

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**Grant County Administration Center, 1400 Hwy. 180, Silver City, NM**  
**March 24, 2009 – 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 L. Scavron, Town Attorney  
Ed Reynolds, Police Chief  
Mike Eley, Town Planner

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 7:00 p.m.
- 2. PROCLAMATIONS** – Mayor Marshall read the following Proclamations: “Literacy Day in Silver City” on April 4, 2009; “Fair Housing Month” during April 2009; and “Wildfire Awareness Week” from March 29 – April 4, 2009.

Mayor Marshall presented Councilor Ward with a plaque to pay tribute and honor to her for her years of service as Councilor, District 1, from December 10, 2002 to March 31, 2009. Councilor Ward expressed her feelings about serving as Councilor; she praised Manager Brown for his managerial ability and knowledge; and thanked the Town’s employees for their dedication to the Town. She thanked the citizens of the Town for giving her the privilege to serve as Councilor, and also thanked her husband, family and friends for their support.

- 3. PUBLIC INPUT** – None.

**4. COUNCIL COMMENTS** – The Council commented on the following: recently attended events; the new concrete driveway in front of the Rose Garden of the Memory Lane Cemetery that was paid for by the Town and Country Garden Club; thanks were given to the Town and Country Garden Club, the Public Works Department, and the Cemetery Board members for their involvement in getting two Cemetery projects successfully funded and completed; the Parks Division crews were praised for keeping the Cemetery very well landscaped and manicured; Councilor Ward was thanked for her hard work and dedication; how the Southwest Regional Transit District may receive Federal stimulus funding in the amount of \$290,000 to purchase two passenger buses, and to build bus shelters and benches at each bus stop; the current status of public records requests for Town records; recognition of Dorothy Eagen and Elaine Sullivan at the Silver City Library for their volunteer work; how volunteer work on the San Vicente Trail could begin; activities and events planned at the Skate Park; health status update on Corporal Joe Sotelo from the Silver City Police Department; the upcoming animal care and control ordinance; problems with plastic bag litter; appreciation was given to the Silver City Fire and Police Departments for their work and quick response to a recent grass fire; a public hearing scheduled in Deming regarding a 23.4% increase in residential electricity rates; and the openings on Town Boards and Committees. Mayor Marshall thanked Councilor Ward for her service as Mayor Pro Tem for several years, and remarked that it had been a pleasure to work with her.

- 5. CHANGES TO THE AGENDA** – None.

**6. APPROVAL OF THE MINUTES – Regular Meeting – March 10, 2009** – Councilor Ward made a motion to approve the minutes, Councilor Nupp seconded. There was no further discussion. All were in favor, motion passed.

**7. REPORTS** – Manager Brown reported on the funding of the new section of the Cemetery, and the possibility of having other projects funded by stimulus funding sources and grants. Mayor Marshall informed the public that a lot of the stimulus money was consumed into existing grant programs which may not be affordable to the Town because of matching fund requirements, etc. Manager Brown reported that they had audited the utility accounts and found that PNM had overcharged the Town by \$159,000, and the reimbursement from PNM for that amount had been received. Police Chief Reynolds reported on issues with the mobile data terminals. He thanked the Council and Manager Brown for the support, direction, and input that they had given him and the Police Department which had moved the

department to a higher level and made it more professional. There was further discussion about the recent grass fire that was caused accidentally, and Police Chief Reynolds thanked the Grant County Sheriff's Office for their assistance. Police Chief Reynolds presented Councilor Ward with a plaque from the Silver City Police Department to thank her for her support and her service as Town Councilor.

**8. PUBLIC HEARINGS** – None.

**9. UNFINISHED BUSINESS** – None

**10. APPROVAL OF CONSENT AGENDA –**

**A. Approval / Disapproval of Resolution No. 2009-04: Adopting a Fair Housing Policy.** Councilor May made a motion to approve the Consent Agenda, Resolution No. 2009-04. Councilor Wheaton-Smith seconded the motion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Ward – aye. Motion passed.

**B. Approval / Disapproval of Resolution No. 2009-05: Citizen Participation Plan Community.** Councilor May made a motion to approve the Consent Agenda, Resolution No. 2009-05. Councilor Wheaton-Smith seconded the motion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Ward – aye. Motion passed.

**C. Approval / Disapproval of Resolution No. 2009-06: Residential Anti-Displacement and Relocation Plan and Certification.** Councilor May made a motion to approve the Consent Agenda, Resolution No. 2009-06. Councilor Wheaton-Smith seconded the motion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Ward – aye. Motion passed.

**D. Approval / Disapproval of Resolution No. 2009-07: Community Development Block Grant Procurement Policy.** Councilor May made a motion to approve the Consent Agenda, Resolution No. 2009-07. Councilor Wheaton-Smith seconded the motion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Ward – aye. Motion passed.

**E. Approval / Disapproval of Resolution No. 2009-08: Section 3 Plan.** Councilor May made a motion to approve the Consent Agenda, Resolution No. 2009-08. Councilor Wheaton-Smith seconded the motion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Ward – aye. Motion passed.

**11. NEW BUSINESS –**

**A. Approval / Disapproval of request for Town to participate in the development of a Community Wildfire Protection Plan (CWPP).** Gary Benavidez and Loretta Benavidez, U.S. Forest Service, and Rich Olson, Black Range Resource Conservation and Development, Inc., presented the details of the Community Wildfire Protection Plan. They requested community support and input by attending several meetings throughout Grant County, and stated the concerns that would surface from the input could be incorporated into the updated plan. There was further discussion about prescribed burns during certain weather conditions. Mayor Marshall thanked them for the opportunity to participate in the development of the plan, and he encouraged the Fire Department, Community Development Department, and the citizens to attend one of the upcoming meetings. Councilor Ward made a motion to approve the request for the Town to participate in the development of the Community Wildfire Protection Plan, Councilor Nupp seconded the motion. Councilor Ward commented that many serious fires had been prevented in the past years and she congratulated the U. S. Forest Service for their work in educating the public with wildfire education events, the activities where they treated areas in the Wildland Urban Interface, and their work with homeowners. All were in favor, motion passed.

**B. Approval / Disapproval of property location for a Veterans Memorial.** Manager Brown commented that the Veterans Memorial Citizens Advisory Committee had been formed by the Town Council because of the interest in locating a site for a Veterans Memorial. Several of the Committee members made comments and stated the Pope Street Park was the preferred location for a Veterans Memorial. They requested the Council's approval of that location

so they could begin their work on a design. There was further discussion. Councilor May made a motion to approve the property location of Pope Street Park for the new Veterans Memorial contingent upon Town officials and the Town Council approving all designs and any changes to the vegetation at the park. Councilor Wheaton-Smith seconded the motion as stated. All were in favor, motion passed.

**C. Discussion and possible action on directing Town Attorney to research existing ordinances of other communities that address the plastic bag litter issue.** Councilor May commented that the Town needed to find out what options were available to get the plastic bag litter issue and other litter items under control, and try to influence the rest of the county and state to do the same. He asked for the Council's consensus to have the Town Attorney research their options and offer suggestions on what could be done to try to get control on the plastic bag controversy and issue in the Town. Councilor Ward commented that she understood Councilor May's concern, but because of the current economy she cautioned that they should not put extra charges on the local businesses which would impact costs for the local citizens, and that the cost to the Town to enforce it should be considered. Councilor May stated that was why they needed to research what other communities were doing, and he added that he believed it was a small price to pay by the merchants and the consuming public if our section of New Mexico could be cleaned up, and hopefully have other communities follow suit. Councilor Wheaton-Smith commented on his observations of litter from plastic bags and stated he supported the agenda item request. Mayor Marshall stated to Councilor May that the Council and the Town Attorney had made no objection to the request so they would anticipate his next official document.

**D. Mayoral appointment of Council member to the Museum Board as ex officio member.** Mayor Marshall commented that Councilor Ward's position as ex officio member on the Museum Board would become vacant at the end of her term as Councilor on March 31, 2009. He stated that Councilor Wheaton-Smith had agreed to replace Councilor Ward as ex officio. Councilor Wheaton-Smith commented that he was interested in the Museum because his grandmother and father had been involved in the opening of the Museum forty years prior, and his aunt had been involved in the expansion of the Museum nearly twenty years prior. Mayor Marshall received consensus from the Council and Councilor-elect Bettison on the appointment of Councilor Wheaton-Smith as ex officio member of the Museum Board.

**12. CEREMONIES** – Judge Ron Hall, Magistrate Court, administered the Oaths of Office for newly elected official Cynthia Ann Bettison, Councilor, District 1, and re-elected official Simon W. Wheaton-Smith, Councilor, District 3. They will officially begin their term of office on April 1, 2009 according to the Town's Code of Ordinances.

**13. ADJOURNMENT** – Councilor Ward made a motion to adjourn at 8:25 p.m. Councilor Nupp seconded the motion. All were in favor, motion passed.

/s/

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James R. Marshall, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk