

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

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

April 13, 2010 – 7:00 P.M.

Present: James R. Marshall
Cynthia A. Bettison, District 1
Jamie K. Thomson, District 2
Simon Wheaton-Smith, District 3
Michael S. Morones, District 4

Also Present: Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Yolanda C. Holguin, Acting Town Clerk
Peter Pena, Public Works Director

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 7:05 p.m.

2. CEREMONIES – None.

3. PROCLAMATIONS – Mayor Marshall read the proclamation declaring the week of April 11th through the 17th to be “National Public Safety Telecommunications Week”. He presented the proclamation to Jean Fortenberry, Grant County Regional Dispatch Director.

4. PUBLIC INPUT – Mayor Marshall reminded those speaking of the five-minute time frame. Art Martinez congratulated the Mayor and the Council members for their willingness to be public servants. He commented on the census forms; representation; taxes; educational funds; Medicare and the benefits they would bring to Grant County.

Debbie Seibel stated that the 12 elementary teaching artists in the Silver District were notified that the program would be cut. She invited the public and Council to a meeting that would be held to discuss the quality of education for the students in the elementary schools.

Gwyn Jones and Irma Chavez reminded the Council of the structures that burned down a year ago at Penny Park; the outpour of support, both financial and emotional; the community being patient; the possibility of community volunteer built effort; recruiting leadership and steering committee; and using the same process and contractor. She invited the Council and citizens of Grant County to Earth Day and stated that it was the first event held at Penny Park.

Nick Seibel and Natasha Russell talked about the Downtown Plan workshop that took place last week, invited the public to get involved; to comment using the website; the draft plan would be ready in June, and thanked the Council for their support. Mr. Seibel talked about the importance of the arts and their value in the schools and community.

5. COUNCIL COMMENTS - The Council commented on the following: congratulated and welcomed the Mayor and new Council members; the upcoming Tour of the Gila, world class champions and caliber of cyclists that would be attending and needed housing for cyclists; Earth Day and E-Waste Day; Inaugural Meeting of Senator Bingaman’s Southwest Energy and Green Jobs Task Force; one stop-shop by using a website; Bicycle Safety Rodeo; the importance of Arts in the Schools and having a balanced education; local cyclists that will participate in the Tour of the Gila; the forum for students on climate change on wildlife; thanked Dispatch for their hard work; Census problems with residents in Tyrone that had a post office box; the Albertson’s parking lot repairs; events and forum that the Council attended; the process when residents report streets lights needing repair; and Councilor Wheaton-Smith’s schedule due to medical reasons. Manager Brown reported on addressing issues concerning lodgers’ tax decrease; status and benefits on using the electric vehicles; update on Penny Park; and citations reference noise downtown. Council comments continued on Councilor Steve May’s years of civic duty and public service; census workers in the County building and the importance of the census data; the Mayor’s recent trip to Washington D.C.; the redistricting of the state based on the demographics of each area through the census; plans on moving forward on Penny Park; the Town’s resolution on traps on public lands and the Game Commission opening the rule on trapping later in the year; and the Attorney General’s Office training on the Open Meetings Act and Inspection of Public Records Act.

6. CHANGES TO THE AGENDA – The Council agreed to move Item 12 New Business Item C Approval / Disapproval of Resolution No. 2010-14 to the front of New Business.

7. APPROVAL OF THE MINUTES – Regular Meeting – March 23, 2010 - Councilor Bettison made a motion to approve the minutes. Councilor Wheaton-Smith seconded the motion as stated. All were in favor, motion passed.

8. REPORTS - A. Grant County Community Health Council presentation on the Healthy Kids, Healthy Communities Initiative: Andrea Sauer, the new project coordinator for the Grant County Community Health Council, stated that she was working on child obesity issues through a new program called Healthy Kids Healthy Communities. She reported on other agencies working on these issues; funds received; policy goals; community assessment; childhood obesity rates; GIS mapping; ways to get involved; the next steps; and reporting results back to the Council. **B. Loretta Benavidez, Public Information Officer of the Gila National Forest, will report on the status of the Willow Prescribed Fire Project that is tentatively scheduled for mid April:** Ms. Benavidez introduced Leroy Holguin, the District Fire Management Officer at the Silver City Ranger District and Annette G. Dyzer. Ms. Benavidez explained the information in the Council packet. Mr. Holguin provided information on the area of the prescribed fire; objectives they would like to achieve; addressed weather conditions, smoke level, and wind issues; and public service announcements.

9. ORGANIZATIONAL MEETING

A. Election of President Pro-Tempore: Councilor Morones made a motion to nominate Councilor Bettison. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. Mayor Marshall thanked Councilor Wheaton-Smith for his year of service as President Pro-Tempore.

B. Appointments of Councilors to committee and board positions: Mayor Marshall made the following appointments with the consensus of the Council: Cemetery Board - Councilor Morones; Library Board – Councilor Bettison; Dispatch Board – Councilor Bettison; SW Regional Transit District – Councilor Wheaton-Smith and Alternate Councilor Morones; Museum Board – Councilor Wheaton-Smith; Parks and Recreation Committee – Councilor Thomson; SW Solid Waste Authority – Mayor Marshall as Council member and Alternate Councilor Thomson and Manager Brown as staff member and Peter Pena as alternate; Mayor’s Climate Committee by resolution – Manager Brown; Grant County Economic Development Coalition for Progress – Manager Brown and Mayor Marshall; Grant County Water Commission – Manager Brown and Mayor Marshall; MainStreet – Mayor Marshall and Manager Brown as ex-officio members; and SW Area Workforce CEO Board – Mayor Marshall.

Councilor Bettison made a motion for a short recess at 8:05 pm. Councilor Thomson seconded the motion. All were in favor motion passed. Mayor Marshall called the meeting back to order at 8:12 pm and went back under Reports.

Manager Brown reported that Susan Berry, Museum Director, after 36 years of employment would be retiring on June 3, 2010; on moving forward on the Library Director and Museum Director positions; employees with cut hours would return to normal work schedule effective May 2nd; preliminary revenue estimates; direction from the Council to move forward on expenditures; and setting up budget hearings and strategic planning session. Mayor Marshall acknowledged Ms. Berry’s years of service being honorable and benefit to the Town.

10. PUBLIC HEARINGS - Approval / Disapproval of Request for a Beer and Wine Restaurant Liquor License, Application #628575, Applicant Name: The Curious Kumquat, Ltd., DBA: The Curious Kumquat, Proposed Location: 111 E. College St., Silver City, NM 88061. Mayor Marshall stated that the Town Council would serve as the hearing board and him as Mayor as the presiding officer. He asked if any member of the hearing board had ex-parte discussions with any person regarding the subject, or had any communication from any party to this case. All Councilors stated that they have not had any ex-parte discussions or communications reference the case.

Mayor Marshall asked all parties and witnesses, including staff members to come forward to be sworn in to testify by the Town Clerk. Robert E. Connoley was sworn in. Mayor Marshall read the procedures of how the hearing would be conducted.

Mr. Connoley commented on the growth of his business; being a responsible business and contributor to the community. He requested the Council's approval for the liquor license. Mr. Connoley addressed questions that the Council had on the property owner, distance from boundaries of the Good Shepherd Church and WNMU. There were no witnesses in opposition of the case and no further testimony. There was no further discussion. The hearing board was ready to consider the request. Councilor Morones made a motion to approve the request. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. The hearing was concluded.

11. UNFINISHED BUSINESS- Approval/Disapproval of Notice of Intent Ordinance No. 1159: An Ordinance amending Title 3, Chapter 37 (Elections), Section 37.04 of the Municipal Code of the Town of Silver City, Grant County, New Mexico – Mayor Marshall presented and discussed the details of the NOI Ordinance No. 1159. There was further discussion. Councilor Bettison made a motion to approve NOI Ordinance No. 1159. Councilor Wheaton-Smith seconded the motion as stated. All were in favor, motion passed.

12. NEW BUSINESS

C. Approval / Disapproval of Resolution No. 2010-14: A Resolution to adopt formatted Resolution (Appendix F-1, Certification of Pre-Construction Phase) regarding a Cooperative Project Agreement, Control ES 11240, under the American Recovery and Investment Act (ARRA) of 2009 for Silver City Streets. Peter Pena, Public Works Director, presented the details and format of Resolution No. 2010-14. Mr. Pena responded to questions the Council had reference the project, federal requirements and design change. Councilor Morones made a motion to approve Resolution 2010-14. Councilor Bettison seconded the motion as stated. Vote was as follows: Councilor Bettison – aye; Councilor Thomson – aye; Councilor Wheaton-Smith – aye; Councilor Morones – aye. All were in favor, motion passed.

A. Approval / Disapproval of Public Celebration Permit Application by Silver City MainStreet for Market Street Festival with wine tasting event at Gallery 400 on May 1, 2010, from 12:00 pm to 7:00 pm: Richard Deaton, one of the Directors of the MainStreet Project, described the event. Councilor Wheaton-Smith made a motion to approve the Public Celebration Permit Application. Councilor Morones seconded the motion as stated. There was further discussion. All were in favor, motion passed.

B. Approval / Disapproval of Notice of Intent Ordinance No 1164: An Ordinance amending Chapter 130, Section 130.11 (B), of the Town of Silver City Municipal Code, relating to aggressive begging and prohibited solicitations upon Town-owned streets and public right-of-way within the Town limits of the Town of Silver City, Grant County, New Mexico: Mayor Marshall presented the details of NOI Ordinance No. 1164. The Council discussed safety concerns of the public and those begging; the new process in place; and noted changes on Page 5 E-2 to change the word “prescribe” to “prohibit” and Page 3 B-1-b to read “...or stop; EXCEPT that political signs soliciting vote or contribution shall be permitted.” The discussion continued reference those excluded from soliciting on public right-of- ways and medians; having a more comprehensive look at the homeless; court test of the NOI and law enforcement; definitions on the NOI; and public safety concerns. Councilor Bettison made a motion to approve NOI Ordinance No. 1164 with the noted changes. Councilor Wheaton-Smith seconded the motion with the amendments stated on Page 5 E-2 and Page 3 B-1-b. All were in favor, motion passed.

13. ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 9:30 pm. Councilor Bettison seconded the motion. All were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk