

**MINUTES OF FEBRUARY 28, 2022
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on February 28, 2022, 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, 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. Mayor Surratt then delivered the Invocation, Councilman Burkhalter led Pledge of Allegiance and Mayor Pro Tem Maniscalco led the Texas Pledge.

CITIZEN’S PARTICIPATION – MAYOR PRO TEM MANISCALCO PRESIDING

Mr. Daniel Wheeler came forward to address Council at this time. Mr. Wheeler stated that he owns exotic animals and would like to request that Council postpone the second reading of the proposed Ordinance to allow time for additional information such as expanding definitions and to develop guidelines for the permitting process.

ANNOUNCEMENTS/CITY BUSINESS:

None at this time.

COMMITTEE REPORTS:

CONSENT AGENDA:

A. APPROVAL OF MINUTES OF FEBRUARY 14, 2022 PUBLIC HEARING AND REGULAR MEETING

Councilman Burkhalter made a Motion to accept the Minutes as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

OLD BUSINESS:

Item # 220221 – Discussion and Possible Action – Second Reading – Ordinance 22-1262 – Amending Definitions and Regulations of Animals found in Chapter 4 and Prohibiting Exotic and Wild Animals within the City Limits

City Attorney, Curtis Soileau discussed the change made since the First Reading. Mr. Soileau then stated that the previous Ordinance addressed *wild* animals but had no provision for *exotic* animals. This Ordinance defines both wild and exotic animals. Mr. Soileau then discussed the addition of the Special Use Permit provision. After further discussion, Councilman Bell made a Motion to accept the Second Reading – Ordinance 22-1262 – Amending Definitions and Regulation of Animals found in Chapter 4 and Prohibiting Exotic and Wild Animals within the City Limits as presented with the Special Use Permit provision. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 220222 – Discuss and Possible Action – Second Reading – Ordinance 22-1263 – Correcting a Technical Error Found in Chapter 34, Section 49(h)

Councilman Wahl made a Motion to accept the Second Reading – Ordinance 22-1263 – Correcting a Technical Error found in Chapter 34, Section 49(h) as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 220223 – Discussion and Possible Action – Second Reading – Ordinance 22-1264 – Proposed amendment to the City of Lumberton Code of Ordinances Chapter 50 (Zoning), Section 50-332 to exclude single family residence dwellings as a permitted use in the C-2 Community Business District

Councilman Bell made a Motion to accept the Second Reading – Ordinance 22-1264 – Amending Code of Ordinances Chapter 50 (Zoning), Section 50-332 to exclude single family residence dwellings as a permitted use in the C-2 Community Business District as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 220224 – Discussion and Possible Action – Second Reading – Ordinance Amending Chapter 44 (Swimming Pools) of the City of Lumberton, Texas Code of Ordinances to Regulate the Location of Swimming Pools, Hot Tubs and Accessories; Requiring a Permit and Imposing a Penalty

Mr. Bill Robins, Pools & Palms addressed Council at this time. Mr. Robins stated that, in his opinion, the proposed Ordinance is very fair and reasonable and should not have a negative impact on anyone wanting to install a pool. City Attorney, Curtis Soileau then discussed the changes made since the First Reading. After further discussion, Councilman Bell made a Motion to accept the Second Reading – Ordinance amending Chapter 44 (Swimming Pools) as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

NEW BUSINESS:

Item # 220225 – Discussion and Possible Action – Accept City Secretary Certification of Unopposed Candidates

Discusión y posible acción: aceptar la certificación del secretario de la ciudad de candidatos sin oposición

City Secretary, Susan Collins presented the Certification of Unopposed Candidates for the May 7, 2022 General Election. Councilwoman Cline made a Motion to accept the City Secretary Certification of Unopposed Candidates as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

La secretaria de la ciudad, Susan Collins, presentó la Certificación de candidatos sin oposición para las elecciones generales del 7 de mayo de 2022. La concejala Cline hizo una moción para aceptar la Certificación del Secretario Municipal de Candidatos sin Oposición tal como se presentó. El alcalde interino Maniscalco secundó la moción. Moción aprobada por unanimidad con siete (7) a favor y ninguno (0) en contra.

**Item # 220226 – Discussion and Possible Action – Order May 7, 2022 General Election
Cancelled**

*Discusión y posible acción - Orden 7 de mayo de 2022 Elección general
Cancelado*

Councilman Burkhalter made a Motion to cancel the May 7, 2022 General Election. Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

El concejal Burkhalter presentó una moción para cancelar las elecciones generales del 7 de mayo de 2022. El concejal Wahl secundó la moción. Moción aprobada por unanimidad con siete (7) a favor y ninguno (0) en contra

Item # 220227 – Discussion and Possible Action –Request from Malachi Daws of 283 Pineburr Loop to Encroach onto City Easement to build a Fence.

with Mr. Malachi Daws came forward to address Council at this time. Mr. Daws presented Council pictures of the area and explained his request in detail. Mr. Daws stated that many large trees have grown on and/or near the property line making it impossible to place his fence without removing the trees also, there is a large berm in the middle of the property line making it necessary to cut the remaining trees down and placing the fence approximately ten feet into his property.

City Attorney, Curtis Soileau then advised that, although the agenda refers to an *easement*, the City in fact owns the property therefore it is not simply an easement. Much discussion followed, including the possibility of having the property surveyed and appraised then selling the section to Mr. Daws at the fair market value but retaining an easement for maintenance purposes. After further discussion, Councilman Burkhalter made a Motion to Table this item at this time to allow for the appraisal and to determine the fair market value of the property. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

MONTHLY REPORTS:

Monthly Financial reports were review and discussed at this time.

MAYOR'S REPORT:

None at 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 Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against. The meeting adjourned at 8:11 p.m.

DON SURRETT
MAYOR

ATTEST:

SUSAN COLLINS
CITY SECRETARY