

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
August 20, 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
Robert L. Scavron, Town Attorney
Jim Reynolds, Town Attorney
Ann L. Mackie, Town Clerk
Jason Woods, Police Lieutenant
Priscilla Arredondo, Town Planner

1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m.
2. **CHANGES TO AGENDA** – None.
3. **CEREMONIES** – None.
4. **PROCLAMATIONS** – None.
5. **COUNCIL COMMENTS** – Councilor Aiman-Smith said she was looking forward to the Labor Day weekend events. There were no other comments by the Mayor and other Councilors.
6. **APPROVAL OF MINUTES - Regular Meeting – August 13, 2019** - Councilor Aiman-Smith moved to approve the Minutes of the Regular Town Council Meeting of August 13, 2019. Councilor Ray 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** – Rheganne Vaughn from Universal Waste Systems (UWS) of New Mexico provided a status report on the transition process for solid waste collection services in Silver City, and introduced the new site supervisor, Albert “Wico” Morales. She provided a detailed update and said they would begin collection services on September 2. She said they would publish a public notice in both local newspapers to reach out to the customers and a safety team would be in town to do complete driver training. There were no questions from the Council.
8. **REPORTS** –
 - A. **Staff Reports.** Police Lieutenant Jason Woods reported there were no issues with the off-highway vehicles in town and said Chief Portillo had an idea for decals that would show the vehicles were in compliance with the ordinance. Councilor Bettison stated she was happy that everyone was in compliance with the ordinance.
9. **PUBLIC HEARINGS** – None.
10. **UNFINISHED BUSINESS** – None.
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 the Carnitas, Música y Mas Fiesta from August 30 to September 1, 2019 at Gough Park, 1201 N. Pope St., Silver City, NM. Alcohol service on August 30 from 5 pm – 11 pm, August 31 from 11 am – 11 pm, and September 1 from 12 pm – 6 pm. Liquor License Holder: License # 28098, Owner Name: Dahl Enterprises, LLC, DBA Q’s Southern Bistro, 101 W. College Ave., Silver City, NM.** Councilor Ray corrected the alcohol service on Sunday, September 1, to 12 pm to 6 pm. He said he was the sponsor of the fiesta and

asked the Council if he could vote on it. Attorney Scavron said Councilor Ray should also mention if he would derive any economic benefit, and if he was not then there would be no problem. Councilor Ray said it was true that he would not receive any economic benefit. The Council members said there was no problem. Councilor Ray provided information about the event and said it would be totally enclosed so everything would be inside the fence, and there would be a \$5 fee. Manager Brown said they submitted all of the permits and the event would be set up similar to the Wine Festival, but they would close more of Main Street with fencing to install more porta-potties. He said there would be one entrance where they would card everyone with wrist bands, etc. Councilor Ray moved to approve a Special Dispenser Permit Application and waiver of NMSA 1978 60-6B-10 for alcohol sales near a church for the Carnitas, Música y Mas Fiesta from August 30 to September 1, 2019 at Gough Park, 1201 N. Pope St., Silver City, NM. Alcohol service on August 30 from 5 pm – 11 pm, August 31 from 11 am – 11 pm, and September 1 from 12 noon – 6 pm. Liquor License Holder: License # 28098, Owner Name: Dahl Enterprises, LLC, DBA Q's Southern Bistro, 101 W. College Ave., Silver City, NM. Councilor Cano seconded. Attorney Scavron said for the record it should be noted that the license holder was not present, and he asked Councilor Ray to affirm that he had been authorized on their behalf to ask for the permit so the Town would be covered. Councilor Ray said yes. 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 two Public Celebration Permit Applications for the Outdoor Economic Conference Reception on October 3, 2019 at the Big Ditch Park between 6th Street and Kelly Street. Alcohol service on October 3 from 5:30 pm to 8 pm. Liquor License Holder: License #67085 Little Toad Creek LLC, DBA Little Toad Creek Brewery, and License #63013 Little Toad Creek LLC, DBA Little Toad Creek Distillery, 203 S. Mill Road, Silver City, NM. Simon Sotelo with the New Mexico Wilderness Alliance said he was the on-ground coordinator for the New Mexico Outdoor Economic Conference and he asked for the approval of the permit request. He said it was for the Big Ditch/San Vicente Recreation Area behind the Food Co-op. He said it would be closed between Kelly Street and Sixth Street and Little Toad Creek would provide the alcohol and security, and it was ADA accessible with a ramp on the Kelly Street entrance. He said the event was to help develop and enhance opportunities to grow an outdoor recreation economy locally and across the state. He named the sponsors and asked if there were any questions. There was further discussion and Dave Crosley from Little Toad Creek responded to questions, etc. Mayor Ladner asked for a motion. Councilor Cano moved to approve two Public Celebration Permit Applications for the Outdoor Economic Conference Reception on October 3, 2019 at the Big Ditch Park between 6th Street and Kelly Street. Alcohol service on October 3 from 5:30 pm to 8 pm. Liquor License Holder: License #67085 Little Toad Creek LLC, DBA Little Toad Creek Brewery, and License #63013 Little Toad Creek LLC, DBA Little Toad Creek Distillery, 203 S. Mill Road, Silver City, NM. 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.

C. Approval / Disapproval of Resolution No. 2019-27: a Resolution to support the efforts of Corre Caminos Transportation Services. Councilor Aiman-Smith said it was the annual resolution that was required by the New Mexico Department of Transportation and she said a number of the area transportation authorities commit to a cash match to the overall budget for next year for Corre Caminos. She provided further information about the transportation needs of retirees, etc. She said last year Corre Caminos had 99,684 rides and the Town of Silver City route accounted for one-third of those rides with 36,609 rides on the circuit within the Town of Silver City. She said the most current audit of the Department of Transportation said Corre Caminos could continue services for special calls for people with disabilities. She said Corre Caminos was an important service and it was an opportunity to serve their community. There was no discussion. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2019-27: a Resolution to support the efforts of Corre Caminos Transportation Services. Councilor Ray 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.

D. Approval / Disapproval of Resolution No. 2019-28: a Resolution adopting the 2021-2025 Infrastructure Capital Improvement Plan (ICIP). Priscilla Arredondo, Town Planner, said the ICIP is a plan to establish planning priorities for anticipated capital projects and covered a five-year fiscal period. She said it was an important tool to display the Town's priority projects. She said it focused on critical need projects and encouraged planning. She said it was not a wish list and was not a funding application or funding source, however, having projects on the list helped to

increase funding opportunities. She reviewed the projects that were completed in the last fiscal year. Manager Brown provided further information and said the most important projects were listed in the top five. There was further discussion. Councilor Cano moved to approve Resolution No. 2019-28: a Resolution adopting the 2021-2025 Infrastructure Capital Improvement Plan (ICIP). Councilor Bettison seconded. 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.

E. Approval / Disapproval of Resolution No. 2019-29: a Resolution adopting the 2021-2025 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center. Priscilla Arredondo said the Senior Center was owned by the Town, but it was managed by Hidalgo Medical Services (HMS). She said there were three projects on the list, and she provided details. There was further discussion. Councilor Ray moved to approve Resolution No. 2019-29: a Resolution adopting the 2021-2025 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center. Councilor Bettison seconded. 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.

F. Approval / Disapproval of Notice of Intent Ordinance No. 1285: an Ordinance amending Appendix C (Land Use and Zoning Code of 2010), Article III (District Regulations), by adding a new Section 3.3.1 K) entitled “Small Cell Wireless Communication Facilities” and incorporated herein by reference as “Appendix 1”; Providing Definitions; Providing for Permits; and Providing for Severability. Councilor Aiman-Smith stated the Notice of Intent Ordinance was aimed to keep as much control as possible on what they could have as a local government. She stated the Federal Telecommunications Act of 1996 preempted and declared invalid any state rules that restricted entry or limited competition in both local and long-distance telephone service. She said the 2018 New Mexico Legislature passed House Bill 38 in both houses and was signed by the Governor in February 2018 and became effective in September 2018. She said the Federal Communications Commission (FCC) issued a declaratory statement the same month adopting regulations limiting the ability for cities and states to regulate small cell sites for the deployment of 5G networks. She said the federal law, state law, and FCC regulations took away the powers that local governments had, and she provided further information. She said she worked with Attorney Jim Reynolds on the ordinance and it paralleled the state statute and the declaratory regulations published by the FCC. She said the ordinance had what they could charge, how long they could take, and that the historic and designated areas had standards that hopefully the telecommunications giants would abide by because they were supposed to. Attorney Reynolds said the danger without an ordinance is that the companies could do what they wanted and say the Town could not stop them from doing it, and then tell the Town to just take them to court. Councilor Aiman-Smith said that had already happened in other small municipalities. Attorney Reynolds said the ordinance would provide the city with oversight, standardization of the process, protection of the Historic District and the Arts and Cultural District, and that they would have some input on the design of some of the wireless small cell facilities. There was further discussion, and Councilor Bettison suggested that where the ordinance talked about the Federal Register of Historic Places that they also include the State of New Mexico Register of Cultural Properties because it also included landscapes and could not be changed. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Notice of Intent Ordinance No. 1285: an Ordinance amending Appendix C (Land Use and Zoning Code of 2010), Article III (District Regulations), by adding a new Section 3.3.1 K) entitled “Small Cell Wireless Communication Facilities” and incorporated herein by reference as “Appendix 1”; Providing Definitions; Providing for Permits; and Providing for Severability. Councilor Ray seconded. Mayor Ladner asked all those in favor to say aye, and all Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Ray moved to adjourn at 6:49 pm, and Councilor Aiman-Smith 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.

Ken Ladner, Mayor
Attest:

Ann L. Mackie, Town Clerk