

Planning and Zoning Commission Minutes  
City Council Chambers Northside of City Hall  
360 Rio Communities Blvd.  
January 21, 2021

**This meeting was streamed on Facebook Live**  
<https://www.facebook.com/riocommunities>

**Call to Order**

- Chairman Tom Scoggins called to order the Planning and Zoning Commission meeting at 631 p.m.

**Pledge of Allegiance**

- John Thompson led the Pledge of Allegiance.

**Roll Call**

- Present- Chairman Tom Scroggins, Vice-Chairman John Thompson, Secretary Scott Adair, Lawrence Gordon, L. E. Rubin.
- Present- City Manager Dr. Martin Moore, Code Enforcer Reeves, and Deputy Clerk Amy Lopez

**Approval of Agenda**

- John Thompson made the motion to approve the agenda for January 21, 2021. The motion was second by Lawrence Gordon. Vote: Chairman Tom Scroggins - yes; Vice-Chairman John Thompson - yes; Secretary Scott Adair - yes; Lawrence Gordon - yes. L. E. Rubin - yes. With 5-0 vote the agenda for the Planning and Zoning meeting on January 21, 2021 was approved.

**Approval of Meeting Minutes from January 7, 2021**

- John Thompson made the motion to approve the Meeting Minutes for January 7, 2021 as written. The motion was seconded by Lawrence Gordon. Meeting Minutes for the joint meeting with City Council on for January 7, 2021 were signed. Vote: Chairman Tom Scroggins - yes; Secretary Scott Adair - yes; Lawrence Gordon - yes. L. E. Rubin - yes. With a 5-0 vote the agenda for the Planning and Zoning meeting was approved.

**Public Comment**

- No comments were made.

**Re-adopt City's Open Meetings Act (Council: Resolution 2021-03 Open Meeting Act)**

- John Thompson moved to re-adopt the Open Meeting Act. L. E. Rubin Seconded the motion. Meeting Minutes for the joint meeting with City Council on for January 7, 2021 were signed. Vote: Chairman Tom Scroggins - yes; Secretary Scott Adair - yes; Lawrence Gordon - yes. L. E. Rubin - yes. With a 5-0 vote the motion to re-adopt the Open Meetings Act was approved.

**Attractive Nuisance**

- John Thompson said he heard on the news there was a fire on the top of sawtooth park, he drove up there, the garage was boarded up and well taken care of. He then said there are two other homes that burned down a few years ago that are not

secure, the attorney has not gotten back to us, but Planning and Zoning has no authority in that matter.

- Dr. Moore said he and Code Enforcer Reeves said they have seen the draft from the attorney, the City has to review it and make sure it is defensible and affordable to the City and hopes to have some answers from the commission by the joint meeting.
- Tom Scroggins asked if we will be making an attractive nuisance ordinance.
- Scott Adair said we have an attractive nuisance ordinance, but it does not cover that.
- Dr. Moore said the ordinance looks like it is on the right track and continued the discussion.
- Tom Scroggins said he has been trying to change this Commission writing the ordinances, there is getting to be so much litigation without an attorney.
- Dr. Martin Moore said we can work on that and has done similar things in the past.
- John Thompson said most of the writing we have done has been nonconsequential and something everyone agrees with, but when we get into Animal Welfare, it might be contentious and need hearings and community involvement and began a discussion.
- John Thompson asked if ATVs are attractive nuisance and began a discussion.
- Tom Scroggins said where the ATVs started was with all the noise.
- Tom Scroggins said we were going to talk about getting the City involved in attractive nuisances, such as buildings that are dangerous and need fencing or safety precautions and began a discussion.
- John Thompson asked if Planning and Zoning should even be involved in discussing attractive nuisance and began a discussion.
- Code Enforcer Reeves said the attorney has a well written, powerful, enforceable ordinance that will enable the City to enforce it; he then said he feel the commission will be happy with what the attorney has done, it flows very well between abatement and attractive nuisance, and we so close to getting it adopted and once we do, we are good to go. He explained the steps for the process: notification with a 10-day period to respond, it then goes to court and the judge will rule how much time they have, once we start cleaning up the property, we can recover what we have spent on the property to clean up the issue.
- The commission began a discussion about liability.
- L. E. Rubin said we clean up \$13,000 worth of liens and the City has a pocket park if the owner could not take care of the liens.
- Code Enforcer Reeves said we do not have a budget for abatement.
- Dr. Moore said we are talking about adding that to the upcoming budget.
- L. E. Rubin asked how many boarded-up houses are there.
- Code Enforcer Reeves said there are 6 and continued the discussion.
- Dr. Moore said part of his job is to start looking for money in the budget and we might be able to get a grant.
- Tom Scroggins said there was a 501c-3 to help the City and began a discussion.
- Code Enforcer Reeves said he has been talking to the owner of the building by the river and he has agreed to take the building down at his cost, the building should be down in a month and half. He then said he will then start going after the Tillery building and began a discussion.
- Tom Scroggins said it seems like the attractive nuisance is within the abatement ordinance.

## **Animal Welfare**

- Tom Scroggins said he talked with Mayor Pro Tem Gutjahr to see if the commission can send out a survey to the public.
- John Thompson said prior to the survey, we broke up the city into neighborhoods by lot sizes, and what animals might be allowed in what areas and began a discussion.
- Tom Scroggins said part of why we decided to do a survey is because such a complicated Ordinance should have public input to give us a direction to go.
- John Thompson said we want to elicit a response from the community and his thought would be this survey would be the first mailing and depending on how much feedback we get we could send out a survey monkey. He then explained part of the problem is the actual welfare of the animals.
- Tom Scroggins said other municipalities have ordinances that determine the number or kind of animal by how much square footage you have, and that is where are heading with the survey. He then said the City Council will be able to look at the survey and see if there are funds to mail it out and began a discussion.
- A discussion began on communication within the City.
- Tom Scroggins said this came about because there are some residents that are ready to move out because of the types of animals that are allowed here and began a discussion.
- Scott Adair asked Dr. Moore if he had ever come up with this issue and what was the solution.
- Dr. Moore said it was a balancing act and an interesting lesson to learn from that was whatever is written, it needs to be thoughtful done.
- John Thompson made a motion to approve the concept be present it to City Council next week. Lawrence Gordon seconded the motion. Vote: Chairman Tom Scroggins - yes; Vice-Chairman John Thompson - yes; Secretary L. E. Rubin - yes; Scott Adair - yes; Lawrence Gordon - yes. With a 5-0 vote the agenda to present the draft of the survey to City Council on January 28, 2020.

## **General Discussion**

- Tom Scroggins introduced commissioners to City Manager Dr. Martin Moore and began a discussion.
- John Thompson said he saw that zoning was on the agenda to be discussed at the City Council meeting on the 26<sup>th</sup> and he asked to be given a link to able to join the meeting.
- L. E. Rubin asked if the ATV signs will be put up.
- Code Enforcer Reeves said NMDOT will put up their approved sign and maintain them and we will be taking the signs to Council to approve the location of their placements.
- L. E. Rubin said there are many complaints about ATVs and education might be helpful and continued the discussion.

## **Adjourn**

- Scott Adair motioned to adjourn and carry the neighborhood plan to the next agenda. L. E. Rubin second the motion and the meeting adjourned at 7:50 p.m. with a 5-0 vote.

Respectfully submitted,

\_\_\_\_\_  
Amy L. Lopez, Deputy Clerk

Date: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Thomas Scroggins, Chairman

\_\_\_\_\_  
John Thompson, Vice-Chairman

\_\_\_\_\_  
Scott Adair, Secretary

\_\_\_\_\_  
L. E. Rubin

\_\_\_\_\_  
Lawrence Gordon