

**MINUTES OF APRIL 11, 2022
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on April 11, 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, 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 7:19 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 Councilman Bell led the Texas Pledge.

CITIZEN'S PARTICIPATION – MAYOR PRO TEM MANISCALCO PRESIDING

None at this time.

ANNOUNCEMENTS/CITY BUSINESS:

Mayor Surratt congratulated City Manager, Steve Clark for being named Citizen of the Year by the Chamber of Commerce.

COMMITTEE REPORTS:

CONSENT AGENDA:

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

Councilwoman Cline 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:

***Item # 220411 - Discussion and Possible Action – Second Reading – Ordinance 22-1266
Amending Chapter 48 (Traffic and Vehicles) Adopting Article IV – Extension
of Traffic Regulation to Private Subdivisions; Providing for the Extension of
State and Local Traffic Laws to Private Roads Located within The Woods
Subdivision; Providing for Offenses and Penalties***

Councilman Bell made a Motion to approve the Second Reading of Ordinance 22-1266 – Extending State and Local Traffic Laws in The Woods subdivision as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 220412 – Discussion and Possible Action – Second Reading – Ordinance 22-1267
Amending Chapter 48 (Traffic and Vehicles) Adopting Article IV – Extension
of Traffic Regulation to Private Subdivisions; Providing for the Extension of
State and Local Traffic Laws to Private Roads Located within the Woosley
Palms Subdivision; Providing for Offenses and Penalties**

Mayor Pro Tem Maniscalco made a Motion to accept the Second Reading of Ordinance 22-1267 –
Extending State and Local Traffic Laws in the Woosley Palms subdivision as presented.

Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and none
(0) against.

NEW BUSINESS:

**Item # 220413 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Margarete Stehle to encroach upon her
south building setback line, to within 4’ of the property line, to pour
concrete for a driveway to the back yard. The property is located at
Moonglow Circle, Lot 2, Block 3, Boykin West, P# BW-3-2, l#
Lumberton, Hardin County, Texas**

7708

1296/592,

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve
the variance request to within five feet of the building setback lines. Councilwoman Cline
seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Councilman Bell made a Motion to reconsider the prior vote on this item. Councilwoman Cline
seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve
the variance request to pour a driveway within four feet of the side setback line at 7708
Moonglow Circle as presented. Councilwoman Cline seconded the Motion. Motion passed
unanimously with seven (7) for and none (0) against.

**Item # 220414 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Margarete Stehle to encroach upon her
south side building setback line and west rear building setback line to
within 4’ of those property lines to construct a 25 x 25 accessory
building. The property is located at 7708 Moonglow Circle, Lot 2,
Block 3, Boykin West, P# BW-3-2, l# 1296/592, Lumberton, Hardin
County, Texas**

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission recommendation
and approve the variance request to place an accessory building within five feet of the building
setback line at 7708 Moonglow Circle as presented. Councilman Wahl seconded the Motion.
Motion passed unanimously with seven (7) for and none (0) against.

**Item # 220415 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Brandon Barnhart of Freedom Properties,
to encroach upon his east side building setback line to within 2’ of the
property line to pour concrete for a driveway for a side garage. The
property is located at 207 Pindo Palm, Lot 12, Block 3, Woosley Palms,
Phase 3, P# WP 3-3-12, l# 2021-115540 6/3/2021, Lumberton, Hardin
County, Texas**

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and approve
the variance request at 207 Pindo Palm as presented. Councilwoman Cline seconded the Motion.
Motion passed unanimously with seven (7) for and none (0) against.

**Item # 220416 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by David Knight of J D Knight Construction
LLC, to encroach upon the north rear building setback line 7’ to build a
home. The property is located at 114 Pindo Palm, Lot 58, Block 2, Woosley
Palms,**

**Phase 4, P# WP4-2-58, I# 2021-112677 3/17/2021, Lumberton, Hardin
Texas County,**

Mayor Pro Tem Maniscalco made a Motion to accept the Zoning Commission recommendation and approve the variance request at 114 Pindo Palm as presented. Councilman Bell seconded the Motion. Mayor Surratt added that the encroachment is the patio roofline and not a room of the house. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 220417 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Eddie Byrd to encroach upon his south
side building setback to within 2’ of the property line to pour concrete
for a driveway. The property is located at 6686 Georgetown, Lot 16,
Block 11, Westwood Heights, Phase V, Section 1, P# WWHV-11-16
2021-113614 4/9/2021, Lumberton, Hardin County, Texas**

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and approve the variance request at 6686 Georgetown as presented. Councilman Burkhalter seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 220418 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Eddie Byrd to encroach upon the south side
building setback line and the east rear building setback line to within 5’ of
those property lines to build a 16 x 20 accessory building. The property is
located at 6686 Georgetown, Lot 16, Block 11, Westwood Heights, Phase V,
Section 1, P# WWHV-11-16 2021-113614 4/9/2021, Lumberton, Hardin
County, Texas**

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the variance request for an accessory building at 6686 Georgetown as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 220419 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Stephen K Swearingen to build a 30 x 30
accessory building to within 10’ of his rear property line. The property
is located at 265 Sarah Lane, Lot 6, Westchase Est, Phase II,
P# WCE- 11-6, I# 1770/315 005576-000060, Lumberton, Hardin County,
Texas**

Councilman Burkhalter made a Motion to accept the Zoning Commission recommendation and approve the variance request for an accessory building at 265 Sarah Lane as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item # 2204110 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Stephen K Swearingen to encroach upon
his rear building setback line to pour concrete to build a driveway from
Hampshire Lane to his back yard, to the accessory building. The property
is located at 265 Sarah Lane, Lot 6, Westchase Est, Phase II,
P# WCE-11-6, I# 1770/315 005576-000060, Lumberton, Hardin County,
Texas**

Councilman Wahl made a Motion to accept the Zoning Commission recommendation and approve the variance request at 265 Sarah Lane as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2204111 – Discussion and Possible Action – Zoning Commission Recommendation Request submitted by Michael Minter to approve the replat of lot 1 of Minter Addition, Lots 1 and 2, Volume 4, Page 31A, PRHC, Elisha

Duncan

League, Abstract No. 14, Lumberton, Hardin County, Texas, into Minter Addition Lot 1-A and Lot 1-B, Elisha Duncan League, Abstract No. 14, Lumberton, Hardin County, Texas. The property is located at 115 Matthews Lane, P# MTR-10, I# 1415/786, Lumberton, Hardin County, Texas

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the replat request at 115 Matthews Lane as presented. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2204112 – Discussion and Possible Action – Zoning Commission Recommendation Request submitted by Mark Whiteley & Associates, LLC on behalf of HudProp, LLC. to approve the replat of a replat of Lot 4B-1, Westwood Plaza, Volume 4, Page 253, PRHC, Francisco Arriola Survey, Abstract No. 2, Lumberton, Hardin County, Texas into Lot 4B-1-A and Lot 4B-1-B, Westwood Plaza, Francisco Arriola Survey, Abstract No. 2, Lumberton, Hardin County, Texas

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

Item # 2204113 – Discussion and Possible Action – Select engineering service provider(s) to complete project implementation for the American Rescue Plan Act (ARP Act) funding administered by the U.S. Department of the Treasury, other Federal or State Agency

City Manager, Steve Clark advised that an Engineering Firm must be selected for any potential projects in connection with the American Rescue Plan Act. Statement of Qualifications were received and graded as required. Mr. Clark then recommended that Schaumburg & Polk be appointed as the Engineering firm for the ARP projects. Councilman Bell made a Motion to appoint Schaumburg & Polk as the ARP Act engineering firm. Mayor Pro Tem Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 2204114 – Discussion and Possible Action – Proclamation – National Fair Housing Month

Councilwoman Cline read a Proclamation designating April as National Fair Housing Month. Councilman Burkhalter made a Motion to accept the Proclamation – National Fair Housing Month 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, 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 7:48 p.m.

DON SURRETT
MAYOR

ATTEST:

SUSAN COLLINS
CITY SECRETARY