

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY 180 E., SILVER CITY, NM
May 22, 2007 – 7:00pm

Present: James R. Marshall, Mayor
Judy Ward, District 1
Thomas Nupp, District 2
Simon Wheaton-Smith, District 3
Steve May, District 4

Also Present: Alex C. Brown, Town Manager
Ann L. Mackie, Town Clerk
Robert Scavron, Town Attorney
Alexandra Perrault, Planner
Peter Pena, Public Works Director

CALL TO ORDER/PLEDGE OF ALLEGIANCE - Mayor Marshall called the meeting to order at 7:02 p.m.

CEREMONIES - None

PROCLAMATIONS – None

PUBLIC INPUT – Mitch Hellman, owner of Alotta Gelato, commented on the mill and overlay project on Bullard Street. He said that he initially objected to the project, but upon completion of the project he commented that he was happy with the results. He gave credit and appreciation to Mr. Alex Brown, Town Manager, and the Town for completing the project on schedule with minimal disruptions to downtown traffic and little or no disruptions to his business.

COUNCIL COMMENTS –

Councilor Ward commented that she received thanks from Mr. Ralph Gauer on the good job on the mill and overlay project. Councilor Ward said she had a study completed by two doctors at Western New Mexico University regarding the Tour of the Gila bike race. The study had the number of people that participated in the bike race and what they think about our area. It contained many positive comments from participants that indicated they enjoyed the beauty of this area, the people, and the challenge of the race. The study also included things they would like to change about the race, such as; marked bike routes, smoother roads, more scheduling and entertainment, and to sweep the shoulders. Councilor Ward stated she was particularly impressed by the study because it indicated the cyclists enjoyed the friendliness of the area, the beautiful terrain and the mountains.

Councilor Nupp had no comments.

Councilor Wheaton-Smith commented that he attended events at the Chamber of Commerce, the Teleperformance Cancer Benefit, the opening of the mural near Alotta Gelato, and the Police Memorial Service. He asked Mr. Alex Brown, Town Manager, for an update on the Library catalog and also on bee management. Mr. Brown stated that he met with Bonnie Taylor, Library Director, and was advised that the problem was narrowed down to one of two things: a conflict with the ports or they will completely uninstall and reinstall the software. Mr. Brown said he was working to develop a policy regarding bee management. Councilor Wheaton-Smith advised there are several bee keepers in town and we should always try to save the swarm due to the declining numbers in the bee population.

Councilor May commented that he had read in the Silver City Daily Press that the public swimming pool would not open until May 29th. Mr. Brown advised that the schools were already using it. Mr. Peter Pena, Public Works Director, stated that the pool was offered to the schools and they had eight school days available to use it.

Councilor May thanked Mr. Pena for the good work on the mill and overlay project and asked if the striping of the road would be completed before the Blues Festival. Mr. Pena advised they were working on the crosswalks and arrows, but they still need to meet with the Chief of Police and Town Manager regarding the parking issues.

Mayor Marshall commented that the Economic Development Course had started. He said one of the participants was from West Virginia and she told him that she enjoyed the downtown area; the shop owners were very welcoming and reminded her of the upcoming Blues Festival. Mayor Marshall stated he was pleased to hear that the hospitality was very good. Mayor Marshall also commented that he received several calls regarding the downtown paving and the remarks were all positive. He expressed thanks for the good work to Mr. Peter Pena, Public Works Director, and Mr. Robert Esqueda, Utilities Director, who were both present in the audience.

CHANGES TO THE AGENDA – None.

APPROVAL OF MINUTES – May 8, 2007 Regular Council Meeting – Councilor May moved to approve the minutes. Councilor Nupp seconded the motion and the motion passed unanimously.

REPORTS – Mr. Brown reported that the schools were using the public pool and the baseball fields were looking nice. No other reports.

PUBLIC HEARINGS –

- A. Request for Restaurant Liquor License (beer and wine on-premise consumption only, New WV Food Link LLC, dba Golden Dragon, 914 Pope Street.** Mayor Marshall stated that the Town Council will serve as the hearing board and he would serve as the presiding officer. Mayor Marshall asked all Councilors if they had any ex parte discussion concerning this case, and none had. Mr. Wayne Xie, applicant and President of New WV Food Link LLC, was sworn in by the Town Clerk. Mayor Marshall read the hearing procedures. Councilor Nupp asked Mr. Xie if the liquor license was for beer and wine only and would only be served on premises. Mr. Xie confirmed that was correct. Mayor Marshall asked Mr. Xie if that concluded his case and if there were any opponents. Mr. Xie had no other comments, and there were no opponents. Mayor Marshall concluded the hearing and asked the Council to render a decision. Councilor Ward moved to approve the liquor license (beer and wine on-premise consumption only) for New WV Food Link LLC, dba Golden Dragon at 914 Pope Street. Councilor Wheaton-Smith seconded the motion. There was no further discussion, and all Councilors voted unanimously in favor of the motion. The motion passed.
- B. Ordinance No. 1134 – ZC 06-8. A zone change from Commercial to Residential B for property located on 320 E. Market Street, 402 E. Market Street, 304 N. Bennett Street, and 305 E. Yankee Street.** Mayor Marshall stated that the Town Council will serve as the hearing board and he would serve as the presiding officer. Mayor Marshall asked all Councilors if they had any ex parte discussion concerning this case, and none had. Ms. Jo Laney, applicant and property owner of 320 E. Market Street, and Alexandra Perrault, Planner, were both sworn in by the Town Clerk. Mayor Marshall read the hearing procedures. Ms. Perrault advised the description of the ordinance should be corrected to read “east 100’ of lots 1, 3, 5, 7, 9, 11, 13 and 15 of Block 89 ...” before approving the ordinance. She advised the different concerns of the property owners that requested the zone change. Ms. Perrault stated the Planning and Zoning Commission and the Community Development staff recommended the zone change citing at least one of the seven findings listed in the ordinance, and also with the conditions that the water meters located at 320 Market Street and 305 Yankee Street be moved off private property. Ms. Perrault stated that all code violations would be addressed with each individual applicant separate from the request for zone change.

Ms. Jo Laney commented that she originally purchased the land because she thought it would make a nice place to have a business residence in her retirement years, however, due to the road conditions she would still like to just live there. She expressed appreciation to the Planning and Zoning Commission and the staff of Community Development for working with her on this request for a zone change.

Mayor Marshall asked the Council if there were any other questions and there were none. The Mayor asked if there was a motion. Councilor May moved to adopt Ordinance No. 1134 citing Finding No. 2 that the proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan. Councilor Ward seconded the motion. Councilor Wheaton-Smith confirmed with Ms. Perrault to change the ordinance to read, "Residential B east 100' of lots 1, 3, 5..." A roll call was held and all Councilors voted yes. Motion passed unanimously; the hearing was concluded and Ordinance No. 1134 was adopted.

Mayor Marshall called a recess at 7:43 p.m.. The meeting was called back to order at 7:48 p.m..

UNFINISHED BUSINESS – None.

NEW BUSINESS –

- A. Resolution 2007-18 Budget for Fiscal Year 2007-2008.** Mr. Alex Brown, Town Manager, presented the Budget for Fiscal Year 2007-2008. The Council considered the documentation and information provided by Mr. Brown and a motion was made by Councilor Nupp to approve Resolution 2007-18. The motion was seconded by Councilor Wheaton-Smith. All Councilors voted yes and the motion passed unanimously to adopt Resolution 2007-18 Budget for Fiscal Year 2007-2008.

- B. Notice of Intent Ordinance 1135 Amending Chapter 54, Section 54.010 (Pavement Breaking and Restoration) and Chapter 95, Section 95.021 (Schedule of Charges).** Mr. Alex Brown, Town Manager advised that Mr. Peter Pena, Public Works Director, and Mr. Robert Esqueda, Utilities Director, worked on the preliminary ordinance, but would like Councilor comments before finalizing the wording of the ordinance. Mr. Pena stated that there are several items that still need to be addressed in the ordinance such as density and pack tests, fee scales, etc.. Mr. Pena asked for more time before submitting the final Notice of Intent to the Council. Mr. Robert Scavron, Town Attorney, recommended that the Councilors give input to the Town Manager which he can pass on to Mr. Pena and Mr. Esqueda so the Notice of Intent can be resubmitted at a later date. The Council discerned that the Town staff would substantially rewrite the Notice of Intent, therefore, no further Council action was taken.

ADJOURNMENT – Councilor May made a motion to adjourn the meeting, seconded by Councilor Wheaton-Smith. All were in favor, and the motion passed. The regular meeting adjourned at 8:35 p.m..

James R. Marshall, Mayor

Attest:

Ann. L. Mackie, Town Clerk