



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

BE IT REMEMBERED THAT ON THIS DAY OF THE 18th of January 2024 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

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

b) Robin Boles, volunteer clerk, took roll call and confirmed quorum. All council members were present.

c & d) Pledge of Allegiance and Invocation

Council member, Pastor Kevin Kelly led the pledge and invocation.

e) Mayor reviewed Texas Penal Code 38.13, 4205

f: Mayor Tara Senkevech gives items of community interest:

- Kaufman County is hosting several cleanup events for all Kauffman County residents. All Precinct 2 residents can go to 12051 Precinct Circle, Forney Texas, 75126, on February 3, June 10, and October 5, from 08:00 a.m. To 04:00 p.m.
- We want to thank Sheri Vinson for typing the minutes.
- Thanks to Brian and Sherry Vinson for taking down the Christmas tree and decor.
- Thanks to carpenter David Burke for donating labor and miscellaneous items and installing the Assembly room TV.
- Thanks to Becky Carter and Todd, they are going to be working on the solar light poles.
 - At this time, Council member Tom Anderson gave a personal update on the health of his wife, Evie.

g) Reports

- 1. Financial Reports:** Mayor Tara Senkevech gave an update on the financial reports reporting a December 2023 ending financials. Deposits were \$28,544.99. Withdrawals and debits totaled \$1706.63. Checks paid totaled \$19,616.74. The beginning balance was \$76,680.29, ending balance was \$83,910.91.
- 2. Sales and Use Tax Receipts Report:** This report arrives on the first Friday of every month. January, total is \$9,297.01. A total allocated amount of \$68,895.09 deposited to the GL account for repairs on 6100 and 6010 Capital Road.
- 3. Report from legal counsel:** Mayor Senkevech read letter provided by legal counsel, addressing increase in ETJ release petitions.
- 4. Secretary's Report:** No report owing to Secretary's absence.
- 5. Waste Disposal Transition Update:** Mayor Tara Senkevech read a statement regarding Blackjack chosen as the new town trash vendor.

h) Consent Agenda:

- 1. Approve minutes from November 16, 2023.** Council Member Tom Anderson expressed corrections he would like to see made. Motion made by Council Member Anderson to move this item to the Regular Agenda and make it Agenda Item A. Motion seconded by Council Member Blake **Passes 5:0**
- 2. Pay November legal bill** of \$390. Motion to approve made by Council Member Anderson. Motion seconded by Council Member Blake. **Passes 5:0**

i) Regular Agenda:

A. **Approve minutes from November 16, 2023**, Council Member Tom Anderson outlined the corrections he would like to see to the November 2, 2023, minutes of the meeting.

- 1) Page 2, item 2, change, Sheri Vinson “veto’s” to “desires”.
- 2) In that same section, change, Anderson makes a motion to “except”, to “accept”.
- 3) Item 3, double-check that the dollar amount listed for the HVAC bid is correct.

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

1) Presentation by Debbie Taylor of Murray, Pascal & Caperton regarding the town audit. As she was hired by the Council, the Council is free to ask questions, and no questions will be taken from the public. The results of the presentation are as follows:

- At fiscal year-end, the town exhibited a healthy financial standing. Its holdings exceeded its obligations by \$221,000, a figure termed the net position or net worth. This positive net position signifies that the inflows to the town surpassed its outflows over the long run. Compared to the prior year, the town's net position grew by approximately \$80,000, primarily attributed to newly realized sales tax revenues.
- The town's non-cash resources, labeled capital assets, consisted chiefly of land and the town hall building. These capital assets cumulatively amounted to \$136,000 after accounting for the latest additions.
- A portion of the town's net position was classified as unrestricted funds. These unrestricted funds represent resources available for the general operations and services provided to town residents. However, the specific unrestricted fund balance amount was not explicitly stated.
- Additionally, there was dialogue regarding the suitable classification of the town-owned land parcel, questioning whether it should be considered a capital asset given its non-transferable nature.
- **Next Steps:** Council member Fowler has questions about whether the sales and use tax funds are considered restricted assets as they are earmarked for use for road maintenance and upkeep. Mayor Senkevech suggests the term "Encumbered Funds" might be more appropriate, rather than strictly restricted, indicating funds dedicated solely to roads. Ms. Taylor agrees to look into the concept of restricting sales and use tax funds. Council member Fowler questioned the classification of land as an asset since it can't be sold or leveraged. Ms. Taylor mentions a previous discussion with the attorney, who confirmed land as an asset. Council member Fowler expressed concerns and desires further discussion with the attorney regarding the classification of land as an asset and expressed his intention to follow up with the town attorney regarding this classification.

2) Discuss and take action following a presentation from Steven Barlag from Street Dynamics on a solar-powered traffic speed and communication device designed to collect information needed to obtain grants for town roadwork.

- The discussion focused on the grant capabilities of customizable traffic monitoring signs, which offer features such as displaying speed limits, text, and graphics. Data collection includes flood sensors, a traffic data collector, and customizable reports with GPS location details. Two access options were presented: a 4G antenna with an annual subscription to control the sign remotely, or a Bluetooth connection for on-site data retrieval. The signs can differentiate between vehicle types, aiding in traffic analysis. This device is available for purchase only, with a 15" unit costing around \$5,000. Battery life depends on traffic, with a potential range of 10 days to two weeks. Real-time data access via a subscription cost of \$599 annually, per unit, covering unlimited users. Users can also retrieve data without a subscription using the Easy Analyst program, a manual connection. The signs have a GPS locator for theft tracking when powered on. They offer versatility for various purposes, and continuous data collection as long as powered. Considerations for power sources were discussed, with solar-powered signs potentially requiring manual data retrieval in certain situations.

An alternative request for customer references regarding towns using the product for grant

- work was requested.
- **Mr. Alan Donnan**, a citizen expert in grant writing, advised caution about federal grants' bureaucratic challenges. The recommendation is to prioritize Austin grants, involving County Commissioners, State, and NAFTA/IFTA representatives for a unified approach. If Austin proves unsuccessful, a backup plan involves approaching Washington.
 - Citizen Dale Bryant asked about state grant expectations, and Mr. Donnan suggested seeking \$150,000 to \$250,000. He further emphasized the importance of hard data and photos for effective grant proposals.
 - Citizen Tracy Hibbs questioned Mr. Barlag about axle counting. He explained that the system differentiates sizes without taking pictures, relying on radar signal strength for accuracy.
 - Council Member White asked Mayor Senkevech if Sales and Use tax could be used for this purchase. Mayor Senkevech explained that she believed it could but that she wanted 100% confirmation and sent an email to get some clarification. She hasn't heard back yet. The motion for this agenda item was tabled until a later date. No vote was taken.

3) Discuss and take action on either of the two engineering firms presented last month with Statement of Qualifications (S.O.Q.) by Engineering firms **R. Brumley of Exceed Engineering and **Birkhoff, Hendricks & Carter, L.L.P. Engineering Firm.**:**

- The council discussed and considered two engineering firms, R. Brumley of Exceed Engineering and Birkhoff, Hendricks & Carter LLP. Both firms presented last month. Council Member Fowler expressed a preference for Birkhoff, Hendricks & Carter, as they have an in-house surveyor on staff. Council Member Jaffe shared concerns about Exceed's qualifications, citing incomplete answers to the five points in the RFQ and the lack of provided numbers. Council Member White also favored Birkhoff, praising their phenomenal presentation and transparency in providing all necessary information. Council Member Fowler explained that Birkhoff Hendrick & Carter came highly recommended. Mayor Senkevech emphasized that per state guidelines, the council must vote on the most qualified firm to fit the town's needs before any discussion of rates can occur. Motion to move forward with the Engineering Firm **Birkhoff, Hendricks & Carter** was made by Council Member Mike Jaffe and a second was made by Council Member Jonathan Blake. **Passes 5:0**

4) Discuss and take action on materials upcharge for ADA loop railing and change of contractor to Mike Duret, welder, for a total of \$1599. This discussion is to replace the original welder hired to install a loop railing outside of the Town Hall. Mayor Senkevech suggested Mike Duret of TD Metal Fabricator, who is local and highly recommended, for a total turnkey expense of \$1599. Though outside of the original approved budget of \$1000, this quote comes in cheaper than the two other quotes that were received at \$2500 and \$2600 respectively. The railing drawings have been approved by the Texas Department of Licensing. It was requested that painting be added in the quote by Council Member Jaffe.

- Citizen Traci Hibbs questioned the ADA compliance and was informed that no ADA approval was needed at this time. Motion by Council Member Tom Anderson, seconded by Council Member Jonathan Blake. **Passes 5:0**

Council takes a 5-minute break

5) Discuss and take action on Project Sheet H-09r on CR 2464 for culvert replacement for the amount of \$1950 for oil sand and \$2040 for asphalt for materials and fuel costs.:

Commissioner Monroe has returned the original quotes, separated as previously requested. A photo of the road was presented. Commissioner Monroe stated on a scale of 1-10, with 10 being the most urgent, this issue is currently 5. The quote outlines repair using oil sand, \$1950 or new asphalt, \$2040. Different alternatives for repair were discussed. Citizen Dale Bryant spoke, he lives on CR 2464, he prefers alternate repair options rather than tearing up the road. Citizen Chad West mentioned a similar repair he made that lasted 10 years. No motion needed, repair would be made

by town volunteers. Council members Mike Jaffe and Terry Fowler volunteered to be the leads on this project.

- 6) Discuss and take action on Project Sheet H-10 on CR 2446 for replacing 3 culverts for the amount of \$6300 for oil sand and \$6500 for new asphalt for materials and fuel costs:** Discussion focused on replacing three culverts on CR 2446 for \$6,300 for oil, \$6,500 for new asphalt, materials, and fuel costs. Council member Jaffe and Mayor Senkevech examined pictures of the road, noting a slight indentation. It was determined that this is due to the dirt settling. Council decided to monitor the situation rather than proceed. Motion by Council Member Terry Fowler to pass on this item, seconded by Council Member Simeon White. **Passes 5:0**
- 7) Discuss and take action on Smith's updated petition to release from ETJ:** Citizen Patrick Smith's petitioned for release from the ETJ. Council invited Smith to speak. Citizen Smith addressed concerns raised in a previous meeting regarding maps clarity. In response Citizen Smith presented color-coded maps delineating the boundaries of the parcel requested for release, along with survey documents showing the meets and bounds descriptions. Citizen Shelley Smith addressed a concern from a previous meeting and confirmed with Austin that there is no requirement for a 20,000-resident minimum. Citizen Dale Bryant confirmed that the width of the right-of-way for the adjacent road (Highway 1565) has a 100-foot right-of-way at that location based on county maps and surveys. A motion was made by Council Member White and seconded by Council Member Blake to approve the updated petition to release the property from the city's ETJ. The motion passed unanimously. **Passes 5:0**
- 8) Discuss and take action on allowing the Voluntary Annexation Window as last year:** Council revisited, having a defined window to proactively encourage and advertise opportunities for voluntary annexation within the town limits. Council Member Jaffe noted that the window was primarily for the town's convenience. Last year, timing was more pressing for certain requests. The topic of potential administrative costs. Citizen Kenz Salsbury spoke against having an open window. Citizen Traci Hibbs questioned why have a window if people can petition to annex year-round. Citizen Doug Kendrick expressed his feeling that having an official map should be the number one priority right now. Citizen David Emard asked if annexation needed to be by petition. There was further discussion of potential costs associated with annexation versus future benefits for the Town of expanding the tax base and land under town control. A motion was made by Council Member Anderson and seconded by Council Member Blake to have a 90-day advertised window in February, March, and April to encourage voluntary annexation requests. **Passes 5:0**
- 9) Discuss and take action regarding whether citizen comments should be included in the town minutes in summary or left out entirely.:** Discussion regarding citizen comments made during town meetings. Should they continue to be summarized and included in the official meeting minutes, or omitted entirely. The volunteer preparing the minutes had sought guidance on this issue. Multiple council members expressed that citizen comments should remain. They state that the comments provide important context and reflecting the full proceedings and public participation. Motion to keep the current format was made by Council Member White, seconded by Council Member Anderson. **Passes 5:0**
- 10) Discuss and take action on the updated prospective zoning map for the Town.:** Discussed is the latest draft version of the Town prospective zoning map, which depicts the potential future zoning designations, with green areas for agriculture, purple for small estates, pink for single-family residential, yellow for business/non-profit, etc. Citizens were encouraged to provide any comments, concerns, or questions about the draft map to councilmembers Blake and White by the end of the month. They will meet on March 2nd to finalize the map before submitting it for an official council vote. Citizen Dale Bryant raised concerns that zoning could potentially "cloud" property titles if it contradicted deed restriction covenants. Councilmembers stated that based on the guidance from legal, that zoning would not invalidate or override deed restrictions, but the more restrictive rules would apply in cases of overlap. Citizen Traci Hibbs asked Council Member White, if one tried to sell their deed-restricted property, would a lender insure that property since it was now clouded by zoning? Council member White stated that it would not cloud the title. There was some disagreement and ultimately Council agreed to potentially seek an additional legal opinion from a real estate attorney on how zoning interacts with pre-existing deed restrictions on properties. No formal action was taken on approving the zoning map and will be

addressed in a future agenda once the subcommittee finalizes it and it can be posted publicly in advance.

11) Discuss roles and responsibilities of Poetry Town government. Take action as necessary.

[CM Jaffe]: Council Member Jaffe initiated a discussion on the roles and responsibilities of town council and government. He referenced the council's decorum policy, emphasizing the need to treat be respectful, and discourage attacks on personalities, and uphold applicable laws. Concern was also expressed that in the prior meeting, some moments were not recorded due to the sound being turned down by the engineer worried that it gives the appearance of censoring certain citizens. It was explained by Mayor Senkevech that she was advised in a training session, by Laura Simmons of the Texas Rangers division, that it is an acceptable technique to shut off the mic if there is profane language and that can help to de-escalate the situation. She went on to say that she had discussed this with Bob, the engineer, upon her return in October. Bob also explained that as the conversation got heated, profanity occurred in the discussion and he turned down the volume to comply with the rules of the FCC and YouTube, rather than risk the meeting being taken off the platform. Mayor Senkevech stated that the minutes of the meetings are legal records, the video recording and posting of the meetings are merely a courtesy. Council Member Jaffe further explained his concern that all citizens and employees working with the Council fully understand what is needed legally and what is expected from the Council, as the Council and Town are required to adhere to strict laws of operation. Creating a Code of Conduct for volunteers and others working with the Council was discussed. Citizen Traci Hibbs commented on creating an employee/volunteer policy. Citizen Doug Kendrick agreed that volunteers need to have some direction in which to follow. Citizen Chad West added that a standard operating procedure will help to set the expectations of the people who work with the Town going forward. Citizen David Emard agreed that a policy in place would help out the town going forward. As this was an action item, no vote was needed. Council Member Jaffe offered to create a volunteer policy and present a draft to the council.

j) General Public Comments: Citizen Shelley Smith requested that the online calendar and the minutes of the meetings be updated on the town's website. Citizen Dale Bryant would like the council to consider, as they work on zoning, the additional zoning classifications of, PD (Planned Development) and PUD (Planned Unit Development). Citizen Traci Hibbs spoke regarding remarks made toward Council Member Fowler at the previous meeting. Citizen Doug Kendrick emphasized the need for accurate maps in the town's decision-making process and praised Council Member White for his work on the zoning map and suggested displaying official zoning and boundary maps at City Hall. Citizen David Emard suggested that additional sign placement be added when the Town needs to inform citizens and encouraged unity. Citizen Jack Senkevech praised how hard the council has worked and is disappointed that at every meeting there is so much negative pushback.

k) Adjourned Regular Meeting @ 9:51 pm

Minutes by Town Secretary Anne E. Hamilton