

VILLAGE OF CLOUDCROFT

Minutes of the Special Council Meeting of the Governing Body for the Village of Cloudcroft, held on Monday, June 15, 2020 at 10:30 a.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

Mayor Dave Venable called the meeting to order at 10:30 p.m. with the following Council members providing a full Quorum: Present/absent:

- Trustee / Mayor Pro Tem William Denney - absent
- Trustee – George Mitchell - present
- Trustee – John Tieman – present
- Trustee – James R. Maynard – present

The following Village staff and guests were present: Barbara K. Garcia, Village Clerk/Treasurer; Jini Turri, Administrator; Jefferson Rhodes, VOC Attorney, Kevin Summers, Chief of Police Village of Cloudcroft; Scott Powell, Jubal Hall, Tony Courvoisier, Mike Brabson, JoeJohn Carrizal, VOC Public Works; Jim Dowding, P&Z Commission, Tom Blessum, P & Z Commission; Tom Lea, P&Z Commission; James & Susan Maynard, self; Paul & Carol Cameron, self (Item #1)

The pledge of allegiance to the US and NM flags was led by Mayor Dave Venable. (Item #2)

APPROVAL OF AGENDA:

Mayor Venable entertained a motion to approve the Agenda for the Special Meeting of June 15, 2020. Trustee Mitchell made such motion, Trustee Tieman seconded the motion and upon vote of Trustees, Mitchel, Tieman and Maynard all voting "aye" the motion carried unanimously. (Item #3)

NEW BUSINESS:

- Swear into Office, New Village Trustee James R. Maynard

Mayor Venable introduced James R. Maynard as a Village Trustee. Judge Jack Smith swore in James R. Maynard via Oath of Office.

- Acknowledgement Years of Service to the Village of Cloudcroft

Mayor Venable introduced Scott Powell and presented him with a plaque in appreciation of his twenty-five years of dedicated service to the village and citizens of Cloudcroft.

- Sale of 162 Square Feet of Property (Encroachment on Street Easement) Located at 306 Lynx Loop
Attorney Rhodes advised that if another offer was made based on the rejection of the last offer the council was able to motion to move forward with the sale. Mayor Venable requested of Marsha Slane/Realtor if she had a written offer to present at this time, and with no written offer she stated that the McCormick's were making a verbal offer of \$1100.00 for the purchase of 162 square feet at 306 Lynx Loop Ave. Mayor Venable asked for the wishes of the council, to proceed with the sale and accept the offer which covered all expenditures the Village had put forth to this point or to decline and re-negotiate. Mayor Venable advised that in his estimation the offer was fair considering the cost of the appraisal, cost of the property and any expenditures the Village had. Trustee Mitchell moved to accept the offer if it was made in writing. Discussion ensued as to if this sale would cause further problems in the future with not having the appropriate set back on the property. Trustee Maynard stated that the Village needs to review setting a policy that stipulates the requirements for any future occurrences. Attorney Rhodes pointed out that this request was for the purchase of the land that the house was sitting on currently and that the next request would need to be for the set backs that would be needed for the property. He stated that this does not set a precedent for the future, the Village will always have the right to refuse a sale of property. The sale being less than \$25,000 does not require publishing or ordinance. Attorney Rhodes stated that a survey would be needed to do a quit claim deed. A meets and bound survey will need to be provided by the owner prior to any acceptance of this offer with an accurate survey of what they intend to purchase from the Village.

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Mayor Venable entertained a re-stated motion to accept the offer if the potential buyer provides to the Village a set of Meets and Bounds for the proposed property sale of the 162 square feet located at 306 Lynx Loops Ave., and that an offer in writing is submitted. Trustee Mitchell made such motion, Trustee Tieman seconded the motion and with no further discussion a roll call vote was taken.

- Trustee Mitchell - Aye
- Trustee Tieman – Aye
- Trustee Maynard – Aye

The motion carries unanimously.

- Discussion/Action to Change the Definition of a "Main Residential Structure" as defined in 9-1-3 of the Village Code.

Mayor Venable advised that this was prompted by a house at 703 Chautauqua Cyn., that was brought in and set in place on the property. 9-1-3 Village Code describes a Main Residential as "residential use requires a main structure not less than six hundred (600) square feet in area and containing restroom and kitchen facilities. Mayor Venable requested of the P&Z members and individuals in the audience to discuss any issues that they have with the 600 square feet minimum in the code. Jim Dowding of P&Z discussed the concept of tiny homes as being nebulus, there are tiny homes that are built on wheels and meant to travel down the road. Using that term does not help and he feels that we need to address the six hundred square feet and why this was put into place. The Carroll's presented that they would like to bring in small housing for rental usage and presented the Village Council with Cavco Park Models as an example. They are in favor of allowing "tiny homes" in the Village. Jim Blessum of the P&Z commission brought to light that the code is "muddled" based on Mobile homes, Modular homes, and zoning of R-1. Mr. Blessum is questioning if the Village just looks at 9-1-3 and changes will this clarify the issue sufficiently based on the definitions that are provided throughout the code that conflict with each other. Mayor Venable addressed the fact that this was a complicated issue and that the council will need to discuss further to determine if each occurrence was addressed at the time or changes needed to be made to the code. Attorney Rhodes stated that he believed that the "tiny homes" were considered to be modular homes and that they could not be treated by a Municipality any differently than a residential. Trustee Maynard requested to know if the building in question was permitted by the Village or if it was just moved in. The property was found to not be permitted. Trustee Maynard agrees with the six hundred square feet remaining in the code. Mr. Dowding reminded the council of why we have zoning in the first place. The Village needs to adhere to the zones that are created, so that we are not spot zoning in houses that do not fit the current zone placement and a plan that satisfies all of the interest of the residents that are here currently and will come in the future. Mayor Venable determined that there would be further discussion on this issue and that research will be done. As of this time it will be left as it currently stands. Trustee Tieman requested what action should be taken on the property in question. Attorney Rhodes stated that the action would be to site the owners into court for violation of the Village Code. Trustee Mitchell made a motion to make no further change to the Village Code at this time, Trustee Maynard seconded the motion and with no further discussion the motion carries. (Item #4)

ADJOURNMENT: Mayor Venable adjourned the meeting of June 15, 2020 at 11:26 AM. (Item #5)



Barbara K. Garcia, CPO
Village Clerk/Treasurer

David C. Venable
Mayor