

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

BE IT REMEMBERED THAT ON THIS DAY OF THE 21st of December 2021 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 Simeon White
Councilmember Tom Anderson	Councilmember Terry Fowler
Councilmember Mike Jaffe	Councilmember Brian Vinson - present via telephone

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

PRAYER AND PLEDGE OF ALLEGIANCE

Prayer and pledge led by **Councilmember Fowler**.

Mayor offered condolences to the family and friends of Officer Houston who was killed in the line of duty on Dec. 3rd. She also offered condolences to other townspeople who had lost a family member and thanked citizen Josh Senkevech for setting up equipment.

a) Reports

1. November 2021 Financial Report

Mayor gave a review of the public financial November report and clarified the deposits and checks.

Councilmember Jaffe asked if they had any legal expenses.

Mayor stated that she had not received any invoice yet.

Attorney Emily Bowlin said that Attorney Patricia Adams would provide an invoice soon.

2. Campground Church Annex Restore project

Mayor delivered a positive report of progress on the annex; painting and framing have been finished and significant progress has been made on plumbing.

3. *Christmas Tree Lighting Service and Contest*

Mayor gave a recap of the first annual town Christmas tree lighting as well as the winners of the lighting contest.

Chairwoman of the Christmas Lights Committee, Debbie Emard shared about the event and ideas for holding an even better event next year.

Secretary Karoline Chapman gave roll call to confirm quorum; everybody was present except Councilmember Vinson who joined via phone. Attorney Emily Bowlin informed them that he would be unable to vote due to not being present via both audio and video but could still participate in discussion.

b) Consent Agenda

1. Minutes for November 16th, 2021 Regular Town Council Meeting.

Mayor motioned to approve minutes. Passed 4:0

c) Regular Agenda

- 1) Discuss collecting and receiving sales and use tax.

Mayor clarified that this was recently passed, and **Councilmember Fowler** brought up the point of how we implement this tax.

Mayor asked **Attorney Bowlin** if they will not be required to start collecting the tax until April 1st.

Attorney Bowlin said that it is up to the comptroller, and they are waiting to hear back.

- 2) Discuss and consider minutes from the November 10th, 2021 Planning and Zoning Committee Meeting.

Citizen Debbie Emard came forward to speak. She said that as a citizen, she supports zoning and does not want to see big neighborhoods. But, she thinks people should be free to open businesses on their land.

Mayor asked for a motion to approve the minutes.

Attorney Bowlin isn't sure if they have to pass amendments to a planning and zoning meeting.

Councilmember Fowler clarified that they are not a commission.

This particular meeting was a public meeting, so it is different.

Councilmember Fowler moved to approve. **Councilmember Jaffe** seconded.
Passed 4:0.

3) Discuss and consider October and November 2021 expense reports.

Councilmember Fowler asked about the two items of the lawn service and electric bill on both months. He said that we do not have a lease on that property; he says until the city retains a contract he doesn't think we should be spending the city's money.

Mayor said that she talked to the lawyer, and the lawyer said that since this is for the city's purpose, then it is fine.

Councilmember Fowler thinks we should put the lawn service up for bid because it is expensive.

Mayor said that, during growing season, he would do it once a week. She has mentioned this to Attorney Adams, and she said that there is a dollar amount that would have to go out to bid.

Attorney Bowlin said that the limit is \$50,000. This may be too low or too vague; they simply aren't sure yet.

Mayor said that before the town was paid, she paid the lawn service provider out of pocket.

Councilmember Fowler clarified that we only have to go out of bid for \$50,000 and above. The city can pass policies that guide anybody.

Attorney Bowlin said needs to look at the statutes to be sure.

Councilmember Jaffe said that this could get out of hand so it would be good to make a habit of putting a bid out there. He thinks it is a good idea to put it out there on next door or someplace similar.

Mayor clarified that we would check into the statutes.

Mayor said that this is just a bank balance, not a balance sheet. But we can clean it up more if we want to be formal - as we progress, we will have more to put on there.

Councilmember Vinson said that this is a small expense that does not need to be micromanaged and we can discuss a bid later.

Attorney Bowlin said that there is a difference between going out for bid and the Mayor making discretionary purchases.

Councilmember Fowler said we should look for the best deal.

Attorney Bowlin said there are standard templates that you could modify based on what you're going out for bid for so it can be fairly minimal.

Councilmember White said we could just get the word out there, keep recurring purchases low, and ensure we are getting the best deal.

Citizen Chad West came up to speak. He said that he does not understand why money is being spent on the annex project when the lease is not finalized.

Mayor said that we do have a lease that the council has not approved yet.

Attorney Bowlin said the stance is still that it is not a problem to pursue renovations on the annex project as-is.

4) Discuss and consider solar energy systems within the Town.

Mayor said she got an email from a solar company requesting information for her company there is a citizen who wants a solar system installed - she wanted to know permitting requirements, applications, etc. **Mayor** has emailed the attorneys about this but wants to discuss it with the council.

Attorney Bowlin said that we need to discuss and see what the council thinks.

Councilmember Fowler said that the Planning and Zoning Committee is working on this but it is going slow. He asked if they could take any action on it?

Attorney Bowlin said we could make a motion to have the Planning and Zoning Committee consider it or to form a sub-committee. But these types of things typically go in a zoning ordinance so until they decide, it is difficult to make a decision.

Councilmember Anderson asked if there is a county rule or state rule that would apply.

Attorney Bowlin said there is 2019 legislation that prevents HOA from restricting solar panels in certain ways; she does not know if the state-level says anything, but she is sure that the county level says nothing. There are going to be rules about permits with installation. It is something to be concerned about because it can get out of hand.

Councilmember Jaffe said that the power company has the most to say about safety with this and they require that they can disconnect. They have to be licensed with the utility company that you are with. You are creating power that they need to know about.

Councilmember White said that it could cause setbacks from zoning. Are we going to keep them from being energy independent it would keep Poetry, Poetry? The Planning and Zoning Committee can look at it later and not take action on it tonight. He would only implement light regulations.

Councilmember Vinson said that 986 just got a big one. In general, he does not want the town to regulate this, but right now, we have nothing against it on the books so he doesn't want anything standing in the way of someone installing their system.

Councilmember Jaffe asked if this address is in city limits.

Mayor said yes, she confirmed that it is.

Citizen Mike Griffin from the Planning and Zoning Committee says he foresees possible setbacks of the solar facility; it could impact city limits and could limit solar collecting capability.

Mayor asked as far as responding to this company if they should redirect them to the county.

Attorney Bowlin said yes.

5) Discuss and consider a revised lease agreement with Campground Community Cemetery Corporation.

Mayor said that she sent the agreement to the Vice President of the corporation last month and they said that they would have their attorney look at it. They had their meeting last Sunday and they approved it. Then, on Saturday night, she got a text from the Vice President stating that they wanted to revise the contract. **Mayor** sent the agreement to **Attorney Bowlin** to revisit the two paragraphs and **Mayor** sent the revised version to the Vice President but she has not heard back yet.

Councilmember Jaffe asked what the sticking points were.

Mayor said that on page 3, where it says “right of first refusal” that it has been reworded. That is not the way it was read originally.

Councilmember Jaffe clarified that this is a 30-year lease.

Councilmember Vinson said it is a renewable five-year lease.

Mayor said that the version they have in their packet is a bit outdated because we just recently found out that they had a problem with it. We revisited the paragraph that was a sticking point. The second paragraph at the end of the lease term. The president has said that is not for sale. **Mayor** said that we understand that it is not for sale but if something changes, we would want to be able to take a stab at it. We are trying to rectify the verbiage to something they are comfortable with.

Councilmember Vinson says he wants to see the final verbiage before discussing.

Mayor said that it is back with their attorney. She was hoping they could approve something tonight but that is not going to be the case.

Councilmember Fowler asked about page 2 on the bottom of the lease premises - in his experience, whatever you do to improve the property stays with the property.

Councilmember Vinson said that we are using public money donated from the public.

Councilmember Fowler asked if they are digging up the septic system.

Councilmember Vinson said that, as a donor, he would like to have the option.

Mayor said if we don't have a lease in five years then she would leave the stuff there.

Councilmember Fowler said, should we ask for stuff back when we are getting it for so cheap?

Mayor said that with the money we have put into it - over 100 people have contributed to it, their time and money -the two paragraphs they have issues with are the ones that she read.

Councilmember Vinson said he still wants it to be nice in 50 years.

Mayor said that we could remove the fixtures and the furnishings that were donated; she said that it should go with wherever we move the town hall to.

Attorney Bowlin said it is really up to them.

Councilmember Jaffe said he cautions the **Mayor** and donors that it is not a good idea to build on home on land that you do not own because you forfeit everything you invested if at some point they decide that they do not want to do this deal - they could take it all away. They may not have the legal ability to sell this land but as far as we can see they may not have the ability to release any land

Mayor said that she wanted to fix up the chapel before we incorporated.

Councilmember Jaffe clarified that they wanted it fixed up to be a wedding venue.

Mayor said that no, that is not correct. There was some talk of that originally (2019), but once she found out that it is in the code that it has to be exclusive use, that was "off the table".

Councilmember Jaffe said he doesn't know what the donors have been told; he knows that he would personally be very concerned about investing money in something that he does not own.

Mayor said that the city of Talty rents a building that they have modified - we do not have the money to buy a town hall - we have no debt on this building which is huge - we have restored an old building that is historically significant for our town - other towns lease buildings and utilize them for years and years. She did not realize that the

president had to take the lease back to his board; she did not know how his board works. He has been in charge for 66 years. Here we are, doing our best to make their board happy with the verbiage, and then hopefully we have a town hall.

Councilmember Fowler has the prior versions of the lease agreement that don't have the fixtures in it.

Mayor asked why he is making their point.

Councilmember Fowler said that he is not doing that.

Councilmember Vinson said he has people with concerns that the contract is getting squirrely, and they would feel better if they could retain the fixtures. He hopes that they can get this in effect and that they have a friendly and fruitful relationship and that we leave on mutually beneficial terms. There were people concerned about it being a town hall rather than a historic building. We have to wait for them to get back to us.

Councilmember Fowler said that he is a councilman for this city, but money was donated to a building for this city not from the city's money so he will not vote on this contract.

Councilmember Vinson said that there is another part that he has concerns which are around the parking lot. The parking lot on the northside will remain the landlord's but there is only one parking lot.

Attorney Bowlin said that we have looked at his comments and included them.

Mayor read aloud **Councilmember Vinson's** revisions to the contract. They have the future cemetery plots in the back, and if we have that entire parking they have the right of way, then we need that.

Attorney Bowlin asked if the adjectives are clear enough or if we should change them.

Councilmember Vinson said that there is only one parking lot.

Attorney Bowlin said that this is clear enough, it reads as if there are two.

Councilmember Vinson agrees that it's reasonable, but he was concerned about the northside thing - he said that he will send a suggestion over.

Councilmember White said we should look into how much parking we need; he agrees that we may need more parking.

Mayor said this is another reason why we should have a long-term lease because we may need more parking - it is very hazardous right now.

Councilmember Anderson asked what if someone gets hurt in the building.

Attorney Bowlin said that putting up some tape that will help, it would depend on what kind of event they are having.

Councilmember Anderson said that, with time, it is going to fall down.

Mayor said that a contractor came to look and he said that the bones are good enough for now.

Councilmember Anderson asked if we need anything in the contract addressing the sanctuary.

Attorney Bowlin says the lease agreement does identify a common area but it does not specifically say sanctuary. She would say that it is covered in our definition.

Councilmember Fowler asked if we know who has donated and in what amounts.

Mayor said that she and Lauren Johnson have been keeping a spreadsheet.

Councilmember Fowler asserted that he wants to remove the clause about fixtures from the agreement.

Councilmember Vinson proposed that he and **Councilmember Fowler** discuss possible edits to the agreement in private. **Councilmember Fowler** agreed.

Citizen Chad West came to speak; he asked if 15.1 is going to be donated money.

Mayor said they are trying to get a grant on it.

6) Discuss and consider location for Town Council meetings

Mayor said that Faith Temple Baptist Church has been very generous to let them meet here for over a year for free. We could have our town meetings in the annex building. Faith Temple said that if we are willing to pay \$50 a meeting for electricity.

Councilmember White said that having small meetings in our town hall and big meetings here would be good.

Attorney Bowlin said we should be able to keep it to one meeting a month for the most part because we have worked through a lot.

Mayor said we have builder's risk insurance and TML insurance.

Attorney Bowlin said that TML will cover liability, which includes volunteers and citizens.

Councilmember Fowler asked when we will switch from builder's risk insurance.

Attorney Bowlin said that she doesn't know the answer.

Mayor said that the policy she took out ends in March.

Councilmember Fowler said they may allow us to do a builder's risk forever but it typically ends at the end of construction a lot of small towns lease their buildings. We just need to call TML and see what the full coverage would be.

d) General comments

Councilmember Anderson said they had a meeting with Kaufman County and he thinks that it needs to be on the agenda for January to discuss NIMS.

Mayor said that we did get emails set up and once they are signed in we will put that online so each person will have their own email.

Mayor *adjourned the meeting at 7:55 pm.*

Meeting notes submitted:

A handwritten signature in cursive script that reads "Karoline Chapman". The signature is written in black ink and is positioned above a solid horizontal line that extends across the width of the signature.

Karoline Chapman, City Secretary