

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
October 27, 2015, 6:00 p.m.**

**Present:**

Michael S. Morones, Mayor  
Cynthia Ann Bettison, District 1  
Lynda D. Aiman-Smith, District 2  
Jose A. Ray, Jr., District 3  
Guadalupe Cano, District 4

**Also Present:**

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

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** - None.
- 3. PROCLAMATIONS** - None.
- 4. PUBLIC INPUT** – Avery Jepson-Browne, Janet Wallet-Ortiz, and Harry Browne commented on the PNM Power Replacement Plan, how it would have significant environmental and health impacts, how it would increase electricity rates, etc., They encouraged the Council to adopt a draft resolution that was read by Harry Browne. Nancy Cliff reminded everyone to vote for the Continental Divide Trail for a \$25,000 grant by going to the [www.superiortrails.michelobultra.com](http://www.superiortrails.michelobultra.com) website. She said the deadline was October 31st.
- 5. COUNCIL COMMENTS** - The Council commented on the following: how Councilor Cano would not be able to stand for the Pledge because of her recent surgery, and she gave thanks for the good thoughts and prayers; encouraged people to attend several upcoming events; a request for Manager Brown to get with Police Chief Reynolds to see if there could be 2 policemen in each patrol car because of the things that were happening in Albuquerque; how traffic was still going too fast on Broadway and downtown; encouraged people to use the crosswalks downtown and on the local highways; and thanks were given to Manager Brown for meeting with a constituent in Councilor Bettison's district to alleviate some property concerns.
- 6. CHANGES TO AGENDA** - None.
- 7. APPROVAL OF MINUTES - Regular Meeting on October 13, 2015** - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of October 13, 2015. Councilor Bettison seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Regular Meeting of October 13, 2015. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.
- 8. REPORTS**
  - A. First Quarter Report for Tourism by Lee Gruber, Silver City Arts and Cultural District.** Lee Gruber, Interim Director for the Arts and Cultural District (ACD) and Tourism, recognized Rebecca Martin, who was in charge of the Visitor Center, and Amber Rheubottom, Project Coordinator for Arts, Culture, and Tourism. She announced that Cynthia Spray from Taos had accepted their offer of a contract as the new Executive Director of the ACD, and she provided some background information on Ms. Spray. Ms. Gruber reviewed some of the details of the report that was in the Council's meeting packet. She mentioned that True West Magazine would feature Silver City in the month of March as a true western town. She discussed the ads placed; a grant that would allow for trail signage, a kiosk at the Visitor Center, and maps to find the trails more easily; how the Visitor Center visitation was up 32 percent and she attributed it to their regional advertising; and upcoming events for arts, culture, and tourism.

**B. Silver City MainStreet Quarterly Report by Lucy Whitmarsh.** Ms. Whitmarsh, Executive Director of the Silver City MainStreet, provided the following information regarding the report for the July to September period: that 4 businesses opened and 3 businesses closed; that 1 building was purchased; that some renovations were done for \$96,000; that there were 3 MainStreet events; and there were 243 volunteer hours. She said the New Mexico MainStreet conducted an annual evaluation of the Silver City MainStreet program and their program was accredited again, and they were also recommended for accreditation by the National MainStreet Program. She provided a Silco Theater construction update and stated the phase of the construction should be completed by mid-December. She also reported that their 25th Lighted Christmas Parade would be held on November 28th and that it was a great opportunity for businesses and visitors. She asked the Council if there were any questions. Councilor Cano stated the sign from the State MainStreet was falling down and could not be seen because of the Anita Scott Coleman installation; she requested that the sign be moved somewhere else. Ms. Whitmarsh said yes.

**C. Staff reports.** Eileen Sullivan, Library Board Director, presented the results of the recent community survey regarding the Silver City Public Library and stated over 700 people responded. She said the survey was done in response to changes that were happening across the nation and in the community in terms of library services being offered, and that the survey results provided them with information and data to guide their future services. She concluded with the following 8 recommendations that emerged out of the findings of the survey: 1) continue to expand services and programming in the areas identified by respondents, 2) continue to invest in collections, especially in the areas identified by respondents, 3) expand online services and electronic resources, 4) ensure that people with disabilities have access to the building and resources, 5) assess and respond to human resource needs based on demand for expanded services and programming, 6) create a resource development plan to assure adequate financing for expanded services and programming, 7) develop and strengthen relationships between the Town of Silver City and Grant County to collaboratively secure resources, and 8) develop a comprehensive outreach and marketing plan to increase awareness of online and general services. She asked if there were any questions. Councilor Bettison asked about the upcoming 2016 General Obligation Bond for libraries and if the Silver City Library would be putting in a request toward that. Ms. Sullivan said they did not actually put in individual requests; that a legislative initiative would go as legislation and then there was a funding formula through the State Library that all eligible libraries would get a portion of that funding if it was approved by the legislature. She said the Silver City Library had met all of the criteria to be eligible for the funding with a comprehensive annual report to the State Library that was submitted in August, and that it should go through with no problem.

Manager Brown reported the pickleball lines were scheduled to be painted during the second week of November. He also reported that he was reviewing the budget to ensure Town resources were distributed in the most efficient manner possible. He said he was working with each department head to identify their needs and determine if they needed as much as they had or if they needed more. There was further discussion with Councilor Bettison on the new recycling system and how it was projected to start at the beginning of the next fiscal year. Councilor Ray requested that Manager Brown ask Police Chief Reynolds to report on gang activity at the next meeting.

## **9. PUBLIC HEARINGS -**

**A. Approval / Disapproval of a Restaurant Liquor License with Patio Service, Application No. 969520, Applicant name: Three B's Foods, Inc., DBA Burgers & Brownies & Beers Oh My!, Proposed location: 619 N. Bullard St., Silver City, NM 88061, and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school.** Mayor Morones 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 matter, 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. Mayor Morones stated that anyone not sworn in would not be able to testify or participate in the hearing. The Town Clerk swore in 4 witnesses. Mayor Morones read the procedures of how the hearing would be conducted. He gave the floor to Mr. Barnhart. Mr. Shevek Barnhart said he was one of the co-owners of Three B's Foods and he stated the nearby church was fine with the license and had sent a waiver letter. He talked about his previous restaurant called Shevek's that he operated for 14 years and that he had a beer and wine license for 13 of those years, and never had issues with the license and was never cited. He said they had always been a good part of the community and promoted the community. He stated they did not have their business license yet and he described

the reasons for the delay. He described how he would operate the business regarding alcohol service. Mayor Morones asked if there were any witnesses in support of the case, and Becky Young, Therése North, and co-owner of Three B's Foods, Amberwind Barnhart, had favorable comments for the liquor license. Mayor Morones asked if there were any questions for the hearing board, and there was none. Attorney Scavron stated there was some concern expressed because the applicant did not have their business registration yet; that the facility was not complete and the certificate of occupancy and the requisite inspections had not been done. He stated that he did not believe any of those circumstances would be a bar to the Council approving or disapproving the transfer. He said he wanted to make it clear to the applicants that once the transfer was in affect it did not obviate the requirement for the business registration, for the certificate of occupancy, and for the inspections in order to satisfy the Town's ordinances. Mr. Barnhart said that would not be an issue. Attorney Scavron said it did not have to be part of the motion. Mayor Morones asked the hearing board if they were ready to render their decision. Councilor Ray moved to approve the Restaurant Liquor License with Patio Service, Application No. 969520, Applicant name: Three B's Foods, Inc., DBA Burgers & Brownies & Beers Oh My!, Proposed location: 619 N. Bullard St., Silver City, NM 88061, and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school. Councilor Cano seconded. Mayor Morones said there was a motion and a second as read into the record. He asked if there was further discussion, and there was none. He asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

**B. Approval / Disapproval of Ordinance No. 1242: An Ordinance to amend the Official Zoning Map for a parcel of real property addressed as 1700 Mountain View Road, Silver City, New Mexico from the Rural District to the Commercial District. The applicant is the owner, Mary Ellen Marquez.** Mayor Morones 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 matter, 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. Mayor Morones stated that anyone not sworn in would not be able to testify or participate in the hearing. The Town Clerk swore in 1 witness, Assistant Town Manager James Marshall. Mayor Morones read the procedures of how the hearing would be conducted. He gave the floor to Mr. Marshall. Mr. Marshall said it was really a correction to the zoning map and he read the definition of Rural District from the Land Use and Zoning Code. He said the Commercial District that they were going to was an older Commercial District and was very fitting for the purpose. He said the property in question was currently a restaurant and the zoning line split the building into Commercial and Rural so it had 2 separate zones. He presented photos and described each. He said when the Council made a decision they would need to have 1 one of the 7 findings. He said the staff opinion had findings, 1, 2, 4, 5, and 7. He said if the applicant tried to do anything with her real estate, it would be a major issue for her, as well as if she were to apply for a beer and wine license for the restaurant because there would be 2 zones for 1 building. Mayor Morones asked if there were any questions. Councilor Bettison asked about the recommendations by the Planning and Zoning Commission. Mr. Marshall indicated they were in their packet. Mayor Morones gave the floor to Attorney Scavron who stated the record should indicate the applicant was not present, but the application was part of the record in that it was equivalent to testimony. He said the problem was that they could not question the application or the applicant. He said if they needed to question the applicant, then they could remand the action and require the applicant to be present to answer questions.

Mayor Morones then acknowledged the arrival of the applicant, Mary Ellen Marquez, and asked Clerk Mackie to swear her in. The Mayor explained to Ms. Marquez that Town staff presented a brief synopsis of her case and that according to Attorney Scavron it was the body of her testimony. He asked Ms. Marquez if she had anything to add to her application. She apologized for being late, and she said she wanted to change it all to Commercial since she had an existing business there. Mayor Morones asked if there were any questions for the applicant, and there were none. He asked Ms. Marquez if that concluded her case in chief, and she said yes. He said there was no opposition. He asked Ms. Marquez if there was anything else she would like to have reflected in the record, and she said not to her knowledge. He asked if the hearing board had any other questions, and they said no. He asked them if they were ready to render their decision. Councilor Cano moved to approve Ordinance No. 1242: An Ordinance to amend the Official Zoning Map for a parcel of real property addressed as 1700 Mountain View Road, Silver City, New Mexico from the Rural District to the Commercial District as it meets the following finding: 1) the proposed amendment is in substantial compliance with the Town's Comprehensive Plan. The applicant is the owner, Mary Ellen Marquez. Councilor Ray

seconded. Mayor Morones said there was a motion and a second as read into the record. He asked if there was any further discussion, and there was none. He asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

Councilor Bettison moved for short recess. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for a short recess. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried. Mayor Morones called the meeting back to order at 7:30 p.m.

#### **10. UNFINISHED BUSINESS - None.**

#### **11. NEW BUSINESS -**

##### **A. Approval / Disapproval of 2 Public Celebration Permit Applications for the El Sol Soiree event to be held on November 14, 2015 from 4 pm to 8 pm at 405 N. Bullard St., Silver City, NM. Liquor License Holder Information: 1) Little Toad Creek, LLC, DBA Little Toad Creek Distillery #63004, HC68 Box 134, Silver City, NM, 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery #67021, HC68 Box 134, Silver City, NM.**

Teresa Dahl-Bredine said she was one of the owners of Little Toad Creek Brewery and Distillery. She said it was a fundraiser event to begin raising money for the new El Sol Performing Arts Center. She said the goal was to make it an affordable and accessible community space for music, dance, theater, and film downtown; that it was a project to benefit their community and businesses downtown. She said the application was to serve alcohol from the brewery license and the distillery license for the afternoon only, and the event would include a tour of the theater in a very private fashion with an approved temporary certificate of occupancy. She said the alcohol being served would be totally contained in the vacant building across the street with the owner's permission. Mayor Morones asked if there were any questions, and there were none. He said he would entertain a motion. Councilor Ray moved to approve 2 Public Celebration Permit Applications for the El Sol Soiree event to be held on November 14, 2015 from 4 pm to 8 pm at 405 N. Bullard St., Silver City, NM. Liquor License Holder Information: 1) Little Toad Creek, LLC, DBA Little Toad Creek Distillery #63004, HC68 Box 134, Silver City, NM, 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery #67021, HC68 Box 134, Silver City, NM. Councilor Cano seconded. Mayor Morones said there was a motion and a second as read into the record. He asked if there was any further discussion, and there was none. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

##### **B. Approval / Disapproval of Request for Proposal #15/16-1P: Small Business Energy Audits.**

Manager Brown said the Town received 4 responses to the Request for Proposal and the evaluation committee recommended that it be awarded to Engineering Economics, Inc. He said Town staff concurred and it was based on the best qualified candidate; that the funds for the project were from a federally funded grant for the small business energy audits for the southwest part of the state for the counties of Grant, Hidalgo, Luna, and Catron. There was further discussion about how it was part of the U.S.D.A. Rural Energy Efficiency Grant, how there was 1 local business and 3 out of town businesses that responded; and how the Town had to follow federal guidelines which allowed a veterans preference, but not a local preference to Grant County businesses. Mayor Morones said he would entertain a motion. Councilor Bettison moved to approve the Request for Proposal #15/16-1P: Small Business Energy Audits per staff recommendation to award the RFP to Engineering Economics, Inc. Councilor Aiman-Smith seconded. Mayor Morones said they had a motion and a second as read into the record. There was no further discussion. He asked for a vote of all those in favor, and all 4 Councilor said aye. He asked if any were opposed, and there were none. Motion carried.

##### **C. Approval / Disapproval of the Disposal of Fixed Assets.**

Manager Brown said the staff was requesting the disposal of assets that were on their fixed asset inventory, and that they were very old. He said the cutoff line was \$1,000, but was currently \$5,000, and they were trying to get them off their list. Councilor Bettison moved to approve the disposal of fixed assets as listed. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second as read into the record. There was no further discussion. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

##### **D. Discussion and vote on whether to change or cancel the regular Council meeting dates scheduled for November 24, 2015 and December 22, 2015.**

Mayor Morones asked Manager Brown if there was any pertinent

business that he was aware of for those dates, and Manager Brown said no. The Mayor asked the Council if they needed to have a meeting on those dates, and they said no. He said he would entertain a motion. Councilor Bettison moved to cancel the regular Town Council Meeting dates scheduled for November 24, 2015 and December 22, 2015. Councilor Aiman-Smith seconded. There was no further discussion. Mayor Morones asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

**12. ADJOURNMENT** – Mayor Morones asked for a motion to adjourn. Councilor Ray moved to adjourn at 7:41 p.m., and Councilor Bettison seconded. Mayor Morones stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

/s/

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Michael S. Morones, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk