

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy 180, Silver City, NM  
November 13, 2012, 6:00 p.m.**

**Present:**

James R. Marshall, Mayor  
Cynthia A. Bettison, District 1  
Pauline N. Hassler-Cook  
Jose A. Ray, Jr., District 3  
Michael S. Morones, District 4

**Also Present:**

Alex C. Brown, Town Manager-Finance Director  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney  
Ed Reynolds, Chief of Police  
Jim Coates, Town Planner

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:03 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** - None.
- 4. PUBLIC INPUT** – None.
- 5. COUNCIL COMMENTS** – Councilor Bettison commented that it was near Veterans Day so she personally wanted to thank Councilor Ray, Town staff members, audience members, and all of Grant County veterans for their service to our country, and also her family members that had done the same. She thanked Town staff that were working on the Cactus Street sidewalk and curb project, and said it looked good and that folks were happy about it. She thanked the Parks Department for cleaning up the leaves in Gough Park that morning. Councilor Bettison announced that she would run for re-election for the position of Councilor in District 1, and that it would be her 3rd 2-year term. She said it had been a pleasure and an honor to serve the residents of District 1, the Town of Silver City residents at large for the past 4 years, and to serve with Mayor Marshall and all of the Council members. See additional Council comments that were made prior to adjournment.
- 6. CHANGES TO THE AGENDA** – The Council had no objection to Mayor Marshall's request to skip over Agenda Item 9, Public Hearing A., because the requestor of the Public Hearing had not yet arrived at the meeting at 6:16 p.m. The Council made decisions on Agenda Item 10, Unfinished Business A., and Agenda Item 11, New Business A., before commencing the Public Hearing. Therefore, the numbering outline of these Minutes have been set accordingly.
- 7. APPROVAL OF THE MINUTES – Regular Meeting on October 23, 2012** – Councilor Bettison moved to approve the minutes of the Regular Meeting of October 23, 2012. Councilor Morones seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of October 23, 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** – Police Chief Reynolds announced that the Silver City Police Department was collecting coats for kids at the Police Department and at the Church of the Nazarene on Mountain View Road. Jim Coates, Town Planner, reported that the Community Development Department was still working on the Bicycle and Pedestrian Plan and that they planned to bring it to the Council after the first of the year.
- 10. UNFINISHED BUSINESS** –
  - A. Approval / Disapproval of Resolution No. 2012-29: a Resolution fixing the compensation for the Town Manager, and further, authorizing the Mayor to negotiate and execute an employment contract between the**

**Town and Alex C. Brown.** Mayor Marshall stated Mr. Brown had served the Town as the Town Manager for several years, and had proven competency, dedication, and exceptional skill in that job. He said the Resolution would set his salary, and the terms of his contract would be negotiated later. He said the salary that he was proposing was \$100,000 per year and they would negotiate other terms within the contract. He said that he had looked around the state, and that they were still under paying Mr. Brown in comparison to other City Managers, and that he continued to excel at the job of Finance Director. He said it was in the best interest of the Town that they retain Mr. Brown in that position as well because they had at least 8 years of audits with no findings or findings that were later deemed inappropriate. He commented on Mr. Brown's creativity in doing the Town's finances; how his work with the staff to get them through the recession years was exceptional; that he had been called on around the state; and that he held positions on different boards in the community and that those boards were very dependent on Mr. Brown's expertise. He stated that he would happily and excitedly recommend approval of Resolution No. 2012-29 that would set the stage to retain Mr. Brown as Town Manager and Finance Director. He asked the audience if they had questions, and there were none. He asked if the Council had comments or questions. Councilor Bettison moved to approve Resolution No. 2012-29 and she read the agenda item description. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to approve Resolution No. 2012-29, and he asked if there was any discussion. Councilor Bettison and Councilor Morones spoke favorably about Mr. Brown's performance as Town Manager and Finance Director; that he was well respected throughout the state; that he was being paid less than his peers; and how it was hoped that the quality of life and his love for Silver City would be a huge motivator in keeping him in Silver City so other towns would not try to steal him from them. Mayor Marshall said there was a motion and a second to approve Resolution No. 2012-29: a Resolution fixing the compensation for the Town Manager, and further, authorizing the Mayor to negotiate and execute an employment contract between the Town and Alex C. Brown. He asked for a roll call vote and Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried. Mr. Brown thanked the Mayor and Council and said nobody would snatch him up because he loved the community.

## **11. NEW BUSINESS -**

**A. Approval / Disapproval of 2 Public Celebration Permit Applications for the Mimbres Region Arts Council's Black Tie Benefit Ball on December 15, 2012 at the Murray Hotel, 200 W. Broadway Ave., Silver City, NM. Winegrower & Small Brewer License Holder information: 1) Luna Rossa Winery, Inc., 3710 W. Pine, Deming, NM 88030, and 2) High Desert Brewing Co., 1201 W. Hadley Ave., Las Cruces, NM 88005.** Faye McCalmont, Executive Director of the Mimbres Region Arts Council, said she was seeking the Council's approval for 2 separate public celebration permits for the Black Tie Benefit Ball. She asked if they had any questions. Mayor Marshall asked if the hotel had their certificate of occupancy. Mr. Brown explained that the Building Inspector, Fire Marshal, and Code Enforcement Officer recommended the approval of the permits, but contingent on some fire issues being corrected by the hotel. Mayor Marshall confirmed with Mr. Brown that the Council could approve the public celebration permits, but the event could not be held in a building without a certificate of occupancy. There was further discussion. Mayor Marshall said he would entertain a motion. Councilor Ray moved to approve the 2 public celebration permit applications and he read the agenda item description. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve and he asked if there was any discussion, and there was none. He said there was a motion and a second to approve 2 Public Celebration Permit Applications for the Mimbres Region Arts Council's Black Tie Benefit Ball on December 15, 2012 at the Murray Hotel, 200 W. Broadway Ave., Silver City, NM. Winegrower & Small Brewer License Holder information: 1) Luna Rossa Winery, Inc., 3710 W. Pine, Deming, NM 88030, and 2) High Desert Brewing Co., 1201 W. Hadley Ave., Las Cruces, NM 88005. 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.

## **9. PUBLIC HEARINGS –**

**A. Approval / Disapproval of Resolution No. 2012-27: Metropolitan Redevelopment Area Designation; making certain findings and determinations pursuant to the Metropolitan Redevelopment Code; and designating the Silver City Downtown Metropolitan Redevelopment Area.** 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 all 4 Councilors said no. Mayor Marshall stated that he had discussions with Nick Seibel, Manager of Silver City MainStreet Project, about doing an MRA, but he had not had discussion over Resolution No. 2012-27 so he qualified

all of them to be on the hearing board. He 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 3 witnesses for the hearing. Mayor Marshall read the procedures of how the hearing would be conducted. He told Charlie Deans that he had the floor. Mr. Deans said he was a Consultant with CommunityByDesign and that he was also with the New Mexico MainStreet Urban Design Program. He discussed the New Mexico statute called "The New Mexico Metropolitan Redevelopment Code," and said it was approved in the 1980s and gave municipalities additional authorities to remove and aid deteriorated, underutilized or blighted portions of a downtown by establishing a Metropolitan Redevelopment Area (MRA). He described the criteria for designating an MRA; how an assessment of the area that met the criteria was made; that the municipality would need to approve a Designation Report that documented the area that met the criteria; and that the Designation Report and map defining the MRA was in the Council's packet. He said the first step was to approve the Resolution, and the next step was to develop a Metropolitan Redevelopment Plan. He said the plan would look for projects that when implemented would help to eliminate the blighted and stimulate economic activity. He said the plan would come to them as an ordinance in the future with a public hearing. He said the statute was geared toward creating public/private partnerships to get the projects done and relaxed the anti-donation clause in the state constitution so the city could do public/private partnerships with private property owners or developers in the downtown to implement the projects. He commented on the other tools that an MRA could provide to a municipality, such as having the authority to change the zoning or incentives within the district itself; land assembly; and funding and financial tools and incentives, such as a Tax Increment Financing District, revenue bond financing, tax deferrals or credits, and CDBG, EPA and other federal funding sources. He commented further on the Tax Increment Financing Districts and said it would not raise taxes and was not a new tax, but was using the existing property tax base. He discussed MRAs in other New Mexico communities that were either approved or in process. He said they had 1 community workshop with the same presentation, a display ad was published in the newspaper, and a mailing to the property owners was sent out. He said they had a request from 1 property owner to be excluded from the MRA boundary, and he recommended that the property be excluded. He said that when they defined the area they did not look at each parcel and each lot, but considered a few things, such as the Census track and income levels, and that it was fairly broad brushed. He asked that they approve the amended map that was in their packet. He concluded his presentation and asked the Council if they had questions.

Mayor Marshall asked the Council if they had questions. Councilor Cook asked if it would affect loans if people had homes in the area, and Mr. Deans said no. Councilor Bettison referred to the Designation Report and commented that the map should be changed so Western Street was correctly named West Street, and how the second paragraph on page 4 needed to be corrected because the first sentence really was not part of the issue. Mr. Deans thanked her. She said if they passed the Resolution that the plan should be corrected in a few places so it would look less damaging in some areas. She read part of the first sentence of the first paragraph under Economic Conditions on page 10 and asked Mr. Deans if the primary reason that businesses had moved out of downtown was because of the physical condition of downtown. Mr. Deans said it was one of the contributing reasons, but not necessarily the primary one. She said she knew it was to support the MRA designation, but she knew the economy had something to do with it as well. Mr. Deans agreed. She commented on the demographics and how they were pertinent because they substantiated the demographics and the comparison across the rest of Silver City. She said the comparison was key because they did not have as many retail businesses downtown as they thought they did. She said that she thought it was a very good report and explained why having the designation would benefit the Town and benefit them in attracting redevelopment in the area. Councilor Cook commented on the pictures in the Designation Report and that she did not like the phrase, "help to eliminate the blighted," and the word "slum." She said that she knew there were rundown buildings on Bullard Street and Texas Street and the side streets, and asked if it meant the buildings would be bulldozed down. She asked if it was funding for the business owners so they could fix the buildings with low-interest loans and then try to rent them. Mr. Deans said it gave the Town the ability to set up low interest loans if that was one of the projects or tools that they wanted to take advantage of. He said that he was not aware if a building owner could go to a bank and say they were eligible for federal loans for the areas that met the designation under the state statute. He said it gave the Town options to create that if that was a program that they wanted for a public/private partnership in order to help the building owners. He said it would provide other opportunities for the Town to work with those private property owners on doing improvements to their property. He said the word "blighted" was in the statute and that it had been designated before in Silver City's history. There was further discussion about the options for the Town with an MRA.

Mayor Marshall said that he had problems with the plan because the plan itself was evidence that they made themselves what they needed to make themselves in order to get funding. He said that other plans on the shelves in the city contradicted it because they said how great they were and to come do business in Silver City. He said it really bothered him. He said he understood the language and criteria that they had to meet to get the designation, and that they had significant problems downtown in that area, but there were many areas that had done rehab work and were excelling in the community. He said there was a building on Bullard Street built in the 1990s that was not in that bad of shape, but according to Resolution No. 2012-27 they were going to declare that it was in a slum and blighted area. He commented further on the negative aspects of designating areas as slum and blighted, and that they should not be taking one broad stroke to take out the whole downtown area. He said Albuquerque attacked slum and blighted areas in pieces. He commented on a picture and text on page 9 of the Designation Report of poor parking behind the Fire Department that contributed to the areas deteriorating condition. He said it was a dead end street that had been the Fire Department and Police Department's parking lot for years, and that it did not go anywhere or come from anywhere. He said the report was not accurate to say it contributed to the deteriorating conditions. Mayor Marshall said that he may be able to support the Resolution at some point when the plan was refined or edited, but he also thought they should look at whether they wanted to designate some of the residential areas that were currently in the map. He said that he did not think that one mailing and public notices in the paper were a true indication of people's concerns, and that there was great concern that they continue to support MainStreet and the MainStreet district, and the businesses downtown. He said if people really looked at what the MRA was saying and doing, and how it was portraying their town, that there would be a lot more people at the public hearing that would be concerned over their investments that they had made in the town and what the Town was doing to their investment with a promise of opportunity. He said Mr. Deans could respond, but right then he truly hoped that the Resolution would fail.

Mr. Deans responded by saying they did not do a parcel by parcel inventory, and the words "blighted and slum" were in the statute so they had to use that language, but other criteria could be used to qualify for the MRA designation, such as economic activity, vacancies, broken sidewalks, etc. He said he understood what they were saying, but he tried to document the economic condition and how low the activity was in the particular area, but it was pretty broad brushed. He discussed the MRAs in the City of Albuquerque, etc. Mayor Marshall asked if they did the Resolution, and followed the steps, then how long would it take to see a difference in their downtown, physically and economically. Mr. Deans said he was an optimist and that there were already some improvements that had occurred as a result of the approval of the Downtown Action Plan in 2010. He said the Downtown Action Plan of 2010 would be re-adopted as the MRA Plan, and that they should see a difference in the downtown area within 5 years. Mayor Marshall asked if there were any other questions from the Council. Councilor Bettison said it went beyond the downtown area and that she was not sure why some properties were left out and other properties were included when they said they did not do parcel by parcel. She commented on the beautiful new structure being built by Hidalgo Medical Services on Pope Street and how that area was included in the blighted area; that the paragraphs in the report needed some revisions and how it could make some of the downtown business folks feel pretty bad because of the wording; how focusing on the downtown MainStreet corridor may be the best way to begin, rather than doing such a broad stroke; that a comparison between Silver City and Albuquerque may be inappropriate because Silver City was much smaller; and that it was not necessary to move so rapidly that they lost sight of what they were trying to accomplish. Councilor Morones commented that blight had a very negative connotation. He said that he noticed that the report included a definition of blighted area as defined by state statute, and that it was a paragraph long. He said many elements of the definition of blighted area seemed very benign and simple so it would be very easy to get almost any property to be called blighted, as long as you could get over the negative connotation. He said that he would hate for something to be with a broad brush stroke, and then was lost based on the semantics or the connotation of a single word. He said that it seemed that they did meet a lot of the definition even though they often stick to the first couple of comments of the statute. He confirmed with Mr. Deans that the definition was from the state statute, and that in many cases other people, like Albuquerque, had used the word blight with some of the benign reasons. Councilor Morones agreed that Silver City should not be compared to Albuquerque, and he asked if in some of the bigger MRAs if there were nice buildings. Mr. Deans said yes. Councilor Morones asked if it would be more difficult to spot designate the buildings that were falling down. Mr. Deans said yes, and that the criteria was not just about physical appearance, and he discussed how they used the Census tracks, etc., to create the geographical boundaries. He said that he tried to stay away from residential areas. He said all of the properties within the boundary were following the commercial zoning district in the town so it was another influence even though there were some residential uses in it. He told Councilor Morones that he was correct

about the broadness of the definition and what the code said. Councilor Morones said there were other plans that said they were doing things well and were on the right track and might contradict the Designation Report. He asked Mr. Deans if any of the other plans said the area was not a blighted area. Mr. Deans said he was not aware of that, and that he had not researched it. Councilor Cook asked who made the map. She commented on the boundary of the map, and stated some of the areas were not blighted or slum. Mr. Deans said it was meeting the definition of other criteria, such as economic activity, low income, unemployment, etc. He said the boundary line was created from the criteria and from the committee that worked on the Downtown Action Plan. He said a future MRA could be the private property on Hudson Street. Councilor Bettison commented on areas of College Avenue where the Library, American Legion, a church, a funeral home, College Plaza, residents, and Smith Realty were. She asked if the Downtown Action Plan currently focused primarily on MainStreet and did not extend into the other areas that were on the map. Mr. Deans said the MRA boundary and the Downtown Action Plan boundary were one in the same, but it was not a requirement. He said they could adjust the MRA designation area and leave the Downtown Action Plan just the way it was. He offered to put the map on the wall and change the lines. Councilor Bettison said the plan and the boundary needed to be revisited and the plan needed to be re-worked with some editing.

Attorney Scavron stated the Resolution did not adopt or incorporate the plan, but it made findings and outlined a map. Mr. Deans said the Council was saying the plan, but they meant the Designation Report. He asked the Council if he was correct. Councilor Bettison said it was the Designation Report. Attorney Scavron said the Designation Report was providing substantial evidence to back up the findings that they were making. He said that it did not need to be exact, but needed to have some reasonable relationship to support the findings. He said the actual plan would be a different document, and had not been submitted. Mr. Deans agreed. He said the bottom line was that they were calling themselves something in order to get funding. He read a description of blight as an ugly urban environment. Mayor Marshall stated that he absolutely had problems with that. He said that he did not want to kill it, as far as going forward, but he said that he did not like the way it was being presented. He said that he did not think the Designation Report was giving them substantial evidence to support their findings. He said it had some problems, and that maybe the map needed to be narrowed down. He stated that they were taking what had been historically on paper and were replicating it, when it did not work for them before, and that was why they were talking about it again. He talked about how it was saying some areas were creating their blight, and that he was arguing the structural issues of downtown. He gave an example that they were stating that Yankie Street because of its 2-1/2 foot tall sidewalks and the street had been eroded down, was an issue that was described as creating blight. He said that it did not create blight, but it created a character in Silver City. He said the town was formed by floods and it shaped the town, and could be used as part of a walking tour in downtown Silver City. He commented that the other issue was if they were moving forward with a plan, and they were using an issue such as Yankie Street as one of the things that put them in that position, then he would expect that the plan going forward would be to resolve the problem. He stated that he did not think they were going to resolve that because the buildings were 2-1/2 feet above the street, and if they were to bring the street up, then they would be flooding the buildings. He said that using evidence that supported findings that they had no intention of fixing was not good business, and was not a good argument to have. Mr. Deans said it was fine to take those references out because they had beautiful sidewalks that were character defining elements to the downtown. He said they did not meet the standards, but he could document the designation area in a lot of different ways; that it did not have to be by those high WPA sidewalks. He said that he was fine with taking some of the pieces out that they were not going to correct. He said to the Mayor that he could come back with a revised report and revised boundary line if that was his wish. Mayor Marshall said it would be his wish and that they were in an interesting situation because they had to have a public hearing for the topic. He said that he did not think they could have a work session to go through the next draft line by line to work it out because then they would all have ex parte. He asked Attorney Scavron if he was correct, and Attorney Scavron said they could continue the public hearing and have Mr. Deans return with a different set of justifications for the findings. He stated the resolution itself would be unchanged, but it would be the underlying evidence that they would have as amended. He said the new evidence may not be enough to support the findings or it may be enough at least so they might be more comfortable with them. Mayor Marshall asked Attorney Scavron if they would postpone action on the Resolution. Attorney Scavron said yes, and the Designation Report that was appended would be replaced with something else by the best effort of Mr. Deans to justify and give them the grounds to make the findings that he was asking them to make. He added that he did not know if it was possible with the contract that was between CommunitybyDesign and MainStreet.

Mayor Marshall stated that Nick Seibel could speak. Mr. Seibel said he was the MainStreet Project Manager for Silver City. He said they had taken a negative turn in terms of the questioning; that from the way that he had looked at what was before them, and in the way that the MainStreet organization had promoted it and brought it forth to them. He said that they knew that in his capacity as MainStreet Manager that it was not his job to go around and talk about how bad Silver City was. He said they spent an awful lot of time highlighting all of the unique characteristics of Silver City in marketing, advertising, and on their website. He said that they did not talk about the problems that they had when they were talking about the good things of Silver City; and conversely, when they were talking about the problems that needed to be addressed, they were not often in the habit of tempering that by saying there were lots of good things, too. He said that it was a plan that looked at problems that needed to be addressed and was not a document that marketed Silver City or the good things going for them. He said that he hoped they would all agree that they had lots of good things going for them as a community and in their downtown. He provided points of illustration, such as the Big Ditch, and how there were lots of different ways to look at any element of their community. He said that when he looked at the Designation Report that he saw a toolbox; how they had been doing downtown redevelopment as a MainStreet community for 27 years and that folks were making downtown a better place long before that; how 27 years ago the tools of the Metropolitan Redevelopment Code were not available; that they had accomplished a lot without the tools, but a lot more remained to be done; that a lot more that could be done if they would make the tools available; how a lot of focus had been on why certain areas were included; how there were good reasons from the official designation and the statute as to why they could be included and why they should be included; how it would help them to be eligible for Community Development Block Grants, etc.; how it was not just bad, and from his perspective it was hardly bad at all, but it was a set of opportunities because there were things that remained to be done and the tools would allow it; the boundary and how historically what was considered to be downtown 25 years ago was what they were seeing on the south side and on the west side of the map; how the map varied from the historical definition of downtown on the north side and the east side; how the downtown area near the Hidalgo Medical Services' new building on Pope Street was already beginning to redevelop, etc.; that the Designation Report was based on the Downtown Action Plan that was adopted by Council in 2010 with a number of key ideas and projects that they hoped to accomplish with an MRA designation; how the fact that Silver City was slum and blighted was an established fact and was repeatedly affirmed by the Town Council because they declared Silver City as a Colonias; how being a Colonias had been a total win for the community because they had gotten monies to improve the community, the streets, and infrastructure; how it would offer tools to help themselves before going forward for external funding, but they had to adopt the determination report and designating boundary; and how there was a certain logic to the boundary and it was echoed in several other plans. Mr. Seibel asked that they not look at it as a negative for the community because it was not; it was an opportunity to do great things in their town going forward.

Mayor Marshall asked if there were any comments. Councilor Bettison said she appreciated what Mr. Seibel had said, but she said that she would like to see the Designation Report revisited as suggested by herself and Mayor Marshall. She said revisiting it again was not a bad thing, and that they did not have to rush to judgment. She said it did not mean that they were killing it, but that it would be revisited. She said having a Designation Report that was logical would be more beneficial and make more sense to the citizens of the Town of Silver City and to herself as a Council member that wanted to vote on the Resolution. She said that she could see the positives and that it would be beneficial. She said that she did not want to do it without the report echoing what was needed, but not in a way that juxtaposed the things that were unique about Silver City that would never be repaired. She commented on the high sidewalks and drainages that were naturally in place, and how the fact that the water always ran down them was what caused the problem of how to correct the resurfacing in that area. She said it would always be a natural drainage so that would be part of the redevelopment that they would be seeking; which was how to find a way to make sure that those streets could be resurfaced in such a way that would enhance the area, but retain something that was important to the historic nature of the town. She said that would be a different way of re-phrasing something in the report in the designation. She said that she was asking for a logical Designation Report that could stream straight from the Resolution into why they were designating the area that way. She said that was what it came down to; also, that the photographs of the areas had to be ones that really were through streets being used as streets and not a parking lot. She said that correcting those sorts of things and bringing it back again would ensure that she would look at it and definitely vote it through. She said that at that time she could not support it with the way the Designation Report was written, especially with the suggestions that she had made earlier.

Mayor Marshall said to Mr. Seibel that what he said was perfect and well-said, and that no objection had been heard from the Council about the concept or to the potential, but they had problems with the report. He said the report needed to be less subjective and more objective, and then he would be more happy. Mr. Seibel told the Mayor that he was sure that Mr. Deans could do some wonderful things to meet his standards. He said the end result would be that they would not be able to adopt it without using the words "blight and slum" again because it went with the territory; whether they liked it or not, and that he did not like it any more than they did. He said it was an amazing opportunity, and that he hoped they could alter it in a way that made them feel as good about it as they possibly could. He commented further on the picture of the parking lot behind the Public Safety Building; how they could improve the parking; how that spot was the confluence of Silver Creek and Pinos Altos Creek and was the head of the Big Ditch; how it was the only place where you could stand on Main Street and look down on where Main Street used to be; how it was a spot that was intensely powerful when telling the story of where it came from and that they did not use it at all; how one of the key ideas in the Downtown Action Plan talked about finding some way to interpret the story of the Big Ditch at that point where you could see the transition from street into ditch; and how it was a real opportunity to do something that could help them in the community. Mayor Marshall said that was not how it was used in the Designation Report. Mr. Seibel said right, but in the next phase they could point to it. He said the Designation Report was the foundation and the ground work for the next step in the process that was to come up with a plan and to figure out where they would go next.

Mayor Marshall asked if there was any other testimony in support of the Resolution, and there was none. He asked if there was any testimony in opposition to the Resolution, and there was none. He said he would entertain a motion. There was discussion about the next meeting dates for a continuance. Councilor Bettison asked Mr. Deans which date would be better, and he said December 11th. She asked Attorney Scavron what the proper wording was to continue the public hearing. He told Clerk Mackie that the motion would be to continue the hearing to a definite time and place, and she repeated it to Councilor Bettison. Councilor Bettison moved to approve to continue the hearing of Resolution No. 2012-27: Metropolitan Redevelopment Area Designation; making certain findings and determinations pursuant to the Metropolitan Redevelopment Code; and designating the Silver City Downtown Metropolitan Redevelopment Area, to December 11, 2012 in the Grant County Administration Building during the regular Town Council meeting. Councilor Morones seconded. Mayor Marshall said there was a motion and a second to continue the hearing on December 11th in the same building during a regular Town Council meeting, and he asked if there was any discussion. Councilor Morones said that he was a numbers guy so he went straight to the economic numbers, the statistics, the housing statistics, and everything else and that he was pretty much sold. He said that he did not even look at the pictures until some of the questions were brought up. He said sometimes the pictures were a red herring to the statistics that actually substantiated everything, and was all that they needed. He said that he would look forward to something that was just numbers. Mayor Marshall said there was a motion and a second, and no further discussion, to continue the hearing on December 11th in that room during the regular Town Council meeting. 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 to continue the hearing on December 11th was carried.

Councilor Cook made a motion for recess at 7:49 p.m. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second for a short recess. 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. Mayor Marshall called the meeting back to order at 8:00 p.m.

**B. Approval / Disapproval of Resolution No. 2012-28 for the Regular Municipal Election to be held on March 5, 2013.** Clerk Mackie presented the details and requested approval of the Election Resolution for the regular municipal election to be held on March 5th for elective offices of 1 Councilor in District 1 for a 2 year term and 1 Councilor in District 3 for a 2 year term. She stated that absentee voting would begin on January 29th and Early Voting on the machine would begin on February 13th, and that persons must register to vote with the County Clerk by February 5th. She stated that all declarations of candidacy must be filed in her office on January 8th from 8:00 a.m. to 5:00 p.m., and that votes would be cast on paper ballots on the M100 vote tabulator machine. Mayor Marshall asked if there was any discussion, and there was none. Councilor Bettison moved to approve Resolution No. 2012-28 and she read the agenda item description. Councilor Ray seconded. Mayor Marshall said there was a motion and a second to approve and he asked if there was any other discussion. There was no discussion. He said there was a motion and a second to approve Resolution No. 2012-28 for the Regular Municipal Election to be held on March 5, 2013. He asked for a roll call vote.

Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried.

**C. Approval / Disapproval of the destruction of records from the Executive, Finance, Municipal Court, Police, Recreation Center, Public Library, Community Development, and Utilities Departments. Quantity: 213.5 boxes.** Clerk Mackie requested the Council's approval of 213.5 boxes of Town records and said they had already received approval from State Records and Archives. She said that upon the Council's approval that she would contact the bonded shredding vendor that they had a contract with to do the shredding. There were no questions from the Council and the Mayor said he would entertain a motion. Councilor Ray moved to approve the destruction of records and he read the agenda item description. Councilor Cook seconded. Mayor Marshall said there was a motion and a second with no discussion for the approval of the destruction of records from the Executive, Finance, Municipal Court, Police, Recreation Center, Public Library, Community Development, and Utilities Departments, quantity: 213.5 boxes. 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.

**D. Appointment to the Mayor's Climate Protection Agreement Citizens Advisory Committee.** Mayor Marshall said Jeffrey Hill had applied and had been vetted by committee chair. He said that he found him to be qualified and if there was no objection that he would appoint Dr. Jeffrey Hill to the committee. There was no objection.

**E. Appointment to the Historic Design Review Committee.** Mayor Marshall said the applicant was Suzanne Gershenson and he found her to be qualified and eligible to serve. He said if there was no objection that he would like to appoint Suzanne Gershenson to the Historic Design Review Committee. There was no objection.

Councilor Ray asked for round 3. Mayor Marshall said if there was no objection from the Council that Councilor Ray would like to add round 3 to Council Comments. There was no objection and the Mayor said that Councilor Ray had the floor. Councilor Ray said he was asking the public to support him because he was going to run for re-election. He said that he enjoyed being on the Council, and that although he did not say much, that he liked to observe before he said something. He said that he enjoyed Mr. Brown, Robert Scavron, Ann, the Mayor, and everybody involved. He said that he had a lot of fun with them and that he believed they had a very good Council. He said they were not all about themselves, but it was for everybody. He said that he hoped that he could retain his seat again.

**12. ADJOURNMENT** – Mayor Marshall asked for a motion to adjourn. Councilor Bettison moved to adjourn at 8:06 p.m., and Councilor Morones 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