

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
May 13, 2008 – 7:00 p.m.

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

Also Present: Edward D. Reynolds, Acting Town Manager
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney
Peter Russell, Community Development Director
Robert Esqueda, Utilities Director

CALL TO ORDER / PLEDGE OF ALLEGIANCE - Mayor Marshall called the meeting to order at 7:08 p.m.

PROCLAMATIONS – Mayor Marshall proclaimed May 26-31, 2008 as “AmBank Wild Wild West Pro Rodeo Week” and May 2008 as “National Historic Preservation Month”.

PUBLIC INPUT – Ella Kirk, who represented a group of 3rd graders from Jose Barrios Elementary School, presented the Mayor with a petition to pass a law to only have energy saving lights in Silver City and Grant County in order to help stop global warming. Anne McCormick and Cheryl Leidich, members of FISSCH (Friends Interested in Swimming in Silver City a Heck-of-a-lot), commented on their support of expanded programs and how to enhance and fully utilize the public swimming pool.

COUNCIL COMMENTS – The Council commented on the following: recently attended events; appreciation for the work of the Community Development Department and the building inspection personnel; an upcoming resolution to create a citizens’ committee to locate a site for a Veterans of War Memorial; an update on the Code of Ordinance project; and the recreational opportunities at the public swimming pool and adjacent park.

APPROVAL OF MINUTES – April 22, 2008, Regular Council Meeting. Councilor Ward made a motion to approve the minutes, Councilor Nupp seconded the motion. All were in favor, motion passed.

REPORTS –

A. Ft. Bayard Preservation and Development Progress Report, presented by Gloria Terrazas-Barnes, Southwest New Mexico Council of Governments. Ms. Terrazas-Barnes reported on the progress of the preservation and development of Ft. Bayard during the past two years and stated that the Veteran’s Administration may be interested in expanding the cemetery. She stated that Ft. Bayard had been declared a National Landmark, and invited local involvement and participation in the various committees.

Loretta Benavidez, Public Information Officer for the U. S. Forest Service, reported that Stage 1 fire restrictions would begin on May 19th. She stated that campfires would be banned except in designated campgrounds, and smoking would be prohibited except in vehicles, closed buildings, or in areas with no vegetation in a 3 foot wide area. She stated that there had been 22 fires this season and 21 were person caused (only 1 caused by lightning). She stated that closing the forest would be a last resort and asked for the public to practice precautionary measures when recreating in the forest. Councilor Nupp suggested to the Council that fireworks should be restricted due to the dry conditions.

Chief Ed Reynolds reported that the Police Department had entered into a contract with CrimeReports.com. He stated that the website www.crimereports.com would provide a map of Silver City that would be populated with the reported crimes and their locations; it would be a good tool for citizens to utilize in order to obtain information. There was further discussion on the timeliness of informing the public of criminal activities.

UNFINISHED BUSINESS –

A. Appointment of Representative to Regional Transit District (RTD). Mayor Marshall requested that Councilor May serve as the Town’s representative to the RTD. Councilor May accepted the appointment, and the other members of the Council gave their consensus.

NEW BUSINESS -

A. Discussion of Infrastructure Capital Improvement Plan (ICIP) 2009-2013, presented by Gloria Terrazas-Barnes, Southwest New Mexico Council of Governments. Ms. Terrazas-Barnes discussed the ICIP project summary with the Council. There was further discussion, and the Mayor recommended that a Council Retreat be held in the future in order to discuss issues and priorities.

B. Approval of Emergency Ordinance No. 1144: an Ordinance amending Section 37.107 of the Town of Silver City Municipal Code, relating to definitions applicable to Chapter 34, § 34.107 (Collective Bargaining) and regarding rules promulgated by the Public Employee Labor Relations Board. Chief Ed Reynolds, Acting Town Manager, presented the details of Ordinance No. 1144 and stated that the purpose of the ordinance was to correct inconsistencies in the definitions of the Town's ordinance and the definitions in the State Statute (§10-7D-1 through 26 NMSA 1978) with regard to the Public Employee Bargaining Act (P.E.B.A.). There was further discussion. Councilor Wheaton-Smith made a motion to approve Emergency Ordinance No. 1144, Councilor May seconded the motion. A roll call vote was taken with the following results: Councilor Ward – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

C. Approval of Agreement between the Town of Silver City and the Silver City Police Officers Association. Chief Reynolds stated the negotiations went well and confirmed that the police officers were satisfied with the contract. The Council agreed that a closed session was not required. Councilor Wheaton-Smith made a motion to approve the agreement, Councilor Ward seconded the motion. There was further discussion. All were in favor, motion passed.

D. Approval of Special Dispenser Permit Application for the “Billy the Kid Championship BBQ”, Sponsored by Gila Rough Riders, Event location: 2140 E. U.S. Hwy. 180, Silver City, NM, Date of Event: June 13-14, 2008. Alex Ocheltree, owner of ATV Mountain Cycle, presented the details of his request for a Special Dispenser Permit Application. There was further discussion. Councilor Wheaton-Smith made a motion to approve the application, Councilor May seconded. Motion carried 3 to 1, with Councilor Nupp voting in the negative.

E. Approval of Resolution No. 2008-17: Rescinding Resolution No. 2006-05 that had approved a site for the Public Library. Councilor Ward recused herself from the discussion and the vote on Resolution No. 2008-17 and Resolution No. 2008-18 because of the professional contracts that she had with potential bidders on the Town-owned land called the Hillcrest Hospital Site. She stated that she believed there was a possible direct financial interest according to the Town of Silver City's Code of Ethics, Section 35.04 (B). Mayor Marshall stated that in accordance with the Code of Ethics she had also provided her statement in writing. Councilor May presented the details of Resolution No. 2008-17 and stated the resolution would have to be approved in order to do anything with the property since it was unlikely that a new library would ever be built there. There was further discussion and members of the public provided input. Councilor Wheaton-Smith made a motion to approve Resolution No. 2008-17 with two amendments to the fourth “Whereas” recital in the resolution which were noted by the Town Clerk. Councilor May seconded the motion. A roll call vote was taken with the following results: Councilor Nupp – nay; Councilor Wheaton-Smith – aye; and Councilor May – aye. The motion failed since an affirmative vote was not received by the majority of all of the members of the Council.

Councilor Wheaton-Smith made a motion to recess at 8:25 p.m., Council Nupp seconded the motion. All were in favor, motion passed.

F. Approval of Resolution No. 2008-18: Notice of intent to sell that parcel of Town-owned real property, commonly referred to as the “Hillcrest Hospital Site”. Councilor Wheaton-Smith stated that since Resolution No. 2008-17 failed to pass, the Hillcrest Hospital Site would be retained for the new Public Library, therefore, he moved to withdraw Agenda Item F. Approval of Resolution No. 2008-18. Councilor May seconded the motion. All were in favor, motion passed.

G. Approval of Notice of Intent Ordinance No. 1143: an Ordinance amending Chapter 54, Section 54.046 of the Town of Silver City Municipal Code, relating to water rates. Chief Reynolds presented the details of Notice of Intent Ordinance No. 1143. There was further discussion. Councilor Wheaton-Smith made a motion to

approve it, Councilor Ward seconded. There was further discussion. Councilor Ward, Councilor Nupp, and Councilor Wheaton-Smith voted in favor, Councilor May voted in the negative. Motion passed 3 to 1.

H. Appointment of one member to the Mayor's Climate Protection Citizens Advisory Committee. Mayor Marshall appointed John Vanvig with the Council's consensus.

I. Appointments of two members to the Noise Ordinance Advisory Committee. Mayor Marshall appointed Paula Geisler and Anthony Wojsznarowicz with the Council's consensus.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn the meeting at 9:02 p.m. Councilor May seconded the motion, all were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann. L. Mackie, Town Clerk