

# Melbourne-Tillman Water Control District



## Board Agenda

# Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS  
TUESDAY, DECEMBER 6, 2016  
9:00 AM



## Call to Order

Joe Hale, President

## Pledge of Allegiance

Joe Hale, President

## Roll Call

Debbie Leclair

### Board Members:

Conroy Jacobs (Palm Bay Sept 2018)  
Joe Hale (Brevard Sept 2019)  
Robert Hinkel (Palm Bay Sept 2017)  
David Isnardi (Brevard Co Sept 2019)  
Conroy Jacobs (Palm Bay Sept 2018)  
Keith Mills (West Melbourne Sept 2018)  
Drew Powshok (Brevard Co Sept 2019)  
Jim Tapp (Palm Bay Sept 2019)

### Staff & Support:

Dan Anderson, District Manager  
Debbie Leclair, Asst Mgr./Admin. Oper.  
Secretary/Treasurer  
Jim Beadle, Attorney  
Nancy Wingo, Court Reporter

## Recognition of Guests and Support Staff

Matt Soyka, District Engineer  
Mike McCabe, Deputy Engineer

## Announcements

The District Staff will be having their Christmas Party on Thursday, December 22, 2016 at 12:00 pm. All Board Members and Support Staff are invited.

# Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, DECEMBER 6, 2016

9:00 AM

## **Public Comments**

## **Presentations**

## **Regular Business**

- Approval of the October 25, 2016 minutes of the MTWCD Board of Director's Meeting (Attachment 1)
- Approval of the Operating Statement through October 31, 2016 (Attachment 2)

## **New Business**

Ring Power Corporation will be allowing the District to demo a Diamond 48" Boom Saw Head. This boom saw that can be attached to a tractor and will be used to do brush and tree trimming along the canals. The existing buzz bar that the District currently has is worn not repairable. The budget this year does not include any capital purchases, however if this saw head works well staff may wish to purchase the unit. Board authorization is requested for this possible purchase.

Request Board approval for revisions to District Permitting Policies. This revision addresses subaqueous utility and transmission lines. (Attachment 3)

## **Old Business**

As approved at the October 25, 2016 Board meeting, attached is the notice for the C-37 vacation of easement to the proposed property owner for the Cumberland Farms site at the corner of Minton and Malabar Road. Staff is requesting authorization of the vacation of the entire 20 foot easement due to the fact that it is only an access easement and staff does not foresee any future use due to the hardening of the slope. (Attachment 4)

## **Staff Reports**

- Manager's Report, Dan Anderson
- Engineer's Report, Matt Soyka
- Attorney's Report, Jim Beadle

# Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS  
TUESDAY, DECEMBER 6, 2016  
9:00 AM

- Secretary/Treasurer's Report, Debbie Leclair

## **Closing**

- Meeting Schedule --

The next Board Meeting is scheduled for Tuesday, February 28, 2017 at 9:00 am in the City of West Melbourne Council Chambers.

- Board Member Reports

Conroy Jacobs

Joe Hale

Bob Hinkel

Dave Isnardi

Keith Mills

Drew Powshok

Jim Tapp

- 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 25, 2016

### **CALL TO ORDER**

The regular scheduled meeting of the Melbourne-Tillman Water Control District (MTWCD) Board of Directors was called to order by Joe Hale, President, on Tuesday, October 25, 2016 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:

Joe Hale  
Robert Hinkel  
Dave Isnardi  
Keith Mills  
Drew Powshok  
Jim Tapp  
Conroy Jacobs (arrived later)

Also present:

Dan Anderson, District Manager  
Jim Beadle, District Attorney  
Debbie Leclair, Secretary/Treasurer

### **RECOGNITION OF GUESTS/VISITORS/STAFF**

Matt Soyka, District Engineer  
Mike McCabe, Deputy District Engineer  
Nancy Wingo, Veritext Court Reporting  
George Balaban, Bohler Engineering  
Cole Oliver, Rossway Swan  
Bruce Moia, MBV Engineering  
Ann Benedetti, St Johns River Water Management District  
Debbie Goode, Carr, Riggs & Ingram

### **ANNOUNCEMENTS**

The Manager announced that Joe Hale, Drew Powshok, and Dave Isnardi have been reappointed to the Board and that their terms expire September 30, 2019.

The Manager announced that Bob Hinkel performed the District's annual inventory on October 17, 2016, and no discrepancies were noted.

### **PUBLIC COMMENTS**

Debbie Goode, Carr, Riggs & Ingram, addressed the Board providing information on the auditor selection process and options for the District in the next few years.

She handed out a letter from the American Institute of Certified Public Accountants (AICPA), stating that the AICPA is the body that issues the accountants licenses and determines ethics. Ms. Goode reviewed the information that the Auditor General gives on auditor rotation and the views from the AICPA. She stated that they had an attorney review the statute and conclude that as stated in all their engagement letters, that upon mutual agreement of both parties the contract can continue in existence. Ms. Goode explained that Carr, Riggs & Ingram has two other audit partners that could be rotated and placed in charge of the MTWCD audit if the Board wished..

### **PRESENTATIONS**

The Manager stated that George Balaban with Bohler Engineering and Cole Oliver with Rossway Swan, both representing the property on the corner of Minton and Malabar Roads, are requesting a 20-foot access easement. He explained that this 20-foot access easement would be for construction of a Cumberland Farms and in exchange for hardening the remaining 40 feet of right-of-way. The Manager reviewed some legal history with this property and why the District has an easement. He explained that the slope where the Malabar Road bridge sits was hardened under the bridge and staff thought that if the slope could be hardened from that point up to the edge of the property that would eliminate many maintenance issues. The Manager explained that due to the high cost to the contractor hardening the slope, the District agreed to supply the rubble as this would be a benefit to both the District and the new property owner. He explained that any maintenance in the canal itself could be done from the east side.

*Conroy Jacobs arrived at this time*

Oliver Cole addressed the Board stating that it would be approximately 250 feet. There was discussion regarding the process of vacating an easement and the difference between vacating a right-of-way. The District Attorney stated that an agreement has to be in place and it a notice of intent to has to published. There was also discussion about the City of Palm Bay seeking a 10-foot easement and the District only needing to vacate a 10-foot section. The District Attorney explained that the Board would need to authorize staff to publish the required notice to relinquish interest in the property. Dave Isnardi **motioned** to authorize staff to proceed with the notice to vacate the westerly 10-foot portion of the 20-foot easement along the western bank of C-37 north of Malabar Road approximately 250 feet and bring back to the Board. Jim Tapp **seconded the motion**. The Board voted 6-0 to **approve the motion**.

Bruce Moia, MBV Engineering, representing Palm Bay Utilities, addressed the Board requesting the use of the C-37 canal right-of-way for the installation of a 4-inch force main. He explained that there are about eight properties on the east side of Minton Road, north of Malabar Road, that have the potential for development. Mr. Moia explained that to avoid the use of septic systems for these properties, the City of Palm Bay decided to install a force main to provide service to the area. He reviewed the request for a 10 foot easement, either an easement within the District's easement, or if vacated then an easement on the property owner of the proposed Cumberland Farms, along with the use of the C-37 west right-of-way to extend the force main utility. Conroy Jacobs **motioned** to approve the parallel use of the western right-of-way of C-37 north of Malabar Road for the installation of a 4-inch force main. Keith Mills **seconded the motion**. The Board voted 5-0 to **accept the motion**, (Jacobs and Isnardi abstaining).

### **OLD BUSINESS**

The Manager reviewed the approval from the Board at the August meeting to extend the engagement with Carr, Riggs & Ingram for one-year. He explained that the Board had the option of bidding out the auditing services for the District or engaging Carr, Riggs & Ingram for whatever



term the Board wishes. There was some discussion on the length of the engagement and that the audit for 2015/2016 would be covered under the one-year engagement approved in August. Dave Isnardi **motioned** to continue with Carr, Riggs & Ingram for two additional years. Bob Hinkel **seconded the motion**. The Board voted 7-0 to **approve the motion**.

### **REGULAR BUSINESS**

Keith Mills **motioned** to approve the minutes of the August 23, 2016 Board Meeting. Dave Isnardi **seconded the motion**. The Board voted 7-0 to **approve the motion**.

Dave Isnardi **motioned** to approve the Operating Statement through September 30, 2016. Drew Powshok **seconded the motion**. The Board voted 7-0 to **approve the motion**.

### **NEW BUSINESS**

The Manager stated that it was time again for the annual election of the Board Officers.

Dave Isnardi **motioned** to appoint Jim Beadle as District Attorney. Jim Tapp **seconded the motion**. The Board voted 7-0 to **approve the motion**.

Dave Isnardi **motioned** to appoint Debbie Leclair as District Secretary/Treasurer. Jim Tapp **seconded the motion**. The Board voted 7-0 to **approve the motion**.

Dave Isnardi **motioned** to appoint Keith Mills as Board Vice-President. Drew Powshok **seconded the motion**. The Board voted 7-0 to **approve the motion**.

Dave Isnardi **motioned** to appoint Joe Hale as Board President. Jim Tapp **seconded the motion**. The Board voted 7-0 to **approve the motion**.

The Manager's anniversary date was October 6 and the Board discussed his annual review. Jim Tapp **motioned** to authorize a 3% pay increase to the District Manager. Keith Mills **seconded the motion**. The Board voted 7-0 to **approve the motion**.

*Dave Isnardi left the meeting at this time.*

### **MANAGER'S REPORT**

The Manager updated the Board on the storm response before and after Hurricane Matthew. He explained that staff worked with St. Johns River Water Management District in coordinating the drawdown through MS-1. He stated that the damage throughout the District was minimal with some trees down, some blockages in canals, and one of the windmills was blown over. He thanked the City of Palm Bay for their cooperation and allowing the District the use of the Utility complex on Osmosis Drive.

### **ENGINEER REPORT**

There was no Engineer's report

### **ATTORNEY REPORT**

There was no Attorney report.



### **SECRETARY/TREASURER REPORT**

The Secretary/Treasurer announced that the District has the opportunity to open a credit card through Bank of America that would allow the District to receive cash back on some purchases. She explained that the application process required an authorization from the Board of Directors signed by two Board Members authorizing the District Manager or District Secretary/Treasurer to complete and sign the credit application. Jim Tapp **motioned** to authorize the District Manager or District Secretary/Treasurer to complete the credit application. Conroy Jacobs **seconded the motion**. The Board voted 6-0 to **approve the motion**.

### **CLOSING**

The next regular Board Meeting is scheduled for Tuesday, December 6, 2016, at 9:00 am in the City of West Melbourne Council Chambers.

### **DIRECTOR'S REPORTS**

Joe Hale – Thanked Bob Hinkel for overseeing the District's inventory and thanked the Board for the appointment of Board President.

Bob Hinkel – Complemented the Manager on a great organization and thanked Conroy for the great map

Conroy Jacobs –. Handed out a map that he compiled that shows the municipalities within the District showing the total acres of the municipality with acreage and calculating the percent of the municipalities within the District. He explained that this map could be used as a tool for deciding how the Board wishes to continue with the composition of the Board. He stated that he will get the count of housing units within the different municipalities.

Keith Mills – Thanked everyone for their patience on the Council room construction and thanked Conroy for the map

Drew Powshok – Stated that the map is a nice visual tool and we still need the number of residents actually living within the District. Thanked Conroy for the map. Asked if any further progress had been made regarding the areas that are draining into the District but are not actually in District boundaries. The Manager responded that Malabar now has a new Manager and that a meeting will need to be set up, also the staff is still working on the modeling for that area.

### **ADJOURN**

Joe Hale, President adjourned the meeting at 10:33 am.

Respectfully,

Debbie Leclair  
Secretary  
Board of Directors

# Attachment 2

# MELBOURNE-TILLMAN WATER CONTROL DISTRICT

## Operating Statement through October 31, 2016

	Actual \$	FY 2016	Approved Budget	FY 2016 Modified	Over/Under	Percentage
	To Date	Approved Budget	Adjustments	Budget	Budget	Budget
<b>Revenue</b>						
User Fees	\$ 16,728	\$ 1,925,754		\$ 1,925,754	\$ (1,909,026)	1%
Permits	\$ 13,460	\$ 40,000		\$ 40,000	\$ (26,540)	34%
Miscellaneous Income	\$ 3,306	\$ 28,000		\$ 28,000	\$ (24,694)	12%
Revenue	\$ 33,494	\$ 1,993,754		\$ 1,993,754	\$ (1,960,260)	
Balance Forward		\$ 2,788,757		\$ 2,788,757	\$ (2,788,757)	0%
<b>TOTAL INCOME</b>	<b>\$ 33,494</b>	<b>\$ 4,782,511</b>		<b>\$ 4,782,511</b>	<b>\$ 4,582,142</b>	
<b>Expenses</b>						
<b>Salary &amp; Benefits</b>						
Salaries	\$ 64,883	\$ 898,890		\$ 898,890	\$ 834,007	7%
Health Insurance	\$ 20,585	\$ 284,219		\$ 284,219	\$ 263,634	7%
Retirement	\$ (1,451)	\$ 80,133		\$ 80,133	\$ 81,584	-2%
FICA/Medicare	\$ 4,748	\$ 68,765		\$ 68,765	\$ 64,017	7%
Workers' Comp	\$ 5,088	\$ 24,000		\$ 24,000	\$ 18,912	21%
SALARY & BENEFITS	\$ 93,853	\$ 1,356,007			\$ 1,262,154	
<b>Operations</b>						
Professional Services	\$ 2,500	\$ 36,200	\$ 30,000	\$ 66,200	\$ 63,700	4% Legal, Drug Testing, Accounting & Court Reporting, Engineering Testing, Misc. Prof Serv.
Contract Services	\$ 867	\$ 8,400		\$ 8,400	\$ 7,533	10% Uniforms, Garbage Service
Travel	\$ -	\$ 5,000		\$ 5,000	\$ 5,000	0% Travel
Communications	\$ 307	\$ 13,500		\$ 13,500	\$ 13,194	2% Postage, Telephone Service
Utilities	\$ 619	\$ 8,500		\$ 8,500	\$ 7,881	7% Utility, Solid Waste Assessment
Rentals	\$ 1,530	\$ 9,500		\$ 9,500	\$ 7,970	16% Rentals
Liability Insurance	\$ 78,853	\$ 83,000		\$ 83,000	\$ 4,147	95% Insurance
Repair & Maintenance	\$ 13,484	\$ 110,600		\$ 110,600	\$ 97,116	12% Repair & Mnt Serv, Repair & Maintn. Sup, Auto & Eqpm Parts, Mnt Agrmts.
Current Charges	\$ 422	\$ 27,475		\$ 27,475	\$ 27,053	2% Tax Coll, Bnk Fees, Pyrl. Exp, Lic & Permits, Advertising, Unemplm
Office Supplies	\$ 573	\$ 8,000		\$ 8,000	\$ 7,427	7% Office Supplies
Operating Supplies	\$ 5,918	\$ 395,000		\$ 395,000	\$ 389,082	1% Operating Supplies, Fuel, Gas & Oil, Aquatics
Books & Training	\$ 142	\$ 14,000		\$ 14,000	\$ 13,858	1% Books, Pubs., Memberships, Training Costs
Restricted Reserves	\$ -	\$ 2,588,829	\$ (30,000)	\$ 2,558,829	\$ 2,588,829	Reserves
OPERATIONS	\$ 105,216	\$ 3,308,004		\$ 3,308,004	\$ 3,202,788	
<b>Capital Outlay</b>						
Improvements Other than Buildings	\$ 1,300	\$ 110,000		\$ 110,000	\$ 108,700	1%
Buildings	\$ -	\$ -		\$ -	\$ -	0%
Machinery	\$ -	\$ -		\$ -	\$ -	0%
Computer Hardware	\$ -	\$ 2,500		\$ 2,500	\$ 2,500	0%
Computer Software	\$ -	\$ 6,000		\$ 6,000	\$ 6,000	0%
CAPITAL OUTLAY	\$ 1,300	\$ 118,500		\$ 118,500	\$ 117,200	
<b>TOTAL EXPENSE</b>	<b>\$ 200,369</b>	<b>\$ 4,782,511</b>		<b>\$ 4,782,511</b>	<b>\$ 4,582,142</b>	

1 Approved August 23, 2016

\$30,000.00 from Reserves for MJH Consulting (Consulting services approved at the April 2016 meeting, but not in 2016/2017 budget)

\$30,000.00 to Miscellaneous Professional Services

# Attachment 3



## Subaqueous Utility and Transmission Lines

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. The 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. The clearances in this policy will apply whether standard 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 3 feet is maintained between the surface elevation and the top of conduit. In all cases that involve the District Manager's need to adjust the clearances, it will also be necessary to provide a 10' wide armor surface on the banks, centered over the conduit. The installation under the bottom of the canal would need a 10' wide, 6" thick concrete pad, centered over the conduit. Following is a table of the required clearances for subaqueous utility and transmission lines:

<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.

# Attachment

4

## **NOTICE OF INTENT TO CONSIDER THE CONVEYANCE OF PROPERTY**

### **MELBOURNE-TILLMAN WATER CONTROL DISTRICT**

The Melbourne-Tillman Water Control District (MTWCD) hereby gives Notice of its intent to consider the vacation of a portion of the west 20 feet of the east 60 feet of an easement located in that part of the South Half of the Southeast Quarter of the Southeast Quarter of Section 36, Township 28 South, Range 36 East, Brevard County Florida (and further located just east of the Minton Road/Malabar Road intersection, north of Malabar Road and in which Canal C-37 is located), in exchange for the hardening of the bottom 10 feet of the westerly bank of Canal C-37 with MTWCD providing the material and property owner providing the labor.

A Public Meeting to consider the proposed conveyance will be held on Tuesday, February 28, 2017 in the City Council Chambers, West Melbourne City Hall, 2285 Minton Road, West Melbourne, beginning at 9:00 am.

PURSUANT TO SECTION 286.0105 FLORIDA STATUTES, THE BOARD ADVISES THE PUBLIC THAT: If a person decides to appeal any decision by the Board Members with respect to any matter considered at this meeting, they will need a record of the proceedings and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Board Members for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act and 286.26 Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding should contact the MTWCD Office no later than 48 hours prior to the proceedings at (321) 723-7233.