

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
September 13, 2016, 6:00 p.m.**

**Present:**

Ken Ladner, 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  
Ann L. Mackie, Town Clerk

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS - "Stand up, Stand out, & Stand Proud Day" - September 17, 2016** - Mayor Ladner read the proclamation and presented it to Susan Golightly. Ms. Golightly thanked the Mayor and also addressed Councilor Cano to say there was handicap access to the patio on Market Street and off of Texas Street into the Old Elks Club. She commented further about the upcoming Gay Pride Celebration to be held on September 17th.
- 4. PUBLIC INPUT** – Mark S. Donnell, MD, gave his opinion on events that occurred three months prior concerning videos of District Attorney Francesca Martinez-Estevez, and stated that in his opinion the videos clearly showed her to be severely impaired, probably due to intoxication with drugs or medications. He asked the Town Council to take a leadership position on the issue and pass a resolution calling for the resignation of the District Attorney or at least to pass a resolution of "No Confidence" in the District Attorney. Julia Robinson commented on her concerns about neglected and abandoned properties in the historic district, and she encouraged the Town Council to reconsider why there were no ordinances to protect the integrity of housing in the historic district. She said if Silver City was to prosper then property in the historic district must be addressed in the next long-range plan, or sooner, with tighter ordinances and strategies to enforce clean-up. She said people who had invested money and time fixing up their properties would appreciate the Council's attention to trying to find a solution to the problem.
- 5. COUNCIL COMMENTS** - Mayor Ladner announced that Councilor and Mayor Pro Tem Cynthia Ann Bettison was recently elected as Treasurer by the New Mexico Municipal League's (NMML) Board of Directors. He stated she had been very active in the NMML and served as a Director-at-Large since 2011 and many other committees since 2009. He congratulated her on that significant achievement. Councilor Bettison thanked the Town Council and all of the staff for their support in her candidacy for the office of NMML Treasurer and said her term would begin on October 1st. She said she was very honored to have been elected by her peers in the 106 municipalities that made up the League. She said the executive office of Treasurer would bring many good things to Silver City and to the other southern municipalities, and she wanted to make sure they all had a voice and that the League was well represented and diversified across the state. She also commented on her visit to the Hobbs Animal Adoption Center and how it was a no-kill shelter and had a free shot clinic, etc. She thanked Senator Howie Morales for speaking at the NMML Business Meeting on September 1st to talk to the Board about the Hold Harmless issues and that he said they should not concede anything because everything would be taken by the state. Councilor Cano commented that she would be attending another NMML Municipal Officials Leadership Training, and had just attended the 38th Annual Conference on Aging and hoped to collaborate with the Community Health Council to provide more opportunities for seniors. She said at the Conference on Aging she had the honor of nominating Mario Quintana for an award called the "K. Rose Wood Award," that was given to an active senior in New Mexico who was impacting their community in a large way. She said Mr. Quintana was the coordinator of the Senior Olympics and was very involved in getting seniors to live a more healthy lifestyle, and he was excited to receive the award, especially since he received it with the gentleman that

founded the Senior Olympics. She also talked about downtown issues that included: how signs and sandwich boards were being put out on sidewalks and blocked ramps and access to sidewalks, and how the ordinance needed to be enforced; how drivers and bicyclists violated traffic laws at the intersection of Bullard Street and 7th Street; how there was a leash law for pets and people should pick up their pet's excrement on the sidewalks; how she would like more patrols in the area to cite people; and how people should not run stop signs or stop lights. Councilor Ray thanked Patrolman Salvador Quintana for patrolling in the area of Jose Barrios Elementary School and that he saw people on their cell phones and speeding through the school district. He also commented that he would have a Notice of Intent Ordinance regarding utility terrain vehicles on the next Council meeting agenda. Councilor Aiman-Smith said she was very interested in traffic management and announced that Jaime Embick, Community Development Department Director, was continuing her community meetings regarding the Town's Comprehensive Plan. She also announced several downtown events including the Red Hot Children's Fiesta and an upcoming talk from Brian Cunningham from the hospital with the Southwest New Mexico Green Chamber on September 15th on why there may be a 4 mill bond coming out. Mayor Ladner said he would attend the Mayor's Summit that week and was looking forward to meeting other Mayors from around New Mexico and seeing what common grounds they may have and ideas he may be able to pick up.

## **6. CHANGES TO AGENDA – None.**

**7. APPROVAL OF MINUTES - Regular Meeting on August 23, 2016 -** Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of August 23, 2016. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He asked those in favor of the motion to say aye, and all 4 Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

## **8. REPORTS -**

**A. Raul Turrieta, Grant County Assessor, reported on a 4 mill increase for the hospital.** Mr. Turrieta reported the following regarding the 4 mill increase for the hospital that would be on the November 8th General Election ballot: the Office of the Grant County Assessor's Mission Statement and Goal was read; the Valuation Authorities, Taxing Authorities, and Tax Collection and Distribution Authority were read; how the Grant County Commission passed the Certificate of Tax Rate that day; how counties' mill levy shall not exceed 4.25 per the New Mexico Statutes, Chapter 4, Section 4-48-B-12; how he would set the authorities after the voters voted on it, then the 4 mills would go to the County Treasurer's Office for distribution straight to the hospital; how the Grant County rate imposed and remaining authorities in mills were at their maximum on the non-residential side and residential side and that was why the hospital was asking for the 4 mill increase under Chapter 4; a review of the weighted average property tax rates by County mills and how Grant County was second to the lowest out of all 33 counties; a map of the 2016 tax districts; examples of how the Silver City residential tax rates would increase; and how the total valuation for all of the County was \$841,523,853.00 and with the 4 mill it would generate 22 percent on property tax or \$3,366,095.00. There was further discussion about how the Town of Silver City had a low mill rate of .017776 and outside the city was 0.15101 on the residential side, etc.; how millage collected was separated out to certain entities and the Town of Silver City did not get it all; how he would give them a copy of their warrant and abstract the following week; how the 4 mill increase would affect the property owners only; how the people would have the opportunity to vote on it on November 8th; and how the New Mexico Constitution said only the property owners could vote on it and the State Statute Chapter 4 said all voters could vote on the tax increase. Mr. Turrieta thanked the Mayor and Council.

### **B. Staff Reports. –**

**1) Manager Brown's report of the Fiscal Year 2016-2017 final budget approval by the State of New Mexico Department of Finance and Administration, Local Government Division.** Manager Brown stated he had to report in the Town Council minutes that the Town's budget had been approved by the Department of Finance and Administration (DFA). He said they were following the Hold Harmless issue very closely and that Assistant Town Manager James Marshall would be going to the Revenue Stabilization and Taxation Subcommittee meeting in Albuquerque on September 14th, and report about that meeting. Manager Brown also reported that as far as they knew the restaurant chain named Denny's would be coming to town, and that they were a private entity with their own timeline so the Town had no control over it. He said everything was approved and in place and the Town had already done the infrastructure side of it.

Attorney Scavron reported on election signs within the Town limits and he referenced the United States Supreme Court case, Reed versus the Town of Gilbert, Arizona, that dealt with a municipality regulating signs. He said it did not change the ability of a town to regulate the size and placement of signs, but it did state that any regulation of a sign that was content or category-based would be subject to strict scrutiny. He said the Town had a sign ordinance with time limits for political signs and that limitation was not applicable to other signs so he had instructed staff not to enforce that portion of the sign ordinance. He said if a candidate had the permission of the property owner and the size of the sign met the existing regulations for size then the sign could stay up all year with no limitations. There was further discussion on the following: how the County Clerk's Office was informed; that the permission of the owner was required to post a sign; that signs could not be posted on city land, city poles or state property; that the land owner could decide when the signs came down; and that the Town had no enforcement power to verify there was permission from the land owner to post signs because it was a private action of trespass and it was up to the owner to enforce it, not the Town.

Councilor Bettison moved for a short break at 6:59 p.m. Councilor Aiman-Smith seconded. Mayor Ladner asked if there was any discussion, and there was none. He asked all those in favor to say aye, and all 4 Councilors said aye. Motion carried. The Mayor called the meeting back to order at 7:06 p.m.

**9. PUBLIC HEARINGS** - None.

**10. UNFINISHED BUSINESS**- None.

**11. NEW BUSINESS** -

**A. Approval / Disapproval of a Public Celebration Permit Application and a waiver of NMSA 1978 60-6B-10 of the prohibition of dispensing of alcoholic beverages within 300 feet of a church or school. Event Information: the Red Dot Art Fest sponsored by the Silver City Art Association to be held on October 7, 2016 with alcohol service from 4:00 p.m. to 8:00 p.m. at the Seedboat Gallery, 214 W. Yankie St., Silver City, NM, Liquor License Holder Information: La Esperanza Vineyard, LLC #6148, 100 De La O, San Lorenzo, NM 88041.** Rebecca Martin, Co-Chair of the Silver City Art Association, requested the permit to launch the Red Dot Art Fest and said they were expanding to 10 full days with the anticipation of attracting more folks to Silver City and to stay at least one more day. She said to make it a full celebration they felt that having locally crafted wine and beer would enhance the event. There was further discussion about La Esperanza's address for the motion, how identifications would be checked at the Seedboat Gallery. David Garule, owner of La Esperanza Vineyard, said it was the law that people were checked as they came in, and it was the wine holder's responsibility to challenge anybody that they thought was underage. Mayor Ladner said he would hear a motion. Councilor Ray moved to approve a Public Celebration Permit Application and a waiver of NMSA 1978 60-6B-10 of the prohibition of dispensing of alcoholic beverages within 300 feet of a church or school. Event Information: the Red Dot Art Fest sponsored by the Silver City Art Association to be held on October 7, 2016 with alcohol service from 4:00 p.m. to 8:00 p.m. at the Seedboat Gallery, 214 W. Yankie St., Silver City, NM, Liquor License Holder Information: La Esperanza Vineyard, LLC #6148, 100 De La O, San Lorenzo, NM 88041. Councilor Cano seconded. Mayor Ladner asked if there was any discussion, and there was none. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

**B. Approval / Disapproval of Resolution No. 2016-23: authorizing the Town Manager to execute documents on behalf of the Town of Silver City pertaining to two agreements between the Town of Silver City and the Interstate Stream Commission.** Manager Brown said they received contracts for the awards for a \$500,000 grant for the meters and another grant for the sprinkler system. He said they required a resolution authorizing him to sign the agreement; that it was a new process in state government for every individual grant. He said they had everything else, and were just waiting on the resolution. Councilor Bettison moved to approve Resolution No. 2016-23: authorizing the Town Manager to execute documents on behalf of the Town of Silver City pertaining to two agreements between the Town of Silver City and the Interstate Stream Commission. Councilor Aiman-Smith seconded. Mayor Ladner 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. Approval / Disapproval of Executive Session pursuant to NMSA 1978 Section 10-15-1(H) (2) regarding limited personnel matters to discuss the Town Manager's contract.** Mayor Ladner said he would entertain a motion to go into Executive Session. Councilor Aiman-Smith moved to go into Executive Session pursuant to NMSA 1978 Section 10-15-1(H) (2) regarding limited personnel matters to discuss the Town Manager's contract. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He 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. The Mayor said they would take a short recess before going into Executive Session. Attorney Scavron added that they would take no action during Executive Session and the only matters to be discussed were those mentioned in the motion.

Upon their return to the open meeting, Councilor Bettison moved that they come out of Executive Session and stated for the record that the only thing they discussed was what the motion pertained to. Councilor Aiman-Smith seconded. There was a roll call vote: Councilor Ray voted aye; Councilor Bettison voted aye; Councilor Cano voted aye; and Councilor Aiman-Smith voted aye. Motion carried at 7:58 p.m.

**12. ADJOURNMENT** – Mayor Ladner asked for a motion to adjourn. Councilor Aiman-Smith moved to adjourn at 7:59 p.m., and Councilor Bettison seconded. Mayor Ladner asked for a vote of all those in favor, and all 4 Councilors said aye. Motion carried.

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk