees. Council Member Klepfer stated that PEC easements on private land is not anything that the city would have jurisdiction over; only within the city’s right of way.

David Baker, landowner and businessman, thanked the council for leading the effort to implement planning for this area and especially Council Member Klepfer for his leadership on the Water/Wastewater Committee. Specifically, he spoke to the water issue, as being very complex, and the value of community planning, particularly regarding environmental issues. He spoke to the need for water overlay districts and a comprehensive watershed protection ordinance. This process, i.e., many committees who volunteer to solve these issues are vital; they take a lot of time; and we need to honor this as a service to a larger good. In the American Planning Association’s book on community planning, one definition of planning is: “the conscious attempt to solve problems and control the course of future events by foresight, systematic thinking, investigation and the exercise of value preference in choosing among alternative lines of action”. David referred to the top values as outlined by Martha earlier: clean water, clean air, good schools, and low crime rate. All these things are the purpose of government in that their responsibility is to guide us in that process of achieving the top values of living. The Stakeholder input into identification of those values -- and prioritizing them -- is what these committees have been working on, and many people in the community are just now finding out these committees exist. The planning is a continuous process – we will not come up with a perfect solution for every problem. But the community needs to know that these ordinances have to change to accommodate new issues and meeting community needs can only solve them. He stressed the importance of this process -- and these committees - - to address the issues as they come up.

Council Member Brown asked if David Baler could come to the council meeting to speak on watershed protection overlay ordinance, and whatever else is necessary to assure water quality.

III. Comments from Stakeholders, Council Members and the Planning & Zoning Commission Chairman on other Village of Wimberley ordinances.

Jim Thompson commended the council for their swift work in creating the Stakeholders Forum in that it shows that they really care about what the community thinks. He also commended council for all they have done for the Village, the P&Z Commission for all their work in putting together the ordinance. He said that when Glenn Fryer offered to privately meet with a community member – as he did at the council meeting last evening, this is an indication of

commission willingness to work with individuals to solve problems. He stated that he believed that the opportunity for public participation is in the public forum process and the public meetings that the committees, the commission and the council have had in putting the entire ordinance together. He encouraged everyone in the community to follow more closely the agenda of each of these committees/commissions and of the council and provide input as these ordinance and interim and final plans are put together. This process is valuable to the community and council should be commended by doing so. Everyone should participate in the putting into place of these ordinances.

Mayor Hewlett stated that the council really wanted to hear what the people had to say. She said that in going through the current process, we are getting to know our neighbors and are seeing this community getting together week after week, talking about Wimberley and how we want it to be. She pointed out that the impact goes beyond Wimberley, in that our community is made up of many people who work outside of Wimberley, in county and state government. Each community member is welcome to contact council members anytime they have a question. She said she thought she spoke for the whole council in saying they are proud to represent Wimberley citizens.

Council Member Brown presented eleven letters from persons – within and without – Wimberley and 50 signatures on a petition that says: "We the undersigned live, work, visit, and/or shop in Wimberley. We support the actions that the city council has taken in the various measures: sign ordinance, zoning, and subdivision regulations. Further, we believe that such measures are essential if the special quality of Wimberley is to be preserved."

Council Member McGee stated that as the economic recession continues, many businesses may not make it, and they may look for reasons other than the economy to blame for it. He asked that council not to give undue notice to that but to listen to the people having trouble and who come to the council asking for modifications that will allow them to hang on for awhile. Council will get some requests like that and should always keep their ears open to help them without sacrificing the ordinances we have.

IV. Determination of need and date for a future meeting for comments on ordinance commented on in this meeting.

Council Member Manis stated the format of this meeting seemed to be good and another special council meeting should be held within a month.

Council Member McGee noted that there were some business persons that were not here – would like to have a meeting sooner than a month – and at night, to see if that time might be more convenient for them to be here to make their views heard. He asked for a called meeting very soon to give them an opportunity to attend.

The next public forum (special called council meeting) was set for Thursday, August 9th at 7 p.m.


Council Member Steve Klepfer asked that the minutes of this meeting be publicly available as soon as possible so people who were not able to be here can benefit from what took place, and further that council decide among themselves what the process will be for things that each council member believes needs to be looked at in those ordinances for the process to start. Is it the pleasure of the council that those things are sent as a notice to the Planning & Zoning Commission or other methods? He commented that his wish would be to send those items that he felt needed to be looked at back to where they came from – i.e., to the sign committee – or zoning commission so they can revisit them.

Council Member McGee stated the motion as made last evening provides that the minutes be forwarded to both the sign committee and zoning commission as appropriate. But, in addition, asking that they review and consider the suggestions and forward any ordinance amendment recommendations they might make -- as a result of those suggestions-- to the council for possible action. It also provides that each council member may request the commission or committee to consider any matter that might be raised by a Stakeholder.

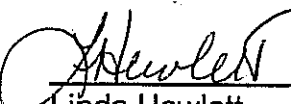
Jim Gillock reminded council that that possibly only half of the original sign committee could be reconvened. Therefore, it would be necessary to add new members and that it must also be remembered that the sign committee was only charged with the language of the sign ordinance – not the process - which includes fees and enforcement. Mayor Hewlett stated that possibly the charge would be to address fees at this time also. Jim Gillock agreed to chair this committee again and stated he would like to have some of the people expressing concern about the ordinance to serve on the committee.

Conclusion:

An open forum will be held on August 9th at 7 p.m. at the City Hall to address new issues that may arise. The sign committee will be reconvened with Jim Gillock as Chairperson – with a new charge that includes fees and the process. All questions regarding the zoning ordinance will be directed to Council Member Brown.



Jimmie Robinson
Asst. City Secretary



Linda Hewlett
Mayor