

**MINUTES OF OCTOBER 9, 2023
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on October 9, 2023, pursuant to notice duly posted according to law. The following members were present:

Don Surratt	-	Mayor
Lynette Barks	-	Mayor Pro Tem
Kenny Burkhalter	-	Councilman
Kenneth Wahl	-	Councilman
Kimberly Cline	-	Councilwoman
David Maniscalco	-	Councilman
Dan Bell	-	Councilman

Also present were City Manager Steve Clark, City Attorney Curtis Soileau, Police Chief Danny Sullins, City Secretary Darla Harrington, Zoning Secretary Anita Price, Zoning Chairman Steve Stafford, 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 then delivered the Invocation; Councilwoman Barks led the Pledge of Allegiance and Councilman Maniscalco led the Texas Pledge.

CITIZEN'S PARTICIPATION – MAYOR PRO TEM BARKS PRESIDING

Mr. Sonny Hubbard came forward to speak on behalf of Piney Woods Sanitation / Liveoak Waste regarding the issues that have arisen due to the change of ownership. Mr. Hubbard explained that Liveoak Waste is a corporation that strictly adheres to safety guidelines. He explained that there are Federal laws that regulate the number of hours that an operator can drive a truck. When those hours have been completed, the drivers must return to keep from violating Federal and State laws. As a result of this, the routes were not completed. He said that the previous company did not adhere to these laws. They are in the process of hiring qualified drivers. They are also in the process of obtaining a new phone service that can accommodate the needs of the business.

Mr. Ken Arena came forward to address the Council regarding BNSF Railroad. He requested that there be a Quiet Zone or Partial Quiet Zone put in place down Village Creek Parkway.

ANNOUNCEMENTS/CITY BUSINESS:

Councilwoman Cline announced that there will be a ribbon cutting ceremony for Lamar State College -Orange at 3 p.m. on October 18, 2018.

COMMITTEE REPORTS:

CONSENT AGENDA:

A. APPROVAL OF MINUTES OF September 25, 2023, 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:

NEW BUSINESS:

Item #231011 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Paula Tolliver, the project manager, on behalf of Christian Brothers Automotive, to allow the construction of a dumpster enclosure within 2.5 feet of the West property line. The property is located at 311 N LHS Drive, Abstract Number No. 2, in the Francisco Arriola Survey, Lumberton, Hardin County, Texas.

Councilman Maniscalco made a Motion to accept the Zoning Commission recommendation and approve the variance request for the construction of a dumpster enclosure within 2.5 feet of the west property line. Councilman Bell seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #231012 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Robert Anderson to build a 24x24 metal building with an attached 12x12 storage space, totaling an area of 720 square feet. The property is located at 415 White Oak Drive, Lot #27, Woodland Heights Subdivision out of Abstract No. 2, F. Arriola League, Lumberton, Hardin County, Texas.

Councilman Maniscalco made a Motion to accept the Zoning commission recommendation and approve the variance request to build a 24x24 metal building with a 12x12 storage space. Councilman Wahl seconded the Motion. Motion passed unanimously with seven (7) for and None (0) against.

Item #231013 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by James & Sheryl Costello to place a 10x14 shed within 7.5 feet of both the East and South property lines. The property is located at 6666 Georgetown Lane, Lot #12, Block #11, Westwood Heights, Phase V, Section, out of abstract No. 2, Francisco Arriola Survey, Lumberton, Hardin County, Texas.

Councilman Bell made a Motion to accept the Zoning Commission recommendation and approve the variance request to place a 10x14 shed within 7.5 feet of the east side of the property. Councilman Maniscalco seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #231014 – Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Zach Rowe, of Leavins Engineering & Design, to approve the Preliminary Plat for the proposed Westwood Heights Commercial Phase III. Blanco Street is out of Abstract No. 2, Francisco Arriola League, Lumberton, Hardin County, Texas.

Councilman Bell made a Motion to accept the Zoning Commission recommendation to approve the Preliminary Plat for the proposed Westwood Heights Commercial Phase III. 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:

Mayor Surratt stated that there may be a future meeting to discuss the pool and accessory building ordinances.

CITY MANAGER'S REPORT:

City Manager Steve Clark announced that the City has two drainage projects and one road repair project coming up soon. He also announced that he had received a memo from Judge Wayne McDaniel that TDEM had approved going forward on the Lumberton Detention Pond project.

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. Councilman Barks seconded the Motion. Motion passed unanimously with seven (7) for and none (0) against. The meeting was adjourned at 7:25 p.m.

DON SURRETT
MAYOR

ATTEST:

DARLA HARRINGTON
CITY SECRETARY