

# Melbourne-Tillman Water Control District



## Board Agenda

# Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, DECEMBER 5, 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**

- The District's Christmas Party will be held on December 21, 2023 at Fred Poppe Park Pavilion at 12:00 pm.
- The District Offices Christmas Holiday Schedule

## **Public Comments**

## **Presentations**

## **Regular Business**

- Approval of the October 24, 2023 minutes of the MTWCD Board of Director's Meeting (Attachment 1)
- Approval of the Operating Statement through November 30, 2023 (Attachment 2)

# Melbourne-Tillman Water Control District

## MEETING OF THE BOARD OF DIRECTORS

TUESDAY, DECEMBER 5, 2023

9:00 AM

### New Business

### Old Business

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

### Budget

### 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, February 27, 2024 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

**MELBOURNE-TILLMAN WATER CONTROL DISTRICT**

**MINUTES**

October 24, 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, October 24, 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  
Jay Woltering  
Brant Hoffman

Absent: Keith Jerdon  
Don Jordan

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  
Mike McCabe, District Engineer

**ANNOUNCEMENTS**

The District Manager announced Don Jordan was reappointed to the Board by the City of Palm Bay until September 20, 2026.

The District Manager announced the District's annual inventory was conducted on October 23, 2023 by Brant Hoffman and George Rainbolt with no discrepancies found.

The District Manager announced Shawn Hughes and Montrell Lyons were hired to fill the District's vacant Facilities Maintenance Position.

**PUBLIC COMMENTS**

None

## PRESENTATIONS

None

## REGULAR BUSINESS

The President presented the minutes from the August 29, 2023 Board meeting for approval. Drew Powshok **motioned to approve the minutes of the August 29, 2023 Board Meeting.** Jay Woltering **seconded the motion.** The Board **voted 5-0 to approve the minutes.**

The President presented the Operating Statement through September 30, 2023 for Board approval. Hale **motioned to approve the Operating Statement through September 30, 2023.** Brant Hoffman **seconded the motion.** The Board **voted 5-0 to approve the motion.**

## NEW BUSINESS

The President opened discussion for the annual election of the MTWCD Board of Directors. Drew Powshok **nominated Phil Weinberg for President,** Brant Hoffman **seconded the motion.** The Board **voted 4-0, with Phil Weinberg abstaining to approve the nomination.** Drew Powshok **nominated Joe Hale for Vice-President.** Brant Hoffman **seconded the nomination.** The Board **voted 4-0, with Joe Hale abstaining.** Drew Powshok **nominated Lisa Blackett for Secretary/Treasurer,** Jay Woltering **seconded the nomination.** The Board **voted 5-0 to approve the nomination.** Powshok **nominated Jim Beadle for the District Attorney,** Joe Hale **seconded the nomination.** The Board **voted 5-0 to approve the nomination.**

## OLD BUSINESS

The President reviewed the on-going situation with AT&T's installation on C-51 without Board approval or a permit. He asked the Board Attorney to discuss options since representatives from AT&T have not attended previous Board meetings as requested. The District Attorney advised the options included filing a lawsuit to require they remove the installation unless they obtain a permit and pay the permit fees, not allow any infrastructure in the rights of way until there is an agreement for resolution of the issues, or to send a demand letter seeking a formal response. The President stated he would like to begin with the demand letter to determine their position. Jay Woltering asked the District Attorney how long a lawsuit would take to which he responded that legal action generally takes a year. Drew Powshok asked the District Attorney if AT&T's attorney had reached out to the District's Attorney after they requested the District's legal representative's contact information and the District Attorney stated he has had no contact with their legal representatives. The consensus was for the District Attorney to send a demand letter to see if there is any reaction from AT&T that would determine the District's future course of action.

## BUDGET

The Manager requested that \$44,892.40 to be rolled over from FY 2022/2023 Budget to FY 2023/2024 due to the delay of the installation of the Versa Flail Mower which is now expected to be completed in March of 2024. Joe Hale **motioned to allow the Budget transfer to roll over.** Jay Woltering **seconded the motion.** The Board **voted 5-0 to approve the motion.**

The Manager then requested that a transfer of \$10,928.00 from account # 5450000 Insurance to 5630001 Improvements other than Buildings for the purchase of two used 4-barrel float systems for the Districts two hydraulic pumps used during hurricane season. The Manager added the District had issued a purchase order to purchase new floats in 2022, however that company has been unable to get them. The Assistant Manager/Operations advised there was an approximate savings of \$4,000 from the original company's proposal. The Assistant Manager added staff had looked into building the floats but found it was not cost effective to do so. Drew Powshok **motioned to approve the transfer of funds from account 545000 to account 5630001 for the purchase of the two used 4-barrel float systems.** Jay Woltering **seconded the motion.** The Board **voted 5-0 to approve the motion.**

### **MANAGER'S REPORT**

The Manager reported the rain event earlier in the month caused approximately 50 washouts and several road closures within the City of Palm Bay and advised the District will be assisting the City of Palm Bay in any way possible. He stated that a lot of aquatic vegetation was washed into Turkey Creek but staff was able to use the harvester to remove quite a bit of vegetation as well.

The Manager advised that District's aquatic spray systems are nearing the end of their life and will need to be replaced. The Manager stated staff has determined work on C-69 will be necessary to improve flow. He added the improvements include widening the canal and clearing some of the trees from the right of way. The Manager said the project would take 6-8 weeks to complete and staff plans to notify residents affected by any tree removal in advance of work being started. Brant Hoffman asked if the clearing included both sides to which the District Engineer stated the goal is to clear the east side for better access.

The Manager announced the Delegation meeting would be held on October 25, 2023 in which he and the Board President would attend. He advised that Thad Altman will sponsor a bill which would raise the District's user fee cap double with the same conditions for user fee rates.

The Manager stated that the District's annual audit for FY 2022-2023 has begun with the auditors conducting their planning visit.

The Manager announced the District's Christmas party is planned for December 21, 2023 with more details to be announced at the December Board meeting.

### **ENGINEER'S REPORT**

The Engineer reported that 62 permits were issued in FY 2022-2023 with 56 being new permits, four were dewatering and two were permit transfers. He added there are several projects in review or need additional information. The Engineer stated the final submission for the SOIRL project with a value of a little over \$200,000 will be submitted once final calculations are completed.

The Engineer stated Encore Apartment Complex at Minton Road and the I-95 will be installing a 23 ft wide x 7 ft high Con-Span for access from Minton Road across C-69. The President asked when the installation would begin to which the Engineer responded in about two months.

### **ASSISTANT MANAGER/OPERATIONS REPORT**

The Assistant Manager/Operations reported that the harvester was helpful in removing aquatic vegetation during the recent rain event. He added that since the tough booms were taken down for maximum flow, a lot of vegetation was piled against the dam allowing for 15,000 pounds of nitrogen and 354 pounds of phosphorus to be removed in a 5-day period. The Assistant Manager/Operations advised the District had washouts in several canals but that staff have been working to complete repairs. He stated C-17 was the final canal to be cleaned in conjunction with the SOIRL program with 5730 pounds of nitrogen removed.

Mr. Hale asked the Assistant Manager/Operations if the SJRWMD pumps were running during the rain event to which he replied they were not. Mr. Hale stated he was told the pumps were there for their interest in water quality not flood control. The District Engineer agreed the SJRWMD pumps were not for flood control but that during the rain event, the water in C-1 was actually flowing west in the beginning due to heavy rainfall in the east. He added the pumps are only capable of pumping 50 CFS each, for a total of 200 CFS from four pumps and there was 3,000 CFS going over the dam.

**ATTORNEY'S REPORT**

None

**SECRETARY/TREASURER'S REPORT**

The Secretary/Treasurer updated the Board on the audit for fiscal year 2023 is underway with the auditors on site for planning and returning on November 27 & 28, 2023. The Secretary/Treasurer reported no new movement on the review of the District's final FEMA claim. The President asked how much more is expected to be reimbursed to which she replied over \$250,000.

**CLOSING**

The Board President stated that the next Board meeting would be Tuesday, December 5, 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 – Thanked the Board members for their continued support in electing him as Board Vice-President.*

*Brant Hoffman – Stated that he learned a lot about the District's inventory process during his audit.*

*Drew Powshok – None*

*Jay Woltering – None*

*Philip Weinberg – The Board President thanked Brant for conducting the inventory audit. He congratulated the Secretary/Treasurer on the birth of her grandson and said he was happy Debbie Leclair attended the meeting as it was nice to see her.*

**ADJOURN**

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

Respectfully,

Lisa Blackett  
Secretary  
Board of Directors



# Attachment

2



MELBOURNE-TILLMAN WATER CONTROL DISTRICT  
 Operating Statement Through October 31, 2023

	Actual \$ To Date	FY 2024 Approved Budget	Approved Budget Adjustment	FY 2023 Modified Budget	Over/Under Budget	Percentage Budget	
<b>Revenue</b>							
User Fees	\$ 224	\$ 2,416,125		\$ 2,416,125	\$ (2,415,901)	0%	
Permits	\$ -	\$ 40,000		\$ 30,000	\$ (30,000)	0%	
Miscellaneous Income	\$ 17,495	\$ 50,000		\$ 50,000	\$ (32,505)	35%	
Other Income	\$ -	\$ -	\$ -	\$ -	\$ -		
State Grant - FEMA		\$ -		\$ -	\$ -	100%	
Federal Grant - FEMA		\$ -		\$ -	\$ -	100%	
Intergovernmental Revenue				\$ -	\$ -	100%	
<b>Revenue</b>	<b>\$ 17,719</b>	<b>\$ 2,506,125</b>	<b>\$ -</b>	<b>\$ 2,496,125</b>	<b>\$ (2,478,406)</b>	<b>1%</b>	
Balance Forward		\$ 2,199,679		\$ 2,199,679	\$ (2,199,679)	0%	
<b>TOTAL INCOME</b>	<b>\$ 17,719</b>	<b>\$ 4,705,804</b>	<b>\$ -</b>	<b>\$ 4,695,804</b>	<b>\$ 4,678,085</b>	<b>0%</b>	
<b>Expenses</b>							
<b>Salary &amp; Benefits</b>							
Uniform Reimbursement							
Salaries	\$ 75,608	\$ 1,147,842		\$ 1,147,842	\$ 1,072,234	7%	
Health Insurance	\$ 19,292	\$ 282,960		\$ 282,960	\$ 263,668	7%	
Retirement	\$ (2,268)	\$ 182,736		\$ 182,736	\$ 185,004	-1%	
FICA/Medicare	\$ 5,591	\$ 87,465		\$ 87,465	\$ 81,874	6%	
Workers' Comp	\$ 3,724	\$ 35,755		\$ 35,755	\$ 32,031	10%	
<b>SALARY &amp; BENEFITS</b>	<b>\$ 101,947</b>	<b>\$ 1,736,758</b>	<b>\$ -</b>	<b>\$ 1,736,758</b>	<b>\$ 1,634,811</b>	<b>6%</b>	
<b>Operations</b>							
Professional Services	\$ 7,250	\$ 53,100	1	\$ 53,100	\$ 45,850	14%	Testing, Miscellaneous Professional Services
Contract Services	\$ 288	\$ 7,300		\$ 7,300	\$ 7,012	4%	Uniforms, Garbage Service
Travel	\$ 20	\$ 1,200		\$ 1,200	\$ 1,180	2%	Travel
Communications	\$ 913	\$ 10,500		\$ 10,500	\$ 9,587	9%	Postage, Telephone Service
Utilities	\$ 630	\$ 8,375		\$ 8,375	\$ 7,745	8%	Utility, Solid Waste Assessment
Rentals	\$ 2,842	\$ 13,500		\$ 13,500	\$ 10,658	21%	Rentals
Liability Insurance	\$ 130,407	\$ 133,170	1	\$ 133,170	\$ 2,763	98%	Insurance
Repair & Maintenance	\$ 9,628	\$ 188,507	\$ -	\$ 188,507	\$ 178,879	5%	Repair & Maintenance Service, Repair & Maintenance Supplies,
Current Charges	\$ 145	\$ 50,323		\$ 50,323	\$ 50,178	0%	Tax Collector, Bank Fees, Lic & Permits, Advertising,
Office Supplies	\$ 279	\$ 6,600		\$ 6,600	\$ 6,321	4%	Office Supplies
Operating Supplies	\$ 6,904	\$ 293,750		\$ 308,750	\$ 301,846	2%	Operating Supplies, Fuel,Gas & Oil, Aquatics
Books & Training	\$ 261	\$ 7,000		\$ 7,000	\$ 6,739	4%	Books,Pubs.,Memberships, Training Costs
Restricted Reserves	\$ -	\$ 1,831,129		\$ 1,831,129	\$ 1,831,129		
<b>OPERATIONS</b>	<b>\$ 159,567</b>	<b>\$ 2,604,454</b>		<b>\$ 2,604,454</b>	<b>\$ 2,444,887</b>	<b>6%</b>	
<b>Capital Outlay</b>							
Improvements Other than Buildings	\$ 11,505	\$ 35,928	1	\$ 35,928	\$ 24,423	32%	
Machinery	\$ -	\$ 324,164		\$ 324,164	\$ 324,164	0%	
Computer Equipment	\$ -	\$ 2,000		\$ 2,000	\$ 2,000	0%	
Computer Software	\$ -	\$ 2,500		\$ 2,500	\$ 2,500	0%	
<b>CAPITAL OUTLAY</b>	<b>\$ 11,505</b>	<b>\$ 364,592</b>		<b>\$ 364,592</b>	<b>\$ 353,087</b>	<b>3%</b>	
<b>TOTAL EXPENSE</b>	<b>\$ 273,018</b>	<b>\$ 4,705,804</b>		<b>\$ 4,705,804</b>	<b>\$ 4,432,786</b>	<b>6%</b>	
Net Income	\$ (255,299)	\$ -		\$ 319,073	100.0%		

1 Approved 10-24-23

\$10928.00 from #5450000 Insurance to #5630001 Improvements other than Buildings to purchase 2 floats