

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

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

**February 23, 2010 – 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  
Peter Russell, Community Dev. Director

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

**2. CEREMONIES** – Medals of Valor Presentation to Silver City Police Department.  
Distinguished Service Awards to the Grant County Regional Dispatch Authority,  
Grant, County Sheriff Department, and Emergency Medical Services.

Mayor Marshall spoke on behalf of the Council and thanked the multiple agencies involved in the emergency response to the fire at the Valley View Apartments. He thanked them for their team work and stated that they deserved the recognition and awards. Police Chief Reynolds thanked everyone for their attendance in honoring their public safety professionals. Fire Chief Bencomo gave a brief overview of the events of the December 23, 2009, oxygen tank fire at the Valley View Apartments on Memory Lane. He described the weather, temperature, scheduled firefighter personnel, and other calls that had come in that morning. He described how the police officers assisted residents out of the burning building by exiting through windows, and how the firefighters attacked the fire. He described how the agencies worked together to extinguish the fire. Police Chief Reynolds gave a brief overview of the events and how the police officers had responded. He stated that Officer Montes caught a baby that had been dropped down to him from the second floor, and that Corporal Rascon and Officer Carrillo also assisted in the evacuation of the second floor. He stated that it was his honor and pleasure to present the Medal of Valor to Corporal Arthur Rascon, Officer Paul Montes, and Officer Antonio Carrillo for their response that was above and beyond the call of duty.

Mayor Marshall presented Certificates of Appreciation to representatives of the Emergency Medical Services, the Grant County Sheriff Department, the Silver City Fire Department, and the Grant County Regional Central Dispatch. Fire Chief Bencomo explained the meaning of the Distinguished Service Award. Mayor Marshall presented the Distinguished Service Award to Gila Regional Medical Center Emergency Medical Services, the Grant County Sheriff Department, and the Grant County Regional Central Dispatch. Mayor Marshall presented the Medal of Valor award to Corporal Arthur Rascon, Officer Paul Montes, and Officer Antonio Carrillo from their comrades at the Silver City Fire Department.

**3. PROCLAMATIONS** – **“International Women’s Day” on March 8, 2010.** Mayor Marshall read and proclaimed March 8, 2010 as International Women’s Day. Elizabeth Foster commented that there would be a parade on March 7, 2010, to honor all women.

**4. PUBLIC INPUT** – None.

**5. COUNCIL COMMENTS** – The Council commented on the following: the honoring of Corporal Rascon, Officer Montes and Officer Carrillo and all the agencies involved for their services to the community and residents; how the weather created potholes and the Town’s efforts in repairing them; an update on the potholes at the Albertson’s parking lot; the Skate Park warranty issue and repairs; preference to local contractors; House Memorial 57; the Senior Center; upcoming election day and residents were encouraged to vote; concern about loose dogs; the Legislative Session; the upcoming Special Session; and the Hold Harmless Clause.

**6. CHANGES TO THE AGENDA – None.**

**7. APPROVAL OF THE MINUTES – Regular Meeting – February 9, 2010:** Councilor Bettison made a motion to approve the minutes. Councilor Nupp seconded the motion. All were in favor, motion passed.

**8. REPORTS – A. Downtown Master Plan status and explanation of metropolitan development process, presented by Community-by-Design contractor** - Peter Russell, Director of the Community Development Department, introduced Charlie Dean, Principal of Community-by-Design. Mr. Dean gave a brief update on the project; the upcoming workshop; economic development tools; tax increment district; and the process to create a designation report. Mr. Dean addressed questions from the Council.

Also, Manager Brown asked for feedback from the Council in reference to complaints about the roll off recycling container by Gough Park. He stated that the residents of Silver City have curb side service for recycling. The Council commented that the County should be able to put the recycle bin where they needed it; the vacancy on the Recycling Committee; how the Southwest Solid Waste Authority was investing in a smaller glass crusher; transporting out the recyclables; and separating glass when recycling.

Mike Eley, Planner in the Community Development Department, presented the last of the housing rehabilitation projects for the current year. He stated that the project was for a \$60,000 home for a homeowner that met the income requirements. He described the details and encouraged people to contact him. He talked about the 2010 Housing Rehabilitation Program application for \$400,000 and the training that he had received in Albuquerque.

Peter Russell, Director of the Community Development Department, reported to the Council that the Planning and Zoning Commission had met the night before and had voted unanimously to recommend a series of amendments to the Land Use Code be forwarded to the Council for review and action. Mr. Russell addressed questions from the Council. Mayor Marshall discussed the process of approving the document and emphasized the importance that the document be reviewed by the Council and the public.

**9. PUBLIC HEARINGS – None.**

**10. UNFINISHED BUSINESS – None.**

**11. APPROVAL OF CONSENT AGENDA –**

- A. Approval / Disapproval of Resolution No. 2010-04: Adopting a Fair Housing Policy.
- B. Approval / Disapproval of Resolution No. 2010-05: Citizen Participation Plan CDBG.
- C. Approval / Disapproval of Resolution No. 2010-06: Residential Anti-Displacement and Relocation Plan and Certification.
- D. Approval / Disapproval of Resolution No. 2010-07: CDBG Procurement Policy.
- E. Approval / Disapproval of Resolution No. 2010-08: Section 3 Plan.

Councilor May requested that Item E. Approval / Disapproval of Resolution No. 2010-08: Section 3 Plan be removed from the Consent Agenda for discussion and clarification. Mayor Marshall moved Item E. Approval / Disapproval of Resolution No. 2010-08: Section 3 Plan to New Business, Item C. Councilor Wheaton-Smith made a motion to approve the Consent Agenda Items A-D. 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. All were in favor, motion passed.

Councilor Bettison made a motion to recess at 8:35 p.m. Councilor May seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 8:45 p.m.

**12. NEW BUSINESS**

**A. Approval / Disapproval of Resolution No. 2010-10: Supporting the banning of animal trapping on New Mexico public lands through the use of steel-jaw traps, kill-type traps, snare traps, and any modified version**

**of any such traps** - Councilor May stated that his constituent, Walter Szymanski, wrote the resolution and he discussed the details of the resolution. Councilor May made a motion to approve Resolution No. 2010-10. Councilor Bettison seconded the motion. There was further discussion and Mr. Szymanski commented on the issue. The Council heard public comments and concerns supporting the banning of the traps from Jene Moseley. Councilor Nupp stated that he would have to recuse himself from voting because he held a patent on humane box traps. The Council did not see a conflict with Councilor Nupp voting on the resolution. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Bettison – aye. All were in favor, motion passed.

**B. Approval / Disapproval of Resolution No. 2010-11: A Resolution to extend the time for acceptance of Ordinance Number 1161 by New Mexico Gas Company.** Manager Brown discussed the details of Resolution No. 2010-11. Councilor Wheaton-Smith made a motion to approve Resolution No. 2011-11. 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. All were in favor, motion passed.

**C. Approval / Disapproval of Resolution No. 2010-08: Section 3 Plan.** Mike Eley, Planner in the Community Development Department, addressed questions that the Council had on Resolution No. 2010-08. There was further discussion about qualifications; income levels; training; and on the Lower Income Clarification, Section 8, Income Limit for Grant County. Mr. Eley stated that funding and a time frame was not an issue. Councilor May made a motion to postpone action on Resolution No. 2010-08 until there was clarification. Councilor Wheaton-Smith 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. All were in favor, motion passed.

**13. ADJOURNMENT** – Councilor Wheaton-Smith made a motion to adjourn at 7:52 p.m. Councilor May seconded. All were in favor, motion passed.

/s/

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James R. Marshall, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk