

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
August 25, 2015, 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  
James Marshall, Assistant Town Manager  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 p.m.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – None.

**4. PUBLIC INPUT** – Elysia Drew commented on the safety standards for exposure to artificial non-ionizing radiation and its link to various health issues, the Town's proposed radio-read water meter system, and how those types of meters affected her health adversely. She requested under Titles II and III of the Americans with Disabilities Act that the Town discontinue installation of the AMR water meters immediately, uninstall those that had already been installed in Silver City, and instead furnish Silver City with a non-emitting hardwire digital water metering system. George Julian Dworin, Executive Director of the Silver City Arts and Cultural District, reported on July's tourism and stated they received matching funds for a grant application to New Mexico Tourism in the amount of \$40,000 and it would go towards lodgers tax. He said it would help to fund a 12-month campaign to target cultural travelers in the Albuquerque, El Paso, and Tucson airports, and the Rail Runner commuter trains between Albuquerque and Santa Fe. He discussed a radio campaign in Albuquerque with 8 radio stations, how there was a 24 percent increase in visitors at the Visitor Center, Cliff Dwellings, and the City of Rocks. Inka R. commented that she lived with environmental illnesses which included electromagnetic hypersensitivity; how the Smart Meter technology was not safe; how the FCC (Federal Communications Commission) standards did not protect everybody; and how the Council should do extensive research. Rick Foxx thanked the Council for meeting with him individually and said he dropped everything the last week to concentrate on his humble and earnest emotional concern and physical concern for the affects of Smart Meters.

**5. COUNCIL COMMENTS** – Councilor Bettison thanked the people that gave their input about the proposed Animal Care Ordinance. Councilor Aiman-Smith explained that a nanosecond was one-billionth of a second and how there were microwave towers going 24 hours a day everyday and the type of meters talked about did not go 24 hours a day every day. She said the meters sent out information in nanoseconds and did it every few minutes, and how one-billionth of a second was a nanosecond, and a nanosecond was to a second as a second was to 30 years so it was a very small portion of time.

**6. CHANGES TO THE AGENDA** – None.

**7. APPROVAL OF THE MINUTES – Regular Meeting on August 11, 2015** - Councilor Bettison moved to approve the minutes of the Regular Town Council Meeting of August 11, 2015 with an amendment to be placed at the end of New Business No. 11 and that it should state, “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.” Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Regular Meeting of August 11, 2015 as amended by Councilor Bettison and read into the

record. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

## **8. REPORTS –**

**A. Staff Reports.** James Marshall, Assistant Town Manager, reported on urban forestry issues in the town. He said a 120 foot tree fell on Pinos Altos Creek which had a potential of blocking the creek with the recent torrential rain falls during the last few weeks. He said it was critical that it be resolved quickly, and the Fire Department and Youth Conservation Corps responded the same day to begin the work and completed the work the next day to get the tree cleared out and the creek open. He said they were very fortunate to get those resources so quickly before the predicted rains. He described other tree issues around town, including an issue at the Silver City Museum, and said it was a symptom and indication of why it was so important that they look at their urban forest issues and have assessments done so they knew what their inventory was. He said they had several discussions with their neighbors and tried to come up with resolutions; that the community demonstrated very clearly there was a strong emotional attachment to the landscaping at the Museum, and he provided further details. He said he spoke with the Town's Risk Management office and the tree product did not rise to the level of a nuisance under the New Mexico state laws so it was no longer an issue about a complaint. He said it was an issue of maintaining their urban forests and landscapes, and to consider the value that the community places on that property. He provided further details about replacing trees in landscapes and how they could get into a very deliberate and professionally planned rotation of their landscape.

Manager Brown asked the public to be patient with the streets after the torrential rains because they were behind in cleaning the streets. He said the Public Works Department had to focus on the highway, arterials, drainage, culverts, and gutters so they would not be blocked if there was another rain; then they would move into working on the neighborhood streets. He also reported on the financing for the meters and how the ordinance had been moved from that meeting to a Special Meeting of the Town Council to be held on September 1, 2015 at 8:00 a.m. at the City Hall Annex's second floor conference room. He said the Town received an A minus rating which was very good for a utility their size, and that a big part of that was the water conservations that they had been accomplishing over the last 3 years. There was further discussion.

## **9. PUBLIC HEARINGS - None.**

## **10. UNFINISHED BUSINESS –**

**A. Approval / Disapproval of Ordinance No. 1241: an Ordinance amending Chapter 6 (Animals), Section 6-187 (Animals Running at Large), and Section 6-190 (Failure to Provide Proper Care and Maintenance), of the Municipal Code of the Town of Silver City.** Councilor Bettison said Ordinance No. 1241 was to replace the Animal Care section of the current ordinance, and other sections for animals running at large and failure to provide proper care and maintenance. She said it was not a comprehensive change, but just one little section, and that hopefully they would be able to provide clarifying information, like a brochure that could be downloaded from the Town's website, that could be handed out to folks to give them information if they were still single-point tethering their animals. She stated clearly that the administrative enforcement, citations, citation contents, failure to correct violation, and penalty assessments established had not been changed in the original Animal Ordinance; that Ordinance No. 1241 was only for the Animal Care section. She said barking dogs existed under the Noise Ordinance and was already in effect. She said Ordinance No. 1241 was to ensure folks had their animal on a lead when they were out in public walking and that there was no single-point tethering of animals. She said the few exceptions were working dogs, hunting dogs, and search and rescue dogs, but in those instances the animals could only be tethered in the presence of the owner, keeper, guardian, or trainer and only for short periods. She discussed the ordinance further and said she hoped the Council would approve it based on the hundreds of phone calls, emails, and messages that were received because she knew other people were passionate about it. She said she only received one negative comment. Mayor Morones asked if there were any questions. Councilor Aiman-Smith asked when the ordinance would take effect if it were approved. Clerk Mackie said it would take effect 5 days after it was published. There was further discussion. Mayor Morones asked if anyone from the public would like to speak. Comments in favor of the ordinance were received by Jeanne Martin, Martha Ramirez, and Jenny Sprague from the Animal Advocates of Grant County organization. Councilor Cano commended the 3 individuals for the work they put into it and for not giving up. Councilor Bettison concurred and said it had been a pleasure to work with such a dedicated and passionate group of individuals on something that she was equally as

passionate about; that she appreciated their steadfastness and working through it during the months they had worked together. She said she looked forward to seeing what they would do in conjunction with working with the Silver City Police Department, Chief Reynolds, and the Animal Control Officer. Councilor Bettison moved to approve Ordinance No. 1241: an Ordinance amending Chapter 6 (Animals), Section 6-187 (Animals Running at Large), and Section 6-190 (Failure to Provide Proper Care and Maintenance), of the Municipal Code of the Town of Silver City. Councilor Cano seconded. Mayor Morones said there was a motion and a second for approval of Ordinance No. 1241: an Ordinance amending Chapter 6 (Animals), Section 6-187 (Animals Running at Large), and Section 6-190 (Failure to Provide Proper Care and Maintenance), of the Municipal Code of the Town of Silver City. There was no further discussion. The Mayor asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

Councilor Bettison moved for short recess at 7:00 p.m. Councilor Aiman-Smith seconded. Mayor Morones said they had a motion and a second for a short recess. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried. Mayor Morones called the meeting back to order at 7:10 p.m. Upon the Mayor's request, Clerk Mackie clarified her statement about when Ordinance No. 1241 would be effective; that it would be published on August 28th and it would be effective 5 days later or on September 2nd.

## **11. NEW BUSINESS –**

**A. Approval / Disapproval of Resolution No. 2015-24: adopting the 2017-2021 Infrastructure Capital Improvement Plan (ICIP).** Manager Brown said every year they had to adopt an ICIP; that it was a requirement by the State of New Mexico for any funding they were going to apply for through the State of New Mexico. He said they had 2 public hearings, and then the staff reviewed the comments that were received during the meetings and their own information as to what the infrastructure needs of the community were. He said they prioritized them by need as well as those that had the possibility of being funded. He said staff was recommending the list of ICIPs that were in their meeting packet, but he had a few changes. He asked that they add to 2017 a project 2017-21 for the Ridge Road sewer extension and said the project had been awarded 100 percent and was in the design phase; that they should be able to get that project out for bid by the end of the fiscal year. He said even though it was in the county, the Town was getting the funding so they needed to make sure it was on their ICIP list. He commented on some other clerical changes to the list. There was further discussion about the drainage issues on Yankie Street and getting funding for it, etc.; water harvesting; how the curbs near 6th Street had crumbled; the chip seal project and downtown sidewalks on the back streets; and how the sidewalk on Yankie Street near Millie's Bake House needed repair. Councilor Aiman-Smith moved to approve Resolution No. 2015-24, with the inclusion of Project 2017-21 for Ridge Road sewers, adopting the 2017-2021 Infrastructure Capital Improvement Plan (ICIP). Councilor Bettison seconded. Mayor Morones said there was a motion and a second for approval of Resolution No. 2015-24, with the addition of 2017-21 Ridge Road sewer improvements, adopting the 2017-2021 Infrastructure Capital Improvement Plan (ICIP). There was no further discussion. Mayor Morones asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

**B. Appointment to the Museum Board.** Mayor Morones said they had a few vacancies and one applicant, and that Bobbie Ball-Neal-Little applied to be on the Board. He said she volunteered there a lot, was well respected, and would be a very good addition. He said if there was no objection he would like to appoint her. There was no objection. Councilor Bettison said it was wonderful to have someone, that was actually born in the Museum building when it was the Fire Department, to be on the Town's Museum Board. Ms. Little was appointed.

**12. ADJOURNMENT –** Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 7:25 p.m., and Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

/s/ \_\_\_\_\_  
Michael S. Morones, Mayor

Attest: /s/ \_\_\_\_\_  
Ann L. Mackie, Town Clerk