



**CITY COUNCIL Minutes
January 10, 2022**

**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 10th DAY OF JANUARY 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 Schoonamker
Mayor Pro Tem John Taylor
Place 1 Councilwoman Julia Burger
Place 2 Councilman Scott Johnson
Place 3 Councilman Steve Misner
Place 4 Councilman Steven King**

City Staff

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

WORK SESSION: 7:00 PM

- 1. Call to Order and roll call. (Work Session called to order by Mayor Nolan Schoonmaker at 7pm; Roll Call with the above-mentioned names.)**
- 2. Discussion of all items on the agenda.**
- 3. Work Session discussion items:**
 - A. Presentation from the Wise County Clerk, Walter Harvey.**

- B. Discuss the City Council meeting calendar for 2022.

Move Council meeting February 21st to the 22nd, and move Council meeting on June 20th to 21st.

- C. Discuss the City's Strategy on a Page; establishing a New Fairview resident internship program.

Councilman Misner suggested that we create the position as well as the job description at this time. When the need arises to place it on a future agenda. Council Decided this position is not needed at this time.

- D. Discuss the UNT service learning project and the City's Comprehensive Plan update process.

City Administrator gave the update, informing Council it will cost \$45,000 for the year 2022. But that the city is getting the work done for a fraction of the cost.

- E. Discuss the paid holiday provisions of the Council adopted Personnel Policy.

City Staff receive 10 paid Holidays throughout the year. Council requested that staff does a better job with communicating to the citizens via Facebook, City Website and posting on the door at City Hall when City Hall will be closed.

- F. Discuss the City Ordinance regarding the keeping of bees (Sec. 3.01.016).

Council decided that a 25ft setback from any structure for keeping bees was a safe distance to keep everyone safe. City Administrator will adjust the working of the Ordinance and bring back to a future agenda for approval.

4. Adjournment.

Mayor Nolan Schoonmaker called for Adjournment at 8:13 pm, All in Favor.

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 8:18pm, 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. **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.

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

- A. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, approving the Development Agreement with Beaten Path Development, LLC, and authorizing the City Administrator to execute the agreement.

Motion: Councilman Steven King

Second: Mayor Pro Tem John Taylor

Vote: In Favor- Councilman Steven King, Councilman John Taylor and Councilman Scott Johnson

Opposition- Councilman Steve Misner and Councilwoman Julie Burger

Result: After a presentation was given by John with Beaten Path, explaining the new development Settlers Glenn would consist of 185 lots, with each lot consisting of a single-story home on .85 acres, requiring a minimum of 3 trees per lot. They will also be dedicating 24 acres to open space. Open rural fencing will be required for all lots adjacent to common spaces and a minimum of 250ft from FM 407. There will be a 50 ft easement off FM 407. And that there will be a mandatory HOA.

- B. Conduct public hearing to receive comments regarding an ordinance amending the Zoning Ordinance of the City of New Fairview, as amended, zoning land generally described as approximate 142.245-acre tract of land out of the Smith County School Land Survey, Abstract No. 744, Wise County, Texas, Wise County, Texas, generally north of FM 407 between Old Chisholm Trail and Saddlebrook Court, to "PD" (Planned Development).

The Public hearing was opened by Mayor Nolan Schoonmaker at 9:06 pm and closed by the Mayor at 9:08 pm.

- C. Conduct public hearing to receive comments regarding an ordinance amending the Zoning Ordinance of the City of New Fairview, as amended, zoning land generally described as approximate 14.977-acre tract of land out of the Smith County School Land Survey, Abstract No. 744, Wise County, Texas, Wise County, Texas, generally north of FM 407 between Old Chisholm Trail and Saddlebrook Court, to "PD" (Planned Development).

The Public hearing was opened by Mayor Nolan Schoonmaker at 9:09 pm and closed by the Mayor at 9:10 pm.

- D. Discuss, consider, and act on an Ordinance of the City of New Fairview, Texas, on the proposed annexation of 142.245 acres out of the Smith County Land Survey, Abstract A-

744, Wise County, Texas, located in the City's ETJ generally north of FM 407 between Old Chisholm Trail and Saddlebrook Court.

Motion: Mayor Pro Tem John Taylor

Second: Councilman Steven King

Vote: In Favor- Councilman Steven King, Councilman John Taylor and Councilman Scott Johnson

Opposition- Councilman Steve Misner and Councilwoman Julie Burger

Result: Passed

- E. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, approving the Annexation Services Agreement with Wilfred and Mary Beck related to the proposed annexation of 142.245 acres out of the Smith County School Land survey, Abstract A-744, Wise County, Texas, located in the City's ETJ generally north of FM 407 between Old Chisholm Trail and Saddlebrook Court; and, authorizing the City Administrator to execute the agreement.

Motion: Councilman Scott Johnson

Second: Mayor Pro Tem John Taylor

Vote: In Favor- Councilman Steven King, Councilman John Taylor and Councilman Scott Johnson

Opposition- Councilman Steve Misner and Councilwoman Julie Burger

Result: Passed

- F. Discuss, consider, and act on an Ordinance of the City of New Fairview, Texas, on the proposed annexation of 14.997 acres out of the Smith County School Land survey, Abstract A-744, Wise County, Texas, located in the City's ETJ generally north of FM 407 between Old Chisholm Trail and Saddlebrook Court.

Motion: Councilman Scott Johnson

Second: Councilman Steven King

Vote: In Favor- Councilman Steven King, Councilman John Taylor and Councilman Scott Johnson

Opposition- Councilman Steve Misner and Councilwoman Julie Burger

Result: Passed

- G. Discuss, consider, and act on a resolution of the City of New Fairview, Texas, approving the Annexation Services Agreement with Robert and Jenifer Kozlowski related to the proposed annexation of 14.997 acres out of the Smith County School Land survey,

Abstract A-744, Wise County, Texas, located in the City's ETJ generally north of FM 407 between Old Chisholm Trail and Saddlebrook Court: and, authorizing the City Administrator to execute the agreement.

Motion: Mayor Pro Tem John Taylor

Second: Councilman Steven King

Vote: In Favor- Councilman Steven King, Councilman John Taylor and Councilman Scott Johnson

Opposition- Councilman Steve Misner and Councilwoman Julie Burger

Result: Passed

- H. Conduct public hearing to receive comments regarding an ordinance amending the Zoning Ordinance of the City of New Fairview, as amended, zoning land generally described as approximately 142.245-acre and 14.977-acre tracts of land out of the Smith County School Land Survey, Abstract No. 744, Wise County, Texas, Wise County, Texas, generally north of FM 407 between Old Chisholm Trail and Saddlebrook Court, to "PD" (Planned Development) single family development.

The Public hearing was opened by Mayor Nolan Schoonmaker at 9:15 pm and closed by the Mayor at 9:16 pm.

- I. Discuss, consider, and act on an ordinance amending the Zoning Ordinance of the City of New Fairview, as amended, zoning two parcels of land generally described as approximately 142.245-acre and 14.977-acre tracts of land out of the Smith County School Land Survey, Abstract No. 744, Wise County, Texas, Wise County, Texas, generally north of FM 407 between Old Chisholm Trail and Saddlebrook Court, to "PD" (Planned Development) single family development.

Motion: Mayor Pro Tem John Taylor

Second: Councilman Steve King

Vote: In Favor- Councilman Steven King, Councilman John Taylor and Councilman Scott Johnson

Opposition- Councilman Steve Misner and Councilwoman Julie Burger

Result: Passed

- J. Discuss, consider, and act on a resolution of the City Council of the City of New Fairview, Texas, amending the budget to include \$3,500 for upgrades to the City Council chambers to improve the acoustics and virtual meeting quality.

Motion: Councilman Steven King

Second: Councilman Scott Johnson

Vote: In Favor- Councilman Steven King, Councilman John Taylor, Councilman Scott Johnson, and Councilwoman Julie Burger
Opposition- Councilman Steve Misner

Result: Passed

9. **EXECUTIVE SESSION:** The Commission will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:
- A. Section 551.071 - Consultations with Attorney - Discuss the lawsuit with Monica Rodriguez.
 - B. Section 551.074 - Personnel Matters Deliberate the appointment and employment of a new City Attorney.
10. **ADJOURN:** I, the undersigned authority, do hereby certify the above notice of the meeting of the City Council of New Fairview, is a true and correct copy of the said notice that I posted on the official posting place at New Fairview City Hall, FM 407, New Fairview, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 7th day of January, 2022 at 7:00 PM at least 72 hours proceeding the meeting time.

Motion: Councilman Scott Johnson

Second: Mayor Pro Tem John Taylor

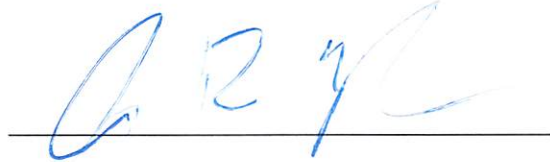
Vote: All in Favor

Result: Meeting was adjourned at 10:24 pm

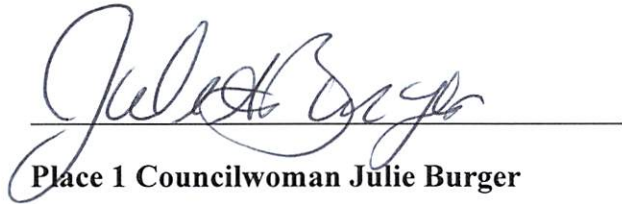
MINUTES APPROVED ON THIS, THE 2ND DAY OF MAY 2022:



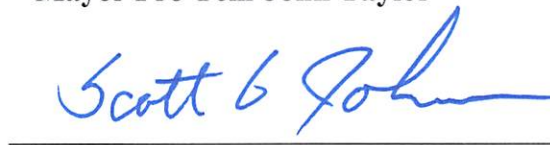
Mayor Nolan Schoonmaker



Mayor Pro Tem John Taylor



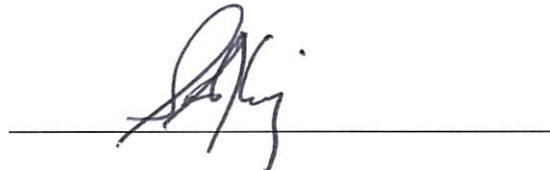
Place 1 Councilwoman Julie Burger



Place 2 Councilman Scott Johnson



Place 3 Councilman Steve Misner



Place 4 Councilman Steve King

ATTEST:



Brooke Boller, Interim Deputy City Secretary