

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING**

Grant County Administration Center, 1400 Hwy 180, Silver City, NM

June 9, 2009 – 7:00 P.M.

Present: James R. Marshall, Mayor
Cynthia A. Bettison, 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 L. Scavron, Town Attorney
Ed Reynolds, Police Chief
Alexandra Perrault, Town Planner
Roger Groves, Code Enforcement Supervisor
Charles Melaney, Flood Plain Administrator

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 7:00 p.m. Councilor Bettison attended the meeting via teleconference from Santa Fe, New Mexico.

2. CEREMONIES – None.

3. PROCLAMATIONS – Mayor Marshall congratulated Melissa Redman, winner of the “2009 Prudential Spirit of Community Award, State Honoree for New Mexico”, as top volunteer for the State of New Mexico, and proclaimed June 9, 2009, as “Melissa Redman Day in Silver City”.

4. PUBLIC INPUT – Paul Castellano commented on the following: how the parking area in front of his building on Broadway should be painted as diagonal parking, stop lights at pedestrian crossings, and the Town’s Parking Authority. Jacque Cusick commented on fireworks and how there was no ordinance in place that would limit the hours of use or decibel level of fireworks within the Town limits.

5. COUNCIL COMMENTS – The Council commented on the following: how the New Mexico Department of Transportation declined Councilor May’s request for a stop light at the pedestrian crosswalk in front of the Post Office on Highway 180; motorists that violate speed limits and safety laws; recently attended events; 21 significant and positive things that the Town was doing for the community; how the Public Works Department was short 12 employees; the cost to clean up Penny Park, 2 more incidents of vandalism at the park, and the need for security at the park; how issues with noise, fireworks, and vandalism, etc. were crimes against people and the Town Council and Staff would continue to address those issues; how the Noise Ordinance Advisory Committee would submit their recommendations the following week; how the State Legislature regulated fireworks and the citizens should contact their State Representatives and Senator; how some merchants feared retribution if they complained against noise; how the community should not tolerate unacceptable behavior; and how the kids that used the Skate Park should help tidy up the park.

6. CHANGES TO THE AGENDA – After the Pledge of Allegiance Mayor Marshall asked Melissa Redman to comment on her recent award and issued a proclamation in her behalf. He also changed the order of the Public Hearings so that Item B was heard before Item A, and asked Town Staff to give their reports after the Public Hearings.

7. APPROVAL OF THE MINUTES – Work Session – May 20, 2009: There was discussion about several items in the minutes. Councilor May made a motion to approve the minutes as presented. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. **Regular Meeting – May 26, 2009:** Councilor Wheaton-Smith made a motion to approve the minutes. Councilor May seconded the motion. All were in favor, motion passed.

8. REPORTS –

A) Update on Gila National Forest Fire Management by Loretta Benavidez, Public Information Officer of Gila National Forest. Ms. Benavidez gave an update on how the wildfires were being managed in the Gila National Forest, and she answered questions from the Council.

B) Update on Big Brothers – Big Sisters of Grant County by Amy Cole, Program Manager. Ms. Cole reported on the Big Brothers – Big Sisters Organization and the community-based and school-based mentoring programs that were matching children with volunteers. She also commented on upcoming events; how to donate; how business and community partnerships were always welcome; and how to qualify as a volunteer.

C) Update on the Flood Plain Map Modernization Schedule by Charles “Bud” Melaney, Assistant to Engineering/Flood Plain Administrator. Mr. Melaney reported on the flood plain modernization process and how FEMA digitized the maps which allowed him to insert current aerial topography into the mapping system to see what houses were located within flood plain boundaries. He stated that he had implemented the new tool of map modernization and recounted the structures. He reported an increase of residential structures from 40 to 125 and an increase of commercial structures or out buildings from 10 to 104. He encouraged property owners to contact him for insurance and financing purposes.

Councilor Wheaton-Smith made a motion to recess at 8:07 p.m. Councilor May seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 8:22 p.m.

9. PUBLIC HEARINGS –

B. Approval / Disapproval of Resolution No. 2009-12: Authorizing an encroachment for approximately 350 square feet into the Corbin Street right-of-way for portions of a residence and walls located on Lots 1 and 3, Block 109 of the Fraser Survey, addressed as 401 N. Corbin Street, applicant Peggy Holmes. 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. The Town Clerk swore in 4 witnesses for the hearing. Alexandra Perrault, Town Planner, presented the case and stated the Community Development Department recommended approval of Resolution No. 2009-12 based on 3 Findings and 2 Conditions. J. W. Watkins stated there were no encroachments listed in the real estate documents when they bought the property in 2003, and the privacy fence was put up because they were tired of having their windows broken and the stucco on the house damaged by vandalism. Roger Groves, Code Enforcement Supervisor, stated the encroachment was discovered as they passed by the property. Peggy Holmes, applicant of the encroachment permit, commented on why the fence was installed and how it made her feel safer. There was further discussion about the encroaching structures: a portion of the residence, an existing wall, and a fence. There was no opposition to the case, and no further discussion. Mayor Marshall concluded the hearing and asked the Council to render a decision. Councilor May made a motion to approve Resolution No. 2009-12 and he cited the 2 Conditions in the Resolution. Councilor Wheaton-Smith seconded the motion as stated. There was further discussion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

A. Approval / Disapproval of Resolution No. 2009-11: Authorizing an encroachment for approximately 90 square feet into the Bullard Street right-of-way for a wall and gate located on Lots 10 and 12, Block 7 of the Garcia Addition, addressed as 701 Bullard Street, applicant Karen Buckridge. 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. The Town Clerk swore in 3 witnesses for the hearing. Alexandra Perrault, Town Planner, presented the case and stated that one person was opposed to the encroachment. She stated the Community Development Department recommended approval of Resolution No. 2009-11 based on 3 Findings and 3 Conditions. Karen Buckridge, applicant and General Builder, described the proposed wall and how it would embellish the public right-of-way and did not pose any site restrictions. Judith Meyer, home owner, commented on how the wall would help with drainage and would contain her animals within the wall and keep other large dogs out. 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 Resolution No. 2009-11 with the Conditions stated in the Resolution. Councilor Nupp seconded the motion. There was further discussion about the New Mexico Constitution’s Anti-Donation Clause. A roll call vote

was taken with the following results: Councilor Bettison – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

8. REPORTS (continued) – Mayor Marshall asked for Staff reports. Attorney Scavron reported on fireworks issues and said the sale of fireworks was governed by State law. He said the Town had a noise ordinance and nuisance ordinance, and no new legislation had been done by the Town or State covering the issue of fireworks. He stated the issue was not new law, but the issue was to have a community that would stand with the police and fire personnel to accomplish enforcement of the current laws. There was further discussion about how changes needed to be made at the State level, how people should contact their State Senator, Representatives, and the Governor; and how people should support the Police and Fire Departments. Manager Brown reported on the Leslie Street Co-op project; Phase I of the new section of the Cemetery; how 8 other projects would be awarded in the next 6 months; negotiations with the Pinos Altos Water Association; Chihuahua Hill water project; La Capilla’s ampi-theater project; sewer, water, and well projects; and street projects. Councilor Wheaton-Smith commented that the Town’s website should have the status of the Town’s projects. Police Chief Reynolds reported on the status of Officer Joe Sotelo.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Mayoral appointments of 3 members to Lodgers’ Tax Advisory Board. Mayor Marshall received the Council’s consensus to appoint Michelle Carrillo, Lisa Brand, and Mitchell Hellman to the Lodgers’ Tax Advisory Board.

B. Mayoral appointment of 1 member to Noise Ordinance Advisory Committee. Mayor Marshall received the Council’s consensus to appoint Steve Mosley to the Noise Ordinance Advisory Committee.

C. Approval / Disapproval of Addendum No. 1 to the Agreement between the Town of Silver City and the Silver City Police Officers Association, July 1, 2008 to June 30, 2010. Manager Brown presented the details of the Addendum. There was further discussion about bilingual pay and shift differential pay. Councilor Wheaton-Smith made a motion to approve the Addendum with 3 amendments that were noted by the Town Clerk. Councilor May seconded the motion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Nupp – aye; Councilor Wheaton-Smith - aye; and Councilor May – aye. Motion passed.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 9:55 p.m. Councilor Nupp seconded the motion. All were in favor, except Councilor Wheaton-Smith. Motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk