

Melbourne-Tillman Water Control District



Board Agenda

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, OCTOBER 24, 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, 2026)
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/Admin, Secretary/Treasurer
Jim Beadle, Attorney

Recognition of Guests and Support Staff

Bo Rainbolt, Assistant Manager/ Operations
Mike McCabe, District Engineer

Announcements

- Don Jordan has been Re-appointed by the City of Palm Bay, his term will expire September 30, 2026.
- The District's annual inventory was conducted on October 10, 2023 by the Board member Brant Hoffman and staff member George Rainbolt. Attached is the inventory letter, signed by Brant Hoffman stating there were no discrepancies noted. (Attachment 1)
- Shawn Hughes and Montrell Lyons were hired to fill two vacant Facility Maintenance positions.

Public Comments

Presentations

Regular Business

- Approval of the August 29, 2023 minutes of the MTWCD Board of Director's Meeting (Attachment 2)

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, OCTOBER 24, 2023

9:00 AM

- Approval of the Operating Statement through September 30, 2023 (Attachment 3)

New Business

- The annual election of Board Officers (President, Vice-President, Secretary/Treasurer, and District Attorney)

Old Business

- AT&T Installation on C-51 West of Emerson without a permit, continued from June 27, 2023

Budget

- Request \$44,892.40 be rolled over from FY 22/23 budget to FY 23/24 budget due to the delayed installation of the Versa Flail Mower onto the District's mowing tractor. The machine is expected to be delivered in March 2024.
- Request \$10,928.00 from Account #5450000 Insurance to #5630001 for the purchase of two used 4-barrel float systems for the District's two 12" hydraulic pumps.

Staff Reports

- District Manager's Report, Rick Nipper
 - District Operations
- Engineer's Report, Mike McCabe
 - Update on Permit applications and issued permits
- Assistant Manager, Operations Report, George Rainbolt
 - Field Operations
- Attorney's Report, Jim Beadle
- Secretary/Treasurer's Report, Lisa Blackett

Closing

- Meeting Schedule – The next Board Meeting is scheduled for Tuesday, December 5, 2023 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

Brant Hoffman
1515 Glendale Avenue NW
Palm Bay, FL 32907

October 10, 2023

Melbourne Tillman Water Control District
5990 Minton Road NW
Palm Bay, FL 32907

RE: Annual Inventory

On Tuesday, October 10, 2023, I completed the Melbourne Tillman Water Control District's 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 there were no discrepancies noted.

Sincerely,



Brant Hoffman
Board Member
Melbourne Tillman Water Control District

Attachment

2

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

August 29, 2023

CALL TO ORDER

The regular scheduled meeting of the Melbourne-Tillman Water Control District (MTWCD) Board of Directors was called to order by Philip Weinberg, President on Tuesday, August 29, 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
Joe Hale, Vice President
Drew Powshok
Don Jordan
Brant Hoffman
Keith Jerdon

Absent: Jay Woltering

Also present:

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

RECOGNITION OF GUESTS/VISITORS/STAFF

Bo Rainbolt, Assistant Manager/Operations
Andrea Young, West Melbourne Council Member
Tim Rhodes, West Melbourne City Manager
Brad Termini, Florida City Gas

ANNOUNCEMENTS

The District Manager reported the District's User Fee Rates for FY 2023/2024 were approved by the Brevard County Commission on August 10, 2023 and the Resolution was adopted on August 22, 2023. He said the User Fee Rates are:

Residential: \$25.00 per acre or portion thereof

Agricultural: \$8.50 per acre or portion thereof

Commercial: \$52.50 per acre or portion thereof

The Manager added the minimal increase in the commercial classification based on projected parcel count equates to approximately \$15,000 additional revenue for FY 2023/2024. He said the first Brevard County

Commission Budget hearing would be on September 5, 2023 with the final hearing on September 19, 2023.

The Manager announced the District's annual inventory will be held in early October and requested a Board member be named to conduct the inventory. Brant Hoffman volunteered.

The Manager announced that Don Jordan's term will expire on September 30, 2023.

PUBLIC COMMENTS

None

PRESENTATIONS

Brad Termini from Florida Gas requested approval to extend a force main through C-37 with a 4" line and a horizontal directional drill under C-37 without fusions underneath the canal. Mr. Termini added the scope of the project is 5,000 feet beginning near Grouper Circle and extending to the other side of Minton Road with the expectation to add new commercial construction projects. He explained the challenges of boring underneath the bridge and the motivation to avoid conflicts. Joe Hale **motioned that Florida City Gas be permitted to the parallel use as presented.** Don Jordan **seconded the motion.** The Board voted **6-0 to approve the motion.**

REGULAR BUSINESS

The President presented the minutes from the June 27, 2023 Board meeting for approval. Joe Hale **motioned to approve the minutes of the June 27, 2023 meeting with the correction, that in the spelling of Kimley Horn, the "e" in Horn be deleted.** Brant Hoffman **seconded the motion.** The Board **voted 6-0 to approve the minutes.**

The President presented the Operating Statement through July 31, 2023 for Board approval. Drew Powshok **motioned to approve the Operating Statement through July 31, 2023.** Brant Hoffman **seconded the motion.** The Board **voted 6-0 at approve the motion.**

NEW BUSINESS

The President read Resolution 2023-1 providing the Brevard Property Appraiser the authority to levy user fees for the Fiscal Year 2023/2024 as Residential at \$25.00 per acre or portion thereof, Agricultural at \$8.50 per acre or portion thereof and Commercial at \$52.50 per acre or portion thereof. Drew **Powshok motioned to adopt the Resolution of the Melbourne Tillman Water Control District of Brevard County Florida providing the authority to levy user fees and certifying to the Brevard County Property Appraiser User Fees Levy for Fiscal Year 2023/2024 providing for an effective date as described.** Don Jordan **seconded the motion.** The **Board voted 6-0 to approve the motion.**

The President read Resolution 2023-2, providing for the appropriation of funds for the Melbourne Tillman Water Control District's operating expenses for the Fiscal Year 2023/2024. Joe Hale **motioned to adopt Resolution 2023-2.** Drew Powshok **seconded the motion.** The **Board voted 6-0 to approve the motion.**

The President advised that he and the Manager met with Senator Haridopolos to discuss remedies for District's User Fees cap which has been met in all classifications. He stated the Legislative Delegation meeting for 2025 will be held in October 2023 and advised preliminarily discussions for raising the cap have been met with enthusiasm. The president added the existing cap on the User Fees was put into effect in 1992 and it has taken 30 years to reach the maximum. Joe Hale asked if it would be possible to build in an increase tied to the CPI without a cap. The President said an open-ended increase would not

be supported. Drew Powshok **motioned to authorize the District Lobbyist to pursue an increase in revenue caps as outlined.** Joe Hale **seconded the motion.** The **Board voted 6-0 to approve the motion.**

OLD BUSINESS

The Manager updated that staff requested representatives from AT&T attend the Board meeting but they did not. He reviewed that staff discovered installations put into the C-51 right of way without a permit or Board Approval by AT&T and per District policy, AT&T can be assessed double permit fees. The Manager added should AT&T opt to remove the installations, a permit would be required for accessing the ROW to remove. The Manager said staff received a letter from AT&T that challenged the District's right to charge a fee because AT&T is exempted by statute. The District Attorney stated he disagreed with AT&T's assertion that local governments cannot impose a fee for the use of their rights of way because the State of Florida collects a franchise fee and distributes it to the local governments for that purpose. The Attorney added Special Districts are not included in the parameters of the statute and the District does not receive any of those funds. As such, the District has the priority to charge permit fees for the use of the right of way. The President noted said this is the second meeting which they have not attended and proposed waiving the penalty portion of the required permit fee to resolve. Joe Hale stated he disagreed with waiving the fees because he believes the AT & T representatives will never appear before the Board. Brant Hoffman stated he agreed with Mr. Hale to not waive the penalty fees. Don Jordan stated if AT&T knew they were working in the District's right of way without a permit he would not be in favor of waiving the penalty fees. Drew Powshok proposed to let the District's counsel correspond with AT&T counsel and report to the Board at the next meeting. **The President stated the consensus is for the District Attorney to speak with their counsel and report the results at the October meeting and move forward from there.**

The District Manager presented a draft of the Westbrooke dewatering permit for the Board to consider. The President proposed to waive the fee for the permit as the District has committed to supporting the residents of Westbrook. Helen Voltz thanked the Board for their cooperation in approving the permit. Keith Jerdon motioned to approve the permit and waive the fee however, the District Attorney advised Mr. Jerdon should recuse himself due to his affiliation with Westbrooke. Drew Powshok asked if St. John's River Water Management District had already issued a permit and the President advised the Westbrooke HOA had received a permit from SJRWMD. Drew Powshok **motioned to approve the draft sample permit, without the requirement to pay the permit fee with the condition of meeting the St Johns Water Management District allowance for discharge and the Board will not be responsible if they do not.** Brant Hoffman **seconded the motion.** The **Board voted 5-0 to approve the motion, Keith Jerdon abstained.**

BUDGET

The Manager requested approval to transfer \$6,000 from account #5520010 Fuel, Oil and Gas to account #5640200 Computer Equipment to cover the cost of the two Sonic Firewall apparatuses, two computers and an 8-port switch that were struck by lightning and destroyed. Don Jordan **motioned to approve the request to move \$6,000 from Gas, Fuel and Oil to Computer equipment.** Joe Hale **seconded the motion.** The **Board voted 6-0 to approve the motion.**

MANAGER'S REPORT

The Manager congratulated staff for completing improvements, cleaning and dipping C-65 from Minton Road to the end. He added the staff will continue to run the pumps once a week to be certain they are operational if needed.

The Manager stated he and the Board President would attend a Westbrooke Town Hall meeting on August 30, 2023 at the West Melbourne Council Chambers. Keith Jerdon asked the District Attorney how many Board Members could attend the meeting and the District Attorney stated one since the meeting was not noticed as a public meeting by the District. Mr. Jerdon suggested that he attend the meeting as he has

been requested he attend by Westbrooke. The District Attorney stated since he would not be allowed to vote on anything related to Westbrooke that appears before the District Board, it would not be a Sunshine Law violation for him to attend.

ENGINEER'S REPORT

None-absent

ASSISTANT MANAGER/OPERATIONS REPORT

The Assistant Manager/Operations reported staff completed storm preparations in response to the storm in the Gulf with a calculated effort to reduce the impact of dumping fresh water and weeds into the Lagoon by lowering the MS-1 in a controlled manner.

The Assistant Manager/Operations stated the harvester is still inoperable as the joysticks received required special connectors and the wait has been long to get them. He added despite the delay, staff have used the long reach excavators to remove 17 dump truck loads from the tough booms with 20 pounds of Nitrogen and 4 ½ pounds of phosphorous. The Assistant Manager/Operations said staff is working on C-17 for the for the SOIRL program and those results were not calculated.

ATTORNEY'S REPORT

None

SECRETARY/TREASURER'S REPORT

The Secretary/Treasurer updated that repairs to the District's computer network were made only to have a second strike that destroyed the newly purchased Sonic Firewall, two desktop computers and a switch. She advised the equipment has been replaced, the issue resolved and new wiring installed for both the computers and the new phone system that would be installed later in the week.

The Secretary/Treasurer stated the District's website host informed staff they would no longer be hosting the website. The District's IT vendor, Connect II worked with Go Daddy to migrate the current website to their host. The Manager added the Secretary/Treasurer had worked throughout the weekend with Rick Moon of Connect II to get the issues resolved and he thanked her.

The Secretary/Treasurer reported the roof on the office building at Site II has been completed and that the Aquatic Herbicide containment building was expected to arrive before the end of the fiscal year, wrapping up the 2022/2023 FY Capital purchases. She added the cost was budgeted at \$55,634 but the actual cost would be around \$35,000.

The Secretary/Treasurer advised the FDEM contractor has repositioned staff to the west coast of Florida for the storm that hit there likely causing further delay in the District's claim.

CLOSING

The Board President stated that the next Board meeting would be Tuesday, October 24, 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

Joe Hale - None

Brant Hoffman – None

Keith Jerdon – Thanked staff working hard to complete the permit for the Westbrooke pumping. for

Don Jordan – Stated that for the next meeting, he will be out of the country.

Drew Powshok – None

Philip Weinberg –The Board President stated he will be attending the Town Hall Meeting tomorrow and also has that meeting with Senator Mayfield to discuss the proposed fee structure and we will see how that goes.

ADJOURN

Philip 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 September 30, 2023

	Actual \$ To Date	FY 2023 Approved Budget	Approved Budget Adjustment	FY 2023 Modified Budget	Over/Under Budget	Percentage Budget	
Revenue							
User Fees	\$ 2,274,381	\$ 2,384,346		\$ 2,384,346	\$ (109,965)	95%	
Permits	\$ 124,995	\$ 30,000		\$ 30,000	\$ 94,995	417%	
Miscellaneous Income	\$ 209,085	\$ 25,000		\$ 25,000	\$ 184,085	836%	
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	\$ 3,222,095	\$ 2,580,515	\$ -	\$ 2,580,515	\$ 641,580	125%	
Balance Forward		\$ 2,431,564		\$ 2,431,564	\$ (2,431,564)	0%	
TOTAL INCOME	\$ 3,222,095	\$ 5,012,079	\$ -	\$ 5,012,079	\$ 1,789,984	64%	
Expenses							
Salary & Benefits							
Uniform Reimbursement	(33)						
Salaries	\$ 1,072,184	\$ 1,135,662		\$ 1,135,662	\$ 63,478	94%	
Health Insurance	\$ 254,788	\$ 280,506		\$ 280,506	\$ 25,718	91%	
Retirement	\$ 133,658	\$ 139,719		\$ 139,719	\$ 6,061	96%	
FICA/Medicare	\$ 79,377	\$ 86,878		\$ 86,878	\$ 7,501	91%	
Workers' Comp	\$ 16,878	\$ 31,091		\$ 31,091	\$ 14,213	54%	
SALARY & BENEFITS	\$ 1,556,853	\$ 1,673,856	\$ -	\$ 1,673,856	\$ 116,970	93%	
Operations							
Professional Services	\$ 48,120	\$ 51,100	\$ 1,000 1	\$ 52,100	\$ 3,980	92%	Legal, Drug Testing, Accounting & Court Reporting, Engineering
Contract Services	\$ 6,263	\$ 7,720		\$ 7,720	\$ 1,457	81%	Uniforms, Garbage Service
Travel	\$ 399	\$ 2,000		\$ 2,000	\$ 1,601	20%	Travel
Communications	\$ 9,229	\$ 10,300		\$ 10,300	\$ 1,071	90%	Postage, Telephone Service
Utilities	\$ 7,097	\$ 8,000		\$ 8,000	\$ 903	89%	Utility, Solid Waste Assessment
Rentals	\$ 21,464	\$ 11,500	\$ 14,000 2	\$ 25,500	\$ 4,036	84%	Rentals
Liability Insurance	\$ 100,434	\$ 102,927	\$ (1,000) 1	\$ 101,927	\$ 1,493	99%	Insurance
Repair & Maintenance	\$ 159,108	\$ 220,205	\$ -	\$ 220,205	\$ 61,097	72%	Repair & Maintenance Service, Repair & Maintenance Supplies,
Current Charges	\$ 54,065	\$ 49,687		\$ 49,687	\$ (4,378)	109%	Tax Collector, Bank Fees, Lic & Permits, Advertising,
Office Supplies	\$ 5,581	\$ 6,000		\$ 6,000	\$ 419	93%	Office Supplies
Operating Supplies	\$ 241,031	\$ 361,500	\$ (20,000) 2	\$ 341,500	\$ 100,469	71%	Operating Supplies, Fuel, Gas & Oil, Aquatics
Books & Training	\$ 3,315	\$ 6,700		\$ 6,700	\$ 3,385	49%	Books, Pubs., Memberships, Training Costs
Restricted Reserves	\$ -	\$ 1,654,906		\$ 1,654,906	\$ 1,654,906		
OPERATIONS	\$ 656,107	\$ 2,492,545		\$ 2,492,545	\$ 1,836,438	26%	
Capital Outlay							
Improvements Other than Buildings	\$ 10,123	\$ 60,511		\$ 60,511	\$ 50,388	17%	
Machinery	\$ 660,410	\$ 781,167		\$ 781,167	\$ 120,757	85%	
Computer Equipment	\$ 5,653	\$ 1,500	\$ 6,000 3	\$ 7,500	\$ 1,847	75%	
Computer Software	\$ 2,556	\$ 2,500		\$ 2,500	\$ (56)	102%	
CAPITAL OUTLAY	\$ 678,743	\$ 845,678		\$ 845,678	\$ 166,935	80%	
TOTAL EXPENSE	\$ 2,891,703	\$ 5,012,079		\$ 5,012,079	\$ 2,120,376	58%	
Net Income	\$ 319,073	\$ -		\$ 319,073	100.0%		

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

3 Approved August 29, 2023

\$6,000 from Acct #5520010 Fuel, Gas and Oil to #5640200 Computer Equipment to replace 2 sonic firewalls, 2 computers and switch destroyed by lightning