



CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION
REGULAR MEETING - OPEN TO THE PUBLIC
Tuesday, September 1, 2020 - 9:00 am

Due to the current health risks associated with COVID-19 and orders from the New Mexico Governor's Office and the New Mexico Public Health Department, public attendance at this and future meetings of the Planning & Zoning Commission are temporarily suspended. Until the orders are lifted, and in accordance with the guidance from the New Mexico Attorney General, the City will make its meetings open to the public through dialing into WebEx number: (408) 418-9388, 126 499 2196, Password: 08042020 or going to www.cityofelephantbutte.com for information about accessing the meeting through your computer.

Minutes

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairperson Nathan LaFont called the meeting to order and led the Pledge of Allegiance.

2. ROLL CALL

City Manager Vicki Ballinger conducted roll call:

Chair Nathan LaFont – Present
Vice-Chair Cathy Vickers – Present
Commissioner Sheridan Fuss - Absent
Commissioner Charles Looney – Present
Commissioner Tami Smith – Present

City Manager Ballinger declared a quorum was present.

3. DECLARATION OF CONFLICT OF INTEREST & STATEMENT OF OPEN MEETINGS ACT

**The Open Meetings Act is in effect, and there is a three-minute limit per speaker on all non-agenda items.*

4. APPROVAL OF AGENDA

Vice-Chair Vickers made a motion to approve the agenda with the correction of adding the phrase "Home-based Businesses" to Item 12c. Commissioner Looney seconded.

City Manager Ballinger conducted roll call:

Chair LaFont – Yes
Vice-Chair Vickers – Yes
Commissioner Looney – Yes
Commissioner Smith – Yes

Motion Carried.

5. APPROVAL OF MINUTES

Approval of Regular Meeting Minutes, August 4, 2020

Vice-Chair Vickers made a motion to approve the August 4, 2020 Minutes with the correction of Chief Toby Boone's suggestion on Page 3 from R-1-B to R-1-D. Commissioner Looney seconded.

City Manager Ballinger conducted roll call:

Chair LaFont – Yes

Vice-Chair Vickers – Yes

Commissioner Looney – Yes

Commissioner Smith – Yes

Motion Carried.

6. PUBLIC INPUT

Carl McCleskey, owner of Iron Man Construction, and Robert Syner, 625 Alhambra, came before the Commission to ask how the City Code can be changed to allow for metal and other skirting types around mobile homes. Code currently only allows masonry (rock or concrete), which are the most expensive methods to skirt a mobile home. Chief Boone explained the reason for masonry involved maintaining property values. Vice-Chair Vickers added that originally, fire was also a concern. Mr. Syner agreed that it helped with property value down the line and helps keep vermin away, but it's a great expense to residents. Mr. McCleskey added that the expense turns people away from moving to Elephant Butte, especially because most financing doesn't include the cost of skirting.

Chair LaFont explained the process of changing Code and thanked the two gentlemen for bringing the issue before the Commission. They can now review the issue and make recommendations to the Council, if needed.

7. COMMISSIONERS' COMMENTS

Vice-Chair Vickers wanted to thank the City employees who trim the bushes, pick up the trash, etc. for keeping our City clean. And, to everyone for working through these hard times.

Chair LaFont commented that he has been in discussion with the Mayor about alternates for the Commission. Also, Commissioner Looney's term is up on November 7, 2020. Chair LaFont asked the Commission to provide him or the Mayor with names of anyone they think would be willing to serve on the Commission.

8. CITY MANAGER REPORT

City Manager Ballinger reported that \$50,000 of CARES Act Funding was awarded to the City to help with COVID-19 expenses such as the plexiglass for the front counter and personal protective equipment. The County will reportedly get about \$50,000 for CARES funding and over \$200,000 for small businesses. The City Manager stated that the golf course is doing well. The City continues to work on drainage issues. The FY2022-2026 Infrastructure Capital Improvement Plan (ICIP) is due soon. A public input meeting will be held immediately following this meeting. The Camino Cinco Road Improvement Project is going well and should be complete by October 20, 2020.

9. CODE ENFORCEMENT REPORT

Code Enforcement Officer Devon Jones reported 24 cases in his monthly report; six are closed. Vice-Chair Vickers thanked him for the report and asked a couple of follow-up questions about 100 Calle Del Ranchero and 521 Mescal. Commissioner Looney had a question about contacting the owner at 106 Cactus, who he hasn't seen in years. Officer Jones replied that if no response is received within two weeks from when notices are left on doors, he follows up with letters. Chair LaFont asked about a question on he received August 28 from a member of the public regarding subdividing a property.

10. ZONING/LAND USE REPORT

Land Use Admin Lindsey Moore shared copies of the permit report. There have been 71 permits year-to-date and two residential permits are currently pending. Most of the residential permits have been for carports.

11. PUBLIC HEARING ACTION ITEMS

None

12. REGULAR ITEMS

a. Discussion/Possible Action: San Pedro Loop Rezoning

Chair LaFont led a discussion about changing the San Pedro Loop area from R-1-C to R-1-D or R-1-P.

Vice-Chair Vickers made a motion to rezone the area currently known San Pedro Loop to R-1-P. Commissioner Looney seconded.

City Manager Ballinger conducted roll call:

Chair LaFont – Yes

Vice-Chair Vickers – Yes

Commissioner Looney – Yes

Commissioner Smith – Yes

Motion Carried.

b. Discussion/Possible Action: Subleasing Storefronts and Required Business Licenses

City Manager Ballinger brought this issue to the Commission to investigate next steps. Chair LaFont led a discussion regarding businesses being run out of storage units. City Attorney Ben Young commented that he is not aware of any State statute that explicitly restricts operating a business from a storage unit. However, it is implied in some statutes. Elephant Butte City Code 155.033(g)(17) does prohibit commercial sales out of mini storage units.

c. Discussion/Possible Action: Continuation of Home-Based Businesses/Short Term Rentals Discussion

Chair LaFont summarized what happened at the workshop held on August 25. The Commission then discussed the Truth or Consequences Home Business Code and how they might refer to it for Elephant Butte. They especially liked the Code's tiering structure and how using a structure like this would help define which home-based businesses could operate in which zones. They also discussed

ADA requirements for short-term rentals. Chair LaFont asked the Commission to continue reviewing the TorC Code and look at which categories they feel should fall into which tiers for Elephant Butte.

13. ADJOURNMENT

Commissioner Looney made a motion to adjourn. Vice-Chair Vickers seconded.

Chair LaFont – Yes

Vice-Chair Vickers – Yes

Commissioner Looney – Yes

Commissioner Smith – Yes

Motion Carried.

Minutes approved and adopted at the Planning and Zoning meeting on October 6, 2020.



Nathan LaFont
Planning & Zoning Chair

ATTEST:



Rani Bush
Clerk-Treasurer

