

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
March 25, 2008 – 7:00 p.m.

Present: James R. Marshall, Mayor
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
Ann L. Mackie, Town Clerk
Robert Scavron, Town Attorney
Sherwood Nance, Animal Control Officer

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

CEREMONIES – Judge Ron Hall, Magistrate Court, administered the oaths of office for three members of the Town Council that were re-elected during the March 4, 2008 Regular Municipal Election: James R. Marshall, Mayor, Thomas A. Nupp, Councilor, District 2, and Harold “Steve” May, Councilor, District 4. They will officially take office on April 1, 2008 according to the Town’s Code of Ordinances.

PROCLAMATIONS – Mayor Marshall proclaimed April 5, 2008 as “Literacy Day”.

COUNCIL COMMENTS – The Council commented on the following: the increase in gross receipts tax revenues; the possibility of a recession; how the construction on U. S. Highway 180 has affected a local recycling business; the Supreme Court’s ruling on States’ rights regarding Presidential treaties; mammals and rabies; the NM Department of Transportation’s response to the Town’s requests for traffic devices at U. S. Highway 180 and Alabama Street and a traffic study at Highway 90 and Ridge Road; tourists’ needs for businesses to be open on Sundays; the need for volunteers at the Visitor’s Center; the April 25th start date for the construction of the skatepark; how Central Dispatch was the correct agency to report animal control issues to; how plastic bags that were equivalent to the bags that were sold by the Town were available at local retailers; the Gila Conservation Education Center’s upcoming “Gila Water Festival” on April 17th and 18th; Silver City MainStreet Project’s proposed gateway sign to Downtown Silver City; recently attended events; the need for signage to direct people to Highway 15 from U. S. Highway 180; an update on the Brewer Hill subdivision development; and the openings that were on the Town’s boards and committees.

APPROVAL OF MINUTES: March 6, 2008 Strategic Planning Session – Councilor Ward made a motion to approve the minutes. Councilor Nupp seconded the motion. Councilor May abstained from voting since he did not attend the meeting. Councilor Ward, Councilor Nupp and Councilor Wheaton-Smith voted in favor, motion passed. **March 11, 2008 Regular Council Meeting** – Councilor Ward made a motion to approve the minutes. Councilor Nupp seconded the motion. All were in favor, motion passed.

REPORTS – Alex C. Brown, Town Manager-Finance Director, reported that the Town of Silver City was awarded the Safe Routes to School grant from the State in the amount of \$207,000 and up to \$250,000 for the bridge near Jose Barrios Elementary School. Sherwood Nance, Animal Control Officer, reported on the fox incidents in the area: over the last month 13 foxes were found to be abnormal and 2 out of the 13 tested positive for rabies; 9 of the 13 foxes were in the Boston Hill area; and no skunks were reported as abnormal. He reported that the Police Department has provided information on rabies to the newspaper, all Town departments and employees; all public elementary schools; the staff of the hospital’s emergency room; and Grant County’s Administration, Animal Control, Animal Shelter, Sheriff’s Office, and Central Dispatch.

PUBLIC HEARINGS – **Request for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only), Application # A-543300, Applicant Name: Cynthia K. Shylo, Doing Business As: Adobe Springs Café, 1617 Silver Heights Blvd, Silver City, NM.** Mayor Marshall stated that the Town Council would serve as the hearing board and he would serve as the presiding officer. Mayor Marshall asked the hearing board if they had any ex parte discussion concerning this case, and none had. Councilor May stated he

was the previous owner of the Adobe Spring Café, but he had no interest or conflict with the request. Ms. Cynthia Shylo, applicant and owner of Adobe Springs Cafe, was sworn in by the Town Clerk. Ms. Shylo presented her case and there were no opponents. There was further discussion. Mayor Marshall concluded the hearing and asked the Council to render a decision. Councilor Wheaton-Smith made a motion to approve the request, and Councilor May seconded the motion. There was no further discussion. All were in favor, motion passed.

NEW BUSINESS –

A. Authorization of Mayor to commit the Town of Silver City to membership in the Southwest Regional Transit District. Mr. Brown presented the details and explained why the Town should join the Southwest Regional Transit District (SWRTD). There was further discussion between the Council, Mr. Brown, and Robert Scavron, the Town Attorney, about the timing of the item's placement on the agenda; previous concerns that the Town had with the SWRTD; how the SWRTD would not affect the existing Joint Powers Agreement with the Grant County Public Transportation System; how federal funding for operations was designated to the SWRTD (not Corre Caminos) and if the Town joined the SWRTD it would be able to use its matching funds; how the relationships between the Town and the other entities in the SWRTD have been improved; and how there would be no economic risk and no risk to the routes if the Town joined the SWRTD. Councilor May stated that the Council should have been informed earlier by Town staff that joining the SWRTD would be on the agenda and that he required more time to review it. Councilor Nupp agreed with Councilor May and said that he would like additional time to consider it. Councilor Nupp made a motion to postpone the item until the next Council meeting on April 8th. Councilor May seconded the motion. Mayor Marshall stated that the Council would not be voting on the paperwork, but would be voting on the principles that were clearly discussed. Councilor Wheaton-Smith commented that he was frustrated, but not enough to postpone it. Councilor Ward commented that she had sufficient time to study the materials and the item should not be postponed. Mayor Marshall asked for a vote to postpone the item until the next meeting: Councilor Nupp and Councilor May voted aye, Councilor Ward and Councilor Wheaton-Smith voted nay. The vote was 2 to 2. Mayor Marshall broke the tie by voting nay so it would not be postponed. There was further discussion. Councilor Ward made a motion to authorize the Mayor to commit the Town of Silver City to membership in the Southwest Regional Transit District. Councilor Wheaton-Smith seconded the motion. Mayor Marshall offered a friendly amendment to the wording of the motion to Councilor Ward which she accepted. She re-stated the motion: to authorize the Mayor to commit the Town of Silver City to membership in the Southwest Regional Transit District under the terms and conditions that he deems appropriate and to execute those documents necessary for the accomplishment thereof. Councilor Wheaton-Smith seconded the amended motion. There was no further discussion. Mayor Marshall asked for a vote: Councilor Ward and Councilor Wheaton-Smith voted aye, and Councilor Nupp and Councilor May vote nay. The vote was 2 to 2. The Mayor broke the tie by voting aye, motion passed.

EXECUTIVE SESSION - Councilor Wheaton-Smith made a motion to go into Executive Session pursuant to NMSA 1978 Section 10-5-1 (H)(8) to discuss the purchase, acquisition or disposal of real property or water rights. Councilor Ward seconded the motion. 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. The matters discussed in the closed meeting were limited only to those specified in the motion for closure.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn the meeting at 9:45 p.m. Councilor Ward seconded the motion. All were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/_____
Ann. L. Mackie, Town Clerk