

VILLAGE OF CLOUDCROFT

Minutes of the Public Hearing of the Governing Body for the Village of Cloudcroft, held on Wednesday, July 6, 2022, at 1:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

Mayor William M. Denney called the meeting to order at 1:00 p.m. with the following Council members providing a full Quorum: Present/absent:

- Trustee – John Tieman – present
- Trustee – James Maynard - present
- Trustee – George Mitchell – absent
- Trustee – Gail McCoy – present

The following Village staff and guests were present: Barbara K. Garcia, Village Clerk/Treasurer; James Jackson, self (Item #1)

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

BUSINESS:

Hear & Render decision of Restaurant Beer & Wine, Liquor License Application No. 1225897, Mad Jack's Mountaintop Barbecue

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 Mad Jack's Mountaintop Barbecue, LLC located at 105 James Canyon Hwy, Cloudcroft, NM 88317. The application was made for a RESTAURANT BEER AND WINE LICENSE WITH ON-PREMISES CONSUMPTION AND PATIO SERVICE. 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.*

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4. For the purpose of this meeting, parties are identified as (1) James Jackson, 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? **MAYOR DENNEY ADVISED TRUSTEE MAYNARD IS IN COMPETITION WITH PARTY, FOR FULL DISCLOSURE, TRUSTEE MAYNARD STATED NO CONFLICT OF INTEREST. ALL BOARD MEMBERS STATED : NONE**

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 JACKSON WAS SWORN IN BY VILLAGE CLERK, BARBARA K. GARCIA**

8. Applicant's Presentation:

*Commission questions to the applicant.

- Mr. Jackson explained that he will be working through the process with a cautious approach due to the liabilities that go along with the license. He is working through pricing and serving of the alcohol at this time. He would like to serve from the attached pavilion at some point.

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

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

9. Staff's Presentation:

* Staff presentation. **CLERK ADVISED**

- Application received from Alcoholic Beverage Control Division on May 24, 2022
- Publication in Alamogordo Daily News on 5/29/2022 and 6/12/2022
- Notice of Public Hearing posted on May 26, 2022 – posting at Library, Bank, Electric Co., Website, Village Office Board, Village Kiosk
- Certified notification letter to James Jackson on May 25, 2022, of public hearing date and time.
- 45-day response back to ABC must be done by 7/8/2022
- Zoning is C-2 and C-8 (Commercial) On premises consumption of alcohol is a permitted use within this zone, with or without patio service permitted.

* Commission questions to the staff. **NONE**

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

* Other parties may cross-examine the staff. **NONE**

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APPROVAL OR DISAPPROVAL OF LICENSE:

Mayor Denney called for a motion to approve or disapprove the license, Trustee Maynard made a motion to approve the Restaurant Beer & Wine, Liquor License Application No, 1225897, for Mad Jack's Mountaintop Barbecue, Trustee McCoy seconded the motion and with no further discussion a roll call vote was taken.

Trustee McCoy – Aye
Trustee Tieman – Aye
Trustee Maynard – Aye
Mayor Denney - Aye

The vote carries with four Aye's (Item #3)

ADJOURNMENT: Mayor Denney called for a motion to adjourn the meeting of July 6, 2022, Trustee Tieman made such motion, Trustee Maynard seconded the motion with the meeting being adjourned at 1:19 p.m. (Item #4)

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Barbara K. Garcia, CPO
Village Clerk/Treasurer


William M. Denney
Mayor