



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

BE IT REMEMBERED THAT ON THIS DAY OF THE 21st of December 2023 at 6:30 pm, the Town Council of Poetry, Texas, held a Regular Town Council Meeting at Poetry Town Hall, 5671 CR 323 Poetry, Texas 75160 with the following present:

Mayor Tara Senkevech
Councilmember Tom Anderson
Councilmember Mike Jaffe

Councilmember Simeon White
Councilmember Terry Fowler
Councilmember Jonathan Blake

Mayor Senkevech called the meeting to order at 6:30 p.m.

Robin Folds, volunteer, in the absence of Evie Anderson, Clerk, took roll call and confirmed quorum. All council members were present.

Pledge of Allegiance and Invocation

Council member, Johnathan Blake led the pledge and invocation.

f: Mayor Tara Senkevech gives items of community interest:

- Thanks, Sherry Vinson, for typing the minutes.
- Thanks to Mary Gregor for decorating the inside town hall tree.
- Thanks to the Christmas Lights Committee for their hours of teamwork.
- Thanks to Bob Boles, Kevin, and Josh Senkevech for the trailer setup with the sound and video systems.
- Congratulations to the winners of the 3rd annual Christmas Lights Contest. The list of winners is online.
- Congratulations to Poetry citizen, Ryder Grimes, who was just named Texas Country Music Association's Emerging Artist of the Year on November 12, 2023.
- Merry Christmas and Happy Holidays to each of you.

g) Reports

1. **Financial Reports:** Mayor Tara Senkevech gave an update on the financial reports reporting a beginning balance of \$73,671.34, and deposits totaling \$10,882.47. Withdrawals and debits totaled \$2071.84, and checks paid in the amount of \$5792.67. The ending balance comes to \$76,689.30.
2. **Sales and Use Tax receipts Report:** Mayor Tara Senkevech reminded everyone that this information is released on the first Friday of every month. In December, the amount was \$89,082.72 which included the first week of December. Revenue from Christmas sales will not be available until January 2024. A total allocated amount of \$59,598.08 goes to the GL account for 6010 Capital Road refurbishment and 6100 potholes and signage repair.
 - **Council Member Terry Fowler** had a question regarding the amount of operating funds available. Mayor Senkevech said that the information on Q3 should be available next month.
3. **Secretary's Report:** — Deputy City Secretary Theresa Scholander, read by Council Member Tom Anderson. The Town of Poetry's Town Hall is beautifully decorated for the Christmas holidays. Thank you to all who worked hard to decorate. December 16th was the third annual Town Christmas Lights celebration. The Secretary's office is working hard to prepare for the upcoming 2022-23 Town of Poetry audit. Wishes to a joyful present and a well-remembered past. We raise a toast to this Christmas and extend best wishes for a season of the best.

h) Consent Agenda:

1. **Approve minutes from November 2, 2023.** Council Member Tom Anderson expressed corrections he would like to see made. Motion made to move this item to the regular Agenda and make it Agenda Item A. **Passes 5:0**

2. **Pay November legal bill** of \$1171.03. Mayor Senkevech pointed out that the mileage fee was left off last month, so it is now reflected on the bill this month. This is the reason for the discrepancy between the invoice versus the final bill. Motion to approve made by Council Member Tom Anderson. Motion seconded by Council Member Simeon White. **Passes 5:0**
3. **Insurance Renewal** in the amount of \$682.02. Council Member Jaffe pointed out some discrepancies in the address listed by the insurance company. Motion made by Council Member Simeon White and a second was made by Council Member Jonathan Blake. **Passes 5:0**
4. **Proclamation of August 26th:** We have this proclamation, The Town of Poetry, County of Kaufman, Texas, recognized on August 26th as Ryder Grimes Day. Whereas the first time in Poetry history its resident, who is Poetry raised, has made the national spotlight for the Country Music Awards Emerging Artist of the Year, November 12th, 2023. Whereas the Community wishes to acknowledge Ryder's achievement for his song, "In My Boots," reaching #1 on Texas Regional Radio Report for week #48 ending November 29th, 2023. Whereas Ryder has shown outstanding character in his pursuit of his musical goals. Whereas the Town of Poetry is proud to call him our son and recognize his high level of personal achievement and service to his art. Therefore, Tara Senkevech, the first mayor of Poetry, hereby presents this proclamation to Ryder Grimes for his day of birth, his dedication, and his success in his budding career. Motion made by Council Member Jonathan Blake and a second was made by Council Member Tom Anderson. **Passes 5:0**

i) Regular Agenda:

- A. **Approve minutes from November 2, 2023,** Council Member Tom Anderson outlined the corrections he would like to see to the November 2, 2023, minutes of the meeting.
 - 1) Second line, change Tracy Hibbs "corrected" to "offers her opinion".
 - 2) On the same line, change Citizen Dale Bryant "defines" to "offers his opinion".
 - 3) Under i) Special Agenda, section 4), first line, change "finds the city at fault" to "offers her opinion".

A motion to approve was made by Council Member Mike Jaffe and a second was made by Council Member Jonathan Blake. **Passes 5:0**

- 1) **Listen to the presentation of SOQ** (Statement of Qualifications) by Engineering firms Exceed Engineering and Birkhoff, Hendricks & Carter, L.L.P. Engineering Firm.
 - 1) Mayor Tara Senkevech opens with the reading of a legal statement: "Upon the Town's determination as to the most qualified applicant. The Town will then negotiate pricing and fee structure. If the Town and the most qualified applicant, owner, and legible to negotiate an acceptable resting at fee structure. The Town will then proceed to negotiate with the next most qualified applicant. And so on until a final selection is made.".
 - 2) Mr. Ray Bramley of Exceed Engineering gives a brief overview of his engineering firm, their history, and towns that they have worked with long term. This was followed by some Q&A from City Council Members.
 - 3) Mr. Derek Chaney with Birkhoff, Hendricks & Carter, L.L.P. spoke next. He was joined by Justin Ivy, another partner in the firm. He reviewed their firms' history and the scope of some of their work with comparable towns. This was followed by some Q&A from City Council Members.
- 2) **Discuss and take action on finalizing Solid Waste Ordinance with Addendum A:** Exclusive Solid Waste Franchise Agreement with Doliver Enterprises, LLC dba Blackjack Disposal.
 - o Notice has been provided to previous vendors.
 - o Citizen Brian Vinson pointed out that the Ordinance was not included in the original package available online. This was explained that the lawyer did not return the Ordinance before it was posted.

Motion to accept the Ordinance was made by Council Member Tom Anderson and a second was made by Council Member Jonathan Blake. **Passes 5:0**

- 3) **Discuss and take action on finalizing Solid Waste Addendum B:** Non-exclusive for Roll-offs Solid Waste Franchise Agreement.
 - o Discussion was had regarding entering into a one-year contract with Blackjack Disposal and reevaluating their performance after one year. The contractor is to keep a log of all complaints, including their resolution, and report them back to the Town monthly. Change the availability by phone for the Town from 7:00 am-7:00 pm to 8:00 am-500pm. Fees against contractors for

violations were also discussed. Citizen Doug Kendrick spoke with some questions about the trash cart that they would be receiving and how that affected bulk pickup and using garbage bags.

Motion to accept the current Amendments made by Council Member Tom Anderson and a second was made by Council Member Jonathan Blake. **Passes 5:0**

At this time the Mayor calls for a break

- 4) Discuss and take action on four critical culvert replacements on CR 2464 on Project Sheet H-09 for \$8,250.00 for materials cost only.** This discussion item is regarding four potential culvert replacements on CR2464. This item was tabled for Council members to have the time to look over the locations of replacements and a potential second area at CR2446. Additionally, to explore the possibility of breaking this item down into multiple, individual items in the future. No motion is needed.
- 5) Discuss and take action to have agenda items author and supporters' names attached at the end of each item [CM Fowler and CM Jaffe]:** This agenda item proposes adding the names of Council Members who requested specific agenda items to the monthly agenda, allowing citizens to contact the relevant members. It was decided to include the "requester or requesters" name in parentheses at the end of the specific agenda item. Motion by Council Member Mike Jaffe, seconded by Council Member Tom Anderson. **Passes 5:0**
- 6) Discuss and take action on the proposed concrete crushing plant on Hwy 276.** Council Members Jonathan Blake and Simeon White raised concerns about the proposed concrete crushing plant. Mayor Senkevech had consulted Poetry's legal counsel, who clarified that since the plant is outside Poetry's jurisdiction, the town has no authority over the matter. An upcoming meeting on Wednesday, December 27, 2023, at 10:00 am at the Hunt County Commissioners Court will provide an opportunity for residents to voice their concerns. Citizen Doug Kendrick shared his experience, highlighting limited options for neighboring towns. Citizen Glenn Straus, drawing from past employment at a concrete plant in California, expressed concerns about the dust generated. No motion is required.
- 7) Discuss and take action on Council member Fowler's petition to release from ETJ:** Mayor Tara Senkevech highlighted compliance with state law, noting that, in the event of a conflict of interest, an Affidavit of Disclosure had been filed and has been submitted to the City Secretary. Legal counsel has advised that Council Member Terry Fowler cannot address this matter during the meeting. Council Member Mike Jaffe expressed concern about such issues handled through a council meeting and voting, contrasting actions taken with neighboring towns. Mayor Senkevech explained that due to the unique nature of the Town of Poetry, requests to be released from the ETJ require a council vote. Council Member Tom Anderson observed that none on the council are land surveyors, lacking specialized qualifications. Council Member Simeon White suggested handling these matters outside of the council, involving an engineer, and bringing them to the council only if issues arise. Mayor Senkevech stressed the need for thorough ongoing research, emphasizing that attempting to extract land located in Poetry proper, would invalidate the request. The Council acknowledges increased information in the forms and legal counsel's review and is currently willing to continue approving or denying requests until a town surveyor is on board.
Citizen Amy Fowler spoke explaining the wish to remove their land from the ETJ. Citizen Kevin Senkevech expressed displeasure, deeming Council Member Fowler's request unbecoming, and argued that the Texas bill Mrs. Fowler referenced wasn't intended for towns with less than 20,000 occupants. Senkevech reminded the council of Fowler's previous desire to extend map lines to include his property and now wanting removal from the town. He requested Fowler withdraw his petition or step down as a Town Council member and asked the sitting Council to reject Fowler's request to be removed from the ETJ. (There were background interruptions from a member of the audience during this time and had to be admonished by Mayor Senkevech). Motion by Council Member Simeon White, seconded by Council Member Jonathan Blake. **Passes 3:1** Mayor Tara Senkevech read a prepared statement which included, "I waited until after the vote on this matter to make my statement so as not to Influence the vote. As the chair of this Council, I believe it is my duty to express that a sitting Council member intentionally using personal funds to remove their property from the town they serve is against our decorum and procedure policy. Resolution 2021.1001R emphasizes the obligation of elected

officials to uphold high moral standards and prioritize the public interest over personal considerations. Council members must show unconflicted loyalty to the entire town. Mr. Fowler's actions violate these standards, placing personal interests above the town's. I publicly admonish him for this unethical violation, expressing the hope for the best for him and each Council member."

- 8) **Discuss and take action on Bennet's petition to release from ETJ:** As this is Council Member Fowler's father-in-law, he must continue to abstain from participation in this vote. Motion by Council Member Jonathan Blake, seconded by Council Member Simeon White. **Passes 3:1**
 - 9) **Discuss and take action on West's three petitions to release from ETJ:** All three petitions are 57 acres of contiguous property.
 - 1) **Address 19370 FM Road 986:** Citizen Chad West spoke to explain that the property is contagious. Motion by Council Member Jonathan Blake, seconded by Council Member Mike Jaffe. **Passes 4:1**
 - 2) **Address County Road 323:** Motion by Council Member Jonathan Blake, seconded by Council Member Simeon White. **Passes 4:1**
 - 3) Motion by Council Member Jonathan Blake, seconded by Council Member Simeon White. **Passes 4:1**
 - 10) **Discuss Preliminary Zoning Map:** In previous meetings, it was discussed that Council Member White and Council Member Blake would be a two-person Zoning Committee. Council Member White will go over the actual zoning map.
- j) **General Public Comments:** None
- k) **Adjourned Regular Meeting @ 9:24 pm**

Minutes by volunteer Anne E. Hamilton