

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
January 14, 2014, 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

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – None.
- 4. PUBLIC INPUT** – None.
- 5. COUNCIL COMMENTS** – Councilor Bettison congratulated all of the candidates for the upcoming election on March 4, 2014. She commented that Councilor Morones would be the next Mayor since he was unopposed, and that Guadalupe Cano would be the Councilor in District 4 since she was also unopposed. There were no other comments from the Council.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES** – **Regular Meeting on December 10, 2013** - Councilor Bettison moved to approve the minutes of the Regular Meeting of December 10, 2013. Councilor Ray seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of December 10, 2013. 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. **Regular Meeting on December 16, 2013** - Councilor Bettison moved to approve the minutes of the Regular Meeting of December 16, 2013. Councilor Cook seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of December 16, 2013. 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. Silver City Arts and Cultural District and Tourism Director's Report by George Julian Dworin.** George Julian Dworin, Director of the Silver City Arts and Cultural District, introduced Cissy McAndrew, Executive Director of the Southwest New Mexico Green Chamber of Commerce. Ms. McAndrew reported on the partnership between their organizations. She stated the Arts and Cultural District did the marketing and advertising to promote Silver City and the Green Chamber was responsible for doing fulfillment, such as managing the Visitor Center, getting volunteers to work, mailings, public relations, etc. She credited Mr. Dworin for his marketing skills and said he was the best person for the job. Mr. Dworin reported on an initiative that he started 2 months prior to initiate a community cooperative advertising program. He provided details about the advertising campaign that allowed 12 entities from Silver City to advertise on the center pages of various magazines, that it provided an opportunity for Silver City businesses to advertise as a group for Silver City, and that it saved each of them significant dollars in advertising. He said the campaign would have a tremendous impact for Silver City. Mayor Marshall said he was doing a good job.
 - B. Silver City MainStreet Project's Quarterly Report by Lucy Whitmarsh.** Ms. Whitmarsh introduced Francis Bee, Manager of the Silver City MainStreet Project. Mr. Bee said the report in the Council's packet showed the economic activity in the town and that they were required to submit the report to New Mexico MainStreet in Santa Fe,

and then it would be included in a national report. He said the New Mexico Secretary of Economic Development wanted to see that they were doing a good job, but the report did not reflect everything that Silver City MainStreet Project did because it was just pure statistics. Mr. Bee also reported that the results from their Facebook webpages for the Silco Theater and Silver City MainStreet Project were trending upward with an increase of 80.2 percent in the past 3 months on those websites. He added that the number 1 tourist attraction for Silver City was Historic Downtown. Mayor Marshall commented that he had been meeting with the nonprofit groups that had been operating in the arts and culture arena and in business. He said it was important that they had full disclosure to make sure they had transparency, and to understand what groups were doing what and why. He said they were working on a document that they could pass on to their successors. He said that as the groups did their work they wanted to identify any gaps and find people to fill the gaps, and that any duplication was done by partnership so they could make sure they were working together. He said he appreciated the time that the groups were spending to educate him and for wanting to improve the quality of the town.

C. Staff reports. Clerk Mackie reported on the certified candidates for the March 4, 2014 Regular Election as follows: Mayor - Michael Shawn Morones; District 2 Councilor - Rebecca A. Spann and Lynda D. Aiman-Smith; District 4 Councilor - Guadalupe "Lupe" Cano, and Municipal Judge - Sonya Ruiz and Benny G. Montes. She also reported on the openings on various Town boards and committees.

9. PUBLIC HEARINGS –

A. Approval / Disapproval of Transfer of Ownership and Location of Liquor License No. 0361 with Package Sales, License No. 0361 / Application No. A-894063, Applicant Name: CVS Pharmacy, Inc., Doing Business As: CVS Pharmacy #10449, Proposed Location: 700 Silver Heights Blvd, Silver City, NM. 88061. 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. 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 2 witnesses: Linda Aikin and Bill Shattuck. Mayor Marshall read the procedures of how the hearing would be conducted. He gave the floor to the applicant. Linda Aikin said she was the lawyer on behalf of CVS Pharmacy, Inc. for the liquor license matter. She stated CVS was granted preliminary approval before it came to the Town Council and that the proposed location was on Silver Heights Boulevard between Swan and Gold Streets on the south side. She said they had an aerial map of the proposed store in their packet, and that Town staff had noticed that it was across the street from a portion of Western New Mexico University's campus that had Adult Education, the Economic Development Center, and physical therapy classes. She said the agent did not note it when he did the posting, that the Town staff knew the area better, and that was why the applications went to the local governing body. She said they had requested that CVS be granted a waiver of the 300 foot requirement to the nearest school. She said it was a typical CVS store and she could respond to any questions. Mayor Marshall asked if there were any other witnesses in support of the applicant's case. Bill Shattuck said he was with NEI First Valley Commercial Real Estate, and that he was in support of the application and could answer any questions. Mayor Marshall asked if there were any questions for the applicant or any other proponents, and there were none. He asked if there were any witnesses in opposition to the application, and there were none. For the purpose of informing the public Attorney Scavron asked Ms. Aikin to describe the license that was being transferred and the operation that CVS would put toward the license. She said it would be a package business only, and they would not be selling alcohol by the drink. She said that concluded their case. Mayor Marshall asked if any member of the hearing board had any questions for any witnesses, and there were no questions. He asked if they were prepared to consider the application and render their decision, and they said yes. Councilor Morones moved to approve the application and he read the agenda item description and said it was with a waiver from Western New Mexico University and in accordance with State Statute 60-6B-10 NMSA. Councilor Bettison seconded. There was no further discussion. Mayor Marshall said there was a motion and a second to approve the application for the Transfer of Ownership and Location of Liquor License No. 0361 with Package Sales, License No. 0361 / Application No. A-894063, Applicant Name: CVS Pharmacy, Inc., Doing Business As: CVS Pharmacy #10449, Proposed Location: 700 Silver Heights Blvd, Silver City, NM. 88061 and including a waiver of State Statute 60-6B-10 NMSA regarding Western New Mexico University's education. 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.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2014-01: Open Meetings. Clerk Mackie presented the details of the annual Resolution for Open Meetings. Councilor Bettison moved to approve Resolution No. 2014-01: Open Meetings. Councilor Morones seconded. Mayor Marshall asked if there were any comments from the audience or Council, and there were none. He stated that Item No. 7 in the Resolution regarding "Other Meetings" was not required by law, but it was something they did by an internal policy and the Resolution would continue that policy. 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.

B. Approval / Disapproval of Resolution No. 2014-02: authorizing the Town Manager to submit a loan application to the State of New Mexico State Infrastructure Bank for the purpose of funding the reconstruction of the Town-owned water line adjoined to the Highway 90 / Hudson Street Bridge. Manager Brown presented the details of Resolution No. 2014-02 and stated the New Mexico Department of Transportation (NMDOT) would be taking the Hudson Street Bridge down and the Town was required to pay for the reconstruction of the water main as part of the bid of the entire NMDOT project. He described the loan in the amount of \$190,000 and that it would be at zero percent interest over a 3 year period. He reported the NMDOT project was over \$12,000,000 and would generate \$397,000 in gross receipts taxes for Silver City so they could pay the loan out of the gross receipts tax revenues if needed. He said the repayment of the loan would be out of the water and sewer fund through some reserves that were built into the recent rate structure. There was further discussion. Councilor Ray moved to approve Resolution No. 2014-02 and he read the agenda item description. Councilor Morones seconded. There was no further discussion. Mayor Marshall said there was a motion and a second to approve Resolution No. 2014-02: authorizing the Town Manager to submit a loan application to the State of New Mexico State Infrastructure Bank for the purpose of funding the reconstruction of the Town-owned water line adjoined to the Highway 90 / Hudson Street Bridge. 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.

C. Appointment to the Library Board. Mayor Marshall said he received a recommendation from the Chair of the Library Board and he concurred that David Krisch was qualified. He said if there was no objection from the Council that Mr. Krisch would be appointed. There was no objection from the Council.

D. Appointments to the Cemetery Board. Mayor Marshall said the Chair of the Cemetery Board recommended the reappointments of Carl Scholl and Elizabeth Miller, and he found them both to be qualified and a benefit to the Board. He said if there was no objection they would be appointed. There was no objection from the Council.

E. Discussion and vote on whether to cancel or change the regular Council meeting scheduled for January 28, 2014. There was discussion about future agenda items that required action in January, and how the meeting room was available on January 22nd. Councilor Bettison moved to change the regular Council meeting scheduled for January 28, 2014 to January 22, 2014 at 6:00 pm in the same room. Councilor Morones seconded. Mayor Marshall 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. ADJOURNMENT – Mayor Marshall asked for a motion to adjourn. Councilor Morones moved to adjourn at 6:52 p.m., and Councilor Bettison 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