

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
October 26, 2010, 6:00 PM

Present:

James R. Marshall, Mayor
Cynthia Ann Bettison, District 1
Jamie K. Thomson, District 2
Simon W. 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
Edward D. Reynolds, Police Chief
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 6:05 PM. Councilor Thomson read the Town’s Mission Statement.

2. CEREMONIES – None.

3. PROCLAMATIONS – None.

4. PUBLIC INPUT – None.

5. COUNCIL COMMENTS - The Council commented on the following: recently attended events; the need for small towns to create diverse environments like the skate park; how neighborhoods were complex environments where people could interact; a citizen’s complaint about trash at the cemetery; the benefits of the computers in the police units; clarification about the road map mentioned during the last Council meeting and how it was to help new and existing businesses to navigate through Town government, and how staff had done well in accomplishing the road map; how it was important for Silver City to have the reality and the perception of business friendliness; an ordinance that gave local businesses preference on bids; how funding economic drivers, like MainStreet, helped the Town move forward and well into the future; how department heads worked hard to get the most use of monies; the true issues and upcoming meetings on PNM’s request for a rate increase; how the Governor and his staff were asked to help find a big title sponsorship for the Tour of the Gila race; and encouragement from the Governor for the Town to keep up with its green energy projects.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES – Work Session, October 8, 2010 - Councilor Bettison made a motion to approve the minutes. Councilor Morones seconded the motion. All were in favor, motion passed. **Regular Meeting, October 12, 2010** - Councilor Bettison made a motion to approve the minutes as presented by staff with the correction. Councilor Morones seconded the motion as stated. All were in favor, motion passed.

8. REPORTS – MainStreet Program update – Nick Seibel, MainStreet Project Manager, reported on Silver City’s MainStreet 25th anniversary; the MainStreet purpose, goals and accomplishments; challenges they were facing; visiting with the Council on a quarterly basis; the benefits that it brought to the Town, its citizens, and businesses; funding that MainStreet had brought into the Town; the Town’s vision; a short brief history of MainStreet’s beginning; and the four point approach of organization, economic positioning, design and promotion. He discussed the Big Ditch project, property vacancies downtown, and the importance of the support of the Council and community. He talked about the upcoming Christmas Parade and the float-making workshop. The Council commented on the Town’s economic return and the investment from the MainStreet Project. The Mayor invited the public to enjoy their lunch at the Big Ditch Park and enjoy the park. Comments continued on the awards and funding that MainStreet received for interpretive signage for the Big Ditch Park in order to tell its history, and how Silver City was a unique place.

Police Chief Reynolds reported on a news release that would provide safety tips for Halloween and he gave safety tips for the upcoming Christmas season. The Council commented on honoring homes that had their lights off during Halloween; calling Central Dispatch for extra patrol; the importance of having community outreach during Halloween; and careless and inattentive driving, and devices and activities that distract drivers.

Mayor Marshall reported good news on the economic front about Freeport McMoRan's announcement of hiring 570 employees, and he said it would provide a nice economic boost to the area. He also reported on a \$25,000,000 project in Lordsburg that would also be hiring.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS

A. Approval / Disapproval of Public Celebration Permit application for the Silver City Museum Society to host a retirement/fundraiser celebration for retired Silver City Museum Director, Susan Berry, on December 3, 2010, at the Grant County Conference Center, 3031 E. Hwy. 180, Silver City, NM. License holder information: St. Clair Winery, Deming, NM – Tom Hines, President of the Silver City Museum Society and Herb Toy, member, discussed the need to change the date of the event to allow for sufficient planning to recognize Susan Berry for all of her accomplishments over her 36 years of service. Councilor Wheaton-Smith made a motion to approve the public celebration permit application. Councilor Bettison seconded the motion as stated. Mayor Marshall stated that it was basically a rehearing and only a date change was being requested. All were in favor. Motion passed.

B. Approval / Disapproval of Resolution No. 2010-31: participation in Local Government Road Fund Program administered by New Mexico Department of Transportation – Manager Brown explained the details of the resolution requesting a time extension to expend the funds for the sidewalk project on Cactus Street and he referred to the bid that was rejected two Council meetings past. Councilor Bettison made a motion to approve Resolution No. 2010-31. Councilor Wheaton-Smith seconded the motion as stated. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Thomson – aye; Councilor Wheaton-Smith – aye; and Councilor Morones – aye. All were in favor. Motion passed.

C. Approval / Disapproval of Notice of Intent Ordinance No. 1173: an Ordinance creating an Arts and Cultural District pursuant to the New Mexico State Enabling Legislation; setting district boundaries; providing for Arts and Cultural District governance; investment and assistance; a management council; formally recognizing and providing for administrative operations; requiring a report to Town Council – Peter Russell, Community Development Director, presented the details and purpose of NOI Ordinance No. 1173. He stated that the Arts and Cultural District was a project initiated by MainStreet. He gave a brief history of the District. He said that the District had developed a cultural plan; was the agent that initiated the Downtown Action Plan; that it had an executive director that provided support; and had developed a website. He said the State required that the District be formally recognized by the Council by ordinance and that the District's boundaries be formally established. He described the areas the District would cover and explained that the ordinance would formalize a steering committee that would manage the project and its responsibilities. He talked about the tax credit benefit it would provide to historic structures. He explained how the Town's investment of \$8,000 had been returned many times to the Town.

Councilor Wheaton-Smith made a motion to recess at 7:00 PM. Councilor Morones seconded the motion. Councilor Wheaton-Smith, Councilor Morones, and Councilor Thomson voted in favor of the motion. Motion passed. Mayor Marshall asked for the record to show that Councilor Bettison had stepped out. Mayor Marshall called the meeting back to order at 7:10 PM. Discussion continued on the benefits that the ordinance would have for the Town. Councilor Wheaton-Smith made a motion to approve NOI Ordinance No. 1173. Councilor Bettison seconded the motion as stated. All were in favor. Motion passed.

D. Appointment of 1 member to the Planning and Zoning Commission – Councilor Wheaton-Smith made a motion to postpone the agenda item until the next Council meeting. Councilor Bettison seconded the motion. Mayor Marshall strongly urged the Council not to postpone action on the item because of the number of members whose terms were expiring and stated that the Commission was a critical function within the Town. He said they needed to make sure there was a full Commission which would enable a complete and thorough hearing. Councilor Wheaton-Smith stated he would have to temporarily withhold his consent at that time if it was not postponed. Councilor Thomson asked Councilor Wheaton-Smith what his reason for postponement was. Councilor Wheaton-Smith stated his personal opinion was that the Planning and Zoning Commission was completely dysfunctional. He said that he had received many e-mails and personal contacts about it and that he realized that members were resigning. He said that remedial action in the form of training had been attempted. He stated that the problem and solution needed to be identified, fixed and then to make appointments. He stated that his personal opinion was that the Planning and Zoning Commission was not a functional organization. Mayor Marshall stated that his professional response to Councilor Wheaton-Smith's comments was that there were some issues at a recent meeting and he commented on how things were considered by the Commission. He said the Commission had received some training and would receive additional training, and that the attorney would be asked to attend some of the meetings and work with them as needed during the meeting. He stated that if a significant number of Commissioners were lost then the Town would not be able to provide the service. He said a postponement would send a negative message to them instead of a positive message that the Council could help them and make sure they could fulfill their duties in a just manner. There was no further discussion. Mayor Marshall asked for the vote in favor of postponement. Councilor Wheaton-Smith was in favor of the postponement. Councilor Bettison, Councilor Thomson, and Councilor Morones were opposed. Motion died.

Mayor Marshall recommended Council consensus to appoint Alexandra Perrault to the Commission. Councilor Wheaton-Smith stated he would withhold his consent. Mayor Marshall stated that he did not have Council consensus. Attorney Scavron stated that a 100 percent consensus was not needed and he said they should take a vote. Those in favor of the appointment were Councilor Bettison, Councilor Thomson, and Councilor Morones. Councilor Wheaton-Smith was opposed. The appointment was carried.

E. Approval / Disapproval of Bid 10/11-6: Vistas de Plata Clean Fill Transport - Manager Brown explained the details of the bid. He stated that the Town would be reimbursed by the grant funds that had been received for the infrastructure of the Vista de Plata Subdivision, and that even if the final plat was not approved the Town would still be reimbursed. He stated that two bids were received: Fowler Brothers, Inc. at \$6.00 per cubic yard and Southwest Concrete and Paving at \$5.75 per cubic yard. Councilor Morones made a motion to approve staff's recommendation to award the bid to Southwest Concrete and Paving Inc. in the total amount of \$30,870.31 which included \$2,120.31 of gross receipts tax. Councilor Wheaton-Smith seconded the motion as stated. All were in favor. Motion passed.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 7:22 PM. Councilor Bettison seconded the motion. All were in favor. Motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk