

**MINUTES OF AUGUST 9, 2021  
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on August 9, 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 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 7:00 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 delivered the Invocation, Councilman Burkhalter led Pledge of Allegiance and Mayor Pro Tem Maniscalco led the Texas Pledge.

***CITIZEN'S PARTICIPATION – COUNCILMAN MANISCALCO PRESIDING***

None at this time.

***ANNOUNCEMENTS/CITY BUSINESS:***

None at this time.

***COMMITTEE REPORTS:***

***CONSENT AGENDA:***

**A. APPROVAL OF MINUTES OF JULY 26, 2021 REGULAR MEETING**

Councilman Burkhalter made a Motion to accept the Minutes as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with six (6) for and none (0) against. Councilwoman Barks was not present for this item.

***OLD BUSINESS:***

***NEW BUSINESS:***

***Item # 210811 – Discussion and Possible Action – Zoning Commission Recommendation  
Request submitted by Rick Edgeworth, to approve a Replat of Sheffield Place.  
The property is located at Lindsey Road and Village Creek Parkway, 996 and  
998 S Village Creek Parkway, out of the Elisha Duncan League, Abstract  
No. 14, Lumberton, Hardin County, Texas***

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and approve the replat of Sheffield Place as presented. Councilman Bell seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 210812 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Rick Edgeworth, to pour concrete for a driveway within the south side building setback line for a side garage on Lot 2 of this replat as well as a variance for the northwest corner for an existing access easement. The property is located at Lindsey Road and Village Creek Parkway, 996 and 998 S Village Creek Parkway, out of the Elisha Duncan League, Abstract No. 14, Lumberton, Hardin County, Texas**

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the variance request on Lot 2 of the replat as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 210813 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Rick Edgeworth, to encroach upon the south building setback line of Lot 1 as well as the north side building setback line of Lot 2 for existing concrete. The property is located at Lindsey Road and Village Creek Parkway, 996 and 998 S Village Creek Parkway, out of the Elisha Duncan League, Abstract No. 14, Lumberton, Hardin County, Texas**

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

**Item # 210814 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Request submitted by Brian and Kelly Hansen, to approve a Specific Use Permit for Commercial Amusements within the City of Lumberton. They would like to bring in an axe throwing facility with an ice cream venue. The property is located at 727-801 N Main Street, in the S K VanMeter Survey, AB 53, Tract 31, P# 53-258, I# 2010-17297 12/27/2010, Lumberton, Hardin County, Texas**

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and approve a Specific Use Permit for 727-801 North Main Street as presented. Councilman Burkhalter seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 210815 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Anthony and Kristina Tipton, to encroach upon their west side building setback line to pour concrete to widen and extend their existing driveway. The property is located at 100 Dolton Drive, Lot 95, Silvercrest, in the Francisco Arriola League, Abstract Number 2, P# SC-95, I# 2020-106179 07/30/2020, Lumberton, Hardin County, Texas**

Councilwoman Cline made a Motion to accept the Zoning Commission recommendation and approve the variance request at 100 Dolton Drive as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 210816 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Zone change request submitted by Phillip Brent, VP/Legal Counsel, for Mobil Oil Federal Credit Union, on behalf of Leister, LLC to rezone the property beyond the 250' C-2 zone line from R-1 Single-Family Dwelling District to C-Community Business District. The property is located at 604 S Main Street, Country Lane Estates, in the E Duncan Survey, AB 14, Tract A, P# CL13-2-A and 628 S Main Street, Country Lane Estates, in the E Duncan Survey, AB 14,**

2,

**Tract C, P# CL-13-2, I# 2016-61699 01/19/2016, and S Main Street, Country Lane Estates, in the E Duncan Survey, AB 14, Tract B, P# CL13-2-B, I# 2016-61699 01/19/2016, Lumberton, Hardin County, Texas**

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the Zone Change request at 628 South Main Street as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Oil**  
**Item # 210817 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Phillip Brent, VP/Legal Counsel, for Mobil Federal Credit Union, on behalf of Leister, LLC to encroach upon the north side building setback line, to the property line, to pour concrete for a driveway. The property is located at 604 S Main Street, Country Lane Estates, in the E Duncan Survey, AB 14, Tract A, P# CL13-2-A and 628 S Main Street, Country Lane Estates, in the E Duncan Survey, AB 14, Tract C, P# CL-13-2, I# 2016-61699 01/19/2016, and S Main Street, Country Lane Estates, in the E Duncan Survey, AB 14, Tract B, P# CL13-2-B, I# 2016-61699 01/19/2016, Lumberton, Hardin County, Texas**

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the variance request at 604 South Main Street as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 210818 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Cameron Boudreaux to place a 30' x 40' accessory building in their back yard. The property is located at 130 Chapa Lane, in the A Franklin Survey, AB 206, Pt of Tract 7, P# 206-11-C-A, I# 2016-64940 05/18/2016, Lumberton, Hardin County, Texas**

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and approve the variance request at 130 Chapa Lane as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 210819 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Variance request submitted by Lisa Hawsey to place a 20 x 24 accessory building on an existing concrete slab in the rear side yard of her property. The property is located at 736 S Village Creek Parkway, Lot 2A of the Minor Plat Mike Hawkins, in the E Duncan Survey, AB 14, P# 14-94, I# 2020-107726 9/22/2020, Lumberton, Hardin County, Texas**

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission recommendation and approve the variance request at 736 South Village Creek Parkway as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 2108110 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Consider an amendment to the City's Zoning Ordinance under Chapter 50, Division 2, Section 50-59 in conformity with Chapter 12.03(b) of the City of Lumberton's Home Rule Charter**

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the First Reading of the amendments to Zoning Ordinance Chapter 50, Division 2 as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 2108111 – Discussion and Possible Action – Zoning Commission Recommendation**  
**Consider amendments to the City's Zoning Ordinance under Chapter 50, Division 10, Section 50-475 – Section 50-477 providing Specific Use Permit**

**conditions for relocated structures**

Councilman Burkhalter made a Motion to accept the Zoning Commission recommendation and approve the Frist Reading of the amendments to Zoning Ordinance Chapter 50, Division 10 as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 2108112 – Discussion and Possible Action – First Reading – Ordinance Amending Chapter 6 (Building and Building Regulations) requiring a contractor’s registration and contractor’s permit bond or commercial general liability insurance**

Councilman Bell made a Motion to accept the First Reading of Ordinance amending Chapter 6 (Building and Building Regulations) as presented. Councilwoman Cline seconded the Motion. City Attorney, Curtis Soileau explained that Ordinance will protect the residents from contractors who begin work then leave before the job is complete. Motion passed unanimously with seven (7) for and none (0) against.

**MONTHLY REPORTS:**

Reports from the Permit Department, Police Department, and Library were review 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 Barks made a Motion to adjourn the meeting. Councilman Burkhalter seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against. The meeting adjourned at 7:56 p.m.

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DON Surratt  
MAYOR

ATTEST:

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SUSAN COLLINS  
CITY SECRETARY