

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF JANUARY, 1979, AT 7:30 P. M.

On the 2nd day of January, 1979, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Jack McMullen	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Curtis Keith, Pastor of First Christian Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Comm. E. C. Wareing made motion that minutes of regular meeting of December 19, 1978, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Zone Change Denied-Earl T. & Fannie B. Hanner from RM to C District

Mayor Garrison related a brief history of zone change application by Earl T. & Fannie B. Hanner from RM to C District covering property being Lots 7 & 8, Block 2, of the North Vinson Addition, fronting on Hoskins Street, East of Timberland Drive intersection. Mayor Garrison stated that this zone change application had been previously considered by the City Commission after same had been recommended by the City Planning and Zoning Commission. Mayor Garrison stated that it had been the request of the City Commission to ask new consideration by the City Planning and Zoning Commission and same had been recommended back to the City Commission without change.

Mayor Garrison then recognized Mr. Larry Byrd, attorney appearing in representation of applicants for zone change. Mr. Byrd asked for a show of hands of individuals who were present in opposition to application. Mayor Garrison recognized Mr. Roy Harrell, Mr. Allen Townsend, Mr. W. O. Ricks, Jr., and Mr. Ralph Stephens.

Mr. Byrd reviewed photographs which had been made of this property and three proposed parking diagrams which had been requested by the City Planning and Zoning Commission. Mr. Byrd stated that this property was surrounded by Commercial property and, in his opinion, the addition of a parking facility in this area would not add to the traffic burden on Hoskins Street. Copies of parking layout and pictures were furnished by Mr. Byrd and made a part of application. Mr. Byrd stated that his client proposed to develop the parking lot at present and the Commercial zoning was considered only in the event of a future addition. Mr. Byrd requested feedback from members of City Commission regarding the most feasible parking plan of the three presented for their consideration.

Comm. W. O. Ricks, Jr., expressed his primary opposition to application due to proposed entrances and exits for Hoskins Street. Comm. Ricks expressed his opinion that a permanent fence should be constructed along Hoskins to prevent entrances and exits to this facility.

Mayor Garrison expressed his opinion that the addition of a parking lot to this facility would add to the traffic burden in an established residential neighborhood. Mayor Garrison also informed Mr. Byrd that a zone change of this type would extend Commercial property into an established residential neighborhood and the intent of the Zoning Ordinance, in his opinion, was to protect residential developments. Mayor Garrison also stated that Mr. Byrd's client had purchased this property having knowledge of the fact that the area was limited at time of purchase.

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Comm. E. C. Wareing made reference to previous minutes which reflected that he had made motion to deny application, but a suggestion had been made by another Commissioner that same be reconsidered by the City Planning and Zoning Commission. Comm. Wareing also stated that applicant had not expressed desire to amend application to a special use consideration and requested members of Commission vote on application without amendment. Comm. Wareing expressed his opinion that this application would result in an encroachment on an established residential area and it had been difficult to rent this particular property due to the problems which resulted from the original Kettle Restaurant establishment.

Mayor Garrison also recognized Ann Porter who was in favor of zone change application for Commercial District inasmuch as she proposed to apply for a future zone change for Commercial use on her property adjacent to area being considered for zone change.

Mayor Garrison also recognized Mr. Ralph Stephens who expressed his opposition to application inasmuch as same, in his opinion, would damage residential property and create additional traffic.

Other persons present appearing in opposition to application were in agreement with opposition made by Mr. Stephens.

Mayor Garrison inquired of Mr. Byrd as to whether or not his client would be willing to eliminate his proposed access and egress on Hoskins inasmuch as parking plans which were reviewed by this Commission all provided for exits on Hoskins. Mr. Byrd stated that, in his opinion, this would not be possible.

Comm. Pat Foley inquired of individuals present appearing in opposition to application as to whether or not they would accept a special use consideration for a parking lot only. Persons present appearing in opposition would not agree to any type of commercial use for this property, to include special use parking.

Comm. R. A. Brookshire inquired as to how long this establishment had been at this location and it was estimated that same had existed at this location for approximately eight years. Comm. Brookshire stated that, in his opinion, an increased demand for use of this property had developed and same would involve a greater volume of traffic.

Comm. Richard Thompson inquired of Samuel Griffin, Chairman of the City Planning and Zoning Commission who was present regarding application, as to whether or not proposal submitted for parking was in accordance with recommendations of the City Planning and Zoning Commission. Mr. Griffin stated that the parking proposals had been requested for consideration by the City Planning and Zoning Commission to assist in the parking problem which existed at this location. Mr. Griffin also stated that there was not as much opposition to this application at the City Planning and Zoning Commission meeting, but it was the unanimous opinion of the City Planning and Zoning Commission that a parking lot would improve the problem which presently existed at this location. Mr. Griffin stated that, in his opinion, application should be considered for a RS Special Use (Parking Only) in view of parking plans as submitted by Mr. Byrd.

Mr. Byrd then requested members of Commission consider an amendment to to his application to provide for a Residential Special Use Parking Lot in lieu of Commercial zoning. Mr. Byrd also stated that if members of Commission desired to restrict the parking requirements for entrance and exit on Hoskins, he would also consider further amendments.

No further discussion developed and motion was made by Comm. E. C. Wareing that zone change application as presented by Earl T. & Fannie B. Hanner from RS to C District be denied due to the expression of opposition from property owners in this area and failure of same to meet a public need. Motion was seconded by Comm. R. A. Brookshire and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, Jack McMullen, and E. C. Wareing
Voting Nay: Comm. Richard Thompson

Comm. W. O. Ricks, Jr., did not participate in vote on this application due to nearness of this property to his residence. Mayor Garrison declared zone change application denied by majority vote of five to one.

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5. Zone Change Approved 2nd Reading-Pascal Foley from RL to RM District

Mayor Garrison stated that zone change by Pascal Foley from RL to RM District covering property fronting on & South of Moffett Road, West of Loop 287 (Medford Drive), had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Jack McMullen made motion that zone change application by Pascal Foley from RL to RM District be approved on second and final reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

Comm. Pat Foley did not participate in discussion or vote on this item due to his relationship to applicant.

6. Zone Change Approved 2nd Reading-Fred L. Walker from LB to LB District, Special Use, Item 13 (Fairweather Lodge)

Mayor Garrison stated that zone change application by Fred L. Walker from LB to LB District, Special Use, Item 13 (Fairweather Lodge), covering property located at 1020 N. First Street, between Laurel & Fred Streets on East side of street, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Jack McMullen made motion that zone change application by Fred L. Walker from LB to LB District, Special Use, Item 13 (Fairweather Lodge), be approved on second and final reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-Richard Smelley from RM to RM & C District, Special Use (Construction Warehouse & Office and Cabinet Shop)

Mayor Garrison stated that zone change application by Richard Smelley from RM to RM & C District, Special Use (Construction Warehouse & Office and Cabinet Shop), covering property located South of Highway 103 East, between Maxwell & Neches Streets, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Jack McMullen made motion that zone change application by Richard Smelley from RM to RM & C District, Special Use (Construction Warehouse & Office and Cabinet Shop), be approved on second and final reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

8. Civic Center-Policy Regarding Use of Alcohol Disc.-Ministerial Alliance Request

Mayor Garrison stated that members of Commission had received a letter from the Angelina County Ministerial Alliance regarding a specific request for prohibition of the possession of alcoholic beverages in the Civic Center. Mayor Garrison stated that Rev. Danny Bullock was present to represent request by the Ministerial Alliance.

Mayor Garrison then recognized Rev. Bullock who made reference to his letter which was supported by members of the Ministerial Alliance. Rev. Bullock stated that it was the feeling of the Ministerial Alliance that the City Commission should implement a similar ruling for the prohibition of alcohol in the Civic Center as had been the case with the prohibition of alcohol in City parks. Rev. Bullock also stated that in the opinion of the Ministerial Alliance, it was not morally right to provide a public tax-supported building for purposes to which the majority of taxpayers opposed and same would not have voted for construction of the Civic Center under these circumstances.

Mayor Garrison stated that members of the City Commission had received copies of this letter and same would be reviewed for a possible ordinance if members of Commission desired. Mayor Garrison explained that, in his opinion, the City was not aware of any specific episode which had created a problem as a direct results of the possession of alcoholic beverages in the Civic Center facility. Mayor Garrison also stated that it would be appropriate for the City Commission to take this request under advisement and review in more detail the circumstances involved. Mayor Garrison

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stated that there was some question as to what extent the City Commission should become involved in the control of alcoholic beverages inasmuch as same had been previously been controlled at the discretion of state authorities. Mayor Garrison stated that, to his knowledge, no City had prohibited the use of alcoholic beverages in their Civic Center facility. Mayor Garrison stated that the Civic Center facility was rented on an individual basis and the individuals who rented the facility were responsible for any misconduct involving the use of alcoholic beverages and were responsible to state authorities regarding same.

Comm. Richard Thompson expressed his agreement with request by the Ministerial Alliance and stated that members of Commission should review request, but in his opinion, if the decision was not reached at next regular meeting, he would propose consideration of an ordinance for this type regulation.

Comm. Pat Foley inquired of City Manager Westerholm as to whether or not he could review this particular situation with other Cities and report regarding same at next regular meeting.

Comm. W. O. Ricks, Jr., expressed his opinion that the City Commission could not control the use of alcoholic beverages in the Civic Center facility due to present rent procedure.

Mayor Garrison then tabled further consideration of this discussion on his own volition with unanimous agreement of Commission and stated that same would be considered at next regular meeting when further information could be reviewed.

Comm. Pat Foley also requested that City Manager Westerholm include in his report at next regular meeting the number of events which were scheduled at the Civic Center that would use alcoholic beverages.

9. Everett Griffith & Associates-Copeland Street Bridge-Repairs Disc.

Comm. E. C. Wareing inquired of a letter from Mr. Jimmy Griffith of Everett Griffith & Associates regarding possible repairs to Copeland Street bridge. City Manager Westerholm stated that this information had only recently been received and to his knowledge information which he had requested from Everett Griffith & Associates was to determine the condition of the existing bridge on Copeland Street. Mr. Westerholm stated that even though complete analysis had not been made of conditions which existed at the Copeland Street bridge location, it appeared that it would be necessary to repair the bridge by replacement of pilings in certain sections. Mr. Westerholm stated that he preferred to review the condition of the bridge with the City Engineer prior to making final recommendation for reconstruction of same. Comm. Wareing requested that City Manager Westerholm review this problem as soon as possible and begin construction inasmuch as a considerable demand for use of the Copeland Street bridge had been experienced by the public. Comm. Wareing requested that City Manager Westerholm poll each member of the Commission by phone regarding necessary action for repairs of the Copeland Street bridge.

Members of Commission were in unanimous agreement and City Manager Westerholm stated that he would proceed with the necessary arrangements for repairs and notify members of Commission as soon as possible to prevent delays.

10. Adjournment

There being no further business for consideration, meeting adjourned at 8:50 p.m.

ATTEST:



Stogie G. Johnson
Assistant City Manager

Edgar C. Wareing
MAYOR - City of Lufkin, Texas.
PRO TEM