

**PUBLIC HEARING AND REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
LUMBERTON MUNICIPAL UTILITY DISTRICT**

A public hearing with a regular meeting that followed of the Board of Directors of the Lumberton Municipal Utility District was held on Monday, July 15, 2019, at 6:30 p.m. at the offices of the District pursuant to notice duly posted in accordance with the law. The following members of the Board were present:

David Desormeaux

Roger Smith

Jimmy Burk

Nick Carter

Absent: David Pitchford

Also present were Roger Fussell, Carla Belt and Robb Starr as employees of the District, Mr. Hoffman as a representative of Brampton Essential, LP, Jeff Leavins of LJA Engineering and Kate K. Leverett PLLC as legal counsel for the District.

Agenda Item No. 1: Prayer and Pledge. A quorum being present, the public hearing was called to order by President Nick Carter at 6:30 p.m.

Agenda Item No. 2: Public Hearing

a. Brampton-Essential Defined Area. The following individuals were in attendance for the public hearing:

Claude Webb

Mary Bernard

Wilma Avery

John Avery

David Hart

Greg Withers

Cullen Murrion

Randy Holmes

Donna Moser

Randy Hefley

Lisa Cross

Kelly Mincks

Curtin Okun

Paula Okun Poe

Jamie Chizer

Melissa Tweedel

Terry Tweedel

John Cowart

Jason Gilmer

Mike Irving

Danny Peneam

Richard Moore

Stacie Swearingen

Chad Swearingen

Jan Woodard

Mike Buffington

Greg Woddall

Kenny Buukalson

Pat Hoffman

Kelly Walker

Pauline Gault

Roy Wood

President Carter opened the public hearing at 6:30 p.m. and thanked the public for attending the meeting. President Carter made a brief opening statement regarding the District's powers related to drainage and informed the public that the District did not have drainage powers. President Carter informed the public that the developers were working with the County regarding drainage. Then President Carter opened the forum up to the public for comments. Jason Gilmore made a statement regarding the traffic in and out of the City of Lumberton. His concern was that if more residences are built in the defined area it will increase the traffic coming into Lumberton. Mike Irvin made a statement regarding his concern about drainage and inquired whether retention ponds would be constructed in the defined area to assist with drainage. Richard Moore also discussed his concerns regarding drainage. Stacey Swearingen expressed her concerns regarding drainage and stated she lived near Boggy Creek and she is concerned about additional homes and businesses being built in the defined area and the affect it will have on the drainage currently being drained into Boggy Creek. Craig Woodall also expressed his concerns regarding drainage and the District issuing bonds to finance the project. Aaron Linger expressed his concerns regarding drainage. Roy Wood also expressed his concerns regarding drainage, wetlands mitigation and the District financing the improvements with bonds. John Avery expressed his concern regarding drainage and the District issuing debt to finance the project. Donna Moser expressed her concerns regarding drainage. Jamie Chizer expressed her concerns about drainage, about the flood plain, questioned whether dirt would be brought in to raise the low lying area, questioned whether a damn would be built, the environmental affects, whether green space would be present in the defined area, and whether the voters would vote on the bonds. Melissa Tweedel expressed her concerns about drainage and asked about why the residents at the end of Keith Road could not obtain water service from the District. John Cowart also expressed his concern about drainage as did Brent Riddle.

Agenda Item No. 3: Adjournment of Public Hearing. President Carter adjourned the public hearing at 7:12 p.m.

Agenda Item No. 4: **Call Regular Meeting to Order.** President Carter called the regular meeting to order at 7:20 p.m.

Agenda Item No. 5: **Public Comments of Agenda Items.** None

Agenda Item No. 6: **Approval of Minutes of June 17, 2019.** The Minutes of June 17, 2019 were approved as presented.

Agenda Item No. 7: **Consideration and Possible Approval of Proposed Plan for Brampton-Essential Defined Area.** The Board recognized its legal counsel who stated that the proposed plan for Brampton-Essential Defined Area was the same plan previously approved through the adoption of Resolution 2019-2. Legal counsel informed the Board that the Texas Water Code requires the Board to approve the proposed plan after the public hearing. After discussion and upon motion duly made by Vice President Smith and seconded by Director Burk the proposed plan was approved.

Agenda Item No. 8: **Consideration and Possible Capacity and Construction Approval—6205 Jenny Lane—Insurance Office—Mike Colton, owner.** The Board recognized its engineer

Agenda Item No. 9: **Consideration and Possible Construction Approval—6460 North Fawn—12 lots—Andrew Withers, owner.** The Board recognized its engineer who informed the Board that this approval was for mobile home park and an additional lift station would need to be installed. After discussion and upon motion duly made by Director Burk and seconded by Director Desormeaux the construction approval was approved.

Agenda Item No. 10: **Consideration and Possible Construction Approval—Riverbirch Phase III Section II—38 lots—James Abshire, owner.** After discussion and upon motion duly made by Director Desormeaux and seconded by Director Burk the construction approval was approved.

Agenda Item No. 11: **Consideration and Possible Approval-L-Train Express Wash-Justin Babineaux, owner.** After discussion and upon motion duly made by Director Burke and seconded by Vice President Smith.

Agenda Item No. 12: **Consideration and Possible Approval—2019 Sanitary Sewer Overflow Initiative Agreement.** After discussion and upon motion duly made by Director Pitchford and seconded by Director Burk action was approved.

Agenda Item No. 13: **Consideration and Possible Approval of Resolution 2019-3, a Resolution Amending Resolution Amending Resolution 2017-1, establishing a new fee structure to be charged for water and sewer service.** The Board recognized Mr. Fussell who explained to the Board why the new fee structure needs to be implemented. Mr. Fussell informed the Board that the notice regarding the new fee structure would be published in the *Beaumont Enterprise*. After discussion and upon motion duly made by Director Burk and Director Desormeaux the action was approved.

Agenda Item No. 14: **Consideration and Possible Approval of and Order Adopting the International Plumbing Code 2018 Edition, establishing new fees.** The Board recognized Mr. Fussell who informed the Board that the District needed to adopt the 2018 plumbing codes. After discussion and upon motion duly made by Vice President Smith and seconded by Director Burk the Order was passed.

Agenda Item no. 15: **Consideration and Possible Action of Manager's Report**

A. Presentation of Financial Statement and Accounts Payable. The Board recognized Carla Belt who presented the bank statements from BBVA Compass Bank and Wels Fargo Bank. The Board then moved to the consideration of the accounts payable in the amount of \$332, 328.29. Ms. Belt then presented the monthly comparison of system revenue along with overtime history and customer refunds. The Board then thanked Ms. Belt.

B. Presentation of Production Report and Operations Report. The Board recognized Robb Starr who provided the Production & Operations Report. The Board reviewed the Production Report, the Vehicle Mileage & Maintenance Report, and the Complaint Log. The Board thanked Mr. Starr for these reports.

C. **Presentation of Important dates.** The Board then recognized Mr. Fussell who advised the Board that it will have to call the election for the defined area by August 19. Mr. Fussell then informed the Board that he will be retiring at the end of the year.

Agenda Item No. 16: Public Comments. None.

Agenda Item No. 17: Payment of Bills. After discussion and upon motion duly made by Director Desormeaux and seconded by Vice President Smith, the accounts payable were approved for payment as presented.

Agenda Item No. 18: Adjournment. There being no further business, the meeting was adjourned at 8:24 p.m.

ATTEST

Secretary of the Board

President of the Board

