

**MINUTES OF MARCH 14, 2022
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on March 14, 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

And absent:

Dan Bell	-	Councilman
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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 7:20 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 Mayor Surratt led the Texas Pledge.

CITIZEN'S PARTICIPATION – MAYOR PRO TEM MANISCALCO PRESIDING

None at this time.

ANNOUNCEMENTS/CITY BUSINESS:

None at this time.

COMMITTEE REPORTS:

CONSENT AGENDA:

A. APPROVAL OF MINUTES OF FEBRUARY 28, 2022 REGULAR MEETING

Councilman Wahl 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.

OLD BUSINESS:

NEW BUSINESS:

Item # 220311 – Discussion and Possible Action – Annual Audit Report Fiscal Year 2019-'20

Mr. Charles Reed, Charles Reed and Associates came forward to present this item. Mr. Reed discussed each item in detail and stated that all things presented fairly and that the city received an “unqualified/clean” audit opinion. Mr. Reed also stated that the City presented as “sound, well governed, and well managed”. Councilman Wahl made a Motion to accept the 2019-'20 Fiscal Year End Audit Report as presented. Councilman Burkhalter seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

Item # 220312 – Discuss and Possible Action – Zoning Commission Recommendation – Zone change request submitted by Tim Rushing, on behalf of Wayne and Shannon McDaniel, to rezone their property past the 250’ C-2 zone line from R-1 (Residential Single-Family Dwelling District) to C-2 (Community Business District). The property is located at 770 FM 421, Abstract 1, in the Francisco Arriola League, P# 1-2-A1, Lumberton, Hardin County, Texas

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and approve the Zone change at 770 FM 421 as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

Item # 220313 – Discussion and Possible Action – Zoning Commission Recommendation – Variance request submitted by Tim Rushing, on behalf of Wayne and Shannon McDaniel, to encroach upon their north, east and west side building setback lines to within 10’ of the property line, to pour concrete for a commercial driveway and parking only. The property is located at 770 FM 421, Abstract 1, in the E Arriola Survey, P# 1-2-A1, Lumberton, Hardin County, Texas

Councilman Burkhalter made a Motion to accept the Zoning Commission recommendation and approve the variance request at 770 FM 421 as presented. Councilwoman Barks seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

Item # 220314 – Discussion and Possible Action – Zoning Commission Recommendation – Variance request submitted by Tim Rushing, on behalf of Wayne and Shannon McDaniel, to drain their property to the detention pond located behind the rear property line. The property is located at 770 FM 421, Abstract 1, in the E Arriola Survey, P# 1-2-A1, Lumberton, Hardin County, Texas

City Attorney, Curtis Soileau advised that this will be a Commercial subdivision requiring Plat approval prior to construction. When submitted for approval, the plat will contain detailed information including the lots; street location; and drainage calculations along with any necessary variance request(s). After further discussion and considering that there are no specific plans available at this time, Councilman Wahl made a Motion to Table this item until specific plans and drainage calculations are available. Councilwoman Cline seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

Item # 220315 – Discussion and Possible Action – Zoning Commission Recommendation – Request submitted by Whiteley Oliver, LLC, on behalf of Greentree Enterprises, LP to replat Lot 1 Block 1, Soaring Dove Place, Vol. 4, Pg 248 & 249 PRHC, Abstract No. 2, in the Francisco Arriola League, Lumberton, Hardin County, Texas

Councilman Burkhalter made a Motion to accept the Zoning Commission recommendation and approve the replat of Lot 1 Block 1, Soaring Dove Place as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

Item # 220316 – Discussion and Possible Action – Zoning Commission Recommendation – Variance request submitted by Wesley Maxey to drain the rear portion of his lot to the back of the property, due to the drop off to the Village Creek Basin. The property is located at 1129 Alma Drive, Abstract 14, in the Elisha Duncan Survey, P# 14-20-B HCAD# 10344, l# 2017-71915 02/10/2017, Lumberton, Hardin County, Texas

Councilman Wahl made a Motion to accept the Zoning Commission recommendation to allow property at 1129 Alma Drive to drain to the rear as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

Item # 220317 – Discussion and Possible Action – Zoning Commission Recommendation – Variance request submitted by Wesley Maxey to pour an asphalt driveway instead of concrete. The property is located at 1129 Alma Drive,

Abstract 14, in the Elisha Duncan Survey, P# 14-20-B HCAD

10344, I# 2017-71915 02/10/2017, Lumberton, Hardin County, Texas.

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and DENY the request as submitted. Councilwoman Cline seconded the Motion. Motion passed with five (5) for and Mayor Pro Tem Maniscalco voting against.

Item # 220318 – Discussion and Possible Action – Zoning Commission Recommendation – Variance request submitted by Hardy and Susan Hargrove to encroach upon the west side building setback line, to within 7.5' of the property line, to build a 20 x 30 accessory building. The property is located at 7619 Sir Kevin, Lot 14, Block 10, Boykin Place, Unit 5, Abstract 53, in the S K VanMeter Survey, P# BOY-PL-10-14, I# 1779/933 07/08/2010, Lumberton, Hardin County, Texas.

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission recommendation and approve the variance request at 7619 Sir Kevin as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

Item # 220319 – Discussion and Possible Action – Zoning Commission Recommendation – Zone change request submitted by LaScott Skinner, on behalf of Arfeen Properties, to rezone this property from C-1 (Neighborhood Business District) and C-2 (Community Business District) to entirely C-2. The property is located at 344 S Main Street, Abstract 53, S K Van Meter League, P# 53-63, Tract 128, I# 2016-62747 02/25/2016, Lumberton, Hardin County, Texas

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission recommendation and approve the zone change at 344 South Main Street as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

Item # 2203110 – Discussion and Possible Action – Zoning Commission Recommendation – Request submitted by LaScott Skinner, on behalf of Arfeen Properties, for a Specific Use Permit for an education facility at this location. The property is located at 344 S Main Street, Abstract 53, S K Van Meter League, P# 53-63, Tract 128, I# 2016-62747 02/25/2016, Lumberton, Hardin County, Texas

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission recommendation and approve the Specific Use Permit at 344 South Main Street as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

MONTHLY REPORTS:

Reports from the Police Department and Library were review and discussed at this time. City Secretary, Susan Collins advised Council that the monthly report from the Permit Department will be submitted at the next meeting.

MAYOR'S REPORT:

None at at this time.

CITY MANAGER'S REPORT:

City Manager, Steve Clark advised Council that he has received the Final Communication with Governance Letter for Fiscal Year 2019-'20 from the Auditors.

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 Burkhalter 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 8:00 p.m.

DON SURRATT
MAYOR

ATTEST:

SUSAN COLLINS
CITY SECRETARY