

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
August 14, 2018, 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 E. Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney
Freddie Portillo, Police Chief
Milo Lambert, Fire Chief

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m.

2. CHANGES TO THE AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – "Constitution Week" - September 17-23, 2018. Mayor Ladner read the proclamation and presented it to Lucy Whitmarsh and Marianne Bray who were representing the local chapter of the Daughters of the American Revolution. Ms. Whitmarsh thanked the Town Council and the Mayor for the proclamation and said they were a patriotic organization in the community and wanted to remind everybody of the importance of the United States Constitution.

5. COUNCIL COMMENTS – Councilor Ray commented that he and others were strongly opposed to a rumor that a homeless shelter may be built by the Senior Citizen Center, and he also thanked the Streets crew for doing a wonderful job during the rainy season. Councilor Aiman-Smith thanked the 155 people, volunteers, staff and police for attending the District 2 Territorial Charter Volunteer Day and said it was a fabulous experience and the Play Street was wonderful. Councilor Bettison commented on the following: thanks to Councilor Aiman-Smith for the Play Street and how it was reminiscent of her childhood; how the Mountain View Apartments were affordable housing apartments for age 62 and over, not assisted living, and people could contact Jaime Embick, Director of the Community Development Department, for more information; how the Town would post links on its website to Bethel Development's website when they were at the point of taking applications for the Mountain View Apartments; thanks to the road crews for what they were doing during the torrential rains and how the rains caused a huge slab to slide near Highway 180, etc.; and how she was listening, reading, and talking to people about many things and that she appreciated their understanding that she could not reply to their emails because she was still under restrictions on what she was allowed to do with her hands. Councilor Cano commented on the following: congratulations to the Silver City Fire Department on reaching 50 years as a fully paid department and to Jerry O'Neal who was named "Firefighter of the Year" and how she appreciates what the entire Fire Department does; a reminder that school had started so there were a lot of little pedestrians going to and from school so they needed to be more diligent about how they drive near the school zones; and congratulations to the Copper Country Senior Olympics, how several Olympians went to state and came back with medals, and several others qualified for the national games that will be held in Albuquerque. Mayor Ladner commented on two separate citizens that told him they were happy to see the police stop trucks that were blowing out black smoke from their exhaust, and he thanked the police force for that.

6. Approval of Minutes for the Regular Town Council Meeting held on July 24, 2018. Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City on July 24, 2018. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He asked those in favor to approve the minutes to say aye, and all four Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

7. PUBLIC INPUT – Mayor Ladner asked those that signed up to do public input on the ordinances to hold their input until those agenda items came up. He asked the audience if there was any other public input, and there was none.

8. REPORTS -

A. Final 2018 Lodger's Tax and Tourism Report by Colleen Morton, Executive Director of the Silver City Arts and Cultural District. Ms. Morton said she hoped they had a chance to review her long report that was in their packet. She asked if they had questions. Councilor Aiman-Smith asked Ms. Morton what affects she saw from using more social media. Ms. Morton said the Visitor Center tries to compile as many statistics as they can, but they noticed that the internet continues to become more dominant in terms of why people have heard about Silver City; that the statistics from their Facebook, Instagram, and website reach an engagement and have all gone up spectacularly over the last year. She said at least it gives them some statistics whereas in print media you never really know.

B. Staff reports. Police Chief Portillo reported the police were keeping up with their drills for active shooter training, and had provided training to every school in the Silver Schools District which also involved the assessment of security in the schools. He said they recently did a training for the Silver School District staff which included an active shooter refresher training and to help them put policies and procedures in place. He said they also did a presentation for PNM and wanted to do a drill. He added that Principal Alvarez at La Plata Middle School created a little substation for the Police Department in order to provide high visibility of the police. He reiterated what Councilor Cano said in that people needed to be aware of pedestrian traffic in the school zones because for the safety of the children the police would have zero tolerance.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1268: an Ordinance proposing various amendments to the Municipal Code regarding boards and committees of the Town. Councilor Aiman-Smith, sponsor of the ordinance, explained why she was motivated to do the ordinance, how citizens wanted their participation to mean something, and she presented the details of the amendments in the ordinance. Councilor Aiman-Smith moved to approve Ordinance No. 1268: an Ordinance proposing various amendments to the Municipal Code regarding boards and committees of the Town. Councilor Bettison seconded. There was no further discussion. 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.

B. Approval / Disapproval of Ordinance No. 1269: an Ordinance amending Section 12-7-9 through 12-7-9.10 (Off-Highway Motor Vehicles - Definitions, et al.) of the NM Uniform Traffic Code adopted as the Silver City Traffic Ordinance in Chapter 50, Section 50-1 of the Municipal Code of the Town of Silver City, NM. Councilor Ray, sponsor of the ordinance, said it was the final vote and they worked really hard to try to satisfy what the people wanted, what the Police Department would like to see, and how some of the people in the audience supported it. He said he had a conversation with Police Chief Portillo and that the Chief was against it, but if it passed he would help by doing some sort of training. Chief Portillo said he could give an educational period to help people comply if it passed. At Councilor Ray's request Attorney Scavron discussed issues with parental responsibility and liability. Mayor Ladner asked for public input from the audience, and many people provided their comments. Following the public input the Mayor asked for a motion. Councilor Ray moved to approve Ordinance No. 1269: an Ordinance amending Section 12-7-9 through 12-7-9.10 (Off-Highway Motor Vehicles - Definitions, et al.) of the NM Uniform Traffic Code adopted as the Silver City Traffic Ordinance in Chapter 50, Section 50-1 of the Municipal Code of the Town of Silver City, NM. Councilor Cano seconded. There was further discussion by Councilor Aiman-Smith, Councilor Bettison, Chief Portillo, and Attorney Scavron. Councilor Ray made closing remarks and thanked the Council from the bottom of his heart whether they passed it or not. Mayor Ladner asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted nay; and Councilor Bettison voted nay. The vote was tied. Mayor Ladner said before he cast his vote that he appreciated from the bottom of his heart all of those that spoke in favor and in opposition of this ordinance. He thanked them for coming to the Council meetings and putting all of the time and energy in to making their particular case be known. He thanked Councilor Ray and said he had so much respect for him and his tenacity time and time again, and he commented on Councilor Ray's cell phone ordinance and what a great

safety issue that was. He said he also received many calls, emails, and personal visits from the community members expressing their opinion, and that they received input from their former Police Chief Reynolds and current Police Chief Portillo. He said in knowing it might come down to his vote he had spent quite a bit of time studying documents that related to these vehicles. He said when he ran for Mayor he promised himself that he would do the very best he could to do the best for the interest of the Town of Silver City and the residents of Silver City, and that it was a tough decision for him. He said his decision was that the ordinance was not in the best interest of Silver City, and he voted against it. Motion did not pass.

Councilor Cano moved for short recess at 7:18 p.m. Councilor Bettison seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried. The Mayor called the meeting back to order at 7:28 p.m.

11. NEW BUSINESS -

A. Approval / Disapproval of a Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 for alcohol sales near a church for a beer garden at Gough Park for the LGBTQ Pride Fest on September 15, 2018 with alcohol service from noon to 9:00 p.m. Liquor License Holder: Dahl Enterprises, LLC, DBA Q's Southern Bistro, LLC, Liquor License #28098, 101 W. College Ave., Silver City, NM 88061. Anthony Quintana from Q's Southern Bistro said the LGBTQ organization asked him to handle the Pride Festival at the park and that he would use his full liquor license. He said it would be the same set up and he had the nearby church's waiver. There were no questions. Mayor Ladner asked for a motion. Councilor Cano moved to approve a Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 for alcohol sales near a church for a beer garden at Gough Park for the LGBTQ Pride Fest on September 15, 2018 with alcohol service from noon to 9:00 p.m. Liquor License Holder: Dahl Enterprises, LLC, DBA Q's Southern Bistro, LLC, Liquor License #28098, 101 W. College Ave., Silver City, NM 88061. Councilor Ray seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

B. Approval / Disapproval of Notice of Intent Ordinance No. 1271: an Ordinance to approve a lease agreement between the Town of Silver City and Washington Federal Savings and Loan pursuant to the provisions of Chapter 48, Article II, Sections 48-20 et seq. of the Town of Silver City Municipal Code. Manager Brown said a few months ago they discussed the lease of the building for Washington Federal that would be up in two years. He said they do not have any more guaranteed options to continue to get leases from the Town of Silver City and staff would like to have time to identify some possible opportunities for uses of the property. He said once the lease was up the Town would be able to have access to the entire block at 12th Street and Pope Street with a possible expansion of Gough Park to the other side. He said he discussed it with Washington Federal Bank and they also wanted additional time to look for another site for the bank if the Town decided not to extend the lease for long-term. He said the bank requested to extend the lease for an additional two years which would make it a total of four years from August 31. He said because the additional two years would be more than \$100,000 cost to them, they would have to go through the ordinance process. There were no questions. Mayor Ladner asked for a motion. Councilor Cano moved to approve Notice of Intent Ordinance No. 1271: an Ordinance to approve a lease agreement between the Town of Silver City and Washington Federal Savings and Loan pursuant to the provisions of Chapter 48, Article II, Sections 48-20 et seq. of the Town of Silver City Municipal Code. Councilor Ray seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

C. Approval / Disapproval of Notice of Intent Ordinance No. 1272: an Ordinance amending Chapter 6 (Animals), Article 1, Section 6-1 (Definitions) and a New Section 6-15 (Keeping of Bees Prohibited) of the Code of Ordinances of the Town of Silver City. Councilor Aiman-Smith stated she had been working towards developing an ordinance about beekeeping in Silver City for a number of months, but a recent event had accelerated and reprioritized it. She discussed the importance of bees in nature, the various categories of bees, and how the aggressive bees were generally hybridized Africanized bees, etc. She asked Fire Chief Lambert to report on the recent incident, and he described what happened at the dog park and how a person was sent to the hospital with over 200 bee stings from a swarm and that several employees were also stung. He discussed the three steps that the Fire Department had for the safety of citizens with regard to swarms and stings; that typically it was caused from a migratory swarm and

they leave within 24 hours. He said if the swarm is not gone within 24 hours, they consult with professionals. He said the Fire Department did not have the training or resources to become the beekeeping task force for the city, and that he would leave it up to the Council's good judgment to find some way in which to provide safety to the citizens with regulation by ordinance. Councilor Aiman-Smith said she chose to do this initial Notice of Intent (NOI) Ordinance to open the door for all kinds of discussion and that the public's safety was always the biggest concern. She said she was putting forward the most stringent and harsh NOI in order to get public discourse and she was committed to having a public forum. She said she was committed to take the time required to do an ordinance that will work for the needs of being able to pollinate and to maintain public safety. Mayor Ladner asked for public input from the audience, and several people provided their comments. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Notice of Intent Ordinance No. 1272: an Ordinance amending Chapter 6 (Animals), Article 1, Section 6-1 (Definitions) and a New Section 6-15 (Keeping of Bees Prohibited) of the Code of Ordinances of the Town of Silver City. Councilor Bettison seconded. There was further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

D. Approval / Disapproval of Resolution No. 2018-20: a Resolution of the Town of Silver City ratifying a certain agreement between the Town of Silver City and the Southwest New Mexico Council of Governments, dated August 14, 2018, and authorizing the execution of same by the proper official of the Town of Silver City.

Manager Brown said on an annual basis all of the member agencies with the Council of Governments (COG) have to authorize a new annual agreement and appoint our representatives to COG. He said it also includes annual dues, based on our population, of \$6,189, and they do provide a lot more services than what was listed in the scope. Councilor Bettison confirmed who the appointees would be. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2018-20: a Resolution of the Town of Silver City ratifying a certain agreement between the Town of Silver City and the Southwest New Mexico Council of Governments, dated August 14, 2018, and authorizing the execution of same by the proper official of the Town of Silver City with the appointment on page 2 number 2 (b) as Alex Brown as the member, Peter Pena as alternate 1, and Cynthia Ann Bettison as alternate 2. 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.

E. Approval / Disapproval of Resolution No. 2018-21: a Resolution adopting the 2020-2024 Infrastructure Capital Improvement Plan (ICIP).

Manager Brown said it was the annual requirement by the State of New Mexico for any request for funding. He said all of the departments and staff have reviewed and updated their projects and there was a public hearing that nobody attended. He said the top ten were for fiscal year 2020 and they had identified funding sources. He said the rest of the list were needs, but the funding sources had not been identified. There was further discussion about Cactus Street and that the next priority project for bike lanes, etc. for the Silver City Bicycle Master Plan for 12th Street between Alabama and Pope Streets would be added to the ICIP. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2018-21: a Resolution adopting the 2020-2024 Infrastructure Capital Improvement Plan (ICIP). Councilor Bettison seconded. The Mayor 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.

F. Approval / Disapproval of Resolution No. 2018-22: a Resolution adopting the 2020-2024 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center.

Councilor Ray discussed issues with the Senior Center property. Manager Brown said the state required them to have a separate ICIP for the Senior Center because they got separate funding, etc. Priscilla Lucero, Executive Director of the Southwest New Mexico Council of Governments, also stated she had been working with Manager Brown in developing capital outlay for the Senior Center and how they had to do a complete assessment of the facility prior to the Town taking it over. She discussed what was needed, and there was further discussion. Mayor Ladner said he would entertain a motion. Councilor Ray moved to approve Resolution No. 2018-22: a Resolution adopting the 2020-2024 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center. Councilor Cano seconded. The Mayor asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

G. Approval / Disapproval of an Agreement between the Town of Silver City and Local 2430 International Association of Firefighters, AFL-CIO from July 1, 2018 to June 30, 2021. Manager Brown told the Council they had a summary of the negotiated changes to the Fire Union contract, and that the monetary changes had already been approved in the budget in the last Council meeting. There were no questions. Mayor Ladner asked for a motion. Councilor Cano moved to approve an Agreement between the Town of Silver City and Local 2430 International Association of Firefighters, AFL-CIO from July 1, 2018 to June 30, 2021. Councilor Ray seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

H. Approval / Disapproval of cancellation of August 28, 2018 Town Council meeting due to the New Mexico Municipal League's Annual Conference being held that same week. Mayor Ladner said he and Councilor Bettison would be attending the conference. He asked if there were any questions, and Councilor Bettison asked Manager Brown and Clerk Mackie if there was any pending business for the August 28th Council meeting, and they said no. He asked for a motion. Councilor Bettison moved to cancel the Town Council meeting of August 28, 2018. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

Mayor Ladner said Councilor Ray asked for the floor. Councilor Ray said, "This is my last meeting. I resign. I tried to do the best I could, and sometimes it works and sometimes it doesn't work. I enjoyed all of you guys. I hold you dearly, but sometimes you have to see the writing on the wall. Mr. Scavron, thank you, Mr. Brown, You (to Councilor Cano), and these three right here (to Councilor Bettison, Councilor Aiman-Smith, and Mayor Ladner)." He recognized Chief Portillo and reporter Ben Fisher. He looked at the audience and said, "Thank you, guys. It's been a rough ride. It's been a good ride. I think it's time for me to step down. This is my last meeting. Thank you."

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 8:33 p.m., and Councilor Ray seconded. Mayor Ladner said they were adjourned.

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk