

MEMORANDUM

TO: Mayor and Town Council
FROM: Robert Middaugh, Town Administrator
DATE: March 31, 2000
RE: Combined Merits and First Reading

At the present time, the Town conducts a Public Hearing at the merits consideration stage of a Land Use Application, at the First Reading of an Ordinance for a Land Use Application and also for the Second Reading for an Ordinance for a Land Use Application.

It is suggested that the Town Council consider combining the Merits Hearing with the First Reading Hearing in this process in order to help expedite items which come before the Town Council.

The Town Attorney has given an opinion that such a combined processing is legal so long as there is not a presumption that First Reading will be granted simply by virtue of it being on the Agenda following a Merits Hearing. It would need to be understood that an item could fail on its merits and the first reading would then become a moot point not subject to action by the Town Council. This is an administrative process that we can address if the Council would like to proceed with this particular suggestion.

While the suggestion would help expedite certain items, it would also have the impact of reducing one Public Hearing opportunity afforded our citizens. As a practical matter in nearly every application the Public Hearing opportunities are more abundant than the public seems to desire for comment. In reality the public typically comes to a single Public Hearing to voice what ever concerns are appropriate for the Council's consideration. Two hearings would be adequate for public comment while three is probably an over kill. Any expectation of citizens attending three separate hearings is unrealistic.

If this suggestion meets with the Councils approval, we are pleased to prepare the necessary changes to implement the change and thereby help expedite our process. In the event this is not an option that is favored by the Council, it can simply be dropped.