MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
September 10, 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. Seavron, Town Attorney
Ann L. Mackie, Town Clerk
Freddie Portillo, Police Chief

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.


50th Anniversary of the Gila Regional Medical Center (GRMC) Auxiliary” – October 2019. Mayor Ladner read the proclamation and presented it to Jerry Ouzts, an Auxiliary volunteer. She thanked the Mayor and Council for the proclamation.

5. COUNCIL COMMENTS – Councilor Aiman-Smith acknowledged all of the fabulous stuff that goes on in Silver City and she provided details of the recent Labor Day weekend events and activities. She encouraged people to attend upcoming events and remarked how helpful the GRMC Auxiliary volunteers were when she took a friend to the hospital for tests. Councilor Bettison wished Councilor Cano a belated birthday and congratulated Councilor Ray on the incredible Carnitas, Música y Mas event and said people really enjoyed it. She commented that there would be a September 11 recognition at Gough Park the next day and that the Grant County Board of Commissioners proclaimed it as “Patriot Day” and a national day of service in remembrance of those who perished, and honoring those Grant County service members, veterans, firefighters, and law enforcement officers. She also provided details of the upcoming New Mexico Zoning Officials Conference that would be held the following week in Silver City. Councilor Cano commented that at the recent New Mexico Municipal League (NMML) Annual Conference Councilor Bettison presided over the Past Presidents Luncheon and started her term as the President of the NMML. She said it was a huge honor for Silver City to have the President on their Council and how Councilor Bettison put a lot of work into it for years and will do a good job. She said the Council will support Councilor Bettison anyway they can. She commented on the success of the recent Carnitas, Música y Mas event and how the committee worked really hard, and she thanked several of the members. She discussed a recent community meeting at The Commons in District 4 hosted by Police Chief Portillo, Community Outreach Officer Manual Jaure, Jr., and Community Development Director Jaime Embick, and commented that members of the neighborhood voiced their concerns during the meeting. She said anybody that was interested in community policing should find out when their meeting would be. She thanked Chief Portillo and said the meeting had an impact on some of the people that were there. Councilor Ray commented on the Carnitas, Música y Mas event that he co-sponsored and thanked all of the committee members, Parks Department staff, Police Department personnel, and Manager Brown for sponsoring the event. He said the bands wanted to come back again and they would plan to do it again next year.

6. APPROVAL OF MINUTES - Regular Meeting – August 20, 2019 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Town Council Meeting of August 20, 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 – Seth Traeger and Demetrios Campbell commented on many issues with field reservations at Scott Park because the Grant County Youth Soccer League and the Little League both wanted to use the fields at the same time. Mr. Campbell asked the Council to consider reserving Fall for soccer at Scott Park. Al Gamboa, President of the Silver City Museum Society, thanked the Mayor and Town Council for supporting the Silver City Museum and he gave an update on the Museum’s accreditation process. He said they should get the results within two to three months. He thanked the Museum staff and especially Manager Brown for keeping the two quality of life departments (Museum and Library) afloat and still functioning. He also commented on the success of the Carnitas, Música y Mas event and said they needed to make sure the performing bands were paid, and he described some of the issues of the event. Gary Emerson commented on the bee ordinance and how he was against it because he did not think the public was in danger from any bees because there were only three beekeepers in town, and that putting a sign in their yard could cause their hive to be stolen, etc. Martha Blacklock commented on the noise issue with the recent Carnitas, Música y Mas event and she expressed her concern of what a celebration permit meant with regard to volume of sound. Gordon West said he was representing the old Chinese gardens which was a small research and community farm and business on the southern boundary of Silver City along San Vicente Creek that specialized in making biochar which was charcoal made from forest waste and other land mass and used as a soil amendment. He said he expected the farm to attract agro-eco tourism and that they would like to see more food grown locally, etc. He said they could utilize all of the local green waste that went to the landfill to make biochar. He said the timeline for the letter of support was short with a due date of October 3, 2019. Mayor Ladner reminded those that made requests that the first step to resolving their issues was to contact Manager Brown’s office.

8. REPORTS –
A. Staff Reports – Fiscal Year 2020 Final Budget Approval by Manager Alex C. Brown. Manager Brown reported the State approved the Town’s Fiscal Year 2020 budget. He said lodgers’ tax receipts as of the end of August was 37 percent above last year, gross receipts tax revenues were nine percent above last year, and that during the last year both were the highest ever generated, and hopefully the pattern would continue. There was further discussion about the location of recycling bins for cardboard.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –
A. Approval / Disapproval of Ordinance No. 1272: an Ordinance amending Chapter 6 (Animals), Section 6-1 (Definitions); adding a new Section 6-15 (Keeping of honey bees); and a new Section 32-7 (Permitting undesirable bee behavior) of the Code of Ordinances of the Town of Silver City. Councilor Aiman-Smith presented the details of the fourth revision of the ordinance in the past year and stated the real intent was two-fold: 1) it would require hobby bee keepers in the Town to register with the Town Manager, and 2) it would require hobby bee keepers in the Town to post a notice on their property so the public would know there were hives on the property. There was further discussion about the following: how it was a public safety concern; how the registration would allow any emergency responders to know there was the potential of attack by bee in their response to a call; how the notice made sense to people who were allergic to bees and about five percent of the population was allergic to bees and that number grew as a people grew older; how bees were considered livestock by the U.S. Department of Agriculture; how there were 10,000 to 60,000 bees in a hive; how nuisance behavior of bees impeded a person’s enjoyment of their property and safety; and how the Town Manager was the person who would manage registrations and would work on what kind of posting would be acceptable. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Ordinance No. 1272: an Ordinance amending Chapter 6 (Animals), Section 6-1 (Definitions); adding a new Section 6-15 (Keeping of honey bees); and a new Section 32-7 (Permitting undesirable bee behavior) of the Code of Ordinances of the Town of Silver City. Councilor Bettison seconded. Mayor Ladner asked if there was any discussion. Councilor Cano said she opposed the ordinance and made clear that she did not have concerns about public safety because she did, but she believed it would open up a can of worms, and if someone was allergic to something else would they have to deal with an ordinance about that. She said a certain amount of personal responsibility had to be taken by the citizens, not just the beekeepers, and she was concerned that signs would promote vandalism of bee hives.

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Councilor Ray said he was against the ordinance because if you put something out there to warn people, they would get curious about it and walk to it. He said little by little they were taking things away from people that they did as a hobby, and once they lose a right, they may never get it back. He said bees were animals, and animals had instincts, and people should have common sense. Councilor Bettison said she would support it as an individual that was severely allergic to bees and had family members that were the same. She said she understood some of the emergency responders had the same issue, and she explained how registration was important for the health, safety, and welfare of the public and the people that worked for the Town in the capacity of emergency responders. She commented further and said it was a preventive measure that would benefit not only the public and the visiting public, but also their emergency responders. Mayor Ladner asked about Police Chief Portillo’s research and what he used as data. Chief Portillo explained their research in New Mexico and neighboring states and said there was no criminal data in the Town for stealing or vandalism of hives. Mayor Ladner said he met with Manager Brown several times because it was not his intent to have law enforcement officers go on private property to look at people’s bee hives and to inspect them because they did not have the expertise to do that. He said Manager Brown assured him that the registration process was simply to register the location of the bees, especially for first responders, and he asked Manager Brown to explain. Manager Brown said they came up with a very basic registration form that included the name of the owner of the hives, the address of the property, and that they would sign it. He said on a separate piece of paper they would provide them with the requirements of the ordinance and there was no registration fee. Councilor Ray asked if somebody got stung was the person liable for it. Attorney Scavron said the predicate for a person getting stung was negligent behavior by the hive owner. He said just being stung, and it was not a result of the negligent behavior of the hive owner, there would not be liability. He said if there were conditions permitted by the hive owner that was the direct cause of the bees swarming or some other regulated act, such as bad bee behavior and failure to keep the hive in best practices, and someone got hurt as a result of that, they would be liable. He said in the absence of the negligence and in the absence of the failure to comply, then a person getting stung by a bee would not be actionable in his opinion. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted nay; and Councilor Cano voted nay. Mayor Ladner voted aye. Motion carried three to two.

B. Approval / Disapproval of Ordinance No. 1284: an Ordinance repealing Chapter 32 (Nuisances), Article III (Unattended Vacant Buildings), Sections 32-50 et seq., of the Town of Silver City Municipal Code. Councilor Aiman-Smith explained what the current ordinance required and how it was not workable for its intended purpose to have a thriving and productive use of commercial downtown, and to have the buildings occupied and well-managed. She said Ordinance No. 1284 was to repeal that ordinance, and she was working with others to put in an ordinance that was enforceable. She explained further. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Ordinance No. 1284: an Ordinance repealing Chapter 32 (Nuisances), Article III (Unattended Vacant Buildings), Sections 32-50 et seq., of the Town of Silver City Municipal Code, Councilor Ray seconded. There was no 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.

Councilor Bettison moved for short break at 7:06 pm. Councilor Aiman-Smith 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 7:12 pm.

11. NEW BUSINESS –
A. Approval / Disapproval of two Public Celebration Permit Applications for the 6th Annual Oktoaderfest at 200 N. Bullard Street on September 28, 2019 with alcohol service from 3 pm to 10 pm. Liquor License Holder: 1) Little Toad Creek, LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, 203 S. Mill Road, Silver City, NM. Dave Crosley of Little Toad Creek, LLC requested approval of their 6th annual Oktoaderfest, and stated it was a celebration to say goodbye to summer and to welcome winter. He said they would close Bullard Street in front of Little Toad Creek only and they would close off the sidewalk right in front of the Toad and it would not interfere with any access for anybody else. He said it would make it more visible for the town and it was safer than doing it in their back alley. He said they went to the neighbors a block up and down from them and had signatures from all of them in support of doing it. He said they were not interfering with anybody else’s opportunities on that day. Attorney Scavron asked Mr. Crosley to explain why it was a true public celebration rather than an opportunity to expand their license to
earn more money on the sale of liquor. Mr. Crosley said yes, it was a public celebration, and they did not charge to come and enjoy it. He discussed the festivities of the event and said they believed the public needed to be more valued for what they did enjoy for Little Toad Creek all the rest of the days of the year. Attorney Scavron said it answered his question, and that the question would be consistently asked for permit applications. There was further discussion. Mayor Ladner asked for a motion. Councilor Ray moved to approve two Public Celebration Permit Applications for the 6th Annual Oktoaderfest at 200 N. Bullard Street on September 28, 2019 with alcohol service from 3 pm to 10 pm. Liquor License Holder: 1) Little Toad Creek, LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, 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 Resolution 2019-34: Allowing the Town of Silver City to work in collaboration with Silver Consolidated Schools and El Grito Inc. towards securing the Army Reserve Center property for a child care center and other purposes as determined. Manager Brown said the Army Reserve Center on Swan Street had been closed for many years, and in the last couple of years a few public entities were interested in the property for different reasons, and he gave examples. He said El Grito and the Silver Consolidated Schools were working together to acquire the property for El Grito’s purposes, and the Town wanted to be part of it for its purposes. He said Misty Pugmire, Executive Director of El Grito, would be going to Washington D.C. in a few weeks and they thought it would be beneficial for her to have a Town Resolution that supported it. He said the Silver Consolidated Schools had the same resolution on their agenda for their next board meeting on September 16. He said they were all working together to try to put that property to better use for the community. He asked Ms. Pugmire to provide information. Ms. Pugmire explained the services that El Grito provided to the community to service all children in Grant County. She explained the collaboration between El Grito, Silver Consolidated Schools, and the Town of Silver City and how the property would be used. She said she would be in Washington D.C. to hand deliver the resolution because it was a long process to acquire the property. She provided further details and how it would enable them to have the best child care facility out there and it would provide an economic benefit for the Town and for Grant County if they were all in one place so they could provide wrap-around care. She said there would be full inclusion in their class rooms, etc. Mayor Ladner asked for a motion. Councilor Cano moved to approve Resolution 2019-34: Allowing the Town of Silver City to work in collaboration with Silver Consolidated Schools and El Grito Inc. towards securing the Army Reserve Center property for a child care center and other purposes as determined. 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.

C. Appointment to the Municipal Library Community Advisory Group. Mayor Ladner stated the Town received an application from Anthony Chiaviello, and the Library Director and Chair recommended his appointment. He said if there was no objection from the Council, he would appoint Mr. Chiaviello. There was no objection.

D. Appointment to the Planning and Zoning Commission. Mayor Ladner said Sam Castello reapplied to continue his service on the Planning and Zoning Commission, and the Community Development Director and Chair recommended his reappointment. He said if there was no objection from the Council, he would reappoint Mr. Castello. There was no objection.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Ray moved to adjourn at 7:36 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