

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

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

May 11, 2010 – 7:00 P.M.

Present: James R. Marshall
Cynthia A. Bettison, District 1
Jamie K. Thomson, District 2
Simon Wheaton-Smith, 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
Ed Reynolds, Police Chief

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 7:03 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – Mayor Marshall proclaimed May 15, 2010 as “Silver City MainStreet Day”. Lucy Whitmarsh accepted the proclamation and commented on upcoming events to celebrate the 25th anniversary of the Silver City MainStreet Project and the New Mexico MainStreet Program.
- 4. PUBLIC INPUT** – William Joseph commented on noise problems in the downtown area and in District 3; how the police were not enforcing the noise ordinance; and how noise should not be tolerated. Hueteofl Lopez commented on how he did not see a problem with noise in the town; the 60th anniversary of the world acclaimed movie “Salt of the Earth” that was about the United Steel Workers of America Local #890 in Bayard; how a committee was formed for the preservation of the local mining history; and he requested the Town Council to pass a resolution to support their efforts to achieve national historic status.
- 5. COUNCIL COMMENTS** - The Council commented on the following: recently attended events; upcoming events; noise and how 18 noise citations were issued by the Police Department in April; the need to have an environment where people can learn about civil behavior; long term goals for the Town; the good response time by meter readers to stop a water leak in District 3; how citizens should not yell at Town staff; revision of the procurement code; Silver City MainStreet Project’s 25th anniversary celebration and how the organization had greatly changed the downtown area; the historical mining history in the area; and how research and studies were being done to revise the noise ordinance.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES** – **Strategic Planning Session and Budget Workshop, April 23, 2010** – Councilor Bettison made a motion to approve the minutes. Councilor Morones seconded the motion. All were in favor, motion passed. **Regular Meeting – April 27, 2010** - Councilor Bettison made a motion to approve the minutes. Councilor Wheaton-Smith seconded the motion as stated. All were in favor, motion passed.
- 8. REPORTS** – Manager Brown reported on his work on the budget and stated there were no planned rate increases, but he said he would bring forward a proposal to impose a fee structure for the septage that was received throughout Grant County at the septic receiving station. He said the septic receiving station required processing, maintenance, and man-hours, but a fee structure had never been instituted. He said there were slight operational cost increases in wastewater so an imposed fee structure would cover the small increase of \$15,000 in the operation of that wastewater. He also reported that the Town was being proactive regarding safety throughout the Town and had invited OSHA to do a voluntary inspection of Town facilities. He said a few small things needed to be addressed, i.e. issues with older buildings and a policy on the use of respirators. He said none of the issues would be costly and could be taken care of within the normal operating budget. Police Chief Reynolds reported that the Tour of the Gila bike race went well and how it may turn into an international race the following year. He provided information on the gang intel and warrant round-up operation that had been recently conducted by the Silver City Police Department and 7 other law enforcement agencies.

9. PUBLIC HEARINGS – A. Approval / Disapproval of Request for a Beer and Wine Restaurant Liquor License, Application #631650, Applicant Name: Q’s Southern Bistro, LLC, DBA: Q’s Southern Bistro, Proposed Location: 101 E. College St., Silver City, NM 88061. Mayor Marshall stated that 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 none had. Mayor Marshall 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 3 witnesses for the hearing. Mayor Marshall read the procedures of how the hearing would be conducted. Applicant Ronald Q. Quintana presented his case and stated it was a family restaurant and his son would be the executive chef and manager. His son, Anthony Quintana, provided details about the restaurant and menu. The applicant concluded his case. There was no opposition. Mayor Marshall asked the hearing board if they were ready to render a decision. Councilor Morones made a motion to approve the request for a beer and wine restaurant liquor license. Councilor Wheaton-Smith seconded the motion as stated. There was no further discussion. All were in favor, motion passed.

Councilor Bettison made a motion to take a short break at 7:52 pm. Councilor Morones seconded the motion. All were in favor motion passed. Mayor Marshall called the meeting back to order at 8:05 pm.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1159: An Ordinance Amending Title 3, Chapter 37 (Elections), Section 37.04 of the Municipal Code of the Town of Silver City, Grant County, NM. Mayor Marshall presented Ordinance No. 1159 and stated it was to reconcile the dates of when an elected official took office between the Town’s Election Code and the State’s Municipal Election Code that the Town had adopted. He said the Town’s elected officials currently took office on April 1st, but the State code said they should take office within 6 days of gaining that office. He explained that his reason for bringing the ordinance forward was because after the last election there was a lag of 3 weeks where the Council could not conduct big business because half of the Council was leaving. He said the ordinance would resolve that issue. Councilor Bettison stated her reasons for co-sponsoring the ordinance and how it would conform to the State’s Municipal Election Code. There was further discussion. Councilor Bettison made a motion to approve Ordinance No. 1159. Councilor Wheaton-Smith seconded the motion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Thomson – aye; Councilor Wheaton-Smith – aye; and Councilor Morones – aye. Motion passed.

B. Approval / Disapproval of Ordinance No. 1164: An Ordinance amending Chapter 130, Section 130.11(B), of the Town of Silver City Municipal Code, relating to aggressive begging and prohibited solicitations upon Town-owned streets and public rights-of-way within the Town limits of the Town of Silver City, Grant County, NM.

Mayor Marshall presented the details of the ordinance. He said a lot of research went into it, and it addressed all of the concerns that had been brought forward. Councilor Bettison, co-sponsor of the ordinance, commented on how the ordinance addressed the importance of median safety and aggressive begging. Mayor Marshall asked for input from the audience. Peter Falley, president of the local ACLU chapter, commented on his concerns about the ordinance. Other comments were received from members of the audience. Mayor Marshall, the Council, Attorney Scavron, and Police Chief Reynolds responded to their concerns, and Councilor Wheaton-Smith suggested an amendment to Section 130.16 (B) (1) which was noted by the Town Clerk. There was further discussion. Councilor Bettison made a motion to approve Ordinance No. 1164 as amended by Councilor Wheaton-Smith. Councilor Wheaton-Smith seconded the motion. There was no further discussion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Thomson – nay; Councilor Wheaton-Smith – aye; and Councilor Morones – aye. Motion passed.

11. NEW BUSINESS – None.

Councilor Wheaton-Smith made a motion to go in to Executive Session pursuant to NMSA 1978, Section 10-5-1 (H)(5) for the discussion of bargaining strategy preliminary to collective bargaining negotiations, Section 10-5-1 (H) (7) for a meeting subject to the attorney-client privilege pertaining to threatened or pending litigation, and Section 10-5-1 (H) (8) for the discussion of the purchase, acquisition or disposal of real property or water rights. A roll call vote was taken with the following results: Councilor Wheaton-Smith – aye; Councilor Morones – aye; Councilor Thomson – aye; and Councilor Bettison – aye. Motion passed. Mayor Marshall called the meeting back in open session at 11:05

pm and stated the closed session was held pursuant to the motion for closed session, discussions were limited to the matters at hand, and no decisions were made.

12. ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 11:05 pm. Councilor Bettison seconded the motion. All were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk