

**MINUTES OF OCTOBER 10, 2022  
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on October 10, 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	-	Councilman
And absent:		
Dan Bell	-	Mayor Pro Tem

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 Councilman 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 SEPTEMBER 26, 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 six (6) for and none (0) against.

***OLD BUSINESS:***

***NEW BUSINESS:***

***Item # 221011 – Discussion and Possible Action – Zoning Commission Recommendation Request submitted by Deborah Hanna, of Double H Property Management, LLC, to rezone approximately 2 acres from R-1 (Single-Family Dwelling District) to C-2 (Community Business District) with a Specific Use Permit for residences for the aged. The property is located at the rear of 30 W Chance, P#NOT-50, Tract 28 and the rear of 90 W Chance, Abstract 21, in the C A Felder Survey and Bumstead, P#21-57, Lumberton, Hardin County, Texas***

Councilman Maniscalco made a Motion to accept the Zoning Commission Recommendation and approve the rezone and Specific Use Permit request at 30 West Chance as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

***Item # 221012 – Discussion and Possible Action – Zoning Commission Recommendation***  
**Zone change request submitted by Deborah Hanna, of Double H Property Management, LLC, to rezone the rear portion of the lot, approximately 16.48’, from R-1 (Single-Family Dwelling District) to C-2 (Community Business District). The property is located at 929 N Main Street, P# NOT -45, Tract 35, I# 2016-63864, Lumberton, Hardin County, Texas**

Councilman Maniscalco made a Motion to accept the Zoning Commission Recommendation and approve the rezone request at 929 North Main Street as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with with six (6) for and none (0) against.

***Item # 221013 – Discussion and Possible Action – Zoning Commission Recommendation***  
**Variance request submitted by Kevin Boykin, of Boykin Homes and Land Sales, for approval to drain the rear yards of lots 103,104,105,106 to the drainage ditch located behind these lots. The property is located in Copper Point, Phase 3, an 11.868-acre subdivision, Abstract Number 46, in the R C Rogers Survey, Lumberton, Hardin County, Texas. He would also like to request approval to drain the rear yards of lots 137,138,139,140, to the drainage ditch located behind these lots. The property is located in Copper Point, Phase 4, a 13.420-acre subdivision, Abstract Number 46, in the R C Rogers Survey, Lumberton, Hardin County, Texas.**

Councilman Maniscalco made a Motion to accept the Zoning Commission Recommendation and approve the drainage variance in Copper Point Phase 3 and Phase 4 as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

***Item # 221014 – Discussion and Possible Action – Zoning Commission Recommendation***  
**Request submitted by Jessica and Jerrith Stoute to rezone the rear portion of their lot, approximately 40’ deep on the southwest side, from C-2 (Community Business District) to R-1 (Single-Family Dwelling District). The property is located at the southwest corner of W Walton and Bryan Lane, Lot 1, Block 1 Beaumont Colony South, P# K33-1-1, I# 2018-88191, Lumberton, Hardin County, Texas**

Councilman Maniscalco made a Motion to accept the Zoning Commission Recommendation and rezone property at the southwest corner of West Walton and Bryan Lane as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

***Item # 221015 – Discussion and Possible Action – Zoning Commission Recommendation***  
**Request submitted by Jessica and Jerrith Stoute for the building setback line to be 25’, instead of 50’ shown on the original plat, on the north side of the lot on W Walton as well as on the east side of the lot on Bryan Lane. The property is located at the southwest corner of W Walton and Bryan Lane, Lot 1, Block 1 Beaumont Colony South, P# K33-1-1, I# 2018-88191, Lumberton, Hardin County, Texas**

Councilman Wahl made a Motion to accept the Zoning Commission Recommendation and approve the variance request at the southwest corner of West Walton and Bryan Lane as presented. Councilman Maniscalco seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

**Item # 221016 – Discussion and Possible Action – Zoning Commission Recommendation**

**Request submitted by Jessica and Jerrith Stoute to construct a driveway over each culvert already in place on W Walton and Bryan Lane. The property is located at the southwest corner of W Walton and Bryan Lane, Lot 1, Block 1 Beaumont Colony South, P# K33-1-1, I# 2018-88191, Lumberton, Hardin County, Texas**

Councilman Maniscalco made a Motion to accept the Zoning Commission Recommendation and approve the request to construct a driveway over existing culverts at the southwest corner of West Walton and Bryan Lane as presented. Mayor Surratt stated that the culvert specifications have changed over the years and an inspection should be done to insure they meet the current requirements. Mr. Stoute assured Council that he would take all necessary steps to ensure compliance. Councilman Wahl seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

**Item # 221017 – Discussion and Possible Action – Zoning Commission Recommendation**

**Request submitted by Mark Bounds of JLMB Properties, to divide his property into two lots with a Minor Plat. One of the lots would have the 75' of road frontage and the second lot would have less than the required 75' of road frontage. The property is located at 205 E Chance, NOT BUMSTEAD, P# NOT-19, Tract 66, I# 1417/668, Lumberton, Hardin County, Texas**

Councilman Maniscalco made a Motion to accept the Zoning Commission Recommendation and approve the Minor Plat at 205 East Chance as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

**Item # 221018 – Discussion and Possible Action – Zoning Commission Recommendation**

**Variance request submitted by Brett Forsyth to waive the required setback ordinance for accessory buildings, to place a 6' x 12' accessory building on the north side of his house to within approximately 5'8" from the property line as well as approximately 10" from his house. The property is located at 108 Saylor's Way, Lot 49, S01443 The Cascades, Lumberton, Hardin County, Texas**

Councilman Wahl made a Motion to accept the Zoning Commission Recommendation and approve the variance request at 108 Saylor's Way as presented. Councilwoman Cline seconded the Motion. Motion passed unanimously with six (6) for and none (0) against.

**Item # 221019 – Discussion and Possible Action – Zoning Commission Recommendation**

**Variance request submitted by Reagan Gillespie to waive the required setback ordinance for pools, to build a swimming pool on the east side of his house to within 4 ½' of his side property line and 4 ½' to his house. The property is located at 5629 Walton Creek, Lot 28, Walton Creek, P# WCR-28, I# 2019-97841 09/03/2019, Lumberton, Hardin County, Texas**

Councilman Maniscalco made a Motion to accept the Zoning Commission Recommendation and DENY the variance request for a pool at 5629 Walton Creek as presented. Councilman Wahl seconded the Motion. Motion passed unanimously with six (6) 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:***

City Manager, Steve Clark reported that the annual Christmas Tree Lighting at the Park is scheduled for Friday, December 2<sup>nd</sup> with Food Trucks being added to the festivities.

Mr. Clark also advised that the annual Employee Christmas Dinner will be held at the PAC Center (LISD Dome) beginning at 6:30 p.m. on Wednesday December 7<sup>th</sup>.

***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 six (6) for and none (0) against. The meeting adjourned at 7:20 p.m.

---

DON SURRETT  
MAYOR

ATTEST:

---

SUSAN COLLINS  
CITY SECRETARY