



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, August 5, 2021 6:30 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Thomas Scroggins called the meeting to order at 6:29 pm.

Pledge of Allegiance

- Councilor Jim Winters led the Pledge of Allegiance.

Roll Call

- Present: Chairman Thomas Scroggins, Vice-chair John Thompson, Secretary Scott Adair, Mr. Lawrence Gordon, and Mr. L. E. Rubin
- Present: Councilor Jim Winters, City Manager Dr. Martin Moore, Deputy Clerk Amy L. Lopez, Attorney Chris DeFillippo, and Municipal Clerk Lisa Adair

Approval of Agenda:

- Vice-chair Thompson made a motion to move the public comment up to number seven on the agenda. The motion was second by Mr. Lawrence Gordon. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 5-0 vote the agenda for the August 5, 2021 Planning and Zoning Meeting was approved as amended.

Approval of Minutes:

- Vice-chair Thomson made a motion to approve the July 1, 2021 Meeting Minutes as written. The motion was seconded by Mr. Rubin. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 5-0 vote the minutes from July 1, 2021 was approved as written.
- Vice-chair Thomson made a motion to approve the July 15, 2021 Meeting Minutes as written. The motion was seconded by Mr. Rubin. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 5-0 vote the minutes from July 15, 2021 was approved as written.
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Letter for Variance Decision

- Chair Thompson said Secretary Adair has written the letter, which they received a copy of, stating that we disapproved the variance and read the letter into the minutes.
- Secretary Adair asked if she had been cited by the Code Enforcer.
- Manager Dr. Moore said she had been cited but not taken to court and was told not to bring her horse yet.

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- Mr. Rubin made a motion to adopt the decision the letter as read. Vice-chair Thompson seconded the motion. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 5-0 vote the letter for Variance decision stating the disapproval of the variance was approved.

Change of Time for P&Z Meetings

- Chair Scroggins said we are discussing the changing of meeting time of Planning and Zoning meetings to 5:30 rather than 6:30.
- Vice-chair Thompson said 5:30 would be great.
- Mr. Gordon asked when it would go into effect.
- Municipal Clerk Adair said next meeting.
- Secretary Adair made a motion to change the meeting time from 6:30 to 5:30 pm beginning August 19, 2021. Seconded the motion. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 5-0 vote the change of meeting times from 6:30 to 5:30 was approved.

Abatement Ordinance

- Chair Scroggins explained this is up for discussion to be approved to go to Council and began a discussion.
- Manager Dr. Moore said the attorney felt comfortable with the changes Planning and Zoning presented.
- Attorney DeFillippo said he was fine with the changes and could answer any questions.
- Vice-chair Thompson made a motion to forward the Abatement Ordinance to City Council with the recommendation that they adopt it.
- Vice-Chair Thompson asked for an explanation of the amount of time of 5 days listed on the ordinance.
- Chair Scroggins said that is the amount of time a person has after being cited, the Governing body has to make a determination and notify the property owner they 5 days to fix the issue.
- Mr. Rubin said a public safety issue should be given 5 days because it is a hazard, but a weed violation might not be as serious.
- Manager Dr. Moore said 5 days after the Code Enforcer has given a citation, the Code Enforcer can come to the Governing body who would make a decision, then the Governing Body would make a resolution to take further action. The discussion continued.
- Attorney DeFillippo explained that would be, as an example, a dilapidated building was cited and given 5 days to fix the problem, and if they did not, they would be given another 10 days before action was taken against them, and they can be given another 30 days, giving them a minimum of 15 days and at maximum they would have 45 days.
- Vice-chair Thompson made a motion to recommend the Abatement Ordinance go to Council. Mr. Gordon seconded the motion. Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. With 5-0 vote the Abatement Ordinance will be sent to Council with recommendation of approval of the ordinance.

Cannabis Ordinance and Setting Up Future Special Workshops

- Manager Dr. Moore said we had a committee that worked on this, looked at other Municipalities and Counties on the regulation of liquor and other items, we looked at a summary on the Cannabis law, and put together a draft ordinance that covers time, order and place. He then said we looked at where it should be zoned, much of the C-2 and C-3 areas were agreed upon as well of a couple of planned areas on the outskirts of town that could be used if it is appropriate; we looked at the times of sale and that would be similar to the times liquor can be sold; the issue of manner was not allowing it to be sold in the same place as alcohol and looked at home growth and home delivery.
- Attorney DeFillippo said we can present the areas we would like to present areas it would be allowed to Council.
- Chair Scroggins said there are blue areas near the school and churches.
- Manager Dr. Moore said there would be requirements in place that would keep the businesses so far away from those and continued the discussion.
- Vice-chair Thompson said there was no definition of what is considered mature and immature plants, and is the number twelve and twelve correct, it should be six and six. The discussion continued.
- The Commission began a discussion regarding the word club and its definition.
- Attorney DeFillippo said club was from the State Statute and continued the discussion.
- Mr. Gordon asked how we regulate multitenant units that would go into the ventilation units.
- Attorney DeFillippo said an individual that owns/manages/operates/controls a premise, would be responsible for keeping smoke out of the ventilation system according to the D. Johnson Clean Air Act and continued the discussion.
- Mr. Gordon said asked if the MMML would be able to look at it.
- Attorney DeFillippo said they would not be able to give more advise than we have already gotten.
- Chair Scroggins asked if the committee regarding this issue will be able to meet again to address future issues.
- Manager Dr. Moore said have kept the committee and will meet as needed; we are going to recommend to Council that they have a special meeting, and there will be a public hearing August 23, 2021.
- Vote: Chairman Tom Scroggins- yes; Vice-Chairman John Thompson- yes; Secretary Scott Adair- yes; Lawrence Gordon- yes; L. E. Rubin- yes. The motion to send the Cannabis Ordinance to Council for approval was approved with a 5-0 vote.

General Commission Discussion/Future Agenda Items

- Chair Scroggins said he would like to talk about revising the Zoning Ordinance.
- City Manager Dr. Moore said there is a process in the Zoning Ordinance that requires three public hearings to make a change to zoning code ordinance and he would like the to change because it is redundant and began a discussion.
- A discussion began regarding getting the department report to Municipal Clerk Adair the Thursday before a City Council meeting.
- Chair Scroggins said we will need to look ahead and submit a report to Clerk Adair for Council Meeting and asked Secretary Adair to create the report. He then said next meeting we will look

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at the process for amending P&Z ordinances, comprehensive plan review and equitable enforcement of ordinances.

Public Comment

- Catie Russell said there is a vacant lot across the street from us and we would like to purchase it; she asked if they could purchase it and use it for parking or build a garage, leaving enough space to build a home later.
- Manager Dr. Moore said we can work with you, the same setbacks would apply and since you have an RV, you would have to make sure that it is parked within the setbacks.
- Mr. Rubin asked if the garage would be large enough to house the RV.
- Catie Russell said it would be parked next to it but have a carport for the RV and began a discussion.
- Chair Scroggins said as long as you comply with what the ordinances are now, if they change, you will be grandfathered in.
- Mr. Rubin said the building will require a City permit and get CID approval.
- Councilor Winters said there is a similar situation within the City and suggested looking at the title on your house and see if there are covenants in your area and we do not have any control over covenants. The discussion continued.
- Attorney DeFillippo said Section 4-4-5 explained all standalone buildings have to fit in to the surroundings. The discussion continued.
- Secretary Adair asked if someone bought a lot across the street just to park and RV, is there something in the ordinance that restricts that.
- Attorney DeFillippo said in order to park one, and only one, on a piece of property, you must follow the setbacks; it is allowed without a structure. The discussion continued.
- Chair Scroggins said he looks at RVs, 5th wheels and mobile homes as the same thing, as they are all trailers. The discussion continued.

Zoning Ordinance Amendments

- Not discussed at this meeting.

Comprehensive Plan Review

- Not discussed at this meeting.

Adjourn

- Chair Scroggins adjourned the meeting at 7:58p.m.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

Lawrence Gordon

L.E. Rubin

Date: _____

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