

**MINUTES OF
AUGUST 12, 2024
CITY OF LUMBERTON**

A Public Hearing of the City Council of the City of Lumberton was held at 6:30 p.m. on August 12, 2024, pursuant to notice duly posted according to law. The following members were present:

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| Don Surratt | - | Mayor |
| Lynette Barks | - | Councilwoman |
| Kenneth Wahl | - | Councilman |
| Kimberly Cline | - | Councilwoman |
| David Maniscalco | - | Councilman |
| Dan Bell | - | Councilman |

And absent:

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| Joey Schoen | - | Mayor Pro Tem |
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Also present were City Manager Steve Clark, City Secretary Darla Harrington, City Attorney Curtis Soileau, Zoning Secretary Anita Price, and other guests (see attached Guest Register).

Mayor Surratt called the Meeting to order at 6:30 p.m. noting that a quorum was present, and meeting was duly called and posted in accordance with the Texas Open Meetings Act. Mayor Surratt then delivered the Invocation and led the Pledge of Allegiance and Councilwoman Cline led the Texas Pledge.

PUBLIC FORUM:

DISCUSSION AND INFORMATION CONCERNING THE FOLLOWING:

- 1) Variance request submitted Scott Hood to encroach upon his rear building setback line to within 10' of the rear property line to build a 20X20 accessory building. The property is located at 5360 Lexington Circle, Block 2, Lot 11, Stonegate Subdivision, Lumberton, Hardin County, Texas.**

These items were presented by Zoning Secretary, Anita Price. Ms. Price stated that the property owners were requesting to place their accessory building within 10' of the rear set back line and 10'6" of their side set back line. The Planning and Zoning Commission voted unanimously to approve this request as presented.

- 2) Variance request submitted by Brady Harris to rezone his property past the 250' C-2 zone line, from R-1 (Single-Family Site Built Homes District) to C-2 (Community Business District). The property is located at 195 S LHS Drive, Tract 2, Abstract 46, in the R C Rodgers Survey, Lumberton, Hardin County, Texas.**

Ms. Price stated that the first 250' of this property along S. LHS Drive is Zoned C-2, and the remainder of the Lot is zoned R-1. In 2012 Mr. Harris asked for a specific use permit for his wrecker service and it was approved. He is now asking to rezone the entire Lot to C-2 because, at this time, the south and west sides of his property are adjacent to C-2 zoned property. The Zoning Commission voted unanimously to approve this request as presented.

3) For the purpose of discussion and public comments on amendments to the City of Lumberton Code of Ordinances Chapter 50 (Zoning), Article III – District Regulations:

- **Sec. 50-2 – Definitions**, to include in the definition of “accessory building” an additional example such as swimming pool rooms.
- **Sec. 50-538 – Use and location of outdoor kitchens**, to adopt permitting requirements.
- **Sec. 50-539 – Regulations of carports and other similar structures**, to adopt height regulations and permitting requirements.

City Attorney Curtis Soileau came forward to present this item. He explained that this amendment involves three changes to Section 50 of the Zoning regulations. Mr. Soileau explained that **Sec. 50-2** does not change the definition of what an accessory building is but **expands** the definition of what it is.

Section 50-538 addresses adopting a requirement for the property owner to obtain a permit from the City prior to constructing the outdoor kitchen. Failure to obtain the permit will result in a fine being imposed which would be two times the amount of the permit fee.

Section 50-539 addresses height regulations and permitting requirements for carports.

The Planning and Zoning Commission voted unanimously to approve all three amendments as presented.

4) For the purpose of discussion and public comments on the reauthorization of the City of Lumberton’s Building Permit Fees in accordance with Texas Local Gov’t Code §214.908.

City Attorney, Curtis Soileau presented this item. Mr. Soileau explained that the City Council has exclusive authority to adopt fees for the City’s fee schedule. The additional fees required that pertain to the accessory building is \$50.00, the fee for massage parlors is \$500.00, and the fee for an outdoor kitchen is \$75.00.

In addition, beginning January 1, 2024, the Legislature adopted legislation that requires all cities to adopt any building permit fees at least once every ten (10) years or the permit fee will be void. Texas Municipal League has recommended cities place the adoption of permit fees on the agenda annually when they adopt their new budget.

ADJOURNMENT

There being no further business, the Public Hearing adjourned at 6:53 p.m.

DON SURRETT
MAYOR

ATTEST:

DARLA HARRINGTON
CITY SECRETARY