

Melbourne-Tillman Water Control District



Board Agenda

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, OCTOBER 25, 2022

9:00 AM



Call to Order Phil Weinberg, President

Pledge of Allegiance Phil Weinberg, President

Roll Call Lisa Blackett

Board Members:

Joseph Hale (Palm Bay September 30, 2025)
Brant Hoffman (Brevard County September 30, 2025)
Keith Jerdon, (West Melbourne September 30, 2024)
Don Jordan, (Palm Bay September 30, 2023)
Drew Powshok (Brevard County September 30, 2025)
Philip Weinberg, (Palm Bay September 30, 2024)
Jay Woltering (Brevard County September 30, 2025)

Staff & Support:

Debbie Leclair, District Manager
Lisa Blackett, Adm. Asst., Secretary/Treasurer
Jim Beadle, Attorney

Recognition of Guests and Support Staff

John Gergen, Assistant Manager/ Operations
Mike McCabe, District Engineer

Announcements

- Brent Hoffman has been appointed by the County replacing Eric Blount, his term will expire September 30, 2025. Joe Hale, Drew Powshok, and Jay Woltering have been reappointed to the Board, with terms expiring September 30, 2025.
- The District's annual inventory was done on October 12, 2022 by the Board's Vice-President Joe Hale and staff George Rainbolt. Attached is the inventory letter, signed by Joe Hale, stating that no discrepancies were noted. (Attachment 1)
- Steve Justice will be retiring November 30, 2022. Steve is in the District's Facility Maintenance Group and is one of the mower operators. He has been employed at the District for 18 years.

Public Comments

Presentations

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, OCTOBER 25, 2022

9:00 AM

Regular Business

- Approval of the August 30, 2022 minutes of the MTWCD Board of Director's Meeting (Attachment 2)
- Approval of the Operating Statement through September 30, 2022 (Attachment 3)

New Business

- Florida Power & Light's request to modify the original approved permit application for parallel use of the west right-of-way of Canal C-77, from north of Community College Parkway to I-95 and then from I-95 north approximately 450 feet. The approved permit was for one six-inch conduit, the modification is requested to include an additional six-inch conduit. (Attachment 4)
- The annual election of Board Officers (President, Vice-President, Secretary/Treasurer, and District Attorney)
- District Policy P-121 Chart of Accounts Revision (Attachment 5)
- District Policy P-241 Personal Evaluation Revision (Attachment 6)
- District Manager's Review
- District Manager's replacement, retirement February 28, 2023

Old Business

- District Permitting Policy (Attachment 7)

Budget

- Request change in capital purchase for FY 22/23
This year's budget included the purchase of a new tractor with a slope mower and was budgeted for \$204,000. After further review staff has recommended a flat mower being more beneficial to the District at this time and delaying the slope mower another year. The cost of a flat mower with tractor is \$109,954.54.
- Request \$13,346.23 be rolled over from FY 21/22 to FY 22/23
The parts needed for the repairs on the District's 2010 Komatsu excavator were ordered in July 2022, and it was expected that the cost would come out of last year's budget. However, they were not received until October 7, 2022. The repair work, to be completed by Ring Power, was approved to be rolled over from 2021/2022 to 2022/2023.

Staff Reports

- District Manager's Report, Debbie Leclair
 - SOIRL Reimbursement Request for quarter ending 9/30/22, District Canal C-14
 - Update on visit from Brevard Zoo
 - Holiday schedule
- Engineer's Report, Mike McCabe
 - Update on Permit applications and issued permits
- Assistant Manager, Operations Report, John Gergen
 - Field Operations

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, OCTOBER 25, 2022

9:00 AM

- Attorney's Report, Jim Beadle
- Secretary/Treasurer's Report, Lisa Blackett
 - FEMA Update

Closing

- Meeting Schedule – The next Board Meeting is scheduled for Tuesday, December 6, 2022 at 9:00 am in the City of West Melbourne Council Chambers.
- Board Member Reports
 - Joe Hale
 - Brant Hoffman
 - Keith Jerdon
 - Don Jordan
 - Drew Powshok
 - Phillip Weinberg
 - Jay Woltering
- Adjourn

If a Board Member has a request for any agenda item you may raise it at any time or you may let staff know and it will be formally included in the agenda package distributed to the Board prior to each meeting. As usual, staff is available in person, by telephone, or by e-mail to discuss the agenda prior to each and every Board Meeting.

Attachment

1

Joseph Hale
15653 Van Buren Avenue SE
Palm Bay, Florida 32909

October 12, 2022

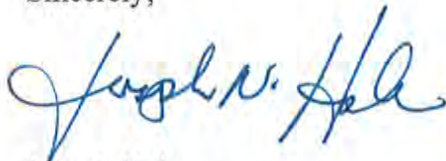
Melbourne-Tillman Water Control District
5990 Minton Road
Palm Bay, Florida 32907

RE: Annual Inventory

On Wednesday, October 12, 2022, I completed the MTWCD Annual Inventory with staff member George Rainbolt. Random items were selected from the inventory listing and all were identified and located.

I am pleased to report that no discrepancies were noted.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Hale". The signature is written in a cursive style with a large initial "J" and "H".

Joseph Hale
Vice President, Board of Directors
Melbourne-Tillman Water Control District

Attachment

2

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

August 30, 2022

CALL TO ORDER

The regular scheduled meeting of the Melbourne-Tillman Water Control District (MTWCD) Board of Directors was called to order by Phil Weinberg, President on Tuesday, August 30, 2022 at 9:00 AM in the City of West Melbourne Council Chambers, Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited by all present.

ROLL CALL

The following Board Members were present:

Philip Weinberg, Board President
Drew Powshok
Jay Woltering
Don Jordan
Eric Blount
Joe Hale, Vice-President
Keith Jerdon

Also present:

Debbie Leclair, District Manager
Lisa Blackett, Assistant Manager/Administration/Secretary/Treasurer
Jim Beadle, District Attorney

RECOGNITION OF GUESTS/VISITORS/STAFF

Senator Mike Haridopolos, MJH Consulting
Mike McCabe, District Engineer
John Gergen, Assistant Manager/Operations
MTWCD Field Staff
Bolivar Lai, Florida Power & Light (FPL)
Kelly Balcavage, Spectrum
Richard Briel, Spectrum

ANNOUNCEMENTS

The District Manager introduced District staff from Aquatics; Allen Burbeck and Aaron Ainslie, the Canal Maintenance staff; Jacob O'Connor, Dwayne Young, Reid Braun and Aurelio Argote, and two of the Facility Maintenance staff; George Rainbolt and Raymond Taylor.

The Manager announced that the District's User Fee rates for fiscal year 2022/2023 were approved by the County Commissioners on Tuesday August 9, 2022 and the resolution adopted on August 16, 2022. She stated that the approved Residential rate is \$25 per acre or portion thereof, the Agricultural rate is \$8.50 per acre or portion thereof, and the Commercial rate is \$50.18 per acre or portion thereof. The Manager added the Residential and Agricultural rates have reached the legislative maximum and will not be eligible for future increases.

The Manager announced the District's annual inventory is due to be performed in early October and requested the Board select a member to conduct the physical inventory. The Board President polled the Board for volunteers to which Joe Hale volunteered.

The District Manager stated Brevard County Commissioner Zonka sponsored a resolution recognizing the District's 100 years of service that was presented at the August 16, 2022 Brevard County Commission meeting and City of Palm Bay Councilman Kenny Johnson recognized the District for 100 years of service at the August 18, 2022 Palm Bay City Council meeting.

The Manager announced that Board Members Eric Blount, Joe Hale, Drew Powshok and Jay Woltering's terms will expire on September 30, 2022.

PUBLIC COMMENTS

There were no Public Comments.

PRESENTATIONS

Senator Mike Haridopolos, MJH Consulting stated the Florida Special Districts Board has approved the trespassing bill as general bill to apply statewide and will support the bill in the upcoming legislative session. Mr. Haridopolos added he will work with the Special District's consultant Dave Ramba to find a sponsor for both the Florida House and Senate to move the legislation forward.

The Board President announced Mr. Haridopolos' agreement with the Melbourne Tillman Board has expired. Mr. Haridopolos stated he had no cost increases for the next year and as in the past, would like to review the agreement annually. The Board President said he appreciated there were no cost increases but added two goals for the District. The first was the modification to the District's enabling legislation to remove the user fee cap and secondly, the Board would like frequent updates from Mr. Haridopolos. Mr. Haridopolos stated he would send updates during committee weeks and during the legislative session. The President agreed and asked Mr. Haridopolos to send them to the Manager to forward to the Board. **Joe Hale motioned to extend the agreement with Mr. Haridopolos. Jay Woltering seconded the motion. The Board voted 6-1, Keith Jerdon dissent.**

Mr. Bolivar Lai, FPL requested approval to use the C-77 right of way on the North side of I-95. Mr. Lai stated approval has been given by the Board at the June 30, 2022 meeting to allow a directional bore on the South side I-95 however the bore will extend into the North side also.

Mr. Lai requested approval for parallel use of the south side of the C-64 right of way from Carriage Gate Drive to Shallow Creek Boulevard. Mr. Lai stated FPL was unable to obtain easements from the HOA subdivisions for the directional bore and that using the C-64 south side right of way would require less maintenance for the conduit as well.

Joe Hale asked Mr. Lai if an easement was platted for utilities to which Mr. Lai stated there was no platted easement on the south side of the canal only certain sections of tracts dedicated to public utilities which do not span the entire length needed. Mr. Lai added there were several subdivisions involved in the discussions that were unable to come to an agreement.

The Board President advised there were two requests, the first was for the parallel use of C-77 north of I-95 to extend the directional bore. Joe Hale **motioned to approve the permit. Don Jordan seconded the motion. The Board voted 7-0 to approve the motion.**

The Board President asked for discussion regarding FPL's request to use 5,000 LF of the south side of C-64 right of way. The Assistant Manager/Operations stated there needed to be enough room for the staff to operate equipment needed with fifteen feet from the handholes to run a track machine and the handholes would be installed to grade. Mr. Lai stated that their handholes are traffic bearing and the Assistant Manager/Operations asked to verify specs that the handholes were rated to 55,000 pounds. The Board President asked the District Engineer if the permit application had been submitted

and the District Engineer said it had not. Joe Hale **motioned that the installation be permitted.** Jay Woltering **seconded the motion.** The Board voted **7-0 to approve the motion.**

The District Engineer informed the Board that Terry Cosner, AT&T was unable to attend however Mr. Cosner sent information to the District Engineer to present to the Board. The District Engineer explained that two cables belonging to AT&T were discovered in the south right-of-way of C-45. He stated that these cables had not been permitted. The District Engineer said Mr. Cosner has submitted a proposal to relocate the cables within the easement however, the time for procuring the cable is approximately six to eight months. Therefore, Mr. Cosner would like approval to relocate the cables to the easement once the cable is available and abandon the two existing cables in the right of way. Joe Hale **motioned to approve.** Drew Powshok **seconded the motion.** The Board voted **7-0 to approve the motion.**

Kelly Balcavage and Richard Briel from Spectrum. Mr. Briel stated that in August of 2021, a cable was discovered in the C-1 right-ofway that was installed in 1978. When the cable failed and was replaced, it was placed four feet into the C-1 right of way. Since the cable has been there for forty four years, Mr. Briel requested permission to leave the 200' of cable in the right of way as many of the easements had been vacated by resident request leaving no easement to be utilized. The District Engineer expressed concern for the excavation of the right of way and the restorations to be done. The Board President asked the District Engineer if requiring a permit application with fees would provide him the necessary information for District use and he responded he was not sure what section the Board wanted to permit, or if the permit would be for the excavation of the right of way as he understood it was a directional bore. Ms. Balcavage stated that it was a 60' directional drill and 40' was hand dug. The District Engineer restated the permits would be for excavation of the maintenance berm, the parallel use depending on how the Board wants to address with fees. Joe Hale **motioned to allow the request to go through and specifically for staff to put notations or emphasize the restoration and also for excavation.** Eric Blount **seconded the motion.** The Board voted **7-0 to approve the motion.**

REGULAR BUSINESS

The Board President presented the minutes from the June 28, 2022 Board of Director's meeting for Board approval. Jay Woltering **motioned to approve the minutes.** Don Jordan **seconded the motion.** The Board voted 7-0 to **approve the motion.**

The Board President presented the minutes from the August 2, 2022 Board of Director's workshop for Board approval. Eric Blount **motioned to approve the minutes.** Joe Hale **seconded the motion.** The Board voted **7-0 to approve the motion.**

The Board President presented the Operating Statement through July 31, 2022 for Board approval. Joe Hale **motioned to approve the Operating Statement through July 31, 2022.** Jay Woltering **seconded the motion.** The Board voted **7-0 to approve the motion.**

NEW BUSINESS

Resolution 2022-01, a Resolution to authorize the levy of user fees was read aloud by the District Attorney. Joe Hale **motioned** to approve the Resolution. Drew Powshok **seconded the motion.** The Board voted 7-0 to **approve the motion.**

Resolution 2022 -02, a Resolution to appropriate funds required for the FY 2022/2023 was read aloud by the District Attorney. Joe Hale **motioned** to approve the Resolution. Drew Powshok **seconded the motion.** The Board voted 7-0 to **approve the motion.**

The District Manager presented revisions to the Permitting Policy based on the discussion at the August 2, 2022 Board Workshop. The Manager highlighted the changes of Section 1 from Objectives to Introduction and the addition of definitions to the policy to identify terms making it clearer. She explained that changes were made to remove some redundancy, to add the District's legislation, and to include a statement to allow the District to authorize any development within the District. The District Engineer explained that the goal was to ensure that everything within the District's canal right of ways is permitted. The President suggested to combine paragraph 2 and 3.

Joe Hale asked about other entities using permitted power poles without having a permit of their own. Drew Powshok stated the discussion at the workshop determined the District had no authority to require a permit in all cases. The District Attorney stated the permit fees could be relative to the size of the conduit. Joe Hale added that the cell phone towers lease from the City of Palm Bay and then add users who pay rent, however the City does not receive any additional funds. Mr. Hale added he would like to see policy adopted to end the practice. The District Engineer clarified that the permit would be issued for the exclusive use and purpose of the applicant and any other uses would need to be permitted. Drew Powshok asked if in the scenario he wanted to build a bridge to cross the canal to the backside of his home and he attached a water line, a power line and a communications line would he need 3 additional permits? The Manager answered yes, each one is separate.

Joe Hale asked the District Engineer how many conduits were installed on C-13 to which the District Engineer replied three conduits. The District Engineer explained that Tower Cloud, Unity and Zayo are providers of communication conduit then lease service to communications companies. The District Attorney advised the Board that there is both legislative and local government policies to collocate on towers to reduce the number of towers built unnecessarily. Drew Powshok offered a range of diameter to determine permit fees.

The Manager stated annual use fees for utilities could be implemented similar to Lake Worth Drainage District. The Board discussion asked for enforcement possibilities and how to collect the funds. The District Attorney state conceptually he did not see an issue as it would be an annual rental fee, but was concerned on how the fee would be calculated and collected. The Board President stated the question would be how to collect the fee. The District Manager said the District could issue invoices but had no recourse if they were not paid. Drew Powshok expressed concern that a reoccurring fee it would cause difficulty for lenders to approve financing if there was a chance a permitted structure could be removed for non-payment of an annual fee. Mr. Powshok added that the District has considered the use of the right of way to be the last possible option. The President agreed with the issue of collecting the fee and asked the topic be reviewed at the October meeting.

The District Manager continued with the proposed changes to Section 3, and the relocation of paragraphs to ensure continuity. The Manager added that in Section 4, Paragraph 1, the sentence that "permit fees shall be double if work is started with out a permit" would be moved to the General Information. Section 3 was moved from the Objectives section for clarity. The District Engineer stated that Paragraph 6 addressed utilities easements. Drew Powshok preferred 10' at the minimum with 20' being most commonly used in PMU subdivisions. After discussion, the Board President suggested to eliminate the 5' and 20' easements and make it 10' to which the consensus agreed.

The District Manager presented updates to the Obligations of the Permittee, Section 5 to remove verbiage, changed District right of ways to Surface Water Management System and Paragraph 10 addressed the Notice of Complete and Record Drawings as discussed in the Board Workshop. The Manager stated that "Failure to submit Notice of Completion with applicable documents hinders approval of future applications for permit issuance." The District Attorney suggested to change "hinders" to "may adversely affect" and Drew Powshok suggested "shall affect".

The District Manager stated the changes to Section 6 included striking "MTWCD" and replacing with "the District" and minor changes to Section 7. She said as discussed in the Board Workshop, Paragraph 4 was updated to require government agencies to submit an application and payment of permit fees. However, replacement or improvement projects would require a permit application but would be exempt from permit fees. The District Engineer stated "improvement projects" is too broad of a term and the President suggested to use "replacement or repair of existing structures" instead.

The Manager presented changes to Section 8 that included updating the verbiage to Surface Water-Management System before moving forward with the changes to Section 9 which also included minor verbiage changes. The District Engineer said that the proposed increased fees for utility lines were based on the average of the cost of living for the past 7 or 8 years and adjusted. The District Engineer explained that a single-family home would not require the \$250 Review of Compliance but

subdivisions or large projects with no connection to canal would require Review of Compliance and would be subject to the fees. Drew Powshok suggested fees for residential outfalls should be based on the size of the pipe and not the size of the property. The District Manager stated that the next changes were in Section 15, removing fees for a temporary pumping permit as the dewatering permit addressed illicit discharges and fees for corrective action. The District Manager advised the proposed permit fees would be added to the permit policy and presented to the Board in October.

The Manager presented the changes to Section 18, Subaqueous Utility and Transmission Lines, where paragraph 2 was added to include the requirement that a subaqueous crossing used to convey wastewater, hazardous or flammable material is required to be encased in in steel reinforced concrete conduit in accordance of the type of crossing. Drew Powshok stated iron ductile is used with concrete slab on top of it to ensure it is safe from disruption. The District Engineer offered that Section 18 needed revisions on the types of pipes used and the Board President offered for him to bring it back to the next Board meeting. The Manager thanked the Board for their attention to the details and she would bring the policy with changes to the October 25, 2022 Board meeting.

OLD BUSINESS

The Manager reviewed a previous request for the sale of the Berkey Dredge and the Caterpillar dozer of \$261,000 to purchase the new long reach for \$185,000, a new aquatic bucket for \$8,500 and the purchase of SONAR Herbicide for \$65,732.42 for a total of \$259,232.40 leaving a balance of \$1,767.60 unallocated. In order to spend the \$261,000 a budget modification was approved by the Brevard County Commissioners. As a result, the \$1,767.60 was left with Aquatics #5520100. The Manager requested to move the \$1,767.60 to Rentals and Leases #5540000 to offset the higher cost of the pump rental. Drew Powshok **motioned to move the \$1,767.60 from the account Aquatics #5520100 to Rentals and Leases #5440000**. Eric Blount **seconded the motion**. The Board voted 7-0 to **approve the motion**.

The Manager requested the approval for the actual cost of the excavator originally estimated to be \$185,000 but is actually a higher cost of \$190,660.80. The Manager explained that despite the extra cost, the total expenses for Capital Purchases will not exceed the budgeted amount as the flat bed truck was under the budgeted amount. Don Jordan **motioned to approve the request**. Jay Woltering **seconded the motion**. The Board voted 7-0 to **approve the motion**.

The Manager requested that the funding allocated for the District's Capital purchases of the dump truck, the flatbed and the long reach excavator be rolled over into the next year as they would not be delivered before the end of the fiscal year due to production delays. Jay Woltering asked if the purchase price would be good and the Manager responded the pricing would not change. Joe Hale **motioned to approve the request**. Don Jordan **seconded the motion**. The Board voted 7-0 to **approve the motion**.

The Manager requested approximately \$21,000 repair expenses from 2021/2022 fiscal year's budget in Repair & Maintenance Services, #5460000 be rolled into the 2022/2023 fiscal year, despite being an expense account. She stated the repairs are so extensive the machine would be down for about a month during the peak of hurricane season and the machine is necessary. She said the parts had been ordered and would be paid for from the 2021/2022 budget. Jay Woltering asked if the \$21,000 would cover the parts already ordered and the Manager said the funds to pay for the parts has been allocated but not yet spent. Don Jordan asked if the repairs would be done in house and the Manager said they would be completed by Ring Power. Joe Hale **motioned to approve the request**. Eric Blount **seconded the motion**. The Board voted 7-0 to **approve the motion**.

The Manager requested \$32,000 to be moved from Permit Fees, #3200000 to and applied to Fuel, Gas and Oil #5520100 to cover the increased cost of fuel. Jay Woltering **motioned to approve the transfer of \$32,000 from Permit Fees, #3200000 to Fuel, Gas and Oil, #5520010**. Drew Powshok **seconded the motion**. The Board voted 7-0 to **approve the motion**.

The Manager stated that the Operating Statement through July 31st did not reflect additional permit fees received in August. She reported the current Permit Fee revenue is \$75,599 over budget to allocate the \$32,000 to Fuel, Gas, and Oil, #5520010.

MANAGER'S REPORT

The Manager advised the Board the District's Facility Maintenance and Heavy Equipment crews recently cleared trees and brush on the north bank of C-70 at the request of the Calvary Chapel school security. Once completed, the staff from Calvary Chapel contacted the office to offer their appreciation and to compliment the crews for an amazing job. The Manager also stated another compliment was given to the Facility Maintenance crew for a great job repairing a fence on C-75.

The Manager announced that the District expected the first reimbursement from the SOIRL program for work on C-21 in the amount of \$132,683. She said the submission was made June 30th, 2022 and the next submission will be September 30th, 2022 for work completed on C-14. The Manager stated Brevard County plans to be onsite September 7th to video the operations.

The Manager announced that the Brevard Zoo will be opening a manatee exhibit and staff will meet with representatives from the Brevard Zoo on September 13, 2022 to discuss the possibility of providing vegetation harvested from the canals to the feed the manatees in their new exhibit. Jay Woltering added that the Marine Board has been concerned about starving manatees also. The District Attorney said the Brevard Zoo will be a rehab facility as well as an exhibit. The Board President asked the District Manager to keep the Board updated.

The Manager reported that she and the Assistant Manager/Operations met with Palm Bay Police Officers to discuss the possibility of safety training for an active shooter. The officers came to the District's office to inspect the facility and will set up a training class in September.

ENGINEER'S REPORT

The District Engineer stated that he received a phone call from St Johns Water Management District about a manatee they found in Lake Washington. The Engineer stated the manatee swam around a weir that had been cut by airboat users that has since been fixed. The District Engineer advised the Board that the City of Palm Bay requested as part of the Malabar Road widening project, to shift C-21 in front of the Post Office to the north and drive sheet pile in on both sides of the canal. The Engineer stated that he and the Assistant Manager/Operations had looked at the preliminary plan and found on the north side, sheet pile is going to be about 3 feet above the existing grade with a 42" picketed hand rail that may interfere with spraying herbicide. The Engineer stated the information was preliminary and the City of Palm Bay would need Board approval for the parallel installation of sheet pile walls. Drew Powshok asked what the time frame was for the start of the project and the District Engineer replied he did not know but understood the project would begin between Canals 7 and 8.

ASSISTANT MANAGER/OPERATIONS REPORT

The Assistant Manager of Operations reported that heavy equipment finished work at C-1 and Emerson as well as clearing on the right of way on C-84 west of Simon Road and C-87 on the Platt Ranch. He stated the mowers had completed the 9R, the C-37 and the C-82 Basins and are working in the C-69 basin. The Assistant Manager/Operations said the Aquatics group has complete the SONAR treatment for the year and have sprayed the 9R, 37, 82, 69 and 61 basins and are working in the C-10 basin. He reported since the last meeting, the harvester had removed 308 loads with estimated 71,140 cubic feet of vegetation, 6,660 pounds of Nitrogen and 1,494 pounds of phosphorus from the system. He added the facilities crews continued to work on gate repairs, de-trashing and specialty mowing while supporting the other groups as needed. Jay Woltering asked the Assistant Manager/Operation how the harvester had been working to which the Assistant Manager/Operations replied that it does a great job when it is working but it is high maintenance to keep it running.

ATTORNEY'S REPORT

Jim Beadle the District Attorney reported that he contacted the owner of the property across the street from the District's office to offer purchase land as instructed by the Board. The owner's attorney responded they would be interested in selling the land for \$70,000 and had refused a previous offer of \$50,000 or \$55,000. The Board President stated that nothing that can be done with that property and that he thought the District had made a reasonable offer.

SECRETARY/TREASURER'S REPORT

The Secretary/Treasurer reported that the District received a check from the FEMA PA Grant for Force Account Materials in the amount of \$302,977.23 however, the contract materials in the amount of \$56,000 would likely be denied. The District Manager added she and the Secretary/Treasurer had requested a meeting with representative from FDEM for clarification as the District completed the single audit without issue. The Manager added if the \$56,000 had been denied earlier, the District would not have had to expend \$5,000 for the single audit and the grant would have been below the \$750,000 threshold. The Board President said FDEM should reimburse the District for the cost of the single audit and the Secretary/Treasurer said she has requested to include the cost in the administrative claim. She reported that 96% of the Force Account Labor claim has been validated for \$155,645, less the 5% District portion that should be paid soon and the review of the materials reimbursement for C-50 neared completion and the force account equipment reimbursement of approximately \$265,000 had begun.

CLOSING

The Board President stated that the next Board meeting would be Tuesday, October 25, 2022 at 9:00 AM in the City of West Melbourne Council Chambers, Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida.

DIRECTOR'S REPORTS

Eric Blount - None

Joe Hale – Stated that he is glad the District has decided to continue Mike Haridopolos' contract. Mr. Hale thanked the staff for their work on the permitting policy updates and that he hopes he is reappointed to the Board but if not, it had been an honor to serve and a pleasure to work with everybody.

Keith Jerdon - None

Don Jordan - None

Drew Powshok – Stated he too is up for reappointment and if he is not reappointed, that it has been a pleasure serving the Board, he has enjoyed his time on the Board and stated everybody does a great job.

Jay Woltering - None

Philip Weinberg –The Board President thanked the District staff for the great job on the policy changes. He also stated that he was looking forward to seeing Joe and Drew back next year. He asked Debbie to forward the Proclamation from the City to Keith and asked Keith to keep the Board informed regarding West Melbourne's recognition of the District.

ADJOURN

Phil Weinberg, President, adjourned the meeting at 11:17 am.

Respectfully,

Lisa Blackett
Secretary
Board of Directors

Attachment

3



MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Operating Statement through September 30, 2022

	Actual \$ To Date	FY 2022 Approved Budget	Approved Budget Adjustments	FY 2022 Modified Budget	Over/Under Budget	Percentage Budget	
Revenue							
User Fees	\$ 2,222,956	\$ 2,334,607		\$ 2,334,607	\$ (111,651)	95%	
Permits	\$ 291,795	\$ 50,000	48000, 32000	\$ 130,000	\$ 161,795	224%	
Miscellaneous Income	\$ 191,580	\$ 25,000		\$ 25,000	\$ 166,580	766%	
Other Income	\$ 261,000	\$ -	\$ 261,000 1	\$ 261,000	\$ -	100%	
State Grant - FEMA	\$ 15,946	\$ -		\$ -	\$ 15,946	100%	
Federal Grant - FEMA	\$ 287,031	\$ -		\$ -	\$ 287,031	100%	
Revenue	\$ 3,270,307	\$ 2,409,607	\$ 261,000	\$ 2,750,607	\$ 519,700	119%	
Balance Forward		\$ 1,704,276		\$ 1,704,276	\$ (1,704,276)	0%	
TOTAL INCOME	\$ 3,270,307	\$ 4,113,883	\$ 261,000	\$ 4,454,883	\$ 1,184,576	73%	
Expenses							
Salary & Benefits							
Salaries	\$ 1,008,248	\$ 1,016,169		\$ 1,016,169	\$ 7,921	99%	
Health Insurance	\$ 263,193	\$ 265,449		\$ 265,449	\$ 2,256	99%	
Retirement	\$ 124,677	\$ 120,566		\$ 120,566	\$ (4,111)	103%	
FICA/Medicare	\$ 74,374	\$ 77,737		\$ 77,737	\$ 3,363	96%	
Workers' Comp	\$ 27,455	\$ 34,487	\$ (3,000) 2	\$ 31,487	\$ 4,032	87%	
SALARY & BENEFITS	\$ 1,497,947	\$ 1,514,408	\$ (3,000)	\$ 1,511,408	\$ 13,461	99%	
Operations							
Professional Services	\$ 53,161	\$ 57,100	\$ (1,000) 2	\$ 56,100	\$ 2,939	95%	Legal, Drug Testing, Accounting & Court Reporting, Engineering Testing, Misc. Prof Serv.
Contract Services	\$ 7,326	\$ 7,720		\$ 7,720	\$ 394	95%	Uniforms, Garbage Service
Travel	\$ 1,257	\$ 2,000		\$ 2,000	\$ 743	63%	Travel
Communications	\$ 9,043	\$ 11,300		\$ 11,300	\$ 2,257	80%	Postage, Telephone Service
Utilities	\$ 6,908	\$ 7,500		\$ 7,500	\$ 592	92%	Utility, Solid Waste Assessment
Rentals	\$ 12,351	\$ 11,000	\$ 1,768 4	\$ 12,768	\$ 416	97%	Rentals
Liability Insurance	\$ 88,439	\$ 93,469	\$ (2,000) 2	\$ 91,469	\$ 3,030	97%	Insurance
Repair & Maintenance	\$ 114,752	\$ 155,850	\$ 13,000 3	\$ 168,850	\$ 54,098	68%	Repair & Mnt Serv., Repair & Maintn. Sup, Auto & Equipm Parts, Maintn. Agrmts.
Current Charges	\$ 52,238	\$ 48,692		\$ 48,692	\$ (3,546)	107%	Tax Coll, Bnk Fees., Pyrl. Exp, Lic & Permits, Advertising, Unemplm
Office Supplies	\$ 7,013	\$ 6,000		\$ 6,000	\$ (1,013)	117%	Office Supplies
Operating Supplies	\$ 333,784	\$ 215,000	\$ 134,500 1&3	\$ 349,500	\$ 15,716	96%	Operating Supplies, Fuel, Gas & Oil, Aquatics
Books & Training	\$ 4,083	\$ 6,700		\$ 6,700	\$ 2,617	61%	Books, Pubs., Memberships, Training Costs
Restricted Reserves	\$ -	\$ 1,698,144		\$ 1,698,144	\$ 1,698,144		
OPERATIONS	\$ 690,355	\$ 2,320,475	\$ 144,500	\$ 2,464,975	\$ 1,774,620	28%	
Capital Outlay							
Improvements Other than Buildings	\$ 65,100	\$ 75,000		\$ 75,000	\$ 9,900	87%	
Machinery	\$ 12,913	\$ 200,000	\$ 193,500 1	\$ 393,500	\$ 380,587	3%	
Computer Equipment	\$ 6,009	\$ 1,500	\$ 5,049 2	\$ 6,549	\$ 540	92%	
Computer Software	\$ 3,532	\$ 2,500	\$ 951	\$ 3,451	\$ (81)	102%	
CAPITAL OUTLAY	\$ 87,554	\$ 279,000	\$ 199,500	\$ 478,500	\$ 390,946	18%	
TOTAL EXPENSE	\$ 2,275,855	\$ 4,113,883	\$ 341,000	\$ 4,454,883	\$ 2,179,028	51%	

1 Approved December 9, 2021 \$261,000 to #3650000 Other Income from sale of Berky (\$225,000) and Catepillar Dozer (\$36,000) for the purchase of Long Reach Excavator/Aquatic Bucket (\$193,500) and Sonar (\$67500)

2 Approved April 26, 2022 \$5,049 to #5640200 Computer Equipment for purchase of network server from #5330100 Court Reporter

2 Approved April 26, 2022 \$951 to #5640300 Computer Software for purchase of network server from #5330100 Court Reporter

2 Approved April 26, 2022 \$2,000 to #5320100 Accounting & Auditing for FEMA single Audit from #5450000 Insurance

2 Approved April 26, 2022 \$3,000 to #5320100 Accounting & Auditing for FEMA single Audit from #5240100 Worker's Compensation

3 Approved June 28, 2022 \$35,000 to #5520100 Aquatics \$35,000 from #3200000 Permit Fees for Herbicide

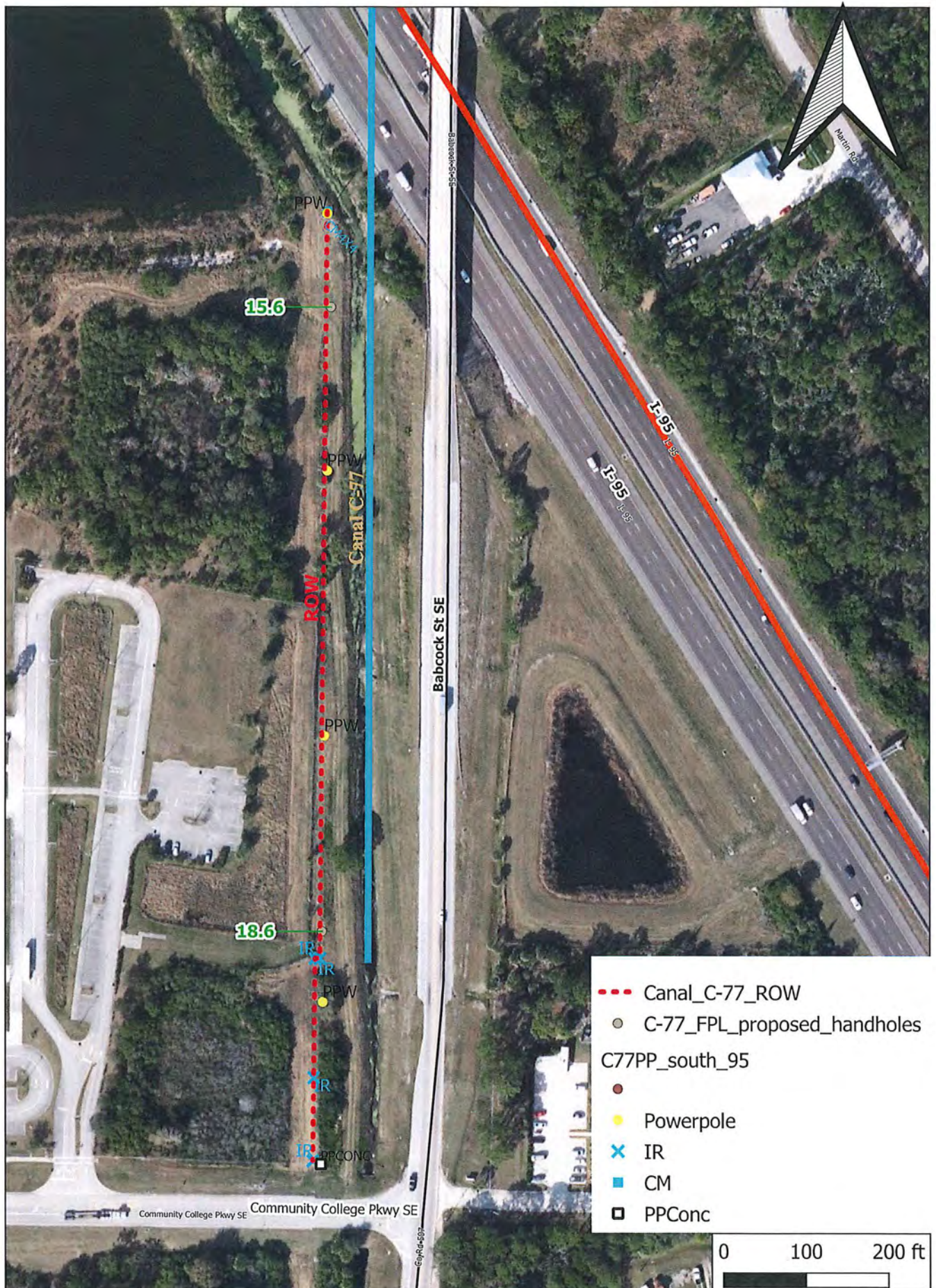
3 Approved June 28, 2022 \$13,000 to #5460000 Repair Services \$13,000 from #3200000 Permit Fees for repairs to shop

4 Approved August 30, 2022 \$1,768 to #5440000 Rentals & Leases from #5520100 Aquatics for pump rental

4 Approved August 30, 2022 \$32,000 to #5520010 Fuel, Gas and Oil from #3200000 Permit Fees for cost of fuel

Attachment





4



PROPOSED FP&L PARALLEL USE INSTALLATION UNDERGROUND CONDUIT AND HANDHOLES

FP&L parallel installation request October 25, 2022

Legend

-  Canal 77
-  Existing aerial
-  ~~Two~~ One 6" conduit proposed
-  ~~Three~~ Two 6" conduits proposed





MELBOURNE-TILLMAN WATER CONTROL DISTRICT

5990 Minton Road, Palm Bay, Florida 32907

321-723-7233

Fax 321-725-5933

MEMORANDUM

TO: Deborah LeClair, District Manager

FROM: Michael E. McCabe, District Engineer

SUBJECT: FP&L parallel use request for Canal C-77 north and south of I-95

DATE: 10/20/22

At the June 28, 2022 and August 30, 2022 meetings, Mr. Bolivar Lai presented a project request for parallel use of the west right-of-way of Canal C-77 south and north of I-95. Approved were the requests for installation of one six-inch conduit at the two representative meetings. Bolivar Lai contacted me inquiring if an additional six-inch conduit could be installed in conjunction with the approved conduit to have two six-inch conduits installed simultaneously. The additional conduit is for fiber optic cable with installation later in separate hand holes adjacent to the hand holes for the power conduit.

FP&L is requesting approval to modify the original approved application request to include the additional 6" conduit.

w/attachments

Attachment

5

DATE: ~~May 27, 2003~~
October 25, 2022

MELBOURNE-TILLMAN WATER CONTROL DISTRICT
5990 Minton Road
Palm Bay, Florida 32907

Administration Policies: Fiscal

CHART OF ACCOUNTS

I. POLICY

It is the policy of the Melbourne-Tillman Water Control District to utilize an account numbering system based on the Brevard County Accounting System.

II. PURPOSE

This policy establishes an accounting system for tracking and payment of invoices (Accounts Payable) and a proper posting to accounts.

III. PROCEDURES

A. Numbers and accounts used may vary from fiscal year to fiscal year depending upon variations in the County system and in proposed District operations. A current Chart of Accounts is listed on Attachment 1 to this policy.

B. All accounts are tracked through the computer program “Quick Books”.

C. All invoices submitted for payment must have packing slip attached (if items were shipped) and contain the account number to which the item is to be charged and be approved by both the ~~assigned supervisor~~ Assistant Manager/Operations or Treasurer or Assistant Manager/Administration and the District mManager.

D. All bank statements, ~~including cancelled checks~~, will be opened and reviewed by the ~~m~~Manager prior to disposition by the ~~t~~Treasurer, Assistant Manager/Administration. This action is consistent with recommendations by the auditor to assist in separating duties.

IV. EFFECTIVE DATE

Adopted by the Melbourne-Tillman Water Control District Board of Directors at the regular meeting of August 22, 2000, revised May 27, 2003. This policy supercedes and replaces Policy WCD-P-A-8 adopted by the Board of Directors on July 30, 1984, revised May 26, 1987, revised October 25, 2022..

V. ANNUAL REVIEW

01 Oct 2001 *abpennell* - Attachment updated

22 Jan 2002 *abpennell*

19 May 2003 *abpennell*- Attachment updated

25 October 2022 *djleclair* – Attachment updated

MELBOURNE-TILLMAN WATER CONTROL DISTRICT
5990 Minton Road
Palm Bay, Florida 32907

ATTACHMENT 1

CHART OF ACCOUNTS

ACCOUNT	NAME
INCOME	
301000 <u>3013000</u>	Cash Balance Forward – <u>Operating</u>
329000 <u>3200000</u>	Permits Fees
343910 <u>3400000</u>	User Fees Charges for Services (User Fees)
361200 <u>3600000</u>	Interest Miscellaneous Income
365000 <u>3650000</u>	Other Income
EXPENSE – Payroll	
129980 <u>5129880</u>	Regular Salary & Wages
210100 <u>5210100</u>	FICA / Social Security <u>Medicare</u>
210110	Medicare Match
220100 <u>5220100</u>	Florida-Retirement Fund <u>Contributions</u>
230100 <u>5230100</u>	Health & Life Insurance Premiums
240100 <u>5240100</u>	Workers Compensation
250100	Unemployment Compensation
EXPENSE – Operations	
313300 <u>5313300</u>	Legal Services
320100 <u>5320100</u>	<u>Accounting & Audit Services</u>
330000 <u>5330100</u>	Court Reporter Services
340200 <u>5340200</u>	Janitorial Services
400200 <u>5400000</u>	Travel <u>& Per Diem</u>
410100 <u>5410100</u>	Communications <u>Telephone Service</u>
420200 <u>5420200</u>	Postage <u>Express, & Freight</u>
430000 <u>5430000</u>	Utilities <u>Services</u>
430800 <u>5430800</u>	Solid Waste Assessment
450200 <u>5450000</u>	<u>General Liability Insurance</u>
460000 <u>5460000</u>	Equipment Repairs & Maintenance <u>Services (Outside)</u>
461000 <u>5460010</u>	Equipment Repair, <u>& Maintenance & Supply</u>
461300	Facility Repair, Maintenance & Supply
462000 <u>5462800</u>	Office Equipment Maintenance Agreements
462500 <u>5462500</u>	Auto Equipment & Parts
469000 <u>5460010</u>	Right of Way Repair, <u>& Maintenance & Supply</u>
490900 <u>5490700</u>	Misc Bank <u>Fees Service Charges</u>
491020 <u>5491020</u>	Licenses & Permits
491400 <u>5491400</u>	<u>Legal Ads / Advertising</u>
510000 <u>5100000</u>	Office Supplies
5490000	<u>Tax Collector</u>
520010 <u>5520010</u>	Fuel, Gas & Oils
520100 <u>5520100</u>	Aquatic Herbicides
520560 <u>5340160</u>	Uniform Rental
5440000	<u>Rentals & Leases</u>

ATTACHMENT 1

CHART OF ACCOUNTS
Continued

ACCOUNT	NAME
<u>EXPENSE – Operations</u>	Continued
521040	Safety & Hurricane Materials & Supplies
540000-5540000	Books, Publications, Subscriptions, Dues
540400-5540400	Training
5250100	<u>Unemployment Compensation</u>
<u>EXPENSE – Capital Outlay</u>	
820000-5620001	Buildings
830000-5630001	Improvements other than Buildings
840000-5640000	Machinery & Equipment
840200-5640200	Computer Equipment
840300-5640300	Computer Software
850000	Construction in Progress (Canal Maint)
5643000	<u>Office Equipment & Furniture</u>
<u>EXPENSE – Other</u>	
5990031	<u>Restricted Reserves</u>
710500	Notes Payable
919070	Tax Collector Transfer
919080	County Indirect Charges
990280	Salary Reserves

Attachment

6

DATE: ~~July 16, 2012~~
October 25, 2022

MELBOURNE-TILLMAN WATER CONTROL DISTRICT
5990 Minton Road
Palm Bay, Florida 32907

Personnel Policies: Evaluation

PERSONAL EMPLOYEE EVALUATIONS

I. PURPOSE:

The primary purpose of the ~~performance~~ employee evaluation is to assist the employee in improving his/her job performance through well-defined directions ~~in overcoming to~~ overcome weaknesses in order to achieve the desired goals and objectives of the Melbourne-Tillman Water Control District. ~~It~~ Evaluations should be used as an opportunity to engage the employee and supervisor in discussion regarding ~~for~~ training and development, employee strengths/weaknesses, goals, and serve ~~as well~~ as a basis for making intelligent decisions on pay raises, promotions, reprimands, etc. ~~It should not be used primarily as a device for highlighting employee weaknesses, or as a "praise session", where no constructive suggestions are offered for improvement.~~ An effective evaluation program will serve three basic purposes:

- (a) Inform the employee about his/her performance
- (b) Help the employee improve his/her behavior and skills
- (c) Set ~~realistic~~ achievable goals for him/her to attain

II. POLICY:

~~Performance~~ All evaluations ~~will be prepared on each~~ Melbourne-Tillman Water Control District employees. Evaluations will be completed annually on the employees' anniversary date. Additional evaluations may be given periodically as recommended by the employees' Group Leader or Management. ~~District form #48 will be used as follows:~~

- ~~A. Annual Reports for all Personnel on his/her Anniversary Date.~~
- ~~B. Special Reports as may be required, determined by supervisor.~~

III. PROCEDURE:

- A. MTWCD Form #48 incorporates a rating and commentary evaluation in each of ten (10) categories: quality of work, productivity, knowledge of job, reliability and dependability, attendance, initiative, creativity, working relationships, conformance to policies and safety procedures, and public relations. Additional comments may be added.

- B. The employees' Group Leader and the Assistant Manager/Operations, or the Assistant Manager/Administration, ~~supervisor~~ is responsible to complete the evaluation and sign the form.
- C. The evaluation is reviewed with the employee and the employee must sign to acknowledge that he/she has been apprised of its content. The employee may offer written commentary at his/her discretion.
- D. The completed ~~report~~ evaluation is reviewed and signed by the Manager and placed in the employee's personnel file.

IV. CONTROL and DISPOSITION:

- A. ~~Completed/Partially~~ Completed forms are considered confidential and will be treated so at all times. Review of the form will be restricted to the employee on whom the evaluation is being ~~performed~~ given, his/her supervisor, the Manager, and the Board of Directors.
- B. ~~Reports~~ Evaluations will be retained in the employee's personnel active file ~~so long as a person remains employed with the District.~~ Upon the employee's ~~departure~~ termination, the employee's personnel file reports will be ~~retired and~~ retained as permanent records.

V. EFFECTIVE DATE:

Adopted by the Melbourne-Tillman Water Control District Board of Directors at the regular meeting of October 23, 2001. This policy supercedes and replaces Policy WCD-P-B-11 adopted by the Board of Directors on January 24, 1984, revised May 26, 1987, revised July 16, 2012, revised October 25, 2022.

Annual Review

25 October 2022 djleclair

Attachment

7



MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Permitting Policy

June 26, 2018 ~~August 30~~ October 25,
2022

Commented [MM1]: Corrected date

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
I. Objectives <u>Introduction</u>	3-4
II. <u>Definitions</u>	4 -5
III. Authority	4 5
IV. Policy Statement Concerning the Districts' Permitting Criteria	46 -58
V. General Information	58- 69
VI. Obligations of the Permittee	69 -710
VII. The Permitting Process – Application for Permit	710-11
VIII. Conditions Applicable to ALL Permits	8 11
IX. Conditions Applicable to ALL Outfall Permits	8-912
X. Conditions Applicable to ALL Culvert/Bridge Crossing Permits	9-1012-14
XI. Permit Fee Schedule	11 15-1216
XII. Duration of Permits	13 17
XIII. Modification of Permits	13 17
XIV. Transfer of Existing Permit	13 17
XV. Illicit Discharges	14 18-1519
XVI. MTWCD Illicit Discharge Remedial Procedures	16 20-1822
XVII. De-Watering Policy and Fees	19 23-2024
XVIII. Procedures for Permitting	21 25-2226
XIX. Subaqueous and Transmission Lines	23 27

I. OBJECTIVES INTRODUCTION

- 1) The purpose of this manual is to set forth the policies, procedures, and technical requirements associated with connecting to, placing structures in or across or otherwise making use of, the lands and/or facilities of the Melbourne-Tillman Water Control District (herein collectively referred to as the "District").
- 2) Any and all work involving the lands and/or drainage/water management facilities of the District shall not commence until prior approval of the District Board of Directors and/or the District Manager is received. The approval process consists of submitting an Application for Permit, (along with other requirements listed in the application) to the District. The District Manager and District Engineer shall review the application for conformance with the established policies and technical requirements contained in this manual. ~~All permits involving parallel use or temporary access of the District rights of way, and all other proposed uses that the District Manager determines require approval from the Board of Directors shall only be issued following the approval of the application, and by the Board of Directors with appropriate limiting conditions and/or formal Agreements.~~
- 3) ~~Use of Right of Way as Temporary Access—MTWCD does not permit right of way use not listed in the fee schedule shown in this Permit Policy manual. All requests for a variance to use MTWCD's right of way as temporary vehicular access will be considered on an individual basis. Board of Directors approval is required for uses of right of way.~~
 - a) ~~Prior to using MTWCD's right of way as temporary access, the property owner must submit an application for authorization of this use, with applicable application fee (non-refundable), for staff review and consideration by the Board of Directors.~~
 - b) ~~Applicants must demonstrate a substantial hardship or a public purpose and must provide assurances that drainage works infrastructure and maintenance functions will not be harmed.~~
 - c) ~~If approved by the Board of Directors, applicable permit and right of way use fees will be applied and must be submitted prior to permit issuance.~~
 - d) ~~The District's fee of \$30.00 per linear foot applies and upon completion of use and satisfactory restoration of right of way \$15.00 per linear foot will be returned to the applicant.~~
 - e) ~~The applicant will indemnify and hold harmless MTWCD from any damages resulting from the use of the right of way. Proof of minimum of \$1,000,000.00 liability must be furnished to MTWCD with MTWCD listed as an additional interest.~~
 - f) ~~During the permit duration for temporary use of right of way, the permit may be terminated immediately at the sole discretion of the MTWCD District Manager or Board of Directors.~~
 - g) ~~Right of Way Temporary Access permits shall not exceed 6 months duration from date of issuance. Extensions must be requested in writing, with submission of a \$250.00 Administrative Review Fee.~~

- 3) The District's Water Management Facilities include, but are not limited to: drainage and associated water management facilities, weirs, canals, lakes, structures, or any such works. Hereafter, "works" is defined to include (but not limited to) all water management facilities, lakes, canals, outfall structures, culverts and District rights-of-way.
- 4) Issuance of a permit does not convey any property rights or privileges other than those specified in the permit. It does not authorize any injury to private rights, nor does it waive the governing requirements of any other agency or authority. It simply expresses the assent of the District insofar as concerns the public's interest and protection under the District's enabling legislation, ~~Chapter 2001-336, as amended by 2003-334, Laws of Florida~~, to authorize the drainage, and reclamation of the lands in said District.

II. DEFINITIONS

- 1) "Applicant" means an individual, company, organization, agency or governmental entity that submits a permit application to the District.
- 2) "Board of Directors" or "Board" means the seven (7) member board comprising three (3) members appointed by the Brevard County Commission, three (3) members appointed by the City of Palm Bay City Council, and one (1) member appointed by the City of West Melbourne City Council.
- 3) "Bridge" means and structure installed within the Surface Water Management System which has an open area of twenty feet (20') or greater.
- 4) "Cofferdam" means an enclosure constructed within a body of water to allow the enclosed area to be pumped out creating a dry working environment. Upon completion of work, cofferdam is removed.
- 5) "Culvert(s) means any structure not classified as a bridge that provides and opening for conveyance of groundwater and surface water.
- 6) "Dewatering" means the removal and disposal of ground water and/or surface water into the Surface Water Management System.
- 7) "District" means the Melbourne-Tillman Water Control District, a special district
- 8) "Diversion" means the temporary pumping or piping for continued flows of the Surface Water Management System.
- 9) "Fence" means a structure that encloses an area constructed of posts and connected by boards, wire, rails, or netting.
- 10) "Gate" means a hinged barrier used to secure an opening.
- 11) "Maintenance Berm" means the area within the Surface Water Management System required and located adjacent to the channel of the canal utilized for maintenance vehicles to travel and operate safely in the require maintenance of the Surface Water Management System. The original "Maintenance Berm" constructed to prevented and controlled runoff from adjacent lands into the Surface Water Management System.
- 12) "Modification(s)" means any changes to the original design previously issued authorized by the District for adjacent lands and/or improvements within the Surface Water Management System. Modification permit must meet all current permit application requirements, including fees.
- 13) "Owner" means the owner of the fee simple estate, as appears by the deed of record.

- 14) “Permit” means a written document which shows that the District has authorized the construction, installation or use of the Surface Water Management System as referenced in the permit document. A permit will typically include conditions that must be satisfied by the appropriate party.
- 15) “Primary” means all existing numbered canals within District rights-of-way, to include facilities such as dams, weirs, control structures, culverts, pipes, and any future works so designated by the Board.
- 16) “Record Drawings” means final, record drawings and specifications of the project showing the “as-built” conditions of the completed Project. A Professional Engineer licensed in the State of Florida prepares the Record Drawings and are signed and sealed. The drawing indicates any on-site changes that the contractor makes. The Record Drawing strikes through the proposed dimension and/or elevation if different from the approved plans and includes details of retention/detention dimension as well as control structure details, i.e. widths, depths, weirs, etc.
- 17) “Revision” means any changes to a previously issued permit not constructed and approved for completion of work that changes the original scope of the issued permit.
- 18) “Roadway” means any surface improvements affiliated with vehicle use.
- 19) “Secondary” means all drainage facilities that convey surface water to primary system by crossing District rights-of-way.
- ~~19)20)~~ “Structure” means any action of constructing an object or objects for an intended use.
- ~~20)21)~~ “Surface Water Management System” means all drainage facilities whereby surface waters are collected, controlled, conveyed, channeled, diverted, impounded, obstructed, stored, detained, or retained, or other surface water management capabilities or combination of capabilities. The term “facilities” includes all necessary devices, improvements, natural systems, rights-of-way, appurtenant works, and works required to accomplish the above. “Facilities” also includes all dams, levees, berms, weirs, control structures, impoundments, ponds, lakes, streams, canals, ditches, swales, culverts, pipes, surface system of pipes, inlets, and culverts, erosion control, floodways, greenbelts, access and maintenance ways, or similar items to accomplish the above.
- ~~21)22)~~ “Tertiary” means all drainage facilities associated with and located within rights-of-way of public roadways, driveways, parking lots, etc. that convey surface water to secondary systems.

Commented [MM2]: Added to clarify the use of the permit in Section IV Paragraph 3

II. AUTHORITY

- 1) A copy of all laws relating to the operating of the District is available for public inspection at the District’s office located at 5990 Minton Road, Palm Bay, Florida and on its website at the following link: <http://www.melbournetillman.org/special-district-information/>.
- 2) The Board of Directors of the Melbourne-Tillman Water Control District is authorized ~~and empowered by~~ under Chapter 2001-336 House Bill No. 1115, Laws of Florida, ~~to implement, finance and operate all existing surface water management system facilities and those to be constructed within the jurisdiction of the District, subject to being granted all permits required by the laws, rules, and regulations of federal, state, and regional regulatory~~

agencies. and amended as listed below:

Chapter 2003-334, Laws of Florida,
Chapter 2010-153, Laws of Florida,
Chapter 2019-175, Laws of Florida.

3) The District shall possess the full power and authority to implement, finance, and operate existing Surface Water Management System, facilities and those to be constructed within the jurisdiction of the District, subject to being granted all permits required by the laws, rules, and regulations of federal, state, and regional regulatory agencies.

Commented [MM3]: Removed paragraph 3 to combine with paragraph 2 as directed by Board President at August 30, 2022 meeting

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4) The District shall have the right to authorize any development within the District boundaries to meet established requirements for discharges to primary, secondary, and tertiary drainage facilities that collect and convey surface water to the Surface Water Management System. All non-single family residential lands proposed for improvement shall submit an application, plan, and stormwater management report for review, in accordance with fee schedule for determination for discharge requirements.

a) ~~Prior to approving MTWCD Permits for outfall connections, and subaqueous crossings, it is necessary for the applicant to demonstrate that he has acquired the necessary permits from the St. Johns River Water Management District (SJRWMD), the Florida Dept. of Environmental Protection (FDEP), the U. S. Corps of Engineers (USCOE), Brevard County, Florida Dept. of Transportation (FDOT), etc.~~

III. POLICY STATEMENT CONCERNING THE DISTRICT'S PERMITTING CRITERIA

- 1) ~~It is the policy of the District to consider the use of the lands and/or drainage/water management facilities of the District for adjacent owners, private corporations and governmental entities. The use shall not adversely impact or interfere with the District's ability to utilize these lands in any manner it sees fit in furtherance of the District's missions.~~
- 1) No permits will be ~~granted~~ **issued** for any use that adversely affects, interferes with, or imposes hardship upon the District's **Surface Water Management System to included its** operations, maintenance or construction activities; or degrades the quality and quantity of the District waters, or is inconsistent with the water control plan of the District.
- 2) ~~In order that the District can determine that a use of the rights-of-way will not interfere with the District's objectives, ¶~~ **The District requires individuals or entities' wishing to use utilize** the District's ~~rights-of-way~~ **Surface Water Management System** to ~~first~~ obtain approval before any activity begins ~~within the rights-of-way~~. Construction on, modifications, and/or use of the rights-of-way without obtaining prior District approval is unauthorized and in violation of Sections 22 and 23 of Chapter 2001-336, Laws of

Florida. The District reserves the right to remedy violations to the full extent of the law. The Manager will report the scope of all unauthorized activity to the District's Board of Directors at the next scheduled meeting for consideration of remedial action necessary by the District to recover losses associated with any unauthorized activity.

- 3) Prior to approving MTWCD Permits for outfall connections, and subaqueous crossings, it is necessary for the applicant to demonstrate that the necessary permits from the following agencies is acquired:
 - i) St. Johns River Water Management District (SJRWMD),
 - ii) the Florida Dept. of Environmental Protection (FDEP),
 - iii) the U. S. Corps of Engineers (USCOE),
 - iv) Brevard County,
 - v) Florida Dept. of Transportation (FDOT),
- 4) The District reserves the right to change, regulate and limit discharges into or withdrawals from the District's facilities Surface Water Management System, amend or change any of its policies, practices, procedures, or regulations. Such action shall not constitute any claim for damages nor become the basis for legal suit by any Permittee.
- 5) All permits involving parallel use or temporary access of the District rights-of-way, and all other proposed uses that the District Manager determines require approval from the Board of Directors shall only be issued following the approval of the application, and by the Board of Directors with appropriate limiting conditions and/or formal Agreements.
- 6) Use of Right-of-Way as Temporary Access – MTWCD does not permit right-of-way use not listed in the fee schedule shown in this Permit Policy manual. All requests for a variance to use MTWCD's right-of-way as temporary vehicular access will be considered on an individual basis. Board of Directors approval is required for uses of right-of-way.
 - a) Prior to using MTWCD's right-of-way District's Surface Water Management System as temporary access, the property owner must submit an application for—with applicable fee (non-refundable), for staff review and consideration by the Board of Directors.
 - b) Applicants must demonstrate a substantial hardship or a public purpose and must provide assurances that infrastructure and maintenance functions will not be harmed.
 - c) If approved by the Board of Directors, applicable permit and right-of-way use fees will be applied and must be submitted prior to permit issuance.
 - d) The District's fee of \$30.00 per linear foot applies and upon completion of use and satisfactory restoration of right-of-way \$15.00 per linear foot will be returned to the applicant.
 - e) The applicant will indemnify and hold harmless MTWCD from any damages resulting from the use of the right-of-way. Proof of minimum of \$1,000,000.00

liability must be furnished to MTWCD with MTWCD the District listed as an additional interest.

- f) During the permit duration for temporary use of right-of-way, the permit may be terminated immediately at the sole discretion of the MTWCD District Manager or Board of Directors.
- g) Right-of-Way Temporary Access permits shall not exceed 6 months duration from date of issuance. Extensions must be requested in writing, with submission of a \$250.00 Administrative Review Fee.
- h) Temporary Access for the design purposes of subsurface investigation to include geotechnical data collection and utility depth identification, e.g. hydro-excavation (potholing), must require authorization from the District Manager or designee prior to entering the lands of the District.

IV. GENERAL INFORMATION

- 1) All properties, within the District Boundary, which propose development of a commercial, subdivision, multi-family, multi-use or other improvement other than single family residential must submit an application with applicable fee, plan, and stormwater management report for compliance with the stormwater discharge rate identified in Section VIII(1). A permit must be obtained by any person, company, corporation, association or governmental agency desiring to connect to, cross (under/over), place or replace structures upon/within, or otherwise make use of the lands and/or drainage/water management facilities Surface Water Management System of the District.

Permit Fees shall be doubled if work is started without a permit.

Issuance of a permit by the District is simply an acknowledgment that the specific use of Public Land, as requested by the Applicant, is proper and conforms to the requirements and standards of the District. Permits convey no property rights nor any other rights or privileges other than those specified in the permit.

- 2) A permit must be obtained for any new or improved (1) commercial (2) industrial (3) multi-family projects and any new or improved (4) single-family parcels that require any use within District rights-of-way. Permit applications may be obtained at the District office or on the District's website: www.melbournetillman.org
- 3) Issuance of a permit by the District is simply an acknowledgment that the specific use of Surface Water Management System, as requested by the Applicant, is proper and conforms to the requirements and standards of the District. Permits convey no property rights nor any other rights or privileges other than those specified in the permit. Permits issued to the applicant are specifically for the use of the applicant and any additional users of the permitted structure(s) are required to submit application and appropriate fee for use of such structure.

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Commented [MM4]: Added to address comments from August 30, 2022 meeting for multiple users for aerial and subaqueous crossings as well as parallel installations of multiple conduits. Culvert crossings are not included in this if used by multiple properties but the original applicant or successors and assigns are responsible for maintenance, replacement, or removal.

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- 4) Ownership of any structure permitted by the District is conveyed to the current property owner and must follow original permit requirements, including proper transfer of a permit due to change of ownership. Application for Transfer of Permit can be obtained by contacting the District office.
- 5) Requests for Additional Information (RAI)/Expiration of Application: After ~~MTWCD~~ the District submits a Request for Additional Information (RAI) to the Applicant or his Agent, the Applicant or Agent will have six (6) months from the date of the RAI to respond. In the event the Applicant or Agent does not submit a response that specifically addresses each concern expressed in the RAI, or in the case of a negative response citing specific Policies or portions of ~~MTWCD's~~ the District's Enabling Legislation that are in conflict with the RAI, the Permit Application will be considered null and void and all fees will be forfeited. The Applicant would then need to provide all new fees in order to reactivate the Application Process for that Project.
- 6) All properties proposing development adjacent to the District rights-of-way shall consider providing provide a ten foot (10') easement for drainage access and maintenance in addition to future expansion of utilities along the corridor. Five foot (5') easement for aerial utility installation, ten foot (10') for one buried and aerial utility, and twenty foot (20') for two or more buried and aerial utility use.

Commented [MM5]: Revised per comments received at August 30, 2022 meeting

V. OBLIGATIONS OF PERMITTEE

With the acceptance of an issued permit, the Permittee agrees to the following:

- 1) To abide by the terms and conditions of the issued permit and these policies.
- 2) To maintain any works or structures (~~title to~~ which remains with the Permittee until transfer is executed and approved.) located on ~~District rights-of-way~~ Surface Water Management System, in a good and safe condition.
- 3) To hold and save the District, its officials, employees, contract agents and its successors, harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance, or use of the permitted work or structure.
- 4) To allow inspection, at any time by the District, of any works or structures authorized by the permit. Failure to make any immediate changes, or repairs, as requested by the District to ensure the safe operation of the District's ~~waterways~~ Surface Water Management System, could result in the District completing such repairs at Permittee's expense. *In order to insure that the works are being Operated and Maintained correctly, it may be necessary for the Permittee to have the works reviewed by a Professional Engineer on a periodic basis.*
- 5) To prevent the discharge of debris, sediment, and/or nuisance noxious aquatic plants

harmful to drainage, water control, conservation, or navigation into any ~~District works~~Surface Water Management System.

- 6) To maintain the water quality of all waters discharging into ~~District works~~Surface Water Management System.
- 7) To conform to any changes in the administrative or technical requirements upon which the original permit was issued as deemed necessary by the District.
- 8) To allow the District unimpeded access to construct, operate and maintain its ~~drainage/water management facilities~~Surface Water Management System.
- 9) To ensure water quality standards, Permittee will be responsible to follow all “Best Management Practices” (BMP’s) during construction. These include silt fences, filter fabric or any other apparatus needed to stabilize the District’s right-of-way. Reference materials include *Florida Stormwater Erosion and Sedimentation Inspector’s Manual* (2003), and *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (2013).
- 10) Upon completion of the construction specified in the PERMIT, the District requires the signed Notice of Completion, a set of ~~“As-Built” plans~~“Record Drawings”, boring logs (if applicable), and electronic media for the project be submitted for final approval of the structure. Failure to submit Notice of Completion with applicable documents hinders shall affect approval of future applications for permit issuance.
- 11) Permit transfers are the obligation of the original Permittee and MUST be transferred when the property ownership changes by following District policy for Transfer found herein this document (Section XIII).
- 12) Remove all existing infrastructure within the canal rights-of-way that is not proposed by the application statement, to include but not limited to fencing, outfalls, concrete, trees and shrubs, conduits, wires, etc.

Commented [MM6]: Changed to remove hinders per Board and Attorney direction.

VI. THE PERMITTING PROCESS–APPLICATION FOR PERMIT

- 1) The permitting process begins with the submittal of an Application for Permit. Required application forms can be obtained in person at the District office located at 5990 Minton Road, Palm Bay, Florida, 32907 or on the District’s website, Permitting Process, or by telephone (321) 723-7233. A nominal fee may be charged for postage and handling if permit application materials must be mailed.
- 2) All sections of the Application for Permit must be completed, signed and notarized by the owner. In order for the owner to have a designated representative/agent, a notarized letter of authorization stating such is required. A corporation identified as owner shall provide documentation that the signatory is an officer, i.e Sunbiz, notarized letter.

- 3) All Applications for Permit shall be appropriately checked for type of work and accompanied by payment of the appropriate fee in accordance with the following fee schedule. Also, the District requires two sets of plans, 11" x 17" sheets preferred, two sets of calculations signed and sealed by a Florida registered engineer, electronic files on one (1) compact disc or memory drive of plans and calculations, and copies of all other Government Agency Permits necessary to construct all of the proposed drainage facilities shown in the plans, such as SJRWMD, FDEP, USCOE, FDOT, or Brevard County be included in the original submittal. ~~MTWCD~~ The District cannot review any set of plans without these outside Agency Permits having been issued prior to submittal to ~~MTWCD~~ the District. However, historically, all culverts, which include all structural conveyance systems that are installed within the canal i.e. crossings, parallel to the direction of flow, or a bridge, which spans the canal ROW perpendicular to the direction of flow, are exceptions to obtaining approval from other Government Agencies first. Since these structures have a direct impact on the potential maximum capacity of the MTWCD canal system, MTWCD must review and approve these structures prior to any other Agency review or approval.

VII. CONDITIONS APPLICABLE TO ALL PERMITS:

- 1) ~~Permit Fees shall be doubled if work is started without a permit.~~
- 1) A forty-eight (48) hour notice shall be given prior to commencement of work and required inspections.
- 2) Improvements installed within ~~MTWCD rights-of-way~~ the Surface Water Management System shall not be backfilled prior to inspection or the work will have to be excavated for inspection.
- 3) ~~Record drawings are required to be submitted to MTWCD prior to MTWCD issuing the Notice of Completion. All stormwater outfalls must remain plugged until the Applicant/Owner receives an approved Notice of Completion from MTWCD.~~
- 3) The use of canal water for installing underground borings or any other construction activity is prohibited.
- 4) ~~Government Agencies with a reciprocal agreement are exempt from paying any permitting fees.~~ Government Agencies are required to submit an application, along with payment according to the fee schedule, for all new construction within the Surface Water Management System. Replacement or repair of existing structures or improvement projects, (i.e. linings, barrier walls, etc.) require an application for compliance and are exempt from permit fees.
- 5) Modifications to existing permits, to include but limited to expansions, additions,

Commented [MM7]: Removed as directed by the Board on August 30, 2022.

replacements, etc. shall be reviewed in the same manner and shall be subject to the same permit fee schedule as original permit application. ~~Minor repairs in conjunction with maintenance will not require a permit fee.~~

VIII. CONDITIONS APPLICABLE TO ALL OUTFALL PERMITS:

- 1) Stormwater outflows are restricted to 0.08 cfs/acre for the 25yr-24hr storm event and 0.05 cfs/acre for the Mean Annual storm event. These rates are consistent with the average flow rates ~~that were~~ used in the original design for the ~~MTWCD canal system~~ [Surface Water Management System](#).
- 2) The following pipe size chart must be adhered to for all projects submitting for an outfall or a drainage pipe connection to the MTWCD ROW:

Note: The slope is determined by the type of pipe material being used * Plastic or ** CMP

<u>Project Size (Acres)</u>	<u>Pipe Size/ Material</u>	<u>Maximum Pipe Slope</u>	
.100 - 35.0	12” Plastic* OR 15” CMP**	*= .5%	**= .5%
35.1 - 55.0	14” Plastic* OR 18” CMP**	*= .4%	**= .6%
55.1 - 65.0	16” Plastic* OR 24” CMP**	*= .3%	**= .2%
65.1 - 110.0	18” Plastic* OR 30” CMP**	*= .4%	**= .15%
110.1 - 250.0	24” Plastic* OR 36” CMP**	*= .5%	**= .35%

- 3) Sites above 250 acres will be sized by ~~MTWCD~~ District Staff on a case by case basis. Please contact our Office (321-723-7233) for assistance prior to designing outfalls for projects that have a single outfall for drainage areas larger than 250 acres. Large sites exceeding 250 acres, which will have multiple outfalls, where each sub-drainage area is 250 acres or smaller, will use the above chart for each sub-drainage area’s outfall.
- 4) All outfalls, new or replaced, at the Manager’s discretion, must have an inlet structure installed at the edge of the canal right-of-way for collection of runoff from adjacent properties discharging onto the canal right-of-way. The inlet structure will act as a junction between the culvert from the properties to be drained to the canal and the last section of culvert under the maintenance road.

IX. CONDITIONS APPLICABLE TO ALL CULVERT/BRIDGE CROSSING PERMITS:

- 1) The District will allow only single barrel culverts, box culverts, or bridges for all new and replacement culvert installations running parallel with the District Canal Rights-of-Way.

Multiple barrel culverts have historically clogged with excessive debris during rain events, and as these culverts deteriorate and need to be replaced, they are to be changed to single barrel installations. For all proposed structures, applicants shall have a pre-design meeting with the District before formally submitting any plans to other regulatory agencies, in order to receive design criteria with regards to flow capacity, elevations, and headwall design/materials from the most current ICPR model data for collector and lateral canals and the SWMM model for the C-1 Basin, survey data, and FDOT design standards, as updated or amended from time to time. All design criteria for flow capacity shall be based on the peak 25 year 24 hour storm event provided by the District for the location of the proposed structure as identified from the most current ICPR model results.

- 2) New structures, not a replacement, shall be capable of providing for the peak 25 year 24 hour storm event's flow capacity, based upon respective model data, identified above, with an upstream water elevation no greater than 0.10 ft. higher than the downstream water elevation. The applicant shall provide survey data to include the next immediate upstream and downstream culvert crossings, invert elevations, size of structures, and distance to proposed structure as well as a canal cross-section at the location of the new structure.
- 3) Replacement structures shall be capable of conveying a peak flow rate of the 25 year 24 hour storm event, as provided by the District, utilizing model data identified above. The applicant shall provide survey data to include the obsolete structure's invert elevations and size of structure, if still in place. The District shall determine the minimum size opening needed to address the peak 25 year 24 hour storm event's flow rate, from model data identified above, and compare that to the opening of the obsolete structure. The replacement structure's peak flow area minimum size will be the average of the obsolete structure peak flow area and the minimum design peak flow area for the 25 year 24 hour storm event. The applicant may install a larger structure flow area than the determined average at their discretion.
- 4) New crossings, culverts and bridges, must include gates and fencing for preventing motorized vehicles from accessing the canal right-of-way (at the Manager's discretion). Gate widths will be a minimum of twelve feet (12') in width with sixteen feet (16') to include double gates of eight feet (8') in width. Location of gates and fencing must be placed in order to prevent by-passing by motor vehicles.
- 5) Bridges must meet the following requirements:
 - a) Identify the deck and low member elevations, and length and number of spacing of spans. The minimum vertical clearance between the maintenance berm elevation and the low member of the bridge shall be no less than eighteen feet (18'), unless other design and access considerations are agreed to by the Board of Directors.
 - b) Center span over water must cover from edge of water to edge of water at normal water level.
 - c) No piling shall be allowed in the center of the channel

Commented [MM8]: Corrected as directed by the Board on August 30, 2022

- d) Slope pavement/stabilization shall protect the bank slope from erosion and scour to be installed for a distance to be determined by authorized District personnel. Acceptable stabilization material includes but not limited to interlocking concrete block revetment and rubble (rock) rip-rap revetment, underlain by woven monofilament fabric.

X. PERMIT FEES

<u>Review for compliance</u>	<u>Fee Amount</u>
<u>Commercial/subdivisions/multi-family/multi-use/roadways</u>	<u>\$250.00</u>

Culverts, Bridges, Roadways:(minimum 60" diameter) Fee Amount

Culvert Installations	(0- 120 <u>50</u> L.F.)	\$ 750.00+
Culvert Installations	(Over 120 <u>51-120</u> L.F.)	\$ 800.00 <u>1,500.00</u>
<u>Culvert Installations</u>	<u>Over 120 L.F.</u>	<u>\$2,000.00</u>

Bridge new, re-designs or Box culverts	(0- 120 <u>50</u> L.F.)	\$1500.00
Bridge new, re-designs or Box culverts	(Over 120 <u>51-120</u> L.F.)	\$ 2,000.00 <u>2,500.00</u>
<u>Bridge new, re-designs or Box culverts</u>	<u>(Over 120 L.F.)</u>	<u>\$5,000.00</u>

Note: Bridges are defined as a horizontal opening 20' or greater.

Private Utility Lines: Fee Amount

(Water, Sewer, Re-use, Phone, Electric, Cable, Gas, etc.):

Utility Crossings under/over existing culverts or attached to bridges.	\$ 750.00 + \$45 <u>18</u> .00/LF (LF of crossing in Rights-of-way)
For Sub Aqueous and Aerial Utility Crossing Canal	\$ 750.00 + \$45 <u>18</u> .00/LF (LF of crossing in Rights-of-way)
Parallel Installations *for each separate item inside MTWCD's Rights-of-way	\$ 750.00 + \$20 <u>24</u> .00/LF (LF of crossing in Rights-of-way)

Stormwater Outfalls or Drainage Pipes:

Fee Amount

Piped outfalls within:

Projects 10 acres or less	\$ 750.00 each
Projects above 10 acres and less than 40 acres	\$1,250.00 each
Projects 40 acres and above	\$1,750.00 each

Single Family Residential

Less than 2 acres Pipe diameter < 12"	\$ 500.00 each
2-5 Acres Pipe diameter 12" – <24"	\$ 750.00 each
Greater than 5 acres Pipe diameter 24"	\$1,000.00 each

Commercial/Subdivisions/Multi-Family/
Multi-Use/Roadways

<u>Less than 2 acres</u>	<u>\$ 750.00 each</u>
<u>2 acres to less than 5 acres</u>	<u>\$1,250.00 each</u>
<u>5 acres to less than 20 acres</u>	<u>\$1,750.00 each</u>
<u>20 acres to less than 100 acres</u>	<u>\$3,500.00 each</u>
<u>Over 100 acres</u>	<u>\$5,000.00 each</u>

Agricultural

<u>Less than 40 acres</u>	<u>\$ 100.00 each</u>
<u>Over 40 acres</u>	<u>\$ 225.00 each</u>

Commented [MM9]: Removed acreage requirement to account for on-site storage of larger properties per Board direction at August 30, 2022 meeting.

Miscellaneous Fees:

Fee Amount

Excavation within Rights-of-way Required for any of the above permitted structures and to include the removal of each existing/obsolete structures.	\$ 355.00 each
Temporary Access Usage (Non-refundable Administrative Review)	\$ 250.00
Linear usage (additional)	\$ 30.00/LF (\$1,500 minimum)
Satisfactory right-of-way restoration	\$ 15.00/LF refund

Permit Inspection and Administrative Fees for:

Transfer of Permit:

Fee Amount

Transfer fee	\$ 100.00
Inspection by District Engineer to determine reliability of structure.	

XI. DURATION OF PERMITS

1. A permit may be issued for the life of the approved improvements. However, limiting conditions and/or special situations permit may restrict its useful life span. **Construction shall commence within two (2) year of issuance of permit or permit expires. Temporary Access Usage permits shall be s i x (6) months from the time of issuance.** The District reserves the right to rescind any permit at any time.

XII. MODIFICATIONS TO AN EXISTING PERMIT

1. Any modifications to a previously permitted and currently existing use of District lands or drainage/water management facilities will not require a new permit, existing permit will be modified. Permits and fees shall be required.
2. The Permittee must submit a written request to the District to amend the permit. Such request shall include sufficient information detailing the modification desired and the reasons for the modification.
3. Requests to modify an existing permit shall be reviewed in the same manner and shall be subject to the same permit fee schedule as original permit applications.
4. The Permittee will be notified in writing by the District as to the status of the request to modify an existing permit.

XIII. TRANSFER OF EXISTING PERMIT

1. The holder of a valid permit issued by the District may allow a third party the use of his/her permitted structure, provided that the Permittee notifies the District in writing of such intended changes. Permits are not assignable without the express written consent of the District. A valid permit **MUST** be transferred to a new Permittee only upon written request to the District, with the consent of the original Permittee as well as the new owner clearly indicated.
2. All permits that involve a transfer in ownership and have no other modifications associated with them, will be processed as a permit transfer.

XIV. ILLICIT DISCHARGES

1. The National Pollutant Discharge Elimination System (NPDES) permitting process has determined Melbourne Tillman Water Control District (MTWCD) canals are waters of the State. Under Chapter 62-302 of Florida Administrative Code (FAC), most of the MTWCD canals are designated as Class III waters (Chapter 62-302.400(14)) with secondary and tertiary canals completely within agricultural areas classified as Class IV waters (Chapter 62-302.400(16) (a)). The Florida Department of Environmental Protection (FDEP) is charged with overseeing the “Surface Water Quality Standards” of Chapter 62-302 (FAC). Any flow(s) found to be in violation of the “Surface Water Quality Standards” of Chapter 62-302 (FAC) is deemed an illicit discharge. All alleged illicit discharges discovered by MTWCD will be referred to FDEP for further action afforded under Chapter 62-302 (FAC).
2. All applicants for a stormwater outfall connection into a MTWCD canal must provide documentation the stormwater discharge facility complies with or is exempt from “Regulation of Stormwater Discharge” (Chapter 62-25, FAC). The St. John’s River Water Management District (SJRWMD) is the local Agency responsible for ensuring compliance therefore applicants must present a SJRWMD Environmental Resource Permit or provide documentation for exemption from SJRWMD permitting before MTWCD will issue a permit. Violations of “Regulation of Stormwater Discharge” (Chapter 62-25, FAC) will be referred to SJRWMD for further action. Concurrently, MTWCD will implement actions in accordance with “MTWCD Illicit Discharges Remedial Procedures” (Section XV).
3. The use of reclaimed water is encouraged for irrigation provided such water does not compromise the water quality of the canals and adheres to the “Reuse of Reclaimed Water and Land Application” (Chapter 62-610, FAC). The setback distances between the wetted site area subject to land application and surface waters must be maintained. All land application systems must be designed to minimize adverse effects of aerosol drift and ground water flow into surface waters in accordance with Section 62-610.421 (1) (7) (8) FAC. The hydraulic loading rates for all slow rate application systems, which include individual residential sites, shall be consistent with the requirements of Section 62-610.423, FAC. The hydraulic loading rate shall not produce surface runoff or ponding of the applied reclaimed water. Violations of any portion of Chapter 62-610, FAC will be referred to the FDEP for further action and MTWCD will implement actions in accordance with “Illicit Discharges Remedial Procedures” Policy.
4. All discharges in the MTWCD Canal System are governed by “Surface Water Quality Standards” Chapter 62-302, FAC. “Surface Water Quality Standards” outlines standards expected for all MTWCD Canals, regardless of classification. Violations of Chapter 62-

302, FAC will be referred to FDEP for further action and MTWCD will also implement action in accordance with “Illicit Discharges Remedial Procedures” Policy.

5. *The following are Exceptions to Illicit Discharges:*

1. Flushing of potable waterlines, excluding discharges of hyper-chlorinated water with chlorine residual of 10 ppm or greater unless the hyper-chlorinated water is first de-chlorinated. The de-chlorination process cannot produce side-effects that adversely impact aquatic plants and wildlife.
2. Runoff from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, uncontaminated ground water, or other uncontaminated water sources such as surface water or stored rain water.
3. Diverted stream flows
4. Rising groundwater and springs
5. Foundation and footing drains
6. Uncontaminated, visibly clear, pumped ground water
7. Air conditioning condensation
8. Water from crawl space pumps
9. Individual residential vehicle washing
10. Flows from wetlands and riparian habitats
11. De-chlorinated swimming pool discharges
12. Discharges or flows from fire-fighting activities not including washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities.

XV. MTWCD ILLICIT DISCHARGE REMEDIAL PROCEDURES

1. *Illicit Discharge from existing works:*

- a. Any violations that occur in residential, multi-family, commercial, industrial and all other non- residential uses (Community) which are subject to regulation under Chapter 718 F.S. (Condominiums), Chapter 719 F.S. (Cooperatives), Chapter 720 F.S. (Homeowners' Associations), Chapter 721 F.S. (Vacation and Timeshare Plans), and Chapter 723 F.S. (Mobile Home Park Lot Tenancies), will be addressed to the Governing Association of the Community and also, whenever possible, to the individual entity/entities within the Community responsible for the Illicit Discharge.
- b. The first offense by any individual entity/entities within the Community will result in the MTWCD providing written notification, with documentation, to both the entity/entities and the Governing Association of the offense(s). They will be given sixty (60) days to rectify the mechanical functioning of the system (s) and to provide the MTWCD with documentation that their Association Documents contain language that requires all systems using reuse water for irrigation to comply with Chapter 62-610 F.A.C. and the penalties associated with violations.
 - i) Failure to comply with the remedial actions, within the sixty (60) day time frame, will result in all previously issued MTWCD permits being revoked. Additionally, the Governing Association must obtain a MTWCD Corrective Action Permit; pay all fees associated with the Corrective Action Permit in accordance with the fee schedule established for the Corrective Action Permit. The Governing Association will be given sixty (60) days to provide the Corrective Action permit and fees to MTWCD and thirty (30) additional days to implement and complete the Corrective Action Plan.
 - ii) Failure to comply with the Corrective Action Permit procedures will result in MTWCD removing the Community's connections to the MTWCD system, at the Community's expense, until the Community complies with the Corrective Action Permit requirements.
 - iii) Additionally, the Community will be responsible for acquiring a Temporary Dewatering Permit from the MTWCD that would allow a maximum pumped discharge of .05cfs (22.4 gpm) per acre based on the size of the Community. The discharge will only be allowed through a filtered discharge system that limits particles to 5 microns or less. The Community will be responsible for

procuring, operating, and maintaining all equipment needed to pump and filter the discharge. The Temporary Dewatering Permit will expire after thirty (30) days and will be renewable at the discretion of the District Manager. The fee for the original Temporary Dewatering Permit, and each subsequent renewal, will be based on the Fee Schedule established for Construction Dewatering Permits.

- iv) The District Manager has the authority to temporarily open the connections between the Community and the MTWCD canal system in preparation for Tropical Storm/Hurricane type events.
- v) The procedures outlined above will also apply to all properties and Communities that do not have associations established in accordance with the Florida Statutes and the Owner of the Property will be the entity responsible for conforming to requirements.

2. *Illicit Discharges Occurring During Construction Process:*

- a. Due to the fact that Construction Projects are transient in nature, all projects one (1) acre or larger must acquire an NPDES Construction Generic Permit (CGP) from the Florida Department of Environmental Protection that requires the use of Best Management Practices. MTWCD issues De-watering Permits that require specific procedures for de-watering and erosion control. The Contractor licensed to perform the site work in accordance with the use of Best Management Practices is in charge of the overall site work. The Permittee is responsible for scheduling the required pre-construction meeting with MTWCD staff to be held on the project site. During the pre-construction meeting, prohibition of illicit discharges and alternate solutions to protect the integrity of the MTWCD Canal will be discussed for the site specifically.
 - i. The construction site will be subject to inspection by MTWCD staff to ensure all construction activities in MTWCD Rights of Way comply with the terms of the issued permit, and to verify illicit discharges into MTWCD Canals are not occurring. Should an illicit discharge occur either by error or will, all construction activities within MTWCD rights of way, including de-watering must immediately cease.
 - ii. Any construction related illicit discharges will result in MTWCD revoking all permits issued for the project. The owner must obtain new permits for all works and pay all permit fees associated with such works, provide plans and calculations as necessary, and obtain a MTWCD Corrective Action Permit, including the required permit fees for the Corrective Action Permit. No further construction or use of MTWCD rights of way will be allowed

until all new permits and a Corrective Action Permit are obtained. Illicit discharges that involve de-watering violations will be processed in accordance with the MTWCD De-watering Policies.

- b. It is acknowledged that mechanical and human errors can happen. Consequently, the District Manager, at his discretion, can waive the requirement for a Corrective Action Permit on the first illicit discharge violation that occurred during construction, provided:
 - i. The Permittee immediately self corrects the issue(s) that caused the violation.
 - ii. The Permittee self-reports the violation to MTWCD.
 - iii. Further, within 24 hours of the initial illicit discharge violation, the Permittee must provide the District Manager a written report, certified to be true and accurate by the Project Engineer detailing what occurred, how it occurred and corrective actions taken to prevent any further violations, what corrective actions will be taken to correct any damage to MTWCD works. Permittee must include pictures, documentation, and construction records.
 - iv. Regardless of the circumstances of the illicit discharge, all MTWCD site permits issued to the Project will be rescinded and all activity must immediately cease as stated in the special conditions of the permit. Before any construction activities can resume, the permittee will be required to submit a new permit application, new plans to include all the corrective actions described in the Certified Written Report prepared by the Permittee and remit new permit fees, in accordance the MTWCD fee schedule.
 - v. Until the new MTWCD Permits is issued, there will be no use of the MTWCD ROW allowed.

<u>FEES FOR CORRECTIVE ACTION PERMIT:</u>	<u>Fee Amount</u>
Ten (10) acres or less	\$ 2,500.00
Above ten (10) acres and less than forty (40) acres	\$ 5,000.00
Above forty (40) acres	\$10,000.00

<u>FEES FOR TEMPORARY PUMPING PERMIT:</u>	<u>Fee Amount</u>
Ten (10) acres or less	\$ 250/month
Above ten (10) acres and less than forty (40) acres	\$ 500/month
Above forty (40) acres	\$1,000/month

XVI. DE-WATERING POLICY

1. *General Conditions:*

- a. MTWCD's Right of Ways shall not be obstructed and shall be returned to the original condition or better at the termination of the de-watering operation. At no time during the de-watering operation shall MTWCD canal slopes be compromised.
 - i. All de-watering operations that require a direct discharge point into an MTWCD canal will require a Standard De-Watering Permit from MTWCD prior to being placed into service. This permit and fee are on a monthly basis to discourage prolonged dewatering operations and staff manpower to inspect and monitor the operation.
 - ii. In the event de-watering operations are commenced without a validly issued MTWCD Standard De-Watering Permit:
 1. MTWCD will require immediate cessation of all discharges into the MTWCD canal and the immediate removal of the source of the discharge from the MTWCD rights of way.
 2. The property owner will be required to obtain a Corrective Action De-Watering Permit and all work in the MTWCD, permitted or not, will not be allowed until the Corrective Action De-watering Permit is issued.
 - iii. All discharges into MTWCD facilities, whether direct or indirect, shall be visibly clear at all times and shall not disturb the bottom of the receiving body or cause shoaling, turbidity or erosion. Sedimentation basins, siltation basins, dewatering tanks, weir tanks and similar methods of sediment removal are considered inadequate for pre- treating discharge from standard de-watering operations and are not allowed to directly discharge into any MTWCD canal or facility.
 - iv. Gravity bag filters must be constructed on a hay bale base extending a minimum of five (5) feet beyond the gravity bag filter and:
 1. The hay bale base must have a hay bale barrier constructed around its perimeter. The hay bale barrier must have a silt fence constructed five (5) feet from the hay bale barrier around the perimeter of the hay bale barrier.
 2. Gravity bag filters and sock covered perforated pipe suction discharges can only be used as the final filter at sites that have a minimum grain size of fifty (50) microns (.05 mm) or greater.

- 3. For all sites that have any soils with a grain size of forty-nine (49) microns or less, the final discharge into MTWCD canal or facility must be filtered through a sand media particulate filter, a pressurized bag filter, a cartridge filter, or equal.
 - 4. The use of de-silting trains, using several sediment removal methods in series is encouraged to insure that the discharge is visibly clear at all times.
 - v. Well point systems are generally acceptable for direct discharge into MTWCD canals or facilities. However, it is the applicant/owner's responsibility to insure that all de-watering discharges comply with this section
 - vi. MTWCD will require proof of a permit or written approval from St. John's River Water Management District and other all applicable government agencies to be furnished prior to commencement of the de-watering operations.
 - vii. Prior to starting any de-watering operation, the applicant/owner shall provide documentation stating their site complies with the parameters outlined in the Florida Department of Environmental Protection (FDEP) document number 62-621.300(2), "Generic Permit for the Discharge of Produced Ground Water from any Non-Contaminated Site Activity."
 - viii. MTWCD retains the right to stop all operations if warranted by adverse weather conditions.
2. **By-pass or diversion**
- a. **Any operation requiring the installation of a permitted structure within the Surface Water Management System and impedes the flow of surface water via cofferdam shall provide an application and fee along with a plan for by-pass pumping or diversion acceptable by the District Engineer and District Manager.**

FEEES FOR STANDARD DE-WATERING PERMIT:

	<u>Fee Amount</u>
Ten (10) acres or less	\$ 625.00/month
Above ten (10) acres and less than forty (40) acres	\$ 1,250.00/month
Above forty (40) acres	\$ 2,500.00/month

FEEES FOR CORRECTIVE ACTION DE-WATERING PERMIT:

	<u>Fee Amount</u>
Ten (10) acres or less	\$ 2,500.00
Above ten (10) acres and less than forty (40) acres	\$ 5,000.00
Above forty (40) acres	\$10,000.00

XVII. PROCEDURES FOR PRIVATE UTILITY LINES

MTWCD Right of Way is intended for the exclusive use by the MTWCD to perform its water management functions. Consequently, the use of the MTWCD Right of Way for any other use is considered the option of last resort.

- 1) All Applicants for a MTWCD Permit must provide documentation that ALL other avenues have been exhausted. Copies of formal signed denials from all of the entities that control the other possible routes must be provided with the MTWCD Utility Permit Application. MTWCD will not process any application that does not contain this information.
 - a) All proposed water mains and services; sanitary sewer force mains, sanitary sewer gravity mains, sanitary sewer laterals, and all sanitary sewer service lines; re-use mains, laterals and services, must apply for a MTWCD Permit.
 - b) The MTWCD permit fee will be waived if the applicant listed on the Florida Department of Environmental Protection (FDEP) permit application is a government agency that has a reciprocal “No Fee” agreement with MTWCD. In addition to this, the utility project must be funded entirely with public funds and have been implemented in accordance with the standard procedures that the government agency follows in issuing contracts for all of its Capital Improvements Projects. Utilities such as gas, fiber optics, electric, cable, etc. are not eligible for a waiver of the fees.
 - c) In the event the FDEP Permit Applicant or Permittee is a Non-Government entity, the Non- Governmental entity will be required to pay all appropriate fees necessary to obtain a MTWCD Permit even if the project will eventually be turned over to a Government Agency with a reciprocal “No Fee” Agreement with MTWCD.
 - d) All proposed phone, electric, cable; gas, fiber optic and similar types of utilities must apply for and pay all appropriate fees prior to receiving a permit from MTWCD.
 - e) The lineal foot portion of the MTWCD Permit fee applies to all utility lines of any size or orientation (diagonal, perpendicular, parallel, meandering, etc.) placed within the MTWCD Right of Way. Only those Government Agencies that have a properly executed ‘No-Fee’ Agreement with MTWCD are exempt from the above criteria.
 - f) Orientation:
 - i) MTWCD reserves the right to direct the location and orientation of all proposed utility lines so that they conform to the needs of the MTWCD.
 - ii) All proposed utility lines that will run parallel to the MTWCD Right of Way must be:
 - (1) Situated within the maintenance road of the canal right of way.
 - (2) Located no more than 3 feet from the canal right of way line.

- (3) Have no above ground appurtenances.
- (4) Have boxes with reinforced covers at appropriate intervals.

iii) Proposed utility lines that will run perpendicular to the MTWCD Right of Way must be intersecting the canal right of way lines and running its entire length at a 90 degree angle with the canal right of way.

iv) In the case of all existing or proposed cable/wire type aerial crossings, the minimum vertical clearance between the top of bank and the lowest portion of the aerial crossing must be:

- Collector Canals 45 feet
- Crossings Over All other Canals 25 feet

g) The District Manager has the authority to reduce the vertical clearance requirements to a minimum of 18 feet at aerial crossings that are situated 50feet or less from a roadway canal crossing. MTWCD will systematically notify the appropriate utilities in regards to adjusting existing aerial crossings that do not comply with the preceding criteria. The utility will have 60 days from the date of the notification in which to comply. Failure to comply within the 60 day time frame will result in the utility having to remove the aerial crossing from the MTWCD ROW.

h) Guy anchors are not allowed within the MTWCD ROW. MTWCD will systematically notify the appropriate utilities in regards to removing existing guy anchors from the MTWCD ROW. The utility will have 60 days, from the date of the notification, in which to comply. Failure to comply within the 60 day time frame will result in the utility having to remove the aerial crossing, which is supported by the guy anchor, from the MTWCD ROW.

i) In the event it is necessary to alter the direction of a utility that is perpendicular to the canal right of way, then the change in direction must occur:

- (1) Within the maintenance road portion of the canal right of way.
- (2) Must be no further than 3ft. from the canal right of way line.
- (3) Must be made using an appropriate 90 degree bend fitting appropriate restraining joints, tie rods, or other acceptable mechanical restraint methods must be used, thrust blocks and similar non-mechanical methods are not allowed.

2) In general, meandering runs will not be permitted without proper justification. All meandering utilities must be presented to the Melbourne Tillman Water Control District Board of Directors for Board approval before a permit can be issued.

XVIII. SUBAQUEAOUS UTILITY AND TRANSMISSION LINES

- 1) MTWCD Right of Way is intended for the exclusive use by the MTWCD to perform its water management functions. Consequently, the placement of subaqueous utility and transmission lines should not only be the option of last resort, but these subaqueous installations need to be constructed in such a manner that their placement under the canals does not impede MTWCD's ability to excavate or dredge the canal banks and/or bottoms.
- 2) Any utility line proposed for subaqueous crossing to convey wastewater, hazardous, or flammable material is required to be encased in steel reinforced concrete, and/or a steel sleeve structurally designed to withstand excavations of the canal to protect the crossings with the limits of the channel bottom. Forcemain line may be one continuous fused high density polyethylene (HDPE) pipe or fusible polyvinyl chloride (FPVC) pipe, with approval of the District Manager.
- 3) Clearances under the Maintenance Road area will need to comply with the Federal, State, or Local Government standards that apply to the utility being constructed, but in no case less than 3' below the surface.
- 4) Clearances in this policy will apply whether standard open cut construction, jack & bore, or directional bore methods are used. In the event there are existing features within a canal that prevent strict adherence to the clearances specified, the District Manager has the authority to modify the clearances, so long as a minimum clearance of three (3) feet is maintained between the surface elevation and the top of the conduit. In all cases where an open cut construction crossing is approved the applicant must provide, at a minimum, a ten (10') foot wide, six (6") inch thick concrete pad, centered over the conduit. The following is a table of the required clearances for subaqueous utility and transmission lines:

Commented [MM10]: Added this type of material per direction of Board at August 30, 2022 meeting.

<u>Canal Number</u>	<u>Clearance from Slope of Bank (min.)</u>	<u>Clearance from bottom of canal (min.)</u>
C-1	6 ft.	14 ft.
C-2R	6 ft.	14 ft.
C-9R	6 ft.	14 ft.
C-10	6 ft.	14 ft.
C-37	6 ft.	14 ft.
C-61	6 ft.	14 ft.
ALL OTHER CANALS	6 ft.	6 ft.

EFFECTIVE DATE

Adopted by the Melbourne-Tillman Water Control District Board of Directors at regular meeting of June 28, 2016. Amended December 6, 2016 regular meeting, Amended March 6, 2018, Amended June 26, 2018, Amended June 25, 2019, Amended August 27, 2019, Amended August 26, 2020, Amended February 23, 2021, ~~Amended August 30, 2021~~ Amended October 25, 2022

Commented [MM11]: Corrected date