

**MINUTES OF DECEMBER 11, 2023
CITY OF LUMBERTON**

A Regular Meeting of the City Council of the City of Lumberton was held at 7:00 p.m. on December 11, 2023, pursuant to notice duly posted according to law. The following members were present:

Don Surratt	-	Mayor
Lynette Barks	-	Mayor Pro Tem
Joey Schoen	-	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, 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, Mayor Surratt led the Pledge of Allegiance, and Councilwoman Cline led the Texas Pledge.

****** OATH OF OFFICE – NEWLY APPOINTED COUNCIL MEMBER ******

City Attorney, Curtis Soileau came forward to administer the Oath of Office to the newly appointed member, Joey Schoen. No further action taken or required.

CITIZEN’S PARTICIPATION – MAYOR PRO TEM BARKS PRESIDING

Dr. Allen Coleman, came forward to address the Council about the Texas Mission of Mercy. This organization is sponsoring a Free Dental Clinic on February 23-24, 2024. The clinic will be held at the Performing Arts Center at Lumberton High School.

ANNOUNCEMENTS/CITY BUSINESS:

COMMITTEE REPORTS:

CONSENT AGENDA:

A. APPROVAL OF MINUTES OF November 27, 2023 REGULAR MEETING

Councilman Wahl 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:

None at this time.

NEW BUSINESS:

Item #231211 – Discussion and Possible Action – Planning and Zoning Commission positions that will expire January 1, 2024. The expiring positions are: Chairman Steven Stafford, Commissioner Vicki Mouton, and Commissioner Matthew Johnson. Nate Shaw resigned due to difficulty with his job. Adam Brooks has approached the City about taking that position for the duration of the term, which expires January 1, 2025.

Councilman Bell made a motion to accept the Zoning Commission recommendation to renew the Commissioners' positions of Chairman Steven Stafford, Vicki Mouton, and Matthew Johnson, and to appoint Adam Brooks to fulfill the term left vacant by Joey Schoen. Councilman Wahl seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item # 231212 - Discussion and Possible Action – Zoning Commission Recommendation Variance request submitted Andrew Breault, to pour concrete to widen and extend his existing driveway to within 4 feet of the east side property line. The property is located at 6225 Jenny Lane, Lot 2, Block 1, Woodridge Subdivision, Lumberton, Hardin County, Texas.

Councilman Maniscalco made a motion to accept the Zoning Commission recommendation and approve the variance request to widen the existing driveway at 6225 Jenny Lane. Councilwoman Cline seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #231213 – Discussion and Possible Action – Zoning Commission Recommendation Variance request submitted by Zach Rowe, of Leavins Engineering & Design, LLC, on behalf of Christine Rinh, to encroach upon the east rear and south side setback lines to within 2' of those property lines to pour concrete for parking and a driveway. The property is located at 312 N LHS Drive, Lot 2, Abstract No. 2 in the Francisco Arriola League, Lumberton, Hardin County, Texas.

Councilman Wahl made a motion to accept the Zoning Commission recommendation and approve the variance request to encroach upon the east rear and south side setback lines to pour concrete for parking and a driveway at 312 N LHS Drive. Councilman Maniscalco seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #231214 - Discussion and Possible Action – Zoning Commission Recommendation Variance request submitted by Zach Rowe, of Leavins Engineering & Design, LLC, on behalf of Christine Rinh, to encroach upon the the south side setback line of lot 1 and the north side setback line of lot 2 to pour concrete for a common driveway. The property is located at 312 N LHS Drive, Lot 2, Abstract No. 2 in the Francisco Arriola League, Lumberton, Hardin County, Texas.

Councilman Bell made a motion to accept the Zoning Commission recommendation and approve the the variance request to encroach upon the south side setback line of Lot 1 and

the north side setback line of Lot 2 to pour concrete for a common driveway with the requirement that the owners obtain a Maintenance Agreement and a Shared Access Agreement for this property. Councilman Maniscalco seconded the agreement. Motion passed unanimously with seven (7) for and none (0) against.

Item #231215 - Discussion and Possible Action – Zoning Commission Recommendation
Variance request submitted by Phillip Pittala to encroach upon the north rear and west side setback lines to place an 8x8 accessory building in the back yard, to within 4’ of those property lines. The property is located at 208 Pindo Palm, Lot 34, Block 4, Woosley Palms Subdivision Phase 3, Abstract 588, in the J F Callihan Survey, Lumberton, Hardin County, Texas.

Councilman Maniscalco made a motion to accept the Zoning Commission recommendation to place an 8x8 accessory building in the back yard to within 4’ of the property line at 208 Pindo Palm. Councilman Wahl seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #231216 - Discussion and Possible Action – Zoning Commission Recommendation
Request submitted by Kevin Boykin, of Boykin Homes, to approve the Final Plat for Copper Point Subdivision Phase 3. The property is located in Abstract 46, in the R C Rogers Survey, Lumberton, Hardin County, Texas.

Councilman Bell made a motion to accept the Zoning Commission recommendation to accept the Final Plat for Copper Point Subdivision Phase 3. Councilwoman Cline seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #231217- Discussion and Possible Action - Request submitted by MST
Lumberton Development Lumberton Development Management, LLC, for the City of Lumberton to accept the streets and drainage facilities for Westwood Heights, Phase V, Section 1, Abstract No. 2, located in the Francisco Arriola Survey, Lumberton, Hardin County, Texas. The Final Plat was filed at Hardin County Records October 18, 2019.

There was some discussion as to the time frame and process of the City accepting the streets and drainage facilities for a subdivision. Councilman Bell made a motion to accept the streets and drainage facilities for Westwood Heights, Phase V. Councilman Maniscalco seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #231218 - Discussion and Possible Action - Request submitted by Kevin Boykin of Boykin Homes, for the City of Lumberton to accept the streets and drainage facilities for Copper Point, Phase 1, Abstract No. 46, located in the R C Rogers Survey, Lumberton, Hardin County, Texas. The Final Plat was filed at Hardin County Records June 10, 2015.

Councilman Maniscalco made a motion to accept the streets and drainage facilities for Copper Point, Phase 1. Councilman Bell seconded the motion. Motion passed

unanimously with seven (7) for and none (0) against.

Item #231219 - Discussion and Possible Action – Request submitted by Kevin Boykin of Boykin Homes, for the City of Lumberton to accept the streets and drainage facilities for Copper Point, Phase 2, Abstract No. 46, located in the R C Rogers Survey, Lumberton, Hardin County, Texas. The Final Plat was filed at Hardin County Records November 13, 2018.

Councilman Bell made a motion to accept the streets and drainage facilities for Copper Point, Phase 2. Councilman Wahl seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #2312110- Discussion and Possible Action – Second 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 Bell made a motion to accept the Second Reading – Ordinance 23-1276 amending Chapter 50 (Zoning), Article VI – Signs, to provide clarity to definitions and special standards. Councilwoman Cline seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #2312111- Discussion and Possible Action – Second 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 Wahl made a motion to accept the Second Reading – Ordinance 23-1277 amending Chapter 42 (Subdivision), Section 42-35 – Minor Plats to require a drainage study and drainage appurtenances, approved by the City Engineer. Councilman Maniscalco seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #2312112- Discussion and Possible Action – Second 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.

Councilwoman Cline made a motion to accept the Second Reading – Ordinance 23-1277 Amending Chapter 40 – Streets, sidewalks, driveways and other public places of the Code of Ordinance to provide for a City sidewalk map. Councilman Maniscalco seconded the motion. Motion passed unanimously with seven (7) for and none (0) against.

Item #2312113 - Discussion and Possible Action - Second 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.

Councilman Wahl made a motion to accept the Second Reading – Ordinance 23-1279 Amending Chapter 6 – To require a Certificate of Occupancy for all construction within the City Limits that will be occupied; Providing a penalty of not less than \$25.00 nor more than \$500.00 per day. 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 announced that the City received seven (7) bids at the bid opening for a drainage improvement project on FM 421. The City Engineer estimated that the project would cost approximately \$350,000.00. The highest bid came in at \$742,000.00. The lowest bid came in at \$343,000.00 and was from LZ Services. Mr. Clark said that the project would get started after the contractor qualifies.

Mr. Clark also announced that the investment projects have been started with Bridge City Bank, Dugood Federal Credit Union, and First Financial.

POLICE CHIEF'S REPORT:

Chief Sullins announced that he, along with several LPD officers and DPS Troopers attended a training event at the gun range on FM 421. Also attending were some individuals affiliated with the George S. Patton Foundation. George S. Patton's granddaughter, Helen Patton, came down and toured the range. She discussed the possibility of building a state of the art training facility at the gun club. The facility could possibly provide a classroom for 24-30 students, indoor training, and an outdoor covered facility to practice in inclement weather.

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 was adjourned at 7:50 p.m.

DON SURRETT
MAYOR

ATTEST:

DARLA HARRINGTON
CITY SECRETARY