



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, April 07, 2022 4:00 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Thomas Scroggins called the meeting to order at 4:06 p.m.

Pledge of Allegiance

- Mrs. Melodie Good led the Pledge of Allegiance

Roll Call

- Present: Chairman Thomas Scroggins, Vice-chair John Thompson; Secretary Scott Adair, and Mrs. Melodie Good
- Absent: Mr. L. E. Rubin
- Present: City Manager Dr. Martin Moore and Deputy Clerk Amy L. Lopez

Approval of Agenda

- Mrs. Melodie Good made a motion to approve the agenda for April 7, 2022. The motion was seconded by Vice-Chair Thompson. Vote: Chairman Tom Scroggins– yes; Vice-Chair Thompson - yes; Secretary Scott Adair- yes; Mrs. Melodie Good – yes. With a 4-0 vote the agenda for the April 7, 2022, Planning and Zoning Meeting was approved as written.

Approval of Minutes for March 17, 2022

- Secretary Adair made a motion to approve the March 17,2022 Meeting Minutes as written. The motion was seconded by Mrs. Melodie Good. Vote: Chairman Tom Scroggins– yes; Vice-Chair Thompson - yes; Secretary Scott Adair- yes; Mrs. Melodie Good – yes. With a 4-0 vote the minutes from March 17, 2022, was approved as written.

Zoning Code Update for Hearing Procedure, Amendments, and Fees

- Chairman Scroggins began a discussion regarding the zoning code, mentioning there are flaws with hearing procedures, and began by discussing if they should eliminate the need for the Planning Commission to have public hearings when a zoning is passed.
- City Manager Dr. Moore explained currently the process requires more than two hearings to make a zoning code change and it would be in the best interest of the city, and residents to streamline the procedure and continued the discussion.
- Chair Scroggins stated when he looked into the zoning ordinance and in the paragraph, it states the posting of hearings should be done by planning and zoning.
- City Manager Dr. Moore said it is conflicting with the City Council hearing process, they don't mesh.
- Chair Scroggins asked so in other words its redundant, and this continued the discussion.
- City Manager Dr. Moore explained when the ordinance was made, we borrowed from other cities ordinances, but now we are needing to fix the redundancy. He then recommended discussing the changes with the City Council and the attorney and continued the discussion.
- Chair Scroggins asked if there should be a discussion about fees.

- City Manager Dr. Moore said fees should be discussed and explained fees should not be within the ordinance but should be decided by staff. He further explained when the fees are in the ordinance, the ordinance is required to change when the fees change.
- Vice-Chairman Thompson said in the past we have added “see Tab B”, which is a reference to the clerk who would be the keeper of said Tab B. He then asked if the hearing changes would only apply to the zoning ordinance and not variance hearings.
- City Manager Dr. Moore explained if you want to leave it that way just need to bring it in front of Council.
- Chair Scroggins asked if the idea of fee come up, would it ever be presented to Planning and Zoning, and continued with the discussion.
- City Manager Dr. Moore explained the commission would be informed but City Council would set the fees. He continued to say Planning and Zoning does have decision functions as well as recommendation functions for how you believe Council should vote on a hearing.
- Chair Scroggins said Planning and Zoning can approve or disapprove a variance, but the ruling stands unless the resident appealed to the City Council.
- City Manager Dr. Moore said yes, it depends on what comes before the commission. He then said rezoning would be a recommending process, but a variance would be decided by the commission and continued the discussion.
- City Manager Dr. Moore said we want to do things properly and openly, presenting the commission and council with the correct information to make a well-informed decision, and the discussion continued.

Peddler's License

- Vice-Chair Thompson explained he used to have a peddler’s license as a door-to-door salesman, with his name photo displayed on his coat; it was visible. He then recommended something small a vendor could carry with them to prove they were licensed with the city.
- Chair Scroggins began a discussion regarding fees for a peddler’s license.
- Mrs. Good asked if the city had a machine to create cards for a small license with a photo and continued the discussion.
- Chair Scroggins asked if business license should be amended or creating a separate ordinance for peddler’s license.
- Vice-Chair Thompson said it could just be added to the current ordinance in a small paragraph.
- Mrs. Good said the public should be aware of the need for the peddler’s license and continued the discussion.
- Vice-Chair Thompson began a discussion regarding people setting up stands on the side of the road versus a door-to-door salesman.
- City Manager Dr. Moore said it is two different matters.
- Chair Scroggins asked if the city owns property, they would be able to rent out to the public to sell items.
- City Manager Dr. Moore said that is a possibility as long as the city is fairly compensated, because of the anti-donation clause and continued the discussion.
- Chair Scroggins said the commission should make a change to the ordinance and present it to Council.
- Vice-Chair Thompson explained it should be a very small, two sentence explaining what is required for a door-to-door salesman and a stationary one, and this continued the discussion.

- Chair Scroggins asked City Manager Dr. Moore if he would be speaking with the attorney before the next meeting.
- City Manager Dr. Moore recommended speaking to Council about the direction the commission is wanting to take in the joint meeting. He then said he can talk to the attorney, but the Council is who directs those types of changes. The discussion continued.
- Vice-Chair Thompson recommended having Secretary Adair create wording to present to Council for the joint meeting and began a discussion.

Public Comment

- No Public Comments.

Commission Discussion/Future Agenda Items

- Vice-Chair Thompsons said the biggest obstacle to refinancing homes in the area is the address. He then explained how hard it is to prove we live in Rio Communities, when everything lists us as Belen.
- City Manager Dr. Moore explained we are meeting with Representative Harold and Senator Hendrich, who have agreed to sit and talk with the city regarding the zip code. He then said we will be keeping the public and commission informed and explained how many problems sharing a zip code creates. The discussion continued.
- Mrs. Good said she was concerned about some of the trash around the city.
- City Manager Dr. Moore said there are three agencies involved with some of the problem properties in the city. He then explained there are different things we are and are not allowed to do but we are trying to approach these properties from every angle we can, it will begin in the Municipal court and possibly Magistrate, CYFD might be involved in some of the cases as well and continue until we can get the problem resolved. The discussion continued.
- City Manager Dr. Moore explained there was a meeting with the Fire Chief and Council to establish a program to pay fire department employees to write up ordinance violations that are citable at the Municipal level. He explained this will give violators a specific amount of time to take care of violations before coming to court and continuing the process.
- Chair Scroggins explained he received a letter asking what the zoning is for Allsup's. He then explained the zoning according to the map we have is C-3.
- Vice-Chair Thompson asked if there is a more current map.
- City Manager Dr. Moore explained there are three different zones in that area. He then explained the Council did approve the rezoning of the Sandy Pofahl hearing as R-1 zoning. He then said we can look at the large map and continued the discussion.
- Chair Scroggins asked City Manager Dr. Moore if he would be able to get back to the gentleman who asked the question with a correct zone.
- Vice-Chair Thompson said it might be a good time to look at the zoning map and see if it might need to be changed around that neighborhood that is going to be developed and began a discussion.
- Mrs. Good said the zoning now, as a city, is different than what it was in the County and asked why that happened.
- City Manager Dr. Moore the city established its own once it became a city and overrode what the county had due to being a separate government. He continued by explaining the Fire Department went through a similar type of situation and explained who hires and fires the employees of the department.

- Chair Scroggins said the city is under the state and not the county, we can do what we want unless the state says we cannot.

Adjourn

- Vice-Chair Thompson moved to adjourn. Secretary Adair seconded the motion. With 4-0 vote, the Planning and Zoning Meeting was adjourned at 5:13 p.m.

Respectfully submitted,

Elizabeth F. Adair, Municipal Clerk
(Taken by Amy L Lopez, Transcribed by Cheyenne Sullivan,
Assistant Clerk)

Date: _____

Approved:

Thomas Scroggins, Chairman

Scott Adair, Secretary

Ralph Fernandez

Melodie Good

L.E. Rubin