

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
August 11, 2015, 6:00 pm**

Present:

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
Yolanda C. Holguin, Acting Town Clerk

Mayor Pro Tem Bettison presided over the meeting due to Mayor Morones' absence.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Pro Tem Bettison called the meeting to order at 6:00 pm.

2. CEREMONIES – None.

3. PROCLAMATIONS - None.

4. PUBLIC INPUT –Michael Lopez and Damian Martinez joined Raul Turrieta, Chairman of the 6th Annual Walk for Heroes event, at the podium. Mr. Turrieta gave a brief history of how the event began when Mr. Lopez was told he would not be able to walk and later proved the doctors wrong; that Kay Beeman, Army Specialist James H. Pirtle's mother, asked Mr. Lopez to carry her son's photo during the first Walk for Heroes event from Hurley to Deming. He commented on the registration and route details; that it would include lunch, music, entertainment, and guest speakers; that the event was therapeutic and spiritual for him; that there were 1,945 veterans in Grant County and 25 of them were 100 percent disabled; that the event would include a motorcycle ride around the loop; and everyone was invited to attend the event on September 26, 2015.

Jane Papin, a resident of Silver City for 15 years, commented on her awareness of Smart Meters (SM) technology used for billing purposes; that the SM may be unsafe and dangerous; that there was a need for a lot more research to be done; that Italy had banned the use of SM and wireless technology and the Town of Sedona voted to have their SM removed; on doing research to make sure this was what the Town wanted; that gas and electric systems were looking at going in the same direction of SM; and that there was scientific evidence saying SM were not safe.

5. COUNCIL COMMENTS – Councilor Aiman-Smith commented on determining cause and effect when using science in reference to the SM; on reputable studies of research; and the need of clear evidence of cause coming first and effect following. Councilor Ray thanked Manager Brown for moving the sign on Cooper Street allowing the mailman more room for his route; thanked the Police, Fire, and Sheriff's departments for going slower on Cooper Street; that the recent softball tournament had a great turn-out; that radiation sources were all around us from food to the ground to the sun; that installing the SM was the correct thing to do; and thanked the Daily Press for the articles on the Blues, Clay, and Fiber Arts Festivals promoting tourism. Councilor Cano thanked the Public Works Department for the road work done on Kimberly and Pinos Altos Road and commented that the residents were very pleased; congratulated Anthony, Yolanda and Ronald Quintana for a very successful Summer Fest; requested they take another look at the bag ordinance, possibly in September, to see if it was working; and that off road vehicles were not meant for street use. Mayor Pro Tem Bettison commented that the Town was not considering the installation of SM blindly; that the SM program was a part of the Town's Water Conservation Plan approved by the Council on August 2, 2013 and had been discussed for at least two years and they were at the point of talking about financing. She said the Town staff and the Town Council had thoroughly researched the issues regarding Smart Meters; that the Council was relying on the most creditable and independent resources to make their decision; that the independent organizations were not government driven, but were science driven; that she was a fact-based person and her decisions were made on facts; that based on the World Health Organization's International Agency for Research on Cancer's evaluation of

carcinogenicity of potential radio frequency that no scientific basis currently existed for a connection between electromagnetic hypersensitivity and electromagnetic field (radiofrequencies); and the study had classified radio frequency electromagnetic fields as possibly carcinogenic to humans in Group 2B based on an increased risk for glioma, a malignant type of brain cancer associated with wireless phone use. She said after Council Comments that Manager Brown would comment that they currently had Smart Meters in place and that there were other entities in the surrounding area that were currently using Smart Meters and had for at least 1 year. She clarified that the Notice of Intent Ordinance on Animal Care would only replace the Animal Care section of the current ordinance and was not a comprehensive change; that if passed, Town staff would make every effort to distribute information to residents; that it would not change the citation, penalty, etc. sections of the ordinance; that the Municipal Judge was an elected official and under the judicial branch of government; and that the barking dogs section was not under the Animal Control Ordinance but under the Noise Ordinance. Councilor Ray asked the public for input on banning cell phones.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES – Regular Meeting on July 28, 2015 - Councilor Aiman-Smith moved to approve the minutes of the Regular Town Council Meeting of July 28, 2015, and Councilor Ray seconded. Mayor Pro Tem Bettison stated there was a motion and a second to approve the minutes of the Town of Silver City's Regular Council Meeting of July 28, 2015. She asked if there was any discussion, and there was none. She asked for a vote of all those in favor, and all 3 Councilors said aye. She asked if any were opposed, and there were none. Motion carried.

8. REPORTS – Manager Brown commented on the on-going Little Walnut Road chip-seal project; that the concerns about the wash-board areas had been addressed; that a section of Little Walnut Road would be a mill and overlay project with legislative funding that could be done during the cold weather; that receiving legislative funding was slow; that approving the financing for SM would be addressed during the August 25th Town Council meeting; that currently 80 percent of large meters and a total of 60 meters in the system had the radio-read meters and that the company the Town had been working with would come down to read them because the Town did not have the equipment to read them; that Arenas Valley's system was on the radio-read meters; and that Deming had changed their water and gas systems to the radio-read meters. He commented on the Town's process for travel when elected officials attended trainings and meetings to represent the Town; that the Town's Council was the only one in the state that did not receive any compensation for representing or promoting the Town; that the cost of Mayor Pro Tem Bettison's election in reference to the New Mexico Municipal League (NMML) to represent the Town would be paid by the Town; and that the public should appreciate all that the Council does for the Town without compensation. Mayor Pro Tem Bettison commented that the Town Council was actively receiving training and education through the NMML Municipal Officials Leadership Institute; taking time to become educated to be the most effective representative for the residents; on the Council serving on various committees of the NMML; on the importance for Silver City to have a voice and presence at the table; and that the NMML represented and was the advocacy and policy-making body of the municipalities, assuring that legislation was beneficial to all municipalities. Attorney Scarvon clarified that the Council received zero compensation for serving but received reimbursements for expenses.

9. PUBLIC HEARINGS - None

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of a Public Celebration Permit Application for the Silver City Chicano Music Fest Car and Bike Show with alcohol service to be held September 5-6, 2015 at Gough Park from 12:00 pm to 9:00 pm. Sponsor is the Southwest Chicano Music Association. Liquor License Holder is Q's Southern Bistro, LLC, DBA Branding Iron Brewery Co., License # 67025, 101 W. College Ave., Silver City, NM. – Yolanda Quintana, representing Q's Southern Bistro, asked permission from the Council for the beer garden for the Chicano Fest. Ms. Quintana clarified questions that the Council had on the following: that alcohol would be served only on September 5th and 6th; that the mesh would be all around the beer garden at five feet high allowing those attending to view the activities; that they would have security at the beer garden; and changing the times that alcohol would be served on the application. The Southwest Chicano Music Association President, Rosemary Magdaleno, stated the Chicano Fest

event would begin on Friday, September 4th. Attorney Scavron clarified that the Public Celebration Permit Application addressed the serving of alcohol only. Councilor Ray moved to approve Public Celebration Permit Application for the Silver City Chicano Music Fest Car and Bike Show with alcohol service to be held September 5-6, 2015, at Gough Park with the correction on Saturday, September 5th from 12:00 pm to 9:00 pm and on Sunday, September 6th from 12:00 pm to 4:00 pm, Sponsor is the Southwest Chicano Music Association. Liquor License Holder is Q's Southern Bistro, LLC, DBA Branding Iron Brewery Co., License # 67025, 101 W. College Ave., Silver City, NM with a waiver from the Apostolic Assembly of the Faith in Jesus Christ in accordance to NMSA 60-6B-12 with the security fence to be at five feet. Councilor Aiman-Smith seconded that motion as stated. Mayor Pro Tem Bettison said there was a motion and a second to approve as stated in the record. She asked if there was any discussion, and there was none. She asked for a vote of all those in favor, and all 3 Councilors said aye. She asked if any were opposed, and there were none. Motion carried. Based on the discussion and the motion to approve the permit it was clear that the Council's intent was to grant both a waiver for Sunday sales and for alcohol service within 300' of a school or church.

12. ADJOURNMENT – Mayor Pro Tem Bettison asked for a motion to adjourn. Councilor Aiman-Smith moved to adjourn at 6:52 pm, and Councilor Ray seconded. Mayor Pro Tem Bettison stated there was a motion and a second to adjourn. She asked all those in favor to say aye, and all 3 Councilors said aye. She asked if there were any opposed, and there were none. Motion carried.

/s/

Michael S. Morones, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk