1. CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m. Councilor Aiman-Smith attended by phone.

2. CHANGES TO AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Aiman-Smith stated she was in the hospital in El Paso during the November 12 Council meeting, and she was out and recovering. She thanked all of her colleagues on the Council, in the Town, her friends, her relatives, her faith community, and her neighbors for being so supportive and so helpful during a difficult and trying time. She said she was happy to be joining them via telephone. Councilor Bettison commented on the November 16 District 1 Territorial Charter Day traffic calming feature project and thanked all of the residents, volunteers, Gary Stailey and kids, Mayor Ladner, and Town staff that volunteered for the project. She provided information about the National League of Cities City Summit in San Antonio, Texas that she attended. Councilor Bettison also reported that she accepted an invitation to attend the White House Women’s Municipal Leaders Conference in December in which only two women from each state were invited, etc. She described how she would prepare for the meeting with the Town Manager about the needs for the community, such as CDBG and Colonias funding. She said she would call in for the December 10 Council meeting. Mayor Ladner congratulated Councilor Bettison. Councilor Cano announced that from December 4 to 15 she would not be available, except by email, and after December 15 it would be by appointment only until the end of the year. She said she would miss the December 10 Council meeting and would not be calling in. Councilor Ray reminded everyone to bring in their pets during the cold weather and he also said he had mixed feelings about the upcoming Census. Mayor Ladner thanked the members of the community and the members of the Council for all of the volunteer work they did. He read a card that he received that commended Dominic Figueroa from the Town’s Parks Division for being an outstanding young man and employee for the work he did to maintain the area of San Vicente Creek.

6. APPROVAL OF MINUTES - Regular Meeting – November 12, 2019 - Councilor Bettison moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of November 12, 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 – None.

8. REPORTS –

A. Staff Reports – Gary Stailey, leader of the Community Youth Building Group, reported that 10 youth and 10 adults worked on a little more than a mile of trail on Boston Hill to make it very user-friendly and enjoyable for hikers, mountain bikers, and runners. He said new signage for those trails would be going up and part of that project would be

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in conjunction with another Eagle Scout project. He said with the commitment from the Town, they would continue to improve the trails so there would be a complete circle all around the outer edge of the Boston Hill property without going on to any Bureau of Land Management property or other property at all. He said in the next five years they would see a tremendous increase of usage from locals and visitors. He said he was at the meeting to support Lane Porter who wanted to talk about his Eagle Scout project. Lane Porter said he was with the Boy Scouts of America as part of Troop 110 and he was working toward his Eagle Scout which was the highest rank of the Boy Scouts of America. He said in order to receive the Eagle Scout he had to complete a project and he described how he built a retaining wall down by the Big Ditch next to Kelly Street because erosion was falling on the sidewalk. He described the project and said 25 people worked on the project and a total of 100 hours was spent on the project. Councilor Bettison thanked him and congratulated him for working on his Eagle Scout. Councilor Cano said it was impressive how he did something so important to the community. Councilor Ray said he was a fine young man and thanked him for his service. Mayor Ladner said they really appreciated it and the Town of Silver City applauded him. He also recognized Mr. and Mrs. Porter in the audience and stated that all of their sons had completed projects similar to it and had completed their Eagle Scout Awards. Mayor Ladner also recognized Councilor Bettison and Councilor Cano for being Girl Scouts.

Clerk Mackie commented that Candidate Filing Day would be on January 7, 2020 for the March 3, 2020 Municipal Officer Election and the candidate packets would be available the first week of December.

9. PUBLIC HEARINGS –
A. Approval / Disapproval of Ordinance No. 1286: An Ordinance for a request for a Zone Change (ZC 19-02) for a tract of land, from a Residential B and Industrial Zoning District to Residential B-1 relating to various tracts and lots in Town owned Vista De Plata Subdivision consisting of 33.025 acres more or less. The applicant is the Town of Silver City. Mayor Ladner read the procedures for the public hearing, and Clerk Mackie swore in Priscilla Arredondo and Alex Brown. Mayor Ladner asked Ms. Arredondo, Town Planner, to present the case. Ms. Arredondo presented the case to change the Official Zoning Map and stated the Vista de Plata Subdivision was currently zoned Residential B and Industrial. She stated the proposed Zone Change would re-zone the entire subdivision to Residential B-1. She said the change would be a correction to the Zoning Map as well as an implementation of an existing Zoning District which had not been used. She provided background details that referred to Section 3.1.3 of the Land Use and Zoning Code and the Town’s Comprehensive Plan of 2017, page 3-24 C. Development Regulations – Zoning. She displayed the current zoning map, the proposed zoning change map, and photos of the neighborhood. She read the seven findings and stated the Council must include one of the findings in their decision. She stated it was the opinion of the Community Development Department and the recommendation of the Planning and Zoning Commission that the Zone Change be approved by the Town Council based on findings 1, 2, 4 and 7. There were no questions from the Council. Mayor Ladner asked for a motion. Councilor Cano moved to approve Ordinance No. 1286, in summation an Ordinance for a request for a Zone Change (ZC 19-02) for a tract of land, from a Residential B and Industrial Zoning District to Residential B-1 relating to various tracts and lots in the Town owned Vista De Plata Subdivision consisting of 33.025 acres more or less. The applicant is the Town of Silver City based on the following findings: 1) the proposed amendment is in substantial compliance with the Town's Comprehensive Plan; 2) the proposed amendment will not adversely affect the implementation of goals and policies in the Town’s Comprehensive Plan; 3) the proposed amendment will not adversely impact the public health, safety, and general welfare and will promote the original purposes of the Land Use Code; and 7) the proposed amendment provides additional flexibility in meeting the objectives of the Land Use Code without lowering the standards of the Land Use Code. The applicant is the Town of Silver City. Councilor Ray 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.

B. Approval / Disapproval of Ordinance No. 1287: An Ordinance for a request for a Zone Change (ZC 19-03) for a tract of land, from a Residential B Zoning District to Mixed Use Zoning District for a tract of land described as: A tract of land being Part of Lots 7 and 9, Block 275, Fraser’s Survey of the Town of Silver City, Grant County, New Mexico, containing .303 acres more or less. The property address is 716 E 16th Street and the owner is Philipp Merillat. Mayor Ladner read the procedures for the public hearing and Clerk Mackie swore in Priscilla Arredondo and Philipp Merillat. Ms. Arredondo, Town Planner, presented the case for the amendment to the
Official Zoning Map from Residential B Zoning District to Mixed Use Zoning District. She gave the background of the zoning issues with the property that was originally zoned Residential A, then changed to Residential B with a conditional use permit for a restaurant in November 2002, and how that caused a spot zone. She said since the property was already spot zoned, changing it to a Mixed Use Zoning District would not be detrimental to the neighborhood, and she described the intention of the Mixed Use Zoning District. She referred to the Town’s Comprehensive Plan of 2017, page 3-24 C. Development Regulations-Zoning, and she displayed maps and photos of the neighborhood. She read the seven findings and stated the Council must include one of the findings in their decision. She stated it was the opinion of the Community Development Department and the recommendation of the Planning and Zoning Commission that the Zone Change be approved by the Town Council based on findings 1 and 7. Mayor Ladner asked the applicant, Philipp Merillat, to present his case. Mr. Merillat said he bought the property in June 2016 and was never used as a residence until the last couple of months when he used it in a small way. He said it was not suited for only a residence since it was a metal building and half of the building was not heated, etc. He said the zoning as Residential B was not ever in conformity to its historical use. Mayor Ladner asked the hearing board if they had questions. Councilor Bettison asked Ms. Arredondo some questions about the zoning map and there was further discussion. Councilor Bettison asked what kind of commercial properties were permitted in a Mixed Use Zone. Ms. Arredondo said it was for offices, studios or light commercial and not for heavy, large development. She said she believed it could be used for auto repair. Councilor Cano asked if it was passed, how easy would it be to make other areas of that neighborhood Mixed Use because she was concerned that too many of them as Mixed Use would cause neighbors to not have a place to live anymore. Ms. Arredondo said that was not being proposed and the surrounding neighborhood were residential houses, except for a property to the east which was a home daycare. Mr. Merillat stated the property had a large parking area for maybe 10 vehicles, the entry had double glass doors, the back of the building was unheated, and there was no way the building was suited for auto repair. He said there was no access for auto repair. Mayor Ladner asked for a motion. Councilor Cano moved to approve Ordinance No. 1287: An Ordinance for a request for a Zone Change (ZC 19-03) for a tract of land, from a Residential B Zoning District to Mixed Use Zoning District for a tract of land described as: A tract of land being Part of Lots 7 and 9, Block 275, Fraser’s Survey of the Town of Silver City, Grant County, New Mexico, containing .303 acres more or less based on the Town recommendations for the following findings: 1) the proposed amendment is in substantial compliance with the Town’s Comprehensive Plan and 7) the proposed amendment provides additional flexibility in meeting the objectives of the Land Use Code without lowering the standards of the Land Use Code. The property address is 716 E 16th Street and the owner is Philipp Merillat. 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.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of a Special Dispenser Permit and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for the Society of Mining Engineers Annual Christmas Party on December 14, 2019 at the Murray Hotel, 200 W. Broadway, Silver City, NM with alcohol service from 4:00 p.m. to 11 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. Clerk Mackie stated Mr. Quintana was not present. Councilor Cano asked if it could be postponed until after the Executive Session in order to give Mr. Quintana time to get there. Attorney Scavron said the problem with the applicant not showing up is that if the Council had any questions, and there was no representative to answer the questions, they could reject the application for being incomplete. He said nothing in the law required them to act without him being present. Mayor Ladner said he would like to follow Councilor Cano’s recommendation to try to contact him while they were in Executive Session. Mayor Ladner asked for a motion. Councilor Cano moved to postpone New Business A until they were done with New Business B and allow someone to contact Mr. Quintana. 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.

After New Business B for the Executive Session, the Town Council considered Item 11 A. Mayor Ladner read the agenda item description. Anthony Quintana was present and said it was for the Mining Engineers that worked at the mines and it was for about 50-60 people. He said they were doing wristbands and carding everybody, and they were supplying the food and drinks. Councilor Bettison asked about the two different maps in the packet and there was
further discussion about how the event would include the lobby of the hotel with security everywhere. Mayor Ladner asked for a motion. Councilor Ray moved to approve a Special Dispenser Permit and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for the Society of Mining Engineers Annual Christmas Party on December 14, 2019 at the Murray Hotel, 200 W. Broadway, Silver City, NM with alcohol service from 4:00 p.m. to 11 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 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 an Executive Session pursuant to NMSA 1978 Section 10-15-1(H) for the discussion of the purchase, acquisition or disposal of real property or water rights. Mayor Ladner asked for a motion. Councilor Bettison moved that the Town Council moves into Executive Session pursuant to NMSA 1978 Section 10-15-1(H) for the discussion of the purchase, acquisition or disposal of real property or water rights. Councilor Cano 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 at 6:50 p.m. The Town Council returned to open session at 7:22 p.m. and Mayor Ladner stated the Council was back in session and no matters other than those matters included in the motion to go into Executive Session were discussed. He asked the Council members for their affirmation of that statement. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

Mayor Ladner said the next item on the agenda is Item 11 A under New Business. See Item 11 A above.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Ray moved to adjourn at 7:28 p.m., and Councilor Bettison 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