

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

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

April 28, 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
Yolanda C. Holguin, Acting Town Clerk
Robert L. Scavron, Town Attorney
Robert Esqueda, Utilities Director

CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 7:03 p.m.

CEREMONIES – Certificates of Appreciation to former Lodgers’ Tax Advisory Board members for their years of service. Mayor Marshall presented Certificates of Appreciation to former Lodgers’ Tax Advisory Board members Glenn Griffin, Lisa Brand, and Cynthia A. Bettison. He thanked them for their hard work and years of service. Mr. Griffin thanked the Council and commented on the Board’s accomplishments and its members.

PROCLAMATIONS – None.

PUBLIC INPUT – None.

COUNCIL COMMENTS – The Council commented on the following: the fire at Penny Park and the outpour of community support, concern, and willingness to work in getting the park rebuilt; the Earth Day Celebration; the kick-off of the Yellow Bike Project and what it would offer to the community; the Tour of the Gila and the celebrities that were going to participate; the reopening of the Tyrone Mercantile; skateboarders on Broadway and the 800 helmets that have been handed out; the issue of illegal parking in handicap areas; the hand-written notes on the wall at Penny Park; the Swine Flu and the importance of using caution; statistics of the Police Department in District 3; the number of people and bicyclists coming into the area for the Tour of the Gila; the fund raiser event in Las Cruces for the Red Cross; the Woman’s Club State Conference held in Silver City; and the final press conference for the SRAM Bicycling Team and sponsorship, benefits that it brings to the community, and the area climbs.

CHANGES TO THE AGENDA – Mayor Marshall stated that Senator Morales was not able to attend the meeting and that the Public Hearing was not ready for presentation. Those items were removed from the agenda.

APPROVAL OF THE MINUTES – Regular Meeting – April 14, 2009: Councilor May made a motion to approve the minutes. Councilor Bettison seconded the motion. All were in favor, motion passed. **Budget Hearing – April 21, 2009:** Councilor May made a motion to approve the minutes with the items in parenthesis in the second paragraph to include Sanitation. Councilor Wheaton-Smith seconded the motion as stated. All were in favor, motion passed.

REPORTS – Senator Howie Morales – Update on Legislative Session: Removed from the agenda.

PUBLIC HEARINGS – Approval / Disapproval of Resolution 2009-09: A request to declare part 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 1,612 sq. ft. or 0.037± acre non-essential for municipal purposes, and sell said Market Street right-of-way to Raymer Seaver: Removed from agenda.

UNFINISHED BUSINESS – None.

NEW BUSINESS –

Approval / Disapproval of Resolution No. 2009-10: A Resolution to adopt an Identity Theft Prevention Program - Mayor Marshall explained the requirement of the program and the effective placement date of May 1, 2009. Attorney Scavron commended and thanked Linda Flores, Linda Nunez and Ann Mackie for their hard work in putting the program together in such short notice. Mayor Marshall stated that the Council joined in Attorney Scavron’s commendation. Councilor Bettison made a motion to approve Resolution No. 2009-10. Councilor Wheaton-Smith 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. All were in favor, motion passed.

Approval / Disapproval of Bid 08/09-8: Maudes Canyon Erosion Control – Manager Brown discussed the bids the Town had received for the project. Robert Esqueda, Utilities Director, explained the details of the project and the funding. There was discussion about the discrepancies in the dollar amount of the bids received; the contractor’s required bonds; guarantee of the project’s completion; and the time frame of the project. Councilor Wheaton-Smith made a motion to award Bid 08/09-8 Maudes Canyon Erosion Control to TIPE Limited Construction without GRT for \$41,024.32, with GRT of \$3, 076.83 for a total of \$44,101.15 Councilor Nupp seconded the motion. All were in favor, motion passed.

Approval / Disapproval of Notice of Intent Ordinance No. 1153: Animal Care and Control Ordinance – Councilor Nupp commented that the NOI Ordinance No. 1153 was a complete rewrite of the old ordinance. The Council discussed the following: that no breed would be outlawed; the care and maintenance of animals; the work the citizens committee put into the NOI; the limit of four dogs per household; the noise and affect that the number of dogs would have in neighborhoods; and the importance of animal care. There was further discussion on the opposition to the proposed number of dogs per household; the pre-existing condition being left out; dog fighting; and the care and abuse of animals. Councilor May recommended that a work session be scheduled to allow for input from the Council, the community, and agencies. He suggested that the local media read and print stories on the NOI Ordinance No. 1153. Councilor Bettison made a motion to postpone action on the NOI Ordinance No. 1153 for Animal Care and Control in favor of a work session with sufficient time for the Council to speak with their districts and for the public to examine the ordinance. Councilor May seconded the motion. There was further discussion to encourage the local newspapers to print stories to inform the public of the proposed ordinance; language dealing with abuse; mandatory jail time; the importance of the public being made aware of it; the tethering of dogs in the back of trucks; and the committee’s objective that other communities and the county would adopt a similar ordinance. All were in favor, motion passed.

Approval / Disapproval of Notice of Intent Ordinance No. 1154: Amendment to Chapter 91 §91.02 and §91.11 (Fire Protection and Prevention). Mayor Marshall explained the purpose of the amendment to the ordinance for the health, safety and welfare of the citizens and community. Councilor Wheaton-Smith made a motion to approve the NOI Ordinance No. 1154. Councilor May seconded the motion. All were in favor, motion passed.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 8:00 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