

Melbourne-Tillman Water Control District



Agenda

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, AUGUST 29, 2023

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:

Rick Nipper, District Manager

Lisa Blackett, Assistant Manager/Administration, Secretary/Treasurer

Jim Beadle, District Attorney

Recognition of Guests and Staff

Bo Rainbolt, Assistant Manager/ Operations

David Keys, AT&T

Helen Voltz, Westbrooke

Brad Termini, Florida City Gas

Announcements

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, AUGUST 29, 2023

9:00 AM

- The District's User Fee Rates for FY 2023/2024 were approved by the County Commissioners on August 10, 2023 and the resolution was adopted on August 22, 2023. The approval reflects a minimal increase in the commercial classification which based on the project parcel counts equals approximately \$15,000 increase in the commercial classification fees. Additionally, all user fee classifications have reached their legislative maximum. The approved rates are:

Residential:	\$25.00 per acre or portion thereof
Agricultural:	\$ 8.50 per acre or portion thereof
Commercial:	\$50.18 per acre or portion thereof

- The first Brevard County Commission Budget hearing will be September 5, 2023 with the final hearing on September 19, 2023 for approval of the District's 2023/2024 budget.
- The District's annual inventory is scheduled to be conducted in early October, staff requests a Board member named to perform the inventory.
- Board Member Don Jordan's term will expire September 30, 2023

Public Comments

Presentations

- Brad Termini, Florida City Gas request for approval of parallel use on C-37(Attachment 1)

Regular Business

- Approval of the minutes from the June 27, 2023 MTWCD Board of Director's Meeting (Attachment 2)
- Approval of the Operating Statement through July 31, 2023 (Attachment 3)

New Business

- Resolution 2023-01, a resolution to authorize the levy of user fees (Attachment 4)
- Resolution 2023-02, a Resolution to appropriate funds required for the FY 2023/2024 (Attachment 5)
- Legislative Delegation Board Discussion

Old Business

- AT&T parallel installation (Attachment 6)
- Westbrooke HOA Dewatering Permit (Attachment 7)

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, AUGUST 29, 2023

9:00 AM

Budget

- Request approval for \$6,000 from Fuel, Oil & Gas (#5520100) to be applied to Computer Equipment (#5640200) for the cost of replacing two sonic firewalls, two computers and a 8 port switch damaged by lightning strike.

Staff Reports

- District Manager's Report, Rick Nipper
- Engineer's Report, Mike McCabe
- Assistant Manager/Operations Report, Bo Rainbolt
- Attorney's Report, Jim Beadle
- Secretary/Treasurer's Report, Lisa Blackett

Closing

- Meeting Schedule – The next Board Meeting is scheduled for Tuesday October 24, 2023 at 9:00 am in the City of West Melbourne Council Chambers.
- Board Member Reports

Joe Hale

Brandt Hoffman

Keith Jerdon

Don Jordan

Drew Powshok

Phillip Weinberg

Jay Woltering

- Adjourn

Pursuant to Section 286-0105, FSS, if an individual decides to appeal any decision made by the Melbourne-Tillman Water Control District Board of Directors with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual will need to ensure that a verbatim transcript of the proceedings is made,

In accordance with the Americans with Disabilities Act and Section 286.26, FSS, persons needing special accommodations for this meeting shall within reasonable time, prior to this meeting, contact the Office of the Secretary to the Board of Directors, (321)-723-7233.

Attachment

1



MELBOURNE-TILLMAN WATER CONTROL DISTRICT

5990 Minton Road, Palm Bay, Florida 32907

321-723-7233

Fax 321-725-5933

MEMORANDUM

TO: Rick Nipper, District Manager

FROM: Michael E. McCabe, District Engineer *//////*

SUBJECT: Request for parallel use along Canal C-37 by Florida City Gas

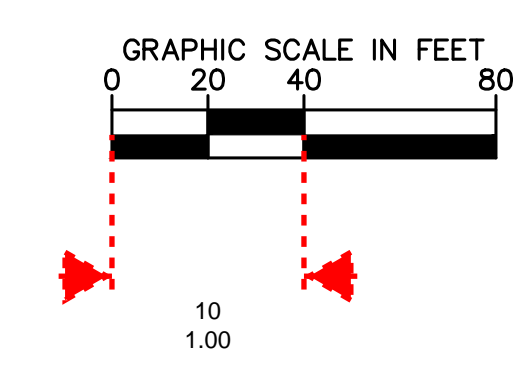
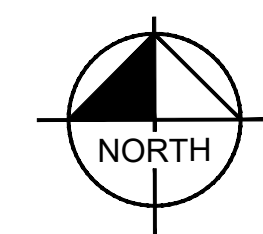
DATE: August 24, 2023

Florida City Gas (NextEra Energy) is requesting use of the west side of Canal C-37 south of Malabar Road for installation of a 4" polyethylene pipe. The pipe is to provide continuation of the an existing line east of C-37 and work includes direction bore under the canal, along the west right-of-way of C-37 for one-hundred thirty-three feet (133') then along the south right-of-way of Malabar Road existing the western right-of-way of the canal.

Brad Termini from NextEra Energy has identified the hardship in locating this utility within the Malabar Road corridor as being lack of information on the bridge foundation as well as the multiple existing utilities installed under the canal. All bends will be buried with no handholes in maintenance road and a riser marker will be placed along canal right-of-way tracer wires for future locating purposes.

The District is in receipt of an application for this work. The required fees for installation include $(\$750 \times 2) + (\$18/\text{Linear Foot} * 236 \text{ Linear feet}) + (\$24/\text{Linear Foot} * 133 \text{ Linear feet}) + (\$355 \times 2)$ (Misc. Fee excavation of right-of-way) = \$9,650

w/attachments



Always call 811 two full business days before you dig



REV. No.	REVISION	DATE	DRAWN BY	CHECKED BY

PREPARED IN THE OFFICE OF:

Kimley»Horn

© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
1920 WEKIVA WAY, SUITE 200, WEST PALM BEACH, FL 33411
PHONE: 561-845-0665
WWW.KIMLEY-HORN.COM
REGISTRY NO. 35106

CLIENT:

PROJECT: **MALABAR CANAL CROSSING**

60% PLANS
THESE PLANS ARE UNFINISHED AND UNAPPROVED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION OR THE ACQUISITION OF RIGHT OF WAY

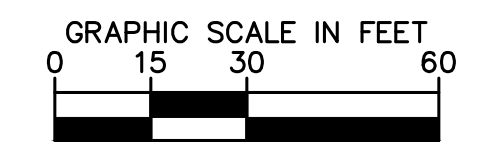
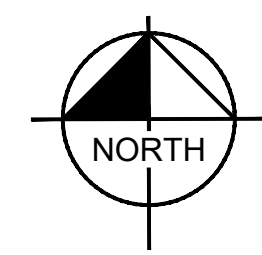
DATE: 7/31/2023
HORIZONTAL SCALE: AS SHOWN
VERTICAL SCALE: AS SHOWN
DRAWN BY: BW
DESIGNED BY: JH
CHECKED BY: MA

TITLE: **KEY SHEET**

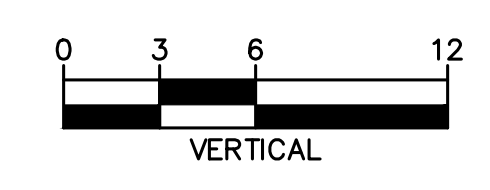
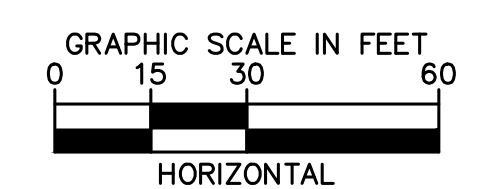
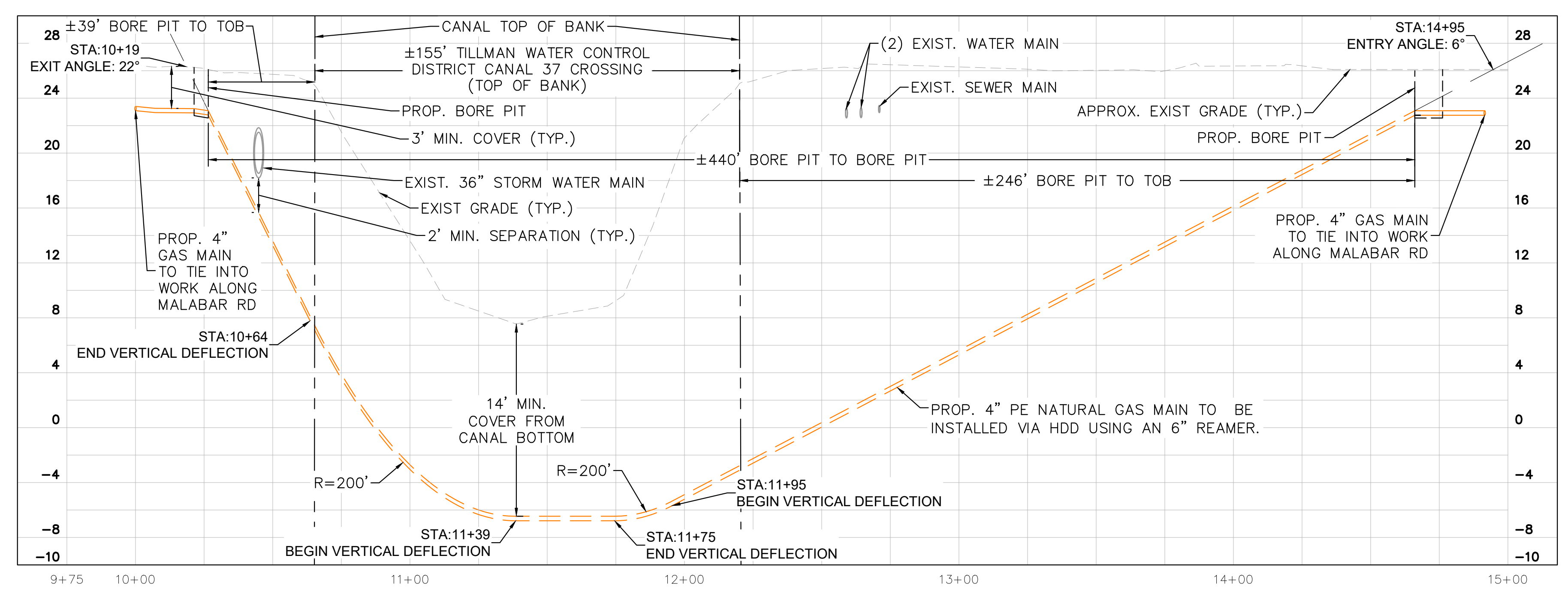
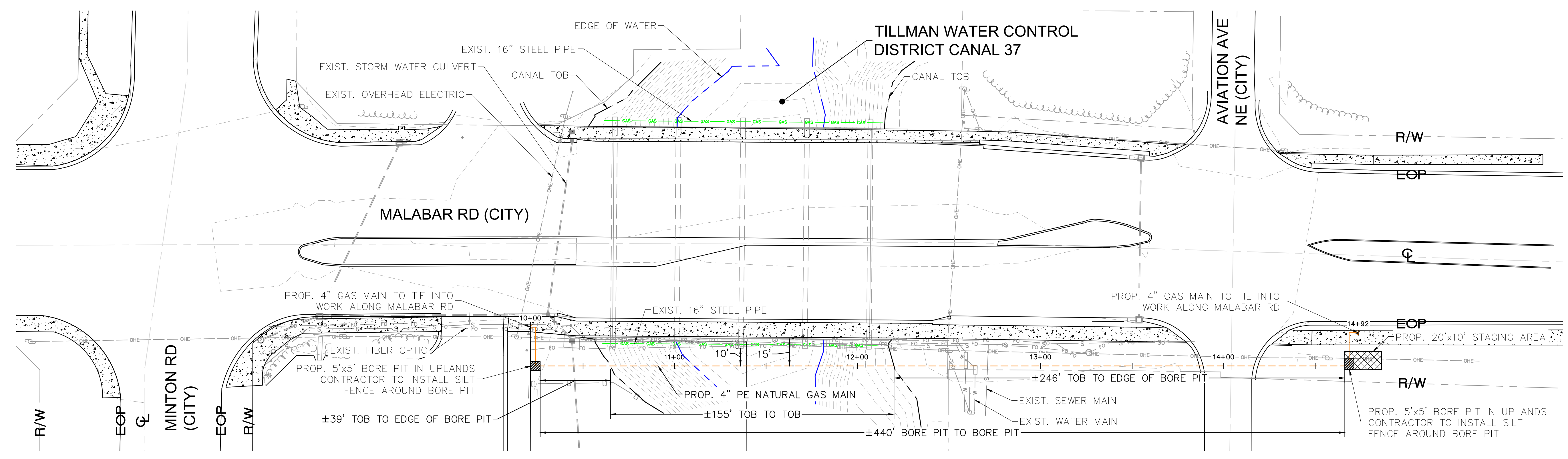
SHEET NUMBER: **C-102**

JOB NUMBER: **118353007**

SHEET INDEX: **3 OF 6**



- NOTES:
1. CONTRACTOR TO FIELD VERIFY ELEVATIONS OF ALL EXISTING UTILITIES THAT PROPOSED MAIN WILL CROSS.
 2. CONTRACTOR TO MAINTAIN A MINIMUM 2' HORIZONTAL AND 2' VERTICAL SEPARATION FROM ALL EXISTING UTILITIES, UNLESS OTHERWISE NOTED.
 3. CONTRACTOR TO ENSURE ALL MOT, CONSTRUCTION NOTIFICATIONS/MEETINGS AND BMPS ARE IN PLACE PRIOR TO CONSTRUCTION.
 4. PROPERTY LINES ARE BASED ON GIS RECORDS AND PUBLICLY AVAILABLE INFORMATION. RIGHT OF WAY LIMITS TO BE TO BE VERIFIED PRIOR TO CONSTRUCTION.



ESC.



Always call 811 two full business days before you dig
Sunshine811.com

REV. No.	REVISION	DATE	DRAWN BY	CHECKED BY

PREPARED IN THE OFFICE OF:

Kimley»Horn

© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
1920 WEKIVA WAY, SUITE 200, WEST PALM BEACH, FL 33411
PHONE: 561-845-0665
WWW.KIMLEY-HORN.COM
REGISTRY NO. 35106

CLIENT:

PROJECT: **MALABAR CANAL CROSSING**

DATE: 7/31/2023
HORIZONTAL SCALE: AS SHOWN
VERTICAL SCALE: AS SHOWN
DRAWN BY: BW
DESIGNED BY: JH
CHECKED BY: MA

TITLE: **PLANSHEET**

SHEET NUMBER: **C-200**
JOB NUMBER: 118353007
SHEET INDEX: 4 OF 6

Attachment

2

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

June 27,2023

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, June 27, 2023 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
Don Jordan
Brant Hoffman
Keith Jerdon

Absent: Joe Hale, Vice President
Jay Woltering

Also present:

Rick Nipper, District Manager
Lisa Blackett, Assistant Manager/Administration/Secretary/Treasurer

RECOGNITION OF GUESTS/VISITORS/STAFF

Mike McCabe, District Engineer
Bo Rainbolt, Assistant Manager/Operations
Anne Elise Wester, St John's River Water Management District (SJWMD)
John Ditmore, West Melbourne Council member
Chris Ossa, Kimley Horne
David Keys, AT&T
Mike Haridopolos

ANNOUNCEMENTS

The District Manager reported staff have completed rainy season preparations including installing and testing the pumps. He announced the 2023/2024 public hearing to approve the District's 2023/2024 User Fee Rates will be held August 10, 2023 at Rhodes Park Community Center, West Melbourne, FL at 6:15 pm.

PRESENTATIONS

Anne Elise Wester SJRWMD presented a pilot plan, "C-1 Canal Base Flow Nutrient Reduction Demonstration Project" for load reduction in the C-1 Canal which the Board preliminarily approved to move forward a year ago. Ms. Wester requested an easement agreement between SJRWMD and the District is needed in order to implement the project. The Board President asked Ms. Wester when the project was expected to begin to which she stated she hoped to be able to move forward in the fall provided an easement agreement is approved by both Boards and contractor bids are completed. Drew Powshok asked if a separate power meter would be installed to run the pump motors for this project. The Manager stated the cost is expected to be minimal and could be

absorbed in the District's current power bill. **Drew Powshok motioned** to coordinate efforts with St Johns on this study and to approve the easement agreement - subject to approval by District staff. Don Jordan **seconded the motion**. The board **voted 5-0** to approve the motion.

PUBLIC COMMENTS

The Secretary/Treasurer informed the Board that Councilman Ditmore of West Melbourne would like to address the Board in Public Comment. Mr. Ditmore expressed concern for the amount of nutrients discharged through the City of West Melbourne's reuse water program and suggested increased monitoring to reduce the nutrients from the program from affecting the project. The Manager stated the project is a pilot test to gain scientific data for SJRWMD to check the total load of nutrients that are contributed by a variety of entities and Ms. Wester added SJRWMD would share data gathered.

PRESENTATIONS CONTINUED

Chris Ossa of Kimley Horne requested approval of parallel use of the C-84 right of way for 103 linear feet of a 12" force main to connect the sanitary sewer system proposed for Sunrise Estates Subdivision located South of 192 and east of the St Johns Heritage Parkway. Brant Hoffman **motioned to allow the extension of 103 feet for parallel installation**. Drew Powshok **seconded the motion**. The Board **voted 5-0 to approve the motion**.

The Manager stated Senator Haridopolos was expected to present to the Board today and that staff is trying to reach him.

The Manager presented that AT&T performed work within the District's right of way without a permit. He added the District received a letter from AT&T that claimed they had full rights, without compensation on the District's canals and that the District Attorney had reviewed the list of entities who are paid communication fees and MTWCD is not on it. The Attorney issued a rebuttal letter that the District does not agree with their position. The Engineer added he was notified about construction activity on the District's right of way East of Emerson Drive and determined the construction was performed by AT&T. After contact with Mr. David Keys of AT&T, the Engineer stated he received plans indicating a cable was installed 3 feet off of the property line traversing 427 feet to Emerson Drive on both the East side and the West side of Emerson Drive. The Engineer stated he advised Mr. Keys the permit fees necessary for the installation were \$10,958 however, per District policy the fees were subject to double the permit fees as the work was not permitted. The Engineer advised Mr. Keys that per District Policy, a representative of AT&T would need to appear before the Board to request to leave the installation in place, to request a waiver of the double permit fee cost or to remove the installation with a temporary access permit at a cost of \$12,810 with \$6,405 returned on the right of way was restored. The President asked if AT&T had expressed a preference to remedy and the Engineer said he had not heard from Mr. Keys or any AT&T representative since he said he would appear at today's Board meeting. Drew Powshok asked if the methods used to install the cable would cause damage if the cable were removed and the Engineer stated there would be excavations to remove the hand holds. Mr. Powshok stated the District has policies in place therefore the first option should be to follow policy. Drew Powshok **motioned to table our response until the next meeting to see if we receive a response from AT&T**. Brant Hoffman **seconded the motion**. The Board **voted 5-0 to approve the motion**.

REGULAR BUSINESS

The President presented the minutes from the April 25, 2023 Board meeting for approval. Don Jordan **motioned to approve the minutes of the April 25, 2023 meeting**. Brant Hoffman **seconded the motion**. The Board **voted 5-0 to approve the minutes**.

The President presented the Operating Statement through May 31, 2023 for Board approval. Brant Hoffman **motioned to approve the Operating Statement through May 31, 2023**. Drew Powshok **seconded the motion**. The Board **voted 5-0 at approve the motion**.

OLD BUSINESS

The District Manager requested approval to accrue sick and vacation time at the rate equal to that of a 25-year employee. The Manager stated the during the hiring process there was concern doing so would require the Manager to be a contract employee but after discussions with the District Attorney, it has been determined there would not be a conflict if the request was part of the compensation

package. The Board President added the Manager took a rather large pay cut from his previous job, was extremely qualified and has been doing a great job and he supported the approval. Drew Powshok **motioned to approve the request to implement the vacation and sick time accrual rate as a 25-year employee.** Brant Hoffman **seconded the motion.** The Board **voted 5-0 to approve the request.**

The District Manager advised the Board the Westbrooke HOA had received a permit from St. John's River Water Management District but had not yet applied to the District for a permit to pump during the storm season if needed.

BUDGET

The District Manager requested approval of the District's 2023/2024 budget to recognize the amended FY 2022/2023 budget to include the \$555,879 Capital Equipment and Expenses rolled forward from FY 2021/2022. He explained the FY 2023/2024 budget that was approved by the Board on April 25, 2023 has no changes but that since the FY 2023/2024 was required to be submitted on May 1, 2023 and the Brevard County Commission did not approve the amended FY 2022/2023 budget until May 9, 2023 the FY 2023/2024 budget was submitted without the amended FY 2022/2023 budget. He stated the request to approve the FY 2023/2024 budget with the amended FY 2022/2023 budget would ensure the District's budget will be the same as Brevard County recognizes. Drew Powshok **motioned to request approval for the revisions to the Districts 2023/2024 budget with the fiscal year 2022/2023 budget amended to reflect the Brevard County Commission May 9, 2023 approval of the revision as well to roll over the \$555,879 funds for Capital Equipment and Expenses not received in the fiscal year.** Don Jordan **seconded the motion.** The Board **voted 5-0 to approve the budget amendment.**

The District Manager requested approval to transfer \$14,000 from #5520010 Fuel, Gas and Oil to #5440000 Rentals & Leases for the cost of a four-month rental of a mowing tractor and the increased cost of the rental pump at C-70. The Manager stated the District's new mowing tractor had to be sent to Texas for installation of the side mower causing a 2 month delay in delivery. Staff is concerned the mowing crews will fall behind during the growing season. Don Jordan **motioned to approve the transfer of \$14,000 from Fuel, Oil & Gas to Rentals and Leases.** Brant Hoffman **seconded the motion.** The Board **voted 5-0 to approve the transfer.**

MANAGER'S REPORT

The Manager reported the District staff have completed preparations for the upcoming storm season and stated he is confident the District is storm ready and staff will continue to monitor known problem areas throughout the storm season.

ENGINEER'S REPORT

The District Engineer reported that in FY 2022/2023 there have been over 50 permits issued with more in the works. He reported the District has received \$793,854 of the Save Our Indian River Lagoon (SOIRL) grant. He said he a reimbursement request for the work on Canal 8 would be submitted by July 20, 2023 and expects to close the remaining \$218,000 of the grant by the January 2024 deadline.

ASSISTANT MANAGER/OPERATIONS REPORT

The Assistant Manager of Operations stated the District's pumps as well as the rental pump were installed and are operational in preparation for storm season. He said staff had pumped C-70 down to perform inspections and no obstructions were found. The Assistant Manager/Operations reported the Heavy Equipment crew was working on C-65 off of Hield Road to ready C-65 to support any extra flow volume from the C-72 pumps if necessary. He stated the harvester was still inoperable as the parts have not been received. The President asked if there was a timeframe as to when the parts would arrive and the Assistant Manager/Operations stated there was not but that he emails the vendor every week and calls twice a week to hear the same response. He added this was a sole source vendor as the machine was custom built by this vendor for the District.

ATTORNEY'S REPORT

None

SECRETARY/TREASURER'S REPORT

The Secretary/Treasurer reported the FEMA contractor's are reviewing the last of the Force Account Equipment submission with the expected reimbursement of roughly \$250,000. She reported the District office had a lightning strike which damaged some very expensive equipment and rendered the District's network inoperable. She stated the District's IT vendor, Connect II Business Solutions came out immediately and was able to restore the network with limited access. The Secretary/Treasurer said the new equipment would arrive by the end of the week and would be installed immediately to ensure the network has maximum functionality and security. Brant Hoffman asked if an electrician had inspected the building to be certain it is grounded properly and asked if the breaker panel was damaged. The Secretary/Treasurer stated the source of the surge was from the underground ethernet cable that connects the main building with the shop. She added that although the Sonic firewall was destroyed, it did what it was supposed to do which protected the rest of the computers and the server from damage.

CLOSING

The Board President stated that the next Board meeting would be Tuesday, August 22, 2023 at 9:00 AM in the City of West Melbourne Council Chambers, Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida.

DIRECTOR'S REPORTS

Brant Hoffman – None

Keith Jerdon – None

Don Jordan - None

Drew Powshok – None

Philip Weinberg – The Board President stated that he has discussed with Rick the need for discussion about future budgets. He added that he hoped Senator Haridopolos will attend the next meeting as he is important part of solving future budget problems with the State Legislature. The Secretary/Treasurer added she had received a text from Senator Haridopolos stating he apologized for missing the meeting and would contact the office later in the day to set up a meeting.

ADJOURN

Phil Weinberg, Board President, adjourned the meeting at 10:00 am.

Respectfully,

Lisa Blackett
Secretary
Board of Directors

Attachment

3



MELBOURNE-TILLMAN WATER CONTROL DISTRICT
Operating Statement through July 31, 2023

	Actual \$	FY 2023	Approved Budget	FY 2023	Over/Under	Percentage
	To Date	Approved Budget	Adjustment	Modified Budget	Budget	Budget
Revenue						
User Fees	\$ 2,273,680	\$ 2,384,346		\$ 2,384,346	\$ (110,666)	95%
Permits	\$ 81,654	\$ 30,000		\$ 30,000	\$ 51,654	272%
Miscellaneous Income	\$ 152,491	\$ 25,000		\$ 25,000	\$ 127,491	610%
Other Income	\$ -	\$ -	\$ -	\$ -	\$ -	
State Grant - FEMA	\$ 10,921	\$ -		\$ -	\$ 10,921	100%
Federal Grant - FEMA	\$ 196,580	\$ -		\$ -	\$ 196,580	100%
Intergovernmental Revenue	\$ 406,133	\$ 141,169		\$ 141,169	\$ 264,964	100%
Revenue	\$ 3,121,458	\$ 2,580,515	\$ -	\$ 2,580,515	\$ 540,943	121%
Balance Forward		\$ 2,431,564		\$ 2,431,564	\$ (2,431,564)	0%
TOTAL INCOME	\$ 3,121,458	\$ 5,012,079	\$ -	\$ 5,012,079	\$ 1,890,621	62%
Expenses						
Salary & Benefits						
Uniform Reimbursement		(33)				
Salaries	\$ 923,378	\$ 1,135,662		\$ 1,135,662	\$ 212,284	81%
Health Insurance	\$ 215,630	\$ 280,506		\$ 280,506	\$ 64,876	77%
Retirement	\$ 100,892	\$ 139,719		\$ 139,719	\$ 38,827	72%
FICA/Medicare	\$ 68,387	\$ 86,878		\$ 86,878	\$ 18,491	79%
Workers' Comp	\$ 16,878	\$ 31,091		\$ 31,091	\$ 14,213	54%
SALARY & BENEFITS	\$ 1,325,132	\$ 1,673,856	\$ -	\$ 1,673,856	\$ 348,691	79%
Operations						
Professional Services	\$ 43,042	\$ 52,100	\$ -	\$ 52,100	\$ 9,058	83% <i>Legal, Drug Testing, Accounting & Court Reporting, Engineering Testing, Miscellaneous Professional Services</i>
Contract Services	\$ 5,300	\$ 7,720		\$ 7,720	\$ 2,420	69% <i>Uniforms, Garbage Service</i>
Travel	\$ 399	\$ 2,000		\$ 2,000	\$ 1,601	20% <i>Travel</i>
Communications	\$ 8,247	\$ 10,300		\$ 10,300	\$ 2,053	80% <i>Postage, Telephone Service</i>
Utilities	\$ 6,157	\$ 8,000		\$ 8,000	\$ 1,843	77% <i>Utility, Solid Waste Assessment</i>
Rentals	\$ 12,098	\$ 25,500	2	\$ 25,500	\$ 13,402	47% <i>Rentals</i>
Liability Insurance	\$ 100,434	\$ 101,927		\$ 101,927	\$ 1,493	99% <i>Insurance</i>
Repair & Maintenance	\$ 119,568	\$ 220,205	\$ -	\$ 220,205	\$ 100,637	54% <i>Repair & Maintenance Service, Repair & Maintenance Supplies, Auto & Equipment Parts, Maintenance Agreements</i>
Current Charges	\$ 53,664	\$ 49,687		\$ 49,687	\$ (3,977)	108% <i>Tax Collector, Bank Fees, Lic & Permits, Advertising, Unemployment</i>
Office Supplies	\$ 5,295	\$ 6,000		\$ 6,000	\$ 705	88% <i>Office Supplies</i>
Operating Supplies	\$ 187,726	\$ 347,500	\$ -	\$ 361,500	\$ 173,774	52% <i>Operating Supplies, Fuel, Gas & Oil, Aquatics</i>
Books & Training	\$ 3,143	\$ 6,700		\$ 6,700	\$ 3,557	47% <i>Books, Pubs., Memberships, Training Costs</i>
Restricted Reserves	\$ -	\$ 1,654,906		\$ 1,654,906	\$ 1,654,906	
OPERATIONS	\$ 545,073	\$ 2,492,545		\$ 2,492,545	\$ 1,947,472	22%
Capital Outlay						
Improvements Other than Machinery	\$ 11,382	\$ 60,511		\$ 60,511	\$ 49,129	19%
Machinery	\$ 625,670	\$ 781,167		\$ 781,167	\$ 155,497	80%
Computer Equipment	\$ 3,688	\$ 1,500		\$ 1,500	\$ (2,188)	246%
Computer Software	\$ 1,449	\$ 2,500		\$ 2,500	\$ 1,051	58%
CAPITAL OUTLAY	\$ 642,189	\$ 845,678	\$ -	\$ 845,678	\$ 203,489	76%
TOTAL EXPENSE	\$ 2,512,394	\$ 5,012,079	\$ -	\$ 5,012,079	\$ 2,499,685	50%

1 Approved Februar 28, 2023 \$1000 from Acct # 5450000, Insurance to apply to Account #5320100, Accounting and Auditing for the increased cost of FY 22/23 Audit (\$14,000)

Roll over funds from FY 2021/2022 Capital Purchase and SOIRL were approved May 9, 2023 by Brevard County Commissioners

2 Approved June 28, 2023 \$14,000 from Acct #5520010 Fuel, Gas and Oil to #5440000 Rentals & Leases for the cost of a four-month rental of a mowing tractor

Attachment

4

RESOLUTION 2023-01

A RESOLUTION OF THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AUTHORITY TO LEVY USER FEES, AND CERTIFYING TO THE BREVARD COUNTY PROPERTY APPRAISER USER FEES LEVIED FOR THE FISCAL YEAR 2023, PROVIDING FOR AN EFFECTIVE DATE.

Section 1. The Melbourne-Tillman Water Control District was given the authority to levy User Fees under the Florida Statutes Chapter 01-336, Laws of Florida.

Section 2. The Board of Directors of the Melbourne-Tillman Water Control District, Brevard County, Florida, hereby certifies that the following classifications (categories of land use) will be assessed as follows:

CLASSIFICATION I	RESIDENTIAL	\$25.00 per acre or portion thereof
CLASSIFICATION II	AGRICULTURAL	\$ 8.50 per acre or portion thereof
CLASSIFICATION III	COMMERCIAL	\$52.50 per acre or portion thereof

This levy has been adopted for the Final Budget for the Fiscal Year commencing October 1, 2023 in which the User Fee will be applicable to the property and land within the District during the taxable fiscal year.

Section 3. This **RESOLUTION** shall take effect immediately upon its adoption.

This **RESOLUTION** was duly passed and adopted at the Regular Meeting of the Board of Directors of the Melbourne-Tillman Water Control District, Brevard County, Florida this 29th day of **August 2023.**

ATTEST:

Phil Weinberg, President
Board of Directors
Melbourne-Tillman Water Control District

Lisa Blackett, Secretary/Treasurer
Melbourne-Tillman Water Control District

Attachment

5

RESOLUTION 2023-02

AN APPROPRIATION AND LEVY RESOLUTION OF THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT, BREVARD COUNTY, FLORIDA, COVERING THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024. BEING A RESOLUTION APPROPRIATING FUNDS REQUIRED FOR THE PURPOSE OF PROVIDING FUNDS FOR GENERAL OPERATING EXPENSES OF THE DISTRICT; ALL NECESSARY AND PROPER DISBURSEMENTS, AND OTHER EXPENDITURES NECESSARY OR PROPER FOR THE OPERATION OF THE DISTRICT AND THE PURPOSE OF CAPITAL OUTLAYS DURING SAID FISCAL YEAR; PROVIDING FOR THE ADOPTION OF THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2024; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Melbourne-Tillman Water Control District (MTWCD), is a Special Dependent District duly established and operating pursuant to Chapter 01-336, Laws of Florida, as amended by Chapter 03-334, Laws of Florida; and Chapter 19-175, Laws of Florida.

WHEREAS, said laws provide that the Board of Directors of said Special Dependent District has the right, power, and authority to levy a User Fee in the District; and

WHEREAS, the Board of Directors of the MTWCD, Special Dependent District, has determined that the levy for the year 2023/2024 was approved by the Brevard County Commission,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT, SPECIAL DEPENDENT DISTRICT, this 29th day of August, 2023.

1. That the above recitation of findings of fact is hereby incorporated into this Resolution.
2. The Board of Directors of the MTWCD, Special Dependent District, approved the proposed User Fee Levy as approved by the Brevard County Commission;
3. The Board of Directors of the MTWCD, Special Dependent District, approved the Proposed Budget for Fiscal Year 2023/2024 (See Exhibit A).
4. This Resolution shall take effect immediately upon its adoption.

Upon adoption, this **RESOLUTION** shall be transmitted along with the approved Budget, and all other materials required by the Brevard County Commission.

ATTEST:

Phil Weinberg, President
Board of Directors
Melbourne-Tillman Water Control District

Lisa Blackett, Secretary/Treasurer
Melbourne-Tillman Water Control District

ATTACHMENT: Exhibit "A" BUDGET FY22/23

Exhibit A to Resolution 2023-02
Melbourne Tillman Water Control District
Project Operating Budget and Capital Improvement Program

Approved Budget
FY 2023-2024

REVENUE

Taxes	\$0
Licenses and Permits	\$40,000
Intergovernmental Revenue	\$0
Charges for Services	\$2,416,125
Interest/Miscellaneous Revenue	\$50,000
Statutory Reduction (NOT REQ'D)	\$0
Total Operating Revenue	\$2,506,125
Balance Forward – Operating	\$2,199,679
Balance Forward – Capital	\$0
Balance Forward – Restricted	\$0
Transfers – General Revenue	\$0
Transfers – Other	\$0
Other Financial Sources	\$0
Total Non-Operating Revenue	\$2,199,679
TOTAL REVENUE	\$4,705,804

EXPENDITURES

Compensation and Benefits	\$1,736,759
Operating Expenses	\$784,253
Capital Expenditures	\$353,664
Grants & Aid	\$0
Total Operating Expenditures	\$2,874,676
Debt Service	\$0
Reserves – Operating	\$0
Reserves – Capital	\$0
Reserves – Restricted	\$1,831,129
Transfers	\$0
Total Non-Operating Expenditures	\$1,831,129
TOTAL EXPENDITURES	\$4,705,804

Attachment

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MELBOURNE-TILLMAN WATER CONTROL DISTRICT

5990 Minton Road, Palm Bay, Florida 32907

321-723-7233

Fax 321-725-5933

MEMORANDUM

TO: Rick Nipper, District Manager

FROM: Michael E. McCabe, District Engineer *//////*

SUBJECT: Request for parallel use along Canal C-51 by AT&T

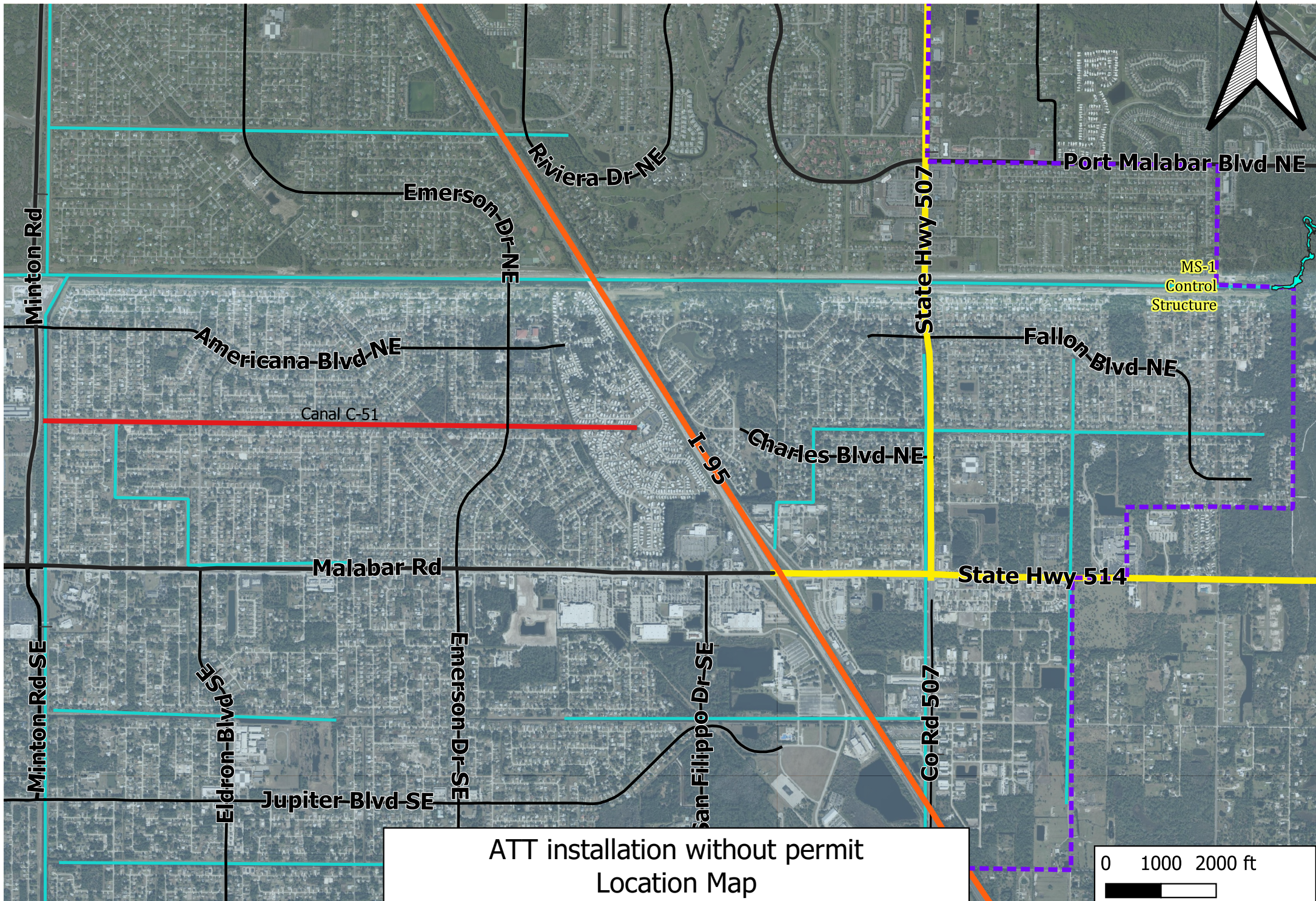
DATE: August 24, 2023

AT&T installed a cable along the southside of Canal C-51 west of Emerson Drive, approximately two feet (2') within canal right-of-way. The installation occurred without a permit and was proposed for installation within the rear 20' Public Utility and Drainage Easement of adjacent lots.

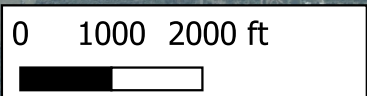
If AT&T desires to have the existing cable remain as installed, approval by the Board of Directors is necessary, in accordance with Permitting Policy Section IV, Policy Statement Concerning the District's Permitting Criteria, paragraph 5, "All permits involving parallel use or temporary access of the District's 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."

The District has not received an application for this work. The fees for installation include \$750 + (\$24/Linear Foot * 265 Linear feet) + \$355 (Misc. Fee excavation of right-of-way) = \$7,465 x 2 for work done with permit for a total of \$14,930.

w/attachments



ATT installation without permit
Location Map



AT&T unauthorized parallel installation southside Canal C-51 west of Emerson Drive



Handhole terminus at pole



Handhole terminus at pole



Handhole and pole at western terminus



Looking east from pole towards Emerson Drive



2' OFF POLE
LINE ON WATER
DISTRICT SIDE

Attachment

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PERMIT MT Incorporating PA	MELBOURNE-TILLMAN WATER CONTROL DISTRICT
ISSUED TO: DRAFT	5990 Minton Road, Palm Bay, Florida 32907 321.723.7233 Fax 321.725.5933 mtwcd@MelbourneTillman.org

Name:
Project Name:
ATTN:
Address:
City, State, Zip:

Telephone: Fax: E-Mail:

ISSUE DATE: PERMIT NOT VALID FOR CONSTRUCTION 5 YEARS MONTH AFTER ISSUED DATE

AUTHORIZING:

SUBJECT TO STANDARD AND SPECIAL CONDITIONS AS NOTED

NOTES:

1. This Permit includes:
 - a. The Approved and Signed Permit (s) and Plan (s). The set of Plans, marked "approved and signed by Michael E. McCabe, P.E., MTWCD Engineer" along with all MTWCD Permits must be retained on the job site, kept in legible condition, and be readily available to the MTWCD personnel, site contractors, and regulatory inspectors.
 - b. The Notice of Completion. *The Notice of Completion must be completed and returned within 30 days of project completion to schedule a final inspection.*
2. This Permit does not convey to OWNER any property rights or any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies.
3. All structures and works installed by OWNER hereunder shall remain the property of the OWNER and shall be operated and maintained by the OWNER in perpetuity.
4. Responsibility for ownership, operation and maintenance may be transferred to another entity acceptable to the district upon written notification, signed by the OWNER and the new ENTITY that said transfer is requested and that all conditions of the permit are accepted.
5. The OWNER agrees to hold and save the MTWCD and its successors harmless from any and all damages, claims, or liabilities that may arise from permit issuance.
6. The OWNER agrees to alter or remove the authorized use or construction, as permitted if required in the interest of future drainage requirements of the MTWCD.

STANDARD CONDITIONS:

1. Contractor:
 - As stated in application.
 - OWNER must name contractor and so notify MTWCD for permit to be valid.
2. Start of Work:
 - Within 30 days of Permit Date as stated in application
 - OWNER / Contractor must notify MTWCD prior to start date.
3. Construction Dewatering:
 - Authorized as specified herein.
 - Not authorized.
 - Requires separate application by OWNER or Contractor.
4. Any erosion to or shoaling in the canal or flooding due to the permitted works, or failure thereof, shall be the responsibility of the OWNER to remove, repair or correct at no cost to the MTWCD.
5. All disturbed areas within MTWCD rights-of-way to be sodded.
6. Subject to final inspection by MTWCD
7. OWNER to provide MTWCD with as-built plans upon completion of project.
8. This permit does not preclude the OWNER from obtaining all other required permits

SPECIAL CONDITIONS:

1. ...A pre-construction meeting with the MTWCD staff is required before any part of the construction begins. Notify MTWCD one week prior to construction start date to schedule on-site meeting with MTWCD Engineer and Manager.
2. De-watering is not authorized by this permit. Should it become necessary to use any MTWCD canal for disposal of construction de-watering on any portion of the Project, a MTWCD de-watering must be obtained for each point of discharge into the MTWCD canal system PRIOR to de-watering. All construction discharges into MTWCD Canals, whether direct or indirect, must be visibly clear at all times.
3. End treatments such as mitered ends, end walls, etc. are not allowed on storm water outfalls that are perpendicular to the canal ROW. All sod must be staked.
4. If field conditions warrant, MTWCD may require a suitably sized rubble splash pad be constructed.
5. All BMP's needed to minimize dust migration, embankment stability, etc. must be implemented as needed.
6. Failure to comply with the conditions of this permit will render permit Null and Void, all fees will be forfeited.
7. Additional Page of Special Conditions attached.

AUTHORIZED BY:

Rick Nipper
District Manager
For the Board of Directors

Michael E. McCabe, PE
District Engineer
For the Board of Directors

COPIED TO AGENT/ENGINEER: