

**MINUTES OF MAY 10, 2021
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on May 10, 2021, pursuant to notice duly posted according to law. The following members were present:

Don Surratt	-	Mayor
Lynette Barks	-	Councilwoman
Kenny Burkhalter	-	Councilman
Kenneth Wahl	-	Mayor Pro Tem
Kimberly Cline	-	Councilwoman
David Maniscalco	-	Councilman
Dan Bell	-	Councilman

Also present were City Manager Steve Clark, City Attorney Curtis Soileau, Police Chief Danny Sullins, City Secretary Susan Collins, Zoning Clerk Anita Price, and other guests (see attached Guest Register).

Mayor Surratt called the Meeting to order at 7:35 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 and led Pledge of Allegiance and Councilwoman Barks 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 APRIL 26, 2021 REGULAR MEETING

Mayor Pro Tem Wahl made a Motion to accept the Minutes as presented. Councilwoman Barks seconded the Motion. Motion passed unanimously with five (5) for and none (0) against.

OLD BUSINESS:

NEW BUSINESS:

Item # 210511 – Canvass Votes of May 1, 2021 General Election

Escrutinio 1 de mayo 2021 Elección General

City Secretary, Susan Collins read the Official Results adding that all mail ballots had been received and any qualifying Provisional Votes had been counted. Mayor Pro Tem Wahl made a Motion to accept the Election Results as presented. Councilman Maniscalco seconded the Motion. Motion passed unanimously with five (5) for and none (0) against.

La Secretaria de la Ciudad, Susan Collins, leyó los Resultados Oficiales y agregó que se habían recibido todas las boletas por correo y se habían contado todos los Votos Provisionales que calificaban. El alcalde interino Wahl hizo una moción para aceptar los resultados de las elecciones

tal como se presentaron. El concejal Maniscalco secundó la moción. La moción fue aprobada por unanimidad con cinco (5) a favor y ninguno (0) en contra.

Item # 210512 – Motion Declaring Results of Election

Movimiento declaración de los resultados de las elecciones

Mayor Pro Tem Wahl made a Motion declaring Kenny Burkhalter and Kimberly Cline winners of the May 1, 2021 General Election. Councilman Maniscalco seconded the Motion. Motion passed unanimously with five (5) for and none (0) against.

El alcalde interino Wahl presentó una moción declarando a Kenny Burkhalter y Kimberly Cline ganadores de las elecciones generales del 1 de mayo de 2021. El concejal Maniscalco secundó la moción. La moción fue aprobada por unanimidad con cinco (5) a favor y ninguno (0) en contra.

Item # 210513 – Administer Pre-Oath to Newly Elected Officers

Administrar pre-juramento para recién elegidos oficiales

City Secretary, Susan Collins then presented each newly elected officer with the Pre-Oath/Statement

of Officer. No further action taken or required.

Luego, la secretaria de la ciudad, Susan Collins, presentó a cada funcionario recién elegido el juramento previo / declaración del funcionario. No se ha realizado ni requerido ninguna otra acción

****** OATH OF OFFICE – NEWLY ELECTED MEMBERS ******

City Attorney, Curtis Soileau came forward to administer the Oath of Office to the newly elected/re-elected Council members.

Mayor Surratt then called a brief recess from 7:45 -7:55 p.m. for refreshments.

Item # 210514 – Appoint 2021-'22 Mayor Pro Tem

Mayor Surratt advised that a Councilmember must be appointed each year to serve as Mayor Pro Tem and Councilman Maniscalco has expressed a desire to serve. Councilman Bell then made a Motion to appoint Councilman Maniscalco to serve as 2021-'22 Mayor Pro Tem. Councilman Wahl seconded the Motion. Motion passed with seven (7) for and none (0) against.

**Item # 210515 – Discussion and Possible Action – Zoning Commission Recommendation
Zone Change Request submitted by Whiteley Oliver, on behalf of Greentree Enterprises, LP and M3 Ranger Builders, LLC, the joint developers of the proposed Heritage Highland Subdivision. They request that the 11.42 acres consisting of Lots 1-21, Block 1, and Lots 22-33, Block 2 of the proposed subdivision to be rezoned from C-2 Community Business District and R-2 Multiple Family-Dwelling District to R-1 Single-Family Dwelling District.**

The

property is located at S LHS Drive, Abstract No. 2, F Arriola League, R.C. Rogers Survey, Abstract No. 46, Lumberton, Hardin County, Texas

Mayor Pro Tem Maniscalco made a Motion to reject the Zoning Commission Recommendation and approve the Zone Change to R-1 Single Family Dwelling District as requested. Councilman Bell seconded the Motion. Motion passed with seven (7) for and none (0) against.

**Item # 210516 – Discussion and Possible Action – Zoning Commission Recommendation
Request submitted by Whiteley Oliver, on behalf of Greentree Enterprises, LP, and M3 Ranger Builders, LLC, the joint developers of the proposed Heritage Highland Subdivision, to approve the Preliminary Plat for that subdivision. The property is located at S. LHS Drive, Abstract No. 2, F Arriola League, R.C. Rogers Survey, Abstract No. 46, Lumberton, Hardin County, Texas**

Councilman Bell made a Motion to Table this item for a time *not to exceed 30 days* to allow time to receive additional information from the Engineer(s) and to consider Council concerns. Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 210517 – Discussion and Possible Action – Zoning Commission Recommendation
Variance Request submitted by ALJ Lindsey, E.I.T., on behalf of Starbuck’s,
to encroach upon the west rear building setback line, the north side building
setback

line as well as the south side building setback to pour concrete for
driveway entrances/exits. The property is located at 121 S LHS Drive., Abstract
No. 2, F Arriola League, Lumberton, Hardin County, Texas.

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission recommendation and approve the variance request at 121 S. LHS Drive as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 210518 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Robert and Melissa Erpelding to pour concrete
for a portion of their driveway and pour rock on the remainder of the
driveway, to their new construction home, instead of the entire driveway being
concrete as required in Section 40-118 c (1) of the City of Lumberton’s Code
of Ordinances. The property is located at 236 Trahan Road, Lot 3 of the Minor
Plat

SMERPS, Abstract No. 53 in the S.K. VanMeter Survey, P#SM-3,
Lumberton, Hardin County, Texas.

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission recommendation and approve the variance request at 236 Trahan Road as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 210519 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Larry J and Debra D Smith to pour concrete
for a

portion of their driveway and pour rock on the remainder of the
driveway, to their new construction home, instead of the entire driveway being concrete
as required in Section 40-118 c (1) of the City of Lumberton’s Code of
Ordinances. The property is located at 238 Trahan Road, Lot 2 of the Minor Plat
SMERPS, Abstract No. 53 in the S.K. VanMeter Survey, P#SM-2,
Lumberton, Hardin County, Texas.

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the variance at 238 Trahan Road as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2105110 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Larry and Kimberly Smith to pour concrete
for a portion of their driveway and pour rock on the remainder of the
driveway, to their new construction home, instead of the entire driveway
being concrete as required in Section 40-118 c (1) of the City of Lumberton,
Texas City Ordinances. The property is located at 240 Trahan Road, Lot 1 of
the Minor Plat SMERPS, Abstract No. 53 in the S.K. VanMeter Survey,
P#SM-1, Lumberton, Hardin County, Texas.

Councilman Wahl made a Motion to accept the Zoning Commission Recommendation and approve the variance request at 240 Trahan Road as presented. Councilman Bell seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2105111 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Mohammed Hamdan to encroach upon the north side building setback line to pour a concrete driveway for a second garage. The property is a corner lot located at 1220 Miss Kyndall, Lot 66 of Copper Point, Phase 2, Abstract No. 46, in the R.C. Rogers Survey, 66, Lumberton, Hardin County, Texas.

P#CPT2-

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission Recommendation and approve the variance request at 122 Miss Kyndall as presented. Councilman Bell seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2105112 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Elevation Land Solutions on behalf of Patrick Hoffman for Longleaf Subdivision, Section 1A for approval of the following:

1) Lot Density minimum of 8,400 SF, 60' Width.

The property is located in the proposed Long Leaf Subdivision, Section 1A out of the R.A. Sumrall Survey, Abstract 1, Lumberton, Hardin County, Texas

Councilman Bell made a Motion to accept the Zoning Commission recommendation and DENY the variance request as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2105113 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Elevation Land Solutions on behalf of Patrick Hoffman for Longleaf Subdivision, Section 1A for approval of the

following:

2) Yard (Front/Back) 20' front building setback line, 25' rear building setback line. The property is located in the proposed Long Leaf Subdivision, Section 1A out of the R.A. Sumrall Survey, Abstract 1, Lumberton, Hardin County, Texas.

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and DENY the variance request as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2105114 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Elevation Land Solutions on behalf of Patrick Hoffman for Longleaf Subdivision, Section 1A for approval of the

following:

3) An 8' front porch encroachment on the front building setback line. The property is located in the proposed Long Leaf Subdivision, Section 1A out of the R.A. Sumrall Survey, Abstract 1, Lumberton, Hardin County, Texas

Councilman Bell made a Motion to accept the Zoning Commission recommendation and DENY the variance request as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2105115 – Discussion and Possible Action – Zoning Commission Recommendation
Consider amendments to the City's Zoning Ordinance under Chapter 50, Division 9 – MH Manufactured Housing Community Park District, Section 50-432 for the purpose of supplementing ground surface requirements for transient stands.

Councilman Wahl made a Motion to accept the Zoning Commission Recommendation amending Zoning Ordinance Chapter 50, Division 9 as presented. Councilman Bell seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2105116 – Discussion and Possible Action – Zoning Commission Recommendation
Consider amendments to various sections of the City’s Zoning Ordinance under Chapter 50 for the purpose of amending regulations of driveways for clarity and conformity with Chapter 40 of the City of Lumberton’s Code of Ordinances.

Councilman Wahl made a Motion to accept the Zoning Commission Recommendation amending various sections of the Zoning Ordinance under Chapter 50 for the purpose of amending regulation of driveways for clarity and conformity with Chapter 40. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

MONTHLY REPORTS:

Reports from the Permit Department, Police Department and Library 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 Wahl made a Motion to adjourn the meeting. Councilwoman Barks seconded the Motion. Motion passed unanimously with six (6) for and none (0) against. The meeting adjourned at 8:49 p.m.

DON SURRETT

MAYOR

ATTEST:

SUSAN COLLINS
CITY SECRETARY