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Minutes for
Town of Poetry
Regular Town Council Meeting

Tuesday, September 21st, 2021
6:30 pm

Faith Temple Baptist Church

11214 FM 1565 Poetry, TX 75160

Mayor called the meeting to order at 6:30 pm. Roll call was made; all were present. Pastor Michael Moonoo led the Pledge of Allegiance and the Invocation. **Mayor** said thank you to Mary Jones who donated a desk to the Town Hall, the Fletchers who donated two microphones to the Town, and Mr. Don Yost Sr., who donated funds for the church restoration project. She announced the Community Workday Saturday, September 25th at Camp Ground Church 9 am-5 pm.

Reports:

1) Road Report - **Mayor** spoke about the "Road Report" available online to all who want to report problems with the roads and volunteers who did road repairs recently.

2) Planning & Zoning Report - **Chairwoman Katherine Hartwicke** spoke about keeping Poetry, Poetry. She presented an available map and a new email setup, which equips citizens to send concerns and questions to: poetryplanning@gmail.com. She requested that they send in their ideas, fears, hopes, and experiences.

Consent Agenda:

Minutes from the August 17th, 2021, Regular Town Council Meeting was approved unanimously. 5:0

Approval of minutes from the September 7th, 2021, Workshop Meeting of the Town Council will be postponed citing internet issues. They will be approved at the next regular meeting.

Regular Agenda:

1) First Amended June 15th, 2021, Regular Meeting Minutes #7 was voted to move to after recess so that video could be watched before this action was taken. A Motion was made by Council member Fowler, seconded by Council member Jaffe to move the item to after the recess to vote on it once the video can be reviewed. Passed 5:0

2) Discussed and considered a Resolution of the Town of Poetry, Texas adopting Rules of Procedure for Town Council Meetings.

Council member Jaffe drafted the Town of Tulia and inserted the Town of Poetry.

Citizen Nancy Perry said the last meeting was chaotic and, "I am glad you are taking time to address Rules of Procedure."

Citizen Sheri Vinson said she "Doubled down on what Nancy says."

Council member Jaffe cut City Manager out of the Tulia document and substituted Town Secretary in those spots. We agreed in the workshop on the Constructs of Tulia as a base. He stated that it looked like a "Living document. This is a start. We will surely have to amend over time. Hopefully, we will find what works well. We have established rules and procedures, but we have nothing written down."

Mayor questioned whether one's address or full address should be stated upon speaking.

Council member Anderson asked if legal had reviewed this yet. They had not.

Council member Jaffe said he watched Rockwall Council to see whether they said their street address.

Council member Vinson said he would not want to state his full address on video. He sees the point of writing it down.

Council member Anderson said, "half of India has our name and address, so if they do, I don't think it is an issue to state it here."

Council member Fowler asked legal, "Do they have to be a citizen to speak?"

Town Attorney Patricia Adams stated "No. Reason is so that you know who are constituents versus who are not. Public Hearings in matters in certain cases. If you want to say street, you can. In Public Hearings, you must state the full address so you know how to count them."

Council member White said, "For PNZ, it might be important to know who is speaking and know where they live to make sure there are no conflicts of interest there."

Council member Fowler asked, "When do the public talk?" The council order of when the citizen talks. He asked legal how it normally occurs.

Town Attorney Patricia Adams said, “Typically, the person giving the report gives some background information. Some councils allow citizens to speak before you make a motion, but I find that not necessarily the best approach. It is helpful to generally have internal dialogue first, then a motion, then open to the public.”

Council member Fowler believes we should let citizens hear what we are speaking and “I would like to see public comment come in later.”

Council member Anderson said, “I would like to see discussion first.”

Council member Vinson suggested moving E down after H after the exact motion being made. It was seconded by **Council member Anderson**. Passed 5:0

3) Council member Jaffe says he would go with convention in mentioning the address.

Council member Anderson agreed.

Mayor asked if councilmen can speak after General Comments by citizens.

Town Attorney Patricia Adams said, “You can direct them to the city secretary or if someone wants to know one question answer. But you can’t get involved in deliberating that. In Public Hearings, the council doesn’t speak.”

Motion made by **Council member Jaffe** and seconded by Council member Anderson for Exhibit A to pending legal scrubbing.

Council member White asked a question about ceasing or limiting discussion. “Ms. Tara is great, but I think we should have a fair way to limit any overbearing future mayor from cutting off speech by a Council member.”

Mayor said we cannot limit time.

Council member Jaffe asked legal about and checks and balances.

Attorney Town Attorney Patricia Adams said, “This is written to allow the mayor some way to provide a standard; we should add a statement adding the legal call to question when no new opinions are given.”

Council member White questioned the number of Councilmen needed to call a special meeting request. He asked if we can request two or can it be three? Would that be a violation of the Open Meetings Act?

Town Attorney Patricia Adams stated “yes,” three would be a violation of the OMA.

Mayor stated that two was common. “This is not carved in stone, but do we have a motion?”

Council member Anderson agreed with the stipulation that we have legal.

Motion by **Council member Jaffe**, seconded by **Council member Anderson** Pending legal amended 4; Council member Vinson abstaining.

4) Interview candidate Karoline Chapman for the Town Secretary position. **Mayor** stated that one candidate retracted her resume after hearing the scope of the job. Another candidate took a job in NJ and cannot be here tonight. **Mayor** said she did her due diligence to call some references. **Mayor** spoke with the DBU Director of the Writing Center about Karoline Chapman: “She is awesome. Her work ethic is outstanding. She is honest, forthright, creative, and dependable. She spots talents in others. She is exceptional; she ended up being a supervisor. I would hire her in a second. I do not have any reservations at all. That was Ka Riley, DBU Writing Center.”

“Then I talked with Katie Carson, who currently employs Karoline part-time. Katie said, ‘She has been coming to Poetry for years. She does marketing, social media, all things brands for us. She is a stand-out. Her ability to see a need and take care of it and anticipating needs is exceptional.’ She said she is a peacekeeper. She doesn’t like to take sides, but she stays neutral and accepts everyone. She is highly versatile and adaptable.’ So, in all my years of hiring people, that was pretty high praise I thought. Any comments and questions. We can call her on up. For now, we will ask some basic questions.”

Council member Vinson asked how she pronounces her name. She stated it is “Karo-line like the Neil Diamond song.” He said he likes her public policy work. **Council member Vinson** asked, “How did you hear about us?”

She responded, “I am a long-time friend of Simeon White. His family has lived out here for about 12 years. Me and my family have been coming out here for years. We spend holidays and Christmases with their family. Now, I work with a Poetry-based business. I have been hearing about Poetry becoming its own Town, and I love your small-town values and love what you are doing. So, I was excited that there was an opening.”

Council member Vinson asked, “As a communicator, without looking at your resume, How can you help?”

She feels she can help with town minutes, writing, newsletters, and all written needs. She said, “I am adaptable at taking edits, lots of opinions, and fixing things. I think I can be quick and adaptable and hopefully free up Ms. Tara’s time and hopefully some of the other council members’ time as well. I am open to learning the other things you need.”

Council member Vinson asked, “What do you see as the biggest challenge, and how would you overcome it?” She answered, “I would need training and need to be certified. I am interested in learning so that would help me tackle that.”

Citizen Sharon Crouch said, “My address is 1001 Therrell Lane. After hearing this exciting woman, she sounds very talented. I think she would be a jewel. I don’t know her personally, but being a former employer myself, I think she would be an asset.”

Citizen Sheri Vinson said “I would like to say good luck. Can she have volunteers come help her?” Legal answered “yes.”

Mayor then read the following statement to break off at 7:21 pm for Executive Session: In accordance with Texas Government Code, Section 551.001, et seq., the Town Council will recess into Executive Session (closed meeting) to discuss the following: §551.074: Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: **Town Secretary.**

The Mayor, Town Council, lawyers Patricia Adam and Emily Bowlin, and Lauren Johnson acting as clerk, went to a private session in the Chapel of the Faith Temple Baptist Church.

The Regular session Reconvened into Regular Session at 7:39 pm. Recess 5 minutes.

First Amended June 15th, 2021, Regular Meeting Minutes #7 was voted to move to after recess so that video could be watched before this action was taken.

Item one: **Council member Fowler** and **Mayor** reheard the video from the June 15th meeting.

Council member Fowler moved to amend the amendment to say “subject matter volunteers after attorney” to make it more clear. The motion was seconded by **Council member Jaffe**. Passed 5:0.

Continued to item 4) **Council member Anderson** read “I move to appoint Karoline Chapman as Town Secretary contingent upon finalization of a contract and determination of bondability. I also propose that the Mayor work with the attorney to finalize the contract in accordance with the budget and job description. And this was written by the Town Attorney Patricia Adams, and I agree it is well written. Do we have a second?” Seconded by Council member Vinson. Passed 4. 1: Abstaining.

Council member White abstained because he has been a family friend for many years.

5) Discuss and consider an Ordinance of the Town of Poetry, Texas approving a franchise agreement with Farmers Electric Cooperative (FEC); providing a penalty for violations of the Ordinance; and providing for publication and an effective date.

Council member Jaffe wants to know who is in the city limits. Only wants to see that the people who are benefiting from the town's services are the only ones who are paying.

Mayor stated that Attorney Emily Bowlin and Samantha Crouch of FEC have been going back and forth on trying to get quarterly payments instead of an annual disbursement.

Council member Jaffe asked if the fee was 4%. "Do we know what the total disbursement would be?"

Mayor said "No. We have a guestimate and not an estimate. It does say Sept. 30th for fees through August 31st. We will know soon."

Council member Anderson asked if additional fees were requested.

Mayor said she tried but that "FEC is much smaller than Oncor and they said they cannot. I did try. They said they cannot do that."

Attorney Emily Bowlin got an additional year for a total of two years.

The attorneys reviewed it extensively. **Council member Anderson** asked for retroactive payment. She said no. Samantha Crouch was very good to work with.

A Motion was made by **Council member Anderson** and seconded by **Council member White** to accept the FEC Franchise agreement. Passed 5:0.

6) Discuss and consider an **Ordinance** of the Town of Poetry, Texas approving the Town's Budget for the Fiscal Year 2021-2022. Although we passed the nuts and bolts of the budget, we have not passed an ordinance.

Citizen Lon Akin stated that he is concerned about the budget. He said, "It hadn't been two years ago that we were worried about the city of Terrell robbing us. We seem to be operating like the city of Terrell on steroids. The budget is trying to spend all the money you can and control us. I am really concerned about that."

Council member Anderson made the motion and **Council member Vinson** seconded. Each member was requested a vote: **Council member Anderson**: for, **Council member Jaffee**: for, **Council member Vinson**: for, **Council member Fowler**: for, and **Council member White**, for. The ordinance passed unanimously.

7) Discuss and consider payment of bills currently due by the Town. TML Risk Insurance for volunteers, council, and any staff: \$1035.86 Newspaper legal notices \$190 + \$209=\$399.00.

Mayor explained that these were required by the state for the bank bid and the budget notice. Kaufman County Elections for 375 registered voters \$550.00 Due by September 30th. Current checking balance at \$10,875.76 thanks to Oncor.

Council member Vinson requested that the Mayor explain what the Kaufman Elections bill is for.

Mayor explained it was for the Nov. 2 elections dealing with Sales & Use Tax. "If you live in Kaufman Co, you will have to go to a Kaufman location and if you live in Hunt Co. you will have to go to a Hunt County location, which is very different from the May 1 election. That is posted online, and a few businesses in town as well as the Town Hall doors."

Council member Anderson asked about exhibit C.

Mayor explained that Kaufman Co. will pay the bulk of the cost. "They are itemizing out the cost for .37% of voters so we only have to pay the minimum amount of \$550. Kaufman has 27 locations for voting for 378 voters.

Citizen Kenz' Salisbury said, "I live on Hwy 34. said thank you for detailing the bills on the agenda." She also wanted to know if we could have income listed on the agenda as well. She also wondered if Kaufman was an updated list?

Mayor clarified that the list from Kaufman is an estimate and encouraged citizens to call the Elections Division of wherever they are from to get clarification if there is some concern.

Council member Fowler made a motion that we pay our bills. **Seconded by Council member Anderson.** Passed 5:0.

8) Discuss and consider granting _____ authorization to approve expenditures of not more than \$_____ without Council approval.

Mayor said every town has to decide how much to allow for expenditures. Our newsletter is \$182-185 a month plus stamps for the extra 20-25 letters sent out. I am trying to get our tax-exempt status which will save a few dollars.

Council member Vinson stated "I think the sentence should be more complicated. We will have recurring payments. We need to make sure the threshold is not exceeded but we need efficient running of the town. I wouldn't want to have a large expenditure. I consider \$25 a large expenditure for myself. I would think \$500 would be the threshold for a town."

Council member Anderson asked, "Brian are you saying a single expenditure of not more than \$500?"

Council member Fowler said he is good with \$500. "We just need to be super transparent. I guess there will be some type of financial report."

Mayor stated that "We will give a financial report every (Regular) meeting."

Town Attorney Patricia Adams stated that most cities will have an informational sheet at the end of every agenda. "You should have some kind of report which shows revenues and expenditures." She also said that "Signing authority is usually with the mayor, but it is a good idea to have two signatories but have at least 3 who can sign in case someone is sick or out of town so that you can still pay your bills. Most have the Mayor and a Council member or two. You can have the city secretary, but if she is part-time, she would need to be available to sign. The secretary could be the treasurer."

Council member Vinson said he wouldn't want someone auditing books to be able to sign.

Mayor explained that the audit is done by an accountant done outside of our framework here.

Council member Jaffe liked the \$500. "What about the authorization? We can't get too sideways in a month."

Council member Fowler suggested we look at Union Valley.

Mayor stated they are much smaller. **Mayor** asked **Town Attorney Patricia Adams** how that normally works.

Council member Jaffe suggested the Mayor and two Councilmen. But not the secretary.

Council member Vinson said his experience is that "When you have the same person doing accounts payable and accounts receivable, it doesn't go well." **Mayor** said her experience is much different but that "your view is valid."

Citizen Nancy Perry of 966 Butler lane volunteers to sign the checks (jokingly).

Citizen Tanya Pollack passes.

Citizen Sharon Crouch, FM 986 stated that “It would be something to think about allowing the secretary to be hands on. Having three authorized signatories is valid. Having two sign off on the check is wise so that you keep a check and balance. The \$500 is a good amount, not too high but not too tight. The external audit keeps the secretary honest. You all have other jobs, you might think about allowing the secretary. We are growing, but we want to keep a tight budget as much as we can.”

Citizen Kenz’ Salisbury, Hwy 34 asked, “If other towns have been asked if we checked with other towns to see what they do. I think itemization is a good thing to do.”

Citizen Sheri Vinson, CR 323 said “Once something small should be passed that should be signed by the secretary that I hope we hire. I like that phrasing of a single item over \$500.”

Council member Jaffe made a motion that we pass item #8 granting signatories authorization to approve single expenditures not more than \$500 without council approval. I will add two signatures. Seconded by **Council member Anderson**. Passes 5:0.

9) Discuss and consider authorized signatories for the Town’s bank account.

Council member Jaffe says “Do we draw straws? My three are you, Tom, and Simeon.”

Mayor asked if the Mayor Pro Tem is often on there. Legal counsel said often it is.

Council member White says he will agree with that.

Citizen Nancy Perry, Butler Lane, stated she “Thinks it is good to have secretary and Mayor Pro Tem to sign the bills. If it is reviewed and audited that should be good.”

Citizen Sharon Crouch says “I second Nancy.”

Citizen Kenz’ Salisbury, Hwy 34, asked who would be doing the audit and how often?

Mayor stated that “By state law, we must have an outside audit once per year. If it is on the Agenda, it will be online and very transparent.”

Council member Fowler is not in disagreement “But since it is subcontract employment for part-time. I think it would be best to not put her on the bank account.”

Council member Jaffe made a motion that we authorize **Mayor Tara Senkevech, Mayor Pro Tem Tom Anderson, and Council member Simeon White** to be signatories on the checking account. **Council member Vinson** seconded. Passes 5:0 Mayor encouraged the councilmembers to go to ANB to get on the signatory.

10) Discuss and consider an Interlocal Agreement with Kaufman County for road maintenance as modified.

The **Mayor** read a portion of the agreement. The County agrees to pay for the labor and equipment. She stated that our County tax dollars go to pay the labor and equipment. The town will provide fuel and material costs. The town can have a vendor of its own choosing.

Council member Anderson asks Patricia to change item 9 that changes to email from regular mail for speed. Marty Murphy and Dan Thompson have seen this.

Mayor read that Kaufman, from the website, has .088635 of \$100 valuation in Property taxes goes to roads and bridges. So that when we pay our taxes, 17% of the total from Kaufman County goes to roads and bridges. Kaufman County uses Texas Bit which has High-Performance Cold mix for \$110 per ton. Hunt County uses RK Hall in Greenville which has all kinds of items for use including cold mix. For Kaufman County, Aaron Conway has been very gracious. He said they have a new piece of equipment for trimming trees which will make them look much better than the previous equipment. When we talk about fuel, we are talking about the ROW trimmers and tree trimmers, etc. Aaron Conway is Terry Barber's supervisor and over 10 people, so he has quite a bit of say, but this agreement has to go back to Judge Hal Richards and the Clerk.

Council member White says he believes it is a great agreement and that it will save us a lot and he moved to accept it as written. He thanked the mayor and Council member Anderson for working on it.

Council member White moved to accept the agreement. It was seconded by **Council member Anderson**.

Citizen Chad West passed out a printed sheet of email correspondence with the mayor regarding the ILA roads agreement. He stated to put it into context, "At no point did I deny wanting to serve on the roads commission. Why is it that non-elected officials are monitoring emails? It seems that volunteers didn't go, you didn't have the authority. If those volunteers didn't go, I think it could open us up to litigation."

Mayor stated that the attorney addressed that concern last time. The citizen experts Dan Thompson and Marty Murphy had no disagreements with the contract so we can move forward. Passed 5: 0

Recess 5 minutes.

11) Discuss and consider an Ordinance of the Town of Poetry approving nonexclusive solid waste collection throughout the Town, and associated regulations, providing for a penalty, and providing an effective date.

Council member Vinson thanked **Council member Jaffe** for writing the ordinance.

Mayor explained that it is a 3-part deal; We have an Ordinance, a Franchise fee, and an insurance liability. This one is the Talty agreement with our Town embedded.

Council member Jaffe explained that GVWR is the maximum weight the vehicle has. There are currently larger trash trucks on our roads.

Mayor wants some way to prove that like a picture upon registration of weight. He stated that they will have to have lighter trucks.

Council member Fowler asked trash expert

Citizen Brian French, of Titan, about a single axle having a maximum of 33,000 lbs. without a drop axle. He said that was correct. We can ask for verification. Maximum loaded weight. Empty they would be around 23,000 lbs. or so.

Mayor also wondered if we should request proof of proper disposal in a TCEQ approved dumpsite.

Council member Jaffe proposed that proof would be in the Franchise agreement.

Mayor said she liked the language that said the receptacle could be 20 gallons to 95 gallons. She said she heard from a citizen that she could not lift those 95-gallon poly carts. And that there are probably others who cannot. It is really nice to have that option.

Council member White asked that the poly cart would usually be provided for by the company. Brian French of Titan that most of them are provided for by the vendor. He also said that they should enter into a Franchise agreement. He wants to avoid a conflict or confusion in the wording.

Council member Fowler believes it is clear.

Council member Vinson thinks it should be materially the same and zero favoritism and change to clarify.

Town Attorney Patricia Adams said that “We don’t have to have that phrase. You are using one standard franchise fee where they can come in one day to sign.”

Council member Anderson asked Page 1 Dead Animals and Abandoned Automobiles are allowed. “I was under the impression that dead animals could not go to the landfill.”

Town Attorney Patricia Adams said usually a dead animal is not over 10 lbs. can go to the landfill.

Council member Anderson stated large animals are a specialty.

Mayor asked expert **Citizen Brian French** to address the dead animal question. He said “You need to dispose of a dead animal we can walk you through. If it is small, you can make arrangements. A large animal over 10 lbs. is a safety issue and the landfill can fine us. We do not take large animals. If you want to scrap automobiles and you have titles, come call me.

Council member Jaffe said, “It feels like it is just a definition.”

Citizen Becky Ferrell, 10554 CR 2332 said “I am the green mailbox which has been run over six times.” She cannot lift over 10 lbs. She got AWT to zip tie her trash can to the fence post and zip tie it. “And my mailbox. I do have a problem with Progressive. Progressive should not be in Poetry under any circumstances. I have called them 5 times calling them to please put them back up. If you see me stop and move your trash can in the middle of the road it is me. Hunt County calls me the paint guru. I am the one who puts the paint circles around the giant potholes we have out here. I called Hunt County who owns the ditches. She said we do. This guy just doesn’t get it. At one time, it was his property, but Hunt county built a road and made ditches.”

Citizen Kim Kilmer asked, “How would it work to prove if the proof would be a letter or regular daily tickets?”

Mayor said that maybe a general letter would suffice. She asked about legal about whether we could insert the liability pages for item G?

Attorney Emily said we would take out item G and input in the three and a half pages of the liability pages as they were inserted. Mayor read the worksheet of \$2 million worth of coverage. The attorney said we can change the \$5 million to \$2 million in would be more in line with average.

Council member Jaffe explained that we will amend G to insert insurance liability.

Council member Jaffe made a motion that we make an amendment to replace paragraph G with the Addendum Insurance document provided by legal with an aggregate minimum of from \$5 million to \$2 million. **Council member Anderson** asked if all three pages would be inserted? Yes. **Council member Vinson** seconded. Passed 5:0.

Council member White asked if we want to address 2B. “Can we scrap it?”

Council member Jaffe amended his motion to amend section 2B, removing the sentence from the Ordinance.

Council member Fowler said under Automobile liability insurance there is a \$5 million xi to only \$2million.

Council member Vinson also added to scratch dead animals and abandoned automobiles.

Council member Jaffe amended his motion to strike out “dead animals and abandoned automobiles” from the Municipal Solid Waste section front page of the Ordinance.
Council member Anderson seconded. Passes unanimously.

l) **General Public Comments: Comments are limited to three minutes. If a translator is needed, the speaker may be granted up to four minutes. Sign up is required BEFORE the meeting is called to order. Be aware that the Town Council can only respond with *factual information only*. The Town Council may consider putting citizen concerns on a future agenda.**

Citizen Nancy Perry, 966 Butler said “I mention this map in the back. The blue lines are the city streets? Poetry proper is green? Can someone explain. Not colored is ETJ.”

PNZ Chair, Katherine Hartwicke is here to address that. “Dorothy did this lovely map for us. The blue lines are the city. The green lines are part of the property ETJ, but they are contiguous to one owner.”

Citizen Lon Akin stated concern that we “Didn’t discuss this planning & zoning deal that we are getting just bigger and bigger. I think it is a can of worms. You can do that, and you can create division. They eventually run it right out on your road. Keep it in AG use. The farmers have to do it; they will eventually find a way around it. I am all about Freedom. We have given up millions of our people for our freedom. Quit following and use some common sense. Thank you for your time.”

Citizen Sheri Vinson, Cr 323 “Thank you for making tonight so incredibly pleasant. Thank you again to our council and don’t forget to stay and help put tables back together.”

m) **Adjournment**

The Town Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session, a quorum of the Council must be assembled in the meeting room, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government

Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.

Notes: Disabled persons requiring special assistance are requested to notify the Town of Poetry 24 hours in advance of the Meeting by calling the mayor's office at 214-317-8128.

I certify that the above Meeting Notice was posted at 11214 FM 1565 Poetry Texas on the 17th day of September 2021 by 6:00 pm and online at poetrytexas.org.

I certify that these minutes were approved on Saturday, September 25th, 2021 in the Special Meeting of the Town Council.

Tara Senkevech, Mayor