

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

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

May 25, 2010 – 7:00 P.M.

Present: James R. Marshall, Mayor
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
Alexandra Perrault, Town Planner
Mike Eley, Town Planner

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 7:00 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – Mayor Marshall proclaimed May 30 – June 5, 2010 as “Wild Wild West Pro Rodeo Week”. Frances Vasquez and Chad Snedeker accepted the proclamation and Mrs. Vasquez commented on the upcoming events for the 20th annual Wild Wild West Pro Rodeo Week.
- 4. PUBLIC INPUT** – Susie Siedentop commented on the lack of enforcement of animal control issues regarding dogs in her neighborhood.
- 5. COUNCIL COMMENTS** - The Council commented on the following: recently attended events; upcoming events; residents were encouraged to attend the Council’s Strategic Planning Session in June and provide input on the S.W.O.T. analysis (strengths, weaknesses, opportunities, and threats); thanks were given to the Police Department for enforcing the new ordinance on aggressive begging and medians; non-motorized transportation; the Town’s Comprehensive Plan; how the Town’s budget could reflect working on public space and working with Juvenile Probation and Parole Office to help kids; animal control enforcement issues; code enforcement issues; how the Southwest Regional Transit District was run well; noise citations; how the site work for the downtown gateway arch had begun; the ground breaking ceremony of the new section of the Memory Lane Cemetery on May 26th; and openings on the Town’s boards and committees.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES – Regular Meeting – May 11, 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 that the Police Department picked 8 noise citations to follow-up on with Municipal Court, and learned that 3 citations were dismissed, and 5 received penalties ranging from \$91 to \$157. Police Chief Reynolds reported on animal complaints, citations, kennel licenses, and enforcement. He thanked the Council for putting forth the ordinance that allowed them to control the issue of the panhandlers on Highway 180 East.
- 9. PUBLIC HEARINGS – A. Approval / Disapproval of SD 09-1 – a preliminary subdivision plat request for the dividing of a 27.5 acre tract of land into 56 lots either 2,500 or 5,000 square feet in size. The tract of land consisted of recently vacated portions of Reynolds Street, Newsham Street, Durango Street, Market Street, Kelly Street, 6th Street, 7th Street, 8th Street, College Street, 10th Street, and all of Blocks 114, 115, 116, 117, 118, 119, 150, 151, 152, 153, 154, 155, 188, 189, 190, 191, and 192, including part of Blocks 218 and 219, Section 2 of the Fraser Survey. The applicant was the Town of Silver City.** 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 be sworn in to testify by the Town Clerk. The Town Clerk swore in 4 witnesses for the hearing. Mayor Marshall read the procedures of

how the hearing would be conducted. The applicant was the Town of Silver City. Alexandra Perrault, Town Planner, read the Planning and Zoning Commission's Notice of Decision that recommended approval with 2 conditions: 1) that the applicant would need to make the improvements to the Tenth Street/Mountain View Road intersections recommended in the traffic impact analysis before Phase III would begin, and 2) that the applicant would need to obtain and submit a letter from Qwest that approved the location of utility lines in the plat by the final plat submittal. She answered questions from the Council. Mike Eley, Town Planner, provided details about the houses and subdivision; the application and loan process; how the next step would be to go out for a request for proposal for the infrastructure construction; how the construction of the houses would begin by January or February 2011, and how the Town received grant and stimulus funding for the project. Tim Grattan, Architect for TG Architecture, answered questions from the Council and commented that the drainage issues were studied extensively with the Town engineer, Bud Melaney, and the codes and regulations were followed. There was discussion between the witnesses and the Council. Attorney Scavron and the witnesses discussed the safety and layout of the detention ponds, lot sizes, parking and set backs, the affordable housing ordinance and housing plan, etc. He suggested to the Council that they add a condition concerning the safety of the detention ponds for liability issues. Manager Brown commented that the Town staff, department heads, and engineers worked together to develop what the Town wanted and to meet all of the standards and design requirements. There was further discussion. Councilor Wheaton-Smith made a motion to recess at 8:31 p.m., and Councilor Bettison seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 8:48 p.m. Councilor Wheaton-Smith asked Planner Perrault a clarifying question about whether the proposed Land Use Code was used as a basis for the variance that was issued, and she said no. Councilor Wheaton-Smith asked that the elements of that discussion be struck from the record. Mayor Marshall ruled that the portion of the record that was based on any reference to the future code would be struck from the record as irrelevant in the current hearing. Mayor Marshall asked Councilor Bettison to clarify if she was able to hear all of the testimony. She stated that she had some difficulty hearing, but Mr. Grattan spoke up louder so she was able to hear sufficiently and would be able to act appropriately. Mayor Marshall confirmed from the hearing board that there were no other issues regarding hearing, and there were none. Councilor Bettison clarified that she had concerns about the drainages, culverts, and detention ponds because she was concerned about liability issues on Town property, but she learned that she could refer to the drainage reports. There was further discussion.

The applicant's case was concluded, and 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 preliminary subdivision plat submitted by the Town seeking to divide a 27.5 acre tract of land in Section 2 of the Fraser Survey of the Town, with the condition that the approval was subject to a continuing review of safety issues incidental to the design and construction of detention and retention ponds associated with drainage. Councilor Wheaton-Smith seconded the motion as stated. Planner Perrault asked the Mayor if they would like to include the 2 conditions that were recommended by the Planning and Zoning Commission's Notice of Decision. There were no objections by Councilor Morones or Councilor Wheaton-Smith to the friendly amendment of the motion. A roll call vote was taken with the following results: Councilor Morones – aye; Councilor Wheaton-Smith – aye; Councilor Thomson – aye; and Councilor Bettison – aye. All were in favor, motion passed.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of Notice of Intent Ordinance No. 1165: An Ordinance amending Municipal Code Chapter 151, §151.031 (Land Use Code, Use Table) by modifying the “Use Table” to include child care centers as a conditional use in Residential “A” zoned districts within the Town of Silver City, Grant County, New Mexico. Mayor Marshall sponsored Notice of Intent Ordinance No. 1165 and presented the details. He stated that the State requirements for child care centers had criteria based on the amount of square footage per child which would limit many lots from qualifying. He said having child care in communities was a potential benefit, and the State provided protection because huge child care centers would not be allowed and could not disrupt neighborhoods. Councilor Wheaton-Smith made a motion to approve NOI Ordinance No. 1165. Councilor Bettison seconded the motion as stated. Mayor Marshall asked that they consider stating in the motion that it was also a proposal for a text amendment in the Land Use Code which would go for staff and Planning and Zoning Commission's review. Councilor Wheaton-Smith accepted the friendly amendment, and Councilor Bettison seconded. There was further discussion. All were in favor, motion passed.

B. Approval / Disapproval of Resolution No. 2010-15: to adopt the preliminary Budget for Fiscal Year 2010-2011. Manager Brown commented on how the preliminary budget would be submitted to the NM Department of Finance and Administration. He said that 2 budget hearings were previously conducted for the preliminary budget, and that only one change had been made since the last budget hearing. He said funds were transferred from the Water and Sewer account into the General Fund account in order to hire 6 temporary workers for the Parks and Streets Divisions for a total cost of \$38,000. He said the additional positions would increase services. There was further discussion. Councilor Bettison made a motion to approve Resolution No. 2010-15. Councilor Morones seconded the motion as stated. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Thomson – aye; Councilor Wheaton-Smith – aye; and Councilor Morones – aye. All were in favor, motion passed.

C. Re-appointment of one member to the Library Board. Mayor Marshall received the Council’s consensus to re-appoint Bruce McKinney to the Library Board.

D. Approval / Disapproval of the Town’s Mission Statement. Councilor Wheaton-Smith read the mission statement as follows, “Silver City is the hub of an inclusive community settled within a small town that through guided growth, honors and preserves its historical, cultural, and natural heritage while facilitating jobs, health, and education resources such that the residents and visitors may enjoy and protect the recreational opportunities of the area and high quality of life.” He made a motion to approve the mission statement. Councilor Bettison seconded the motion, and confirmed with the Mayor that the mission statement could be changed as needed. Mayor Marshall commented that he did not think it was out of place to make the mission statement lengthy and said it was the Town’s mission statement. All were in favor, motion passed.

12. ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn at 9:08 p.m. Councilor Bettison seconded the motion. All were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk