

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
June 12, 2012, 6:00 p.m.**

Present:

James R. Marshall, Mayor
Cynthia A. Bettison, District 1
Pauline N. Hassler-Cook, District 2
Jose A. Ray, Jr., 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
Rudy Bencomo, Fire Chief
Jim Coates, Town Planner

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:00 p.m., and Councilor Morones 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: how the Code Enforcement Officers asked Councilor Bettison to thank everyone in the southwest portion of District 1 for complying with weed abatement; Councilor Bettison extended invitations to everyone, the Council, and staff to attend a Town and Gown Celebration on June 14th at the Western New Mexico University Museum to welcome home the Nan Ranch Collection of Mimbres pottery pieces, etc.; thanks were given to Faye McCalmont, Executive Director of the Mimbres Region Arts Council, and the Silver City Police and Fire Departments, Blues Festival Committee, etc. for their work on another successful Blues Festival; how the bike show during the Blues Festival weekend was excellent; a reminder to residents to clean up the weeds around their yards and sidewalks; how a t-shirt store was vandalized, and how the Silver City Police Department should not be blamed because they do their duty; thanks were given to the Street Department for fixing a speed bump on Cooper and San Vicente Streets; the possibility of a Senior Day with some local merchants; how local motels were not completely filled during the Blues Festival and were asked to keep their prices down so people could have fun in Silver City; the cleanup of the old housing district area near the Old Mill Road in District 3; the possibility of a memorial for Johnnie Banks; congratulations were offered to Silver City MainStreet Project for receiving an award in the amount of \$175,000, and how over the last 27 years they had brought in over \$1,000,000 to the town and did a great job in bringing in money and helping keep the downtown vibrant; how the Town and Silver Schools partnered to fix up the tennis courts and how they were completed and striped as a professional tennis court should be; how the Town applied and received a Community Development Block Grant in the amount of \$432,457.40 for street and drainage improvements in the Chihuahua Hill area, and the Public Works Department was congratulated; how Great Lakes Airlines had filed a notice of intent to terminate service; and a future bike run to benefit scholarships.
- 6. CHANGES TO THE AGENDA** – Mayor Marshall changed New Business Item C to change the amount of appointments to the Planning and Zoning Commission to 2 members.
- 7. APPROVAL OF THE MINUTES – Regular Meeting, May 22, 2012** - Councilor Bettison moved to approve the minutes of the Regular Meeting of May 22, 2012 as presented with revisions. Councilor Ray seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of May 22, 2012. He asked if there was any discussion, and there was none. He asked all those in favor to say aye, and all 4 Councilors voted aye. He asked if any were opposed, and there were none. Motion carried.

8. REPORTS – A. Report on the 2012 Grant County Community Assessment and focus group information by Tiffany Knauf, Coordinator of the Grant County Community Health Council. Ms. Knauf distributed materials to the Council and provided the history and mission of the Health Council. She said they currently worked on 5 priority areas: 1) behavioral health, 2) economic development, 3) community safety, 4) fitness and nutrition, and 5) family resiliency. She reported that the community assessment gathered data on the needs of the Grant County residents regarding their health and wellness concerns. She said the results of the assessment may help with grant applications for local non-profits, local governments, county government, and any other community member that would require community input for their grant application. She provided details from the last assessment done in 2006 and said they would be collecting data for the current assessment until September, and present the results in 2013.

Fire Chief Bencomo read the Municipal Code, Section 18-24, regarding the duties and responsibilities of the Fire Chief, and he reported on current fire restrictions in the town and county. There was further discussion.

9. PUBLIC HEARINGS –

A. Approval / Disapproval of Ordinance 1204: an Ordinance amending the Town's Official Zoning Map by rezoning from Commercial to Historic Downtown Commercial a parcel described as the East 56.10 feet of Lots 1 and 3 of Block 62 of Fraser's Survey of the original Townsite of Silver City, Grant County, New Mexico (101 N. Bayard St.). Mayor Marshall stated the Town Council would serve as the hearing board and he would serve 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 the case, and none had. Mayor Marshall asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. The Town Clerk swore in 2 witnesses for the hearing. Mayor Marshall read the procedures of how the hearing would be conducted. Jim Coates, Town Planner, presented details of the staff report for the zone change request and said 1 of the 7 findings would have to be seen as part of the proposal. He said the Planning and Zoning Commission met on May 1, 2012 and recommended approval based on finding #7. He answered questions from the Council. Mayor Marshall asked the applicant to present her case. Sylvia Mikes, broker, said she was representing Les Rubin, owner of 101 N. Bayard Street, to ask for the zone change because the property was under contract and they could not proceed until they received a happy medium for zoning. There were no questions for the applicant. Ms. Mikes did not have anything else to add to the record. Mayor Marshall asked the hearing board if they were ready to render a decision, and they said yes. He said he would entertain a motion, but then asked if anyone was in opposition to the application, and nobody came forward. Councilor Ray moved to approve Ordinance No. 1204, and he read the agenda item description, with finding #7, and he read the language. Councilor Morones seconded. Mayor Marshall said there was a motion and a second, and asked if there was any discussion. There was no further discussion. He said there was a motion and a second to approve Ordinance No. 1204, and read the agenda item description, with finding #7, "the proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code." He said the finding fulfilled the requirement stated in Section 6.3.2 of the Land Use and Zoning Code of 2010. He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

B. Approval / Disapproval of Ordinance 1205: an Ordinance amending the Town's Official Zoning Map by rezoning from Commercial to Historic Downtown Commercial a parcel described as all of the East 36.50 feet of Lots 2, 4, 6, and 8, and part of the West 35.00 feet of Lots 1, 3, 5, and 7, of Block 97 of Fraser's Survey of the original Townsite of Silver City, Grant County, New Mexico (608 W. Yankie St.). Mayor Marshall stated the Town Council would serve as the hearing board and he would serve 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 the case, and none had. Mayor Marshall asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. The Town Clerk swore in 2 witnesses for the hearing. Mayor Marshall read the procedures of how the hearing would be conducted. Jim Coates, Town Planner, presented details of the staff report and stated the Planning and Zoning Commission met on May 1, 2012, and recommended adoption of the zone change based on findings #1, 2, 4, and 7. Mayor Marshall said the applicant could present her case. Carmon Steven, owner of 608 W. Yankie Street, said she was in the process of attempting to refinance the property and came up against the fact that although it was residential when she bought it, it was currently considered commercial. There were no questions from the hearing board. Mayor Marshall asked Mr. Coates to confirm that regardless of the

financing conditions that the standard within the Land Use Code was that it fit the neighborhood. Mr. Coates said yes, that it fit what was on the ground in the neighborhood and would offer benefits to the neighborhood and to the individual property owners. Mayor Marshall asked if there were any witnesses in opposition to the application, and there were none. He asked Ms. Steven if she had anything else to be reflected in the record, and she said no. He asked if the Council was ready to render its decision, and they said yes. He said he would entertain a motion. Councilor Ray moved to approve Ordinance No. 1205, and he read the agenda item description, with finding #4, and he read the language. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to approve, and he asked if there was any discussion. There was no further discussion. He said there was a motion and a second to approve Ordinance No. 1205 and read the agenda item description, with finding #4, "the proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code." He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

Councilor Bettison moved for a short break at 6:56 p.m. Councilor Morones seconded. Mayor Marshall said there was a motion and a second for a short break and asked all those in favor to say aye. All 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried. Mayor called the meeting back to order at 7:07 p.m.

10. UNFINISHED BUSINESS - None.

11. APPROVAL OF CONSENT AGENDA -

A. Approval / Disapproval of 3 Public Celebration Permit Applications for a Welcome Celebration for Parents of Western New Mexico University's Class of 2016, at Hunter Hall on 10th St., Silver City, NM. Sponsor of the Event: WNMU Alumni Affairs. License Holder: St. Clair Winery, License # 6130, 1325 De Baca Rd., SE, Deming, NM. The permit applications are for the same event at the same location on 3 separate dates as follows: 1) June 21, 2012, from 4:30 p.m. - 6:30 p.m., 2) July 19, 2012, from 4:30 p.m. - 6:30 p.m., and 3) Aug. 8, 2012, from 4:30 p.m. - 6:30 p.m. Mayor Marshall read the agenda item description and asked if anyone wished for any part of the agenda item to be pulled for discussion, and no one made that request. He said he would entertain a motion. Councilor Bettison made a motion to approve the 3 Public Celebration Permit Applications and she read the agenda item description. She asked Attorney Scavron if it should also include the approval of a waiver of Section 60-6B-10 of the New Mexico State Statutes Annotated because the events would be held on the campus of Western New Mexico University. Attorney Scavron said yes so she added the waiver to the motion. Councilor Morones seconded. Mayor Marshall said there was a motion and a second, and he asked if there was any discussion. There was no further discussion. He said there was a motion and a second to approve the 3 Public Celebration Permit Applications as published and read twice with the waiver according to statute to allow it to be within 300 feet of a school. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

12. NEW BUSINESS -

A. Approval / Disapproval of Pawnbroker Bond, Principal: D. Patton dba General Pawn and Trade, 1960 1/2 Hwy 180, Silver City, NM, Bond amount \$5,000. Dina Patton, applicant for a Town business license for a pawn shop, General Pawn and Trade, said she was hoping to start a business in town. She said that she posted a \$5,000.00 pawnbroker's bond and was awaiting their approval. Mayor Marshall said the bond was in accordance to the code of the Town of Silver City and that they must approve it. He said the staff had reviewed it and found everything to be in order. He asked if there were any questions, and there were none. He said he would entertain a motion. Councilor Ray moved for approval and he read the agenda item description. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to approve, and asked if there was any discussion. There was none. He stated there was a motion and second to approve the Pawnbroker bond, Principal: D. Patton dba General Pawn and Trade, 1960 1/2 Highway 180, Silver City, NM, bond amount \$5,000. He asked for all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

B. Approval / Disapproval of an Agreement between the Town of Silver City and the Fraternal Order of Police, Silver City Police Officers Association, from July 1, 2012 to June 30, 2014. Manager Brown said the Town of Silver City and the police union met to negotiate their contract because the current contract would end June 30th. He

provided details of some of the changes. He said the union had ratified the agreement and approved the changes to the contract, and the increases were included in the preliminary budget that was already presented. Mayor Marshall asked if there was any discussion, and there was none. Councilor Morones moved to approve the Agreement and he read the agenda item description. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve the Agreement between the Town of Silver City and the Fraternal Order of Police as presented, as published on the agenda and read. He asked if there was any discussion, and there was none. He said there was a motion and a second, and no discussion, asked all those in favor to say aye. All 4 Councilors voted aye. He asked if any were opposed, and there were none. Motion carried.

C. Appointment of 2 members to the Planning and Zoning Commission. Mayor Marshall said there were 2 applicants and 2 openings. He said the Chair and staff recommended the appointment of John H. Lawson and D. R. Patterson, and found them to be qualified and would be a benefit to the Commission. He asked if there was any objection from the Council, and there was none. He said the 2 applicants were appointed.

13. ADJOURNMENT – Mayor Marshall said he would entertain a motion to adjourn. Councilor Morones moved to adjourn at 7:15 p.m. Councilor Ray seconded. Mayor Marshall stated there was a motion and a second to adjourn. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if there were any opposed, and there were none. Motion carried.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk