

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
November 13, 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  
James Marshall, Assistant Town Manager  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:01 p.m.

**2. CHANGES TO THE AGENDA** – None.

**3. CEREMONIES** – None.

**4. PROCLAMATIONS** – None.

**5. COUNCIL COMMENTS** – Councilor Ray commented that the American flag, the State flag, and the Prisoners of War flag would be installed at La Capilla Park. He also thanked Manager Brown, Assistant Manager Marshall, and Chief Portillo for allowing a group of people to drive side by side vehicles in the upcoming Lighted Christmas Parade. Councilor Aiman-Smith commented on the following: how the holiday decorations had gone up downtown; how a MainStreet volunteer team did a downtown occupancy building count and it had gone up; and she encouraged people to go downtown on November 24th to look in store windows and attend the lighted Christmas Parade. Councilor Bettison commented that people should contact the Town Manager's office if they see hazardous medical waste, like syringes, and a team from the Silver City Fire Department would remove it. She said the Police Chief would report on issues with drug houses and drug activity in town. Councilor Cano commented that she, the Mayor, and Manager Brown attended a press conference held by Senator Jeff Steinborn of Las Cruces regarding the second annual Outdoor Economics Conference that would be held in Silver City on October 3-4, 2019. She said the Town of Silver City and other entities had a partnership to work with the New Mexico Wildlife Alliance to bring several hundred people to discuss outdoor economics, etc., and that having the conference in Silver City would showcase how special this area is in the state. Mayor Ladner said about a year ago Councilor Cano and Councilor Ray gave a report because they attended the first Outdoor Economics Conference in Las Cruces, and he thanked them for their initiative.

**6. Approval of Minutes for the Regular Town Council Meeting held on October 23, 2018.** Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of October 23, 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** – John Alvarez commented that he felt a great loss of independence in Silver City because he was not allowed to drive his four by four vehicle in town. He asked the Council to reconsider allowing utility vehicles to be street legal.

**8. REPORTS -**

**A. Staff reports** – Chief Portillo reported that the Police Department was brainstorming to have an impact on the issues with drug activity in some areas of Silver City; that they were working with other agencies besides the Drug Task Force, but it would take time to have plans in place. He asked the public to provide their input, and that they could remain anonymous because tips were critical in solving those types of problems.

## 9. PUBLIC HEARINGS - None.

## 10. UNFINISHED BUSINESS –

**A. Approval / Disapproval of Ordinance No. 1274: an Ordinance amending Chapter 2 (Administration), Article II (Elections), Section 2-21 (Title), and Section 2-21 (a), (b), Section 2-24 (Qualifications of Elected Officials), Section 2-25 (Vacancies), and New Section 2-29 (Amendments), of the Municipal Code of the Town of Silver City, Grant County, NM.** Attorney Scavron said the State's Local Election Act became effective on July 1, 2018, and that the legislation repealed the State Municipal Election Code that the Town had adopted for its own election code. He said with the demise of the Municipal Election Code, the Town under its charter had the power to create or adopt its own election code. He said they were proposing that the Town adopt the Local Election Act with certain changes to make it harmonious with the time honored precedence set by the Town's elections for the past decades. He said it was a good attempt at marrying the traditions of the Town's elections with the Local Election Act. He said it would keep the Town's elections annually, the terms of the Councilors would remain staggered, and the public would see no difference in elections from year to year. He said they were adopting provisions of the Local Election Act that were more efficient and effective for the conduct of elections. He explained further, and there were no questions from the Council. Councilor Cano moved to approve Ordinance No. 1274: an Ordinance amending Chapter 2 (Administration), Article II (Elections), Section 2-21 (Title), and Section 2-21 (a), (b), Section 2-24 (Qualifications of Elected Officials), Section 2-25 (Vacancies), and New Section 2-29 (Amendments), of the Municipal Code of the Town of Silver City, Grant County, NM. Councilor Ray seconded. The Mayor asked if the public had any comments or questions, and no one came forward. There was no further discussion. Mayor Ladner 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.

## 11. NEW BUSINESS -

**A. Approval / Disapproval of two public celebration permit applications, and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church, for the Annual Friends of Power and Light Press Holiday Market on December 6, 2018 at 601 N. Bullard Street, Silver City, NM, with alcohol service from 4:00 p.m. to 9:30 p.m. Liquor License Holder: Little Toad Creek, LLC, DBA Little Toad Creek Distillery #63013 and DBA Little Toad Creek Brewery #67085, 203 S. Mill Road, Silver City, NM.** Teresa Dahl-Bredine from Little Toad Creek said Power and Light Press was doing community outreach and that the event would be their first presentation of the market idea for the holidays, and it would be an opportunity for other vendors to sell their wares and crafts, and include beer and spirits to add to the celebration. Mayor Ladner asked for a motion. Councilor Ray moved to approve two public celebration permit applications, and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church, for the Annual Friends of Power and Light Press Holiday Market on December 6, 2018 at 601 N. Bullard Street, Silver City, NM, with alcohol service from 4:00 p.m. to 9:30 p.m. Liquor License Holder: Little Toad Creek, LLC, DBA Little Toad Creek Distillery #63013 and DBA Little Toad Creek Brewery #67085, 203 S. Mill Road, Silver City, NM. Councilor Cano 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. 1275: an Ordinance amending the Municipal Code of the Town of Silver City, Grant County, NM, Chapter 50 (NM Uniform Traffic Code Adoption), Sections 50-1, 50-2 and a New Section 50-3 (Superceding Amendments).** Attorney Scavron explained what the Uniform Traffic Code was and presented the details of the Notice of Intent Ordinance. He discussed how a few local amendments to the adopted Uniform Traffic Code were repealed by the new 2018 Uniform Traffic Code, and he gave examples. He said the main thing with the 2018 Uniform Traffic Code was that the State practically lowered all of the fines or penalties. He suggested the Town keep everything the way it was in 2017 and not adopt the new Penalty Assessment Code that was provided in the 2018 Uniform Traffic Code. He said the ordinance no longer includes the language "as further amended" because they should look at it every year, and take into consideration the specific needs of the Town. Manager Brown said they also received input from the municipal judge, and the Notice of Intent Ordinance included her input. There was further discussion, and Attorney Scavron said all of the things they did locally, like the cell phone ordinance, were being preserved. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Notice of Intent Ordinance No. 1275: an Ordinance amending the Municipal Code of the Town of Silver City, Grant County, NM, Chapter 50 (NM Uniform Traffic Code Adoption), Sections 50-1, 50-2 and a New Section 50-3 (Superceding

Amendments). Councilor Bettison 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.

**C. Approval / Disapproval of the destruction of records from the Community Development, Executive, Finance, Municipal Court, Public Library, Recreation Center, and Utilities Departments. Quantity: 93 boxes.**

Clerk Mackie asked for the approval to destroy 93 boxes of Town records that had met their retention period, and stated they would be destroyed by a bonded vendor. Councilor Bettison moved to approve the destruction of records from the Community Development, Executive, Finance, Municipal Court, Public Library, Recreation Center, and Utilities Departments. Quantity: 93 boxes. Councilor Aiman-Smith 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.

**D. Appointments to the Municipal Museum Community Advisory Group.** Mayor Ladner said the Town received several applications, and the one application they were recommending to appoint was Pauline Gomez. He said Ms. Gomez was recommended by the Director of the Museum. He said if there were no objections, he would appoint Ms. Gomez. There were no objections.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 6:35 p.m., and Councilor Ray seconded. Mayor Ladner stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all four Councilors said aye. Motion carried.

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk