

## VILLAGE OF CLOUDCROFT

Minutes of the Public Hearing of the Governing Body for the Village of Cloudcroft, held on Tuesday, November 8, 2022, 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 – absent
- Trustee – Gail McCoy – present

The following Village staff and guests were present: Barbara K. Garcia, Village Clerk/Treasurer; Dee Don Bates, Donald Eldred, Marvin Green: Allsup; Tana Daugherty, Cloudcroft Schools; Cheri Hass, Scott Duplehn, The Lodge; Damon Maret, OCEC; self; R&J Truex, self. (Item #1)

The pledge of allegiance to the US and NM flags was led by Mayor William M. Denney.

Trustee Mitchell made a motion to approve the agenda as written, Trustee Maynard seconded, the motion carried unanimously.

### **BUSINESS:**

*Hear & Render decision on Transfer of Ownership & Change of Location of Inter-Local Dispenser Liquor License No. 2702 and Transfer of Ownership & Change of Location of Dispenser Liquor License No. 0068 with Waiver.*

### **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 by the New Mexico Regulation and Licensing Department Alcoholic Beverage Control Division on behalf of New Mexico Adventures, LLC DBA: The Lodge at Cloudcroft, located at 601 Corona Pl., Cloudcroft, NM. I, William Denney, Mayor for 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) Cheri Hass, Business Manager of the property; (2) Barbara Garcia, Village Clerk. 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 others persons present that wish to be considered as a party?

5. Are there any members of the Commission who have a conflict of interest? **NO**

6. Has there been any outside or ex-parte communications by any of the Governing Body members?" **NO**

7. Swearing in of all parties. **ALL PARTIES ARE SWORN IN BY CLERK**

8. Applicant's Presentation:

\* Commission questions to the applicant. **NO QUESTIONS**

\* Staff may cross-examine the applicant. **NO QUESTIONS**

\* Any other parties who wish to cross-examine the applicant. **NO OTHER CROSS**

**EXAMINATION**

9. Staff's Presentation:

\* Staff presentation. **PUBLISHED ON 10/7 AND 10/21/2022 WITH NO OPPOSITION EITHER PHONE, EMAIL, OR LETTER**

\* 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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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 Conditional Preliminary Approval by the New Mexico Regulation and Licensing Department Alcoholic Beverage Control Division on behalf of BW Gas & Convenience Retail, LLC, DBA: Allsup's, located at 10 Curlew Pl., Cloudcroft, NM. I, William Denney, Mayor for 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) Dee Don Bates, representative of the property; (2) Barbara Garcia, Village Clerk. 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 others persons present that wish to be considered as a party?*

5. *Are there any members of the Commission who have a conflict of interest? **NO***

6. *Has there been any outside or ex-parte communications by any of the Governing Body members?" **NO***

7. Swearing in of all parties. **ALL PARTIES ARE SWORN IN BY CLERK**

8. Applicant's Presentation:

\* Commission questions to the applicant. **NONE**

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

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

9. Staff's Presentation:

\* Staff presentation. **PUBLISHED ON 10/7 AND 10/21/2022 WITH NO OPPOSITION EITHER PHONE, EMAIL, OR LETTER**

\* Commission questions to the staff. **NONE, PARTY FOR PROPERTY GAVE BRIEF HISTORY AND PROCESS OF HOW STAFF ARE TRAINED**

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

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

**APPROVAL OR DISAPPROVAL OF LICENSE #2702 New Mexico Adventures, LLC:**

Trustee Mitchell made a motion to approve Transfer of Ownership & Change of Location of Inter-Local Dispenser Liquor License No. 2702. Trustee Tieman seconded the motion and with no further discussion a roll call vote was taken.

Trustee McCoy – Aye

Trustee Tieman – Aye

Trustee Maynard – Aye

Trustee Mitchell - Aye

Mayor Denney - Aye

The vote carries with five Aye's

**APPROVAL OR DISAPPROVAL OF LICENSE #0068 BW Gax & Convenience Retail LLC – DBA: Allsup's #102143:**

Trustee Mitchell made a motion to approve Transfer of Ownership & Change of Location of Dispenser Liquor License No. 0068 with Waiver. Trustee Tieman seconded the motion and with no further discussion a roll call vote was taken.

Trustee McCoy – Aye

Trustee Tieman – Aye

Trustee Maynard – Aye

Trustee Mitchell - Aye

Mayor Denney - Aye

The vote carries with five Aye's

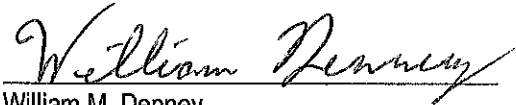
**ADJOURNMENT:** Mayor Denney called for a motion to adjourn the Public Hearing of November 8, 2022, Trustee Mitchell made such motion, Trustee Maynard seconded the motion with the hearing being adjourned at 5:16 p.m.

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ATTEST



Barbara K. Garcia, CPO  
Village Clerk/Treasurer



William M. Denney  
Mayor