

**EMERALD BAY MUNICIPAL UTILITY DISTRICT**  
**FINAL AND APPROVED**  
**MINUTES OF SPECIAL MEETING**  
**JULY 3, 2007**

The Board of Directors of the Emerald Bay Municipal Utility District met in special session on Tuesday, July 3, 2007, at 1:00 p.m., at the offices of Brannon Corporation, 1321 South Broadway, Tyler, Texas 75711. Present were Directors Bill Harris, Ray Hartley, Deena Johnson, and Paul Randolph. Director Howard Rutherford was excused. Gary Root, developer/builder, Brian Capps (Engineer), Kirk Bynum (District's engineer), Leo Jurica (former District director), and one Emerald Bay resident attended the meeting.

President Harris called the meeting to order at 1:06 p.m. to discuss the District's provision of sewer service to Gary Root's commercial development on CR344 and the construction of a lift station for such service. Mr. Harris noted that the District has two pressure lines entering from Windcliff Harbor: One from Lakeside Drive area and one from Bayview (Windcliff Harbor) to North Bay (Emerald Bay). There is no gravity feed of sewerage from/within Windcliff Harbor.

Mr. Capps proposes installing only one lift station with a flow rate of 2,000 gallons per day (10-15 gallons per minute, or less) to service the one building under construction by Mr. Root. Kirk Bynum recommended the lift station capacity at 3,000 gallons per day. The lift station would connect to the Emerald Bay sewer system between lots 99W"A" & "B" (Unit IX). The Emerald Bay Club policy requires a 5-foot setback and a 5-foot easement along each lot line.

The District's engineer, Kirk Bynum, advised Root/Capps that the District **does not** want to co-mingle usage of the proposed lift station with residential customers. The lift station shall be utilized for commercial usage only. Brian Capps (Root's engineer) theorized only 5-6 employees would utilize the facilities (2 bathrooms) during any 24-hour period. (Note: The Upper Neches River Authority (UNRA) requires one bathroom for use by the marina guests.)

Brian Capps will get a copy of the Emerald Bay subdivision plat for Unit IX showing the corner property. Mr. Root will dedicate back to the District the forced main from the District boundary line to the main line inside the District. The District will only be responsible for that portion of the forced line.

A two-way cleanout will be installed at the District boundary line. Root will own and be responsible for the maintenance of the lift station. Mr. Root has future expansion plans and will gravity feed any additional commercial developments (i.e., health club facility) to the same lift station. Mr. Root will be responsible for notifying the District of any expansion plans. Capps will draw up the plans for the private lift station and submit to Kirk Bynum and the District for approval.

**Director Hartley made a motion that the District will approve the construction of a private lift station contingent upon the District's engineer, Kirk Bynum, accepting the drawings supplied by Root's engineer, Brian Capps, for the forced main and lift station. Upon second by Director Harris, the motion was approved by unanimous vote.**

**Root will dedicate the forced main line with a two-way cleanout at the property line (boundary of Emerald Bay MUD District) as designated on the referenced plat.**

Director Harris advised Root that the District presently services 27 residents in Windcliff Harbor subdivision on a contractual basis and each resident pays a tax equivalent based on the Smith County Appraisal District's valuation. Mr. Root will also be required to execute a sewer service agreement and pay a tax equivalent amount to the District. The tax equivalent payment is applied to the District's debt which will be paid off in 2010.

Director Harris asked Kirk Bynum to evaluate the two manholes on Jason Court/Henry Drive and recommend the best way to keep the lift station and manholes from overflowing. The District is evaluating alternatives: (1) making the shallow manhole deeper to afford more storage capacity; (2) turn on lift station pump and watch the two manholes downstream from lift station; (3) run 8-inch sewer main down #5 fairway into #3 lift station. Kirk Bynum recommended putting in a manhole over the "T" connection off of North Bay (Lumley lot) near Bloom's lot. A forced line should always go into a manhole. Director Harris questioned splitting the flow from Henry Drive lift station to the two manholes on Jason Court and Henry Drive.

Director Harris has written a letter to Glen Patrick (the District's attorney) regarding the manhole on Oden Latham's property. Mr. Patrick will review the matter and render an opinion. The Latham residence has a contract pending with closing scheduled for July 26.

The Texas Commission on Environmental Quality (TCEQ) has notified the District that it must adopt plumbing codes and all new construction must be inspected by licensed inspectors. Mr. Bynum recommended the District adopt the same plumbing codes used by the City of Tyler. The TCEQ also requires that licensed inspectors conduct inspections to avoid possible contamination of the water system.

There being no further business, the meeting was adjourned at 3:00 p.m. upon motion duly made (Randolph) and seconded (Hartley) with unanimous consent.

Respectfully submitted,

Deena M. Johnson  
Secretary

William F. Harris  
President