

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
April 22, 2008 – 7:00 p.m.

Present: James R. Marshall, Mayor
A. Judith Ward, District 1
Thomas 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
Edward D. Reynolds, Chief of Police
Peter Russell, Community Development Director

CALL TO ORDER / PLEDGE OF ALLEGIANCE - Mayor Marshall called the meeting to order at 7:00 p.m.

CEREMONIES – None

PROCLAMATIONS – Mayor Marshall proclaimed May 4 through May 10, 2008 as “**Municipal Clerks Week**” and April 27 through May 3, 2008 as “**National Volunteer Week**”.

PUBLIC INPUT – Tom Jackson King made comments and suggestions regarding the proposed downtown parking plans. There was discussion with the Council, and the Mayor agreed with Mr. King’s suggestion to hold a public input meeting in order to obtain the public’s comments on the proposed plans.

COUNCIL COMMENTS – The Council commented on the following: road construction problems on U. S. Highway 180; recently attended events; the recent rabies clinic at the Animal Shelter; downtown crosswalks; the status of the construction of the new skate park; the County’s role regarding the Public Library; the status of the Joint Powers Agreement with the County regarding the Extraterritorial Jurisdiction (ETJ); the Town’s handling of incoming calls from citizens; the maintenance of the Town’s parks; appreciation to the Town’s volunteers; the proposed downtown parking plans; and local fundraisers for the regional Red Cross.

CHANGES TO THE AGENDA – None.

APPROVAL OF MINUTES – April 8, 2008, Regular Council Meeting. Councilor Ward made a motion to approve the minutes. Councilor Nupp seconded the motion as stated, all were in favor, motion passed.

REPORTS –

A. Family to Family Child Care Recruitment Project, Christine Webster, La Familia Resource Center Director. Christine Webster reported on the purpose of the Family to Family Project and commented on the highlights of 2007-2008.

Alex C. Brown, Town Manager-Finance Director, thanked Ace Hardware for their donation of tools and materials to the Youth Conservation Corp Project. Peter Russell, Community Development Director, thanked Grant County Excavation for their donation of services for the removal of the old concrete slab located on the property planned for the new skatepark. Ed Reynolds, Chief of Police, reported that the issue of rabies was ongoing, but the number of calls to the Animal Control Officer had decreased. He also made comments regarding traffic and safety concerns due to the road construction on U. S. Highway 180.

PUBLIC HEARINGS –

A. Approval of Ordinance No. 1142: Zone Change and Map Amendment #ZC08-1 from Residential B to Commercial. 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 members of the Hearing Board if they had any ex parte discussion concerning the case. Councilor Ward stated that before she knew that the case would be presented to Council, she had a very brief discussion with Gerald Billings and Steve White about their request for a zone change with the Planning and Zoning Commission. The Hearing Board had no problem with the ex parte discussion and the hearing continued. The Town Clerk swore in all parties and witnesses that wished to testify in the hearing. Peter Russell, Community Development Director, presented the details of the Map Amendment/Zone Change requested by applicants and owners, Gerald and Rhonda Billings. He reported that the Town Staff recommended the approval of the request based on seven applicable findings, and the Planning and Zoning Commission voted unanimously to approve the applicants’ request for a Map Amendment/Zone Change

during their meeting on March 4, 2008. Gerald Billings, owner of the property and applicant for the zone change, commented that Mr. Russell had presented his case well, commented that a national hotel franchise was interested in the property, and concluded his case. There were no witnesses in opposition to the zone change. There was further discussion. Mayor Marshall concluded the hearing and asked the Hearing Board to render a decision. Councilor Wheaton-Smith moved to approve Ordinance No. 1142 based on Findings #4 and #7. Councilor May 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. Motion passed.

B. Approval of Resolution No. 2008-06: Street vacation for S. Main St. 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 members of the Hearing Board if they had any ex parte discussion concerning this case. Councilor Wheaton-Smith stated that he was approached by Kerri Webb on two occasions about a year ago, and both times he had referred her to Peter Russell, Community Development Director. The Hearing Board had no problem with the ex parte discussions and the hearing continued. The Town Clerk swore in all parties and witnesses that wished to testify in the hearing. Peter Russell, Community Development Director, presented the details of the request to declare the northerly end of the undeveloped South Main Street and the easterly end of Short Street non-essential for municipal purposes and to vacate a portion of the street, and sell said portion of Main and Short Streets to David Palmer and Kerri Webb. He stated that Town staff had agreed that vacating the portion of Main and Short Streets would not adversely affect the Town's goals. There was further discussion. David Palmer, owner of the property, commented on improvements that had been made to the road to make it safer. He stated the street vacation was necessary in order to obtain a building permit, and concluded his case. There were no witnesses in opposition to the request. Mayor Marshall concluded the hearing and asked the Hearing Board to render a decision. Councilor Wheaton-Smith made a motion to approve Resolution No. 2008-06, Councilor May seconded the motion. There was no other discussion. All were in favor, motion passed.

Councilor Wheaton-Smith made a motion to recess at 8:23 p.m., Council May seconded the motion. All were in favor of the recess with the exception of Councilor Ward, motion passed. Mayor Marshall called the meeting back to order 8:36 p.m.

UNFINISHED BUSINESS –

A. Approval of Bid 07/08-5: Janitorial Services City Hall Annex. Alex C. Brown, Town Manager-Finance Director, presented the details of Bid 07/08-5. There was further discussion. Councilor Nupp made a motion to approve the bid to Complete Care Cleaning, Councilor Ward seconded the motion. Councilor May asked that the record show in the motion that the bid was for \$1700 per month plus gross receipts taxes. Councilor Nupp made a friendly amendment to his motion to reflect that the services would be 5 days per week, per month, plus gross receipts tax. Councilor Ward accepted the amendment. There was no further discussion. All were in favor, motion passed.

B. Approval of Disposal of Un-recyclable Computer Equipment. Mr. Brown presented the details of the request and stated that the hard drives had been cleared by an outside contractor as required by the State. He recommended that the equipment be disposed of in the landfill because it would be cheaper than taking them to the closest recycler in Las Cruces. He also stated that they would request the NM Department of Finance's approval to dispose of the equipment after they received the Council's approval. There was further discussion. Councilor Ward made a motion to dispose of the equipment that was listed on the memo to Council dated April 15, 2008, by taking them to the landfill. Councilor Nupp seconded the motion. All were in favor, motion passed.

C. Appointment to Library Board (One Member). Mayor Marshall stated that two applications were received. He recommended the appointment of Karlene Colgan and received the Council's consensus.

NEW BUSINESS -

A. Approval of Special Dispenser Permit Application for Blues Festival Beer Garden. Faye McCalmont presented the details of the request. Chief Reynolds stated that there were no law enforcement issues at the previous Blues Festival. Cindy McClean, Coordinator for the Grant County D.W.I. Program, commented that from noon on May 24th to 2:30 a.m. on May 25th the D.W.I. Program would sponsor and pay for on-demand transportation services by Corre Cantinas. She also stated that Corre Caminos would have hotel routes to and from the festival. Councilor May made a motion to approve the Special Dispenser Permit Application; Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed.

B. Approval of Silver Fairways LLC Fee Changes. Dominic Corran, General Manager of Silver Fairways, presented the details of the request to change the fees. There was further discussion. Mr. Corran stated that the proposed fee increases on the annual passes would increase their revenue by \$12,000 per year and would allow them to break even fiscally. Councilor Wheaton-Smith made a motion to approve the request as presented, Councilor Nupp seconded the motion. There was no further discussion. All were in favor, motion passed.

C. Approval of HMS Construction in Partnership Site Request. Charlie Alfero presented the details of the request by Hidalgo Medical Services (HMS) to construct a primary care facility at the Old Hillcrest Hospital site. He commented on funding that HMS had already received from the NM Legislature and Congress to construct a new facility, and stated that they would like to collaborate with the Town of Silver City and the Grant County Government to construct a new HMS facility and public transportation (Corre Caminos) administrative and terminal offices on the old Hillcrest Hospital site. Mayor Marshall advised Mr. Alfero that the Council would not be able to approve his request at that time because a resolution was previously approved by the Council to designate that site to the Public Library. There was further discussion on other possible sites for the new HMS facility. Councilor May made a motion to postpone action on Item C until they had more information; Councilor Wheaton-Smith seconded the motion. There was no further discussion. All were in favor, motion passed.

D. Discussion of Declaring “Old” Hospital Property Essential/Non-Essential and Possible Sale of “Old” Hospital Property. Councilor May commented that more than \$750,000 was spent by the Town to purchase the old hospital property, to abate the asbestos, to clean it up, and to tear it down. He stated that he believed that the Town should recover some of its investment by declaring the property non-essential, sell it as soon as possible to the highest bidder for its appraised value plus appreciation, and try to have something built on the property that would generate gross receipts taxes and property taxes. Councilor Wheaton-Smith and Councilor Ward agreed. Councilor Nupp stated that the Town should maintain ownership and control of the property because it was the most visible property in the Town. He asked for public input. Lanny Olson, owner of the Holiday Inn Express, commented that he had filed an application with the Town in December 2007 to purchase the land in order to build a hotel, but he had not heard anything and requested the status of his application. There was further discussion concerning Mr. Olson’s application; the fact that the land was presumed to be essential and how to declare it non-essential; how to sell the property if it was declared non-essential and include covenants to the property; and how any member of the Council could declare it non-essential. Councilor Wheaton-Smith stated that he would like to work with Councilor May to create a resolution to declare the property non-essential. There was further discussion and Councilor May commented that he would request an agenda item for the next Council Meeting.

E. Approval of Bid 07/08-8 Homeowner Rehabilitation. Mr. Brown presented the details of the one bid that was received to rehabilitate three homes at a cost of \$238,072.18. Councilor Wheaton-Smith made a motion to award the bid to G & J Construction Company, Councilor Ward seconded the motion. There was further discussion. All were in favor, motion passed.

F. Appointment of Representative and Alternate to Regional Transit District (RTD). Mayor Marshall stated that the representative would have to be a member of the Council. He stated that he had requested that Councilor May continue to be the representative, but Councilor May had asked for more time before accepting. The Mayor requested that the appointment for representative be postponed, and that Mr. Brown be appointed to serve as the alternate. There was no objection by Council. Councilor Wheaton-Smith made a motion to postpone the appointment for representative to the RTD until the next meeting. Councilor Ward seconded the motion. All were in favor, motion passed.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn the meeting at 9:48 p.m. Councilor May seconded the motion, all were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann. L. Mackie, Town Clerk