

education, and the feasibility of a tots' section. President Pro Tempore Ward asked Attorney Scavron to explain what she was allowed to do in that role. Attorney Scavron stated she was permitted to vote, but if her vote would result in a tie she would not get a second vote to break the tie. He further stated that she was in charge of the meeting and the presiding officer.

PUBLIC HEARINGS -

A. Request of Transfer of Location Only of Liquor License: Applicant Name/Address: W & N Enterprises, Inc., P.O. Box 559, Silver City, NM 88061, Doing Business As: Silver City Beverage Co., #206, Proposed Location: 2005 Hwy. 180 E., Silver City, NM 88061. President Pro Tempore Ward stated that the Town Council would serve as the hearing board and she would serve as the presiding officer. She asked the hearing board if they had any ex parte discussion concerning this case, and none had. Jim Nennich, Debbie Nennich, and Rick Vasquez, were sworn in by the Town Clerk. Jim Nennich presented his case. There was further discussion. There was no opposition to the case. President Pro Tempore Ward disclosed that she was one of the realtors that sold the building to Mr. Nennich and W & N Enterprises, and she would vote because the sale was prior to the public hearing. Attorney Scavron stated there was no issue since she had already received the commission on the sale. President Pro Tempore Ward concluded the hearing and asked the Council to render a decision. Councilor Wheaton-Smith made a motion to approve the transfer of location only of the liquor license. Councilor May seconded the motion. There was further discussion. All were in favor, motion passed.

UNFINISHED BUSINESS – None

NEW BUSINESS -

A. Parks and Recreation Board's update and recommendations. Jim McIntosh, Chairman of the Parks and Recreation Board, stated the Board recommended that instead of adopting Ordinance 1152, the Town could adopt, implement, and enforce the New Mexico Child Safety Helmet Act, which they endorsed for its emphasis on safety education and parental responsibility. In addition, they recommended that the Skate Park regulations include a mechanism for applying the principles of the Child Safety Helmet Act to those users of the Skate Park 18 years of age and older. He said they endorsed the formation of a Skate Park Advisory Committee, comprised of both adult and minor Skate Park stakeholders, who would report at least monthly to the Parks and Recreation Board. He emphasized the importance of peer mentoring; educational programs that provided incentives for safe practices, including helmet use; and that the civil penalties would carry a maximum fine of \$10 as programs were being put into place. Councilor Wheaton-Smith recommended that representatives from the school be involved in the committee. Mr. McIntosh also reported that the Parks and Recreation Board endorsed an opportunity that the Town had to purchase approximately 10 acres of land that would complete the San Vicente Trail south of the Big Ditch Park to the Town-owned Scott Park. Councilor Wheaton-Smith thanked Manager Brown for resolving issues with the volunteer program, including insurance and legal issues. Councilor May expressed concern of the northern route of the San Vicente Trail and that he had heard that proponents may ask the Parks and Recreation Board to endorse the use of eminent domain to acquire property to create the trail northward to Pinos Altos. Mr. McIntosh stated he was not aware of any issues of eminent domain and stated the Parks and Recreation Board had no endorsement of it.

B. Approval / Disapproval of State Audit Report for Fiscal Year 2007-2008. Mike Stone of Stone, McGee and Company, presented the State Audit Report for Fiscal Year 2007-2008. He said it was another good year; the Town received unqualified opinions on the financial statements, federal funds, and expenditures which were the highest ratings. He said there was one small comment that related to a budget adjustment that was missed at the end of the year in the Lodgers Tax fund for \$13,000. He stated the funds were available, but that one budget adjustment was not made at year end and it was an isolated occurrence. He stated the Town was managing \$69,000,000 worth of assets, including infrastructure, and asked for the Town Council's approval of the audit report. Councilor May congratulated and expressed appreciation for the dedication of Manager Brown, Deputy Finance Director Linda Flores, and the staff that took care of the Town's money and managed its budget and infrastructure. President Pro Tempore Ward stated that she believed Councilor May's comments were seconded by all of the Council; they were very proud of the Financial Department and how they kept their eyes on every number. Councilor Wheaton-Smith made a motion to approve the State Audit Report for Fiscal Year 2007-2008. Councilor Nupp seconded the motion. All were in favor, motion passed.

C. Approval / Disapproval of Resolution No. 2009-02 for Non-Support of Increasing Landfill Permit Fees. Attorney Scavron presented the details of Resolution No. 2009-02 and stated the State of New Mexico Solid Waste Bureau would like to get more money so they could do inspections, regulate dumping, etc. He stated that agency was having budget problems so they were seeking to secure money from municipalities. He stated it was extremely unfair on the part of the State's Solid Waste Bureau because they were looking for municipalities to subsidize their agency in doing work that had nothing to do with law abiding permitted owners. He stated Resolution No. 2009-02 supported their fellow municipalities in rejecting an attempt of a shakedown by the State of New Mexico Solid Waste Bureau. There was further discussion. Councilor Wheaton-Smith made a motion to approve Resolution No. 2009-02. Councilor May seconded the motion. A roll call vote was taken with the following results: Councilor Nupp – aye; President Pro Tempore Ward – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 8:06 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