

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
August 13, 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
Ann L. Mackie, Town Clerk
Kylle Marshall, Deputy Chief of Fire Prevention
Bart Roselli, Interim Museum Director
Milo Lambert, Fire Chief
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.
- 4. PROCLAMATIONS** – None.
- 5. COUNCIL COMMENTS** – Councilor Cano commented on the success and fun at the recent District 4 Territorial Charter Day National Night Out event, and she thanked all those that participated. She commented that she was part of Senator Heinrich’s Energy Summit in Albuquerque and learned a lot about retrofitting historic buildings. She said she was also part of the press conference with Governor Lujan Grisham and Senator Heinrich, and talked about the energy improvements that would be happening at the Silver City Library and the partnership with the Library Foundation for that Library project. She also commented on the upcoming Outdoor Economic Conference in Silver City and how people could register at www.outdooreconomicsnm.com or they could contact her for more information. Councilor Bettison congratulated Councilor Cano on her District 4 event. She also discussed how people could leave messages for her on the City Hall message phone 597-7031 and how those voicemail messages were turned into email messages. Mayor Ladner, Councilor Ray, and Councilor Aiman-Smith had no comments.
- 6. APPROVAL OF MINUTES - Regular Meeting – July 23, 2019 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Town Council Meeting of July 23, 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** – Chris Overlock said he was opposed to the proposed bee ordinance because it represented another layer of bureaucracy that was not needed, and the Council should consider increasing beekeepers and bee hives. He said a simpler solution would be for police, fire, and emergency medical personnel to have an EpiPen to counter act an allergic reaction to bees, etc. Ken Sexton said he was concerned about the details of how the ordinance would be enforced, how hives would be managed by the registered beekeeper, and how training would affect how the ordinance was enforced. He said he hoped the training would be suitable and professional and that the police and animal control officer would be able to recognize the behaviors of the animal and how to respond to them reasonably and responsibly. Lisa Tressler read a statement about how her daughter-in-law was attacked by a swarm of bees at the dog park a year ago and was bitten more than 100 times on the head, and she described how she had suffered from pain and mental anguish and had a hospital bill, an ambulance bill, and lost her prescription glasses in the scuffle. Ms. Tressler said she believed that beekeepers in a residential area should definitely have a sign to inform the public. Jim Baldwin commented on recyclable materials and how the Town needed to define what materials were considered to be cardboard and how he would like the city to institute a recycling collection place for aluminum cans. He said he

observed two men rolling up sleeping bags in the area of the Verizon store and Hibbets and they had apparently spent the night in that area, etc., and were intruding on private property. He also said the Town's smoking ordinance should have also included smokeless tobacco, chewing tobacco, etc. because they were just as raw and tainted as fumes from cigarettes. Al Gamboa described an upcoming Labor Day Weekend event called the "Carnitas, Música y Mas Fiesta" from August 30 to September 1, 2019 at Gough Park.

8. REPORTS –

A. Staff Reports. 1) Fire Code requirements for short term rental units by Kyle Marshall, Deputy Chief of Fire Prevention. Deputy Chief Marshall reported that since the Town had implemented the short-term rental ordinance, 15 short-term rentals had come forward to get business licenses, and two had sparked fire inspections. He said most short-term rentals were under the International Residential Code, not the International Fire Code. He said the criteria that put them into the International Fire Code requirements was to have an occupancy load of 10 or more or five sleeping rooms. He said there were still many short-term rentals that needed to comply with the new ordinance and as they applied for their business license, the necessary codes would take effect. There was further discussion and Deputy Chief Marshall said if the businesses did not have an occupancy load of 10 or more or 5 sleeping rooms, the Town did not inspect them at all. He said there was not much they could do about the other ones because the Town did not have a residential code. There was further discussion.

2) Lodgers Tax report by Alex C. Brown, Town Manager. Manager Brown reported last year they ended up with \$362,000 in lodgers tax revenues and over the last couple of years it had increased 15 percent each year. He said they were 23 percent above last year. He said the increases were prior to anything coming from the Airbnb short-term rentals. He discussed how the current quarter's revenue was \$38,000 and Town records showed that back in 1988 the Town brought in \$38,000 for an entire year. He also stated they were putting together a marketing plan for the next fiscal year and he would provide them a copy of it.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval Superceding Notice of Intent 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 provided the background of the year-long process in developing an ordinance to regulate the keeping of honey bees. She said the proposed Notice of Intent Ordinance had two substantive changes: 1) adding more specific language of what aggressive and undesirable bee behavior would be, and 2) the expressed penalty was up to a total of \$200 for unremedied citations and no mention of any jail time. She said the ordinance would create a registration that would be under the control and direction of the Town Manager. She said such a database would allow the Town staff and emergency responders to know there was a potential added danger of bees if they were to respond to a call at a registered address. She said the ordinance would also require public posting that a yard contained hobby keeping of hives. She said there was a population of five percent of people that were allergic to bees and over half of them were so allergic that a bee sting could threaten their lives. She said the public notice was an important component of public safety and awareness. She asked Police Chief Portillo to comment on increased thefts of bee hives and equipment if a sign was posted. Chief Portillo stated that he and other police staff researched the topic and there was no data showing anything leading to theft or vandalism to bee hives. Councilor Aiman-Smith summarized her presentation. Mayor Ladner expressed his appreciation to Councilor Aiman-Smith, Ken Sexton, and the bee keepers for working together to try to come up with an ordinance that would protect citizens and at the same time demonstrate that the city was doing its due diligence for providing for the health, safety and welfare of the community. He asked for a motion. Councilor Aiman-Smith moved to approve Superceding Notice of Intent 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 all those in favor to say aye. Councilor Bettison and Councilor Aiman-Smith said aye. He asked all those opposed to say nay. Councilor Cano and Councilor Ray said nay. There was a tie vote. Mayor Ladner said aye to move it forward. Motion carried.

B. Approval / Disapproval of Ordinance No. 1283: an Ordinance amending Chapter 40 (Solid Waste and Recyclable Materials), Section 40-47 (b) (2) (c.) of the Code of Ordinances of the Town of Silver City. Manager Brown said the 30-day termination clause for contracts in the ordinance was way too short of a time frame to transition from one program to another. He gave the recent contract for solid waste and recycling services as an example. He said the amendment to the ordinance would eliminate the requirement of 30 days. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Ordinance No. 1283: an Ordinance amending Chapter 40 (Solid Waste and Recyclable Materials), Section 40-47 (b) (2) (c.) of the Code of Ordinances of the Town of Silver City. Councilor Bettison 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.

Councilor Bettison moved for short break at 6:55 pm. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors voted aye. Motion carried. The Mayor called the meeting back to order at 7:06 pm.

11. NEW BUSINESS –

A. Approval / Disapproval of Resolution No. 2019-33: a Resolution adopting the Town of Silver City Museum Strategic Plan. Bart Roselli, Interim Museum Director, said he wanted to ask for the Council's help to move the Museum back into the upper echelons of professional excellence. He said museums, like hospitals and schools, were accredited and the museum accrediting body was the American Alliance of Museums in D. C., with an alliance of over 5,000 museums. He said the Silver City Museum was last accredited 15 years ago and there had been a couple of extensions. He said their deadline for finishing accreditation work was August 30, and the Resolution for the Council's approval of their Strategic Plan was the last step in the six-month process. He said the next step would be a visit by reviewers. He said the real value in getting accredited was to know how you were doing things as you measure against the standards of excellence. He said it also gave them prestige nationally; that only 22 percent of museums were accredited in the entire country, and only six percent of municipal museums were accredited so the Silver City Museum was in a rare group. He discussed how they developed the Strategic Plan with over 80 stakeholders, every member of Museum staff, and with the able guidance of Priscilla Lucero and Emily Gojkovich from Southwest New Mexico Council of Governments. At the Mayor's request he summarized the plan and the 15 goals of the Silver City Museum. Councilor Bettison thanked all the volunteers and staff that were part of developing the Strategic Plan, and said she was really impressed at what they got done in six short months because it was a long process. She said she was impressed with the goals because they certainly met the best practices of museums. She asked Mr. Roselli to introduce the staff and said they really came together under his leadership, and she appreciated it. Mr. Roselli introduced all the Museum staff. Manager Brown commended all the employees for the job they had done to get the project done. Mayor Ladner asked Priscilla Lucero and Emily Gojkovich to also come forward, and there was applause. Councilor Bettison moved to approve Resolution No. 2019-33: a Resolution adopting the Town of Silver City Museum Strategic Plan. Councilor Ray seconded. Councilor Cano thanked Al Gamboa of the Museum Society for working together with the Museum. 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 Resolution No. 2019-25: 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 13, 2019, and authorizing the execution of same by the proper official of the Town of Silver City. Manager Brown said it was the annual agreement required by the state to be part of the Council of Governments (COG) program. He said they just saw an example of the type of services the COG provided to the Town all the time. He said they were so important to the Town services that the Town provided them with an office in one of the Town buildings. He advised that they also had to appoint members to the COG Board. He said they were an invaluable resource and provided the Town services on a wide range of programs and initiatives that were very important to the Town and he recommended the approval of the Resolution. Councilor Bettison thanked him for explaining and how the Town got an incredible amount of resources and assistance from COG for a very small fee of \$6,189 for the next fiscal year. She thanked Priscilla Lucero, Emily Gojkovich and their staff for all the hours of work they put in for the Town of Silver City and for every municipality and government they helped. Councilor Bettison moved to approve Resolution No. 2019-25: 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 13, 2019, and authorizing the

execution of same by the proper official of the Town of Silver City and designating Alex C. Brown, Town Manager, to be the member of Southwest New Mexico Council of Governments, and 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.

C. Approval / Disapproval of Resolution No. 2019-30: authorizing and approving submission of a completed application for financial assistance and project approval to the NM Finance Authority for a sports complex project loan. Manager Brown said the Town received \$250,000 from their senator and representatives for the construction of the concession stand and bathrooms at Scott Park. He said when they put the project out to bid three or four years ago, the bid came in around \$430,000 so the allocation was not enough to complete the construction. He said with the Resolution they were looking to acquire the remaining funds necessary to complete the construction, as well as finish the reconstruction of one field that shifted. He said the load would be for \$600,000 at two percent interest for a period of seven years, and they were dedicated the third increment of the Municipal Gross Receipts Tax. He said the payment would be \$110,000 for the next seven years. There was further discussion. Councilor Cano moved to approve Resolution No. 2019-30: authorizing and approving submission of a completed application for financial assistance and project approval to the NM Finance Authority for a sports complex project loan. 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.

D. Approval / Disapproval of Resolution No. 2019-31: authorizing and approving submission of a completed application for financial assistance and project approval to the NM Finance Authority for a fire equipment project loan. Manager Brown said it was to apply for funding under a different loan program for fire equipment to purchase a fire truck and a brush truck. He said the loan would be in the amount of \$650,00 at two percent interest for six years. Fire Chief Lambert described what a brush truck was and there was further discussion. Councilor Cano moved to approve Resolution No. 2019-31: authorizing and approving submission of a completed application for financial assistance and project approval to the NM Finance Authority for a fire equipment project loan. 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.

E. Approval / Disapproval of Resolution No. 2019-32: a Resolution authorizing the Town Manager to approve or disapprove private celebration permits authorizing the sale of certain alcoholic beverages at private events within the town. Councilor Ray introduced the resolution and Attorney Scavron explained that the state had a new private celebration permit for private functions with a license holder, and the Council could delegate someone to handle the private celebration permits. He said the Council would still handle the public celebration permits. He said they could delegate it to the Town Manager, and he would have the authority to approve or deny the permit. Manager Brown said it would go through the same process as the other permits and would be reviewed by the department heads to get their recommendations regarding the location or accommodations that would be necessary for the specific location. There was further discussion. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2019-32: a Resolution authorizing the Town Manager to approve or disapprove private celebration permits authorizing the sale of certain alcoholic beverages at private events within the town. Councilor Cano 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. 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 said they had a designated historic downtown with commercial buildings that were historic, and some were architecturally significant. She said the buildings contributed to the overall town and Main Street's unique character, and the potential for the town to remain vibrant and growing. She said the challenge for potential property developers is that any unmaintained, visibly unoccupied, commercial buildings that may have had a rich history, could be very costly to adapt, rehabilitate and repurpose. She said the buildings left unoccupied that continued to deteriorate could lead to blight, discourage economic development, diminish property values, and act as fire hazards and magnets for crime. She explained further. She said the ordinance that was being considered for repeal

was a faltering step, but a good step and intention to address commercial buildings downtown that had not been occupied or maintained adequately. She said the ordinance was pretty much unenforceable in terms of actual data analysis, personnel, and costs to the Town, and she explained why. There were no questions. Councilor Aiman-Smith moved to approve Notice of Intent 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. 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.

G. Appointment to the Cemetery Board. Mayor Ladner stated the Town received one application for one vacancy. He said the Chair of the Cemetery Board and the Public Works Director recommended the appointment of Twana Sparks. He said if there was no objection, he would like to appoint Ms. Sparks. There were no objections from the Council.

H. Appointment to the Planning and Zoning Commission. Mayor Ladner stated the Town received three applications for one vacancy. He said the Community Development Department and the Chair of the Planning and Zoning Commission recommended the appointment of Simon Wheaton-Smith. He said if there were no objections, he would like to appoint Mr. Wheaton-Smith. There were no objections from the Council.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Ray moved to adjourn at 7:55 p.m., 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.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Ann L. Mackie, Town Clerk