

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**Grant County Administration Center, 1400 Hwy 180, Silver City, NM**  
**October 14, 2008 – 7:00 P.M.**

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

**Also Present:** Alex C. Brown, Town Manager-Finance Director  
Yolanda C. Holguin, Acting Town Clerk  
Peter Russell, Community Development Director  
Alexandra Perrault, Town Planner  
Luan Mitchell, Town Planner

**CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 7:03 p.m.

**CEREMONIES** – None

**PROCLAMATIONS** – None

**PUBLIC INPUT** – Art Martinez stated that he was not in favor of the installation of surveillance cameras downtown and that taxpayers monies should not be used for that purpose.

**COUNCIL COMMENTS** – The Council commented on the following: the Parks and Recreation Board meeting; a meeting with citizens concerned about chained dogs; one-way streets; a company possibly relocating to the area; illegal parking in handicap areas and the number of citations issued in September; an update on the Community Enforcement Officer position; identity theft; the tire bale wall at the cemetery; stock market news; the joint Museum Board and Museum Society meeting; the “National Night Out - Meet the Neighbor Day”; compliments to the Fire Department and PNM for their quick response to a carbon-monoxide call at Smith Real Estate; a report on the request to the Department of Transportation on Highway 180 north and west of Alabama Street for traffic calming devices; the Town’s economy; concern for local gas prices and the upcoming forum on October 24th; and birthday wishes to Councilor Ward.

**CHANGES TO THE AGENDA** – The Council agreed to move New Business Item A. Approval / Disapproval of Resolution No. 2008-33 to Item B under Public Hearings.

**APPROVAL OF THE MINUTES** – **September 23, 2008 Regular Meeting:** Council Ward made a motion to approve the minutes. Councilor Nupp seconded the motion. All were in favor, motion passed.

**REPORTS** - Manager Brown informed the Council that he would be attending annual safety training and the annual New Mexico Municipal League Board meeting. He reported on the Town taking over Penny Park and the maintenance agreement through December 2008, and the golf tournament against the County. Police Captain Terry Fortenberry stated that the defacing of political or any signs were a crime and a person could be prosecuted.

**PUBLIC HEARINGS** –

**A. Approval / Disapproval of Ordinance No. 1151: An Ordinance amending the Town’s official zoning map by rezoning from Rural to Residential B part of the SE ¼ of Section 15 of the Town of Silver City bounded by Ridge Road to the east, and generally southeast of Highway 90. The applicant was the Town of Silver City.** Mayor Marshall stated that the Town Council would serve as the Hearing Board and he would serve as the presiding officer. He asked if any members of the Hearing Board had ex parte discussions with any person regarding the subject, or had any communication from any party to this case, and none had. Mayor Marshall asked all parties and witnesses, including staff members, to come forward to be sworn in to testify. Alexandra Perrault, Planner, was sworn in by the Acting Town Clerk. Mayor Marshall read the procedures of how the hearing would be conducted. Mrs. Perrault explained the details of the proposed zoning change. There were no other witnesses in support of the case and the case was concluded. There were no witnesses in opposition to the case and no further testimony. Mayor Marshall

concluded the hearing and asked the Hearing Board to render a decision. Councilor Wheaton-Smith made a motion to approve Ordinance No. 1151 with Finding No. 1. Councilor May seconded the motion. There was no further discussion. A roll call vote was taken with the following results: Council May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Ward - aye. All were in favor, motion passed to approve Ordinance No. 1151.

**B. Approval / Disapproval of Resolution No. 2008-33: A Resolution vacating all of the Rimrock Road right-of-way.** Mayor Marshall stated that 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 none had. Mayor Marshall asked all parties and witnesses, including staff members to come forward to be sworn in to testify. Peter Russell, Community Development Director, Luan Mitchell, Planner, and Rodger Koest, employee of the applicant, were sworn in by the Acting Town Clerk. Mayor Marshall read the procedures of how the hearing would be conducted. Ms. Mitchell presented the details of Resolution No. 2008-33. Mr. Koest explained the purpose of the vacation. Mr. Russell addressed questions and concerns that the Council had. There were no witnesses in opposition to the case and no further testimony. Mayor Marshall concluded the hearing and asked the Hearing Board to render a decision. Councilor Ward made a motion to approve Resolution No. 2008-33 with Condition #1 and that the sale price should be divided as follows: 25% to Trails and Open Space and 75% to the General Fund. Councilor May seconded the motion. There was further discussion. Councilor Ward added to her motion Condition #2, that Rimrock Road be merged to Lot 141 to provide frontage on Blackhawk Road. A roll call vote was taken with the following results: Councilor Ward – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May - aye. All were in favor, motion passed to approve Resolution No. 2008-33.

**UNFINISHED BUSINESS –**

**A. Approval/Disapproval of Ordinance No. 1150: An Ordinance amending Section 10.99 (General Penalty) of the Town of Silver City Municipal Code -** Councilor Wheaton-Smith explained the details and made a motion to approve Ordinance No. 1150. Councilor May seconded the motion. There was further discussion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Ward - aye. All were in favor, motion passed to approve Ordinance No. 1150.

**ADJOURNMENT –** Councilor May made a motion to adjourn at 7:59 pm. Councilor Ward seconded the motion. Councilor Ward, Councilor, Nupp and Councilor May were in favor. Councilor Wheaton-Smith was opposed. Motion passed.

/s/

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James R. Marshall, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk