

**MINUTES OF JULY 12, 2021  
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on July 12, 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	-	Councilman
Kimberly Cline	-	Councilwoman
David Maniscalco	-	Mayor Pro Tem
Dan Bell	-	Councilman

Also present were 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 7:55 p.m. noting that a quorum was present, and meeting was duly called and posted in accordance with the Texas Open Meetings Act. Councilman Wahl then delivered the Invocation, Councilwoman Barks led Pledge of Allegiance and Councilwoman Cline led the Texas Pledge.

Mr. Paul Lewis, President Hawkins Point Homeowners Association (HOA) was allowed to address Council at this time as he was missed during the Public Hearing Meeting. Mr. Lewis stated that the HOA opposes the relocation of this older home, which will be a non-conforming structure, as it will negatively impact the property values of the surrounding area as well as possible drainage issues.

***CITIZEN'S PARTICIPATION – MAYOR PRO TEM MANISCALCO PRESIDING***

Ms. Jan Woddail came forward to address Council at this time. Ms. Woddail requested that Council give careful consideration to the proposed Longleaf Development (FM 421) and the impact such a large development will have on the LISD student population.

***ANNOUNCEMENTS/CITY BUSINESS:***

None at this time.

***COMMITTEE REPORTS:***

***CONSENT AGENDA:***

**A. APPROVAL OF MINUTES OF JUNE 28, 2021 REGULAR MEETING**

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

***OLD BUSINESS:***

***NEW BUSINESS:***

**Item # 210711 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Zone change request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to rezone property located beyond the 250' C-2 zone line, from R-1 Single-Family Dwelling District to C-2 Community Business District. The property is located north and west of McDonald's, at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas**

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the rezone request at 115 N. Main Street as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 210712 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to encroach upon the north and south side**

**building setback lines to pour concrete for entrances as well as parking. The property is located north and west of McDonald's, at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas.**

Councilman Burkhalter made a Motion to accept the Zoning Commission recommendation and approve the variance request to encroach upon the north and south building setback lines at 115 N. Main Street as presented. Councilwoman Cline seconded the Motion. Motion passed with four (4) for and Councilman Wahl, Mayor Pro Tem Maniscalco and Councilman Bell (3) against.

**Item # 210713 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Goodwill Variance request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to encroach upon the rear building setback line to within 30' of the rear property line. The property is located north and west of McDonald's at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas.**

Councilman Bell made a Motion to reject the Zoning Commission recommendation and DENY the variance request to encroach upon the rear building setback line at 115 N. Main Street as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed with six (6) for and Mayor Surratt (1) against.

**Item # 210714– Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to encroach upon the front building setback line, adjacent to McDonald's rear property line, to within 10' of the property line. The property is located north and west of McDonald's at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas.**

Councilman Bell made a Motion to reject the Zoning Commission recommendation and DENY the variance request to encroach upon the front building setback line at 115 N. Main Street as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed with six (6) for and Mayor Surratt (1) against.

**Item # 210715 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to encroach upon the side building setback line, adjacent to McDonald’s north property line, to within 2’ of the property line. The property is located north and west of McDonald’s at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas**

Councilman Bell made a Motion to reject the Zoning Commission recommendation and DENY the variance request to encroach upon the side building setback line at 115 N. Main Street as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed with six (6) for and Mayor Surratt (1) abstaining.

**Item # 210716 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Zone change request submitted by Arfeen Properties to rezone property located beyond the 250’ C-2 zone line from R-1 Single-Family Dwelling District to C-2 Community Business District. The property is located at 344 S Main Street, Abstract 53, S K Van Meter League, P# 53-63, Tract 128, # 2016-62747 02/25/2016, Lumberton, Hardin County, Texas.**

Councilman Bell made a Motion to reject the Zoning Commission recommendation to rezone the property at 344 S. Main to C-2 but will approve a *rezone* to *C-1*. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 210717 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Mike Hawkins of Hawkins Homes, to move a single-family dwelling onto a lot located within the City Limits of Lumberton, Texas. The house is 1300 sq. ft. and will be renovated and have a detached garage after placement. The property is located at the north corner of S. Creek Parkway and Dennis Road at 255 Dennis Road, Lot 2B of Minor Village Plat Mike Hawkins, Abstract 14, E Duncan Survey, P# 14-94-B, # 1609/797, Lumberton, Hardin County, Texas.**

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

**Item # 210718 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by DJM Contractors to encroach upon the rear building setback line to within 11’ of the rear property line. The property is located at 128 Beechwood, Lots 25 and 26 Beechwood Subdivision, Abstract A Lancaster Survey, P#BW-26, # 2020-102858 3/20/2020, Lumberton, Hardin County, Texas.**

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission recommendation and approve the variance request at 128 Beechwood as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 210719 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Request submitted by Dennis Williams to approve a Replat of a replat of Lot 4A and 4B Westwood Plaza, Vol. 4, Pg. 120, Plat Records HC into Lot 4A-1 and Lot 4B-1, Westwood Plaza, Abstract 2, Francisco Arriola Survey, Lumberton, Hardin County, Texas.**

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

**Item # 2107110 – Discussion and Possible Action – Zoning Commission Recommendation  
Consider an amendment to the City’s Zoning Ordinance under Chapter 50,  
Division 6, Section 50-332 for the purpose of permitting secondhand goods  
stores within the C-2 business district.**

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the first reading of the amendments to the Zoning Ordinance Chapter 50 Division 6 as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 2107111 – 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 off-street  
parking.**

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and approve the first reading of Zoning Ordinance Chapter 50 as presented. Councilwoman Cline 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, Councilwoman Cline made a Motion to adjourn the meeting. Councilwoman Barks seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against. The meeting adjourned at 8:45 p.m.

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DON SURRETT  
MAYOR

ATTEST:

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SUSAN COLLINS  
CITY SECRETARY