

**MINUTES OF NOVEMBER 27, 2023  
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on November 27, 2023, pursuant to notice duly posted according to law. The following members were present:

Don Surratt	-	Mayor
Lynette Barks	-	Mayor Pro Tem
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, 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; Mayor Surratt led the Pledge of Allegiance and Councilman Maniscalco led the Texas Pledge.

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

None at this time.

***ANNOUNCEMENTS/CITY BUSINESS:***

Mayor Surratt announced that the Christmas Parade may be cancelled due to rain.

***COMMITTEE REPORTS:***

***CONSENT AGENDA:***

**A. APPROVAL OF MINUTES OF November 13, 2023, REGULAR MEETING**

Councilman Maniscalco 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 #231121 – Discussion and Possible Action – Zoning Commission Recommendation Steven Scott from Radiant Sign Services to allow the construction of a sign where the characters ‘b’ and ‘ll’ of ‘bealls’ have a height of 60 inches. The property is located at 142 South Main Street, Abstract No. 53, in the S K VanMeter Survey, Tract 112, Lumberton, Hardin County, Texas.**

Councilman Bell made a motion to accept the Zoning Commissions Recommendation and approve the request as presented. Councilman Wahl seconded the motion. Motion passed unanimously with six (6) for and none (0) against.

**Item #231122 – Discussion and Possible Action – Zoning Commission Recommendation  
First reading – Ordinance 23-1276 Proposed amendment to the  
City of Lumberton Code of Ordinances, Chapter 50 (Zoning),  
Article VI – Signs, to provide clarity to definitions and special  
standards.**

Councilman Wahl made a motion to accept the Zoning Commission Recommendation and approve the First Reading – Ordinance 23-1276 providing clarification for Signs. Councilman Bell seconded the motion. Motion passed unanimously with six (6) for and none (0) against.

**Item #231123 – Discussion and Possible Action – Zoning Commission Recommendation  
First reading – Ordinance 23-1277 Proposed amendment to the City of  
Lumberton Code of Ordinances, Chapter 42 (Subdivision), Section 42-35 –  
Minor Plats, to require a drainage study and drainage appurtenances, approved  
by the city engineer.**

Councilman Maniscalco made a motion to accept the Zoning Commission Recommendation and accept the First Reading – Ordinance 1277 requiring a drainage study and drainage appurtenances upon approval by the City Engineer. Councilwoman Cline seconded the motion. Motion passed unanimously with six (6) for and none (0) against.

**Item #231124 – Discussion and Possible Action - First Reading - Ordinance 23-1278 –  
Amending Chapter 40 – Streets, sidewalks, driveways and other public  
places of the Code of Ordinances to provide for a City sidewalk map.**

City attorney Curtis Soileau presented this item. Mr. Soileau explained that it is not possible to require sidewalks on all the properties within the the city. At some point the City will adopt a sidewalk map which will regulate where a sidewalk is required. Councilman Bell made a motion to accept the First Reading – Ordinance 23-1279 to provide a City sidewalk map.

Councilman Wahl seconded the motion. Motion passed unanimously with six (6) for and none (0) against.

**Item #231125 - Discussion and Possible Action – First Reading - Ordinance 23-1279 –  
Amending Chapter 6 – Buildings and Building Regulations of the  
Code of Ordinances to require a Certificate of Occupancy for all  
construction within the City Limits; Providing a penalty of not less  
than \$25.00 nor more than \$500.00 per day.**

Mr. Soileau explained that this amendment would require a Certificate of Occupancy to be obtained prior to moving into a building that had been constructed or altered. Violation of this ordinance is punishable by a fine of \$25.00 to \$500.00 per day. Councilman Wahl made a motion to accept the First Reading – Ordinance 23-1279 Amending Chapter 6 – to require a Certificate of Occupancy for all construction within the City Limits. Councilman Maniscalco seconded the motion. Motion passed unanimously with six (6) for and none (0) against.

**Item #231126 - Discussion and Possible Action - Fill vacancy of City Council by  
Appointment.**

Mayor Surratt noted that the City Charter states that if there is a vacancy on the City Council, the remaining members must fill the vacancy by appointment within thirty (30) days. Councilman Maniscalco nominated Joey Schoen and Councilwoman Cline nominated Larry Woodall. Councilman Bell made a motion to table this item until the first meeting in December. Motion died

for lack of a second. Councilman Maniscalco made a motion to appoint Joey Schoen to fill the remaining term of Kenny Burkhalter. Mayor Pro Tem Barks seconded the motion. The motion passed with four (4) votes for, one (1) opposed, and one (1) abstaining. Mayor Surratt, Mayor Pro Tem Barks, Councilman Wahl, and Councilman Maniscalco voted for. Councilman Bell was opposed, and Councilwoman Cline abstained.

***MONTHLY REPORTS:***

Financial Reports

***MAYOR'S REPORT:***

***CITY MANAGER'S REPORT:***

City Manager Steve Clark announced that the Annual Tree Lighting Ceremony will be December 1<sup>st</sup> if weather permits.

***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. Mayor Pro Tem Barks seconded the Motion. Motion passed unanimously with six (6) for and none (0) against. The meeting was adjourned at 7:30 p.m.

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DON SURRETT  
MAYOR

ATTEST:

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DARLA HARRINGTON  
CITY SECRETARY