

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
September 17, 2014, 6:00 p.m.**

Present:

Michael S. Morones, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
Jeff Fell, Assistant Fire Chief

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:01 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – "**Fire Prevention Week" - October 5-11, 2014** - Mayor Morones read and presented the proclamation to Assistant Fire Chief Jeff Fell and Anthony Murillo, Firefighter/Paramedic, of the Silver City Fire Department.
- 4. PUBLIC INPUT** – Dr. Art Martinez said he was a retired university professor and long time community activist, and that he was representing the Committee to Promote Democracy. He said that when they discovered there was another attempt under way to decertify the local steel workers labor union, they decided to publically express their deep regret about the negative development. He said they strongly believed that a majority of their working brothers and sisters at the Chino Mining Operations would prevail and keep their union open and strong, etc.
- 5. COUNCIL COMMENTS** – The Council commented on the following: questions were asked about the extended closure of Swan Street and Manager Brown explained the delay was because conduit was wrapped around the boring which affected 5 street lights, etc.; discussion about the delay in notifications to citizens by the County's Reverse 911 or Code Red system regarding 2 escapees from the Grant County Detention Center, and Manager Brown was requested to advise the County that the Town Council strongly desired immediate notifications, even if it were a false alarm because they preferred an error rather than late notifications; the upcoming 10th Annual Gila River Festival; the public was advised to be cautious because hurricane band rains could be really long and pour really hard, and they were not like a regular monsoon rain; how during Councilor Aiman-Smith's campaign for office there was a lot of concern about how the Town should work on roads so the public was asked to please be patient while the Town fulfilled the citizens' desires to have the roads worked on; Manager Brown was also asked to communicate with the County that constituents had informed the Mayor that the County was letting inmates out at the Detention Center door so they were being released and walking through residential neighborhoods near the Ridge Road area, and that they should work on a plan for the County to bring the released people in to town if they did not have rides.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES** – **Regular Meeting on September 9, 2014** - Councilor Bettison moved to approve the minutes of the Regular Meeting of September 9, 2014 as presented. Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to approve the minutes for the Regular Meeting of September 9, 2014. He asked if there was any discussion, and there was none. 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.

8. REPORTS –

A. Staff reports. Manager Brown said his only report was on the Swan Street road closure. He asked everybody to be patient because it was not something the Town caused. He said they were working with contractors and the State as

fast as they could and that they could not control the weather. Assistant Fire Chief Jeff Fell introduced Anthony Murrillo, Firefighter/Paramedic, and said Mr. Murrillo would be taking over the coordination of Fire Prevention Week for the Fire Department so people should contact him if they wanted to make an appointment to go to the Fire Department. He discussed how the proclamation was about checking smoke detectors and that the Fire Department ran a campaign to change out batteries when the time changed in the Spring and Fall. He reported that the Fire Department gave a lot of tours of the Fire Stations to school children, and they also took their program to the outlying schools and gave the kids a presentation which included seeing firefighters in and out of their gear so they would not get scared of them in the event of a fire.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS - None.

11. NEW BUSINESS –

A. Approval / Disapproval of Notice of Intent Ordinance No. 1234: an Ordinance repealing Uniform Traffic Code Sections 12-6-12.18(6) and 12-6-18D, and amending Chapter 50, Section 50-2 (Penalty Assessments) of the Town of Silver City Municipal Code. Mayor Morones said the Notice of Intent Ordinance was sponsored by Councilor Ray and he gave Councilor Ray the floor. Councilor Ray commented that he would like to see texting and cell phones banned altogether and that did not pass, but they did have a texting ordinance. He asked Attorney Scavron to explain. Attorney Scavron explained how the Town had previously adopted an ordinance to ban texting while driving, but since the State had recently amended the Uniform Traffic Ordinance to include a section on texting while driving, the Town would repeal its ordinance to avoid redundancy. He said the State's penalty assessment was only \$25 for the first offense and \$50 for the second offense, but the Notice of Intent Ordinance suggested a fine of \$100 for each offense, and he explained further. There was further discussion about how the Town's original ordinance for banning texting while driving had a fine for a municipal offense from \$0 to \$500 at the discretion of the Municipal Judge, and that Municipal Courts were not a court of record so it was not easy for them to track first and second offenses without additional staff, etc. Mayor Morones gave the floor to Councilor Ray. Councilor Ray moved to approve Notice of Intent Ordinance No. 1234: an Ordinance repealing Uniform Traffic Code Sections 12-6-12.18(6) and 12-6-18D, and amending Chapter 50, Section 50-2 (Penalty Assessments) of the Town of Silver City Municipal Code. Councilor Cano seconded. Mayor Morones stated there was a motion and a second and he repeated the motion. He asked if there was further discussion, and there was none from the Councilors, but the Mayor stated it could be quite confusing with redundancy because it could become confusing in the court system. He said it was much better for the court to be dealing with the one code, and they were not losing strength or intent with their original ordinance so he supported it. 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. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 6:35 p.m., and Councilor Aiman-Smith seconded. Mayor Morones 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/

Michael S. Morones, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk