

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION  
THURSDAY, NOVEMBER 4, 2021**

**MINUTES**

**REGULAR MEETING**

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held at the City Commission Chambers at 405 W. Third Street, Truth or Consequences, New Mexico, on Thursday, November 4, 2021 at 5:30pm.

**CALL TO ORDER:** The meeting was called to order by Chairman Hogg.

**ROLL CALL:**

Michael Hogg, Chairman  
Chris Sisney, Vice-Chairman  
James Bush, Member

**ALSO PRESENT:**

Bruce Swingle, City Manager  
Traci Alvarez, Assistant City Manager  
Dawn C. Barclay, Deputy City Clerk

**1. APPROVAL OF AGENDA:**

**Member Bush made a motion to approve the agenda. Vice-Chairman Sisney seconded the motion. Motion carried unanimously.**

**2. APPROVAL OF MINUTES:**

**a. Regular meeting of Monday, October 4, 2021.**

**Member Bush made a motion to approve the minutes. Vice-Chairman Sisney seconded the motion. Motion carried unanimously.**

**3. COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

#### **4. PUBLIC HEARING:**

- a. Public Hearing/Discussion/Action: Request for a Summary Plat Amendment and Variance Request at 128 Broadway, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17. Traci Alvarez, Assistant City Manager**

**Chairman Hogg** – We will begin our Public Hearing. Is there anyone here who would like to speak?

**Dawn C. Barclay, Deputy City Clerk** – All those who will be speaking during the hearing, please raise your right hand to be sworn in under the Battershell Procedure. Ms. Alvarez please state your item for consideration.

(Note: Charles Perry, Applicant and Sid Bryan, Proponent were sworn in at the time.)

**Traci Alvarez, Assistant City Manager** – Good evening Chairman and Members of the board. This discussion action is for a Summary Plat Amendment and Variance Request at 128 Broadway, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17. Applicant is in the audience and he has submitted all his required documents. The application and all applicable fees have been paid. He is requesting to split the lot at 128 Broadway into two separate parcels. The lot is located in the downtown Main Street District in the commercial C-1. Parcel one has direct access from Broadway Street only, and parcel two will have direct access from the alley only. Both lots will not have obstructive legal access to City water and wastewater lines and a utility easement may not provide an ease of access due to the location of existing water, sewer and electric lines. I have attached in your packet the utility verification forms and notes from our Electric, Water and Wastewater Director's pertaining to the utility access. At this time the staff is not recommending approval to split the lots into parcels as it does not fit within the existing and surrounding lots as noted in the parcel map that was provided. With that said, I will stand for any questions.

**Dawn C. Barclay, Deputy City Clerk** – Does the board have any questions for Ms. Alvarez?

**Chairman Hogg** – Recused myself because Sid Bryan is his landlord, and he has a good relationship with him.

**Member Bush** - I have no questions for Ms. Alvarez.

**Bruce Swingle, City Manager** –Mr. Chairman and Members of the board, we have a procedure issue. This board has 5 appointed seats. We need a majority vote from the board, and three is

the majority. Someone can recuse them self which is certainly not a problem, if there is a conflict, and it sounds like there certainly is.

**Vice-Chairman Sisney** – I would still like to take a vote.

**Bruce Swingle, City Manager** – You can proceed with asking questions and moving along with dialog, while coming to a vote. At best you would have two in support, and one abstained. Keeping in mind there are not enough members for a vote, but it will continue onto the City Commission for a final decision. It would be a good idea to continue on to hear what you have to say so we can communicate this to the City Commission.

**Traci Alvarez, Assistant City Manager** – I just want to confirm that, without having a majority vote, it will still continue to the City Commission for discussion.

**Chairman Hogg** – I'm still not comfortable with moving on.

**Vice-Chairman Sisney** – I will chair the meeting.

**Bruce Swingle, City Manager** – Mr. Chairman, as I understand, you are not able to participate in any way shape or form. Ok, we have a Vice-Chairman who will continue on with the hearing.

**Vice-Chairman Sisney** - I don't have any questions for Ms. Alvarez. Does anyone else have any other questions for Ms. Alvarez?

**Dawn C. Barclay** – Moving on, do we have any Proponents in the audience that would like to speak?

**Charles Perry, Proponent** – My name is Charles Perry, I'm also the owner of 400 Mims Street, which is the property right across the alleyway from the property up for review. I'm also really good friends with Chris and Jessica, who own the property on the corner of Mims and Broadway next to 128 Broadway. I spent 20 plus years as a plumber electrician and I'm somewhat familiar with utilities, and drops, and this sort of thing. I spoke to the City about the water supply to the front unit as separate to the back, and at that time they said they were planning to do new water lines on Broadway, and at that time they could put in a new meter next to the building, which makes sense providing water to that building. There is also water in the alleyway available. The gas line comes from the front of the building, and the sewer goes out the front of the building. I also spoke to Bo Easley, Electric Department Head about the electrical drop to the front of the property. I think there is a reasonable way to do that. I also photographed the alleyway and the walkway. There is no real curb on that side next to the street on Mims Street. We do have a curb and sidewalk on the property in front of the building on Mims Street, and it is a short walk

across the alleyway. I'm happy to provide an easement or walkway to our sidewalk which has the curb as there are very few walkways in our neighborhood. People walk from Riverbend, and there is no walkway on one side of the road, and people typically walk in the road down the alleyway. It's a common way to transport. There is a sign by the park saying it is not a through road. It seems to me that the walkway and access to that property is very close to the street, and is very reasonable given what is happening in the neighborhood. One plan is to put the first 15 to 20 feet in the back for business parking and in the future for some additional parking. I also inquired about combining the lots, but it was a very difficult procedure. The overall goal for the City, and the two potential buyers for Black Cat Book and Coffee is to retain the back property, and charge less for the front property, due to minimal funding, dividing the use, and not losing the current tenants, as well as keeping in mind the integrity of the town.

**Sid Bryant, Proponent** – I was notified of the action request on the property, and I had prior knowledge on the concern because I was the realtor. But I'm also neighboring the property boundary. I feel it's a positive step for keeping the current business in operation. Other interested parties who would like to purchase the property will vacate the current business owners.

Opponents: None

**Dawn C. Barclay, Deputy City Clerk** – Closed the hearing for any further discussions.

**Vice-Chairman Sisney made a motion to approve the request for a summary plat amendment and variance request at 128 Broadway, Truth or Consequences, NM.**

Roll call was taken.

**Michael Hogg – Recused himself.**

**Chris Sisney – Voted Nay.**

**James Bush – Voted Aye.**

**Motion died with a 1 to 1 vote, and 1 vote abstained.**

## **5. REPORTS FROM THE BOARD:**

There were no reports from the staff.

## **6. REPORTS FROM STAFF:**

Bruce Swingle, City Manager, reported the City has begun looking at the Cannabis Bill, and will be looking at drafting an Ordinance addressing medical marijuana use, recreational use, commercial use, and zoning issues. He highly encouraged the board to take a look at the State Law that was just passed. At some point the City will have the Ordinance, and will be coming before the board for their input regarding the zoning language. He stressed it will be a learning experience dealing

with zoning all the way to regulatory licensing, to saturation in density with businesses in our Community. Chairman Hogg requested he would like to receive any educational materials that are available. Bruce Swingle, City Manager made some suggestions, and Traci Alvarez, Assistant City Manager followed up by confirming she will send the suggested materials to Dawn C. Barclay, Deputy City Clerk so she can disburse to the board for review.

**7. ADJOURNMENT:**

**There being no further business to come before the Planning & Zoning Commission. Member Bush called to adjourn the meeting. Vice-Chairman Sisney seconded the motion. Motion carried unanimously.**

**PASSED AND APPROVED ON THIS 2<sup>TH</sup> DAY OF DECEMBER 2021.**



**Michael Hogg, Chairman  
Planning & Zoning Commission**