

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
November 27, 2007 – 7:00 p.m.

Present: James R. Marshall, Mayor
A. Judy Ward, District 1
Thomas Nupp, District 2
Simon Wheaton-Smith, District 3
Steve May, District 4

Also Present: Chief Ed Reynolds, Acting Town Manager
Ann L. Mackie, Town Clerk
Alexandra Perrault, Town Planner

CALL TO ORDER / PLEDGE OF ALLEGIANCE - Mayor Marshall called the meeting to order at 7:00 p.m..

PUBLIC INPUT – Bill Dickerson commented on the early bank drafting of water bill payments and the enforcement of laws regarding cars parking on sidewalks. Councilor May agreed with Mr. Dickerson that the laws need to be enforced regarding cars parking on sidewalks. There was further discussion of that issue by Council and Chief Reynolds.

COUNCIL COMMENTS – Councilor Ward congratulated the Police Department on their successful sting event. Chief Reynolds responded by commenting that the recent sting operation was outstanding because it included Federal, State and local law enforcement agencies. He stated that during the 3 day operation they impacted a lot of traffic; criminal activity (50 arrests); identified individuals that met the criteria for gang association; and it proved to be a general attack on crime. Councilor Nupp commented that he will seek re-election for Councilor of District 2 in the upcoming municipal election. Councilor Wheaton-Smith encouraged people to attend the community meetings regarding the design of the new skatepark. He commented on contractor issues for Town projects; the need for crosswalks at each intersection of Bullard Street; issues with Lodgers' Tax reimbursements; and recommended that business owners on Hudson Street attend the public meetings of the Land Use Code Task Force. Councilor May commented that he supports the skatepark and wants to see it built, but explained that he voted against the design and build contract of the skatepark in the regular Council Meeting on November 13th because of the mistakes that were in the contract that was provided to Council. He commented on the proposed Arts and Culture District and how the merchants and building owners on Hudson Street should attend the meeting on December 3rd to make sure Hudson Street is protected as a state highway and not included in the historic district with regard to rules and regulations. Mayor Marshall commented that the issues with Lodgers' Tax reimbursements will be addressed with the Town Manager. He also clarified issues of parliamentary procedure.

CHANGES TO THE AGENDA – None.

APPROVAL OF MINUTES: November 13, 2007 Regular Meeting - Councilor Ward made a motion to approve the minutes with an amendment noted by the Town Clerk. Councilor Wheaton-Smith seconded the motion, all were in favor, motion passed.

REPORTS – Mr. Reynolds reported that the new boiler for the swimming pool should be in place by February.

PUBLIC HEARINGS –

A. ZC07-6: Request for a Map Amendment/Zone change from Residential B to Commercial for a tract of land addressed as 2830 Highway 15, and located in the NE1/4 NE1/4 of Section 35 of the Town of Silver City. The applicant is Dr. Gail Willow. Mayor Marshall stated that the Town Council will serve as the hearing board and he would serve as the presiding officer. Mayor Marshall asked all Councilors if they had any ex parte discussion concerning this case, and none had. The Town Clerk swore in persons that wished to testify in the case. Alexandra Perrault, Town Planner, presented the details of the request for a Map Amendment/Zone Change ZC07-6 and advised that the Town staff recommended the zone change and the Planning and Zoning Commission

voted unanimously to approve the applicant's request for a Map Amendment/Zone Change in their meeting on November 6, 2007. Applicant Dr. Gail Willow and her architect, Tim Grattan, presented her case. The Mayor asked Dr. Willow if that concluded her case, and she responded that it did. There was no opposition. Councilor Wheaton-Smith moved to approve the request for a Map Amendment/Zone Change. Councilor May seconded the motion. Councilor Ward clarified that the legal description in the address of the location is in fact the northeast quarter of the northeast quarter of Section 35. There was no further discussion. A roll call vote was taken to approve Ordinance No. 1139 for the Map Amendment/Zone Change: Councilor Ward – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

B. Resolution 2007-37: Authorizing an Encroachment for approximately 64 square feet into the Spring Street right-of-way for a residence located on part of Lot 1 and 3, Block 62 of the Fraser Survey, addressed as 502 W. Spring Street, applicant Marina Stretch. Mayor Marshall stated that the Town Council will serve as the hearing board and he would serve as the presiding officer. Mayor Marshall asked all Councilors if they had any ex parte discussion concerning this case, and none had. The Town Clerk swore in persons that wished to testify in the case. Alexandra Perrault, Town Planner, stated that the applicant (not present) has requested the Encroachment Permit because she would like to clear the title before selling the property. Ms. Perrault presented the details of the request for an Encroachment Permit and advised that the Community Development Department recommends the approval of the Encroachment Permit. Mr. Les Rubin addressed the hearing board as the authorized agent for Marina Stretch and as the prospective buyer of the property at 502 W. Spring Street and requested approval of the Encroachment Permit in order to clear the title of the property. The Mayor asked Mr. Rubin if that concluded his case, and he responded that it did. There was no opposition. Councilor Wheaton-Smith moved to approve Resolution 2007-37 with an amendment to change the wording of Section 1. (b) to read as follows: “The Town may require removal of all or part of any encroaching structures or use after 90 days written notice to the property owners if there is any change to the status of the encroachment.” Councilor May seconded the motion. There was no further discussion. All were in favor, motion passed.

C. Resolution 2007-38: Authorizing an Encroachment for approximately 30 square feet into the Spring Street right-of-way for a residence located on part of Lot 1 and 3, Block 62 of the Fraser Survey, addressed as 504 W. Spring Street, applicant Marina Stretch. Mayor Marshall stated that the Town Council will serve as the hearing board and he would serve as the presiding officer. Mayor Marshall asked all Councilors if they had any ex parte discussion concerning this case, and none had. The Town Clerk swore in persons that wished to testify in the case. The testimony from the hearing regarding Resolution 2007-37 was admitted as testimony regarding this resolution as well. There was no further testimony. The Mayor asked Mr. Rubin if that concluded his case, and he responded that it did. There was no opposition. Councilor Wheaton-Smith moved to approve Resolution 2007-38 with an amendment to change the wording of Section 1. (b) to read as follows: “The Town may require removal of all or part of any encroaching structures or use after 90 days written notice to the property owners if there is any change to the status of the encroachment.” Councilor Nupp seconded the motion. There was no further discussion. All were in favor, motion passed.

Councilor May made a motion to recess. Councilor Wheaton-Smith seconded the motion. The meeting was called back to order at 8:23 p.m..

NEW BUSINESS -

A. Resolution 2007-34: Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the NM Finance Authority. Mr. Reynolds presented the details of Resolution 2007-34 for the purchase of nine police vehicles and related equipment. He stated that currently the Silver City Police Department has seven 1996 Crown Victoria's with over 140,000 miles on each, and generally a vehicle with over 75,000 miles becomes a safety issue. There was further discussion on the number of loan payments; maintenance schedules; the wording in the Resolution under Section 1; and that four police vehicles were being purchased locally. Councilor May made a motion to approve Resolution 2007-34 with an amendment to Section 1 to be changed from “That all action (not consistent with the provisions hereof) ...” to “That all action (not inconsistent with the provisions hereof) ...”. Councilor Wheaton-Smith seconded the motion as stated. The Mayor commented that he would like the Town to consider installing black boxes in their emergency vehicles

because it provides a defense for the officer and/or the Town, and they decrease maintenance costs because the drivers are aware that their driving is being monitored. There was no further discussion. All were in favor, motion passed.

B. Resolution 2007-35: Regular Municipal Election to be held March 4, 2008. Ms. Mackie, Town Clerk, and Mr. Reynolds presented Resolution 2007-35 for the regular municipal election to be held on March 4, 2008. The elective offices to be filled are: one Mayor for a two-year term, one Councilor for District 2 for a two-year term, and one Councilor for District 4 for a two-year term. All Declarations of Candidacy shall be filed with the Municipal Clerk on Tuesday, January 8, 2008 between the hours of 8:00 a.m. and 5:00 p.m. Persons desiring to register to vote at the regular municipal election must register with the County Clerk of Grant County not later than Tuesday, February 5, 2008 at 5:00 p.m.. Councilor Wheaton-Smith brought forth for discussion an amendment to the resolution by adding a ballot initiative to ask the voters if the Town should proceed with the architectural design, location search, and financing options for a new public library to replace the College Street facility. There was further discussion by Council and comments were made by Mr. David Gershenson of the Library Foundation. Councilor Nupp made a motion to approve Resolution 2007-35 (without a ballot initiative or question to the voters). Councilor May seconded the motion. All were in favor, motion passed.

C. Resolution 2007-39: Resolution of Sponsorship for a Safe Routes to School Application. Mr. Reynolds presented the details of Resolution 2007-39 and stated the funds will be used to replace the old bridge located behind Jose Barrios Elementary School on Hill Street, and to add ADA compliant ramps, two walking lanes and a bike lane. Councilor Ward moved to approve Resolution 2007-39. Councilor Wheaton-Smith seconded the motion. There was further discussion on the current condition of the old bridge and the maintenance costs of the new bridge. All were in favor, motion passed.

D. Approval of Grant Agreement between the Town of Silver City and the NM Department of Finance and Administration for the Colonias Projects. Mr. Reynolds presented the grant agreement in the amount of \$350,000 and stated the project for the Wastewater Treatment Plant should be complete in April 2008. Councilor May made a motion to approve the grant agreement. Councilor Wheaton-Smith seconded the motion. There was further discussion on how the funding was moved from the County to the Town by the Department of Finance and Administration; the efficient way that this issue was handled by the Town and the County; and how it shows the partnership that the Town is trying to develop throughout the County with the different entities. All were in favor, motion passed.

E. Appointments to the Festival Grounds Task Force. Mr. Reynolds stated the names of the applicants for the Festival Grounds Task Force. Mayor Marshall recommended the following appointments: Councilor Ward to represent the Town Council, Alex C. Brown, Town Manager, Nicole Robbins to represent the Chamber of Commerce, Faye McCalmont to represent the Arts Community, Lanny Olson to represent the Lodging Community, and Mary Ann Sedillo and Millie Bessey to represent the two members at large. The Mayor received the Council's consensus.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn the meeting at 9:10 p.m. Councilor Nupp seconded the motion, all were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann. L. Mackie, Town Clerk