

**Minutes**  
**Town of Poetry**  
**Council Meeting**

Tuesday, July 20<sup>th</sup>, 2021

6:30 pm

At Faith Temple Baptist Church 11214 FM 1565 Poetry, 75160

Mayor Senkevech called the meeting to Order at 6:30 pm. All council members were present, and quorum confirmed. Mike Jaffe led the Pledge of Allegiance and Invocation.

Mayor Senkevech sent condolences to Terrell Volunteer FD in their sudden loss of firefighter Jim Crumby. She announced a celebration of life will be held Saturday, July 31<sup>st</sup>, 2021 at Rock Church in Terrell.

Mayor Senkevech also added the announcement of TX Dept. of State Health Services re: June 21<sup>st</sup> change of Covid-19 policy. (Sent June 29<sup>th</sup>, 2021)

Mayor Senkevech encouraged the citizens to join them for Camp Ground Work day Saturday July 24<sup>th</sup>, 2021 9-5 pm [Siding, stripping floors, etc.]

Mayor Senkevech made the announcement that the Poetry Water Supply Corp. voted to provide Camp Ground Church with a water meter free of charge as well as the first year of water supply free of charge.

Council Member Fowler made the introduction of Sherriff Bryan Beavers of Kaufman County and Constable Matt Woodall, Kaufman County to assure the town citizens that the Sherriff's department of both Counties (Kaufman & Hunt) a local agreement was not required.

Mayor Senkevech reminded the citizens that the volunteer position of Town Secretary was still open. Then gave the citizens the following reports.

f) Reports

1) Road Report

Residents were told about the Road Report on web site.

2326 86 potholes filled with crushed concrete - action taken

2442 culvert has been cleaned

249 - 3 potholes marked

CR 323 12 Potholes filled

CR 2454 – 10 Pot holes by volunteers

CR 1565 – 42 pot holes marked

Road Commissioner Randy Strait has been informed of these actions.

- 2) Church Annex (aka Town Hall) Refurbishment report  
Brett Patterson's crew to finish painting after trim work is finished.  
Trim carpenter to come back later. Anyone wishing to volunteer and able to help is greatly appreciated.

g) **Consent Agenda**

- 1) Minutes were voted on and approved unanimously from the June 29th<sup>h</sup>, 2021 Special Town Hall meeting.
- 2) Council Member Jaffe asked to move Resolution No. 2021-06-R2 to the regular agenda, seconded by Council Member Fowler passed unanimously.
- 3) Council Member Fowler motion to move the Non-Disclosure Agreement with Patricia Adams of the Messer-Fort-McDonald Law Firm to regular agenda, seconded by Council Member Jaffe passed unanimously.

h) **Regular Agenda**

- 1) Moved from the Consent Agenda the mayor asked if anyone wanted to discuss the Resolution No. 2021-06-R2 and Council Member Jaffe questioned why the food service qualifications were written into the Resolution from Hunt County. The mayor then read aloud the Agreement from Hunt County stating all food services would be inspected by Hunt County Environmental Health Services.

Council Member Fowler motion to have Resolution 2021-06-R2 amended to read, "All of Hunt County food services and sanitary sewer services within the Town of Poetry", since Kaufman County has given the Town of Poetry no choice and will do the inspections in all of Kaufman County. Second by Anderson passed unanimously.

- 2) Moved from the Consent Agenda, Council Member Fowler asked if Council Member Anderson was happy with the verbiage that he wanted in the proposal. Council Member Anderson read a portion of the worded material that he said he'd agree with, keeping the notes and data associated with the Town of Poetry away with the use of a firewall.

Council Member Anderson motion seconded by Council Member Jaffe passed unanimously

- 3) The Request for Proposal (RFP) for Depository Agreement that had been currently vetted by Patricia Adams, Town Attorney stated that the Resolution has passed and that this is the next step in accepting RFPs as written.

Motion by Council Member Jaffe to approve the RFP, seconded by Anderson passed unanimously.

**Citizen Kevin Potts** passed.

- 4) The **Ordinance 2021-07-01 for Emergency Management Services** for Poetry. Motion by Council Member Vinson wants the verbiage to include a declaration that limits the power of the Mayor on Emergencies. Second by White. Passed unanimously

For the town to get funding for EMS the town council has to attend National Emergency Management Systems (NEMS).

Council Member Fowler made it clear to the citizens about the rolls of the council and the volunteer fire department and the sheriffs.

Motion to accept Town of Poetry Ordinance 2021-07-01 Emergency Management Services by Council Member Anderson seconded Vinson passed unanimously.

**Citizen Jim Cook**, his question was asked and answered, so he passed.

- 5) Tim & Rose Smith are filling out applications to become a hub for Amazon with lock boxes for the residences for packages needed to be delivered.

**Citizen Ivy Campbell** was on the Citizen committee and submitted to the town their findings that were best for Poetry.

- a. Multi trucks on the roads every day
- b. Roll offs/Dumpsters
- c. Franchise Fees to the Town
- d. Free market
- e. Economic Impact to small companies
- f. By using a single service it reduces wear and tear on the roads.

Ameri-Tex Services is the best option for the Town of Poetry.

Locally owned

Highly recommended by other towns

Highest franchise fee to the Town of Poetry.

1. Council Member Fowler has questions:

After reading the letter to the council, Fowler stated that the trash trucks in town are a Hodge podge. A truck will pick up one trash and then pass up several trash cans and then pick up more leaving trash for the next company to pick up. On

the north side of town where there are no houses that is included in the Town proper when those properties are developed it will become the same Hodge podge of trucks. These trash services will continue to do business in the town because they have too much business in the ETJ and will continue to use these roads.

2. To access Poetry the committee decided that they would access the companies to pay for permits.

Council Member Fowler reply was we are going to take away their business and then charge them to use our roads? Then wanted to know if we were going to charge Amazon, DHL, UPS, or anyone else using our roads?

Council Member Vinson was in favor or charging Amazon & DHL.

Council Member Fowler asked if Council Member Vinson was in favor of kicking a trash truck out of the town.

Council Member Vinson said we had the authority. If enough people got on Ameri-Tex that the price would take care of the competition of the trucks and that the council has the option of regulating the trucks.

Council Member Fowler using free market with a franchise fee would be imposable to monitor to generate the projected income of our town. Council Member Fowler's question is, why?

Mayor said that if we use eight (8) different services how will we be able to collect franchise fees from all of these services? Seems like a logistical nightmare.

Council Member White: additional we would have different billing.

Council Member Fowler responded right now we don't have any billing. He doesn't know if the vendors out in Town are going to be 100% honest in their billing practices. He couldn't even be sure Ameri-Tex would be 100% honest.

Mayor wanted to know what impact the percentages that were going to take on the businesses.

Council Member Jaffe made the statement that he's not sure who's in the town that can vote, who can't vote, whose property will be taxed, and if any portion of someone's

property is in the town, they will have to follow the rules of the town.

Council Member Anderson doesn't agree with how it happens but, understands to that the purpose to do this is for revenue for the town but also knows that it's got to be the right company, the right situation. He felt as though the committee did use facts and did their due diligence. First of all the company the committee chose was going to give the Town of Poetry the most revenue which is what they need.

Council Member Fowler wanted to know if a Request for Proposal (RFP) was required the attorney made it clear that each city has their own.

Mayor informed Council that all of the companies that were asked for the best information for the town. Franchise fee. Council Member Fowler ask if Ameri-Tex was in the house and if they were located in Whitehouse, Texas 75 miles away.

The committee in the proposal to the Town stated there would be no devastating impact to business at 22% of the business belonging to CRS.

Reed Construction said it purchased a new truck because of recent growth in this town.

Any loss of business in the town will be deemed recoverable. Council Member Fowler wanted to know who deemed it? What Economic Study supports this? He believes that the vendors would beg to differ on that subject.

He asked who services PCCS? Waste Management.

Ameri-Tex stated that for a Poly container they pay \$58.00 each. At 650 cans, would cost \$37,700.00. At 25% choose two (2) cans 163. Another \$9,454. \$47,154.00 (810 cans = \$46,980.00) Recovery on this will take 8 months with a one-year contract. Ameri-Tex wants a 5-year contract. And stated they can not do business with a one-year contract.

Council Member Vinson added he is aware that Ameri-Tex wants a five-year contract and was wanting to negotiate a one-year contract. The citizens committee was basing their statements on a one-year contract.

Council Member Fowler stated to Ameri-Tex that the numbers were now going up from \$20 a can per household + \$10 for an extra. As one vote he did not want exclusivity he mentioned it to a lot of people. He will not vote for an exclusive contract. The he reminded Council Members White & Jaffe they too did not want an exclusive contract.

Council Member Jaffe as an engineer if we have 600 or 700 homes in town then a quite a few homes in the ETJ and those houses have to do something legal with their trash if they don't take advantage of who the council picks the trucks that the town is trying to get rid of will still be going up and down the roads. Then if the council try's to idiot proof that with signs that say trucks can go down certain roads only certain hours, with permits. He appreciates the fact that the Mayor is trying to fix the roads, because the roads are a hot topic.

White addressed personally does not support an exclusive contract. But, has to remind everyone of his personal opinion and how it doesn't matter. His vote is for the Towns people. He hopes that residents are on the list to speak of what they want. He's also got the proposals from Ameri-Tex and a couple of other companies to negotiate a contract with a few options.

Ivy Campbell said the committee wants to encourage anyone in the Town of Poetry to not only think about the lower cost but to support the Town of Poetry and saving the roads. It's not asking a citizen to pay more than they are right now. She has never lived inside a city in the US where an exclusive trash service just wasn't there. It is coming.

Council Member White also stated what he wanted to avoid was a property tax. Looking at towns in the surrounded town in and around the counties with cities that are comparable in size a large amount of them said that property tax is a large portion of their revenue. Combine takes in \$400,000; Whiterite takes in \$580,000; Josephine takes in \$657,000; Alorie takes in \$300,000.00 the lowest in all in property taxes. Even if it was \$300,000.00 it's coming out of our pockets and he wants to avoid that. Taking this into consideration, wanting to avoid this at all cost.

Council Member Vinson doesn't want to tell you who to pick up your trash but one way in putting money into the town is with franchise fees in the trash service. Thanked the citizens committee for making hard decisions. Reminded the town that they said we want to be a town and this is what we have to do.

Council Member Fowler not against franchise fees understands the city has to generate a revenue but doesn't want to pay property tax. Then he asked Blackjack if they could collect franchise fees and submit them. Then he asked CRS if they could do the same. Hopes that their ethics and their business and reputation to run their business that they wouldn't be that guy. But, was plausible and feasible if the city directs that they could submit it to the city on a regular basis. Would be able to submit an excel spreadsheet.

Mayor asked if the other vendors would be able to match the \$5.50 franchise fee. Then it was brought up to the attorney and since all of the vendors that submitted were not present the matter has been moved. The citizens were ask to speak.

**Kevin Potts** already asked living in the ETJ was he required to use the city trash service. The answer was no. If a sole company was chosen will that company reach inside the city limits to the residents regarding the mandate. The mayor said no, there will be a three (3) month transition. Then he said he heard one-year & five-year. The citizens were working on a one-year contract.

**Carol Anderson** asked if it's mandate that they have to use the trash company? Wanted to thank the council for wanting to keep Poetry .... Poetry. Doesn't feel like that is happening. Is feeling like freedom is being taking away. Being restricted more & more. But, understands about the roads.

**Jim Cook** if we can come up with something that everyone can utilize. What he is hearing besides the solid waste is the roads. The roads are his biggest problem. Heard the citizens committee say we could charge fees to other trucks running. If he needed a moving truck, will he have to pay a fee or a delivery truck? What about businesses in the area? Are the trucks that do business going to get an extra fee to run on the roads? He doesn't want that. The he asked how far the roads went. He said that the roads were bad in that area. How is he suppose to know who to call? The mayor

explained he could go online and file a report. They would then get in touch with the Road Commissioner Randy Strait.

Mayor informed the citizens that compared to property tax she'd prefer to put it on the trash companies. It's not who you like it's what is best for the Town of Poetry.

Council Member Fowler asked the mayor what was the results with the road commission meeting. It was scheduled for Thursday, July 22<sup>nd</sup>. He said Carol said it best what is best for Poetry, what is best for us and a lot of citizens feel this way. They want to keep their freedom. A friend said to him to approach the with hats in hand and say we're a new city, what can you do for us?

Council Member Anderson, we are not going to fix roads without money and this is really about money. Don't forget why we are here. We are trying to form a town and we can't do that with no money. We have legal fees.

Council Member Fowler said that what franchise fees and said it over and over. It's how they obtain those franchise fees.

Council Member Anderson said that was one option the trash. It's a lot of money relative to what they have now. His feeling is they can't pass up an option if it's good for the community fixing roads. There are other things money is needed for.

Council Member Vinson explained to the citizens they are not allowed to discuss things unless they discuss it in front of the citizens. He agrees with Council Member Fowler on the franchise fees, but not offering an exclusive contract. Wants to know how to enforce it.

Council Member Fowler said that he doesn't have all the answers but there are 6 intelligent people on the panel that can reach out and talk to other people then he suggested. All vendors register, now you know who the vendors are working in the town. And you can't work in this town unless you are registered. Then wanted to know how we are supposed to enforce Ameri-Tex from picking up the trash or Blackjack or CRS from crossing the line? That the Town wants X dollars then it comes out to \$4.50 franchise fee. Where did the trust go?

Mayor its not about trust its about logistics. CRS said they can only do a \$1.00 franchise fee. If they said they can't afford it then they can't afford it. They were given the chance to give us their best offer and it was a dollar. Someone was yelling from the back and stated it varies.

Council Member Jaffe point of order, Ameri-Tex said if they only get one year than it will only be \$1.00 too because it's all they have left.

White compared franchising everybody for example Titan said a 5% at a rate of 25% which comes out to be \$1.25 for 600 homes up to a \$1,000.00 a year if they are the only ones. And to Ameri-Tex the \$51,000.00 a year for 100%. Hates to compare these two as if franchising everyone is going to change it or help significantly.

Council Member Fowler stated he didn't recommend that, what he said, was if they agreed to a franchise fee as a city. Anyone that does business in the city is to be charged a franchise fee. If charging for a trash service \$5.00 the trash service has the option to lower the cost \$15.00, they have to option to go up to \$20.00 or even \$25.00 the town can set the fees as they want, then the trash service can then charge a higher rate and collect that rate. If you're talking free market to dictate the budget, to put the money in the revenue source.

Council Member Jaffe agreed with that but doesn't want to spend other people's money and said his trash bill was not his biggest expense. He does want to support the town like they all do and pay a few dollars. \$5.00 or whatever above board knowing he is supporting his town and individual providers.

Attorney Patricia the exclusive is because you're going to get the best rate it's not just the franchise fee it's the rate. The number of times they pick up? Any type of amenities they offer HHW one time a year or shredding. That's why you go with exclusive is because of what they offer the residents. You can go with non-exclusive you just have to have people that are willing to do that and also pay the franchise fee. As far as accounting? These businesses are all reputable businesses. Doesn't think there will be a problem with them agreeing to pay franchise fees. There will have to be a

contract to say that. As far as issuing permits to use the streets, she doesn't believe that is going to go. Doesn't believe that there is an authority to do that. But you can franchise certain services, solid waste is one of those. Is unaware of a town that doesn't allow to go non-exclusively. The city always went with the company with how many times for pick up what was beneficial to the citizens, what the town can get back in franchise fees.

Council Member Fowler doesn't disagree with them, he believes they are trying to make this a fight, He wants to present this as an open discussion and wants to say that the decisions they make now will affect the city for a life time. We may find ourselves five years down the road saying, the trash services are not being done as they would like, he just doesn't think now is the time. Patricia said these are reputable companies, exactly. Exclusive contracts off some more abilities and Ameri-Tex offers those. But he's just not prepared. The asked the attorney if they had to have a franchise fee. He asked hypothetically if they took last years numbers if they could say there was 200 customers at a fee of \$5.00 per customer then make that the registration fee. 200 times 5 and that's the fee. Then we wouldn't have to deal with the monthly fees. Then he asked if they should just stick with the franchise fees?

The attorney shook her head yes, and he then dropped the subject. He want's everyone to think outside the box.

The mayor then read aloud the services that Amer-Tex offers for the town including recycling.

Council Member Vinson motion to move to the next item seconded by White.

Council Member Jaffe Wants to table the discussion. Council Member Vinson second. 4 to 1

- 6) Discuss and consider the Ordinance for Solid Waste Collection in our Area.

**Citizen Kim Kilmer** with CRS went to read the ordinance.

Citizen Chad West said this isn't about trust it's about cash. He said Mike said we need signs. We have signs but, they aren't enforced either. They did have the best presentation. But when he looks at Reed a guy that grew up in this town left to fight in the army and then come back. He didn't have the best presentation but, he was at \$17.50 a month. If you add \$4.50 to that its \$22.00. To go with someone that doesn't live in this area and go with an exclusive agreement it doesn't set right with him.

Citizen Kevin Potts passed

Citizen Jim Cook passed

Kim Kilmer doesn't think you should go with one company nobody was really offered the position or contract. The only reason they were there is because they saw the agenda on the website. Reed is not here, AWT does not know, Titan does not know. These people live here. Ameri-Tex is not local. Local as in Poetry, Rockwall, Terrell. You may not be married to your trash company but some of these people are family. CRS has been here for years.

Jaffe motion to table this issue. Wants the opportunity to go over it seconded by Council Member Vinson. Vote was 4 to 1.

- 7) Discuss and consider the engagement contract of Messer, Fort & McDonald PLLC as written.

Council Member Jaffe wants to add Rockwall to the list of counties, incase that is where they will be attacked.

Attorney will be working on any county regardless of where they are located.

Jaffe motion to amend the contract to add Rockwall, seconded Council Member Vinson.

Council Member Fowler made a motion to accept the contract with the amendment seconded by Council Member Anderson.

Motion to recess by Council Member Jaffe seconded by White passed unanimously. 5-minute recess.

Motion made by Council Member Anderson seconded by Council Member Vinson passed unanimously.

- 8) Discuss and consider growth in the area and potential need for managing that growth. Consider and take appropriate action regarding the formation of a Planning and Zoning Commission, membership, and next steps for zoning regulations.

**Citizen Kevin Senkevech** a couple comments about the roads headed towards Poetry has a spreadsheet and kept it for about a year. Currently there are 1,609 home sites planted in Poetry borders. These have been surveyed some are asking for utilities or asked for water. There are 1,609 home sites that he is aware of, there are certainly some he is not aware of most of the homes are concentrated in the ETJ of Poetry in the NW quadrant. The first big house division is 1.4 linear miles from this podium to the light. Most of the homes are not in the town proper. There is still a potential of 4,677 individuals within Poetry boundaries. That will potentially double Poetry's population. Please be prepared to do anything legally possible to manage the growth focused on Poetry. Even though Texas is a pro-growth state there are sure ways to manage the population growth to allow Agriculture based properties to survive within rapid growth environments. By far this will be the hardest part on this council. The talk about trash service is important this is the one that scares him. It will be the hardest part of your job requirement that's why they elected the best of us in all of you. He believes there are citizens out here that are willing to help so please don't be afraid to ask.

Council Member Fowler for clarification 1,069 homes, approximately 4,677 individuals.

Mayor did calculations

**Citizen Chad West** his concern is procedural. You put zoning on the agenda and within zoning there are lot of things he'd like to talk about. I'd like to give the committee the benefit of a doubt and walk thru some of these things. Yet if we don't speak up ahead of time, we won't have the opportunity to speak up after you guys deliberate. He only has 3 minutes to speak on his opinion and his opinion don't always matter. Sometimes his opinion may be personal and not sure if it adds any value. Ask the committee if there is any way there can be follow-up after these conversations. Depending on what is said on zoning he may agree or probably not. There are things that happened before us becoming a town that he has questions about. That is his concern how they have an opportunity to discuss and not have the hammer head when we make a comeback.

Kevin Potts passed

Jim Cook was trying to figure out why we needed this when we decided we were going to make this town. It was to keep Terrell from bringing in zoning on us, now we are going to do this. Then Terry said that there was a potential 600 homes setting on Bishop Airfield. I can see there might be a need for it. As much as I hate having zoning, he sees that there may be a need. Doesn't know how we can keep what we got, what we got. If land owners are going to sell their property and put some 600 homes on something that size that's a rock's throw from where I live. I'm kind of between a rock and a hard place out there.

Mayor when Council Member Fowler asked to put this on the agenda she whole heartedly agrees, She doesn't like rules. Everyone is against rules until their neighbor does something they don't like. When the town incorporated they said they wanted to get away from the rules of Terrell, we don't have to do all of that. What they can do is manage the ones that do come in. Do you want six houses per acre? Do you want triple x in the area? There is all kinds of things that we can do. This is a discussion brought before the council; it's on the floor now.

Council Member Vinson asked the mayor to tell the citizen the type of business that was scheduled to buy the Tack and Ag store. The response was a Triple X Adult Store. Then he asked her to explain the difference between planning and zoning.

The Mayor's understanding is planning is something that allows for each plat to say you only want so many houses per acre in that ETJ area. Zoning on the other hand is say if you have a horse and a stable keep it sanitary. Some towns go beyond that and say three horses per acre. In the Town of Poetry it will be basic like that. There are 12 to 14 areas of zoning.

Attorney Patricia Adams let me give you the basic's as you start out as a city. Zoning is land use and regulations. It comes down to what size lot you have, what you can have per acre. It used to be building materials but, the legislature took that away. It's now where it is appropriate to have houses, where it is appropriate to have businesses. They shouldn't be next door to each other. Planning is done pursuant to zoning. If the land is in the ETJ the only way it can be Planning is the only authority the cities have in the ETJ and is a special zoning in the ETJ. Planning relates to where roads go, where you connect to utilities. It does not go to use and sadly does not go to

density. So it does not control how many houses go on an acre. In the ETJ you are extremely limited to what you can do. Generally speaking the city starts with a compressive plan, saying this is where all the houses are and this is where the businesses are, we are going to determine this is where all the houses are going this is where we are putting the businesses. When the city begins this it really follows along with what you have. Cities don't generally see that you have a lake over there and you should be commercial. What they do is match up where they are, if someone comes in and buys the land next to yours that has a house on it they can't just open up a business, because it is going to be residentially zoned for that. That way you can't have someone coming in and changing land use right next to you. If you have a business and a house the city comes in and allows you to continue to do those things. That's zoning. Planning is lot sizes and that is set by zoning. For example if the city says you have to have two-acres from this point forward. Some may be an acre, which about 3% are one acre. The Town of Poetry has a lot of cottage industry in the area. It's up to the individual, they have to power to limit and not sell out to a high density developer. A property owner that has property in and out of the city limits, the only part the city has authority over is the part that is in the city.

Council Member Fowler owns his land and doesn't want people telling him what to do. The numbers that Kevin just told us are alarming numbers, and I've already been told about this at Bishop Airfield. They are wanting to put out these quarter acre lots. If we rewind all the back to when we were having debates, I made the point that DR Horton was coming, well look where they are at. A little inside information a lot of it is rumors. But, it has been confirmed that Bishop Airfield has been looked at for that reason. A quarter acre lot it's what 400 acres and 1,600 homes minus the roadways and right-of-ways we can see easily 600 to 900 homes over there that going to affect our roads our population. Using the TCEQ numbers for inhabitants of three, we are looking at 2,700 more people. What Patricia was saying is we'll be able to lock that down. I think we all agree we don't want to be told what to do with our land but at the same time we don't want a heavy populated city. I for one think we need a committee. We got educated real quick tonight on what that looks like. I will tell you that DR Horton and these developers don't make money on these and are not looking at large lot sizes. They need the high density homes so they can produce these express homes are in and out of there in 60 days. They look pretty right now they have fresh paint. Then in six years they start coming down in value and you start getting some undesirables. Even though

we don't like people telling us what to do on our land, we need to consider how we manage this land. So I'd like to talk about having a committee. Invite some educated people talk to other towns.

Jaffe also agrees with Terry if we don't control our destiny of the individual owners. Believes members of the council and citizens that want to weigh in on the subject, speaking to the mayor of Union Valley, he said restrict everything. Then over time you can open it up. You need to lock it down because you'll wake up and there will be a Bishop Field housing development.

Council Member Anderson said people are moving here from Greenville, Rockwall, and Terrell there are people there looking for land like we have. For area growth, they are coming. If we come in with a plan after developers then I think it will be a legal issue. Get a plan in place.

Council Member White also agrees with that. His family was kicked out of Terrell because of zoning obligations for no reason other than operating out of the household that is why he is hesitant about it but, then at the same time he also wants the right to live in the country area. Not slowly see all the land around me turn into an urban development. We stopped Terrell from coming after us and making us Terrell. He's all for looking into this with as many citizens as they can with at least two (2) council members. White is volunteering to do this.

Mayor Senkevech said that it has to be limited to two (2) because they can't have a quorum.

Council Member Jaffe asked Council Member Fowler if he had a proposal with somewhere to start.

Council Member Fowler said yes that he should champion it because he was the one that brought it to the council. If someone wants to do it, he has recommendations on it. Education is the key to this. He said it before, the decisions we make now will affect us in our lifetime. Failing to be educated or failing to be diligent in our efforts is the undermining of this council and this town. Not the most intelligent person up here but knows how to find those people and find those answers.

Council Member Fowler motions to form a committee and what's up for discussion is not two council but how many citizens. There will be a lot of work dragging up zoning from other cities and hopefully Patricia to guide us in this decision. Thinks this committee will be working hard

and it may take a couple of months or three to really look at it. How many citizens can we put on this committee?

The mayor then asked Patricia Adams the attorney to speak on what the citizens are in for.

Attorney Patricia Adams said, generally for a planning and zoning commission are about seven (7) members. The first task will be is to look at the land use that you have. Pull out a map of the city and start working from there. What happens is the commission will do some of that work and they will have a town hall type meeting so that everyone can come and look at what their planning. To see the growth patterns in the city. Before they can actually adopt anything, they have to adopt a comprehensive plan to look out for basically kind of sets out some things basic concepts to see what your vision is for your community is then you end up with an actual map. That will have zoning categories with the properties listed on it. Totalitarian to adopt any of those things. You have to have a newspaper notice, to get to a totalitarian process takes about thirty (30) days. 14-day to 15-day to take notice to the council which is standard. It would be best to very quickly get a map of what you have and identify what you have what residential what's commercial and push that through as a snap shot of what you have. Get that started with a public hearing at least. A comprehensive plan people pay \$200,000.00 to get those done there is a whole process you have to go through in doing that, other people just take one from somewhere. But you do have to have community input when doing those or have some town hall type meetings and submit the compilations.

Council Member Fowler asked if the commission meetings are under the open meetings act? The answer was yes. The citizens could come anyways. The council could function as the planning and zoning commission or you can have a separate planning and zoning commission. You or one of you can go ahead and get something started you could designate yourselves as a commission if you don't end up with enough volunteers. Cast your net and see about getting some folks to see if they are interested, and if they are not, it could take a couple of months to fill five (5) or seven (7) seats. You can't have an even number it needs to be an odd number.

Council Member Vinson asked if they are establishing anything are they? The attorney answered yes. They would have to bring it to the council for approval, wouldn't they? The attorney said that she has a

real small city that does that sometimes. They schedule their P&Z meetings right before the council meetings. Because you have to have a report from the planning & zoning commission to take it forward to the town council.

Council Member Jaffe wanted to know if before forming a zoning commission they should form a committee to go put this thing together to figure out what they are dealing with, a commission seems pretty formal. He wants to see a discovery piece and put it together a proposal and then tell how they are to planning. Then a commission is then formed a commissioned to carry it out. Council Member Fowler believes that he knows there are citizens that would definitely want to participate. Council Member Jaffe said that Council Member Fowler and one other council member gather five (5) or ten (10) people and do the work and then present it to the council that way the whole council didn't doesn't need to get drug through that. You just bring us back here's what we come up with. Council Member Fowler's lack of knowledge to put this together. Council Member Fowler stated that they have to get a map. Council Member Jaffe said that Kevin's got a lot of stuff. Mayors of other cities will share what they know.

Mayor Senkevech told the council she spoke to Double Horn, Texas a town of 250 sent her their Comprehensive Plan. They just have a colored map one for residential, commercial, agriculture they just have it mapped out. The have a planning and zoning commission with their council. It is expected and we have to do it. How does the council feel about what a free committee does verses a planning and zoning commission?

Council Member Jaffe made the motion to put Tom and Terry and let their experience being an observer over in Sunnyvale. Tom could decline but Council Member Jaffe is going to propose it. You guys could then open it up to the residents or people in the community that want to be a part of that. You just delegate and start organizing it.

Council Member Anderson stated that he lived in Sunnyvale for years and he did a lot of planning and they lost a lawsuit because they didn't plan early. In 2002 they lost every lawsuit.

Council Member Vinson intelligence adds a lot and so does passion.

The mayor asked the attorney if they could continue. The attorney said that if you want to form a committee then go ahead and take action to form the committee so that it can be on the record.

Council Member White has voiced an interest in that and Council Member Fowler said he'd champion it, but had questions on how to solicit volunteers. So, the Mayor asked the citizens in the audience, who would like to be on the citizens committee for planning and zoning. Five (5) citizens volunteered.

Leeland Barnett  
Katherine Hardwick  
Chad West  
Charlie McBride  
Amy Fowler

Council Member Jaffe wants to save two (2) spaces available for residence that were not in attendance at the meeting.

Mayor said to clarify, they will use up to nine (9) committee members on the planning and zone commission along with Council Members Fowler and White Seconded by Council Member Jaffe passes unanimously.

- 9) Discuss and consider any needed modifications to the October 1, 2021-Sept. 30<sup>th</sup>, 2022 budget. Changes are in color. Mayor Senkevech said on the budget they have a dead line of August 5<sup>th</sup>. The reason for the adjustments is: when they went to the newspaper to put run the ads it cost \$700.00. So, Tom stepped up and help her split the cost of the ad. Because we are a new town, we have to put it in the newspaper so that is why the addition to the changes are as follows:

General Fund Revenue	
Franchise Fees (Trash)	\$47,224.00

General Fund Expenses	
Required Newspaper Publication	\$4,320.00
Creative & Web Services (20 hrs/mo)	\$5,520.00
Legal Fees	\$21,600.00
Education & Expenses for Council, Mayor & Secretary	\$3,500.00
Survey & Engineer	\$10,000.00

E1 Services and Supplies  
TML Insurance \$1,070.00

E3 Information & Technology  
5 emails + 2 existing email \$1,000.00  
Soundboard and 3 x dual microphones \$600.00

Citizen Jim Cook

Motion made by Council Member Anderson to accept the budget since this is the first year. Seconded by Council Member Vinson passed unanimously,

- 10) Discuss the Referendum needed for the Sales and Use Tax with deadline mid-August to be put on ballot as follows.

Council Member Vinson if this passes it will go on the ballot in November, of a rate of 2% sales tax. What this means is if this sales tax passes, we will issue a sales tax to the business in Poetry and that money can only be used for the roads and sidewalks that are in existence when it goes through. It will not go to any new roads or sidewalks. This does not include the ETJ. The businesses in the ETJ will not be taxed.

Council Member Fowler ask the mayor, currently Poetry Tack & Ag pays 6.25% (because it is Agriculture) so the addition of 2% will make it 8.25% which is more common.

Mayor stated that we pay 6.25% and it will move to 8.25% and the Town of Poetry will get that 2% this is very common. It does bring up the point that on our budget. Council Member Anderson showed the mayor a spreadsheet that stated the differences of sales taxes.

Council Member Vinson said that the usual is on the high end for sales tax. He wanted to make sure that the citizens did not have a property tax. He is willing to pay that extra 2% to the state and then it will come back to the town.

Mayor: currently on our budget we have maintenance on our roads we have \$60,628.00. If this is any indication that we could manage our roads it leaves her concerned about the other parts of the budget.

Council Member White said that this is a rare opportunity to tax people outside of town. We get money that's not from us. I'll take that any day.

Council Member Vinson stated the he understood where the mayor was coming from and said that the sales tax could only be used for to maintain the roads. For the budget that we have now currently on roads we can easily move them to somewhere else because it. There will still be some tough decisions.

Council Member Jaffe just so the point of order. What are we deciding here? Whether we proceed with this number, that's what's on the table?

Council Member Vinson felt was necessary to say that when they vote on this it will be a referendum and will go on the ballot in November. Which means we will have to pay for the ballot? Just wanted to make sure it was plainly stated.

Attorney just wanted it to be clear there will be an Ordinance to come back to call on an election and then that will go on the ballot.

Council Member Fowler so, we need to make a motion. The attorney then told him they do not have to make a motion to do anything.

Mayor said the dead line is August when we submit this, we have to have this in Hunt County by August 5<sup>th</sup>. She looked into it. She said they have to.

Motion to have a special session to bring this back to vote on it to get it in Hunt County before the deadline.

**Jim Cook** passed

"The adoption of a local sales and use tax in Town of Poetry, Texas at the rate of 2 percent (2%) to provide revenue for maintenance and repair of municipal streets."

- 11) **General Public Comments – Limited to two (2) minutes. If translator is needed, it may be up to four (4) minutes.**

***[Sign up is required BEFORE the meeting is Called to Order] Be aware that council can only respond with factual information only. They may consider putting concerns on future agenda.***

**Katherine Hardwig** just wanted to say Thank you.

**Jim Cook**

**Christian Jones** only found about this meeting last night and wanted to know if there is somewhere he could go to find out more. The mayor explained the protocol in putting up the notice 72 hours a head of the meeting. The regular scheduled town hall meeting is the third Tuesday of every month. Additionally, he can go to Poetrytexas.org and find it there. And in the Poetry Post that comes out in the water bill. He can sign up with the mayor.

## **12) Adjournment**

Motion to adjourn was made by Council Member Anderson and seconded by Council Member White passed unanimously.

***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 notice of meeting was posted at 20425 FM 986 Poetry Texas on the 16<sup>th</sup> day of July 2021 at 5 pm and online at poetrytexas.org.***

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***Tara Senkevech, Mayor***