

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

BE IT REMEMBERED THAT ON THIS DAY OF THE 15th of March 2022 at 6:30 pm, the Town Council of Poetry, Texas, held a regular town council 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 meeting to order at 6:30 pm.

Evie Anderson, substitute secretary, confirmed quorum. All council members were present.

Pastor Kevin Kelly led the pledge and invocation.

1. Reports

Financial Report – February 2022

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

Emergency Management Report – Tom Anderson

Detailed the complexity of requirements. He mentioned that Poetry Water has 20 fire fills in Poetry. We are looking into the First Net alert system for emergencies. He reported that Mayor and he visited the Emergency Operations Center in both Kaufman and Hunt counties.

Planning and Zoning Committee Chair Katherine Hardwicke said they have a 74-page discussion draft they are working from. She said that most towns want to grow, but Poetry doesn't, so that is the biggest challenge. She hopes to have a working draft by the next meeting. The public hearing will need three weeks' notice. Some towns don't want a horse in town, but we are fine with that. The legislature in 2019 took away much of the authority in the ETJ.

b) Consent Agenda

1. Minutes for February 15th, 2022 Regular Town Council Meeting.

Councilmember Anderson made a motion to move accept. Councilmember White seconded. Passed 5:0.

c) Regular Agenda

- 1. Discuss and consider the Spring Clean up for Saturday, April 23, 2022, from 7 am-7 pm.**

Councilmember White questioned whether the honor system is all that is needed.

Councilmember Vinson said that to be good steward of our donated dumpsters would be good to have some accountability. We also need to check to see if mattresses or other items are acceptable.

Councilmember Jaffe stated that we trust but verify. We also want to give credit to our solid waste vendors. He volunteered to call the solid waste vendors.

- 2. Discuss and consider designating certain Town roads as ‘no thru trucks over 33,000 lbs. GVWR’ routes, penalties for violations on residential roads, and the need to purchase signs. GVWR= Gross Vehicle Weight Rating.**

Councilmember Jaffe explains the GVWR is an objective standard. He asked over which roads we were referring.

Councilmember Anderson said that CR 2434 used to have a “no cut thru” on their road. It is no longer there. It did seem to cut down on the larger trucks. We would like to have it, but I am not sure it could be enforced.

Sheriff Terry Jones stated that he spoke with DPS, and there is certain ways to handle these things. If you have it posted as an ordinance, it can be enforced. If I can put an extra patrolman, I will. Four officers covering 900 square miles is a challenge, but we can address it. He gave his cell phone in case of need #903-461-1843. “We will help in whatever way we can.”

Councilmember White asked the sheriff if he thinks a sign would be a deterrent.

Sheriff Jones said he thinks that it would.

Council Emily Bowlin stated that \$500 per day would be the maximum fee. The ordinance is the first step, but the judge sets the fine amount.

Mayor stated that custom signs are \$64 each with free shipping.

Council Emily Bowlin stated that each road for the ordinance needs to be listed.

Councilmember Fowler asked Sheriff about signs causing rerouting of traffic by putting signs up.

Sheriff Jones said we are trying to reroute roads to 1565 to 276 to keep them off the county roads. Road Commissioners are frustrated at heavy trucks on the roads.

Councilmember Fowler CR 246 would get more traffic if we put signs up on CR 249.

Councilmember White said we should communicate with the builders in the area.

Councilmember Vinson asks council if a non-vendor can cut-through our town. He requested to add CR 323 to the list.

Attorney Bowlin said no. Our register vendors can. Councilmember White made motion to have Attorney Bowlin draft an ordinance with a penalty up to \$500 for 'no thru trucks over 33,000 lbs. GVWR' routes, penalties for violations on residential roads, and the need to purchase signs. GVWR= Gross Vehicle Weight Rating on the non-dead end roads on nine roads CR 249, CR 2458, CR 2326, CR 2434, CR 2452, CR 2454, CR 2432, CR 2468, CR 323
The motion was seconded by Anderson.
Passed 4:1 Jaffe dissenting.

3. Discuss and consider a template "cease and desist" letter to send to solid waste ordinance violators.

Councilmember Anderson stated that he feels a letter from our attorney carries more weight than just from our mayor. He stated we should accept it.

Councilmember Jaffe stated we should add a copy ordinance with the letter.

Councilmember Jaffe made a motion to accept the cease-and-desist letter as written and adding a copy of the appropriate ordinance. Seconded by Vinson. Passed 5:0. . Discuss and consider a template "cease and desist" letter to send to solid waste ordinance violators.

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

Mayor said this was a citizen request item.

Councilmember Vinson stated that there are true hazardous waste routes for chemicals.

Attorney Bowlin stated that state law regulates this.

I can research it, but I am not sure you want to spend money on me doing that.

If it is truly state law, the county can take care of it.

Councilmember Jaffe says he hasn't seen truly hazardous material trucks.

He has seen hazmat. Tesla's are hazardous with all the batteries they carry.

Councilmember Vinson made a motion to have attorney to look into regulated material versus hazardous material. The motion died for lack of a second.

5. Discuss and consider action on installing Town limits signs to points of entry for the Town of Poetry.

Councilmember Anderson stated he didn't think it was feasible to have all the roads, but only the major roads.

Councilmember Jaffe asked where this came from stated he is not sure what it would accomplish. If it helps us in some way, I am for it. If it is for the sake of 'dressing up the town' I am not for it.

Citizen Shelly Smith stated that she thinks it is a really good idea to put up town limit signs. It lets citizens and strangers know that they are now in a town. A town typically has their own regulations. There is too much effort for us not to let people know. The reason we are doing all of this is to show pride in our town.

Councilmember Fowler asked her if we should put signs in every time the ETJ and town change.

Shelly Smith stated eventually perhaps, but initially just the main areas for clarification. There are people who don't have a clue that they are in the town.

Councilmember White stated he likes that it adds to the civics of the town, like flying a flag. I like that it shows we are into agriculture such as the tractor on the sign. He thinks we only need about five signs though. I wouldn't like to see signs around every corner though. Maybe about 5 signs is all we need.

Councilmember Fowler asked what the TXDOT regulations are on the state roads.

Councilmember Jaffe stated he doesn't feel our town needs decoration or anything to call attention to bring outsiders in.

Councilmember Vinson stated he has a heart for those in the ETJ and doesn't want them to feel excluded. He doesn't want lines of demarcation. He wants to think about it more.

Mayor stated that the solid waste vendors would like it and it is a point of clarification. She stated that they can bring it up later at next meeting.

Councilmember White asked if we can move on and revisit this item next meeting.

6. 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.

Mayor called for a five-minute recess.

Mayor reconvened and read the EXECUTIVE SESSION in accordance with Texas Government Code, Section 551.001, et seq., the Town Council will recess into Executive Session (closed meeting) to discuss the following:

-§ 551.071: Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary

Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re: legal residency
The mayor and council went to the sanctuary with Attorney Bowlin.

They returned to open Meeting at 9:20 pm.

Attorney Bowlin stated that she cannot discuss because she is the attorney for the Town council. The public is not entitled to know everything that they discussed. The council members can discuss these things.

Councilmember Vinson summarized the discussion. Nothing is black and white regarding residency. We will listen to our citizens, then make a decision about who is a voter, who is not a voter. We have loose boundaries by the state.

Councilmember Jaffe said we are not going to do it tonight, and not undo our town, but we want to nail down the boundaries of the town. We are going to work on it. There are a few errors. We are going to clean the map up. Emily gave us case law and different definitions of what a resident is. The state doesn't give a standard. We are assigned with the task of defining that definition. The onus is on us to define that definition for us.

7. 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.

Citizen Shelly Smith was given 6 minutes to address items 6 and 7 jointly. She stated that she was confused. Is the voter's list the list? Are the CAD maps correct? Is the percentage of your property that is in the town, what could potentially be taxed?

Councilmember Fowler answered; what we learned in this meeting is that is residency where you sleep at night versus where you file homestead exemption?

Councilmember Vinson stated that we decide on the definition. Assuming that all the property value is of equal value then those who have more property would pay more. You have to be watching while we make that determination. The voter's list is at that time, their definition. Now, the assessed value would be based on the value. We incorporated property, not just road frontage.

Mayor explained that the initial vote was limited. The subsequent votes were expanded. We have no property taxes. The way the election officials decided the past two votes was if any part of your primary residence was in the town, then you got to vote. Most of the adjudicated votes counted. Each county broadened that vote. Our original attorney thought that the vote should just be just available for those whose primary residence in in the 311, 411 and 511 feet.

Councilmember Jaffe stated that the (CAD) map is 98 % accurate if he were guessing. Any property tax would be in addition to and only those who are in the town.

This council did not create the map or define the rules. We have inherited the town. We all have different views. This town formed and then this council was voted.

Councilmember Vinson the limits is the survey. The map is visual representation of the survey.

Councilmember Fowler stated that Kaufman has assigned two property id's now. If there is ever a tax, they have it separated out.

Citizen Salisbury Thank you for taking that task on, because that will be huge. What about the fees being collected? If it changes, who is going to reimburse? My suggestion is to not pass any franchise fees going forward until you have that decided.

Councilmember Jaffe asked council isn't that grandfathered in?

Attorney Bowlin stated yes. Just like in the incorporation, those no longer apply. We have to decide going forward. It isn't applied retroactively.

Councilmember Jaffe stated my job is to verify those lines. The map is simply a visual representation of a survey.

Councilmember Fowler asked Council would it be our job to reach out to vendors and tell them who is and who isn't once we decide? Is it the cities job to reach out to all vendors?

Attorney Bowlin stated that once we have a decision, it would be up to the town to contact all the vendors.

Councilmember Jaffe stated that the byproduct of all this is a list.

Councilmember Fowler asked does it include the barn, the shop or what? I am getting taxed on three meters. How is the electric company going to know where the demarcation is?

Citizen Patrick Smith asked as a citizen of Poetry, and maybe a voter, can you, Attorney Emily disclose the issues? How can the public be involved in this?

Councilmember Jaffe we can paraphrase to you.

Attorney Emily stated that while she appreciates the question, legally she cannot disclose executive session. The councilmembers can comment.

Councilmember Vinson stated there are two main issues: One, who is a voter, and where is the line? Areas of residence, etc. Send us your emails, talk to us. I have seen a lot of unsolicited opinion on Next-door.

Councilmember White encouraged him to show up at the next meeting when we decide.

Mayor stated the case law is all over the gamut. Like CM Fowler said the definition is gray.

Citizen Katherine Hardwicke stated, ‘thank you guys for tackling this’. We have a situation which is fluid and people have a hard time with that. So, thank you. It is hard to make everyone happy.

Councilmember Jaffe In my mind, we are not starting over. Each entity who was in charge did their take on it, and now we have to decide going forward. We are not throwing out the past, but merging them into something we can all understand. We each have our own impression of what living in the town means and entitles and requires. We agree on how to spell Poetry, we need to agree on where the boundaries are.

Mayor stated that we are “fine-tuning”.

Katherine Hardwicke stated I agree, I find that in P & Z documents; they are living documents. Don’t get discouraged. Things change. We might have to come back a year from now. To keep us Poetry, we have to tackle things. Stand tall.

Citizen Mike Griffin- There is no single definition of resident? I pray that the workshop will bring some clarity.

Councilmember Vinson-There is no single definition. Each agency defined residency at the time; we are simply defining what it is for Poetry moving forward.

10) Reconvene into Regular Meeting and take any action necessary based on Executive Session. [Items 6, 7 and 10 were combined for discussions.]

Motion was made by Anderson for Councilmember White and Vinson would work on an preliminary definition and Councilmember Jaffe and Mayor and Ms. Dillon would work on the map getting some of the discrepancies cleared. Seconded by Councilmember White. Passed 5:0

8. Discuss and consider a telecommunications franchise.

Councilmember Fowler stated he put this on the agenda. We have services using our ROW. Is this a franchise able item? Do we need to have a permit?

Councilmember White stated that he did some research that we can do it, it is complicated because most fees are calculated off 1998 taxes, they need a TPEP to have exact data about our population but agrees with Kenz that we shouldn’t put into a franchise until we define our residency. I contacted the person who wrote the laws. They had to calculate it off towns of similar size. I ran into a roadblock since they didn’t have data and had questions about our map.

Councilmember Vinson said he ran a long-distance provider company and is aware of the regulations.

Mayor stated that we need to know who is putting boxes in our Right of Way's (ROW), every 100 yards are so if we work on our roads. So that we don't end up with a lawsuit and be aware of what is going in. It is not just about trying to get revenue in my mind. A small permit might allow us to be aware.

Councilmember Jaffe stated that the fees are from us. They are little, but we need to recognize that it is from our citizens.

Councilmember Fowler stated his electric franchise bill multiplied by the number of homes might calculate to be hundreds of thousands of dollars. I paid \$14.90 for my Electric and \$6.50 for trash.

Mayor stated that we only received around \$8 thousand last quarter (from Oncor and FEC), but if we can collect franchise fees to avoid a property tax, then hallelujah.

Councilmember White stated the City of Italy only received around \$2480, then \$2071 the next year. It is less than one percent. We shouldn't push it until we get things sorted out with residency definition.

Councilmember Jaffe stated the second item is more important; knowing what we have going into our ROW's. We should 100%, yes. I would like us to separate those for discussion.

Councilmember Fowler stated that P & Z can say we want them to have vegetation around them or something else.

Councilmember White Is permitting part of P&Z? **Do we have to sign up with Telecommunications commission?**

Attorney Bowlin- It would be passed by the council. Some towns do consult their P & Z, but It is vital that you do adopt something. I will need to research if adoption of an ordinance is all that is needed. We do need to know what is going in the town.

Citizen Bruce Seat of Spectrum. Telecommunication is basically landlines. I recommend not going after that because that is usually only older citizens. They are about 5%. Internet you cannot touch with franchise fees passed by law around 2017 or so. Video (Dish, etc.) and cell phones you can tax. State told companies franchise was 5% I do recommend permitting. Submit to DFW Kinetic that does permitting for us. We show them screenshot of the google map. Monster is not covering their lines with PVC. They are plowing. I do not recommend plowing. The water company hates them right now because they hit the water line. We go 36 inches. We go underground when the trees are not trimmed. Pulling a fiber repair is 3-4 hours. Conduit helps with a faster restore time. Fiber is basically glass, it breaks. If it in conduit, it is protected. Ground shift will break a glass unprotected. City of Wills Point does a franchise fee even though we just pass through. We aren't even servicing them yet.

11. Discuss and interview applicants for Town Secretary.

Mayor stated that Theresa Rita Scholander was interviewed in a staggered form to avoid quorum with each Councilmember to have fifteen minutes of interview her Saturday prior. She was the personal finance Administrator for a Home Owners Association. She is a notary public who knows QuickBooks Pro. She has attention to details and highly organized. She has 20 years of experience with financial roles. A resume and two letters of recommendation but has surgery in the very early morning, so could not be present.

12. EXECUTIVE SESSION – In accordance with Texas Government Code, Section 551.001, et seq., the Town Council will recess into Executive Session (closed meeting) to discuss the following:

- § 551.074: Personnel Matters. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of public officer or employee: Town Secretary

The council, mayor and attorney went into closed session at 10:23 pm.

The council reconvened the Regular Meeting at 10:27 pm.

Councilmember Jaffe made a motion to extend the job of Town Secretary to Theresa Scholander. **Councilmember Anderson** seconded. Passed 5:0.

General Comments:

Citizen Kevin Senkevech stated to Councilmember Fowler that you might check on electrical; it may be where the power was transformed from for the electric franchise fees?

Mayor adjourned at 10:31 pm.