



**CITY COUNCIL MINUTES
October 18, 2021**

**STATE OF TEXAS
COUNTY OF WISE
CITY OF NEW FAIRVIEW**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 18TH DAY OF OCTOBER 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 GOVERNMENT CODE WITH THE FOLLOWING MEMBERS PRESENT:

CITY COUNCIL

**Mayor Nolan Schoonmaker
Mayor Pro Tem John Taylor
Place 1 Councilwoman Julie Burger
Place 2 Councilman Scott Johnson
Place 3 Councilman Steve Misner**

STAFF

**Ben Nibarger, City Administrator
Brooke Boller, Interim Deputy City Secretary / City Clerk
Larry Collister, City Attorney**

ABSENT

Place 4 Councilwoman Cindy Poe

WORK SESSION: 7:00 PM

1. Call to Order and roll call. **(Regular Session called to order by Mayor Nolan Schoonmaker at 7:00 pm; Roll Call with the above-mentioned names present.)**
2. Discussion of all items on the agenda.
3. Work Session discussion items:

- A. Presentation and discussion with the auditor regarding the deep dive audit.

Item was tabled until the November 15, 2021, meeting due to the auditor being unable to attend the meeting.

- B. Discuss with staff the Grand Jury Subpoena for City Financial records “pursuant to an official criminal investigation, of a suspected felony, being conducted by the District Attorney of Wise County.”

Item B was combined with Item E. On October 7, 2021, the Texas Ranger stated: “I have completed my inquiry into the City of New Fairview and did not locate any discrepancies in the City's financial accounts. This matter is closed unless additional evidence is discovered.”

- C. Discussion of the Texas Municipal League Conference (TML) that was recently attended by several members of the Council and staff.

The Mayor, Councilman Scott Johnson, and City Administrator attended the TML conference and were able to attend a variety of sessions that covered transparency, financials, water issues, sales tax sourcing, collaboration and regional solutions, cyber security, etc. The Council members stated that they had many opportunities to meet others and network as well as walk through the exhibit hall and see many solutions; the Mayor and Councilman Scott Johnson stated that they hope more of the Council members would choose to attend and learn about their role moving forward.

- D. Discuss with staff the status of the new website and obtain feedback from the council regarding the proposed branding guidelines.

The Council and staff reviewed the design guide and draft website. Staff has asked the Council to come back with any comments they may have regarding this as we continue to move forward on the development of the site.

- E. Discuss the New Fairview City Council Procedures and Decorum Policy, the Texas Open Meetings Act, and the Texas Public Information Act related to recent Council member actions and behavior.

Resident Carissa Rouse and the Mayor worked on a presentation to facilitate

conversation with the Council regarding the recent behavior of the Council, the Texas Open Meetings Act, and the Texas Public Information Act. The comments and behavior exhibited by several Council members on social media were discussed.

The facilitator discussed crisis management, brand protection, and the desired outcomes from the discussion. Three questions were presented to the Council, 1) what are you known for vs what you want to be known for; 2) how long are you invested in the improvement process; and 3) which do you want more...to be right or to serve your city?

The current cost of the audit, criminal investigation, and removal of the City Secretary was shared with the Council, totaling \$57,100 in relation to the widely discussed \$1,200 of damage to the City's garage door by the City Administrator. The audit results were discussed as well as the closing of the criminal investigation conducted by the Texas Rangers for the Wise County District Attorney, with no discrepancies in the City's financials accounts being identified, nor any fraudulent financial transactions.

Adjourned to Executive Session at 7:50 pm; reconvened to Work Session at 8:10 pm.

The Mayor led discussion regarding the Council's need to be responsible for its own development as a body and as individuals, how the Council needed to maintain responsibility, accountability, and discipline. The Council needed to promote an atmosphere conducive to fair exchange of ideas and maintain good communication amongst the residents and Council. That the information being shared needs to be accurate/factual and that the Council needed to steer clear of communication that does not improve the quality and image of public service, helping to build public trust.

The City Administrator asked if each of the Council Members were willing to commit to being kind, courteous, and professional in their communication with the residents, staff, and other members of the Council. Each of the Council members and staff committed to these behaviors.

4. Adjournment.

REGULAR SESSION: 7:00 PM or immediately following the Work Session.

5. Call to Order and roll call. (Regular Session called to order by Mayor Nolan Schoonmaker at 9:35 pm; Roll Call with the above-mentioned names present.)

6. Pledge to the flags.
 - A. United States of America
 - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
7. **EXECUTIVE SESSION:** The Council will conduct an executive, or closed, session pursuant to Section 551.071 (Consultations with Attorney) of the Texas Government Code to discuss (i) the Texas Public Information Act (“TPIA”) as it applies to the Council members, board and/or commission members, and City staff and legal issues related to the TPIA; and (ii) the Texas Open Meetings Act (“TOMA”) as it applies to the Council members and board and/or commission members and legal issues related to the TOMA.

Adjourned to Executive Session at 7:50 pm; reconvened to Work Session at 8:10 pm.

8. **OPEN FORUM:** The City Council invites persons with comments or observations related to city issues, projects, or policies to briefly address the City Council. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the City Council Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the City Council. State law prohibits the City Council from discussing or taking action on any item not listed on the posted agenda.

Jimmy Smith Moved here in July and knew what he was getting into but loves the community but water and streets are an issue, EMS can’t respond fast enough and services are not free; the social media attacks, personal opinions and agendas, show that we have a lot of growing up to do; Council can’t seem to get out of their own way; not being prepared prior to meeting is unacceptable; educate yourself so that you can educate your city; fix the audio issues and that’s going to cost money; speak up and control the room; improve the behavior online and in the meetings as it is currently unfit for leadership; how many more witch hunts.

Steven King Knew what he was getting into when he moved to New Fairview; city taxes changed the situation; Councilman Steve Misner ran on no taxes, fire the City Administrator, City Secretary and use the money to fix roads; push the past aside and move on; save money, don’t spend and wait for tax base; try to live within our means and take out no new debt.

Arne Wissman Absent when called upon.

9. **CONSENT ITEMS:** All matters listed as Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be a separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

A. Accept the Deep Dive Audit Report. **(Tabled until November 15, 2021)**

10. **NEW BUSINESS:** All matters listed as New Business will be discussed and considered separately.

A. Discuss, consider, and act on a resolution authorizing the City Administrator to execute an agreement with the City's auditor regarding the Fiscal Year 2020-2021.

Motion: Councilman Steve Misner

Second: Mayor Pro Tem John Taylor

Vote: All in favor; none opposed

Result: Resolution was approved authorizing the City Administrator to execute the engagement letters.

B. Discuss, consider, and act on a resolution authorizing the City Administrator to approve an expenditure not to exceed \$100,000 from the contingency fund for the reconstruction of drainage infrastructure not previously anticipated in the streets improvement program.

Motion: Councilman Scott Johnson

Second: Mayor Pro Tem John Taylor

Vote: Councilman Scott Johnson, Mayor Pro Tem John Taylor, and Mayor Nolan Schoonmaker voted in favor; Councilwoman Julie Burger and Councilman Steve Misner voted in opposition.

Result: Resolution was amended and approved, authorizing the City Administrator to approve expenditures not to exceed \$190,000 to install box culverts.


11. **ADJOURN:**

Motion: Councilman Steve Misner


Second: Councilman Scott Johnson

Vote: All in favor; none opposed

MINUTES APPROVED ON THIS, THE 1ST DAY OF NOVEMBER 2021:


Nolan Schoonmaker (Nov 3, 2021 21:02 GMT+2)

Mayor Nolan Schoonmaker


Scott G Johnson (Nov 3, 2021 16:07 CDT)

Place 2 Councilman Scott Johnson


John Taylor (Nov 2, 2021 20:17 CDT)

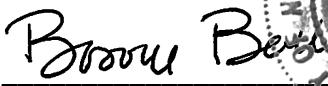
Mayor Pro Tem John Taylor


Steve misner (Nov 2, 2021 16:57 CDT)

Place 3 Councilman Steve Misner

Place 1 Councilwoman Julie Burger

ATTEST:


Brooke Boller,
Interim Deputy City Secretary

