

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy 180, Silver City, NM  
September 24, 2013, 6:00 p.m.**

**Present:**

James R. Marshall, Mayor  
Cynthia A. Bettison, District 1  
Pauline N. Hassler-Cook, District 2  
Jose A. Ray, Jr., District 3  
Michael S. Morones, District 4

**Also Present:**

Alex C. Brown, Town Manager-Finance Director  
Robert L. Scavron, Town Attorney  
Ann L. Mackie, Town Clerk  
Jim Coates, Town Planner

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:01 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – **"Silver City Library Week" - September 22 - 28, 2013** - Mayor Marshall read the proclamation and presented it to Eileen Sullivan, Library Director. Ms. Sullivan thanked the Mayor for supporting the Public Library and announced that the Open House at the Library would be on September 25th.  
  
**"Pro Bono Week" - October 14 - 18, 2013** - Mayor Marshall read the proclamation and presented it to District Judge H. R. Quintero. Judge Quintero announced that the Legal Aid Office had lost their funding of several of their staff and lawyers through actions from Congress. He said that fortunately in the community over 90 percent of the private practice lawyers had helped throughout the year and had taken on cases for free. He described the upcoming Pro Bono Day event on October 17th, and said he appreciated the Council's continued support.
- 4. PUBLIC INPUT** – Faye McCalmont, Executive Director of the Mimbres Region Arts Council, thanked the Council and Town staff for their help in producing the 5th Annual Pickamania at Gough Park. She said the Town of Silver City's partnership with them always helped to make the events successful. Frank Donohue and Rob Narvaez commented that Gold Star Mothers Day was started with the mothers of World War I and had been nationally recognized since 1936. They said an American Gold Star Mother was a mom that suffered the supreme sacrifice of motherhood in the loss of their sons or daughters in wars. They said the last Sunday in September was a day for citizens of the United States to publicly express love, sorry and reverence for these moms, and that a luncheon would be held on September 29th at Billy's BBQ in Silver City at 1:00 pm.
- 5. COUNCIL COMMENTS** – Councilor Ray commented that he attended a meeting with Town officials to discuss the possibility of having a River Walk in Silver City, and that after discussing the pros and cons they determined that it was not a feasible idea at this time because there were too many obstacles to overcome. He thanked those that had supported the idea. Councilor Bettison thanked Assistant Fire Chief Tim Heidrick and the team for everything they did during the recent floods to take care of folks that were stranded in the Gila and to search for folks that had been lost.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES** – **Regular Meeting on September 10, 2013** - Councilor Bettison moved to approve the minutes of the Regular Meeting of September 10, 2013. Councilor Morones seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of September 10, 2013. He asked if there was any discussion, and there was none. He asked all those in favor to say aye, and all 4 Councilors voted aye. He asked if any were opposed, and there were none. Motion carried.

## 8. REPORTS –

**A. Staff reports.** Eileen Sullivan, Library Director, reported on the progress made in the last 3 years at the Public Library and where they were headed. She reported on the vision of the Public Library; their Three Point Plan that included staff reorganization, infrastructure improvements with the physical space and technology and information systems, and developing community collaborations; their future priorities that included e-books by January 2014, to focus on technology and information literacy training, teen and young adult program development through various partnerships, to develop a plan and budget for the remodel of the Children's Library, and to explore additional online services; upcoming programs with a science series and a concert series; and their upcoming Open House on September 25th. She thanked the Library staff, their partners, volunteers, board members, the Mayor and Town Councilors, and their Library patrons. Mayor Marshall said that 6 years ago he only received reports of deficiencies in the Library and he thanked Ms. Sullivan for the impressive work that she had done.

Assistant Fire Chief Tim Heidrick said the Fire Department had been busy in the last couple of weeks. He said that on September 8th the Silver City Honor Guard was asked to go to the Fire Expo at the State Fire Academy to present the colors for their opening ceremonies, and they received a job well done from the State Fire Marshal's Office. He reported that on September 14th during the Fire Expo's Awards Banquet, Tommy Chavez, Driver/Operator, received a Firefighter of the Year Award from the State because he had been instrumental in 2 victim rescues from 2 separate houses in almost 1 year's time. He said that being recognized by the State was a big accomplishment for Mr. Chavez. He said on September 12th that 4 members of the Fire Department responded and helped to remove 9 individuals from the Middle Fork that were trapped on the west side of the river and could not get out to other trails. He commended the firefighters for doing an excellent job and he described what equipment, etc. they had to pack for several miles in order to rescue the 9 individuals. He said on September 18th that 5 more members were asked to be on standby to help with search & rescue in Mogollon because of the flooding and to look for a lost person.

## 9. PUBLIC HEARINGS –

**A. Approval / Disapproval of Ordinance No. 1224: An Ordinance Amending the Town's Official Zoning Map by Rezoning from Residential A (R-A) to Commercial (C) a Parcel Described as Lot 3, Unit 3, North Silver Heights Subdivision of Silver City, Grant County, New Mexico (3201 Ridge Loop Road). The applicant is Bear Mountain Land and Cattle Co, represented by General Partner Richard M. Steinzig, MD.** Mayor Marshall stated 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 all 4 Councilors said no. He qualified all of them to be on the hearing board. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. The Town Clerk swore in 2 witnesses. Mayor Marshall read the procedures of how the hearing would be conducted.

Councilor Bettison moved for a short break at 6:42 p.m. Councilor Morones seconded. Mayor Marshall said there was a motion and second for a short break and asked all those in favor to say aye. All 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried. He stated that they should not discuss the hearing while on break. He called the meeting back to order at 6:53 p.m. and reminded everybody that was sworn in that they were still under oath.

Mayor Marshall asked Jim Coates, Town Planner, to provide the staff report. Mr. Coates read through the staff report that was included in the Council's meeting packet. He asked if he should read the 7 Findings, and the Mayor said it was not necessary because they were in the record. Mr. Coates said it was staff's opinion that any of 1, 2, 4 or 7 of the Findings would be approvable, and the Planning and Zoning Commission's recommendation to the Council was that the application for the zone change amendment be approved based on 1, 2, 4, and 7 Findings. There were no questions from the Council. Mayor Marshall asked Dr. Steinzig, representative of Bear Mountain Land and Cattle, to present the applicant's case. Dr. Steinzig said his desire was to comply with the current zoning situation and that they did not have a Light Commercial zone; only a Residential or Commercial zone. He said that in leasing the building he told people that it was not Commercial, but they could have a medical practice because it was grandfathered in on the original situation. He said he was the landlord and was not practicing, and that he did not know if the grandfathering would apply down the road if it was Residential A, so Town staff suggested that it be changed to Commercial. He said it

would never be anything but a practitioner's office as long as he owned the building. There were no questions. Mayor Marshall asked if there were any other witnesses in support of the application, and there were none. He asked if there were any witnesses in opposition to the application, and there were none. He asked Dr. Steinzig if there was anything else he would like to include in the record or if it concluded his case. Dr. Steinzig thanked Mr. Coates and staff for being so thorough. There were no questions from the hearing board for any witness. Mayor Marshall asked if the hearing board was prepared to consider the application and render its decision, and they said yes. He said he would entertain a motion. Councilor Bettison moved to approve Ordinance No. 1224 and she read the agenda item description and said it was based on Findings 1, 2, 4 and 7. Councilor Morones seconded. Mayor Marshall asked if they would consider amending their motion to add the language under the Now, Therefore section of the Resolution that stated, "The Town Council adopts the findings and recommendation of the Planning and Zoning Commission in their entirety." Councilor Bettison said yes, that she would like to add it. Mayor Marshall said it was a friendly amendment to the motion. He re-stated the motion as follows, " Approval of Ordinance No. 1224: An Ordinance Amending the Town's Official Zoning Map by Rezoning from Residential A (R-A) to Commercial (C) a Parcel Described as Lot 3, Unit 3, North Silver Heights Subdivision of Silver City, Grant County, New Mexico (3201 Ridge Loop Road). The applicant is Bear Mountain Land and Cattle Co, represented by General Partner Richard M. Steinzig, MD, and the Town Council adopts the findings and recommendation of the Planning and Zoning Commission in their entirety." There was no further discussion and he asked for a roll call vote. Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried.

Manager Brown stated that Mr. Coates was going to retire and he thanked him for all of the work he had done for the Town of Silver City, and that it was a pleasure working with him. Mayor Marshall said on behalf of the Council to Mr. Coates that his work was very appreciated and that it absolutely added value to the Town of Silver City and would live on forever in their history. He said that he absolutely appreciated him and that he was very honorable. Mr. Coates thanked the Mayor and Councilors for the opportunity to serve the Town and how he had learned so much, especially about how difficult and trying the Council's work was. He said he would be much more comfortable as a citizen because he would know better how to treat people in their seats because the work they did demanded so much respect. He also thanked Manager Brown, Attorney Scavron, and Clerk Mackie for the work that they did.

**10. UNFINISHED BUSINESS** – None.

**11. NEW BUSINESS** - None.

**12. ADJOURNMENT** – Mayor Marshall asked for a motion to adjourn. Councilor Morones moved to adjourn at 7:08 p.m., and Councilor Bettison seconded. Mayor Marshall stated there was a motion and a second to adjourn. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if there were any opposed, and there were none. Motion carried.

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James R. Marshall, Mayor

Attest:

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Ann L. Mackie, Town Clerk