

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF JUNE, 1972, AT 7:30 P. M.

On the 20th day of June, 1972, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Roy L. Leamon, M.D.	Commissioner, Ward No. 1
Joe E. Rich	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Robert L. Flournoy	City Attorney
Roger G. Johnson	Dep. City Secretary

being present, and

J. T. Hopson	Commissioner, Ward No. 2
Harvey Westerholm	City Manager

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

1. Meeting opened with prayer by Rev. Ray Meador, Pastor of Midway Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers and expressed appreciation for their interest.
3. Approval of Minutes

Comm. Joe E. Rich made motion that minutes of regular meeting of June 6, 1972, be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

4. Zone Change Application-Cecil J. Haley from R-1 District to C District

City Attorney Flournoy read caption of ordinance for second reading changing zone from R-1 District to C District covering 11.025 acres owned by Cecil J. Haley located on the East side of Loop 287 with Angelina Nursing Home on the South, Memorial Baptist Church on the North and Lufkin Industrial Foundation property on the East with 110 feet from R.O.W. line of Loop 287 remaining R-1 District. There were no persons present appearing in objection to this zone change request; however, Mayor Garrison called on Mr. William Winston, Attorney representing Mr. Cecil J. Haley, who had several questions in regard to this zone change request. Mr. Winston stated that Mr. Haley was concerned about the 110 foot strip of property that would remain R-1 District. Mr. Winston further stated that Mr. Haley desired to have the entire 11.025 acres zoned C District but in the alternative to have it all zoned C District except the 110 foot strip. Mayor Garrison stated that by leaving this 110 foot strip of property R-1 District the owner would be provided an opportunity in the future to request a Special Use zone for parking purposes, or any other zone when this property use is finally determined. Comm. W. O. Ricks, Jr., was concerned about the 110 foot strip of property that would remain R-1 District in that this procedure by the Commission may set a precedent for similar future zone changes. Comm. W. O. Ricks, Jr., further stated that the City might consider substituting a 50-foot strip of property to remain R-1 District instead of the originally proposed 110 foot strip. Mayor Garrison then stated that Mr. Haley had indicated no particular use

for this large tract of land other than to place it on the market and it was the general concensus of opinion among members of the City Commission present at the last regular City Commission meeting that this 110 foot strip of property would protect the surrounding environment which included a church and a residential section while also protecting the City's control access to Loop 287. Comm. W. O. Ricks, Jr., then stated that the Commission might consider the passage of an ordinance requiring certain measures that would control access to certain thoroughfares when zone change requests are made. Comm. E. C. Wareing suggested that the Commission consider an amendment to the present Zoning Ordinance regulating the location of construction in order to control the front portion of property facing thoroughfare R.O.W. Following considerable discussion, Comm. E. C. Wareing made motion that ordinance covering zone change application of Cecil J. Haley from R-1 District to C District be passed on second and final reading with the 110 foot strip of property adjacent to Loop 287 remaining R-1 District and in addition, within a 12-month period, Mr. Haley may apply for zone change for this 110 foot strip at no extra charge. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

5. Zone Change Application-O. L. Hubbard from R-3 District to A District

City Attorney Flournoy read caption of ordinance for second and final reading changing zone from R-3 District to A District covering property located East of Church Street and North of Grant Avenue as submitted by Mr. O. L. Hubbard and recommended by the City Planning and Zoning Commission. There were no persons present appearing in objection to this zone change request. Comm. Joe E. Rich made motion that ordinance be passed on second and final reading changing zone from R-3 District to A District. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

6. Zone Change Application-Herman Adams & Wife from R-2 District to C District

City Attorney Flournoy read caption of ordinance for second reading changing zone from R-2 District to C District covering property at 1313 Paul Avenue as requested by Herman Adams and Wife and recommended by the City Planning and Zoning Commission. There were no persons present appearing in objection to this zone change request. Comm. E. C. Wareing made motion that ordinance be passed on second and final reading changing zone from R-2 District to C District. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

7. Codification of Ordinances - Adoption

City Attorney Flournoy read caption of ordinance for second reading adopting the Codification of Ordinances, including previous chapters already reviewed and revised. Comm. W. O. Ricks, Jr., then made motion to adopt the Codification of Ordinances on second and final reading of ordinance as read by City Attorney Flournoy, including previous chapters already reviewed and revised. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

8. Speed Limits - U. S. Highway 69 (Denman Avenue)

City Attorney Flournoy read caption of ordinance for second and final reading amending Ordinance #193 providing for traffic administration and enforcement of traffic regulations and providing maximum speeds on portion of U. S. Highway 69.

Comm. Roy L. Leamon, M.D., then made motion that this amendment to Ordinance #193 be passed on second and final reading as read by City Attorney Flournoy. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

9. Safety Lighting - U. S. Highway 59 North - Resolution

City Attorney Flournoy read caption of Resolution providing for installation of safety lighting at certain intersections on U. S. Highway 59. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that this resolution be passed as read by City Attorney Flournoy. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

10. Zone Change Application - Estate of Oscar Wolff, Deceased, from R-1 District to C District

Mayor Garrison called on Mr. William Winston, Attorney representing Mr. Sam F. Cole, Jr., Independent Executor for Mr. Oscar Wolff, Deceased. Mr. Winston stated that if this zone change was granted, plans are being made for the construction of a trucking terminal for a local trucking firm and that negotiations were being made to sell the remaining half of the property for a nursing home. Mayor Garrison called on Mr. Austin Freeman, who was present appearing in objection to this zone change request. Mr. Freeman stated that he had not been earlier notified regarding this zone change request and pointed out the location of his property. Mr. Freeman stated that he objected to the construction of a trucking firm in this area and it was his belief that consideration for C District at this location was illegal. Comm. E. G. Pittman was concerned about the 0.172 acre tract owned by Mr. Buford Maddux in that this small piece of property might also be included in the zone change request to C District. Comm. E. C. Wareing was concerned about one-half of the proposed area being considered for C District to construct a nursing home and remarked that a Special Use zone change request would be required. City Attorney Flournoy then read caption of ordinance for first reading changing zone from R-1 District to C District covering property owned by the Estate of Oscar Wolff, Deceased, and recommended by the City Planning and Zoning Commission. Following considerable discussion, Comm. Roy L. Leamon, M.D., made motion that zone change application of the Estate of Oscar Wolff, Deceased, from R-1 District to C District be passed on first reading and that the ordinance also include the 0.172 acre tract owned by Mr. Buford Maddux to C District. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

11. Zone Change Application-David Brevell from C District to C District & Special Use, Art. XV, Section 16 of Zoning Ord.

City Attorney Flournoy read caption of ordinance for first reading changing zone from C District to C District and Special Use covering portion of Lots 2 and 3 of the C. F. Thompson Addition located in rear of Humble Station, 1507 Timberland Drive, by David Brevell as an addition to the existing Seafood Inn Restaurant. Comm. Joe E. Rich then made motion that zone change application of David Brevell from C District to C District and Special Use be approved on first reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

12. Zone Change Application-James P. Hunter, III & Ruth Metcalf from D District to D District & Special Use, Art. XV, Item 18

City Attorney Flournoy read caption of ordinance for first

reading changing zone from D District to D District and Special Use (Item 18 providing Special Use zone for parking in various districts) on property located between Montrose and Homer Streets immediately South of Oakley-Metcalf Funeral Home by James P. Hunter, III and Ruth Metcalf as recommended by the City Planning and Zoning Commission. Mayor Garrison called on Herman E. Bate, Attorney appearing in representation of this zone change request by Mr. James P. Hunter, III and Ruth Metcalf. Mr. Bate explained that there were no persons appearing in objection to this zone change request when originally presented before the City Planning and Zoning Commission but that Mrs. Clara M. Cook had appeared before the City Planning and Zoning Commission in regard to a six-foot site-bearing fence that was to be constructed between property lines. Mr. Bate further stated that Mrs. Cook was concerned that the height of this fence might create a dangerous situation when backing from her drive, blocking the view of on-coming traffic. Mr. Bate stated that having discussed this matter with City Manager Westerholm, a compromise had been reached regarding the height of the fence between Mrs. Cook and Oakley-Metcalf Funeral Home. Mr. Bate continued to explain that Oakley-Metcalf Funeral Home desired to use this space for parking purposes only. There were no persons present appearing in objection to the zone change request. Following considerable discussion, Comm. Roy L. Leamon, M.D., made motion that zone change application of James P. Hunter, III and Ruth Metcalf from D District to D District and Special Use, Art. XV, Item 18 of the Zoning Ordinance be approved on first reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

13. Angelina County Rodeo Association - Lease Agreement

City Attorney Flournoy stated that he had prepared a lease pertaining to the Angelina County Rodeo Association. A new lease on the rodeo arena was requested by the Association. City Attorney Flournoy then read this lease agreement between the City and the Angelina County Rodeo Association covering a ten-year period with a five-year option beginning June 1, 1972. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that this ten-year lease with a five-year option as read by City Attorney Flournoy be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Amendment to Zoning Ordinance - Discussion

Comm. E. C. Wareing stated that the Zoning Ordinance should be amended to provide that property owners might have maximum use of their property but at the same time regulating access to thoroughfares. Following considerable discussion, Comm. E. C. Wareing made motion that the City Planning and Zoning Commission study the possibility of amending the present Zoning Ordinance controlling access to thoroughfares; and also, that the City Planning and Zoning Commission give special consideration to East Loop 287. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

15. City Commission - Date Set for Next Regular Meeting

Comm. Roy L. Leamon, M.D., made motion that July 11, 1972, be considered for next regular meeting date in place of the regularly scheduled July 4 meeting. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

16. Adjournment

There being no further business for consideration, meeting was adjourned at 8:50 P. M.

ATTEST:

Argu G. Johnson  
Dep. City Secretary - City of Lufkin, Texas

Peter H. Garrison  
Mayor - City of Lufkin, Texas