

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
October 13, 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
Yolanda C. Holguin, Acting Town Clerk
Robert L. Scavron, Town Attorney
Ed Reynolds, Police Chief

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

2. CEREMONIES – None.

3. PROCLAMATIONS – “Celebrate Pro Bono Week” – October 25-31, 2009: Mayor Marshall read and presented the proclamation to Judge Henry R. Quintero. Judge Quintero talked about the purpose and type of service that the Pro Bono Week would offer to low-income residents.

4. PUBLIC INPUT – Debra Franco expressed her concerns of the excessive noise, speeding, and how people were driving and talking on their cell phones on SW Black Street, Market Street, and Cooper Street. She stated the area had businesses, a school and residents; and that she could not enjoy life and was worried that a child might get hurt.

5. COUNCIL COMMENTS – The Council commented on the following: the Chamber of Commerce’s business after hours meeting; the ribbon-cutting for Diane’s Restaurant expansion; the Parks and Recreation Committee meeting; the Weekend at the Galleries and Pollo Loco events; the importance of being nice, kind, and considerate to others; the police were complimented for not showing preference to elected officials; a lady that had picked up a bag of trash on Little Walnut Road; the flu influenza shot and swine flu vaccine; statistics on noise citations issued downtown; foot patrol; the progress of repairing the potholes at Albertson’s; an update on the San Vicente Trail; how Town issues were being handled professionally; the size of the crowds in the downtown area during the weekends; the businesses that were closing and opening downtown; the size of the Land Use Code and how the Council was encouraged to read and study it; the list of boards and committees that had vacancies and the importance of serving on them; the Land Use Code appeal process, variance, and grandfathering; an issue with a citizen being rude to the Utility Billing clerks because their water was turned off for non-payment; and an update on Penny Park.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES – Regular Meeting – September 22, 2009: Councilor May made a motion to approve the minutes with the noted correction on Council Comments to read “The Mayor informed the Council that user fees were being considered applicable to Bill Evans Lake and Lake Roberts. Stressing the importance of these recreation opportunities for the people of the Town and County, the Mayor expressed his hope that such fees would not be imposed. There was a sense that the Council was in full support of the Mayor’s position.” Councilor Bettison seconded the motion. There was no further discussion. All were in favor, motion passed.

8. REPORTS – A. Katherine Smyer, Executive Director of the Southwest Regional Transit District, provided an update on Corre Caminos and Corre Cantinas: Ms. Smyer reported on the usage statistics for September for Corre Camino and Corre Cantinas and compared them to last year’s numbers; Saturday’s service; the partnership with the DWI Program and Corre Cantinas; stimulus monies being used to expand benches, vans and wheelchair accessible vehicles; and the start date of the new terminal to be included in the update of the facility.

Manager Brown discussed the upcoming Special Legislative Session and the proposed repeal of the hold-harmless food and tax distribution. He stated that if the proposed appeal was passed the Town would lose over \$1.4 million; gross receipt taxes would be cut about 20% and staff and services would be cut significantly.

Police Chief Reynolds described the process when a citizen had complaints against a police officer; following up and getting back to citizens with complaints; not having to identify oneself when you call in a complaint; generic complaints and follow-up; encouraged citizens to call him; and discussed what happens when an officer does not witness an incident. Councilor Bettison made a motion to recess at 7:48 p.m. Councilor May seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 8:00 p.m.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of Resolution No. 2009-25: Adopting the 2011-2015 Infrastructure Capital Improvement Plan (ICIP). Manager Brown discussed the ICIP and the five year plan to upgrade the infrastructure for the Town. The Council discussed and commented on the order of the top priorities. Councilor May made a motion to approve Resolution No. 2009-25 with the amendment of placing Number 2011-01 to Number 08 and moving Numbers 08 to 02 up one number. Councilor Bettison 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. All were in favor, motion passed.

B. Approval / Disapproval of Bid 09/10-9: Homeowner rehabilitation for four homes. Manager Brown discussed the three bids received for the renovation of four homes and stated it was staff’s recommendation to award the bid to G & J Construction, Anthony, N.M. Councilor May made a motion to approve the staff recommendation for Bid 09/10-9: Homeowner rehabilitation for four homes to G & J Construction. Councilor Bettison seconded the motion. All were in favor, motion passed.

C. Discussion on any election propositions, i.e. “Should the Town ban the sale of ground and aerial fireworks as non-binding?” The Council discussed the following: how not everyone agreed in banning fireworks and how two surveys had been presented; using the election as a method for feed back; using other methods for feedback, such as the utility bill; using the election process to get feedback in a non-binding fashion; giving the residents the opportunity to give feedback; the amendment of the fireworks ordinance; how more votes could be captured at the polls; finding a better method of getting feedback on all issues; using the Town’s website for polling; concerns that using the election for polls would set a dangerous precedent that major issues would go to a ballot; the Town addressing major issues; the job of elected officials; how public involvement was low; Councilors being accessible to the residents; giving the voters a chance to voice their opinion; giving the current ordinance a chance; the possibility of an under vote either for the elected official’s position on the ballot or for the proposition on the ballot; how it would be a non-binding question on the ballot; and the interpretation of the item on the agenda.

12. ADJOURNMENT – Councilor May made a motion to adjourn at 8:41 p.m. Councilor Nupp seconded the motion. The vote was as follows: Councilor Bettison – nay, Councilor Nupp – aye, Councilor Wheaton-Smith – nay, and Councilor May – aye. There was a tie vote; Mayor Marshall voted nay and the motion died. Councilor Wheaton-Smith requested that the Town Attorney come up with a proposed entry for the election resolution that would be brought to Council in November. Councilor Wheaton-Smith made a motion to adjourn at 8:43 p.m. Councilor Bettison seconded the motion. All were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Yolanda C. Holguin, Acting Town Clerk