

**ZONING BOARD OF ADJUSTMENT  
SPECIAL CALL MEETING MINUTES  
Monday August 28, 2023**

**Members Present:**

Ed Freiberg .....Chairman  
Isaac T. Henry III.....Vice Chairman  
Linn Cardner.....Member  
Todd Loupe..... Member  
Keith Longlois..... Member  
Mark Ferrell.....Alternate Member

**Members Absent:**

None

**Council Members Present:**

None

**Staff Present:**

Kelvin Knauf, Director of Planning & Community Development  
Wendy Lloyd, Planning Secretary  
Divon Williams, Deputy Director of Planning & Community Development  
Mike Kunst, City Manager

Chairman Freiberg called the meeting to order at 5:30 p.m.

**CITIZEN COMMENTS**

Chairman Freiberg asked for any comments. None were made.

**REGULAR BUSINESS - MEETING MINUTES**

Chairman Freiberg asked for motion to approve the April 18, 2023, meeting minutes

Vice Chair Henry motioned to approve  
Member Cardner 2<sup>nd</sup>

**Vote: 5 - 0**

**Motion Carries**

**PUBLIC HEARING**

**Conduct a public hearing on a request from Friends of the Orange Depot to conduct monthly bingo games at the depot located at 1210 Green Avenue.**

Chairman Freiberg opened the public hearing at 5:32 p.m.

Mr. Knauf stated the Friends of the Depot would like to put on a monthly bingo game at the depot. Under the zoning ordinance, the property is actually zoned C-2 commercial but amusement services are allowed only if a special exception is granted by the Board of Adjustment. So, they've made an application to the board for the monthly bingo games and we have representatives from the depot here. Rose if you would like to explain a little bit more of what your plans or hopes are.

**Rose Simar – 4901 Old Oak Drive, Orange, TX:** Ms. Simar stated we had many people who approached us and we approached many people in the community. People from this area go to Louisiana for gambling and many, many people go just to play bingo. So, I would ask the different ones who rent our place for their event if they would be interested in that. Facebook of course I had many, many replies, yes. We talked about it at our board meeting and everyone was in agreement about that. So, then I started looking into how you go about it and found it online and of course went to the wrong form to download and fill out and send in and typed a little notation saying to let me know. Of course, it wasn't and they actually called me and talked to me and couldn't have been any nicer. He let me know that was the wrong one and he would send me a new one to print out. I sent that in and everything seemed fine. I had to have 3 different people and the last one was the city secretary and that's when I found out that we had to have you folks also be in agreement with this. That's where we stand now. Everybody is happy with everything and Kelvin said he had to put it in the paper so that if anyone around had any objection and he got nothing on that. Everything looks good so we think that once a month is what we want to do at the depot. We're not sure now if we're going to give a gift or if we're allowed to give money. That's one question we have to find out. Mr. Knauf stated and like Rose said we published in the newspaper and then we also sent out letters to the property owners within 300 feet of the depot and I've received no responses from the letters or the legal publishing.

Member Loupe stated is this an entertainment variance. Mr. Knauf stated amusement services. Member Loupe stated so when they have a shower, that's not an amusement service. Right now, it is used for amusement right?

**Alicia Booker – 2504 International, Orange, TX:** Ms. Booker stated yes we have rentals for any kind of event. We have a small room and a big room and of course the whole depot. Right now, anything can be held there. Bridal receptions, baby showers, birthday parties. So, this would be something that Friends of the Depot are also trying to have a building built and we do not have enough funds. We are trying to get ways for us to get some funds. One of the things that was brought up was bingo. So, now we're in this stage of can we hold it? Can we not hold it? If we can, what are the rules so we'll know and comply with them based on what the city is asking.

Chairman Freiberg stated being in the Lion's Club, we have a bingo game there and one of the things we had to do is get licensed for it. It was quite an ordeal. Last year it was messed up

and we only did half of it and I think we had to not have it for a week because we didn't have the things right approved. I'm asking about that license and then do you plan on serving liquor? Ms. Booker stated no. Chairman Freiberg stated how about food? Ms. Booker stated we may have some refreshments. Ms. Simar stated I was told by the gentleman that was handling ours that we do not have to have a license because we are a 501c3. Member Longlois stated that's my question. In my research for this meeting, I came across title 13 of the Texas occupations code which was quite a cumbersome read and regulates bingo and accounting processes, reporting and basically a bingo commission for the State of Texas. Are you aware of that at all? You say you're talking to somebody with the state. I don't know who you're talking to or what commission. Ms. Simar stated I don't have his name with me but he has called me several times in fact the very first time that we applied, everything was all good except I did not have city secretary's seal and after so many weeks/days whatever, they had to pull it. So, he called me and said he had to send all of it back to me for me to fill out again and according to him it wasn't any big deal for us to be able to do this. It's not a license just get this to him. It says Original Application for Temporary Bingo Occasions for Non-Licensed Organization. Vice Chair Henry stated maybe because of the fact they're only doing it once a month instead of a permanent fixture. I think it would be of an extenuous event if you did it every day. So that could be true what he's saying. If you're doing it once a month, you're looking at 12 times a year. You're not doing it every day, seven days a week, like that one in Beaumont on 11<sup>th</sup> Street. They used to run that big bingo club down there. I do know that the Lion's Club does theirs 2 weeks at a time so that could be something you ask just to be on the safe side. Chairman Freiberg stated I can give you a name, Ms. Louis Hughes at the Lion's Club and she's been doing this for 20 years and she could give you advise on just running things. It sounds like this is just something you're starting out and you need any advice you can get. She would be a good one and she could talk to you about that. The one thing I noticed in your write up though is in one place you asked for bingo like the 1<sup>st</sup> Friday of every month and then in the other place it said 1 day a month. I'm not here to tie your hands if you go every Friday but we need to word it right the way you want it. Ms. Simar stated once a month. Vice Chair Henry stated and you'll do pay to play? Ms. Booker stated yes pay to play. Vice Chair Henry stated and then the determination of whether you have win outs or not. I don't know if there's any state regulatory on that. Member Longlois stated I read it but just like anything else in the codes, it's so cumbersome and it's hard to understand. Vice Chair Henry stated have you asked people what they would prefer? I mean do door prizes work? Ms. Simar stated no the only thing I was asking is would you like to have that. Vice Chair Henry stated I wonder how your crowd would be if you do monetary versus gifts. I don't know. The only bingo I see is when I work the Lion's Club 2 weeks every year at the carnival and they always have a huge turnout and they're always the last ones there and everyone is walking away with door prizes and they seem happy and content with door prizes. I just don't know what your clientele would be because you can put what 200 or how many can you put in the depot? Ms. Simar stated about 150 but if we just use the large room, we can put about 80 people. We'd probably charge about \$10 for a packet of 10. Vice Chair Henry stated I think definitely people would be interested in doing it and I think you got good feedback on it.

Chairman Freiberg stated so the bathrooms in that place can handle 80 people. Ms. Booker

stated yes. We've had events where both rooms have been used and so yes it does. Chairman Freiberg stated parking is just where it is. Ms. Booker stated yes and we also have access to our lot across the street. The green area. They can also park there should that be needed. Chairman Freiberg stated I didn't know you all had that. Ms. Booker stated yes everything except that corner across from the gasoline station. Vice Chair Henry stated the one that's for sale and everything else is yours. Ms. Simar stated he told us that he would sell that to us for \$10,000.

**Mark Ferrell – 4208 Pinemont, Orange, TX:** Mr. Ferrell stated I'm just curious, they're talking about one event a month. If they wanted to change that, let's say it got really popular and they wanted to expand on that, would they have to get another variance? Mr. Knauf stated the board can put any conditions on the special exception that you want. If you want to limit it to once per month then that's all they would be allowed. If they wanted to expand it then they would have to fill out another application for a special exception, pay the fee and come back to revise that. But if you say you can have up to 5 a month then that's what we would put on the special exception. Chairman Freiberg stated I would say not to exceed 5 a month and then if it jumps that big then come on back and we may have to look into it deeper. Vice Chair Henry stated we can give you a number and then again you may get tired of working bingo. Ms. Booker stated right and now this is just a trial and see if it's something we are going to continue because we have had good feedback. But then once we apply it, are people going to be interested?

Vice Chair Henry stated you're going to limit it to 80 correct? Ms. Booker stated yes. Vice Chair Henry stated what are your thoughts about the 80 people. Maybe you could do an online presale or you are going to have 200 people out there standing in line and the first 80 get in and everyone else gets upset with you. What's your thoughts about doing something like a presale, something online? Whether you do PayPal, CashApp, Venmo or something to limit something where somebody's feelings get hurt. Have you all thought about doing something like that? Ms. Simar stated actually haven't thought about that. What we have done previously when we've had Christmas at the depot and we did sell tickets. It would still be about 80 people with the tables that we have. Many of those would buy a ticket but they wouldn't show up. Bingo, I think they will show up. Vice Chair Henry stated I don't want people to get upset. You could have 200 people waiting out there and the first 80 and all we can accept is 80. I think if you let it be known, we can only take 80 and have some sort of presale like on the internet, your website or whatever and do CashApp, Venmo, Zelle or whatever the case may be and then everyone has got a phone and they can print out your thing. Then maybe say 70 people show up and you have 10 extra tickets and you may be out \$100 but you may have some extra people show up or you may know somebody and call them real quick. I'm just trying to eliminate some ruckus that may go on if you have 200 people out there and 200 people are expecting to play bingo.

Member Cardner stated Rose do you think you could expand into the other room? Ms. Simar stated I was just thinking that as people were talking. Who has been in the depot? You know there's that little short hall that's right there between them. I was just thinking about the extra people. The caller could set up in the hall and we've actually got a microphone and the whole

bit and we could put 50 in there and 80 in this one. Ms. Booker stated but we're first going to try it with the 80. Vice Chair Henry stated I would give it a trial run because you can work things out as you go. Ms. Booker stated right and you see how much popularity as it's going. Vice Chair Henry stated right you decide what you're comfortable with. I don't want you to spend extra money you don't have to and if you stick to a number and just roll with it. Of course, if it gets bigger, do a test run. Ms. Simar stated I really think it's going to be big though.

Mr. Ferrell stated do you have any plans to make sure the people use the parking you're talking about. I do know one person who voiced to me that they've had problems in the past with large events at the depot where they actually parked across their driveway. Ms. Booker stated is it that lady in the back. Whenever we give out the contracts as the renters come in to talk to us, there is a lady up on where it says Pine Avenue, there's one house up there and we stress to them that whoever's renting it that her driveway needs to be open because there is somebody living there. Other than that, we do offer the lot across the street. That's if it's in good condition and there hasn't been any rain and Elm because there's nobody there all the way up to Pine. I've even been out on Depot Day making sure I block her driveway so nobody can park. We always try to stress it whenever we have renters at the depot. Mr. Ferrell stated and I will say that I don't think anybody is going to park across Green. That area is the area I'm talking about. Ms. Booker stated in the future hopefully after we have our new building, we are planning to do across the street in the green area and additional parking lot. But that's in the future. Member Cardner stated where is the building going to be? Ms. Booker stated next to it, it's north of the building itself and it's just an education building.

Member Longlois stated Kelvin, this building has already been inspected by our inspector. Mr. Knauf stated yes, we don't have any problems with it. Ms. Booker stated and the fire marshal was there and gave us the updated capacity of each room. We have them posted. Chairman Freiberg stated so that pretty much covers the capacity.

Chairman Freiberg stated are there any other comments. Ms. Booker stated do we have an option of doing cash or gifts or can we do whatever we want to do? Mr. Knauf stated whatever the state law allows. Member Longlois stated I would suggest you speak in detail with whoever your contact is with the bingo commission or whatever agency that is. Member Loupe is that a gaming commission? Member Longlois stated it is a bingo commission and it has a commissioner and they're required to do accounting and file a report with the governor every year and there's licensed and unlicensed. As I said, it's so cumbersome and I don't understand where this facility would fall in that. But I do know that some violations are felony offenses from reading it. Member Loupe stated so do other businesses, let's say American Legion hall down the street, it would have to do the same thing if it wanted to host a bingo night. Mr. Knauf stated it depends on how it's zoned. If the zoning requires a special exception then yes they would have to follow the same rules. If it's permitted by right then no they wouldn't. So, it depends on the zoning. Chairman Freiberg stated I think if you get into the cash arena, you're going to have a whole bunch more questions. Ms. Booker stated the other thing we were thinking was support the community and give gift certificates or gift cards from different businesses that we have in town so that we are also supporting them here in Orange.

Member Longlois stated in general I'm all for it as long as you can comply with the various regulations and it's done legally.

Mr. Ferrell stated will there be security on site? Ms. Booker stated we could have security on site. Mr. Ferrell stated I'm not saying you need one, I'm just asking. Ms. Simar stated usually whenever our organization has something on Depot Day for instance, we always have an officer on site.

Chairman Freiberg stated any other questions or comments. None were made.

Chairman Freiberg closed the public hearing at 5:54 p.m.

### **DISCUSSION/ACTION ITEM**

**Consider a request from Friends of the Orange Depot to conduct monthly bingo games at the depot located at 1210 Green Avenue.**

Member Loupe stated if we make a motion to approve it, the motion needs to say up to a certain amount. Is that 5 or some other number? Chairman Freiberg stated we could do that. The number of people is taken care of but the number of days to give you a fair chance. Member Loupe stated but then again does it cut into rentals? I know people love to rent it. The more bingo nights the less for them. Ms. Booker stated we were thinking on Fridays most weeks just because Saturdays and Sundays are very popular. I mean we're booked to November/December on the weekends. So, Friday is a good day. We do have some businesses that come to use it but Fridays are usually available so that's why we were thinking on Fridays. Member Cardner stated have you forgot football season? Ms. Booker stated true. Chairman Freiberg stated and some holidays do fall on Fridays but we can just say we give you an extra 5 days and you do as you wish. That gives you a little freedom. Ms. Booker stated yes definitely. Member Cardner stated we're not going to pick what days. Vice Chair Henry stated just find a day that works best for you but then like I said if you went to 5 days, that's cutting into your regular time to yourself. I wouldn't want to do 5 days. That would be rough. I think 5 is a good number. Just say not to exceed 5 per month and let them choose whatever day.

Member Loupe motioned to approve special exception not to exceed 5 bingo days per month and in compliance with all state laws regarding bingo

Vice Chair Henry 2<sup>nd</sup>

**Vote: 5 – 0**

**Motion Carries**

### **DISCUSSION/ACTION ITEM**

**Discussion concerning the Texas Open Meetings Act.**

City Manager, Mike Kunst discussed the Texas Open Meetings Act with the board.

Vice Chair Henry motioned to adjourn

Member Longlois 2<sup>nd</sup>

**Chairman Freiberg adjourned the meeting at 6:10 p.m.**