

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
October 13, 2015, 6:00 p.m.**

Present:

Michael S. Morones, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Yolanda C. Holguin, Acting Town Clerk

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – None.
- 4. PUBLIC INPUT** – The following persons provided their comments about the plastic bag ordinance and renewable energy: Andy Payne, Alan Mong and DeAnna Mooney. Some of their comments included the following: their support of passing the ordinance and that it was successful; that neighborhoods and the Town were looking cleaner; statistics that most people did not recycle the plastic bags; and encouragement for the public to use cloth bags when shopping. Mr. Payne asked the Council to make a strong statement against the PNM power replacement plan. He referred to PNM’s contradictory numbers in discussing rates and the need for PNM to submit an accurate and honest plan.
- 5. COUNCIL COMMENTS** – The Council commented on the following: Councilor Cano’s upcoming surgery and that during her recovery she would be available by phone and e-mail and would attend the Council meetings; thanks to the Silver City Downtown Merchants and their activities downtown; receiving positive e-mail comments on the plastic bag ban ordinance; the concept and research on biodegradable plastic bags; congratulations to Councilor Cano and Patricia Cano on the successful Chicano Conference event; how Little Toad Creek received Local Economic Development Act (LEDA) monies for their expansion; that Councilor Bettison was re-elected to the New Mexico Municipal League (NMML) Board of Directors as a Director-at-Large; critical issues for the 2016 Legislative Session regarding gross receipts tax revenues for municipalities; competing notions of new tax plans; the reforming of the NMML Tax Task Force Committee; how they were confident that the plastic bag ordinance was working towards the goals that the Town set forth with the Mayor’s Climate Protection Citizens Advisory Committee, not increasing the tipping fees, etc.; encouragement for the public to use cloth bags; how there was a company that created 100 percent degradable compostable merchandise bags made of lime stone that would decompose in 180 days; that the Council had taken a good step for the Town and the citizens regarding the ban of single-use plastic bags and that it would move them forward into the future; and working and dealing with the New Mexico Tax and Revenue Department. Mayor Morones thanked the State Economic Development Department and Secretary Jon Varela for all of their support of the community and how the area had received three LEDA grants. He expressed his appreciation for all of the wonderful things they had done for Silver City.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES – Regular Meeting on September 22, 2015** - Councilor Aiman-Smith moved to approve the minutes of the Regular Town Council Meeting of September 22, 2015, and Councilor Bettison seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Town of Silver City’s Regular Council Meeting of September 22, 2015. He asked if there was any discussion, and there was none. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

8. REPORTS –

A. Report and update on the single-use plastic bag ordinance. Terry Timme with the Town's Office of Sustainability gave a brief history of the ordinance and how he communicated and listened to businesses and merchants' comments and concerns before the ordinance was adopted; how the Town and businesses distributed reusable bags to residents and the public; on the options that stores had when the ordinance became effective; how he offered his telephone work number to anyone who had questions, concerns, or ideas; and on the litter reduction since the ordinance went into effect. Manager Brown, Chair of the Southwest Solid Waste Authority, commented on the upcoming re-permitting hearing on November 5th; that litter control was a big issue at the landfill; on the Solid Waste Bureau's (SWB) expensive litter control suggestion primarily due to plastic bags; on how Gary Stailey and a crew of youth cleaned up the landfill area; that he explained the ordinance to the engineer of the SWB who was not aware that the ordinance had passed; that the clean-up at the landfill had a good impact on its neighbors; and keeping the trash outside the landfill was under control. Mr. Timme commented on how the residents and public were adapting to the plastic bag ordinance; that the heavyweight bags were working better than the lightweight ones; that there were no big enforcement issues; and that Silver City was the second community in the state to have a plastic bag ordinance in place. Discussion continued on the re-permitting cost to come into compliance for additional litter control and that the cost would be passed on to the residents; that Silver City was a community that brought in a lot of people that did not live in the area; changing habits and not passing the cost; and that the ordinance had been successful with less hurdles and kick-backs. Mayor Morones invited the public to comment. Resident Matthew Hancock stated he was a cashier at Wal-Mart and commented on Wal-Mart's profit sharing, "We Share Program," with employees, and how it was being effected by the ordinance; that a lot of people did not recycle; using the full capacity of the 22 pound bags; the need to be considerate of the elderly and of items like chemicals when bagging; how he would like to see the ordinance repealed; possibly having a structured fee for bags in place; and on people really making an effort to recycle. Gary Stailey attested that the youth had been at the landfill cleaning and picking up trash and painting over graffiti at the overpasses; that it was amazing to see the outcome; on the need for continued education; and he encouraged people to recycle. Mayor Morones commented on the \$180,000 actual annual savings that was not paid because of this action; that it was good to hear from the people who were physically doing the work; that the ordinance could be tweaked or changed; that it was in place, had exceeded expectations, and that he did not see it being repealed in the future. Discussion continued on increasing awareness; important for businesses to thrive; that it was the option of the store to charge for the bags; that the money Santa Fe charged for the bags went towards education; and all of the positive comments received through e-mail and social media.

B. Staff reports. None.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of a Public Celebration Permit Application for An Uncommonly Good Evening event sponsored by The Volunteer Center on October 24, 2015 from 4:00 p.m. to 8:00 p.m. at "The Commons" at 501 E. 13th St., Silver City, NM. License Holder: Little Toad Creek LLC, DBA Little Toad Creek Brewery, Liquor License # 67021, HC 68 Box 134, Silver City, NM. Bart Brown, Assistant Manager of Little Toad Creek, requested approval of the application and stated they would be brewing a special beer for the event. There was clarification of the signature on the application. Councilor Cano moved to approve the Public Celebration Permit Application for An Uncommonly Good Evening event sponsored by The Volunteer Center on October 24, 2015 from 4:00 p.m. to 8:00 p.m. at "The Commons" at 501 E. 13th St., Silver City, NM. License Holder: Little Toad Creek LLC, DBA Little Toad Creek Brewery, Liquor License # 67021, HC 68 Box 134, Silver City, NM. Councilor Ray seconded. Mayor Morones said there was a motion and a second to approve as read into the record. He asked if there was any discussion, and there was none. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

B. Approval / Disapproval of Notice of Intent Ordinance No. 1243: an Ordinance amending Chapter 16, Article II (Economic Development Plan), Sections 16-47, 16-67 and 16-69 of the Town of Silver City Code of

Ordinances. Councilor Aiman-Smith commented that the title had changed; that Local Economic Development Act (LEDA) allowed public support of economic development to foster, promote, and enhance the local economy; that there was \$50,000,000 in the New Mexico LEDA Fund; that communities that had passed their LEDA with the most current statutory requirements may act as fiscal agents for themselves or for others projects; on the need to protect against unauthorized funds; using public money wisely; on corporations or businesses taking monies and not delivering upon agreed economic development goals; the amendments of the claw back provisions and project participation agreement duties and requirements; proposing to bring the local ordinance in compliance with the state statutes; and being eligible for funds and being clearly in line with state requirements. Councilor Aiman-Smith gave a detailed explanation of the amendments of claw back provisions and project participation agreement duties and requirements including how the Town's Incentive Review Committee would review project participation agreements which provided monetary assistance from the Town. Manager Brown gave the example of Little Toad Creek being one of the most recent projects they had worked on and that the amendment regarding the Incentive Review Committee's review of project participation agreements when the Town was providing its own funding was important because the state was providing financial assistance to the Little Toad Creek project, but the Town was acting as fiscal agent. He said the state had already done its due diligence and reviewed everything just as the Town's Incentive Review Committee would do for Town funds. He explained further and said the final decision was with the Town Council; that they did not want to duplicate work and make the process harder for a business because economic development was all about fostering business growth and not making business harder. He said there may be a case when a business would get assistance from the state and the Town, and at that point the Town's Incentive Review Committee would review the application, etc. He said the project participation agreement would have to be adopted by ordinance, and he explained further.

Council Aiman-Smith moved to approve the Notice of Intent Ordinance No. 1243: an Ordinance amending Chapter 16, Article II (Economic Development Plan), Sections 16-47, 16-67 and 16-69 of the Town of Silver City Code of Ordinances. Councilor Bettison seconded as stated. Mayor Morones said there was a motion and a second to approve as read into the record. He asked if there was any discussion, and there was none. Mayor Morones asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

C. Appointment to the Planning and Zoning Commission. Mayor Morones said Carmon L. Steven reapplied for her position that would be expiring in October, and that he would like to appoint her. There was no objection by the Council. Mayor Morones stated she was appointed.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 7:20 p.m., and Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to adjourn. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if there were any opposed, and there were none. Motion carried.

Michael S. Morones, Mayor

Attest:

Ann L. Mackie, Town Clerk