

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
November 23 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
Ann L. Mackie, Town Clerk
Robert Esqueda, Utilities Director
Peter Russell, Community Development Director

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 6:04 PM.

2. CEREMONIES – None.

3. PROCLAMATIONS – None.

4. PUBLIC INPUT – Pam Weber, a member of the Museum Society, commented on the Retirement Bash on December 3, 2010, to celebrate the 36 years of service to the Silver City Museum by retired Museum Director, Susan Berry.

5. COUNCIL COMMENTS - The Council commented on the following: recently attended events; how the Library Board and the Library Director were working on the feasibility of re-structuring the unrestricted funds that had been donated or gifted to the Library so that in the event of an emergency the Library Director would have access to the monies up to a certain amount; a recent Resolution passed by the Dispatch Board to ensure the stability of grant funds for E911 training, equipment, and network costs; an update on a fence that was required on Town property at the top of 19th Street that could cost \$15,000 - \$20,000; 2 examples of collaboration between the Town of Silver City, the school system, and the citizens; how the New Mexico Municipal League was working on a draft Resolution about the residency and proximity of sex offenders; and a discussion about government to a 4th grade class.

Councilor Bettison announced that she would run for re-election for Town Councilor in District 1 during the upcoming Municipal Election to be held on March 1, 2011.

Councilor Wheaton-Smith apologized to David Gershenson, Chair of the Planning and Zoning Commission, and to the other members of the Commission for his recent comments that described the Commission as being “dysfunctional”. He said that he did not realize how much pain his comments had caused, and how he would try to be more diplomatic in the future. He also commented that his decision to run again for Town Councilor for District 3 would be based on whether he would have the time, and he described his other personal responsibilities. He encouraged other people to run for District 3 Councilor and explained some of the process.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES – Regular Meeting, November 9, 2010 - Councilor Bettison made a motion to approve the minutes. Councilor Morones seconded the motion. All were in favor, motion passed.

8. REPORTS – None.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of 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 of Ordinance No. 1173, and there was further discussion. Councilor Wheaton-Smith made a motion to approve Ordinance No. 1173. Councilor Bettison seconded the motion with one amendment on page 3 of 6, Section 1 (B) to correct the wording to “Western New Mexico University campus”. Councilor Wheaton-Smith accepted the friendly amendment. There was further discussion. A roll call vote was taken with the following results: Councilor Morones – aye; Councilor Wheaton-Smith – aye; Councilor Thomson – aye; and Councilor Bettison – aye. Motion passed

11. NEW BUSINESS

A. Approval / Disapproval of Resolution No. 2010-33: a Resolution authorizing the submission of a NM Community Development Block Grant Program application to the NM Department of Finance and Administration / Local Government Division; and authorizing the Mayor as the Town's Chief Executive Officer and Authorized Representative in all matters pertaining to the Town's participation in the Community Development Block Grant Program. Manager Brown presented the details of Resolution No. 2010-33, and there was further discussion. Councilor Wheaton-Smith made a motion to approve Resolution No. 2010-33, and Councilor Bettison seconded the motion as stated. A roll call vote was taken with the following results: Councilor Morones – aye; Councilor Wheaton-Smith – aye; Councilor Thomson – aye; and Councilor Bettison – aye. Motion passed.

B. Approval / Disapproval of Granting Authority to the Town Manager to execute a Statement of Agreement and Notice of Federal Interest with regards to the lease of Town property to Hidalgo Medical Services. Manager Brown presented the details and said it was basically a requirement for federal funding for Hidalgo Medical Services and that it re-stated what was in the lease since they were putting in \$8.7 million of federal funding to the medical facility. There was further discussion. Councilor Morones made a motion to approve granting authority to the Town Manager to execute a Statement of Agreement and Notice of Federal Interest, and Councilor Wheaton-Smith seconded the motion as stated. There was no further discussion. All were in favor, motion passed.

C. Notice of Intent Ordinance No. 1175: an Ordinance amending Chapter 34, Section 179 (Unlawful Noises) of the Town of Silver City Municipal Code. Councilor Morones presented the details of NOI Ordinance No. 1175. He said that he found it necessary for the public's health, safety, and welfare, and that it would replace the current ordinance that relied solely on the reasonable person's standard. He said there were 3 different approaches that they could take on a noise ordinance: 1) a reasonable person's standard, 2) an objective approach, or a 3) hybrid. He said NOI Ordinance No. 1175 had a hybrid approach by using both objective and subjective standards, and that it was recommended by the Noise Ordinance Advisory Committee and Town staff. There was further discussion. Councilor Morones made a motion to approve NOI Ordinance No. 1175, and Councilor Wheaton-Smith seconded the motion as stated. All were in favor, motion passed.

D. Approval / Disapproval of Bid 10/11-7: ADA and street improvements on Cactus Street, Phase I. Manager Brown presented the details and said the Town received responses from Southwest Concrete and Paving, Inc. and David Montoya Construction, Inc. He said it was staff's recommendation to award the bid to Southwest Concrete and Paving, Inc. for a base bid of \$69,968.00 with an Additive Alternate #1 cost of \$5,807.00, for a total with gross receipts taxes as \$81,363.41. There was further discussion. Councilor Bettison made a motion to approve Bid 10/11-7 per staff recommendation. Councilor Morones seconded the motion as stated. There was further discussion. All were in favor, motion passed.

E. Appointment of 1 member to the Library Board. Mayor Marshall appointed Nick Seibel to the Library Board, and there was no objection by the Council.

F. Appointments of 2 members to the Planning and Zoning Commission. Mayor Marshall stated that Mr. Gershenson's term had expired in 2009, but he had been gracious enough to continue to serve in order to make sure the revised Land Use Code was done. He said he would like to replace Mr. Gershenson with Sherry Clements. There was no objection from the Council. He said he would like to hold off any other appointment because the other members' terms had not expired yet.

Councilor Bettison made a motion for a short recess at 7:04 PM, and Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 7:15 PM. Councilor Bettison made a motion to go into **Executive Session pursuant to NMSA 1978 Section 10-15-1(H) for the following reasons: (8) meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body.** Councilor Thomson seconded the motion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor – Thomson – aye; Councilor Wheaton-Smith – aye; and Councilor Morones – aye. Motion passed. The matters discussed in the closed meeting were limited only to those specified in the motion for closure.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 8:50 PM. Councilor Bettison seconded the motion. All were in favor. Motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk