

**MINUTES
SPECIAL MEETING
September 23, 2019
7:00 P.M.**

**State of Texas
County of Wise
City of New Fairview**

The City Council convened into a Special Meeting. The same being open to the public, the 23rd day of September 2019 in the New Fairview City Hall and notice of said meeting giving the time, place and subject therefore having been posted as prescribed by Article 5 of the Texas Governmental code, with the following members present:

**CITY COUNCIL
Mayor Pro Tem Scott Johnson
Councilman Rick White
Councilman Charley Stumm
Councilwoman Rebecca McPherson**

**PRESENT
City Planner Barry Hudson
City Attorney Bradley Anderle
City Secretary Monica Rodriguez**

**ABSENT
Mayor Joe Max Wilson
Councilman William Payne**

ITEM NUMBER 1. CALL TO ORDER

Mayor Pro Tem Johnson called the meeting to order at 7:37 P.M.

ITEM NUMBER 2. ROLL CALL:

Roll call with the above-mentioned names present.

ITEM NUMBER 3. EXECUTIVE SESSION

Pursuant to authorization by title 5, Chapter 551, of the Texas Government Code:

A. Section 551.071: closed session consultation with city attorney to seek legal advice from the city attorney regarding legal issues related to any item on the agenda.

B. Section 551.074: deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public office or employee.

ITEM NUMBER 4. OPEN SESSION:

A. Discuss, consider and act on matters discussed in Executive Session.

ITEM NUMBER 5. NEW BUSINESS:

A. Discuss, consider and act on variance request from Avondale Development for the pavement width to be 30' wide.

Scott Schambacher was requesting a 30ft variance. He is proposing 30ft with an open bar ditch, minimum 1-acre lot with 100ft setback. He also told the council that he did not see anything in an ordinance that makes him be responsible to fix the road by touching it therefore he should not be obligated to do so. City Planner fully supported the 30ft. He said there was no need for a variance because according to the ordinance adopted 2012 that is what is required for a rural street section. **No action needed. Councilwoman McPherson made a motion to take no action for the pavement width. Motion seconded by Councilman White. Motion passed unanimously.**

B. Discuss, consider and act on request to reduce the building setbacks in Pioneer Ranch Addition and Fairview Meadows Development to 200' from an oil and gas well.

C. Discuss, consider and act on request from Devon Energy that setback for drilling an oil and gas well be set to 200' from a building and that the city waive the noise restrictions in the city's oil and gas ordinance for Pioneer Ranch Addition and Fairview Meadows Development.

City Planner told the council that according to the gas well ordinance anything less than 600ft requires a variance. The city has allowed 300ft in Falcon Ridge. The preliminary plat for Fairview Meadows was 200ft. City Planner told the council that he would be ok with 300ft. He said 200ft is to close, basically in your backyard. He recommends no less then 300ft. Laura Anderson said that with new subdivisions coming in they are trying to figure out a way to make things work. If the council allows them to build, then they should allow them to drill them same distance. She told the council that with changes and making the setbacks closer it makes it difficult for Devon to meet the noise ordinance out in place by the city at this time. There was discussion from the residents on the setbacks.

Nolan Schoonmaker- he asked if the 600ft is from the structure or living habitable only? Steve Misner told him that you could ask for a variance if you wanted to.

Tammy Ramey- She said that there is a city ordinance in place already and a lot of engineering and time has been put in it why change it. She said that we don't have to change anything. Laura Anderson said that the city ordinance was designed for a 600ft setback. IT would be very difficult to meet the noise ordinance at 200ft. Council said that they will need to continue discussion on this. Councilman White suggested to council to leave it at 600ft or come up with a setback that will be for all. The city does not need to be changing setbacks for each development. **No action- Councilwoman made a motion to take no action on B & C. Motion seconded by Councilman White. Motion passed unanimously.**

**D. Discuss, consider and act on Preliminary Plat for Pioneer Ranch Addition submitted by Avondale Development Group
Developer will file for extension**

**E. Discuss, consider and act on Final Plat for Phase 1 of Pioneer Ranch Addition submitted by Avondale Development Group
Developer will file for extension. A request was made verbally for a continuance on both plat applications. City Attorney asked for the request to be in writing and sent to the city email as well.**

Councilman Stumm made a motion on D & E to extend action to the next meeting. Extension must be made in writing by applicant. Motion seconded by Councilman White. Motion passed unanimously.

ITEM NUMBER 6. ADJOURN:

Councilwoman McPherson made a motion to adjourn the meeting at 9:04 P.M. Motion seconded by Councilman White. Motion passed unanimously.

APPROVED:

Mayor Joe Max Wilson

Mayor Pro Tem Scott Johnson

Councilman Bill Payne

Councilwoman Rebecca McPherson

Councilman Charlie Stumm

Councilman Rick White

ATTEST:

City Secretary Monica Rodriguez _____
Date