

**MINUTES OF MAY 26, 2020
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on May 26, 2020, pursuant to notice duly posted according to law. The following members were present:

Don Surratt	-	Mayor
Lynette Barks	-	Councilwoman
Steve Templeton	-	Councilman
Kenneth Wahl	-	Mayor Pro Tem
Sharon Spears	-	Councilwoman
David Maniscalco	-	Councilman
Dan Bell	-	Councilman

Also present were City Manager Steve Clark, City Attorney Curtis Soileau, City Secretary Susan Collins and Zoning Clerk, Anita Price. Due to the COVID-19 Pandemic, no guests were present.

Mayor Surratt called the Meeting to order at 7:00 p.m. noting that a quorum was present, and meeting was duly called and posted in accordance with the Texas Open Meetings Act. Mayor Pro Tem Wahl then delivered the Invocation, Councilman Templeton led the Pledge of Allegiance and Councilman Maniscalco led the Texas Pledge.

CITIZEN'S PARTICIPATION – MAYOR PRO TEM WAHL PRESIDING

None at this time.

ANNOUNCEMENTS/CITY BUSINESS:

None at this time.

COMMITTEE REPORTS:

CONSENT AGENDA:

A. APPROVAL OF MINUTES OF MAY 11, 2020 PUBLIC HEARING AND REGULAR MEETING

Mayor Pro Tem Wahl made a Motion to approve the Minutes as presented Councilman Bell seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

OLD BUSINESS:

Item # 200521 – Discussion and Possible Action – Second Reading – Ordinance 20-1241 Amend Code of Ordinances Chapter 50 – Zoning, to provide for regulations for Game Rooms within the corporate limits of the City of Lumberton and related matters

City Attorney, Curtis Soileau advised that this Ordinance regulates the zoning of where game rooms are permitted and Ordinance 20-1240 (approved in March) addresses the regulations for operating game rooms. Mr. Soileau then advised that he is requesting Council consider adding the word “only” to the language in Section 4 Sec. 50-341(b). Councilman Bell made a Motion to accept the Second Reading – Ordinance 20-1241 to provide for Game Room regulations as presented with

“only” added to Section 4 Sec. 50-341(b). Councilwoman Spears seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 200522– Discussion and Possible Action – Second Reading – Ordinance 20-1242 Amend Code of Ordinances Chapter 50 – Zoning, to provide for regulations for Sexually Oriented Businesses within the corporate limits of the City of Lumberton and related matters

Mayor Pro Tem Wahl made a Motion to accept the Second Reading – Ordinance 20-1242 to provide for regulations for Sexually Oriented Businesses as presented. Councilwoman Barks seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 200523 – Discussion and Possible Action – Second Reading – Ordinance 20-1243 US Highway 96 (Main Street) Reduced Speed

City Manager, Steve Clark advised that he has contacted TxDOT and they will conduct a study of FM 421. Upon completion of the study a recommendation will then be made, and a separate Ordinance could be presented for FM 421 only. Mayor Pro Tem Wahl made a Motion to accept the Second Reading – Ordinance 20-1243 US Highway 96 (Main Street) Reduced Speed as presented. Councilwoman Spears seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 200524 – Discussion and Possible Action – Second Reading – Ordinance 20-1244 – Amendments to the City of Lumberton Code of Ordinances Chapter 42-Subdivisions, to provide for rules and procedures governing plats and subdivisions of land in the corporate limits of the City of Lumberton and related matters

City Attorney, Curtis Soileau advised that this Ordinance was presented for a first reading in September 2019 and since that time the City Engineers have reviewed the proposed Ordinance and offered additional information/changes. Councilman Bell requested a bit of clarification on Section 42-7 (21), after much discussion, City Attorney, Curtis Soileau recommended that the language “upon recommendation of the City Engineer and at the request of the City Manager” be added to Section 42-7 (21) and the language “upon recommendation of the City Engineer” be added to Section 42-7 C(e). After further detailed discussion, Councilman Bell made a Motion to approve the Second Reading – Ordinance 20-1244 as presented and corrected. Councilman Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

NEW BUSINESS:

Item # 200525– Discussion and Possible Action – Zoning Commission Recommendation Variance Request submitted by Jace and Shelley Parker to encroach upon their side building setback line to pour concrete to widen their existing driveway 8 feet and extend it 48 feet. The property is located at 6665 Llano Lane, Lot 22, Block 9, Westwood Heights, Phase IV, Section A, Plat 4-177-A, P# WWHIV-9-22, 1# 2019-92632 2/19/2019, Lumberton, Hardin County, Texas

Councilman Bell made a Motion to accept the Zoning Commission Recommendation and grant the variance request at 6665 Llano Lane as presented. Councilwoman Barks seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 200526 – Discussion and Possible Action – Zoning Commission Recommendation Variance Request submitted by Robert Snyder, of Lumberton Boat Storage, to encroach upon the south side building setback line for a storage building that was constructed in 2015. The property is located at 1830 Hwy 69 S, Tract 1B of the Minor Plat of the Robert Snyder and Johnny Foux and Pauline Foux Tract AB 419, M Peveto Survey, P# 419-137 Tract 1# 994/304, Lumberton, Hardin County, Texas

Mayor Pro Tem Wahl made a Motion to accept the Zoning Commission Recommendation and grant the variance request at 1830 Hwy 69 S as presented. Councilman Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 200527 – Discussion and Possible Action – Zoning Commission Recommendation
Variance Request submitted by Scott Pistoruis of Lumberton MHP, LLC to
waive the slab Ordinance Section 50-432 for manufactured homes in a park
district and not place a concrete slab under new homes in the park. The
property is located at 1119 S. Main Street, AB 14, E Duncan Survey,
Lumberton, Hardin County, Texas**

Mayor Pro Tem Wahl made a Motion to accept the Zoning Commission Recommendation and Deny the variance request at 1119 S. Main Street as presented. Councilman Bell stated that he would like Council to consider “re-visiting” this Ordinance in the future. Councilman Templeton seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 200528 – Discussion and Possible Action – Zoning Commission Recommendation
Final Plat Approval – Westwood Heights Subdivision Phase V Section 2,
Lots 8-21, Block 12**

Councilman Bell made a Motion to accept the Zoning Commission Recommendation and approve the Final Plat of Westwood Heights Subdivision Phase V Section 2 Lots 8-21, Block 12 as presented. Councilman Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 200529 – Discussion and Possible Action – Zoning Commission Recommendation
Final Plat Approval – Whispering Pines Subdivision**

Mayor Pro Tem Wahl made a Motion to accept the Zoning Commission Recommendation and approve the Final Plat – Whispering Pines Subdivision contingent upon completion of swales and detention pond. Mr. Zach Rowe, Mark Whiteley and Associates advised that the developer has stated he would be completing the pond however, this is a *Private Subdivision and will not be maintained by the City*. Councilman Bell seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

MONTHLY REPORTS:

Financial reports for March and April were reviewed and discussed at this time.

MAYOR’S REPORT:

None at this time.

CITY MANAGER’S REPORT:

None at this time.

POLICE CHIEF’S REPORT:

None at this time.

EXECUTIVE SESSION:

Council did not enter into closed Executive Session.

ACTION ON EXECUTIVE SESSION ITEMS:

None at this time.

PERSONNEL:

ITEMS FOR FUTURE AGENDA:

None at this time.

ADJOURNMENT:

There being no further business, Councilman Maniscalco made a Motion to adjourn the meeting. Councilwoman Spears seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against. The meeting adjourned at 8:26 p.m.

DON SURRETT
MAYOR

ATTEST:

SUSAN COLLINS
CITY SECRETARY