

**RUDY JARAMILLO**  
MAYOR  
**MARY LUCY BACA**  
CITY MANAGER



**CITY OF BELEN**  
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**WAYNE GALLEGOS**  
CITY COUNCILOR  
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**AUDREY TORRES**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
OCTOBER 28, 2013**

Mayor Rudy Jaramillo called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

**PRESENT:** Commissioner Gordon Reeves  
Commissioner Tom Greer  
Commissioner Steve Ethridge  
Commissioner Selma Martinez

**ABSENT:** Commissioner Rod Storey

**CITY STAFF:** Steven Tomita, Planning & Zoning Director

**OTHER:** Mayor Rudy Jaramillo

Mayor Rudy Jaramillo introduced all new Commissioners with a brief history on each.

New Commissioner Selma Martinez introduced herself. She is the former owner of Riverside Funeral Home in Belen and is currently the manager of Riverside in Los Lunas NM. She was born and raised in Belen.

Commissioner Gordon Reeves informed the new Commissioners that he moved here 5 years ago, is a retired contractor of 30 years, and is glad to be involved with the City.

Commissioner Tom Greer informed the new Commissioners that he has been with the Commission for a year, has lived in Belen for 9 years, is owner of the Rail Café, and within the next week will be the president elect of the Chamber of Commerce. He is Vice-President of the Main Street Organization.

New Commissioner Steve Ethridge informed the Commissioners that he is a lifetime resident of Belen. He owns APE Electric. He is glad to be on the Commission.

Mayor Rudy Jaramillo called for Roll Call and then the Pledge of Allegiance.

Steven Tomita had roll call. All but Rod Storey are present. There is a quorum.

The Pledge of Allegiance was said.

Mayor Rudy Jaramillo asked Steven Tomita to explain to the Commission, why the new Commission and how this all came about to give the new commission a better understanding of what went on and why.

Steven Tomita explained that about a year ago he was advised that the Planning & Zoning Commission Ordinance was very outdated. All decisions, actions, and approvals went through the Planning Commission and the appeals went to the City Council according to the Ordinance that was in place. The Planning & Zoning Commission was put in place to review Zone Changes, modifications, etc. They are the recommending body to the City Council and the Council was the decision making body. It was contrary to what was in place. He was asked to rewrite the Ordinance to reflect the current time. This was done and the City Council approved these changes. This established new time lines for the Planning & Zoning Commissioners to be four year terms that are alternating. It also calls for a Chairman and Vice-Chair to be elected every year. It has been a year since the new Ordinance has been in place and was decided that it was time to review the current members of the Commission and decide whether the Council wanted to re-assign the existing Commission or replace them. During this time the Planning & Zoning Commission had one member resign and another one was going to resign due to the fact that he was moving out of town. The Mayor and Council decided that two of the existing Commissioners were to remain and the two empty chairs filled and one other was to be replaced. That is why we will be calling for election of a Chairman and a Vice- Chair. Typically it is those positions that are rotated.

Mayor Rudy Jaramillo informed the Commission that at this time Rod Storey is the Chairman and this evening he could not attend due to an illness in his family. Through a process where the Mayor asked the Council for recommendations on who should be placed on the Commission and the choices approved then Mayor the appointments the Commission members.. The Commissioners are on a voluntary basis with staggered terms of placement. There are three seats that are four years, one that is two years and one that is three years. He called for the approval of the Agenda at this time.

**APPROVAL OF AGENDA:**

Commissioner Gordon Reeves moved to approve the Agenda.

Commissioner Tom Greer seconded the motion.

Motion carried.

**APPROVE OF MINUTES:**

The Minutes of September 30, 2013 were reviewed.

Commissioner Tom Greer moved to approve the Minutes of September 30, 2013.

Commissioner Selma Martinez seconded the motion.

Motion carried.

**ELECTION OF PLANNING & ZONING OFFICERS**

Mayor Rudy Jaramillo asked for nominations.

Commissioner Gordon Reeves moved to nominate Tom Greer as Chairman.

Mayor Rudy Jaramillo asked if there were any other nominations.

There were none.

Commissioner Steve Ethridge seconded the motion.

Motion approved.

Motion was voted as follows:

Commissioner Gordon Reeves	Yes
Commissioner Steve Ethridge	Yes
Commissioner Selma Martinez	Yes

Mayor Rudy Jaramillo asked for nominations for Vice-Chair.

Commissioner Tom Greer nominated Gordon Reeves.

Mayor Rudy Jaramillo asked if there were any other nominations.

Commissioner Selma Martinez seconded the motion.

Motion approved.

Motion was voted as follows:

Commissioner Tom Greer	Yes
Commissioner Selma Martinez	Yes
Commissioner Steve Ethridge	Yes

Mayor Rudy Jaramillo turned control of the meeting over to the newly elected Chairman.

## **DISCUSSION**

### **A. Portable Potting Shed for Community Gardens.**

Due to the fact that there was no one present for this and no information was provided the Commission proceeded to the next item.

### **B. Sound Ordinance**

Steven Tomita informed the Commission that he was asked to investigate the noise/sound ordinances of other communities and compare them to ours. Most of the ones he looked at have basically the same one that we have. He was able to find two Ordinances in Arizona that did have a different more defined Ordinance. One said that sound you could hear 250 feet away is considered excessive and a nuisance. The other one from Arizona said 150 feet with the restriction that it had to be reported by two or more people.

Chairman Tom Greer asked if that would mean that there could no longer have a festival on the street, etc.

Steven Tomita said that the Ordinance does state that those types of functions are exempt from the restrictions. These are just examples of how we can change ours. There are also some other good examples of the things that could be added to ours, like boom boxes, construction projects, etc. One of the things that he did look into was the decibel. He was able to download a decibel meter program onto his droid phone and check some of the areas to see how high the decibels might be under different circumstances. He did find out that once the decibel reach 165 that is when it starts damaging your hearing. A person talking to each other in a normal tone reads around 65 decibels. He also found reference to buffering to keep the sound down. These are just examples of some of the Ordinances on Sound/Noise that we may consider when reviewing, adding and changing ours.

Chairman Tom Greer asked if there have been other issues, not just between the Pub and the Hotel on Becker, on a regular basis.

Steven Tomita said that there have been with Travertine and when the Little Caesars' opened up on Main St. due to outdoor music being played.

Chairman Tom Greer said that things like that can be solved by securing a permit for special occasions like that and ask for an exemption.

Steven Tomita said that was the problem with the Pub, it was happening every Thursday night, the police were called several times, it would run past the time requested, they would turn the music down when the police requested it and then turn it up higher when the police left so the police were called back, and this is why we revoked the Special Events permit for outdoor activities. This issue is still being worked on. The owners of both places have met and could not come to an agreement as of yet.

Chairman Tom Greer said that the City needs to have some guidelines for this type of issue and it seems that what the City has is very vague.

Steven Tomita said that this would become an issue as more and more businesses move into Backer St. and we have more festivals, etc. Becker St is zoned C-R, Commercial Residential, so in this zone you have residents along with commercial businesses and therefore you have to have something in place to accommodate both.

Chairman Tom Greer said that there have been a lot of complaints about the Railroad and that the City was able to work with the Railroad to get a few quiet zones, which have been very helpful.

Steven Tomita informed the Commission that at the next meeting he would like to get some suggestions from the Commission on what they think they would like to see added to, taken away, or adjusted to the Sound/Noise Ordinance that is currently in place. This way we can draft a new Ordinance so that we may start having public workshops, meetings, etc. to get public comment.

Mayor Rudy Jaramillo asked if once they had the information compiled and put into a draft Ordinance is this when they go public to get their input and then it goes before the Planning & Zoning Commission for approval recommendation and forwarded to the City Council for their changes and approval.

Steven Tomita said yes.

Chairman Tom Greer said it would be a good idea to directly contact the businesses that are within the C-R zone to get their input, along with the public notice in the papers.

### **C. Update on the Art Ordinance**

Steven Tomita informed the Commission that Lisa, as she advised the Commission at the last meeting, has not been able to find any evidence of an Art Ordinance in any of the records. He spoke with Councilor Cordova and he had no copy of a Art

Ordinance, the only thing he had was the mural portion information. This being the case, Lisa went on the internet and downloaded Art Ordinances from different communities for consideration and discussion to create an Art Ordinance for the City of Belen.

Chairman Tom Greer asked if he has been told if any other of the Main Street organizations have this type of document geared towards small communities, which might be taken into consideration.

Steven Tomita said that they may. At the present time he takes all applications for art or murals to the Belen Main Street Organization for review and comment on before it is taken before the Commission and City Council.

Chairman Tom Greer said that he will contact some of the directors of some of the other Main Street Organizations and see if they can provide us with some information.

Mayor Rudy Jaramillo said that Councilor Cordova did go out and get information on this issue because there were a lot of people that showed up at the City Council meeting to speak their minds and listen to others concerning the Murals that were causing such an issue within the City. He feels that the City needs to seriously look into having an Art Ordinance.

Chairman Tom Greer said that the City does need some guidelines for this issue and asked if the application is the one from Belen Main St.

Steven Tomita said that he does not know whether that was the one she used or that she generated one of her own. She may have used a combination of both. Part of the reason that you want to have murals be a part of the art ordinance because you need to differentiate, often we have signs designs come in for a permit that have become so elaborate that it makes it hard to decide whether it is a sign or a mural. This is the reason why there needs to be an Art Ordinance. Some people may see a sign as art, or just a sign, and they may even see it as art.

Chairman Tom Greer said that this would also mean that the Sign Ordinance will need to be reviewed and changed if it is needed.

Steven Tomita said yes due to the fact that our sign ordinance is outdated. The area on Main St. and 314 will also have to involve DOT due to the fact that it is a State Highway and they have their own rules that need to be followed. He said that he would check with Taos, Santa Fe, and Silver City to get a copy of their Art Ordinance.

### **OPEN COMMENTS/REQUESTS**

Councilor David Carter told the new Commissioners welcome. He was contacted by a constituent about the Sound/Noise discussion on the agenda and attended the meeting to get more information so that he would be more informed on this issue. He had some concerns on this issue but after attending and hearing the process in which the Commission will be addressing this, a lot of these concerns have gone away. He does have questions on the distance suggestion because, where he resides he can still hear the trains and the cannon go off from the football games at the high school. He is glad that there will be public input along with Commissioners and Council. The Art Ordinance is also something that needs to be handled the same way. The Sign Ordinance is another one that needs a lot of input. It needs to be changed to accommodate the citizens and the local businesses.

Mayor Rudy Jaramillo said that he felt that the one ordinance that states there must be more than one complaint is a good idea. This way it is not just two neighbors knocking heads because they don't get along.

Chairman Tom Greer said that are issues that are community issues and ones that are residential issues and ones between private parties. It is not really our job other than to create a framework by which City employees, the police Chief, the fire Chief and even the citizens can refer to.

Steven Tomita informed the Commission that Belen Main Street will be receiving a grant to do a downtown masterplan and metropolitan redevelopment plan. The State Main Street Organization contacted him and advised him that the City of Belen has to come up with the matching funds of 10% and that they are also going to be another 10% short that it need to create these plans but, the New Mexico Main Street advised him that they will be coming up with a sub grant to cover the difference and this way the Belen Main Street will be able to move forward with this. As Belen Main Street moves forward with this the Planning & Zoning Commission will be a part of this because it becomes an Ordinance with the City. These two things must be in place to qualify for funding, grants, etc.

Chairman Tom Greer said that Belen Main Street is also waiting on the PNM grant approval to replace the roof on the old city hall/police station.

Steven Tomita said that the City is participating in that one through our Economic and Development Plan being that it is a cultural significance.

Commissioner Gordon Reeves asked about the list of abandoned buildings that Lisa said she had contacted through the mail and wanted to know if there has been any feedback from the property owners and a list of those addresses.

Commissioner Steve Ethridge said that in T Or C they have been having discussions on their sign ordinance and wondered if we could check into that and see what they have done. The sound/noise ordinance needs to be done and when Belen had the curfew siren going off the City that seemed to work with that and wondered if the Council would consider using that as a signal on the noise.

Mayor Rudy Jaramillo said that is something that the Council can look into that but they have learned that when it was used as a curfew signal it violates the rights of citizens and you can not do that and that is why it is no longer used but it might be looked into for this.

### **ADJOURNMENT**

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves moved to adjourn.

Commissioner Selma Martinez seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:30 pm.

//ss  
Tom Greer, Chairman

ATTEST:

//ss  
Steven P. Tomita, Planning and Zoning Director