

Melbourne-Tillman Water Control District



Board Agenda

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, AUGUST 25, 2026

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, 2028)

Brant Hoffman (Brevard County September 30, 2028)

Scott Morgan, (West Melbourne September 30, 2027)

Vacant, (Palm Bay September 30, 2026)

Drew Powshok (Brevard County September 30, 2028)

Philip Weinberg (Palm Bay, September 30, 2027)

Jay Woltering (Brevard County September 30, 2028)

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

Mike McCabe, District Engineer

Dean LaCorte, Managing Member, Babcock Self Storage

Daniel Patella, Managing Member, Babcock Self Storage

Clayton Bennett, PE, Bennett Engineering and Consulting, LLC

Melbourne-Tillman Water Control District

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Announcements

- The Brevard County Commission approved the District's 2026/2027 user fees on August 13, 2026 during the Public Hearing held at the City of West Melbourne Council Chambers, Veterans Memorial Complex, 2285 Minton Road, West Melbourne, FL. The 2025/2026 user fee rates remain unchanged at:

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 District's 2026/2027 Budget will be presented at Brevard County's first budget hearing on September 8, 2026 with the final budget hearing scheduled on September 22, 2026.
- District Annual Inventory is scheduled for October, staff requests member of Board to perform the inventory.
- The City of Palm Bay has not yet named a replacement to fill the vacant Board of Directors seat resulting from Don Jordan's resignation. Mr. Jordan's term is scheduled to expire on September 30, 2026.

Public Comments

Presentations

- Babcock Self Storage, Clayton Bennett, PE, Bennett Engineering & Consulting, LLC (Attachment 1)

Regular Business

- Approval of the April 28, 2026 MTWCD Board of Director's Meeting minutes from June 23, 2026 meeting that was cancelled due to lack of a quorum. (Attachment 2)
- Approval of the Operating Statement through July 31, 2026 (Attachment 3)

Old Business

- Update on the sale of District Equipment on GovDeals

New Business

- C-5 easement with St Johns River Water Management District (SJRWMD) (Attachment 4)
- The annual Resolutions for the District's 2026/2027 Budget and User Fees are presented for approval:

Resolution 2026-02, a Resolution to authorize the levy of User Fees (Attachment 5)

Resolution 2026-03, a Resolution to appropriate funds required for the FY 2026/2027 (Attachment 6)

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, AUGUST 25, 2026

9:00 AM

Budget

- Request for revision to FY 2025/2026 Budget
 - Staff requests authorization to reallocate \$8,000 from #5460010 (Repair Supply & Maintenance) to #5520100 (Aquatics) to support the purchase of aquatic herbicide. Current projections indicate a shortfall due to increased product pricing and a vendor's newly implemented 2.5% fuel surcharge, which exceeds the budgeted amount.

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 27, 2026 at 9:00 am in the City of West Melbourne Council Chambers.
- Board Member Reports
 - Joe Hale*
 - Brant Hoffman*
 - Don Jordan*
 - Scott Morgan*
 - Drew Powshok*
 - Jay Woltering*
 - Phil Weinberg*
- 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 *mmmm*

SUBJECT: Babcock Self Storage culvert replacement application

DATE: August 18, 2026

The District received notification in October 2025 that the above referenced site's culvert crossing of Canal C-77 had failed and created a failure of the pavement over the culvert, see attachment 1 of location of site.

A repair of the culvert was completed and driveway surface was stabilized for continued access to the site. In April of 2026, the District received an application along with plan and documentation. Plan indicated a replacement with 60-inch diameter reinforced concrete pipe.

At the time of the failure in October, I informed the owner, for expedited replacement, a 6' high by 12' wide aluminum box culvert is the requirement to meet the flows of a 25 Year-24 Hour rainfall event. The Engineer of Record was informed the 60-inch diameter culvert submitted, was not acceptable.

Past experience of the Canal C-77, from modeling results and visual observations, overtopping of Babcock Street occurs in two locations. One being where Canal C-76W terminates into C-77 across from Convair Street, and the second is located further south, beyond the limits of Canal C-77, at Community College Parkway and Foundation Park Boulevard. Multiple culvert crossings from Interstate 95 north to Malabar Road are undersized, especially in reference to the dual 7'x7' box culverts under I-95 in Canal C-77 and single 8' high x 10' wide box culvert under I-95 in Canal C-76W.

I reviewed the model and ran a several scenarios that included updates of data for the canal. A result identified the flows from Canal C-76 was greater than capacity of the current culverts. Attachment 2 shows profile of the maximum stage elevations of Canal C-77 in the various scenarios.

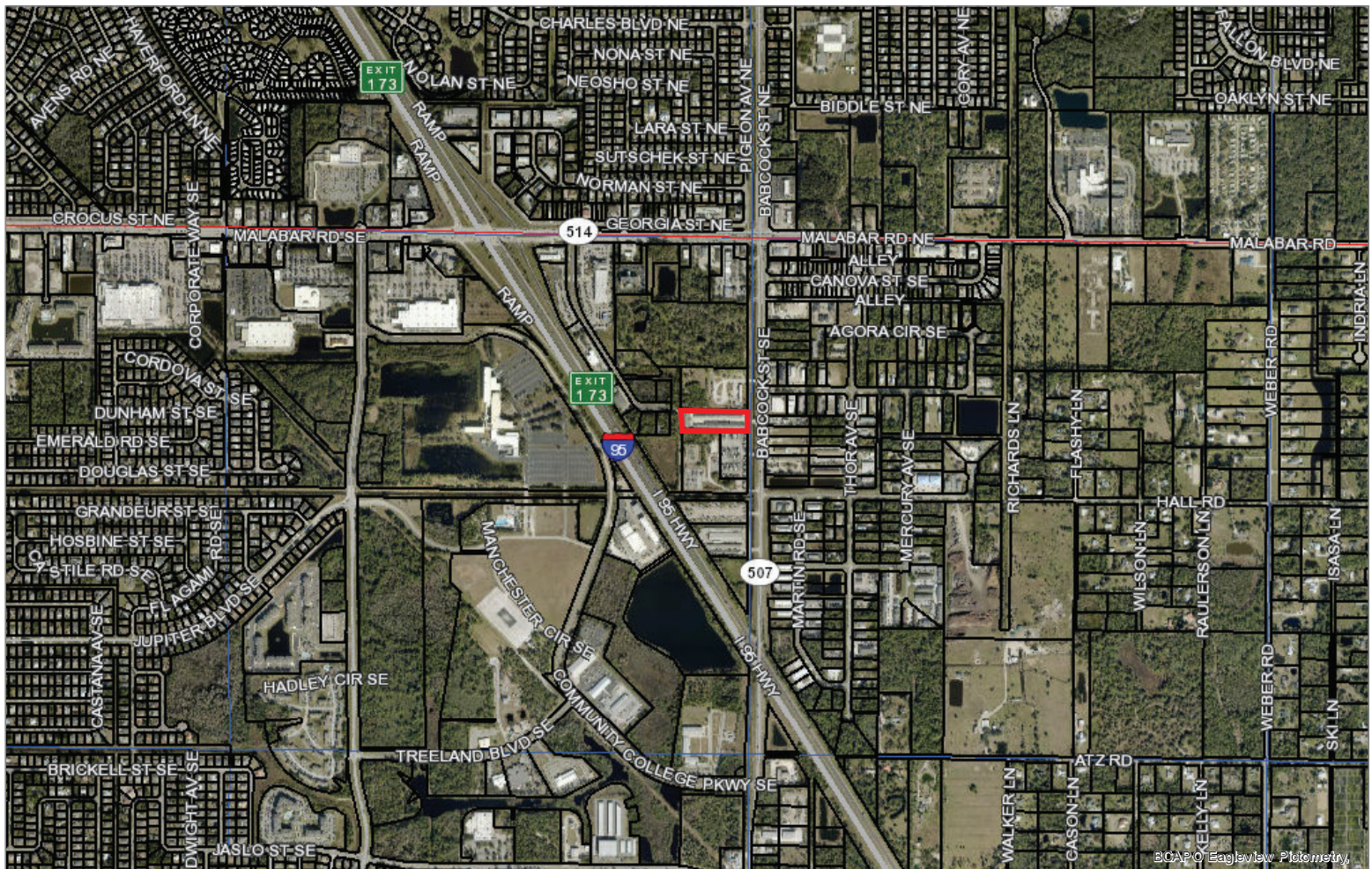
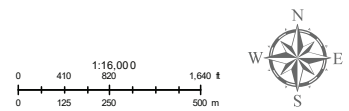
One scenario included the elimination of all culverts from C-76W to Malabar Road, as a baseline of free flow. From the results, a maximum flow rate and velocity were identified. An average for the existing condition flow rate and velocity with the "No Culverts" maximum rates identified a flow rate and velocity for the replacement of referenced culvert. Utilizing the continuity equation, these rates identified a cross-sectional area of 50 square feet would be required. Another scenario was run to have all the culvert crossing from C-76W to Malabar Road meet this required cross-section area.

Attachment 3 and 4 show the cross-sections of C-77, from crossing under Babcock Street where flows enter Canal C-82, and cross-sections of Canal C-82 from Fallon Boulevard to western terminus with Canal C-76, respectively. These cross-sections show the initial water stages in canals along with the peak stages from scenarios "Ex_Updated" and "5x10_CBC".

Recommendation is to require future replacements and additional installations of crossings from Malabar Road to Canal C-76W be no less than 50 square feet in cross-sectional area and invert elevations no higher than the south invert of Malabar Road box culverts.

If you have any questions, I'm available to provide guidance.

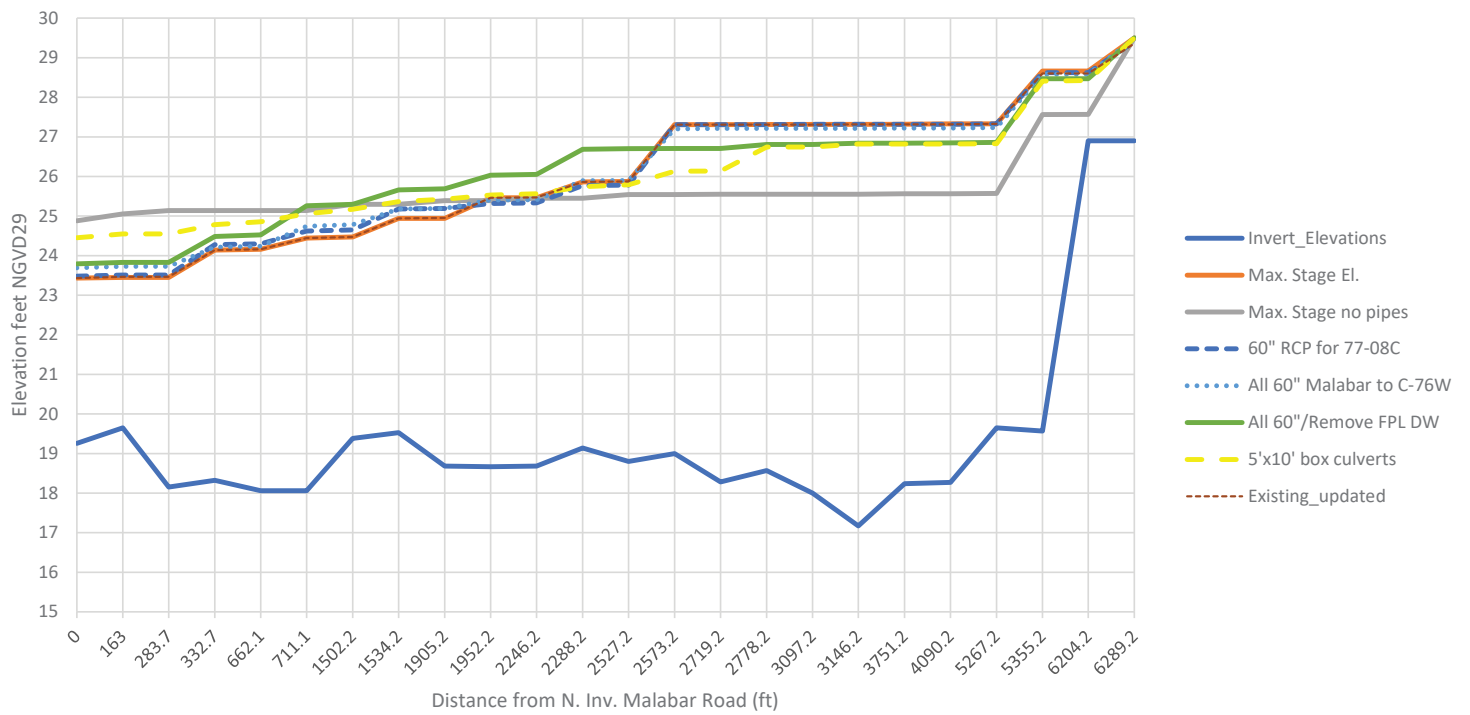
w/attachments



All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location tools are for assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely align and may not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.

Map created August 18, 2026 (map data dates may vary)

Distance from N. Inv. Malabar Road (ft)



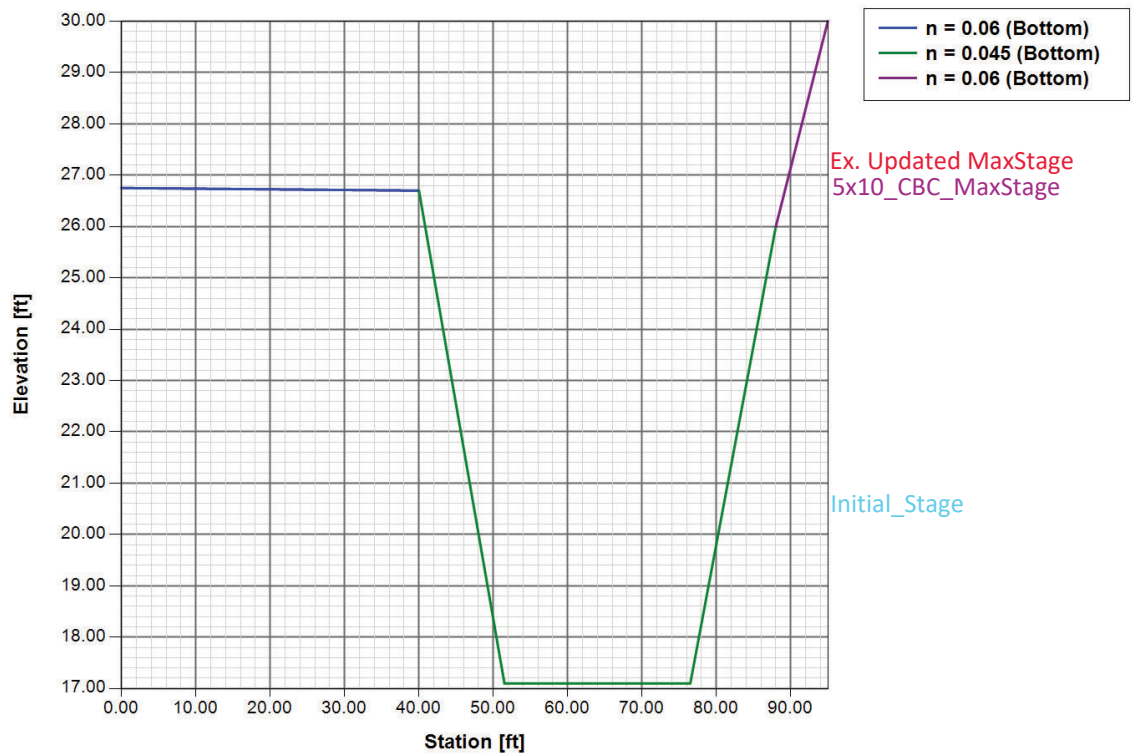
Vertical Datum NGVD29

1

77-14DN

Channel Cross Section: WC-7716A

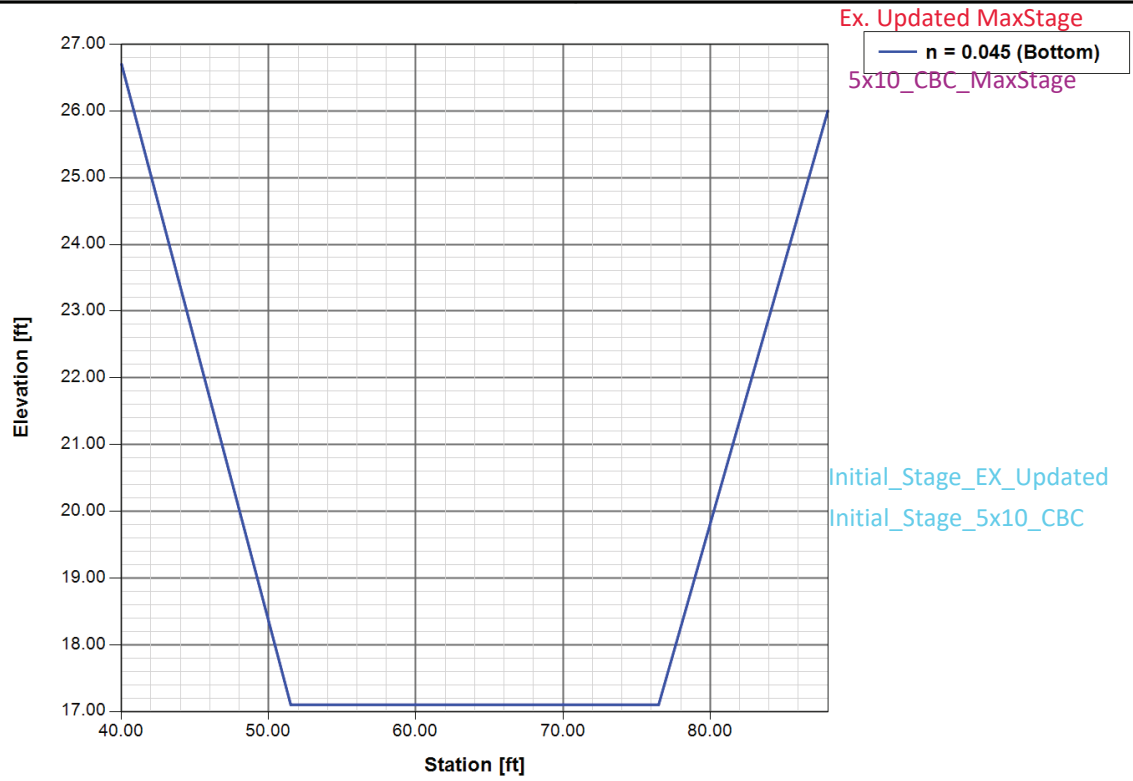
Scenario: WC-7716A



77-13UN

Channel Cross Section: WC-7716X

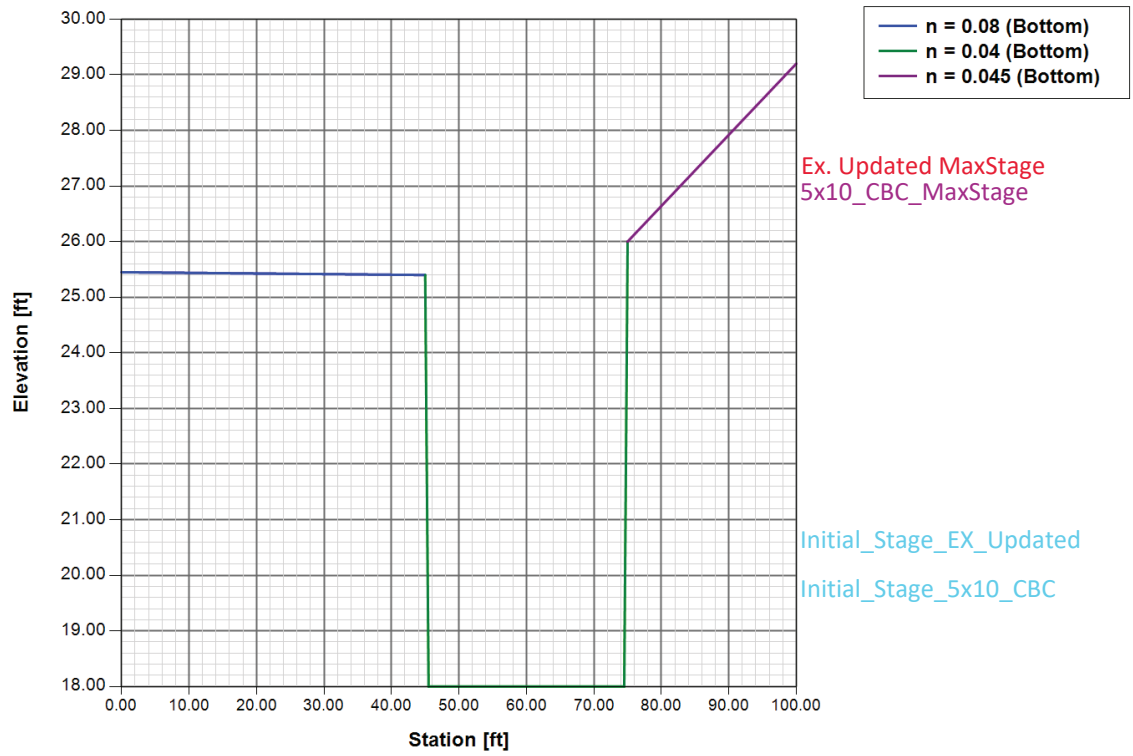
Scenario: WC-7716X



77-13DN/77-12UN

Channel Cross Section: WC-7720X

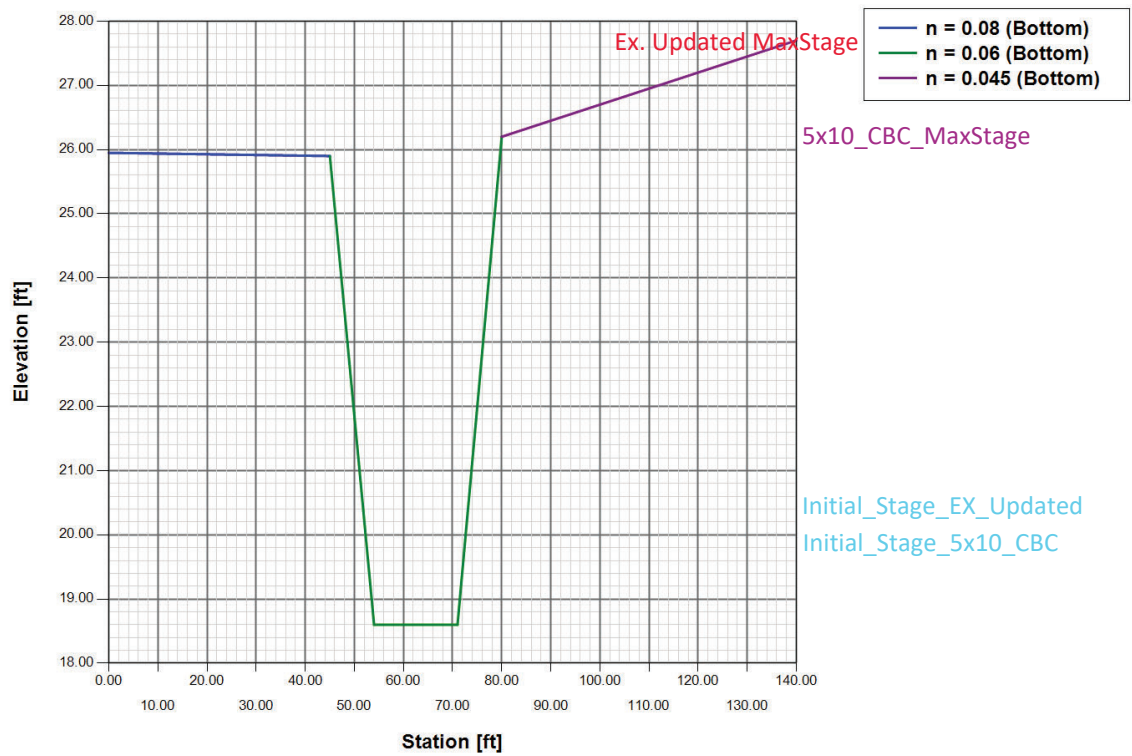
Scenario: WC-7720X



77-12DN

Channel Cross Section: WC-7724A

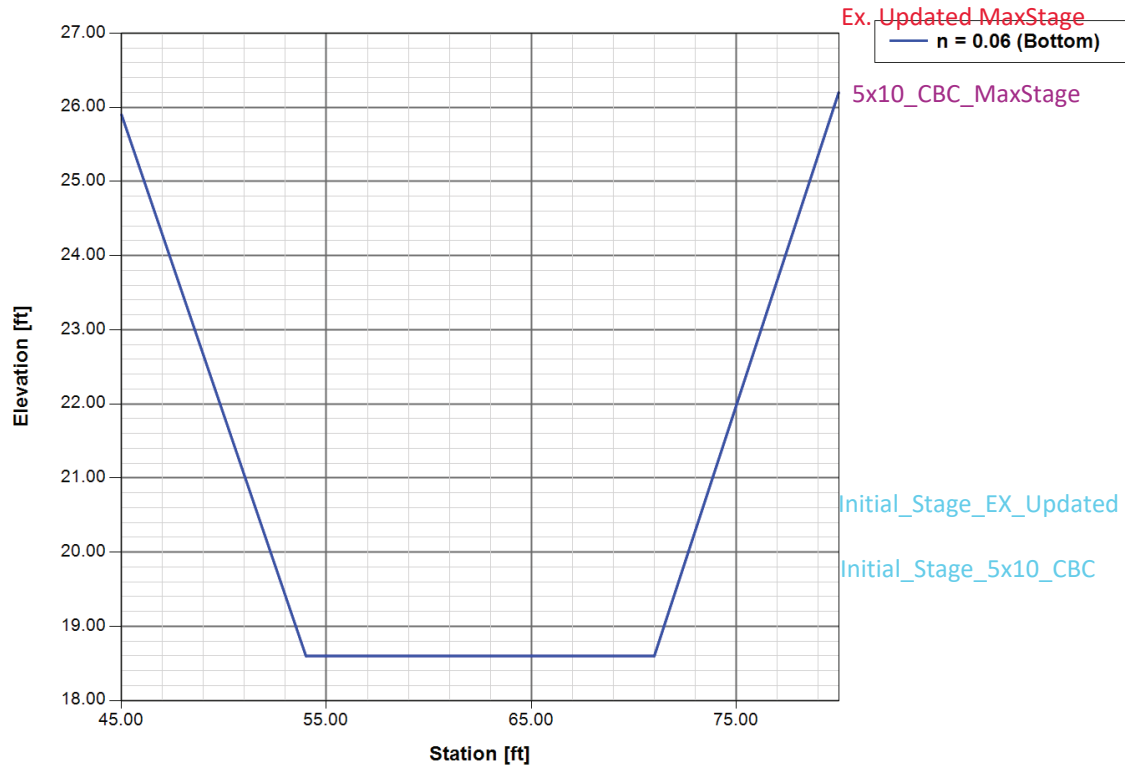
Scenario: WC-7724A



77-11UN

Channel Cross Section: WC-7724X

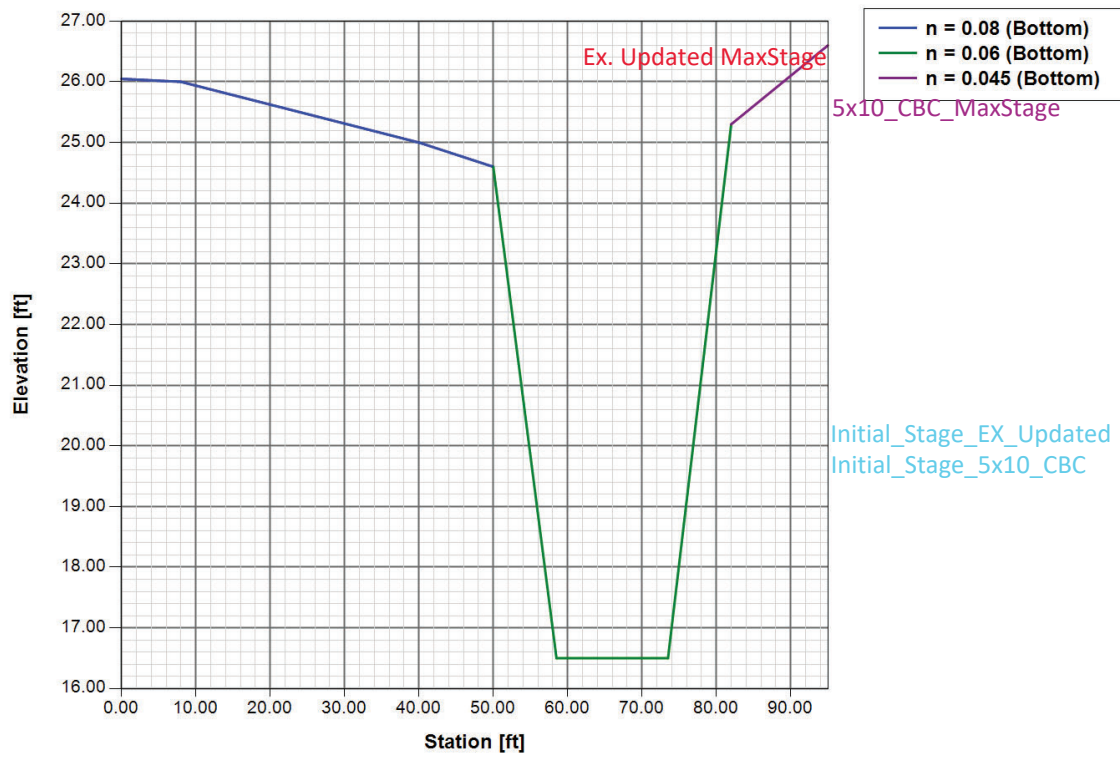
Scenario: WC-7724X



77-11DN

Channel Cross Section: WC-7728A

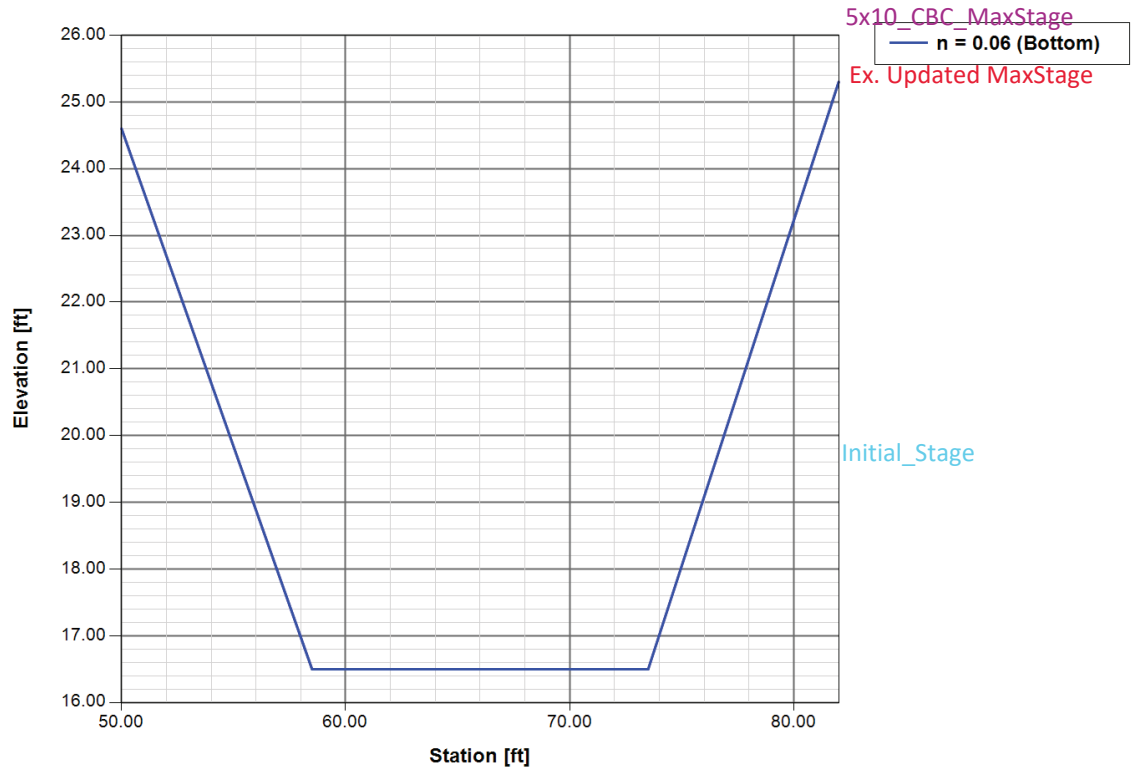
Scenario: WC-7728A



77-10DN

Channel Cross Section: WC-7728X

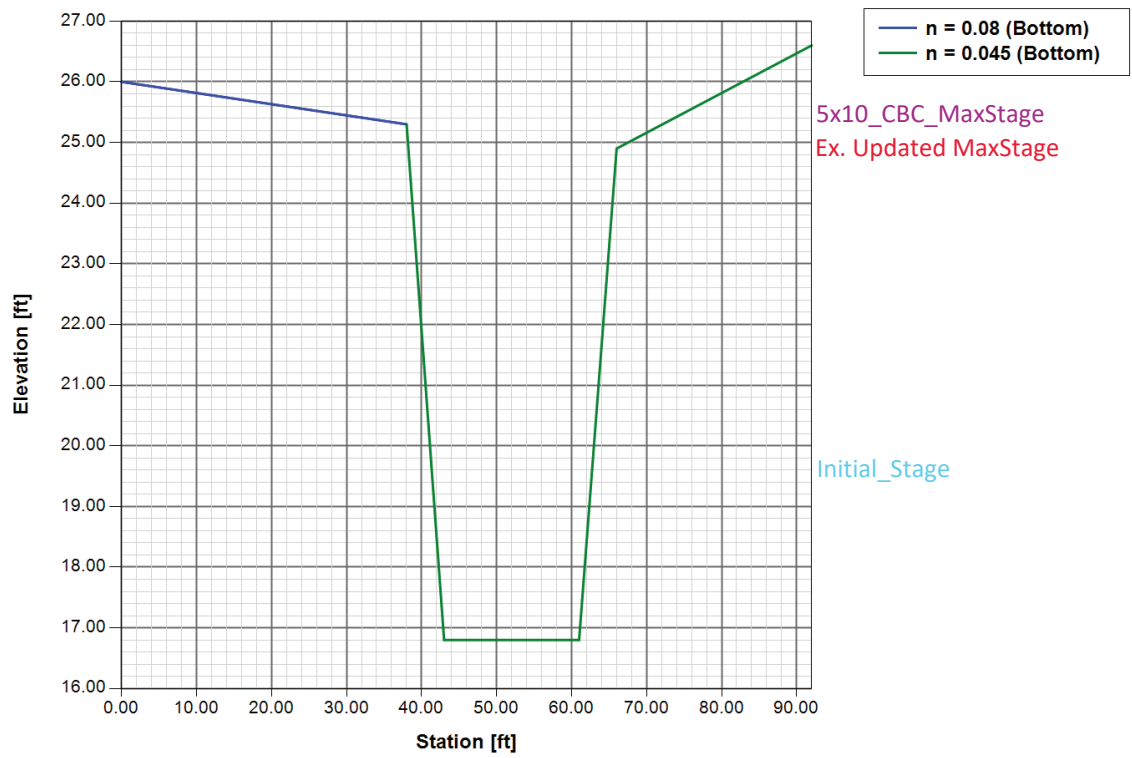
Scenario: WC-7728X



77-08DN/77-06UN

Channel Cross Section: WC-7736X

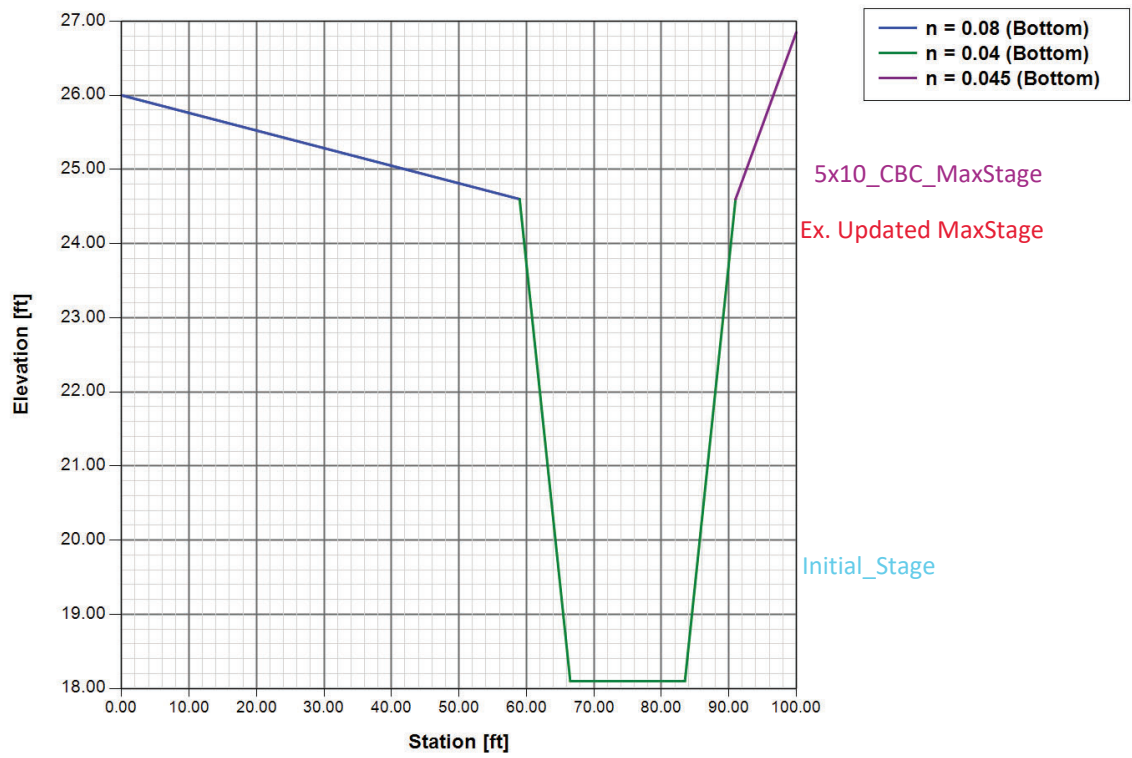
Scenario: WC-7736X



77-05DN/77-04UN

Channel Cross Section: WC-7748X

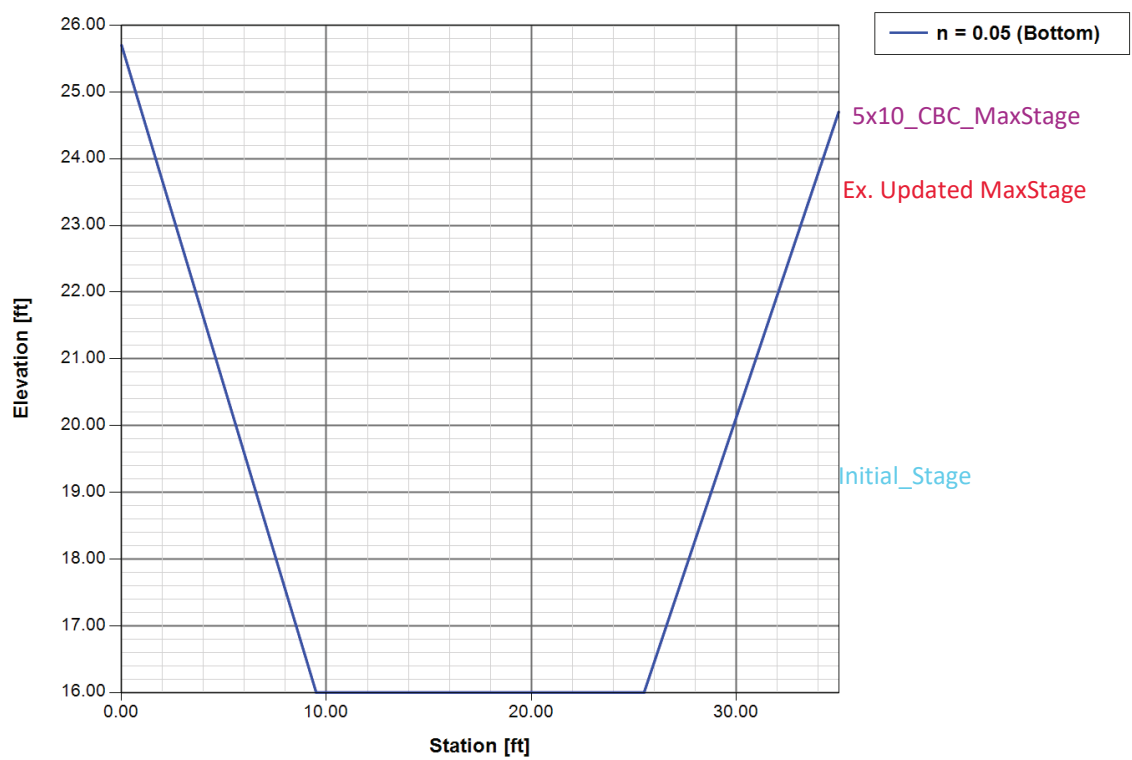
Scenario: WC-7748X



77-03DN

Channel Cross Section: WC-7756X

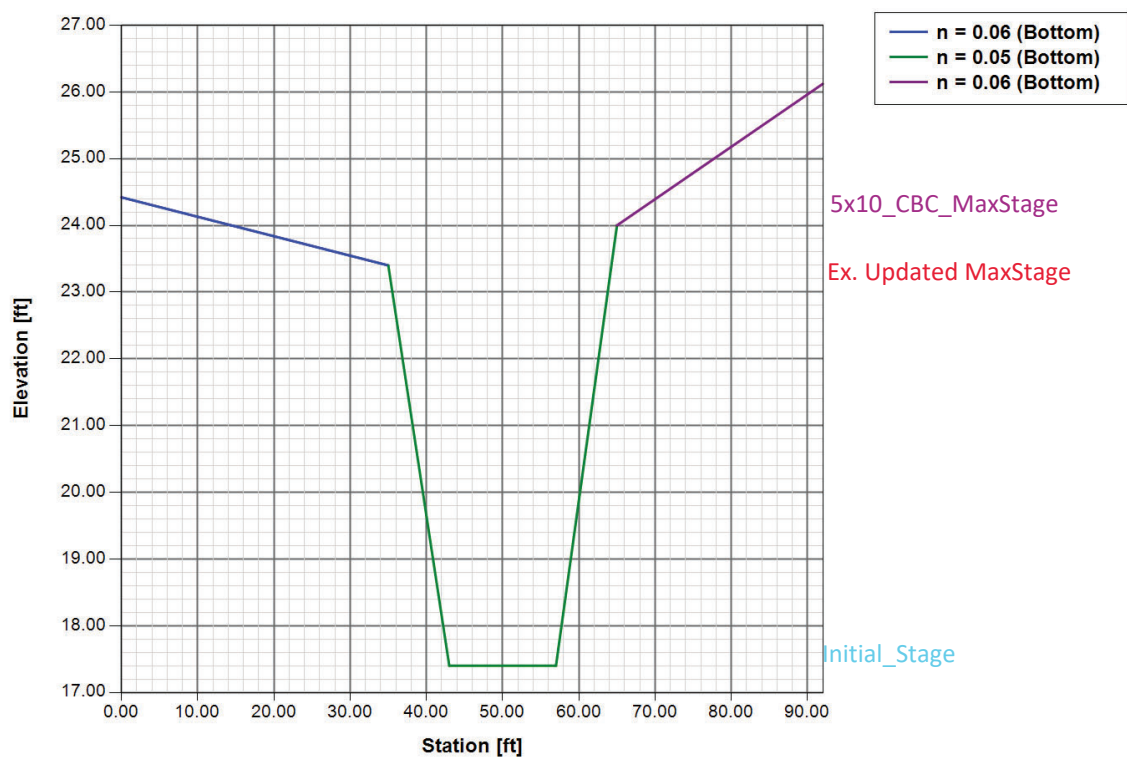
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77-02N

Channel Cross Section: WC-7764X

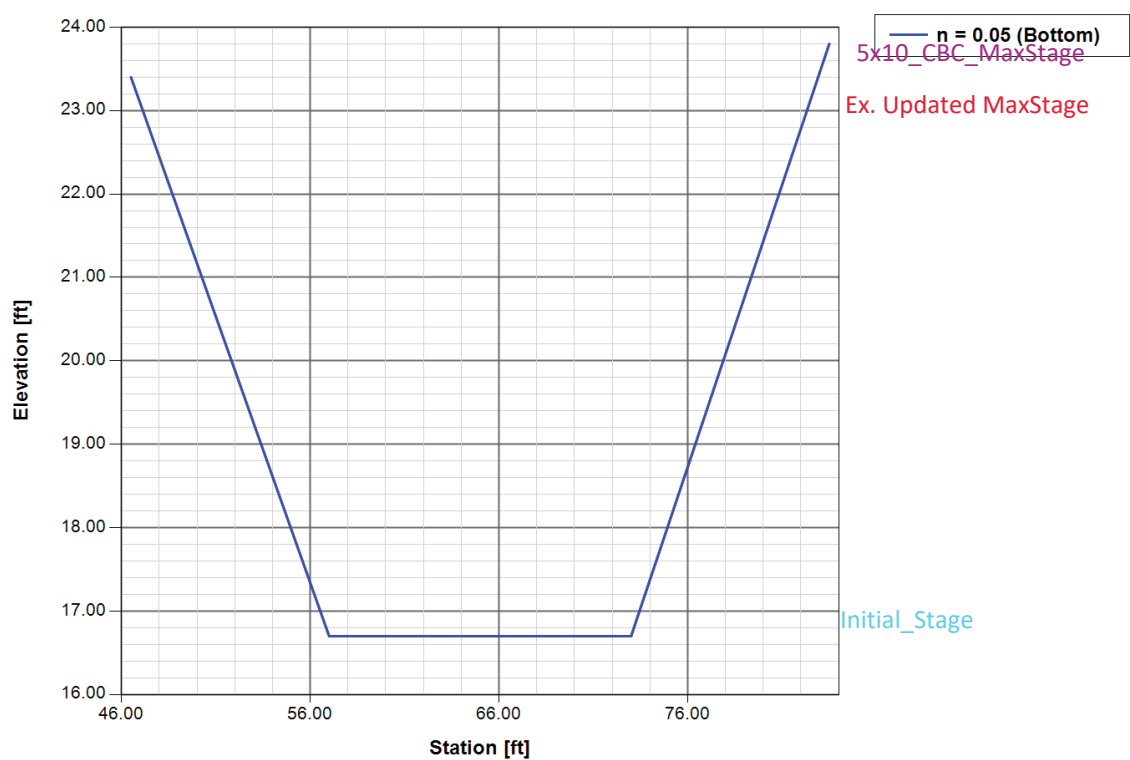
Scenario: WC-7764X



77-01UN

Channel Cross Section: WC-7772X

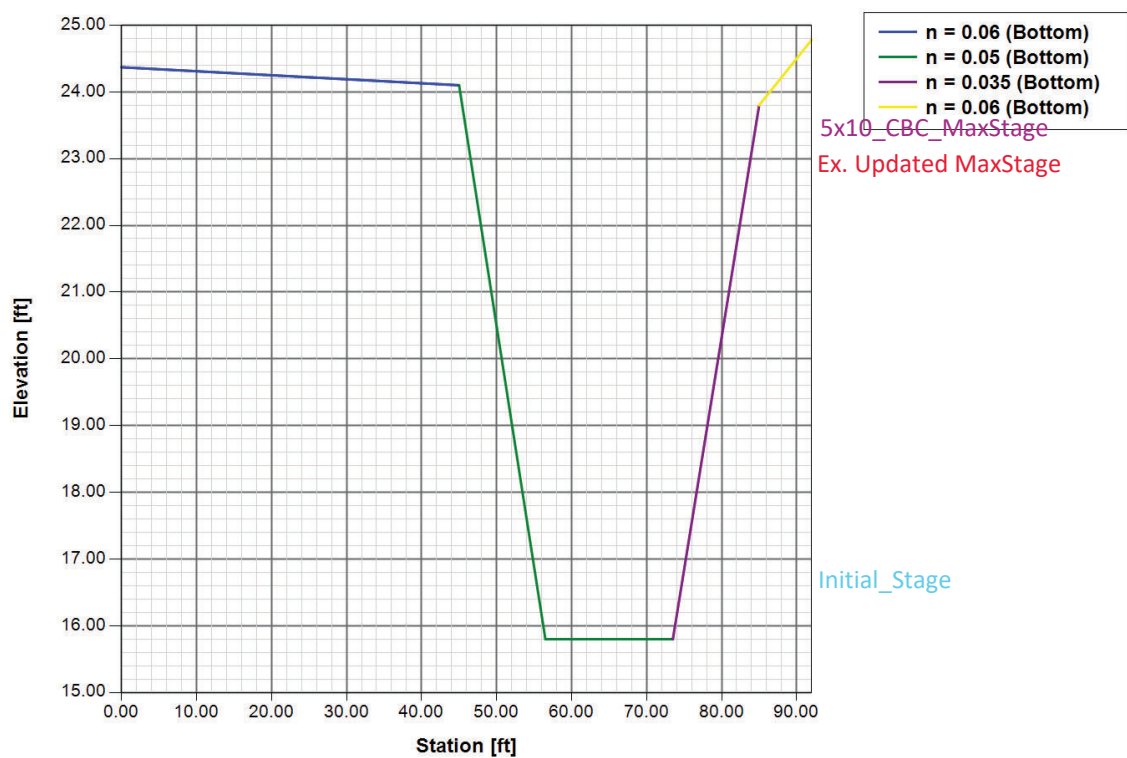
Scenario: WC-7772X



77-01DN

Channel Cross Section: WC-7776X

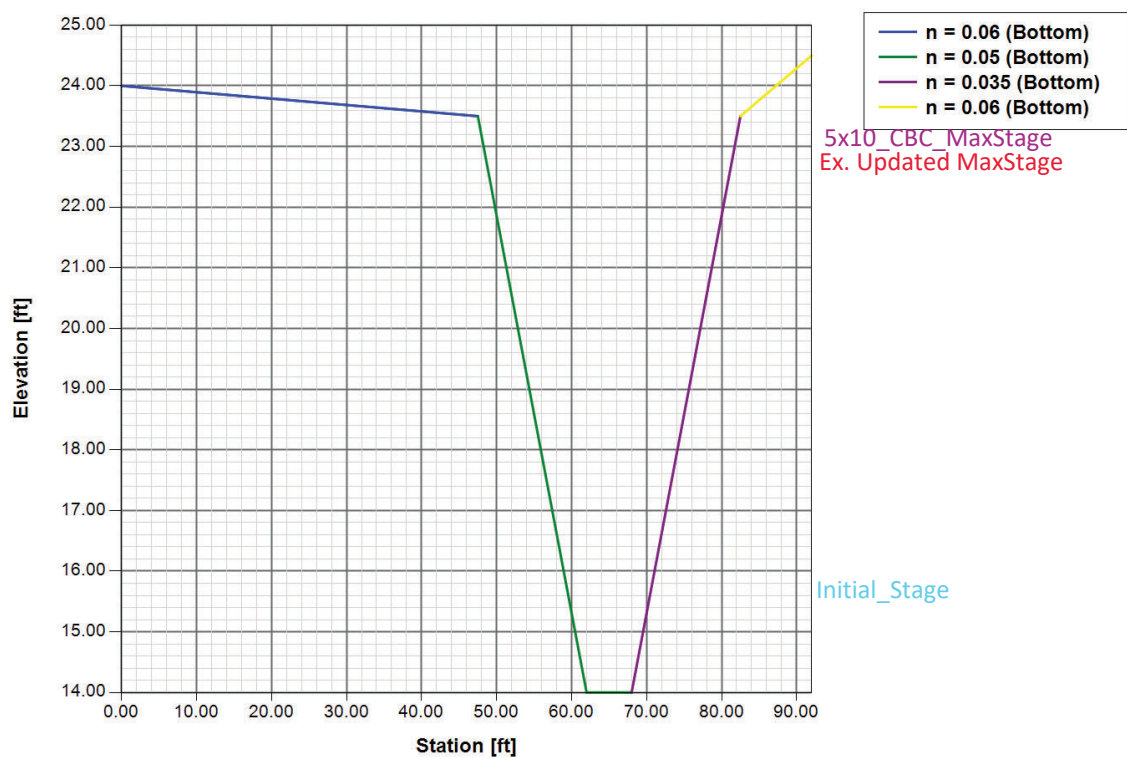
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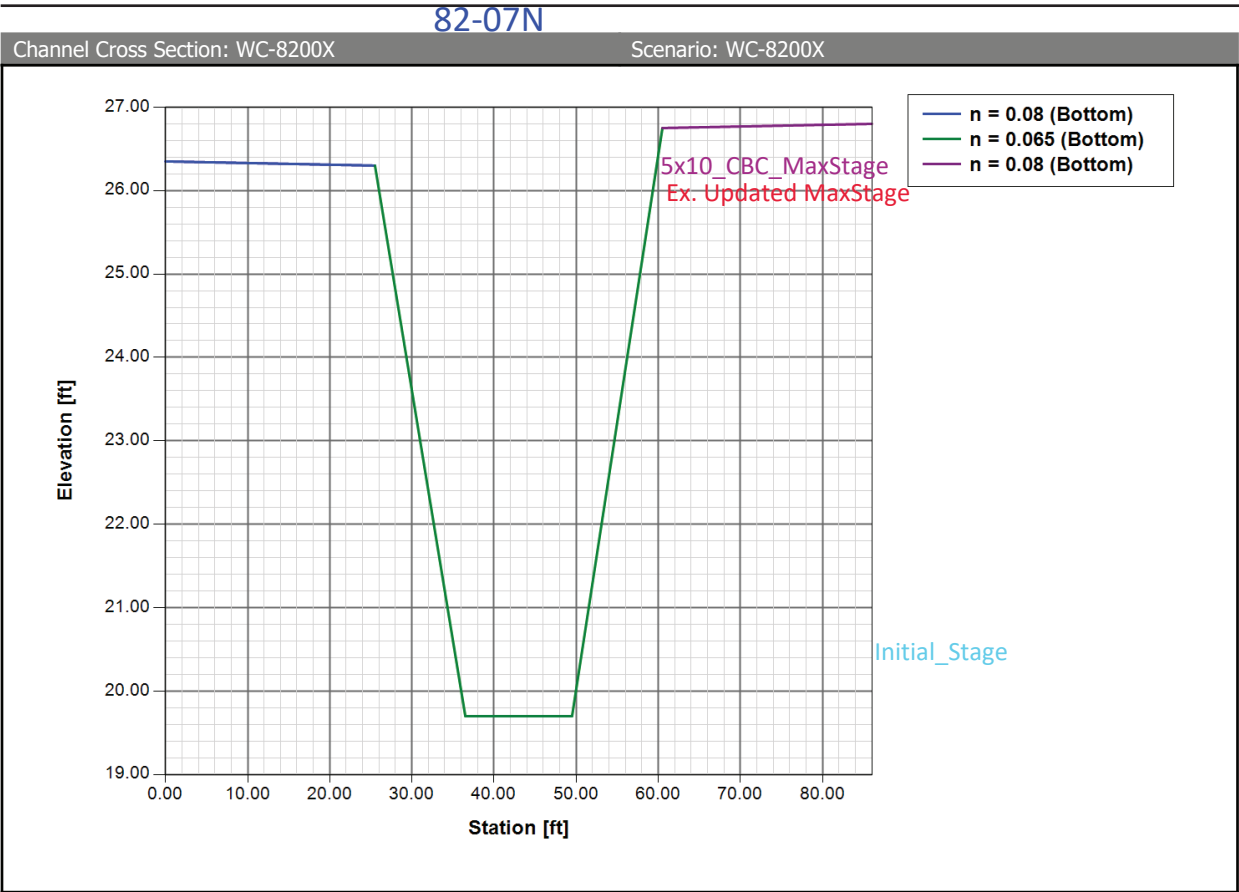
82-05UN

Channel Cross Section: WC-7779X

Scenario: WC-7779X



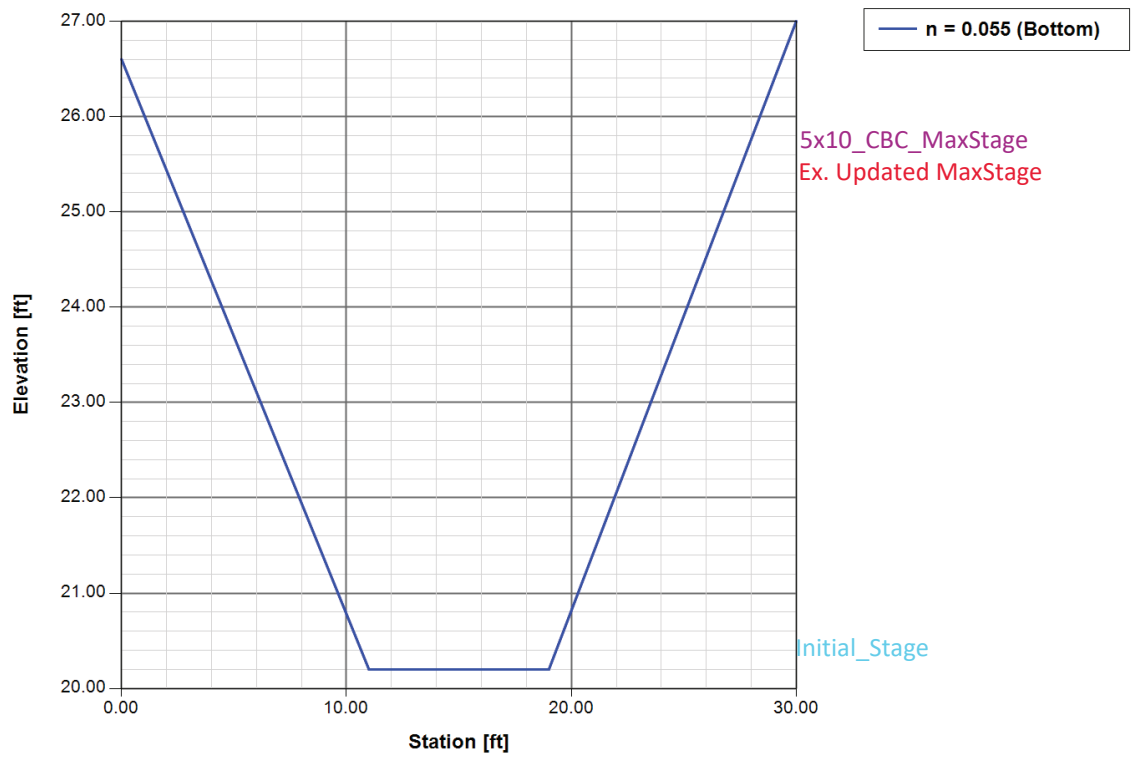
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82-06N

Channel Cross Section: WC-8204X

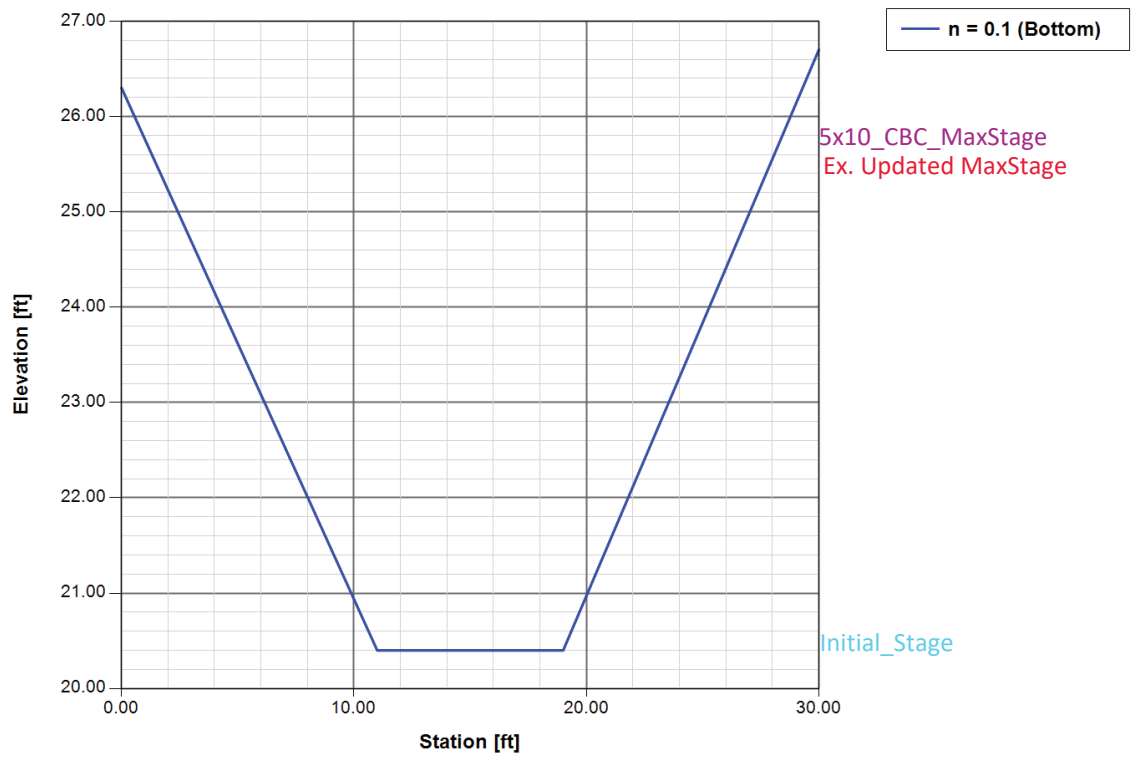
Scenario: WC-8204X



82-06N

Channel Cross Section: WC-8208X

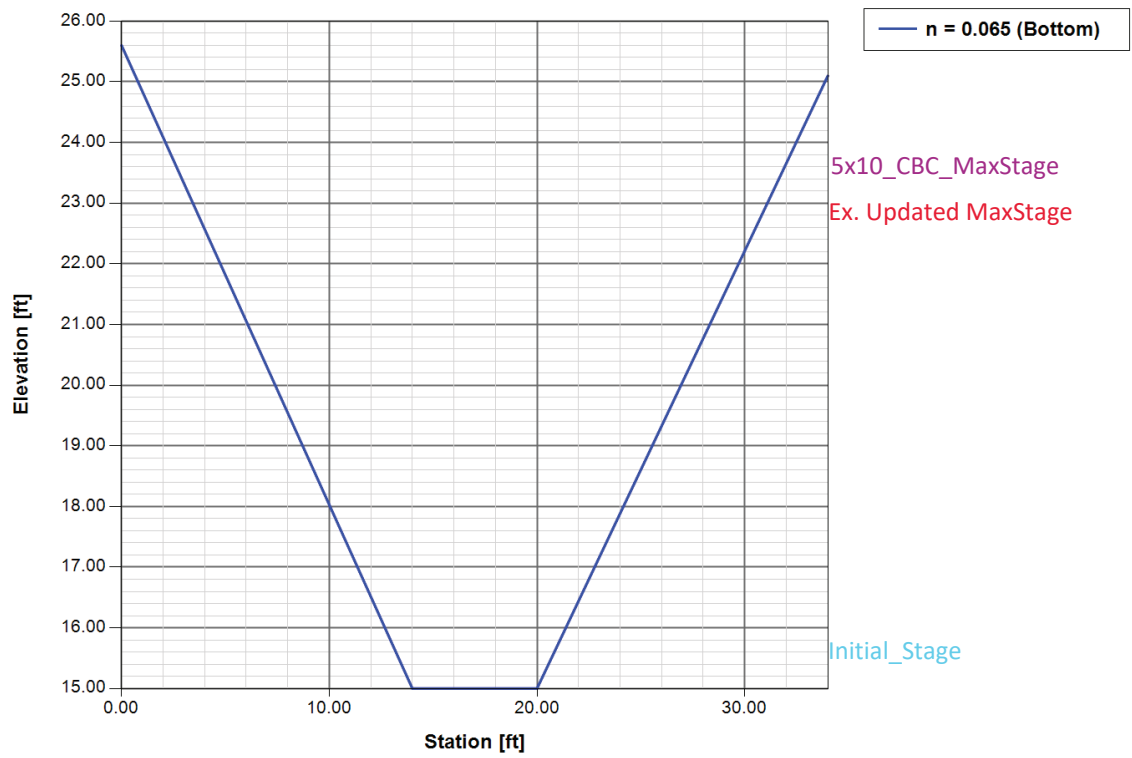
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82-05UN

Channel Cross Section: WC-8220X

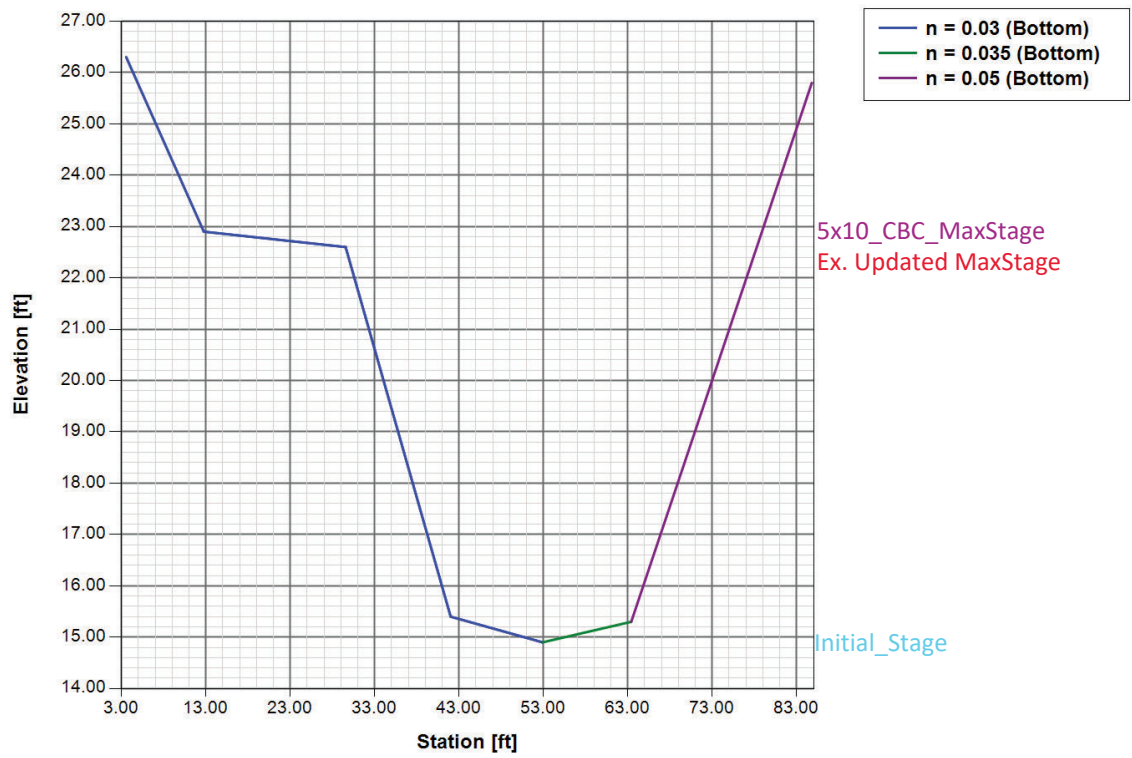
Scenario: WC-8220X



82-05DN

Channel Cross Section: WC-8224X

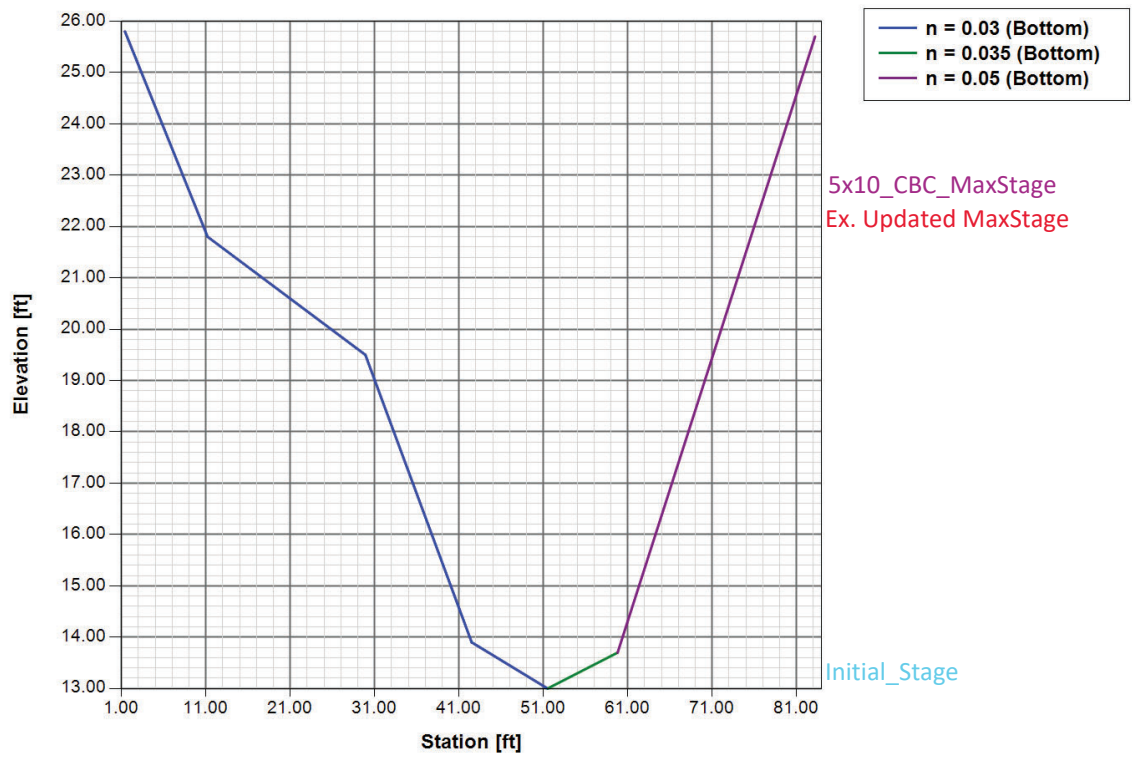
Scenario: WC-8224X



82-04UN

Channel Cross Section: WC-8232X

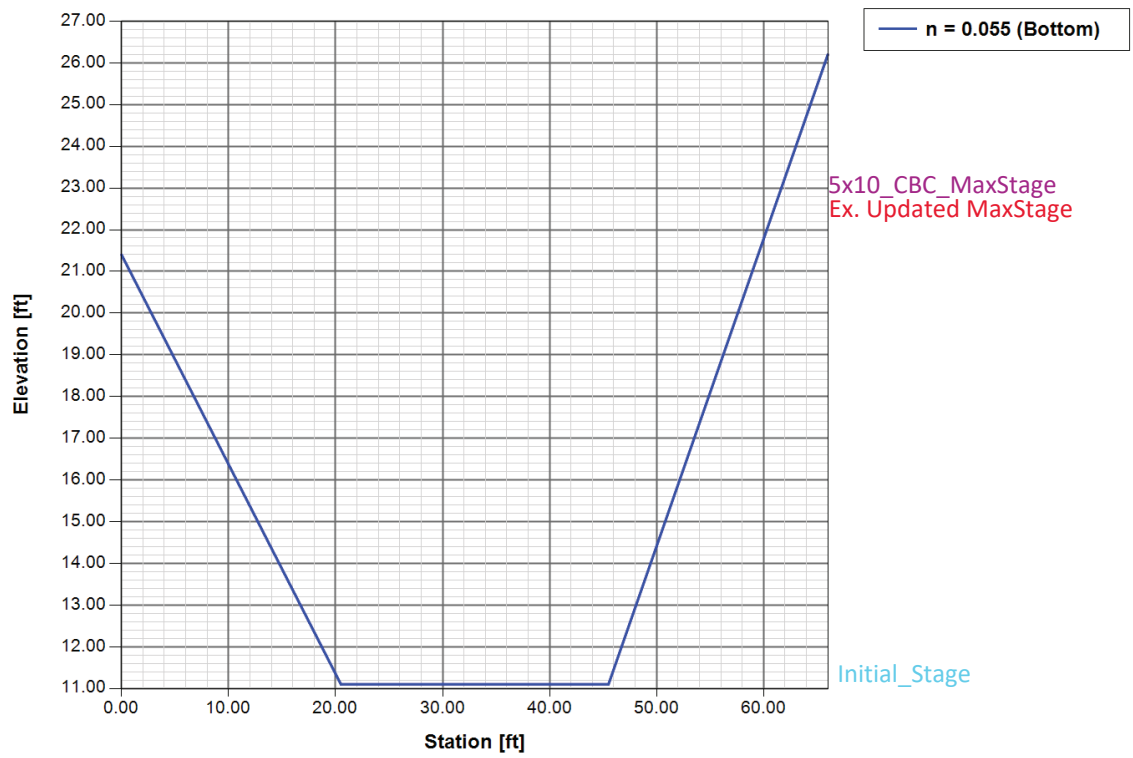
Scenario: WC-8232X



82-03N

Channel Cross Section: WC-8244X

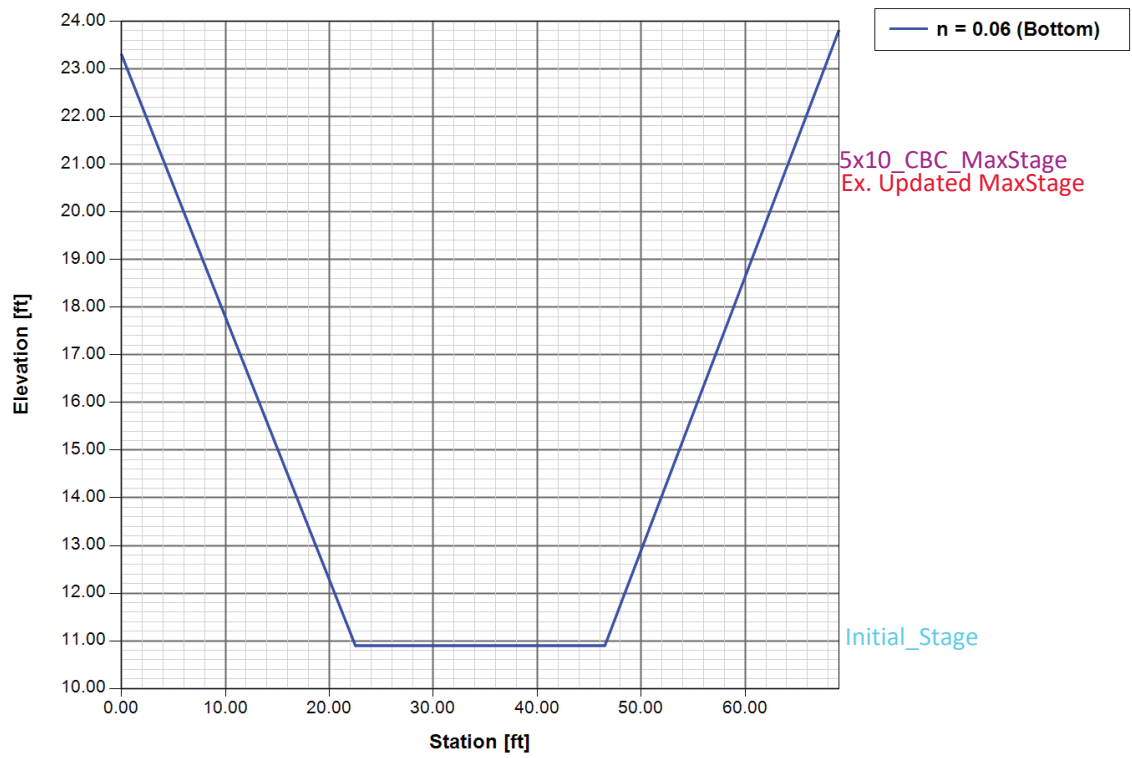
Scenario: WC-8244X



82-03N

Channel Cross Section: WC-8248X

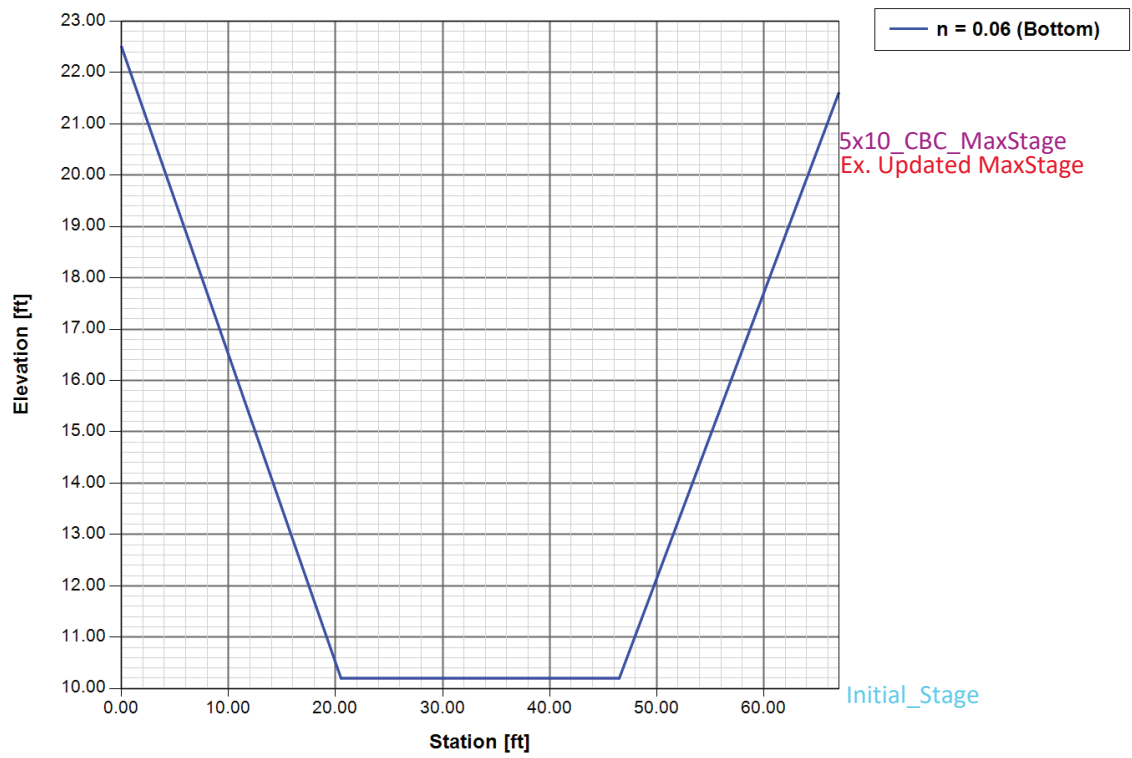
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82-02N

Channel Cross Section: WC-8252X

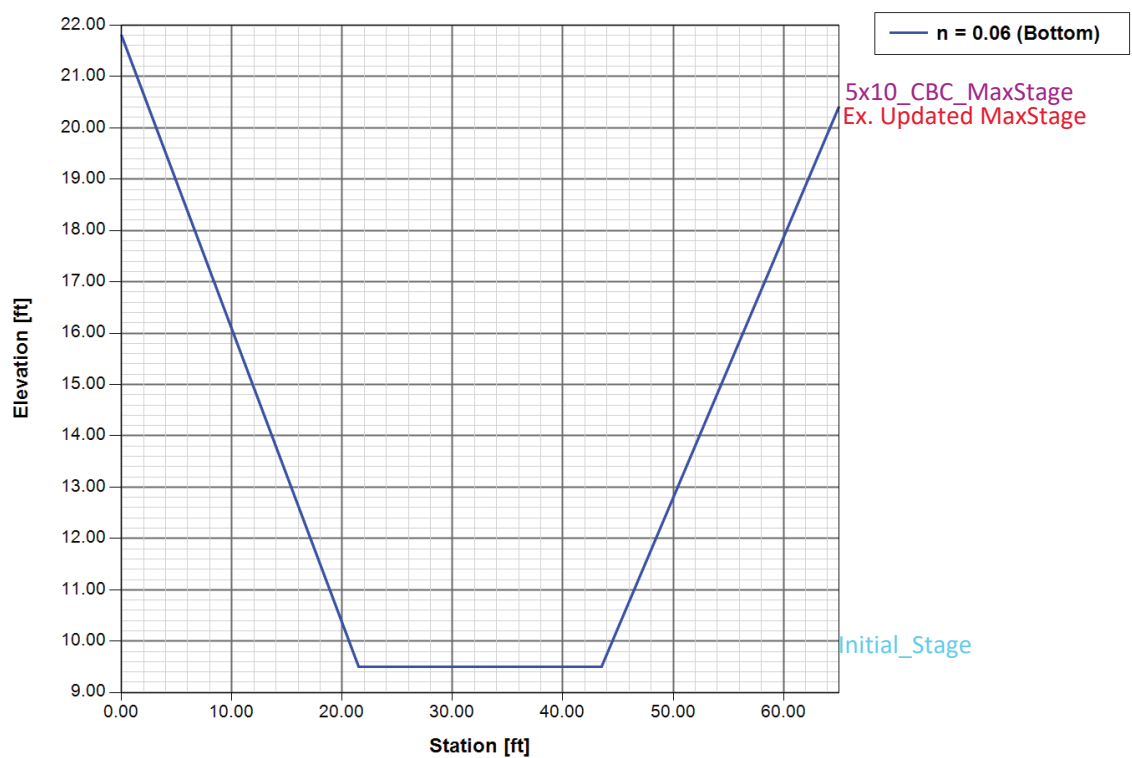
Scenario: WC-8252X



82-02N

Channel Cross Section: WC-8260X

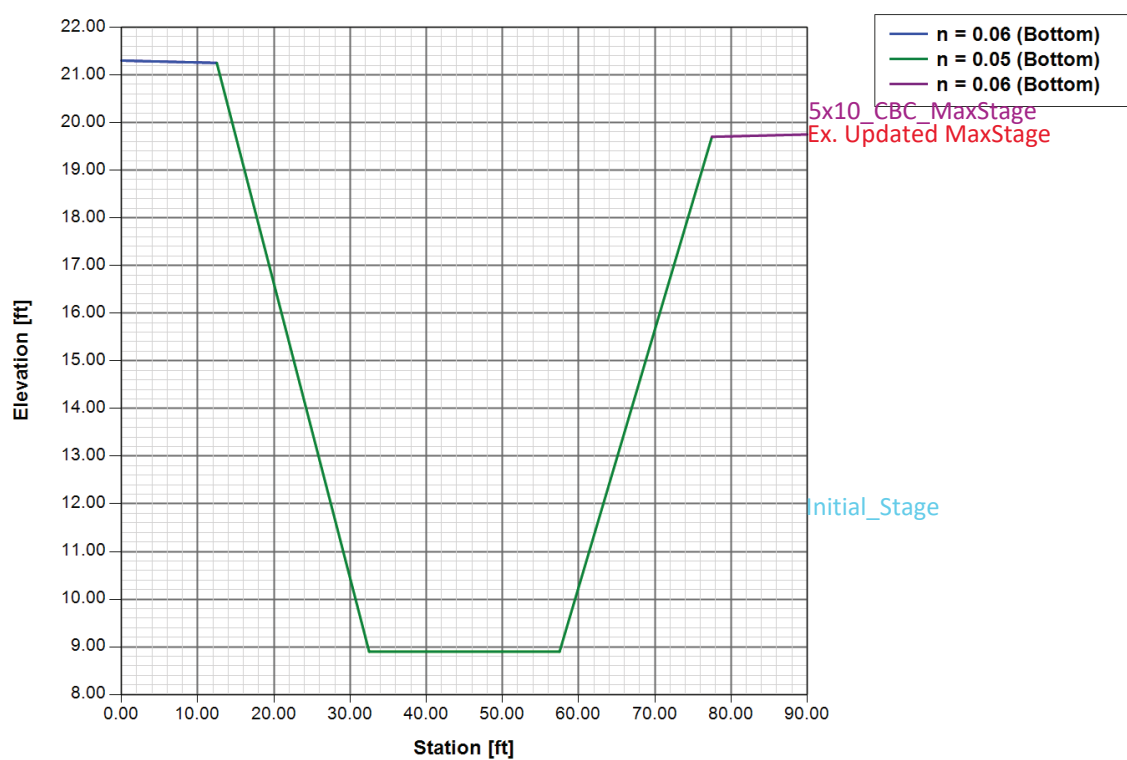
Scenario: WC-8260X



82-01UN

Channel Cross Section: WC-8264A

Scenario: WC-8264A



Attachment 2

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

April 28, 2026

CALL TO ORDER

The regularly scheduled meeting of the Melbourne-Tillman Water Control District (MTWCD) Board of Directors was called to order by President Phil Weinberg on Tuesday, April 28, 2026 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
Brant Hoffman
Scott Morgan
Drew Powshok
Philip Weinberg, President
Jay Woltering

Absent: Don Jordan

Also present:

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

RECOGNITION OF GUESTS/VISITORS/STAFF

Mike McCabe, District Engineer
Bo Rainbolt, Assistant Manager of Operations
Lindsay Aviles, Carr, Riggs & Ingram, CPA

ANNOUNCEMENTS

The Manager announced that Eli Edwards would again join staff as a temporary survey tech employee.

PUBLIC COMMENTS

None

PRESENTATIONS

Lindsay Aviles of Carr, Riggs & Ingram, presented the District's annual audit for fiscal year 2024/2025. Ms. Aviles reported a clean audit with accurate financial statements. She highlighted several changes from prior year, including a significant increase in investments due to interest earnings, and no change in the FEMA receivable and flat equipment values. She noted an increase in accrued compensated absences due to new GASB 101 requirements and a decrease in net pension liability resulting from updated Florida Retirement System actuarial calculations.

Ms. Aviles reported that the District's overall net position increased to \$5.3 million from \$5.1 million representing a 5% net increase and the District holds \$4 million (75%) in unrestricted reserves for fiscal year 2025.

She reviewed the comparative statement, noting that operating revenues remained flat, while wages and benefits appeared to decrease by 2% due to FRS adjustments; however, before the adjustment, wages and benefits increased by 5%. Operating supplies decreased from \$230,000 to \$216,000 due to lower fuel costs. Depreciation increased due to major asset purchases. Interest income, though lower than last year, contributed \$235,000 toward the \$275,000 increase in net income.

In response to Scott Morgan's question regarding the user fee increases from development, Ms. Aviles explained that the category changes may not be reflected until next year. She directed the Board to page 30 of the audited financial statements for capital asset changes and to page 44 for the 10-year FRS liability history. She confirmed that internal controls, including separation of duties, were sound and that there were no audit adjustments. All investments were found to be compliant.

Scott Morgan **motioned to accept the audit as presented.** Joe Hale **seconded the motion.** The Board **voted 6-0 to approve the motion.**

Scott Morgan **motioned to approve the letter of engagement for CRI services for FY 2025/2026,** Brant Hoffman **seconded the motion.** The Board **voted 6-0 to approve the motion.**

REGULAR BUSINESS

The President presented the minutes from the February 24, 2026 Board meeting. Drew Powshok **motioned to approve the Minutes from the February 24, 2026, Board Meeting.** Joe Hale **seconded the motion.** The Board **voted 6-0 to approve the motion.**

The President presented the Operating Statement through March 31, 2026 for Board approval. Scott Morgan inquired about projected fuel cost increases. The Treasurer reported that the account should remain within budget due to planning for market volatility and staff conservation efforts. Joe Hale **motioned to approve the Operating Statement through March 31, 2026.** Jay Woltering **seconded the motion.** The Board **voted 6-0 to approve the motion.**

NEW BUSINESS

The President presented MTWCD Policy P222 Wages, updated to reflect the legislatively mandated minimum wage of \$15 per hour. Joe Hale **motioned to accept the changes as presented.** Brant Hoffman **seconded the motion.** The Board **voted 6-0 to approve the motion.**

The President present a request for approval to list the District's aquatic weed harvester for sale on GovDeals. Brant Hoffman **motioned to list the harvester for sale on GovDeals.com.** Drew Powshok **seconded the motion.** The Board **voted 6-0 to approve the motion.** The Manager added a reserve of \$75,000, with the option to accept an offer close to the reserve.

The Manager requested approval to list the District's long-reach excavator on GovDeals.com, noting it may exceed the legal threshold requiring Board approval. Joe Hale **motioned to approve the sale of the District's long reach excavator on GovDeals.com.** Brant Hoffman **seconded the motion.** The Board **voted 6-0 to approve the motion.**

OLD BUSINESS

None

BUDGET

The President presented the District's non-advalorem user fee rates for FY 2026/2027, unchanged from prior years:

Residential:	\$25.00 per acre or portion thereof
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Agricultural: \$ 8.50 per acre or portion there of

Commercial: \$52.50 per acre or portion there of

Drew Powsok **motioned to approve the District's non-ad valorem user fee rates for fiscal year 2026/2027.** Jay Woltering **seconded the motion.** The Board **voted 6-0 to approve the motion.**

The President presented the FY 2026/2027 budget for approval. Scott Morgan asked about the largest financial risk moving forward. The District Manager cited stagnant user fee revenue and rising operational costs. He noted that while reserves are currently strong and spending has been conservative, unexpected challenges could create future strain. He projected that within 10 years, the District may not be able to maintain current service levels. Scott Morgan emphasized inflation as a significant concern. Scott Morgan **motioned to approve the District's fiscal year 2026/2027 budget.** Joe Hale **seconded the motion.** The Board **voted 6-0 to approve the motion.**

The President presented a request to transfer \$20,000 from Account #5630001 (Improvements Other than Buildings) to Account #5520100 (Aquatics) for the purchase of additional aquatic herbicide. Drew Powshok **motioned to approve the transfer.** Joe Hale **seconded the motion.** The Board **voted 6-0 to approve the motion.**

MANAGER'S REPORT

The Manager reported that the FY 2026/2027 includes restored funding for Aquatics to support increased aquatic herbicide use. He announced that hurricane season preparations are completed with 12" pumps staged at C-70 (Calvary Church) and C-69 (Norfolk), and the 8" pump is available as backup. Staff will monitor the performance of the C-69 bypass installed last year.

The Manager reported to the Board that technical updates are being made to MS-1 to allow the operations of the MS-1 via phone, and to provide security to the structure and building. He highlighted the costs would be absorbed within the current budget as they would be minimal.

He reported technical updates to MS-1 to enable remote operation via phone or computers in the office and enhanced facility security. Costs will be absorbed within the current budget.

He provided an IT update: District email has been migrated to the cloud, allowing greater capacity. The District Engineer confirmed receiving a 25 MB email. Migration to OneDrive/SharePoint is progressing slowly due to limitations but is expected to be completed in June. QuickBooks will continue to require the desktop/server environment.

The Manager announced he would be on vacation out of the country May 8-20, 2026 but would remain reachable by phone and email.

ENGINEER'S REPORT

No Report

ASSISTANT MANAGER/OPERATIONS REPORT

The Assistant Manager reported the annual MS-1 drawdown for maintenance began in mid-March and was recently completed. Heavy equipment crews completed work on Eldron by Southwest Middle School, removing palm trees, clearing weeds and sandbars and restoring the canal. Crews are currently working on C-66 at the request of the City of Palm Bay to alleviate flooding by improving the canal, removing palm trees and restoring designed flows.

He noted that increased development has generated additional revenue but also increased service calls and daily operational demands. Scott Morgan reiterated that the District has been underfunded for years and that stagnant user fee revenue is a more significant issue than development growth.

The District Attorney added that two structural issues exist: (1) the \$25 residential user fee rate applies regardless of whether the property is improved, though improved properties require more service; and (2) other municipalities charge \$150 - \$200 per lot and use stormwater fees to match grants, an option not available to the District.

ATTORNEY'S REPORT

None

SECRETARY/TREASURER'S REPORT

The Secretary/Treasurer reported that the public hearing to present the user fee rates would be August 13, 2026 at 5:30 pm in the West Melbourne Council chambers. Final budget approval will occur at Brevard County's first public hearing in September.

CLOSING

The President announced the next Board meeting would be Tuesday, June 23, 2026 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

Scott Morgan – Thanked the District Manager, the Secretary Treasurer and CRI for an excellent audit and strong financial stewardship. .

Drew Powshok – None

Jay Woltering – None

Phil Weinberg –. Congratulated Rick and Lisa on the clean audit and effective budget management

ADJOURN

Phil Weinberg, President adjourned the meeting at 9:45 am.

Respectfully,

Lisa Blackett

Secretary

Board of Directors

Attachment 3



MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Operating Statement Through July 31, 2026

Revenue

	Actual \$ To Date	FY 2025/2026 Approved Budget	Approved Budget Adjustment	FY 2025/2026 Modified Budget	Over/Under Budget	Percentage Budget
State Grant - FEMA	\$ 4,310					
Federal Grant - FEMA	\$ 77,587					
User Fees	\$ 2,361,642	\$ 2,350,583		\$ 2,350,583	\$ 11,059	100%
Permits	\$ 163,166	\$ 50,000		\$ 50,000	\$ 113,166	326%
Miscellaneous Income	\$ 188,480	\$ 140,000		\$ 140,000	\$ 48,480	135%
Balance Forward Operating		\$ 2,368,989		\$ 2,368,989	\$ (2,368,989)	0%
TOTAL REVENUE	\$ 2,795,185	\$ 4,909,572	\$ -	\$ 4,909,572	\$ 2,114,387	57%

Expenses

Salaries	\$ 961,122	\$ 1,273,290		\$ 1,273,290	\$ 312,168	75%
Health Insurance	\$ 239,200	\$ 303,571		\$ 303,571	\$ 64,371	79%
Retirement	\$ 120,119	\$ 253,250		\$ 253,250	\$ 133,131	47%
FICA/Medicare	\$ 71,521	\$ 97,407		\$ 97,407	\$ 25,886	73%
Workers' Comp	\$ 17,560	\$ 25,000		\$ 25,000	\$ 7,440	70%
SALARY & BENEFITS	\$ 1,409,522	\$ 1,952,518	\$ -	\$ 1,952,518	\$ 542,996	72%
Professional Services	\$ 43,717	\$ 56,200		\$ 56,200	\$ 12,483	78%
Contract Services	\$ 5,324	\$ 8,500	\$ -	\$ 8,500	\$ 3,176	63%
Travel	\$ 1,330	\$ 2,000		\$ 2,000	\$ 670	67%
Communications	\$ 6,053	\$ 10,450	\$ -	\$ 10,450	\$ 4,397	58%
Utilities	\$ 5,797	\$ 9,000	\$ -	\$ 9,000	\$ 3,203	64%
Rentals	\$ -	\$ 1,000		\$ 1,000	\$ 1,000	0%
Liability Insurance	\$ 142,937	\$ 162,713	\$ (15,000)	\$ 147,713	\$ 4,776	97%
Repair & Maintenance	\$ 48,579	\$ 146,000	\$ 15,000	\$ 161,000	\$ 112,421	30%
Current Charges	\$ 57,731	\$ 65,500	\$ -	\$ 65,500	\$ 7,769	88%
Office Supplies	\$ 979	\$ 5,000		\$ 5,000	\$ 4,022	20%
Operating Supplies	\$ 174,627	\$ 185,000	\$ 20,000	\$ 205,000	\$ 30,373	85%
Books & Training	\$ 15,404	\$ 13,500	\$ 2,000	\$ 15,500	\$ 96	99%
Restricted Reserves	\$ -	\$ 1,767,191		\$ 1,767,191	\$ 1,767,191	
OPERATIONS	\$ 502,477	\$ 2,432,054		\$ 2,432,054	\$ 1,929,577	21%
Improvements Other than Buildings	\$ 6,118	\$ 75,000	\$ (20,000)	\$ 55,000	\$ 48,882	11%
Machinery	\$ 143,873	\$ 440,000		\$ 440,000	\$ 296,127	33%
Computer Equipment	\$ -	\$ 7,500		\$ 7,500	\$ 7,500	0%
Computer Software	\$ -	\$ 2,500	\$ (2,000)	\$ 500	\$ 500	0%
CAPITAL OUTLAY	\$ 149,991	\$ 525,000		\$ 525,000	\$ 375,009	29%
TOTAL EXPENSE	\$ 2,061,990	\$ 4,909,572		\$ 4,909,572	\$ (2,847,582)	42%

Legal, Drug Testing, Accounting & Court Reporting, Engineering Testing,
Miscellaneous Professional Services
Uniforms, Garbage Service
Travel
Postage, Telephone Service
Utility, Solid Waste Assessment
Rentals
Insurance
Repair & Maintenance Service, Repair & Maintenance Supplies, Auto &
Equipment Parts, Maintenance Agreements
Tax Collector, Bank Fees, Lic & Permits, Advertising, Unemployment
Office Supplies
Operating Supplies, Fuel, Gas & Oil, Aquatics
Books, Pubs., Memberships, Training Costs

1 Approved 8/26/2025

2 Approved 2/24/26

3 Approved 4/28/26

\$2000 from #5640300 Computer Software to #5540000 Books,Pus,Subs &Memberships to reclassify software based subscription expenditures from capital account to operating account expense account.

\$15,000 from #5450000, Computer Software to #5540000 Insurance to #5462800, Maintenance Agreements for the unforeseen increased cost of the District's IT Maintenance & Support due to the sudden death of Rick Moon, Connect II.

\$20,000 from Account #5630001 (Improvements Other than Buildings) to Account #5520100 (Aquatics) for the purchase of additional aquatic herbicide.

Attachment 4

PREPARED BY AND RETURN TO:

Karen Ferguson, Esq.
St. Johns River Water Management District
P.O. Box 1429
Palatka, Florida 32178-1429

LA # 1990-083-P1

ACCESS EASEMENT

THIS ACCESS EASEMENT ("Easement") is given this ____ day of _____, 2026 ("Effective Date"), between **MELBOURNE-TILLMAN WATER CONTROL DISTRICT**, a special act dependent special district existing under the laws of the State of Florida, having a mailing address of 5990 Minton Road, Palm Bay, FL 32907 (hereinafter referred to as "Grantor") and **ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**, a public body existing under Chapter 373 of the Florida Statutes, having a mailing address of 4049 Reid Street, Palatka, Florida 32177 (hereinafter referred to as the "Grantee").

WITNESSETH

WHEREAS, Grantor is the fee simple owner of certain lands situated in Brevard County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein (the "Easement Property").

WHEREAS, Grantor has agreed to grant and convey to Grantee, a permanent non-exclusive access easement over, on, upon, and across the Property for the specific and limited purposes set forth herein.

NOW THEREFORE, in consideration of the aforesaid premises, which are hereby made a part of this Agreement, and the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by the Grantee to Grantor, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Recitals. The recitals herein are true and correct and are hereby incorporated into and made a part of this Easement.
2. Grant of Easement. Grantor does hereby give, grant, bargain, sell and convey to and for Grantee and its employees, agents, contractors, successors, and assigns, a perpetual, non-exclusive easement on, over and across the Easement Property for the sole purpose of ingress and egress to Grantee's property described in Exhibit "B" ("Grantee's Property"). Such right of ingress and egress shall be for the sole purpose of ingress and egress to and from Grantee's Property by vehicles, including but not limited to cars, trucks, trailers and other such vehicles as may be needed to transport heavy equipment for canal, roadway, and levee maintenance associated with the Grantee's Property. Grantor makes no warranties, either express or implied, that the roadway and embankments on the Easement Property are free from defects, in safe condition, and are useable for their intended purpose. As a result, Grantee accepts the Easement Property "AS IS" condition, and further acknowledges that it has been utilizing the Easement Property for years and is familiar with the condition of the Easement Property. By acceptance of the benefits of this Easement Grantee and its employees, agents, contractors, subcontractors,

materialmen, successors, and assigns shall be responsible for repairing the Easement Property for damages caused by Grantee and its employees, agents, contractors, subcontractors, materialmen, successors, and assigns use, normal wear and tear excepted. Grantee, its employees, agents, contractors, subcontractors, materialmen, successors, and assigns shall not otherwise be obligated to maintain the Easement Property. Notwithstanding the foregoing, Grantee shall have no responsibility for maintaining, repairing, or replacing any culverts, pipes, or other drainage structures within the Easement Property, except where the reason for such, maintenance, repair and/or replacement is the result of negligence, gross negligence or intentional acts of the Grantee, or any of its employees, agents, contractors, subcontractors, materialmen, successors and assigns. Further, if the roadway portion of or any embankment located adjacent to any roadway, or the Easement Property is damaged or made impassable in whole or in part by Grantee's actions, or the actions of Grantee's employees, agents, contractors, subcontractors, materialmen, successors, and assigns, Grantee shall immediately take such corrective action as to place the roadway portion or any embankment of the Easement Property in the condition it was on the Effective Date of this Easement.

2. Reservation of Use by Grantor. This Easement is non-exclusive and Grantor reserves to itself and its successors and assigns, the right to utilize the Easement Property for any purpose which does not unreasonably interfere with the use of the Easement Property by the Grantee for the purposes set forth herein. Each party shall use the rights granted and reserved by this Easement with due regard for the rights of the other parties to use and enjoy the Easement Property.

3. Indemnity/Hold harmless by Contractors. Grantee shall require that all of its contractors performing work within the Easement Property hold harmless, indemnify and defend Grantor against any claim, action, loss, damage, injury, liability, cost and expense of whatsoever kind or nature (including, but not limited to, attorney's fees and court costs) arising from, out of, or incidental to the negligence, recklessness or intentional wrongful misconduct of the contractor(s), and contractor's employees, agents, representatives, and subcontractors, in the performance of or related in any manner to said work. This indemnification shall survive the term of this Easement for events that occurred during the term of the Easement. Before commencing and until the completion of the work, Grantee shall require its contractors to procure and maintain insurance of the types and in the minimum amount stated below.

SCHEDULE

Worker's Compensation
Worker's Compensation &
Employer's Liability (including
Appropriate Federal Acts)

Commercial General Liability
General Liability
Umbrella Liability

Automobile Liability

LIMITS

Florida Statutory Coverage or
\$1,000,000 Employers Liability

\$1,000,000 each occurrence
\$2,000,000 per occurrence

All automobiles (owned, rented
Or not owned)

\$500,000 Combined Single Limit

4. Applicable Law. This Easement shall be construed in accordance with the laws of the State of Florida.

5. Notices. Any notices which are required, or may be made, under this Easement shall be mailed via certified mail, return receipt requested, postage prepaid, to the respective parties at the addresses noted below. Either party may change its mailing address by providing the other party notice of such fact in writing.

To Grantor: Melbourne Tillman Water Control District
1590 Minton Road
Palm Bay, Florida 32907
Telephone: 321-723-7233
Email: RNipper@melbournetillman.org

To Grantee: St. Johns River Water Management District
Real Estate Services Program
4049 Reid Street
Palatka, Florida 32177
Telephone: 386-329-4500
Email: realestateservices@sjrwmd.com

6. This Easement, and the covenants and conditions contained herein, shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns, and the easements granted herein shall run with the land.

7. Non-Waiver of Regulatory Powers/Sovereign Immunity. Nothing contained herein shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the Grantee as it now or hereafter exists under applicable laws, rules, and regulations. Nothing contained herein shall be construed to constitute a waiver of sovereign immunity by either party.

8. Recordation. Grantee, at its own expense, shall record the Easement, and any amendments thereto, in the public records of Brevard County, Florida and shall provide a recorded copy to Grantor.

9. Articles, subsections, and other captions contained in this Easement are for reference purposes only and are in no way intended to describe, interpret, define, or limit the scope, extent or intent of this Easement or any provisions thereof. If any term, covenant, condition, or provision of this Easement shall be ruled by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

10. Modification. This Easement may be modified or amended only upon the mutual written consent of Grantor and Grantee.

11. Effective Date. For all purposes of this Easement, the Effective Date is the date when the last of Grantor or Grantee has signed below, and that date shall be inserted at the top of

the first page hereof.

(Remainder of Page Intentionally Left Blank)

SIGNATURES APPEAR ON FOLLOWING PAGES

IN WITNESS WHEREOF, the parties have caused this Easement to be executed as of the day and year first above written.

Signed, sealed, and delivered
In the presence of:

Witness: _____

Address: _____

Witness: _____

Address: _____

(Seal)

GRANTOR:

**MELBOURNE TILLMAN WATER
CONTROL DISTRICT**, a special act
dependent special district existing under the
laws of the State of Florida

By: _____
Philip Weinberg, President

ATTEST:

By: _____

STATE OF FLORIDA
COUNTY OF _____

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2026, by Philip Weinberg, President of the Melbourne Tillman Water Control District, on behalf of the District, who is personally known to me, and who did not take an oath.

NOTARY PUBLIC, State of Florida
My Commission Expires: _____
My Commission No.: _____

**ST. JOHNS RIVER WATER MANAGEMENT
DISTRICT, a public body existing under
Chapter 373, Florida Statutes**

Witness: _____

Address: _____

By: _____

Michael A. Register, P.E.
Executive Director

Witness: _____

Address: _____

ATTEST:

By: _____

Erin Preston
General Counsel

For use and reliance only by
St. Johns River Water Management District,
Legal Form and Content Approved:

By: _____

Karen Ferguson
Office of General Counsel

**STATE OF FLORIDA
COUNTY OF PUTNAM**

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me by
means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2026, by
Michael A. Register, P.E., as Executive Director of the St. Johns River Water Management
District, on behalf of the District, who is personally known to me, and who did not take an oath.

NOTARY PUBLIC, State of Florida

My Commission Expires: _____

My Commission No.: _____

Exhibit A
Surveyed Sketch and Description of Easement Property
8135-24 MTDD CANAL #5 ACCESS EASEMENT

-----Legal description begin below dashed line -----

AN INGREE / EGRESS EASEMENT LYING IN SECTIONS 31 AND 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

AN INGRESS / EGRESS EASEMENT BEING THIRTY-FOOT-WIDE LYING FIFTEEN FEET (15.0') ON BOTH SIDES BEING PARALLEL AND CONTINUOUS TO THE FOLLOWING DESCRIBED CENTERLINE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS::

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST OF BREVARD COUNTY, FLORIDA; THENCE NORTH 00°44'16" EAST, A DISTANCE OF 33.01 FEET; THENCE NORTH 89°43'14" EAST, A DISTANCE OF 45.50 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 00°48'54" EAST, A DISTANCE OF 1498.01 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING A RADIUS OF 40.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°13'50", AN ARC DISTANCE OF 62.99 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 44°18'0" EAST, 56.68 FEET; THENCE NORTH 89°24'56" WEST, 72.40 FEET TO THE **POINT OF TERMINUS**.

CONTAINING 1.12 ACRES MORE OR LESS.

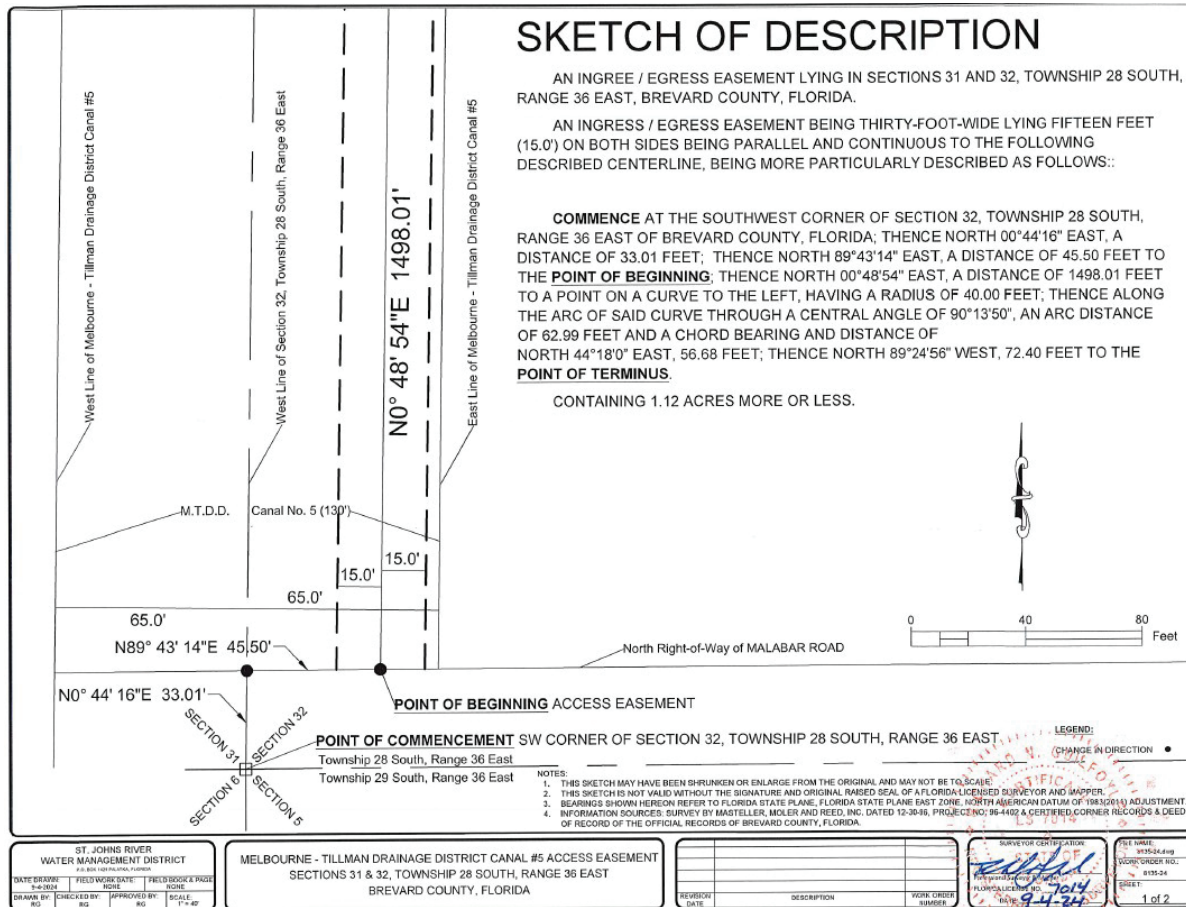


EXHIBIT "A" (PAGE 1 OF 2)

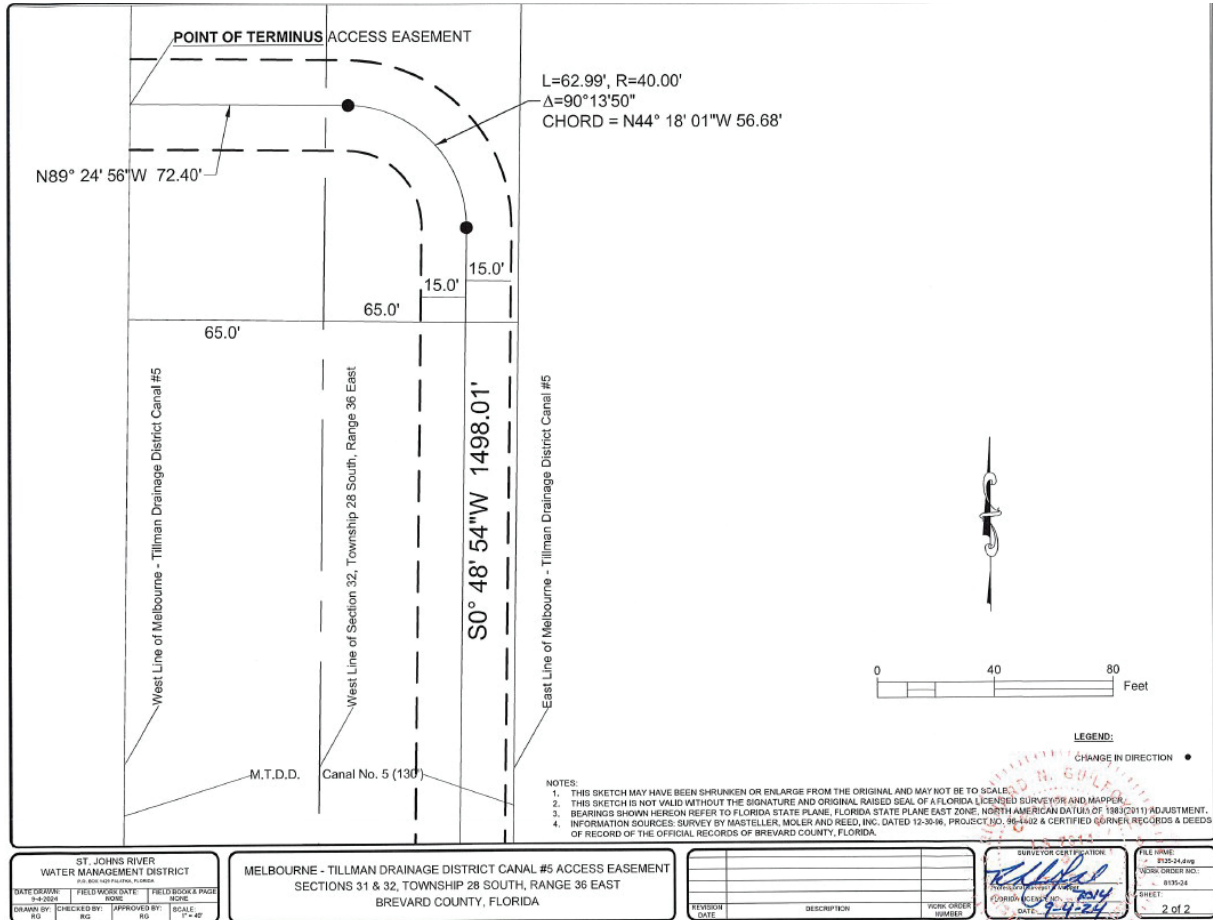
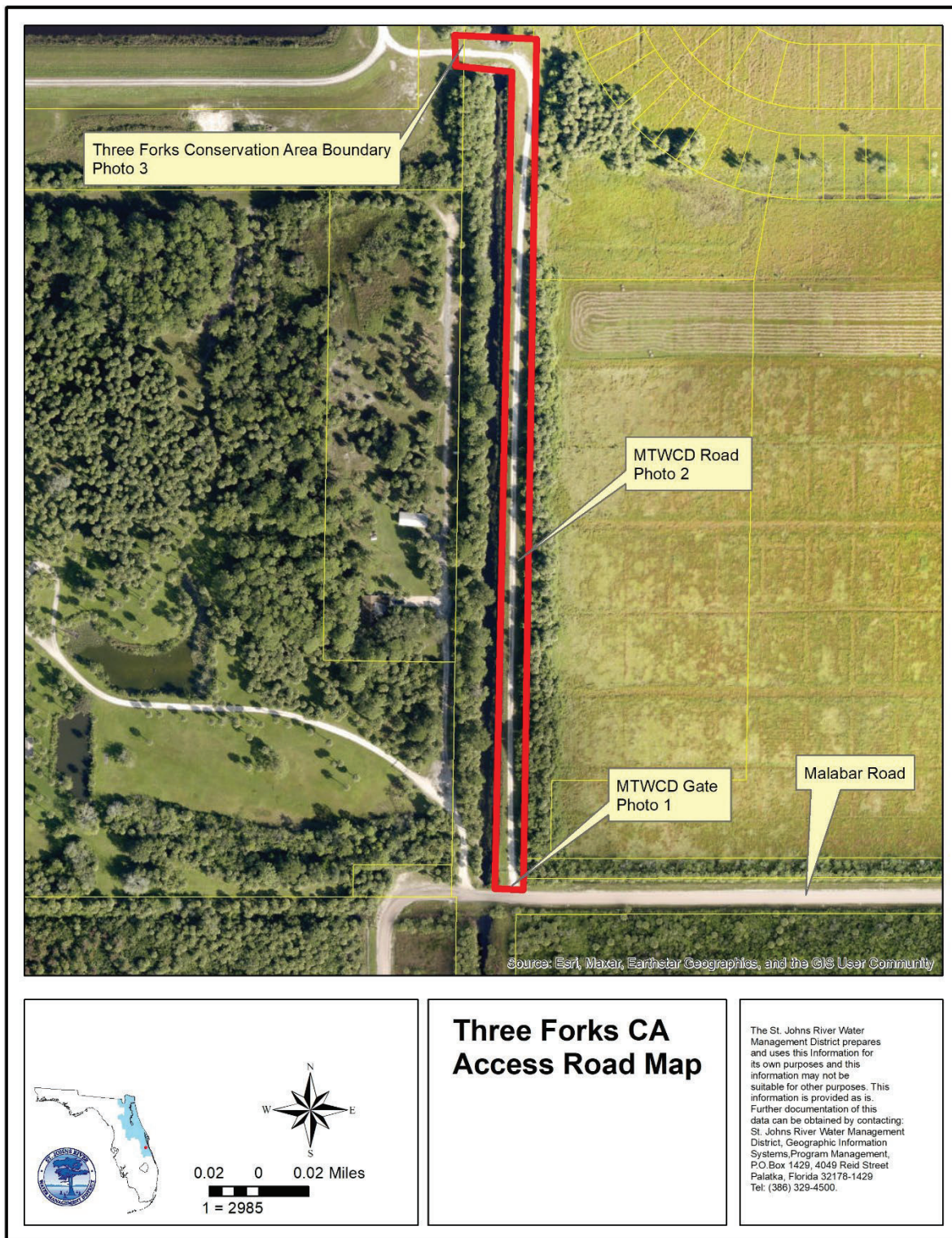


Exhibit "B"

its employees, agents, contractors, successors, and assigns



Author: Source: C:\Users\cmurray\OneDrive - St. Johns River Water Management District\Documents\ArcGIS\Base Map.mxd, Time: 5/13/2026 2:59:34 PM

“Photo 1”



“Photo 2”



“Photo 3”



Attachment

5

RESOLUTION 2026-02

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 2026, 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, 2026 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 **25th** day of **August 2026.**

ATTEST:

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

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

Attachment 6

RESOLUTION 2026-03

AN APPROPRIATION AND LEVY RESOLUTION OF THE MELBOURNE-TILLMAN WATER CONTROL DISTRICT, BREVARD COUNTY, FLORIDA, COVERING THE FISCAL YEAR BEGINNING OCTOBER 1, 2026 AND ENDING SEPTEMBER 30, 2027. 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, 2026 THROUGH SEPTEMBER 30, 2027; 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 2026/2027 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 25th day of August 2026.

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 2026/2027 (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 FY26/27

Exhibit A to Resolution 2026-03
Melbourne-Tillman Water Control District
Projected Operating Budget and Capital Improvement Program

**Approved Budget
FY 2026-2027**

REVENUE

Taxes	\$0
Licenses and Permits	\$60,000
Intergovernmental Revenue	\$0
Charges for Services	\$2,379,510
Fines and Forfeitures	\$0
Interest/Miscellaneous Revenue	\$145,000
Statutory Reduction (NOT REQ'D)	\$0
Total Operating Revenue	\$2,584,510

Balance Forward - Operating	\$2,292,292
Balance Forward - Capital	
Balance Forward - Restricted	\$0
Transfers - General Revenue	\$0
Transfers - Other	\$0
Other Financial Sources	\$0
Total Non-Operating Revenue	\$2,292,292

Total Revenue	\$4,876,802
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EXPENDITURES

Compensation and Benefits	\$1,982,444
Operating Expenses	\$783,300
Capital Expenditures	\$313,000
Grants & Aid	\$0
Total Operating Expenditures	\$3,078,744

Debt Service	\$0
Reserves - Emergency	\$350,000
Reserves - Capital	\$260,000
Reserves - Operating	\$130,000
Reserves - Restricted	\$1,031,701
Reserves - Pipe & Outfall	\$26,357
Transfers	\$0
Total Non-Operating Expenditures	\$1,798,058

Total Expenditures	\$4,876,802
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