

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

February 25, 2025

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, February 25, 2025 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, Vice President
Don Jordan
Brant Hoffman
Keith Jerdon
Drew Powshok
Phil Weinberg, President

Absent: Jay Woltering

Also present: Rick Nipper, District Manager
Lisa Blackett, Secretary/Treasurer
Jim Beadle, District Attorney

RECOGNITION OF GUESTS/VISITORS/STAFF

Bo Rainbolt, Assistant Manager of Operations
Mike McCabe, District Engineer
Scott Morgan, City of Palm Bay Interim City Manager
Gabe Boden, City of Pam Bay Utilities Director
Tim Roberts, City of Palm Bay Utilities Assistant Manager
Mike Jaffe, Palm Bay City Councilman
Scott Knox, Esq., Representative for Rolling Meadows

ANNOUNCEMENTS

The District Manager announced he had been appointed to the Save Our Indian River Lagoon Oversight Committee. He added this was an opportunity to represent the District and seek grant opportunities

The Manager also announced Jacob O'Connor and Dwayne Young celebrated five years of employment with the District and Allen Burbeck will celebrate twenty years of employment with the District on March 22, 2025.

PUBLIC COMMENTS

None

REGULAR BUSINESS

The President presented the minutes of the December 3, 2024, Board meeting for approval. Joe Hale **motioned to approve the minutes of the December 3, 2024 Board meeting.** Don Jordan **seconded the motion.** The Board **voted 6-0 to approve the motion.**

The Vice President presented the Operating Statement through January 31, 2025 for Board approval. Joe Hale **motioned to approve the Operating Statement through January 31, 2025.** Drew Powshok **seconded the motion.** The Board **voted 6-0 to approve the motion.**

PRESENTATIONS

None

OLD BUSINESS

The Board President announced the order of business would be changed to present the Rolling Meadows permit request before the Fulcher property request.

The District Manager reported that he had recently become aware of a fifteen-year permit issued for Rolling Meadows, which included parallel use of the District's rights of way. He explained that, given the District's current policy against issuing permits for parallel use, the permit must be reviewed. He noted that the permit would expire within two years, the plans had been modified from the originally approved version, and construction had not yet commenced.

The Manager further clarified that the original plans included two lines, one on the east right of way and one on the west right of way, with no crossings. However, the current plans incorporated three crossings. The District President inquired whether permit fees would apply to the crossings, as per current policy. Both the Manager and the District Engineer agreed that fees should be charged for the three new crossings.

Tim Roberts, Assistant Manager of Palm Bay Utilities, presented the developers' proposal for the installation of 10,000 linear feet of 24-inch water main and 9,000 linear feet of 16-inch force main along the east side of the canal. Mr. Roberts stated that the project would address Palm Bay Utilities' requirement to establish a secondary loop connecting the water and wastewater plants in the southern region of the city. This would enhance system capacity and support growth in the southeastern region of Palm Bay. He also noted that an advanced leak detection system would be integrated into the project.

In response to a query from Joe Hale regarding alternative routes for the utilities, Mr. Roberts shared maps indicating that an alternative route would double the length of both mains and encounter a conflict at DeGroot, necessitating an upsize to the current 16-inch water main. He identified the proposed crossings as being at Canal 40 and Canal 39.

Scott Knox, representing Rolling Meadows, emphasized the importance of the permit, issued with a fifteen-year expiration date, for the sale and development of the property. He stated that Coulter, a prominent housing developer, intended to purchase the property once the permitting issue was resolved and expressed hope that the Board would recognize the validity of the permit. Mr. Knox added that Palm Bay Utilities stood to benefit from substantial impact and territorial fees, and Coulter had expressed interest in extending the Parkway to the property.

The Manager asked Mr. Knox whether the developer was aware of the challenges associated with the right of way on the east side, which would necessitate fill and a hydraulic model to ensure no adverse effects. Mr. Knox confirmed that his client was aware of these requirements and would comply with the necessary changes, including payment of crossing permit fees.

The Manager proposed extending the permit's expiration date to December 31, 2026, to account for delays caused by the permitting issue. Mr. Knox agreed that the extension would be beneficial. Joe Hale inquired why Rolling Meadows had been advocating for the permit when it had been issued to Palm Bay Utilities. Mr. Knox explained that, in 2011, Palm Bay had applied for the permit as the ultimate owner of the works, with Rolling Meadows and Willowbrook Farms as beneficiaries. He noted that Rolling Meadows and Willowbrook Farms had engaged BSE Engineering to design the plans and submit the permit application on behalf of the City of Palm Bay.

Mr. Hale remarked that the District's permit fees were avoided by listing the City of Palm Bay as the applicant rather than the developer. The District Manager suggested including a motion to void any other outstanding permits, extend the expiration date to December 31, 2026, and update the original permit MT-3-11 to reflect the revised language. The District Engineer supported these modifications. Joe Hale **motioned to adopt as stated by the revision of the District Engineer speaking of and to extinguish the other permits except for MT-3-11 and for the addition of both sides of the canal and crossings, with the intent to pay for the crossings and the extension to December 31, 2026. Drew Powshok seconded the motion.** During the discussion, Mr. Hale asked the City of Palm Bay Utility Director, Gabe Boden, whether the City supported the permit. Mr. Boden confirmed that the City of Palm Bay supported the permit as it was critical for the development of the southern and southeastern regions. The Board **voted 6-0 to approve the motion.**

The District Manager informed the Board that District staff had verified the C-84 canal's location on Ms. Fulcher's property. He requested consensus from the Board to provide options for resolving the issue with Ms. Fulcher. He proposed that if Ms. Fulcher insisted on relocating the canal, which would require significant time and expense, the District should establish the canal's presence on her property in perpetuity and decline any future modifications requested by potential buyers if the property were sold. The District Attorney advised that the District could not vacate the right of way to Ms. Fulcher or future owners, as it was a District asset that could not be relinquished, particularly to someone intending to profit from its sale. He recommended initiating discussions with Ms. Fulcher to ascertain her preferences and present options at the April meeting. The Board reached consensus to authorize the Manager to meet with Ms. Fulcher and provide an update during the April meeting.

NEW BUSINESS

The District Manager's annual performance review was addressed during the meeting. Joe Hale commended the Manager, stating that he had done an excellent job. Brant Hoffman added that, as a result of the Manager's efforts, the working relationship and cooperation between the District staff and the City of Palm Bay Public Works staff had significantly improved.

The President expressed his belief that the District was very fortunate to have hired the Manager and agreed that he had performed outstandingly. While emphasizing that the Manager was fully deserving of his salary, the President noted the financial constraints of the District and recommended a 3% merit-based pay increase.

Keith Jerdon opposed the recommendation, citing concerns about the District's financial priorities. He highlighted that funds were not available for rental pumps for Westbrooke, yet annual pay raises could be accommodated. Although he acknowledged the Manager's strong performance, he stated he could not support a wage increase until the District's finances were in a better position.

Drew Powshok reaffirmed the Manager's exceptional contributions and expressed confidence that the District had chosen the right individual for the role. Brant Hoffman **motioned to give the Manager a 3% increase in pay for the next year.** Joe Hale **seconded the motion.** The Board **voted 5-1 to approve the motion, Jerdon opposed.**

BUDGET

The District Manager requested \$3000 be transferred from expense account #5450000 Insurance to expense account #5340160 Uniforms to fund the District's uniform service for the remainder of the fiscal year. He attributed the request to a typo error which left the #5340160 Uniforms expense account underfunded. Drew Powshok **motioned to approve a transfer of \$3,000 from account 5450000 Insurance to account 5340160 Uniforms to fund the uniform service for the year.** Joe Hale **seconded the motion.** The Board **voted 6-0 to approve the transfer.**

MANAGER'S REPORT

The District Manager provided a legislative update, informing the Board that the local delegation meeting would not be rescheduled and the District would not have a sponsor for any legislative action during the 2025 Florida Legislature. He noted that the transition to representation by the Corcoran Group had been positive this far and the District's financial position was expected to remain stable for the next two or three years.

The Manager also addressed the decision to discontinue renting a standby pump for the hurricane season. He explained that over the past ten years, the District had spent \$150,000 on the rental without ever utilizing the pump. He emphasized that the decision was made to avoid unnecessary expenses, not due to a lack of funds and assured the Board that the District's two pumps had proven sufficient through regular testing and maintenance. Keith Jerdon expressed strong opposition to this decision, arguing that the rental pumps had been used in the past to prepare for storms and to serve as a backup in case one the District's pumps failed during a storm. He described the decision to forgo the backup pump as "insane". The President countered, stating that, given the pumps had not been used in the past decade, even during severe storms, it was not justifiable to spend \$100,000 to \$130,000 on a pump that had not been historically necessary. Mr. Jerdon maintained that the pump had been used previously and requested receipts to verify the costs, emphasizing the community reliance on having the pumps available.

Additionally, the Manager proposed changing the start time of the Board meetings from 9:00 am to 10:00 am, citing concerns about traffic and school congestion. He sought clarification from the District Attorney on whether the topic needed to be included on the agenda. The District Attorney confirmed that while it did not need to be on the agenda, the Board would need to approve the change through a motion. Drew Powshok expressed concern that a later start time could lead to scheduling conflicts if the meetings ran long into the afternoon. After discussion, the Board decided to maintain the current meeting start time of 9:00 am.

ENGINEER'S REPORT

The District Engineer reported the Westbrook Bypass Piping project is moving forward and he had reviewed shop drawings with a pre-con meeting expected in March. The President asked how long construction would be and the District Engineer replied 120 days. The Engineer stated there was a system called Smart Pond he became aware of through the Indian River Lagoon Estuary Program that is designed to help draw a pond down during a storm event and considered its potential benefits. He added he would like to meet with officials from West Melbourne to have a presentation and the President agreed it was interesting to sit in on the presentation.

The District Engineer reported he has been reviewing the plans for widening Hollywood Blvd as well as many other permits for developments, fiber optics and utilities. He stated that staff would like the City of Palm Bay to travel the installation route to discuss potential issues and understand accessibility issues along C-37 before issuing the permit. The Manager added Brian Robinson, the IT Director for the City of Palm Bay had committed to a meeting to discuss and any major changes to what the Board approved would be brought back to the Board for consideration.

ASSISTANT MANAGER/OPERATIONS REPORT

The Assistant Manager of Operations reported that the Heavy Equipment group had successfully completed the installation of the pipe provided by the City of Palm Bay on C-50 and had shifted focus to working on other canals with limited access. He also noted that the Aquatic group had resumed normal operations, utilizing airboats as necessary. He mentioned ongoing issues with the John Deere mower but assured the Board that the company would provide a rental unit if the repairs were not completed promptly. The Assistant Manager of Operations commended the District's mechanics for preventing a potentially catastrophic failure of a hydraulic pump motor on the District's Link Belt long-reach excavator during routine maintenance. The mechanics identified a leak inside the housing, traced it to the hydraulic pump motor, and conducted an intricate repair operation. Their efforts not only avoided significant repair costs but also ensured that the excavator was quickly returned to service.

In response to a question from Joe Hale regarding the status of the Harvester, the Assistant Manager of Operations reported that he had met with a representative from Henning to obtain a quote for refurbishing the Harvester. The quote, presented as an itemized list, totaled \$300,000, which exceeded the District's current funding capacity. He explained that to restore the Harvester to operational status, new props had been ordered and would be installed once water levels normalized following the City of Palm Bay's project to repair broken sewer lines on Norwood and the completion of the District staff's annual maintenance on the MS-1 structure. The President concurred that replacing the props was a reasonable course of action but expressed hesitation about committing \$300,000 to refurbishing the Harvester. Instead, he suggested exploring the possibility of securing a grant from the St. Johns River Water Management District to procure a new machine.

ATTORNEY'S REPORT

None

SECRETARY/TREASURER'S REPORT

The Secretary/Treasurer reported that the auditors were scheduled to present the 2023/2024 audit of the District's financial statements to the Board at the meeting on April 22, 2025. She extended an offer to Keith Jerdon to review the invoices for the pump rentals and usage, expressing her willingness to meet with him for this purpose.

In response to an inquiry from the President regarding any pending FEMA reimbursements, the Secretary/Treasurer stated that the District had approximately \$240,000 outstanding. However, she noted that progress on the reimbursements had stalled in recent months. She added that the staff assigned to the reimbursement effort had been reduced to one individual, but monthly meetings were ongoing, with the aim of resolving the matter in the near future.

CLOSING

The Vice President stated that the next Board meeting would be Tuesday, April 22, 2025 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 – Offered congratulations to Jacob, Dwayne and Allen for working with the District for as long as they have and was pleased employees are staying with the District.

Brant Hoffman – reported that Ms. Kim Adkinson, the Brevard County Commission District 3 Representative, had expressed significant interest in the District and requested to be kept updated on its activities. The President noted that the District's lobbyist had recommended collaborating with the County Commissioners, as representatives from Districts 3 and 5 hold veto power over the District's fee structure. He further suggested organizing a tour of the District and its operations for the newly elected Commissioners to familiarize them with its functions and initiatives.

Keith Jerdon – Expressed that the installation of culverts at the church had resulted in flooding issues for the Westbrooke neighborhood. It was noted that after the District approved the culverts, bypass pumps were installed to address the flow restriction caused by the culverts. Concerns were raised about the decision to reduce the number of bypass pumps to one, as it was deemed inappropriate given the current circumstances. He suggested that once the improvements in West Melbourne are completed, the pump could potentially be removed, but it was emphasized that now is not the right time for such action. Mr. Jerdon shared that the ongoing flooding issues were deeply disheartening for him and the affected residents and reiterated his belief that the pumps should remain in place.

Drew Powshok – Asked the District Engineer regarding the status of the structural concerns surrounding the MS-1. The Engineer reported that the grouting project had been successfully completed but noted that the grant application was not considered because the District did not have an independent feasibility study. He added that the District had since been included in Brevard County's resiliency feasibility study as a critical infrastructure, which would facilitate reapplying for the grant. Brant Hoffman asked whether there was an entity responsible for inspecting such structures, like the Florida Department of Transportation's inspections of bridges. The Engineer stated that he was not aware of any specific entity but agreed to investigate the matter further.

Don Jordan – none

Phil Weinberg – Recognized Jacob and Dwayne for their 5 years of employment with the District and also Allen Burbeck who will on March 22, 2025 will celebrate 20 years of employment with the District which is really impressive. He also reiterated that the Manager is doing a great job and will be in constant contact with the District lobbyist regarding the legislative delegation. He announced the next meeting will be April 22, 2025.

ADJOURN

Phil Weinberg, President adjourned the meeting at 10:26 am.

Respectfully,

Lisa Blackett
Secretary
Board of Directors