

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – DECEMBER 7, 2016 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - 27 E. FRONTAGE ROAD**

• **CALL TO ORDER.**

Mayor John Bassett called the meeting to order at 6:30 p.m.

Councilors Present: Sherry Abraham, Rita Loy Simmons, and Chuck Ring

Also Present: Clerk/Treasurer Juan Torres, Deputy Clerk Carla Salazar, and Rebecca Sanchez.

• **PLEDGE OF ALLEGIANCE.**

Mayor Bassett noted after the Pledge of Allegiance that today is Pearl Harbor Day

1. APPROVAL OF AGENDA.

Mayor Bassett noted the following changes to tonight's Agenda:

- Item 2 – Approval of the Draft Regular Council Meeting Minutes of November 16, 2016 – will be removed from the agenda as the minutes are not yet ready to be put forth for approval.
- Mr. Tom Sullivan from the Moriarty Edgewood School District will speak on Matters from the Moriarty Edgewood School District between Items 4 & 5
- Item No. 9 (which calls for a repeal of Personnel Ordinance No. 2003-05) must be preceded by Item 8C (which calls for discussion and adoption of a Personnel Policy Manual). If the adoption of a Personnel Policy Manual is not made, then the repeal of Personnel Ordinance No. 2003-05 should not be put forth for action.

MOTION: Councilor Simmons made a motion to approve the Agenda as amended.
Councilor Ring seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

2. APPROVAL OF MINUTES.

The draft Regular Council Meeting Minutes of November 16, 2016 were not provided for approval and this item was stricken from the agenda.


3. ACKNOWLEDGEMENT OF CONSENT AGENDA.

a. Acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of November 7, 2016

MOTION: Councilor Abraham made a motion to acknowledge receipt of the Consent Agenda.

Councilor Simmons seconded the motion with discussion.

DISCUSSION: Councilor Simmons asked if it would be possible to discuss items in the Planning & Zoning Commission Minutes instead of just accepting them with no discussion. She asked this not just of the minutes presented tonight, but future minutes.

 Initials

VOTE: All Councilors voted aye. The motion carried.

4. MATTERS FROM THE MUNICIPAL JUDGE

a. Judge White will present his report for the month of November

Judge White presented his report for the month of November to the council and stood for questions about anything in his report. He did specifically make mention of two items:

- A constitutional amendment that passed during the last election that dealt with bail. Judge White stated he had received minimum guidance but expects further guidance by the end of the year.
- The Administrative Office for the Courts in New Mexico had some money they appropriated for municipal courts to spend on computers, software and other items. However, the fund was swept during the special session.

MOTION: Councilor Ring made a motion to approve the Judges Report for the month of November.

Councilor Abraham seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

MATTERS FROM THE MORIARTY EDGEWOOD SCHOOL DISTRICT by Mr. Tom Sullivan

Mr. Sullivan updated the council on the move out and move in to the former Edgewood Elementary. He stated progress has been made on cleaning out the school and said the official turnover will be made January 1st, 2017. He then stood for questions from the council

Councilor Abraham had a question about the sign that said Edgewood Elementary and asked if we could repurpose it. Mr. Sullivan answered that he believes we can.

Councilor Simmons and Councilor Ring then both thanked him for the expediency with how things have been done.

5. MATTERS FROM THE MAYOR.

a. The Mayor stated that Mr. Juan Torres met out there with the whole remodeling team and we are moving forward.

Mr. Torres gave an overview on CES and Job Order Contracting and how that works

b. Collection Line RFP Review Committee

The Mayor asked for a volunteer to sit on the Collection Line RFP committee with himself, Juan Torres, Carla Salazar and Norton Henninger. Councilor Ring volunteered

The Mayor asked for a motion to appoint the Collection Line RFP committee

MOTION: Councilor Abraham made a motion to appoint the Collection Line RFP Committee.

Councilor Simmons seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

c. WTB Application Update

The Mayor stated the Town of Edgewood Application did not advance past the first round

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Council Ring reported on the financing for First Choice and said plans are still moving forward. He said there has been some discussion of downsizing moving forward with already appropriated funds before they lose that funding. He also mentioned there is a possible source of funding for first choice that they are looking into.

Councilor Abraham made no announcements

Councilor Simmons read aloud a poem *Abou Ben Adhem* by Leigh Hunt.

Councilor Abrams arrived at 6:59 pm

Councilor Abrams made no announcements.

7. DISCUSSION OF THE ANIMAL CONTROL ORDINANCE

a. Changes to the Animal Control Ordinance proposed by residents of the Square H Subdivision

Notes:

- Written material and handouts provided by Ms. Janelle Turner were included in the agenda packet for this meeting and were referenced in discussion by the speakers and the council.
- Mr. Fleming passed out a written transcript of his comments
- Ms. Turner passed out a handout to the Council

Several speakers came forward to address the council and discuss the history of a recent dog bite incident as well as other incidents and to propose changes to the Animal Control Ordinance of the Town of Edgewood. The speakers included: Mr. Timothy Fleming, Ms. Janelle Turner, Police Chief Ron Crow, Animal Control Officer Mike Ring, Mr. Rey Fulwiler and Leota Harriman with *The Independent*. During and after some of the speakers there were some questions asked of them by the Mayor and Council and the Mayor and Council did participate in the discussion

At some point in the discussion, Mayor Bassett asked Police Chief Ron Crow if he could have some changes prepared to propose at the next council meeting that incorporated some of the changes proposed by the residents addressing the council tonight. Chief Crow responded that he could.

8. PUBLIC HEARINGS

Quasi-Judicial Procedure: Certification that Public Notice of these Meetings has been posted as required: This cases are being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Mr. Juan Torres certified that Public Notice of these Public Hearings had been posted as required.

Mayor Bassett stated these cases were being heard under provisions required by the New Mexico Court of Appeals and is intended to protect the rights of all parties and their witnesses.

Councilor Abrams confirmed he had no conflict of interest and no ex-parte communication

Councilor Ring confirmed he had no conflict of interest and no ex-parte communication

Councilor Abraham confirmed he had no conflict of interest and no ex-parte communication

Councilor Ring confirmed he had no conflict of interest and no ex-parte communication

Mayor Bassett confirmed he had no conflict of interest and no ex-parte communication

All persons wishing to give testimony in these hearings were asked to step forward and be sworn in.

- a. **LODGERS TAX** - Public hearing, discussion, consideration and final action on Ordinance No. 2016-21. An ordinance establishing a Lodgers Tax in the town of Edgewood

The Mayor asked if any attempt was made to contact the owner of the Motel currently under construction specifically informed of this ordinance.

Ms. Salazar responded that public notice was given.

Mr. Torres gave a brief overview of the ordinance and specifically indicated that the ordinance proposed a 3% Lodgers Tax

Councilor Abraham asked what the Lodgers Tax money could be used for and stated that she understood that lodgers tax money could not go into the General Fund.

Mr. Torres said it would be a separate fund

Councilor Abraham and Mayor Bassett asked if the money would be administered by the Lodgers Tax Board

Mr. Torres explained the procedure by which Lodgers Tax funds would be administered and awarded.

Councilor Simmons asked if a portion of the funds could be dedicated to the Chamber

Mr. Torres said they could apply for funds but funds could not be dedicated to them.

Mayor Bassett and Councilor Ring and Councilor Abraham had questions about how often the board would meet and who could serve on the board.

Mr. Torres and Ms. Salazar described the procedure for board meetings and the selection of members.

Ms. Linda Burke with the Edgewood Chamber of Commerce came forward to ask some questions. The first was whether a group home would be exempt?
Councilor Abraham pointed out the 30-day rule called out in the ordinance

She then asked if under the uses of the lodger's tax money specifically for audits was for audits of the lodger's tax fund.

Ms. Salazar answered that that was correct.

Councilor Ring asked if our auditor could also do those audits.

Mr. Torres answered in the affirmative

Councilor Simmons asked if we could reimburse the Police and Fire Department out of Lodgers Tax.

Mr. Torres answered in the affirmative if they provided services for events that were allowed for by the Lodgers Tax Ordinance.

The Mayor asked if the Town could apply for Lodgers Tax.

Ms. Salazar answered in the affirmative.

MOTION: Councilor Ring made a motion to approve the Lodgers Tax Ordinance.
Councilor Abrams seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

b. AMENDMENT TO THE ZONING ORDINANCE - Public hearing, discussion, consideration and final action on amending Ordinance No. 2014-02, as amended, August 3rd, 2016 changing the definition of Building Height and amending the Maximum Building Height.

Mr. Larry Sullivan, Planning and Zoning Administrator for the Town of Edgewood was sworn in and then gave a brief history on how this proposed amendment came to be before council. Specifically, the 40-foot height change and how it would be measured.

Councilor Abraham asked about the setback changes and commercial lots
Councilor Abrams mentioned this was only applicable to residential estates

MOTION: Councilor Abrams made a motion to approve the Amendment to the Zoning Ordinance.
Councilor Simmons seconded the motion with discussion and asked for clarification on chimneys and other devices attached to a roof.

Mr. Sullivan said the main edict of the amendment was not to let the structure of a building go 40 feet above the finished floor of the main floor.

VOTE: Councilor Ring voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

c. DISCUSSION AND ADOPTION OF A PERSONNEL POLICY MANUAL

Mr. Torres gave an overview of the policy manual and highlighted the main changes that were made in going from the Ordinance to the Manual.

- In Section 3 he removed that long list of who the rules applied to and made all employees subject to same rules
- On page 10 he made changes to vacation leave and did add a buy back option to leave banks
- He also changed the holiday leave policy to make sure that employees are able to take advantage of holiday pay
- Added a personal day off
- Added a conversion of sick leave

Councilor Abraham mentioned on investigation reporter Larry barker did on sick leave being sold back in the PRC. A discussion on sick leave took place and a clarification of the Larry Barker story was addressed.

- Added a donated leave section
- FMLA now has its section which clarifies the rules and regulations
- Changed the overtime portion to make sure all town employees are treated the same and police do not get to accrue more than other employees
- Rights of Employees and the grievance policy were cleaned up

Councilor Abraham asked if policy manual changes would come to council to be made
Mr. Torres said yes

Councilor Abrams suggested we add annual mandatory training for EEOC Training and Harassment Training

Councilor Ring asked about the use of drugs section and specifically the use of psychotropic drugs and asked that if an employee reported using psychotropic drugs we could require a statement from their doctor vs. asking for a statement from their doctor stating they could work. Councilor Abraham was concerned this would contradict with the HIPAA law.

MOTION: Councilor Ring made a motion to approve the adopt the Personnel Policy Manual.
Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. The motion carried.

9. ORDINANCE NO. 2016-08 REPEALING PERSONNEL ORDINANCE.

MOTION: Councilor Abrams made a motion to approve Ordinance No. 2016-08 repealing the Personnel Ordinance of the Town of Edgewood
Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Abraham voted aye. Councilor Simmons voted aye. Councilor Abrams voted aye. The motion carried.

10. PUBLIC COMMENTS OF GENERAL MATTERS. Limit to 2 minutes per person.

Linda Burke, Executive Director, Edgewood Chamber of Commerce thanked the Mayor and Councilors Abraham and Ring for coming out for ribbon cutting at Country Critters She reviewed what happened at Chamber supported functions in Town the previous weekend

She Mentioned to look for new event posts on Facebook and said they posted the Christmas Tree Lighting on Facebook and got lots of shares.

Councilor Ring suggested they make contact with the Estancia Valley Classical Academy

Ms. Burke also made mention that she has published some articles in the local papers Council Abraham said thank you to Ms. Burke for the article on shopping local in the shopper.

11. MATTERS FROM THE CLERK/TREASURER.

a. Discussion of dates for the next Quarterly Budget Review Mr. Torres said the date for the next Quarterly Budget Review has been tentatively scheduled for January 18th and asked if that was ok with council. All responded in the affirmative

b. The Town of Edgewood Police Department's Standard Operating Procedures Manual (SOP)

Mr. Torres and Chief Crow presented the SOP Manual Changes. There are three specific changes:

- Written directives have been reordered
- Promotions – Subject criteria was taken out of the promotion determination
- Grooming standards have been updated.

MOTION: Councilor Ring made a motion to approve the new SOP Directives
Councilor Abraham seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Simmons voted aye. Councilor Abraham voted aye. Councilor Ring voted aye. The motion carried.

Mr. Torres then presented the most recent gross receipts numbers

12. RESOLUTION NO. 2016-22 – TOWN OF EDGEWOOD 2017 HOLIDAY

MOTION: Councilor Simmons made a motion to approve Resolution No. 2016-22 the Town of Edgewood 2017 Holiday Calendar
Councilor Ring seconded the motion.

VOTE: All Councilors voted aye. The motion carried.

13. ANNOUNCEMENTS and/or CALENDAR REVIEW.

- a. Next Regular Council Meeting – December 21st, 2016 @ 6:30 P.M.
- b. NOTE: Town Hall offices will be closed on Friday, December 23rd at 12 noon and all day on Monday, December 26, 2016 in observance Christmas Eve and Christmas Day.

14. FUTURE AGENDA ITEMS.

- a. A. Public Hearing will be held during the Regular Council Meeting of December, 21st, 2016 on a Request for Appeal by Mr. Jonathan Pillars
- b. The Annual Open Meetings Act Resolution will be presented to council for approval during the Regular Council Meeting of December 21st, 2016
- c. Joint Council/P&Z Commission meeting now set for January 7th at 2:30 PM

15. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the motion
Councilor Ring seconded the motion.


VOTE: All Councilors voted aye. The motion carried.

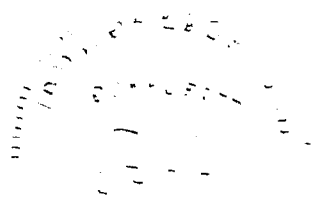
Mayor Bassett adjourned the meeting of December 7, 2016 at 9:47 p.m.

PASSED, APPROVED AND ADOPTED THIS 21st day of DECEMBER, 2016


John Bassett, Mayor

ATTEST:


Juan Torres, Clerk/Treasurer



 Initials