

**MINUTES OF MARCH 13, 2023  
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on March 13, 2023, 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    |
| Dan Bell         | - | Mayor Pro Tem |

Also present were City Manager Steve Clark, City Attorney Curtis Soileau, Police Chief Danny Sullins, City Secretary Susan Collins, Secretary Darla Harrington, 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 delivered the Invocation, Councilwoman Barks led the Pledge of Allegiance and Mayor Pro Tem Bell led the Texas Pledge.

***CITIZEN'S PARTICIPATION – MAYOR PRO TEM BELL PRESIDING***

None at this time.

***ANNOUNCEMENTS/CITY BUSINESS:***

Mayor Surratt announced the Lumberton Trade Days was a success.

***COMMITTEE REPORTS:***

***CONSENT AGENDA:***

**A. APPROVAL OF MINUTES OF FEBRUARY 27, 2023 REGULAR MEETING**

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

***OLD BUSINESS:***

***Item # 230311 – Discussion and Possible Action – Award bid Candlestick/Williams Rd. Construction Project***

Troy Whitehead, City Engineer, came forward to present this item. Mr. Whitehead advised after reviewing the bids received, it is recommended to award the bid to LZ Services in the amount of \$344,288.25. Councilman Wahl made a motion to accept Mr. Whitehead's recommendation and award the Candlestick/Williams Rd. Construction Project bid to LZ Services in the amount of \$344,288.25 as presented. Mayor Pro Tem Bell seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

**NEW BUSINESS:**

***Item # 230312 – Discussion and Possible Action – Zoning Commission Recommendation***  
**Variance request submitted by Melissa Thompson to encroach upon the South side building setback line to within 2’ from the property line. The property is located at 148 Norwood Drive, Lot 25, BLK 2, P# OF-2-25, I# 1145/899, Lumberton, Hardin County, Texas.**

Councilman Maniscalco made a motion to accept the Zoning Commission Recommendation and approve the variance request at 148 Norwood Drive as presented. Councilwoman Cline seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

***Item # 230313 – Discussion and Possible Action - Zoning Commission Recommendation***  
**First reading – Ordinance 23-1271 Proposed amendment to the City of Lumberton Code of Ordinances, Division 6 – C-2 Community Business District, to amend Sec. 50-338 provide clarification for fencing requirements.**

Mayor Pro Tem Bell made the motion to accept the Zoning Commission Recommendation and approve the First Reading – Ordinance 23-1271 providing clarification for fencing requirements as presented. Councilman Maniscalco seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

***Item # 230314 – Discussion and Possible Action – Zoning Commission Recommendation***  
**First Reading – Ordinance 23-1272 – Proposed amendment to the City of Lumberton Code of Ordinances further regulating the movement and installation of manufactured homes within the city limits and amending sections 50-266 and 50-431 of the City of Lumberton’s Zoning Ordinance.**

Councilman Wahl made the motion to accept the Zoning Commission Recommendation and approve the First Reading – Ordinance 23-1272 amending sections 50-266 and 50-431 regulating the movement and installation of manufactured homes within the city limits as presented. Mayor Pro Tem Bell seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

***Item # 230315- Discussion and Possible Action - Zoning Commission Recommendation***  
**First Reading – Ordinance 23-1273 Proposed amendment to the City of Lumberton Code of Ordinances, Division 12 – Height, Area, and Space Regulations Applicable to All Districts, to adopt a new Section 50-538 regulating the use and location of outdoor kitchens, Lumberton Hardin County, Texas.**

Councilman Maniscalco made the motion to accept the Zoning Commission Recommendation and approve the First Reading – Ordinance 23-1273 adopting new Section 50-538 regulating the use and location of outdoor kitchens as presented. Councilwoman Cline seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

***Item # 230316 – Discussion and Possible Action – Zoning Commission Recommendation***  
**First Reading – Ordinance 23-1274 – Proposed Amendment to the City of Lumberton Code of Ordinances, Division 12 – Height, Area, and Space Regulations Applicable to All Districts, to adopt a new Section 50-539 prohibiting the encroachment of carports and similar overhead structures into the required setbacks, Lumberton Hardin County, Texas.**

Mayor Pro Tem Bell made the motion to accept the Zoning Commission Recommendation and approve the First Reading – Ordinance 23-1274 adopting new Section 50-539 prohibiting the encroachment of carports and similar overhead structures into the required setbacks. Much discussion followed, including potential drainage issues and the possibility of requiring gutters. Councilman Maniscalco seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

**Item #230317 – Discussion and Possible Action – First Reading – Ordinance 23-1275 - Amending Chapter 44 (Swimming Pools) of the City of Lumberton Code of Ordinances to Provide Clarity on the Regulatory Distance Measurements Pertaining to the Location of Swimming Pools, Hot Tubs, and Accessories.**

City attorney Curtis Soileau came forward to present this item. Mr. Soileau advised that this amendment would remove the existing example and clarify that the pools, hot tubs, and accessories *must* be a minimum of three (3) feet from the home and at least one (1) foot for every one foot of depth. Mayor Pro Tem Bell made a motion to accept the First Reading – Ordinance 23-1275 amending Chapter 44 (Swimming Pools) 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:**

City Manager, Steve Clark stated that there are several Eagle Scout projects to be carried out at the FM 421 City Park.

Mr. Clark also advised that the Splash Pad should begin operating around April 15<sup>th</sup>, weather permitting.

**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 seven (7) for and none (0) against. The meeting adjourned at 7:58 p.m.

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DON SURRATT  
MAYOR

ATTEST:

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SUSAN COLLINS  
CITY SECRETARY