

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF APRIL, 1982, AT 5:00 P.M.

On the 20th day of April, 1982, 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
Percy A. Simond	Commissioner, Ward No.1
Don Boyd	Commissioner, Ward No.2
Bob McCurry	Commissioner, Ward No.3
Pat Foley	Commissioner, Ward No.4
Richard Thompson	Commissioner, Ward No.5
E. C. Wareing	Commissioner, Ward No.6
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. Larry Morrison, Pastor of Keltys United Methodist Church, Lufkin.
2. Mayor Garrison administered Oath of Office to Commissioner Don Boyd newly re-elected Commissioner of Ward 2 due to his absence at last meeting of City Commission.

3. Approval of Minutes

Minutes of regular meeting of April 6, 1982, were approved on motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. OPEN HEARING - Annexation & Permanent Zoning Request - Herty Area - Approved for First Reading

Mayor Garrison recognized Omer E. Scogin, representative of application for Annexation & Permanent Zoning request by property owners in Herty Area bounded by Freeman, McHale, Kent and McKinney Streets. Mayor Garrison opened hearing.

Mr. Scogin stated that the property owners were requesting annexation by the City of Lufkin because of a sewer problem that was creating a health hazard to the community. There was no opposition present, and approximately 16 property owners were present in support of application.

Mayor Garrison stated that the City was concerned about the cost factor of the annexation, and it has been estimated that extension of utility services to the area would be approximately \$134,000. Commissioner Pat Foley stated that a sewer problem prompts many requests for annexation, and the taxes derived from such areas do not pay for the utility extension and related costs. City Manager Westerholm stated that the main expense is sewer extension, but water and sewer costs are supported by monthly charges not taxes.

Mayor Garrison stated that the sewer problem is a product of early developments outside the City, and the City should annex existing subdivisions to remove possible health hazards.

Commissioner E. C. Wareing stated that the tax base in Herty is small at the present, but future development would increase the amount of taxes derived from the area.

In answer to question by Commissioner E. C. Wareing, City Planner Ed Richie stated that most property owners have indicated they would be willing to donate extra footage for 50 foot right-of-way which would be important to future development. Ed Richie further stated that all property owners had been advised that they might be asked to participate in the cost of sewer extension.

Commissioner Richard Thompson stated that he had made a canvass of the area in question, and about one-half of the dwellings mobile homes. Commissioner Thompson stated that he felt the mobile homes should come into the City under a temporary mobile home status until same are brought up to standards required of mobile homes in the City limits. Commissioner Wareing stated that the mobile homes would be considered non-conforming, and if same are not utilized in this capacity for a period of time the non-conforming use would cease to exist.

Mayor Garrison stated that the requirements for mobile homes might need to be considered before passage of ordinance. Mayor Garrison further stated that the City had an Annexation Policy which required annexed property owners to participate in the cost of utility extension, but same had never been utilized before. Commissioner Wareing stated that if the Herty area would participate in the cost of sewer extension, the City could absorb the other cost. Commissioner Wareing further stated that the area would develop faster with City services.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that to obtain sewer in outlying areas of the City, the property owners are required to pay for a sewer tap, and the City can only force property owners within 100' of a sewer line to connect thereto. Mayor Garrison closed public hearing.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Annexation & Permanent Zoning Ordinance be considered for first reading at City Commission Meeting on May 18, 1982. A unanimous affirmative vote was recorded.

5. Ordinance Approved - Second Reading - Temple Blvd. - Closed -- Crown Colony Improvement Association

Mayor Garrison stated that Ordinance closing Temple Blvd. had been approved on First Reading at last meeting of this Commission, and letter stating that property owners have agreed to the following restrictions on subject property had been received as follows:

"That the property which is now occupied by Temple Boulevard will be used solely and exclusively by Crown Colony Improvement Association as a private street and that we, our heirs, executors, administrators, successors and assigns, will have access to our property thereon. We understand that Crown Colony Improvement Association may, from time to time on a regular basis, close through traffic on such street during hours other than those hours considered to be normal business hours. We would consider it appropriate for the City to place a restrictive covenant in any deed conveying the area upon which Temple Boulevard is located restricting the use thereof to use as a private road or roadway."

Mayor Garrison further stated that the deed would be subject to easement of the City to maintain utilities under Temple Boulevard, and the value placed on the property is reasonable because it must be kept open to traffic.

Commissioner Percy Simond stated that he would like to have an outside appraisal stating what fair market value of the property would be.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that second reading of ordinance be postponed until appraisal from outside appraiser is submitted.

Commissioner E. C. Wareing stated that the City has one of the best appraisers in the state who serves on the State Board of Tax Assessors/Examiners and an outside appraisal is not required. Commissioner E. C. Wareing further stated that the system used to arrive at the Fair Market Value of Temple Blvd. had been used to close numerous alleys and streets. Commissioner Wareing stated that the street must be kept open to traffic which is a prime consideration in deciding the fair market value. Commissioner Pat Foley stated that if another appraisal is secured the value might be considerably less than \$9,486.80. The following vote was received to motion previously made by Commissioner Percy Simond for postponement of second reading: Aye - Commissioner Percy Simond; Nay - Mayor Garrison, Commissioners McCurry, Foley, Boyd, Thompson, and Wareing. Mayor Garrison declared motion failed by a vote of 6 to 1 against.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that ordinance be approved on second and final reading, that appraised value of \$9,586.80 be accepted, and letter from property owners dated April 19, 1982, stating restrictions on the use of the property be incorporated into and be made a part of the minutes. The following vote was recorded: Aye - Mayor Garrison, Commissioners McCurry, Boyd, Foley, Thompson and Wareing; Nay - Commissioner Simond. Mayor Garrison declared motion approved by a vote of 6 to 1.

6. Flood Prevention Ordinance - Approved - Second Reading

Mayor Garrison stated that the Flood Prevention Ordinance which is a requirement of the Federal Emergency Management Agency to participate in the National Flood Insurance Program was approved on first reading at last meeting of City Commission.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that ordinance be approved on second and final reading. A unanimous affirmative vote was recorded.

7. There being no further business for consideration, meeting adjourned at 5:45 p.m.



ATTEST:

*Ann Griffin*  
Ann Griffin, City Secretary

*Pitser H. Garrison*  
Pitser H. Garrison, Mayor