

VILLAGE OF CLOUDCROFT

Minutes of the Public Hearing of the Governing Body for the Village of Cloudcroft, held on Thursday, January 28, 2021 at 5:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

Mayor William M. Denney called the meeting to order at 5:00 p.m. with the following Council members providing a full Quorum: Present/absent:

- Trustee – John Tieman – present
- Trustee – James Maynard - present
- Trustee – George Mitchell - present
- Trustee – Bruce Smaga – present

The following Village staff and guests were present: Barbara K. Garcia, Village Clerk/Treasurer; Jefferson Rhodes, Village Attorney via Zoom; Matt Willett, CBC; Susan Maynard, self (Item #1)

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

APPROVAL OF AGENDA:

Mayor Denney entertained a motion to approve the Agenda for the Public Hearing of January 28, 2021. Trustee Tieman made such motion, Trustee Mitchell seconded the motion and upon vote of Trustees Smaga, Tieman, Maynard and Mitchell all voting “aye” the motion carried unanimously. (Item #3)

APPROVAL OF MINUTES:

Mayor Denney entertained a motion to approve the minutes of the Regular Council Meeting of January 12, 2021. Trustee Maynard made such motion, Trustee Tieman seconded the motion and upon vote of Trustees Smaga, Tieman, Maynard and Mitchell all voting “aye” the motion carried unanimously. (Item #4)

PUBLIC HEARING PROCESS EXPLAINED:

1. Call to Order
2. *“The Public Hearing today will be conducted under procedures mandated by the NM Court of Appeals, in Battershell v. City of Albuquerque, which are intended to protect the due process rights of all parties. Under this ruling, the following procedures will apply:*
 - (1) *Parties to the hearing will be identified as well as witnesses to the parties that may wish to give testimony.*
 - (2) *All persons offering testimony will be sworn in by a Notary Public, who is authorized to administer oaths.*
 - (3) *All persons offering testimony will be limited to the relevant matter being heard.*
3. *The issue to be decided at this public hearing is an Application and Preliminary Approval submitted by the New Mexico Regulation and Licensing Department Alcoholic Beverage Control Division on behalf of JIM-N-I, LLC DBA Cloudcroft Brewing Company located at 1301 Burro Ave., Cloudcroft, New Mexico.*

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The application was made for a WINEGROWER LIQUOR LICENSE WITH ON PREMISES CONSUMPTION AND PACKAGE SALES.

I, William M. Denney, Mayor of the Village of Cloudcroft, will limit testimony to this issue.

Comments on other matters of interest to any party may be made following the public hearing.

4. *For the purpose of this meeting, parties are identified as (1) James R. Maynard, owner of the property; (2) Barbara K. Garcia, Village Clerk/Treasurer. The Mayor may designate other persons as parties if they can show to the satisfaction of the Governing Body that they have an immediate, pecuniary or direct interest in the outcome of the hearing. Witnesses are those persons designated by parties to present testimony on their behalf. Are there any other persons present that wish to be considered as a party? NONE*

5. *Are there any members of the Governing Body who have a conflict of interest? JAMES R. MAYNARD*

6. *Has there been any outside or ex-parte communications by any of the Governing Body members?" NONE*

7. *Swearing in of all parties. JAMES R. MAYNARD WAS SWORN IN BY VILLAGE CLERK, BARBARA K. GARCIA*

8. *Applicant's Presentation: Mr. Maynard explained they needed the Wine Growers license to proceed with Cider making. He explained the process and equipment location. with possible move of the equipment in the future.*

**Commission questions to the applicant. TRUSTEE SMAGA QUESTIONED THAT THE DRAWINGS LOOKED LIKE THERE MIGHT BE AN EXPANSION? Mr. Maynard explained if a move of the equipment is needed to allow for room in the kitchen area it will come before the P&Z commission and Governing Body first.*

** Staff may cross-examine the applicant. NONE*

** Any other parties who wish to cross-examine the applicant. NONE*

9. *Staff's Presentation: Notice of Public Hearing for approval/disapproval of the issuance or transfer of the license in accordance with Alcohol and Gaming Division was published in the Alamogordo Daily News on 12/25/2020 and on 01/09/2021.*

Certified letter was sent to business owner on 12/23/2020 with return receipt with signature being returned.

Offices were closed due to COVID-19 when application came in from Alcohol and Gaming and it was addressed to Jini. Delay resulted in being granted an extension so that we could meet all filing deadlines.

No calls or questions have been asked of this office regarding this application, therefore no objections have been reported to our local body in question of the WINEGROWER LIQUOR LICENSE APPLICATION for JIM-N-I, LLC

** Commission questions to the staff. NONE*

** Applicant may cross-examine the staff. NONE*

** Other parties may cross-examine the staff. NONE (Item #5& #6)*

APPROVAL OR DISAPPROVAL OF LICENSE:

Mayor Denney called for a motion approve or disapprove the license, Trustee Smage made a motion to approve the Winegrower Liquor License for application No. 1178793 for JIM-N-I, LLC DBA Cloudcroft Brewing Company, Trustee Mitchell seconded the motion and with no further discussion a roll call vote was taken.

Trustee Smaga – Aye
Trustee Mitchell – Aye
Trustee Maynard – Abstained
Trustee Mitchell – Aye
Mayor Denney - Aye

The vote carries with four Aye's and one abstain (Item #7)

ADJOURNMENT: Mayor Denney called for a motion to adjourn the meeting of January 28, 2021, Trustee Mitchell made such motion, Trustee Tieman seconded the motion with the meeting being adjourned at 5:15 p.m. (Item #8)

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ATTEST

Barbara K. Garcia, CPO
Village Clerk/Treasurer

William M. Denney
Mayor