

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING**

**Grant County Administration Center, 1400 Hwy 180, Silver City, NM**

**May 26, 2009 – 7:00 P.M.**

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

**Also Present:** Alex C. Brown, Town Manager-Finance Director  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney  
Ed Reynolds, Police Chief  
Rudy Bencomo, Fire Chief  
Luan Mitchell, Town Planner  
Mike Eley, Town Planner

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

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – None.

**4. PUBLIC INPUT** – Abe Villarreal, public information officer for Western New Mexico University, commented on the future home of the nursing program and the Juan Chacon Building renovation at the University.

**5. COUNCIL COMMENTS** – The Council commented on the following: how great the Tour of the Gila was for the Town; recently attended events; information on the Parks and Recreation Board meetings; thanks were given to all those that supported the Blues Festival and the Town staff were thanked for their work; the status of Penny Park; jurisdiction for maintaining Ridge Road; how Memory Lane Cemetery did not look its best during the Memorial Weekend; the issue of dogs and skateboarders at the Blues Festival; how the Mimbres Region Arts Council should hire security to enforce regulations during the Blues Festival; the recent drive-by shootings at Gough Park; the auctioning of the old fire truck and equipment; the summer street patching schedule and how the local hot mix plant was down; proclamations issued recently by the Mayor; changes to the requirements of the American Recovery and Reinvestment Act funding regarding the Green Grid / Smart Grid; the Governor’s commitment to recurring funding for the Tour of the Gila event; and how the Mayor was on Twitter.

Councilor Nupp commented that the previously proposed Animal Care and Control Ordinance was too complex so he would re-write it and present it again. He made further comments on animal abuse, how animal abuse was not reported in the newspapers, and how animal abuse may lead to child and spousal abuse. He stated the current animal ordinance needed to be brought up to date because the last update was in 1993.

**6. CHANGES TO THE AGENDA** – None.

**7. APPROVAL OF THE MINUTES – Regular Meeting – April 28, 2009:** Councilor May made a motion to approve the minutes. Councilor Wheaton-Smith seconded the motion. There was no further discussion. All were in favor, motion passed.

**8. REPORTS** – Manager Brown reported on the status of Penny Park; how the public swimming pool had opened; and on upcoming bids that would be presented to Council in June. He also stated the Town was given an award by the CDBG of the New Mexico Department of Finance Administration and he congratulated Peter Pena, Public Works Director, Robert Esqueda, Utilities Director, and Linda Flores, Deputy Finance Director. Police Chief Reynolds reported on how the Penny Park case was taken to the District Attorney’s office; the recent drive-by shootings that were gang related; how the Police Department would conduct several gang operations during the summer; and the police activity during the Blues Festival. Fire Chief Bencomo reported that the Forest Service had lifted the fire restrictions in the Gila National Forest due to the recent rains, and that the Fire Department would consider lifting the ban on fire permits at the end of the week. He also commented on the old fire equipment.

**9. PUBLIC HEARINGS – Approval / Disapproval of Resolution No. 2009-09: A request to declare a portion of the Market Street right-of-way at 1211 Market Street, lying adjacent to Lots 12, 14, & 16, Block 25, of the Black’s Subdivision, comprising 1,524.6 ± sq. ft. or 0.035± acre non-essential for municipal purposes, and sell said Market Street right-of-way to Raymer Seavers.** Mayor Marshall stated that the Town Council would serve as the hearing board and he would serve as the presiding officer. Mayor Marshall asked the hearing board if they had any ex parte discussion concerning this case, and none had. The Town Clerk swore in two witnesses for the hearing. Luan Mitchell, Town Planner, presented the case and stated the Community Development Department recommended approval of Resolution No. 2009-09 based on 6 findings. Jesse Seavers, son of applicant Raymer Seavers, stated the request was needed to improve the front yard and make repairs and improvements to the property. There was no opposition to the case, and no further discussion. Mayor Marshall concluded the hearing and asked the Council to render a decision. Councilor Wheaton-Smith made a motion to approve Resolution No. 2009-09, and Councilor Bettison seconded the motion. Ms. Mitchell stated a correction to the Resolution in the 7<sup>th</sup> paragraph which was noted by the Town Clerk. Councilor Wheaton-Smith made a motion to accept the friendly amendment, Councilor Bettison seconded. There was further discussion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

**10. UNFINISHED BUSINESS – Approval / Disapproval of Ordinance No. 1154: Amendment to Chapter 91 §91.02 and §91.11 (Fire Protection and Prevention).** Mayor Marshall presented the details of the Ordinance. Councilor Wheaton-Smith made a motion to approve Ordinance No. 1154. Councilor May seconded the motion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

Councilor Bettison made a motion to recess at 7:52 p.m. Councilor May seconded the motion. All were in favor, except Councilor Wheaton-Smith. Mayor Marshall called the meeting back to order at 8:03 p.m.

#### **11. NEW BUSINESS –**

**A. Mayoral appointments of two members to the Museum Board.** Mayor Marshall received the Council’s consensus to re-appoint Theresa Strotman and Lucy Whitmarsh to the Museum Board with terms that expire on May 31, 2012.

**B. Mayoral appointments of two members to the Library Board.** Mayor Marshall received the Council’s consensus to re-appoint Theodore (Ted) Lynn and Karlene Colgan to the Library Board with terms that expire on June 30, 2012.

**C. Approval / Disapproval of Grant submitted for Narcotics Investigation and Purchase of Equipment.** Police Chief Reynolds presented the details of the grant application. There was further discussion. Councilor Wheaton-Smith made a motion to approve the grant submittal, Councilor May seconded. All were in favor, motion passed.

**D. Approval / Disapproval Public Celebration Permit Application for “Broadway Night” on June 19, 2009, sponsored by Theatre Group New Mexico.** Arlene Schadel, Vice-President of Theatre Group New Mexico, requested approval of the Public Celebration Permit Application for their second annual fund-raising event. She requested a waiver of New Mexico Statute 60-6B-10 of the prohibition on the dispensing of alcoholic beverages within 300 feet of churches or schools, and said the application included a letter from Father Rod Nichols, Pastor of St. Vincent de Paul Catholic Church, Inc., that stated he had no objection. Councilor May made a motion to approve the request and the waiver of New Mexico Statute 60-6B-10, and Councilor Wheaton-Smith seconded. There was no further discussion. All were in favor, motion passed.

**E. Approval / Disapproval of Request for Proposal # 08/09-1P: Vistas De Plata Subdivision.** Mike Eley, Town Planner, presented the details of the Request for Proposal for 56 units of affordable housing and stated the request for proposal was to hire an architect, surveyor, and engineer to do the pre-development work. There was further discussion. Manager Brown stated 2 bids were received and it was Staff’s recommendation to award the request for proposal to DPS out of Albuquerque, New Mexico. Councilor May made a motion to approve Request

for Proposal #08/09-1P to DPS from Albuquerque, New Mexico. Councilor Wheaton-Smith seconded the motion. There was no further discussion. All were in favor, motion passed.

**F. Approval / Disapproval of Notice of Intent Ordinance No. 1155: An ordinance amending Title V (Public Works), Chapter 54 (General Utilities; Sewer), §54.07 of the Town of Silver City Municipal Code.** Manager Brown presented the details of NOI Ordinance No. 1155 that would increase the rates for sewer and wastewater fees in order to pay for the actual operating costs to provide the services. There was further discussion. Councilor May made a motion to approve NOI Ordinance No. 1155, and Councilor Bettison seconded the motion. There was no further discussion. All were in favor, motion passed.

**G. Approval / Disapproval of Resolution No. 2009-13 to adopt the preliminary Budget for Fiscal Year 2009-2010.** Manager Brown presented the details of the preliminary Budget for Fiscal Year 2009-2010. There was further discussion. Councilor Bettison made a motion to approve Resolution No. 2009-13, and Councilor May seconded the motion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Bettison – aye. Motion passed.

**ADJOURNMENT** – Councilor Wheaton-Smith made a motion to adjourn at 8:52 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