

VILLAGE OF JEMEZ SPRINGS



ROBERT WILSON
Mayor

PAM GRIDER
Mayor Pro-Tem

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SUZETTE WALKER
Trustee

DAVID P. RYAN
Trustee

MANO SANCHEZ
Trustee

Minutes for Tuesday, December 16, 2014 Special Council Meeting – 6:00pm Village Governing Body Conference Room

Present: *Mayor Wilson, Pro Tem Grider, Trustee Walker, Trustee Ryan, Trustee Sanchez, Clerk/Treasurer De Herrera, Deputy Clerk Roybal, along with reference to the attached sign in sheet.*

1. Call to Order

Mayor Wilson called the meeting to order.

2. Pledge of Allegiance

Mayor Wilson led everyone in the Pledge of allegiance.

3. Approval of Agenda

Trustee Walker made a motion to approve the agenda. Trustee Sanchez seconded, all ayes motion approved.

4. Appeal of Planning and Zoning Approval of Cell Tower.

Mayor Pro-Tem Grider stated that Commnet submitted an application and they have met all the requirements and also went above and beyond on some of the requirements. In October the P&Z had a meeting and there were not enough people in attendance and sufficient notice was not sent so another meeting was held in November where it was approved.

Mayor Wilson stated that only the petitioners who had signed the appeal would be able to address the Council in regards to their concerns. Mayor Wilson stated that there were only three categories in which would legally support the removal of the tower and there had to sufficient proof in order to do so. If the concerns were not supported by evidence of matter the cell tower would remain.

Mrs. Debra Williams read the appeal application submitted on December 9, 2014. She stated that it was her opinion that the Cell Tower should be denied because of their Ethics or lack of. She reiterated over and over again the same arguments about ethics and the cell tower being built

changing the historic nature of the community, and RF factor ratings. Questions arose about CID and the permits needed for the construction of the tower.

Trustee Ryan stated that there is nothing in the ordinances to stop from building during an appeal.

Ms. Nancy Calderon stated that there was nothing stated in the appeal about CID and the permits needed, so she did not have any information on that.

Ms. Maher stated that it was her opinion that it would not serve the Village and that there was no need for it. Ms. Maher stated that Commnet had also lied because it would not serve all carriers.

Ms. Julie stated that it will support all major carriers, the only factor would be if the individual service had roaming features. But if you have roaming capabilities it will work.

Mr. Glen Thalmat stated he spoke to a Sergeant Dominguez who informed him that the village already had the equipment they needed and the cell tower really was not needed as far as for the emergency services.

Trustee Ryan stated that that was not so,

Mr. Thalmat stated that he was talking with "Pilar" from the FCC. She informed him greatly and if he would have spoken to her earlier he would not have written a \$100.00 check for the appeal. He stated that once he got a response from Pilar and from the FCC he was satisfied.

Ms. Hossen stated that she wanted the tower to do what was needed for the village and if it did not do what the village wanted that there would be a way to address that.

Mr. Mel Patterson stated that he would be inspecting the tower before it would be put to use.

Mr. Rourke McDermott stated it did not represent the majority but that he was worried about the historic character.

Trustee Ryan stated that he believed that Mr. McDermott was most sincere with the appeal and was okay with his concerns. But stated that the character of Jemez Springs depends on who you ask because it is just an opinion of the character.

Mr. Bill Drake stated that he this was an insane. Everyone was insane and get over it. Decorate your cell phone because everyone has one.

Mr. Mel Patterson stated that by law the Village

May not prohibit the wireless community

May not prolong the acceptance of the application if it is complete

May not deny because of RF Emissions.

Mr. Patterson stated that everyone should Look at the letter from October 8, 2014. This states that Commnet met all the stipulation and recommendations from the letters dated October 8, 2014 as well as December 15, 2014. Following the November 17, 2014 meeting all requirements prior to construction were met by November 25, 2014. Mr. Patterson stated that Commnet is regulated by the FCC and must comply with all their regulations.

Ms. Julie stated that anyone was free to call the FCC and see if they were in compliance.

Trustee Sanchez stated that Planning and Zoning worked really hard and did a wonderful job with the all

Mayor Wilson asked for a motion.

Mayor Pro-tem Grider recused herself as she is the Chair Person for the Planning and Zoning Commission.

Trustee Sanchez made a motion to reject the appeal and allow Commnet to continue building the tower. Trustee Walker seconded the Motion.

Roll Call Vote

Mayor Pro Tem Grider Recused

Trustee Sanchez Aye

Trustee Ryan Aye

Trustee Walker Aye

Motion Approved.

5. Adjournment

Trustee Ryan made a motion to adjourn the meeting. Trustee Walker seconded. All ayes motion approved. Meeting adjourned at 7:53

ATTEST:


Lupita De Herrera
Lupita De Herrera, Clerk/Treasurer



Robert Wilson, Mayor