

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY WORK SESSION

Grant County Administration Center, 1400 Hwy 180, Silver City, NM
October 8, 2010, 2:00 PM

Present: James R. Marshall, Mayor
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
Ann L. Mackie, Town Clerk
Peter Russell, Community Development Director

1. Call to Order, Pledge of Allegiance, and Reading of Mission Statement. Mayor Marshall called the meeting to order at 2:05 PM, and Councilor Morones read the Mission Statement.

2. Discussion to include, but not limited to the following: the draft of the revised Land Use Code. Mayor Marshall stated Councilor Bettison could have the floor. Councilor Bettison referred to page 171 of the proposed revision to the Land Use Code, Section 6.2.1 Pre-Application Conference, C), and asked if there were "determinations" made at the pre-application stage. Peter Russell, Community Development Director, said it was old language and a better term would be an attorney question. There was further discussion. Councilor Bettison referred to page 172, Section 6.2.4 Application Process, and the use of the word "owner" and asked if it was meant to be "agent" as in the rest of the section. Mr. Russell said it was leftover language, but to leave it as is because the "owner" had to authorize or sign legal documents. Councilor Bettison referred to page 189, Table 6.3.1 Procedural Chart/Administrative Procedures, and commented that it stated the Design Review Committee was a decision maker for a mural permit, but that it contradicted page 170, Section 6.1.8 Design Review Committee, C) 2) that stated the Committee serves in an advisory role to departments and other officials. She asked if the mural permit section should also be on page 170 since it said it was a final decision. Mr. Russell read Section 6.1.8, A) - E) and he said C) 2) was qualifying C), but not D). Councilor Bettison said D) should say "review and approve" mural permit applications.

Mr. Russell and Kathy Anderson, a member of the audience, distributed documents (copies attached to these minutes) that related to the discussions from the previous work sessions, and information about lighting. Councilor Wheaton-Smith commented on the appeal process and referred to page 196, Section 6.3.4 Appeals, D) Appeal Standards, 5) and said it only applied to the Town Council. There was further discussion about appeals and variances, and page 189, Table 6.3.1 Procedural Chart/Administrative Procedures regarding appeals.

Councilor Morones said he was comfortable with the recommended changes. He said he could rely on the debate of the Task Force and the Planning and Zoning Commission and the proposed revision to the Land Use Code was a good document that could be changed over time. He stated that there were a few subjects that were not discussed or debated heavily and he named the proposal by the Healthy Kids/Healthy Communities. He said that he did not believe it would be a burden to the public with reference to costs, and he was happy with the entire proposal. He stated that another subject was a submission by staff in regards to exterior lighting, and he said the staff recommendation was clean and practical and had no huge problems or dilemmas. He said that he was in favor of it in its entirety depending on where the debate went. He stated that Kathy Anderson's recommendations were not overly concerning to him, and he commented on the documents that were distributed and staff's recommendations regarding Ms. Anderson's suggestions. Mr. Russell commented on the process that the staff used in order to research Ms. Anderson's issues and make their recommendations. There was further discussion about the information on the documents that were distributed; exterior lighting and FAA standards; and possible language about how existing exterior residential lighting would require conformance within 5 years in order to compensate residential property owners with sufficient mitigation and recovery of investment.

Kathy Anderson thanked the Mayor and Council for allowing her to provide the technical data and she commented on lighting issues and demonstrated different types of lighting. There was further discussion about lighting and the issue of requiring time limits on conformance. Councilor Bettison made a motion for a short break at 3:00 PM. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 3:12 PM.

Mayor Marshall referred to page 81, Section 3.3.2 E) Dimensional and Operational Standards for Accessory Uses and Structures, 6) a), and he asked if it should be a 600 square feet footprint. Mr. Russell said no, and stated the condition space was 1200 square feet. There was further discussion about the height requirement for an accessory structure and how the size related to the primary structure; how the new code would allow larger accessory structures to accommodate demand and interest; how the goal of the Land Use Code was to maintain character and standards in neighborhoods; and the importance of distinguishing between use and structure. Mayor Marshall said he would like to see it set as a footprint on page 81, Section 3.3.2 E) 6) a), and he asked Mr. Russell to address it.

Mayor Marshall invited public input. Kurt Albershardt provided public input on his experience in Reno, Nevada, regarding detached accessory structures and detached accessory dwellings. There was further discussion. Ms. Anderson commented that she hoped any language that would be provided to footprint and height would be internally consistent with provisions regarding solar rights. Mr. Russell said there were no provisions regarding solar rights, but the Town code referenced solar rights and the State statute. He described the process. There was further discussion. Gary Emerson commented about his experiences as an astronomer in the Denver, Colorado area, regarding outdoor lighting, the cost to the City of Denver to maintain outdoor lighting, etc., and the importance of clear dark skies for astronomy research. Jim Goodkind commented on lighting and his work on the Mayor's Climate Protection Citizens Advisory Committee. He said it was not appropriate to give an indefinite end for changing and to promote enforcement of current state lighting standards. There was further discussion about how the Town could reduce its costs for lighting; how new construction could meet new standards; how some areas of town would struggle to meet a deadline for replacing lights; how the focus should be on big problems and they should not be heavy handed with citizens; how the government should stay out of it; the issue of transitioning and protecting the dark skies without creating unnecessary hardship on a significant part of the population; and how whole sections of the town were historic, and that changing fixtures could be at a considerable cost and could impact the historic district.

Mayor Marshall asked Tony Morones to provide his input. Mr. Morones commented on code issues regarding manufactured housing, and he distributed documents (copies attached to these minutes) to the Council. He commented on State statutes, installation standards, how manufactured housing was real property and not personal property, etc. He asked if Chad Goldman or Gilbert Morones, State officials from the Manufactured Housing Division, could be invited to speak at the next work session, and Mayor Marshall agreed. Mr. Russell commented about his meeting with Mr. Goldman. He said the State defined permanent foundations and they would do the inspections. He said whatever the State would allow, the Town would also allow. Kurt Albershardt commented on financing mechanisms for windows, weather stripping, and lighting. There was further discussion. Cissy McAndrew commented on education about lighting, how the dark skies were profitable for the community, and how the quality of life and the quality of light were interrelated.

3. Adjournment. Councilor Wheaton-Smith made a motion to adjourn at 4:30 PM. Councilor Bettison seconded the motion. All were in favor, motion passed.

_____/s/_____
James R. Marshall, Mayor

Attest:

_____/s/_____
Yolanda C. Holguin, Acting Town Clerk