

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

BE IT REMEMBERED THAT ON THIS DAY OF THE 18th of January 2022 at 6:30 pm, the City Council of Poetry, Texas, held a regular town hall meeting 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 meeting to order at 6:31 pm.

PRAYER AND PLEDGE OF ALLEGIANCE

Prayer and pledge led by citizen **Glenn Strause**.

Secretary Karoline Chapman gave roll call to confirm quorum; everybody was present.

Mayor informed citizens that USPS is offering free COVID-19 test kits. She offered condolences to the family and friends of Jeannie Simpson. She provided a summation of the Campground Community Workday held last Saturday and said that there would not be a workday this coming Saturday. She thanked **Attorney Emily Bowlin** for joining via telephone and citizen **Josh Senkevech** for setting up the audio equipment.

1. Reports

December 2021 Financial Report

Mayor gave a recap of credits and deposits.

Councilmember Jaffe asked when we would receive an invoice from the attorneys.

Attorney Bowlin said that the end of the year bill would be \$1,800 with 60 days to pay once the invoice was sent.

Councilmember Jaffe asked when we would be doing a more detailed financial report.

Mayor said that they first need to get a town computer on which to use QuickBooks.

1. *Road Report*

Citizen Mike Griffin came forward to give a recap of the road maintenance and repair progress. The road team got together last Thursday; they put down nine tons of crushed concrete and will soon go back to put down asphalt. He thanked all the volunteers and material donors.

Councilmember Vinson asked Griffin if he obtained advice from the volunteer road crew to find out if they were making good use of the concrete.

Citizen Griffin responded that they did receive expert advice who also volunteered some of their crew to oversee.

b) Consent Agenda

1. Minutes for December 21st, 2021 Regular Town Council Meeting.

Councilmember Anderson motioned to approve the minutes as written. **Councilmember Vinson** seconded. Passed 5:0.

c) Regular Agenda

1) Presentation and discussion of presentation by experts Steve Howie, Director/EMC for Kaufman County, Terrell Fire Chief Van Sickle, Poetry EMC Coordinator, and Richard Hill, Hunt County EMS concerning emergency management coordination within the Town of Poetry.

EMC of Kaufman County, **Steve Howie**, came forward to speak. He clarified that should something go wrong in Poetry on the Hunt County side, he would still come to help. Although the town hall is in two counties, they have to do everything through one county or it becomes difficult.

Mayor said that, during a recent town accident on the road, the response was coordinated through Hunt county.

Howie clarified that what happened on the road was not a disaster and had nothing to do with emergency management. He stressed that the completion of NIMS is important. He said we also need to be in touch with the Texas Commission of Emergency Management.

Mayor clarified that she has tried to get in touch with them but has not received a response.

Howie said he will ensure they get back in touch. It is important to have one primary contact and an incident commander because going through two different counties can be confusing. In the event of a disaster, Kaufman would administer everything Poetry needs. He said that whoever we choose as our fire department can act on either side of the county line. If needed, one fire department can notify the other. It is not black and white.

An expert from the Union Valley fire department came forward to speak. He said that the recent road incident was a joint effort and the mayor should be part of the joint command system. If there is a catastrophe, you might want to have joint command but you need the proper training for that situation. That is where NIMS 300 and 400 come in. Terrell and Union Valley have always had a mutual agreement. It will be joint no matter which county it is in.

Councilmember Fowler clarified that there are no jurisdictional lines but there is still a mutual aid agreement.

The Union Valley expert said yes, that is the case.

Councilmember White clarified that NIMS 300 and 400 are required to operate on EOC.

Howie said the Mayor and all councilmembers should take all four courses prescribed.

Councilmember Fowler clarified that Howie works on the logistical end, not typically on-scene.

Howie said he can but the Mayor or Mayor Pro Temp needs to come to the emergency operations center. He said that they also have a CERT team available.

Councilmember White asked if they would receive mitigation funds.

Howie said they would have to be approved for mitigation funds. Because of when the town was established, it could not be added to the plan. He would be glad to add them but will have to investigate the process.

Councilmember White said concerning funding going through them so that they do not double up, does it include mitigation funds.

Howie said they would have to be approved on one of the mitigation funds. Because of when the city was formed, Poetry could not be added to the plan. When he can, he would be glad to add them but he will have to find out the process.

Citizen Bruce Seat, 10241 FM 1565, said that when they cut the fences to respond to incidents, make sure to mend them.

2) Discuss and consider National Incident Management Systems (NIMS) training requirements, needs and applications for the Poetry Town Council and Mayor for the four NIMS courses, IS-100, IS-200, IS-700, and IS-800, as directed by Steve Howie, Director/EMC for Kaufman County, Texas.

Councilmember Anderson motioned to move further discussion of NIMS courses to a workshop meeting. **Councilmember White** seconded. Passed 5:0.

3) Discuss unsafe curve on FM 1565 within the Town and consider possible solutions with TXDOT.

Mayor said that we have had multiple accidents on FM 1565; we have talked to the representative from TXDOT - he shared a few things we could implement to mitigate accidents.

Councilmember Jaffe said he believes the recent accident was driver error; the curve is safe if people drive the speed limit.

Councilmember Anderson said TXDOT can send out a crew to study the curve. If we are going to make a motion, it should be to get it in the hands of the right organization.

A local expert said that in the past 10 years they have worked on six wrecks on that curve. He was informed that they have to have a certain amount of fatalities until TXDOT would help.

Citizen Bruce Seat commented that, if we talk to TXDOT about curves in Poetry, we should also bring up 986 on the county line because there are frequent wrecks there.

Citizen Katherine Hardwicke, who lives on county road 2430, encouraged the council to get TXDOT to study all the roads.

4) Discuss and consider obtaining federal grants for obtaining a storm siren for the Town.

Mayor said that there are grants available for a storm siren. She proposed a volunteer committee to manage getting sirens for the town.

Councilmember Jaffe is concerned about the town liability that would be introduced if we organize a committee.

Attorney Bowlin said that sirens typically boost a town's safety rating but it is not required. The town would be required to maintain them.

Councilmember Vinson said that we would need to make a 10% match for the grant and that 10 towers are recommended for the town; it would cost tens of thousands. He doesn't think we should dedicate town funds to it at this time.

Mayor said that the grant application process is lengthy; if we started now with a committee, we could implement sirens in the future.

Councilmember Fowler said that the most expensive part of sirens is the maintenance, so the town must consider if the cost is something they could maintain.

Councilmember White motioned to postpone further discussion about sirens until the next workshop. **Councilmember Jaffe** seconded. Passed 5:0.

5) Discuss and consider a proposed Road Maintenance Interlocal Agreement (ILA) between the Town of Poetry and Kaufman County, as approved, and signed by Kaufman County Judge Hal Richards on December 14, 2021.

Mayor thanked Councilmember Anderson for doing the heavy lifting on this.

Councilmember Vinson said that Hunt county was very generous but Kaufman county would charge a lot for fuel.

Councilmember Anderson said that he looked at the Texas Transportation Code and it says very clearly that they cannot charge exorbitant rates. Now, we have a straight-line depreciation for paying for equipment which brings it to reasonable rates.

Councilmember Vinson said it looks like the same thing that we had already passed. Hunt county was very generous but Kaufman would charge a lot for fuel. We proposed a way saying that we would pay the fuel and materials or provide it ourselves but the equipment we will pay at an officiated rate, which brings the price down low. But we did talk them out of exorbitant rates so now we have a straight-line depreciation, which brings the cost down to something we can live with.

Citizen Chad West came up to speak. He said that the terms of the agreement have changed. Does it cover unlimited labor?

Mayor said that the wording is the cost of labor shall be calculated based on pay so it's just a straight number.

West said that Kaufman has set manpower; they have half a person dedicated to potential road maintenance in Poetry. Even if we are just paying for material costs, at some point, Kaufman won't have labor to support.

Mayor said the ILA is dedicated to that.

Councilmember Vinson asked if she could go into the specifics of dedicated labor.

Councilmember Anderson said that the wording shows that it says they want no markups.

Councilmember Vinson asked if they talk about the availability of labor,

Councilmember Anderson said that the DuraMax pothole machine costs \$200,000 and they said it's very cost-effective because you only have to pay one person it comes out to about \$50 a day.

Councilmember Fowler moved to approve the agreement. **Councilmember Vinson** seconded. Passed 5:0.

Mayor called a five minutes recess at 7:37 pm.

Mayor called the meeting back to order at 7:42 pm.

6) Discuss and consider Road Maintenance ILA Project sheet No.1, amount of initial escrow and how to determine areas of priority for forage trimming.

Mayor said that we would primarily have to pay for the fuel - she designed a form with Kaufman county that they use, they have amended it - it gives them precinct number two. She clarified that we are deciding the initial amounts of escrow so that we can get to work on trimming the forage and trees - for either county, we have already passed the ILA. Each one requires an escrow account, but we do need to determine areas of priority.

Councilmember Anderson said if the escrow account is dependent on this form, and on the form, it says that it is mutually understood that no additional projects will be performed, he wants to make sure that when we are setting aside we know what it is for.

Mayor's understanding is that if we give them an escrow account of \$90.

Councilmember Jaffe clarified that this is about forage trimming.

Mayor clarified that yes trimming trees and grass. Kaufman has the machine that does trimming and cutting we need to determine how we prioritize that.

Councilmember Vinson said that if we want Hunt county to trim our trees.

Mayor said she doesn't know how much it would cost.

Councilmember Vinson said that once we put money in that account we can't touch it.

Mayor said that half of our budget is for roads so we need to start at some point.

Councilmember Vinson said we need to ask for an estimate for how much it will take to cut down the trees.

Councilmember White asked how much have we looked at the county because they have been doing this for so long; did they suggest how much we should spend, how much do they spend?

Mayor said that someone suggested \$1,000-\$2,000.

Councilmember White asked if anyone knows how much they are charging to maintain.

Councilmember Anderson said Kaufman doesn't charge, for us the cost is the labor and depreciating equipment so we have to roll that in whatever they sell and we do not

want them to - it is hard to say until we start doing this but we are going to have to do some homework.

Mayor asked if there is a second to her motion that secretary Karoline divide up the town roads and the Mayor and councilmembers go drive the roads to determine the high priority items and then go discuss in the future. **Councilmember Vinson** seconds
Passed 5:0.

7) Discuss updates received from the Comptroller's Office concerning the implementation of the 2% Sales and Use Tax for Street Maintenance.

Secretary Karoline explained the whole process as communicated to her by her contact at the comptroller's office. It will be two to three months before it can be implemented.

Councilmember Jaffe asked how this affects sales tax revenue. Do we need to raise money?

Mayor said that this decimates the budget for street maintenance.

Citizen Chad West asked if there will be a list of businesses obligated to pay the sales tax and what is the plan for maintaining the taxes.

Mayor said that the town does not maintain, the comptroller does. If the business is ethical, it will file quarterly or monthly.

8) Discuss complaints and possible solutions to the noise, dust, possible water contamination, and drainage problems caused by the Sand Pit/Rock Crushing pit located at FM 1565.

Mayor said that while we appreciate entrepreneurship and town businesses, a discussion needs to be opened because she has been receiving complaints that have escalated since December. This is not an attack on the business, but an invitation to discuss possible solutions.

Councilmember Jaffe asked if the business is within city limits.

Mayor said that a section of it is in the town limits and a section of it backs up in the backyard of homes in the town limits.

Citizen Donna Mumma, 10623 Cr 2450, said their property backs up to the sandpit. She wants to bring attention to the dust floating around. She showed a few photos of the dust on her property. There are also dump trucks going up and down the street. The business is also over an aquifer.

Mayor said that is the aquifer that supplies all the well water for the region; we want to be good stewards.

Citizen Bob Mumma, 10623 Cr 2450, is concerned that he moved here for the peace and quiet but the business operates from sunup to sundown and on Saturdays. He is not opposed to the business but thinks there should be a system for keeping the dust levels down. He has lived here for eight years and there was nothing like this for a long time. It has been a steady problem for the past 2-3 months.

Citizen William Sneed, 10623 CR 2450, says that the citizens did not get any notice of how it was going to affect the property. This business is not being neighborly.

Citizen Judy Graham, 10285 Cr 2450, said she has been there for six years and the noise of the rock crushed and the trucks coming down the road are a problem. They have put up “no thoroughfare” signs that have been painted over.

Councilmember Fowler asked if she contacted TCEQ.

Graham said that she did call and they were told that they had a temporary permit but they were limited to so many hours per month, and it couldn't be more than a couple of days in a row. They have heard the machine going at 4 a.m.

Citizen London Baugh, 10309 CR 2450, has lived here for two years and in the past year the business has ramped up. She works from home and it interrupts her meetings. The dust is also a problem. She has an air purifier inside that is constantly at 60 or 70 parts per million even though she never opens her windows. She suggests having a study done.

Citizen Chad West said that he also moved to Poetry for the quiet; there is an industrial business next to his property and he has made multiple complaints. It seems that only some citizen complaints get heard.

Councilmember Jaffe said that if he reaches out to him, he will ensure that they address it in the next meeting.

Councilmember Fowler said that it appears most of the sandpit is outside of city limits.

Attorney Emily Bowlin said that there are divisions between the noise and dust, which are civil things but there is not much we can do. What the town can consider doing is passing an ordinance but those ordinances do not apply to city limits.

Councilmember Jaffe said one of the issues of an unincorporated area is taking your chances. To keep it rural, we will have to work together as neighbors. We cannot legislate things that will make everyone happy.

Councilmember Anderson said that there may be some federal laws that apply to the situation. If a law is being broken, we should pursue it.

Chad Dalida, the business co-owner, said that he does want to hear concerns from the neighbors. He also lives on 2450. He hasn't heard any concerns that sound close to breaking the law. The crusher has a permit for six months - it is not a permanent thing. There is no crusher right now and there will not be for six months.

Councilmember Anderson asked who the permit is by.

Dalida said through TCEQ.

Mayor said she thinks there is another permit needed.

Dalida says he isn't sure about that but the permit holder has all the necessary permits.

Mayor asked if there is something proactive we could do to accommodate our neighbors.

Dalida said some people complain, but some people have thanked him. He doesn't plan on it, but if anyone has a legit concern, they can call the number on the sign and he will do his best to help and accommodate if it is legitimate.

9) Discuss and consider obtaining a comprehensive building inspection, prepared and documented in detail in writing, including photos and specific recommendations, signed by a qualified building inspector currently licensed in the State of Texas, of the condition, safety and upgrade requirements for public use of the annex and sanctuary structures plus connecting structures, addressing critical items including sub-structure supports, foundation supports, walls, wall structures, flooring, roofing, attic structures, electrical systems, heating, air-conditioning, sewer systems, soil, drainage, plumbing, insulation in

walls and ceiling, black mold, and other critical features of the proposed Poetry Town Hall building located at 20425 FM 986, Terrell, TX, as noted in a proposed lease between Campground Community Cemetery Corporation and the Town of Poetry.

Councilmember Anderson is concerned as to whether the sanctuary can withstand wind, and if we do convert the sanctuary, what it will take financially. The problem is that the lease says we will seep the sanctuary and the annex in good order.

Mayor said we don't have the lease yet.

Councilmember Jaffe said that the council is responsible.

Attorney Bowlin said they have governmental immunity for things done in their councilmembers' duties.

Mayor said she talked to a certified inspector who said he would only inspect something that is 100% complete - the annex is 90% is complete and the sanctuary is bolted.

Citizen Sharon Crouch, 1011 Therrell Lane, said she has been a realtor for 30 years. They could have an electrician and a plumber come in. They may have Stachybotrys. They may be overthinking what the most critical issues are.

Citizen Herbert Fletcher, 10098 Rd. 2331, said an inspector is going to come to tell you the common sense stuff. He works with inspectors all day and most don't do half of what you want. This would be a waste of money. If we keep the water out, the foundation is sturdy enough to hold the building in place.

Citizen Chad West said they forgot about asbestos and lead-based paint. By law, if that is there, it has to be mediated by a licensed contractor.

Mayor said that she would only want to meet in the annex so that is what she suggest they inspect.

West asked if the council looked at any other possibilities.

Councilmember Vinson said we didn't have another option presented.

Mayor said that, as far as she knows, there is no sufficient alternative.

West said that with all the issues the town is going to put itself at risk for something that it can't sustain.

Mayor said the annex is safe.

Councilmember Jaffe asked if we can set parameters for the inspection so that we don't spend too much money.

Councilmember Jaffe made a motion to put Councilmember Anderson in charge of getting a proposal for an inspection for the annex. **Councilmember White** seconded. Passed 5:0.

10) Discuss and consider the dumpster shortage within the Town and Solid Waste Vendor updates including revenues and accompanying service lists.

Mayor said that solid waste vendor CRS has 14 dumpsters in the town, Titan Waste has three and one roll-off, AWT has none, Reed Sanitation has one roll-off. Country folk need a lot of dumpsters.

Brian French, with Titan Waste, said there is not a dumpster shortage, but there is a shortage of people who want to do business with the Mayor. He has a few that will be available but he is waiting on paint. You do have to wait.

Mayor said that the roll-off she paid for was \$400 more than what CWD offered.

French said that she has been passive-aggressive.

Attorney Bowlin said that this is not a quorum for personal attacks; call a point of order.

Mayor called a point of order.

Citizen Chad West asked who was the citizen who put this on. Why is the mayor thinking there is a shortage because she has to pay more money? There is a personal issue on the town agenda.

Mayor said that she thought perhaps that others were having the same issue.

Joshua Wickes with AWT said they still have not gotten their receipt so they cannot provide the customer list. They need to pay their quarterly dues. Are you going to have

someone on the city staff to receive and process payments instead of someone at her store? Also, what are they going to do about the non-compliant solid waste vendors still servicing the town.

Mayor said they will get then a receipt. They have designed a professional receipt book that will be here soon, after which, she can get their receipt. They are welcome to mail their check if they would like. She has also submitted two violators to the judge - we will be submitting large pictures of the violations, we are just awaiting approval from our attorney to submit it.

Attorney Bowlin said that if part of the property is in ETJ and part is in the town, it's complicated and is going to come down to case law because the ordinance does not cover that specifically.

Mr. Kilmer, a solid waste vendor, came to speak and said there are at least 200 people that they aren't getting. BlackJack is still out here with a bunch of containers, which is worth a lot of money.

11) Discuss and consider taking action to approve a lower threshold for competitive bidding than what is required by state law.

Attorney Bowlin said that is just on here as a discussion point because it was brought up at the last meeting.

Councilmember Fowler said he wants to talk about it because we need to protect what little we have. He thinks we should go out to bid for a lawn service.

Mayor said writing the bid costs several hundred dollars.

Attorney Bowlin said we do have a template so we would not be starting from scratch.

Councilmember Fowler said he just wants everyone to be clear about where their money is going and if the council is okay with that. To be above reproach, going out for bid is something to consider. He thinks we could do an informal bid so we do not start making rules we don't need. He wants us to change our philosophy on how we spend money.

Councilmember Jaffe made a motion to move additional discussion about this to the workshop. **Councilmember Fowler** seconded. Passed 5:0.

12) Discuss progress of implementation of Council Members' Town emails.

Attorney Bowlin said for liability purposes you want all your town business to go through emails associated with the town. It can apply to text messages too, anything to do with town business.

Volunteer Josh Senkevech asked if we can do an email to the whole council.

Attorney Bowlin said yes some cities will just have a generic contact email.

d) General comments

Rob Farchuson said he is running for Kaufman county district attorney and he is running because he is unhappy with the direction of crime. He provided his contact information.

Mayor *adjourned the meeting at 9:57 pm.*

Meeting notes submitted:

Karoline Chapman, Town Secretary