



## MINUTES Planning and Zoning Commission

Tuesday, January 4, 2011  
County Administration Building  
1400 Highway 180 East  
Silver City, New Mexico

### Commissioners Present

Alice Jones, Chair  
George Lundy  
Alexandra Perrault  
Sherry Clements  
Lori Ann Bonomo

### Commissioners Absent

Nickolas Seibel

### Staff Present

Peter Russell, Community Development Director  
Luan Mitchell, Planner

The meeting of the Planning and Zoning Commission was called to order at 7:00 pm by Chair Alice Jones. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum was present.

### Approval of Agenda

Commissioner Lundy moved to approve the agenda as written. Commissioner Perrault seconded and the motion passed unanimously.

### Approval of Minutes

Commissioner Perrault moved to approve the minutes of the November 2, 2010, meeting as written. Commissioner Bonomo seconded and the motion passed unanimously.

Commissioner Lundy moved to approve the minutes of the December 4, 2010, meeting as written. Commissioner Clements seconded and the motion passed unanimously.

### Old Business

None

### New Business

Chair Jones reported on the meeting she attended with Town Attorney Robert Scavron, Town Clerk Ann Mackey, and Peter Russell and Luan Mitchell of the Community Development Department, referring to the notes she had taken at the discussion. Mr.

Scavron went over the rules of procedure for a public hearing and stressed that evidence must be presented and noted for each required finding in all applications for a variance..

Commissioner Lundy questioned the meaning of the statement that commissioners should report any code violations they see to the Community Development Department, stating that he did not intend to be a “code cop.” Chair Jones assured him they did not need to go looking for things, but if they see something that is clearly a violation, it should be reported, as witnessing such a violation could be considered an ex parte communication and should be disclosed.

Regarding the oath sworn by witnesses before testifying, Commissioner Lundy asked what the penalty for perjury is. He suggested that when witnesses are sworn in for testimony they should be told what that penalty is. Also, if they are sworn in and intend to testify, they should stay for the whole hearing. The importance of the testimony and veracity should be emphasized by reminding witnesses when they testify that they are under oath.

Regarding evidence being presented to support findings, Commissioner Clements asked if it is necessary for the evidence to be stated in the motion to approve. Particulars need not be recited in the motion, just the statement, “I find sufficient evidence to support the following findings...”

Commissioner Perrault presented her suggested changes to the Planning and Zoning Commission bylaws regarding appeals. She moved to change Section 2.9 to read:

#### 2.9 Appeals of Planning and Zoning Commission Decisions

- A. Any decision of the Planning and Zoning Commission, which is appealable under Section 6.3.4 of the Land Use Code, may be appealed to the Town Council according to Section 6.3.4 of the 1999 Land Use Code.
- B. Notices of the decisions of the Planning and Zoning Commission that require or could require action by the Town Council and which are not unanimous shall include any dissenting Commissioner’s comments expressed during the public hearing, in addition to meeting the minimum requirements for notification of decisions contained in Section 6.2.12 of the Land Use Code.

Commissioner Lundy seconded. In discussion it was agreed to change the word “shall” to “may,” and to replace the reference to the 1999 Land Use Code to the 2010 code. (This being accepted as a friendly amendment no vote was required.) The motion passed unanimously.

Commissioner Perrault asked if the next agenda would include the community dialogue suggested in the last meeting. Commissioner Lundy suggested that 6 subjects for discussion be agreed on, with each commissioner taking one subject to be moderator for. Chair Jones recommended that the Mayor’s Climate Change Committee be asked to make a 20 minute presentation at the February meeting.

**Reports from Commission**

None

**Reports from Staff**

Luan Mitchell offered two copies of the book *The Job of the Planning Commissioner* to anyone who wished to read it. She also suggested a plaque or other remembrance for retired Chair David Gershenson.

**Adjournment**

Commissioner Bonomo moved to adjourn the meeting. Commissioner Lundy seconded and the motion passed unanimously. The meeting was adjourned at 8:15 pm.

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Alice Jones, Chair  
Planning & Zoning Commission

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Approved February 1, 2011