

**STATE OF TEXAS
COUNTIES OF KAUFMAN AND HUNT
CITY OF POETRY, TEXAS**

BE IT REMEMBERED THAT ON THIS DAY OF THE 15th of February 2022 at 6:30 pm, the City Council of Poetry, Texas, held a regular town hall meeting and workshop at 11214 FM 1565 Poetry, Texas, 75160 with the following present:

Mayor Tara Senkevech
Councilmember Tom Anderson
Councilmember Mike Jaffe

Councilmember Simeon White
Councilmember Terry Fowler
Councilmember Brian Vinson

Mayor called the workshop to order at 6:30 pm.

Secretary Karoline Chapman confirmed quorum. All council members were present except for Councilmember White.

Councilmember Jaffe led the pledge and invocation.

Councilmember White arrived at 6:32 pm.

a) Workshop

1. Discuss implementation of emergency management services and NIMS courses.

Secretary confirmed that **Mayor** and all council members have turned in their NIMS course completion certificates.

Mayor reported that she and **Councilmember Fowler** had a meeting with Richard Hill, who helps with emergency management in Hunt County as well as David Jones and David Alexander. She wanted his insight since they are in two counties. They said they serve four other cities divided between two or three different counties. They've never had a question about from where the original paperwork should come. Poetry has the option of writing its protocol, which can become very lengthy, and has to be updated every five years. Alternatively, they could use Hunt county's existing protocol or divide up the protocol. Richard offered to give them a zip drive of their protocol. She and **Councilmember Anderson** are scheduled to meet with Steve Howie to examine the emergency operations.

Councilmember Jaffe said he thought that we needed to belong to one of the counties and it would be Kaufman.

Councilmember Vinson agreed that he heard the same thing.

Councilmember Fowler said he believes Howie said that because he thought that if our Town Hall is in Kaufman county that it would make sense to go with Kaufman. But, if there was a natural disaster, both counties would participate. It is up to us how we want to file our paperwork.

Mayor said if an incident occurs in Kaufman, they would get county funds for those inhabitants and the same for Hunt.

Councilmember White said if there is a cross-county disaster and there are EOCs formed in both counties, you can only be in one or the other.

Councilmember Fowler said there would only be one EOC and that would be driven by the first responder.

Mayor said they did ask about a disaster that crosses both counties - whoever is first on the scene is the incident commander.

Councilmember Fowler said the takeaway is that we would pay a fee to the county. Hunt county said they don't charge - if a future mayor isn't comfortable being the coordinator, it would make sense to work with Hunt. He will confirm this.

Councilmember Jaffe called upon local experts to ask about the importance of NIMS 300 and 400. They confirmed that it is important for a bigger scale joint command. They clarified that the council's role in a disaster would be notifying the public, not in logistics.

Councilmember Jaffe said if we do nothing and a disaster comes through tomorrow, we would be covered, correct? People could apply for disaster money, etc.

Mayor said we are covered as far as they would come in and take care of us but not concerning reimbursement, so we need to solidify that and decide if we adopt Kaufman or Hunt or make our protocol.

Councilmember Vinson said FEMA will reimburse citizens or give loans for lots of disasters.

The council collectively agreed to come back and visit the topic when they have received the protocol from Hunt county.

Mayor reminded them that they need to keep their phones on them as much as possible in case of an emergency.

2. Discuss obtaining storm sirens for the Town, including pursuing public grants.

The council discussed the pros and cons of having storm sirens, including cost, maintenance, and “big city” infrastructure.

Councilmember White said we are meant to stay away generally from large city feelings, and he sees this as a step toward that. He suggests avoiding it while we can.

Councilmember Vinson agreed with **Councilmember White**. He would prefer something volunteer-based that trains people for tornados.

Mayor said that she looked into Captterra mobile text alert service which is \$26 per month and could service the citizens if they would like to sign up for that.

Councilmember Fowler said Kaufman county already has a text alert for their system - we could suggest citizens to contact whatever county they live in and get on their text alert list.

Mayor said a text alert is more detailed and be very effective for alerting of all kinds of disasters - for the next meeting, she will come to the table with more pricing details.

3. Discuss Mayor’s and Council members’ assessment of Town roads for forage trimming and tree limb removal.

Mayor asked **Attorney Emily Bowlin** if the town is responsible for trimming forage on private roads.

Attorney Bowlin said she doesn’t think that the town would have responsibility for a privately owned road but she can look into it because there are specifics around here about how the boundaries work. She said she is going to provide a formal memo about who qualifies as a resident that they will be ready for a March meeting.

All council members agreed to send their ratings to **Secretary Karoline** so that the **Mayor** and **Councilmember Anderson** can contact the counties about which roads need forage trimming for the project sheets.

4. Discuss establishing an informal bid threshold for recurring Town expenses and managing Town expenses.

Mayor said that they spent \$655 last year for 11 mows - he charged extra at the first of the year - he charges \$60 per mow.

Councilmember Fowler said that he wants us to review our philosophy on how we spend money as a town. A recurring expense should grab their attention. We don’t want to keep making payments below a threshold and accruing large expenses.

Mayor said that they did vote on the audio equipment.

Councilmember Fowler said that said a one-time purchase looks better than breaking it down.

5. Discuss spring clean-up for the Town.

Mayor asked **Attorney Bowlin** if the council needs to vote on picking a date for the spring clean-up.

Attorney Bowlin said no, they can do it informally.

6. Discuss documenting and publishing the criteria for being considered "within the Town of Poetry" for the purposes of voting, trash collection, sales tax, property taxes and other matters that will affect citizens.

Attorney Bowlin said that this all comes down to case law which is very specific. Once she has all of the council's questions, she can compare them to case law and answer their questions.

Councilmember Jaffe said every time we have had an election, a different group of people has been allowed to vote; he is sitting here on the council with no residence in town limits.

Mayor said that the attorney they had hired for the incorporation had said that some part of their physical residence had to touch the town to be able to vote. But **Attorney Bowlin** had said this is a gray area - different lawyers will define it differently.

Councilmember Fowler said house bill 347 is driving all of this and there are a lot of gray areas but his thought is that they are being taxed without representation.

Mayor said that when they canvassed the election there were less than 30 people who fit in that category and the incorporation won by 76%.

Councilmember Fowler asked who developed the lists - there was a list given to the election officials.

Mayor said the attorneys in Hunt county developed this in conjunction with an attorney they had hired.

Attorney Bowlin said generally in the first go-around cities will rely on the county to vet their initial list and counties should walk you through the first time and it is difficult if the counties are saying different things. She thinks this memo will be very helpful so that in the next election they have their own stance.

Councilmember Jaffe said he is worried about making decisions when they don't know who will be affected by what decisions. The criteria should be consistent. People should be able to see in advance if we think they are in the city or not.

Councilmember Vinson asked about which residents would have to pay a solid waste franchise fee.

Councilmember Jaffe said he doesn't feel right about voting on things when we don't even know which individuals are residents or not.

Councilmember Anderson asked if this is going to be an ordinance or a resolution.

Attorney Bowlin said that she would first give them the memo, then she could write a policy that is typically adopted as a resolution.

7. Discuss developing a plan to create and publish a comprehensive map, using the incorporation survey, to show all property parcels within the Town of Poetry and its ETJ, including a list of parcels, owners and whether the property is within the Town limits.

Councilmember Jaffe said he divided their map into Mapsco and he looked at parcels and zoomed in to see - he was trying to match their cartoon map up with the CAD map. He said that if he gets the GIS codes, he will work on the map and bring it back to the council. He wants to equip them as a council to answer questions about voting and residents.

Councilmember Fowler said that he would send **Councilmember Jaffe** the survey and the coordinates so he can work on his map.

Mayor stated that CAD maps are now on the website for both counties which show the outline of the town of Poetry.

8. Discuss developing a plan to audit and enforce the Town's solid waste ordinance including a template "cease and desist" letter to send to violators.

Attorney Bowlin said she thinks a cease and desist letter is a good idea, enforcement will always be tough for them since they don't have the police force - they have already sent letters to the judge. She spoke with the Hunt county judge this morning and he seemed willing to work with them. Kaufman did not seem as amenable. It will come down to what counties are willing to work with them. Another option is to work with a nearby court that touches their boundary.

Mayor said as far as a cease and desist letter goes, unless we have picture proof, it is difficult to do anything.

Councilmember Fowler said we could prevent a lot of this with notifications; we need to make sure we know that our citizens know that they are part of Poetry and that they have a trash ordinance.

Mayor said once we get our memo we can act on these things.

**9. Discuss designating certain Town roads as “no thru trucks over 33,000lb GVWR” routes, penalties for such on residential roads, and the need to purchase road signs.
*GVWR =Gross Vehicle Weight Rating**

Mayor said she saw a big fuel truck that should not have been there and she took some pictures and they sent them to the judge. She got a signed affidavit and she talked to the Sheriff Jones about how you enforce that kind of thing. Scales are very expensive. He recommended having a sign that says no “thru” truck but that does not count as a truck going to a destination; it is for trucks that are taking a shortcut through the town it means. A sign is probably the most effective way to handle that - if we put a weight restriction for the **gross vehicle weight rating** (GVWR) that it is standardized it could protect us from hazardous trucks.

Councilmember Vinson said there is a sign with no thru trucks on CR 323.

Mayor said the town of Poetry would have to come up with their own signs and that is why we need to address it.

Councilmember Vinson said he isn't sure if it's in city limits, the existing sign he thinks are for the bridges.

Councilmember Jaffe said we step back and think about what we should do to protect our roads.

10. Discuss Secretary Karoline's notice of impending resignation owing to taking a full-time job with her current employer and potential secretarial candidates.

Mayor asked citizens to spread the word about the now open secretary position.

***Mayor** called a 10-minute recess at 8:28 pm called the meeting back to order at 8:40 pm.*

1. Reports

Financial Report – January 2022

Mayor gave a recap of donations, deposits, and credits.

Attorney Bowlin said she would remind the lawyers to get their invoices to them soon.

Planning and Zoning Committee Report

Committee Chair Katherine Hardwicke said they are working hard to get that comprehensive plan done. They would also like the memo from the lawyer when it's finished. She said they are going through other city's ordinances - they should be there soon, she hopes within about a month.

b) Consent Agenda

1. Minutes for January 18th, 2022 Regular Town Council Meeting.

Councilmember Fowler made a motion to move it to the regular agenda. **Councilmember Fowler** seconded. Passed 5:0.

c) Regular Agenda

1. Discuss and consider approving the minutes from the January 18th, 2022 Regular Town Council Meeting.

Councilmember Fowler said the date is wrong at the top, and on the last line of page 9, his comment was about the sandpit, not houses.

Councilmember Anderson said on page 6 there is a correction - it should say the Duramax pothole machine, and the next line comes out to about \$50 a day. The line on the next page was said by him not **Councilmember Vinson**.

Councilmember Jaffe made a motion to approve the minutes with the amendments.

Councilmember Fowler seconded. Passed 5:0.

2. Discuss and consider the Town Hall Annex inspection report of January 22, 2022, by East Texas Home Inspection.

Councilmember Anderson said that the inspector did a very good job; by and large, all of the items were basically cosmetic, there was nothing structural that was in serious danger. He said that he would not touch the sanctuary in that inspection but now they have a legal basis to go forward.

Councilmember Fowler said there is a sentence at the bottom of the letter that strikes the protection.

Councilmember Anderson said the inspector sent a letter that corrected it so that it is transferable.

Councilmember Fowler asks if this suffices us as having gotten a full inspection.

Attorney Bowlin asked if they took out the part that they have to request written permission - we need a copy with the disclaimer taken off. The letter is fine but her concern is in if the letter gets lost; it would be prudent to have a new copy.

Councilmember Fowler asked if the windows are functioning; he wants to know if we are required to check for asbestos.

Councilmember Anderson said he understood that all the installation is new he did inspect the ceiling and there was no asbestos.

Mayor said most of the walls are new and it's new paint - there is one old wall covered with new paint.

Councilmember Vinson said the trim around the windows may have lead paint. [**Mayor** stated that all the trim has been painted over].

Councilmember Vinson moved to accept the report with the amendment. **Councilmember Fowler** seconded. Passed 5:0.

3. Discuss and consider adding a \$202 per year amendment to the Town's TML risk insurance to cover the Town Hall/church annex under the Town's current policy to put into the lease agreement currently being written.

Councilmember Vinson asked if this is for in case of an accident.

Mayor said yes, the town would recruit the monies if they were to ever be damage. She is supposed to meet with their representative from TML risk but we can change the date as soon as we need to.

Councilmember Vinson asked if they can add within 30 days of signing.

Attorney Bowlin said yes.

Councilmember Jaffe said we need to see the contract; we are still waiting to receive something that we are going to consider.

Councilmember Anderson asked if there is any indication of when they will get the lease back to us.

Mayor said Wesley indicated that they need to have another meeting.

Citizen Ken'z Salisbury said there is no contract, so she finds it difficult to add insurance so this isn't actually picking a plan. She asked if the annex is connected.

Councilmember Anderson said that there is a common roof but a gap on the wall.

Salisbury asked if we will be able to get insurance with it having a common roof.

Mayor said we will find out.

4. Discuss and consider taking action on committee assignments.

Councilmember Vinson said he is leaving the editing committee.

Councilmember Jaffe said he would be willing to take his place.

Mayor asked for a motion of removing **Councilmember Vinson** from the editing committee and replacing **Councilmember Jaffe**. Councilmember Anderson seconded. Passed 5:0.

5. Discuss and consider a budget expenditure for a laptop, which will allow the Town Secretary to type and film during Council meetings, not to exceed \$800.00.

Councilmember Anderson made a motion to approve the purchase. **Councilmember Jaffe** seconded. Passed 5:0.

6. Discuss and consider a budget expenditure for a desktop, not to exceed \$700.00 (a citizen donated a \$700.00 cashier's check to the Town with a request for this specific expenditure).

Councilmember White made a motion to approve the purchase. **Councilmember Anderson** seconded, Passed 5:0.

7. Discuss and consider purchasing a printer with color, legal and scanning capabilities not to exceed \$599.00

Councilmember Anderson made a motion to approve the purchase. **Councilmember Vinson** seconded. Passed 5:0.

8. Discuss and consider Road Maintenance ILA Project Sheet No.1, amount of initial escrow and how to determine areas of priority for forage trimming and/or tree limb removal.

Mayor said we need to decide on an initial escrow amount.

Councilmember Fowler said does she think if we give them \$500 they will get started.

Mayor said she was thinking \$500 for each county.

Councilmember Anderson agreed to give them a number and then sit down and talk; that is kind of what we agreed when we had that meeting with both of them.

Councilmember Anderson makes a motion to approve \$500 for each county.
Councilmember Fowler seconded. Passed 5:0.

9. Discuss and consider documenting and publishing the criteria for being considered "in the Town of Poetry" for the purposes of voting, trash collection, sales tax, property taxes and other matters that will affect citizens.

Citizen Ken'z Salisbury asked if their votes could have been counted and then reviewed later.

Attorney Bowlin said typically smaller towns let counties run with it; once election results have been canvassed there is really no way to go back and change anything. We cannot add votes to past elections we can only nail down stuff for future elections.

Salisbury asked if there are people who did not get a vote.

Attorney Bowlin said the street maintenance tax that is implemented and enforced by the comptroller who will reach out to all the businesses, and they will come down to an individual dispute.

Salisbury asked if the town would be held liable

Citizen Patrick Smith asked if the determination of who could vote was a county versus county thing.

Attorney Bowlin said that the other counties have different opinions that were canvassed those results were verified or certified.

Smith said is it fair to say that they took opposing opinions.

Attorney Bowlin said she believe so based on what she has heard.

Smith asked if she has any explanation of what the Mayor said; he thought the only issue was that Hunt county took the position that if you are in the ETJ then you are good so based on that they should not have gotten a text from the future mayor that they were not able to vote.

Mayor said she was asked in a text message from his wife and she responded because their house was outside the 311 feet.

Councilmember Vinson said we should table this until we get the memo back.

10. Discuss and consider posting a list of registered voters in Hunt and Kaufman Counties that reside within the Town limits on the Town website.

Councilmember Jaffe said it's not our job to prove the voter role.

Councilmember Vinson said that if we post it we should add how you can reach out to the election office to get your information updated.

Councilmember Jaffe said we want to make a good faith effort to include people in the process correctly, but we can't correct the errors of the past we are trying to fix stuff. **Mayor** stated that work to remove inappropriate information such as DOB etc. would need to be done first.

Councilmember Jaffe made the motion for the list of registered voters to put online, **Councilmember Vinson** seconded. Passed 5:0.

11. Discuss and consider developing a plan to create and publish a comprehensive map, using the incorporation survey, to show all property parcels within the Town of Poetry and its ETJ, including a list of parcels, owners and whether the property is within the Town limits.

Councilmember Jaffe said he recommends they take no action for now.

12. Discuss and consider developing a plan to audit and enforce the Town's solid waste ordinance including a template "cease and desist" letter to send to violators.

Councilmember Anderson made a motion to request the legal to provide them with a residency memo. **Councilmember White** seconded. Passed 5:0.

13. Discuss and consider designating certain Town roads as non-hazardous waste routes.

Councilmember Vinson said he's had citizens ask for it to be added. He discussed it with the council, and we can designate our town roads but as far as 1565, 986, and estate roads go, they could review them but there is not a whole lot that they can do.

Councilmember Jaffe asked what the concern is.

Councilmember Vinson said that people are hauling hazardous materials on town roads.

Citizen Ken's Salisbury read something from Citizen Debbie Emard who could not be there, "Poetry has become a major truck route, let's protect the city from hazardous trucks."

Councilmember Jaffe said he remembers when there was a concern of the sandpit; the quickest way would be to appeal to our folks at Hunt and Kaufman county.

Mayor said that this plays into what they were talking about earlier, they have roads used as a pass-through.

Councilmember Jaffe says enforcing the speed limit would be a great start.

Councilmember Anderson said that he was told we could put up a sign, but it isn't enforceable.

Attorney Bowlin said that it depends.

Mayor said yes, they said they need their own city signs on county roads, 26 miles less than state kept roads of 1565 and 986.

Attorney Bowlin said that is a bit surprising; she doesn't know why they would expect the town to provide signs for county roads. They probably need a resolution or a policy about which roads are in their jurisdiction; a subcommittee would be a good idea. She suggested they bring it back on the next agenda.

***Mayor** adjourned the meeting at 10:04 pm.*

Meeting notes submitted:

Karoline Chapman, Town Secretary