

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

April 22, 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, April 22, 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
Keith Jerdon
Drew Powshok
Phil Weinberg, President

Absent: Jay Woltering
Brant Hoffman

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

RECOGNITION OF GUESTS/VISITORS/STAFF

Mike McCabe, District Engineer
Lindsey Aviles, Carr, Riggs & Ingram

ANNOUNCEMENTS

The District Manager announced that Elijah Edwards will join the District staff as a temporary employee to work with the District Engineer in a support role. He added Eli will be entering UCF as an Engineer major in the fall.

PUBLIC COMMENTS

None

PRESENTATIONS

Lindsay Aviles, Carr, Riggs & Ingram presented the District's audit for year ending September 30, 2024. Ms. Aviles was please to report the District achieved a clean audit for fiscal year 2024. She presented the comparative statements of net position that reported \$6.5 million up from \$6.2 the previous year – a \$303,000 increase primarily attributed to an increase in investments of \$608,000. Ms. Aviles added the gain was partially offset by a decrease in the "Due from Other Governments" account attributed to the Save Our Indian River Lagoon initiative where a significant receivable was recorded at the prior year-end was collected this year.

Ms. Aviles reported that total liabilities ended at \$1.38 million, down from nearly \$1.6 million in prior year – a decrease of \$207,000. She noted the reduction was primarily due to a significant decrease in the FRS liability, largely driven by strong investment performance this year. Additionally, the total Net Position concluded at just over \$5 million compared to \$4.7 million last year, resulting in a favorable increase of \$320,000.

Ms. Aviles reported that in Operating Revenues, Intergovernmental Revenues are zero, which was the primary factor in the overall decline in Revenues. Revenues for 2024 were recorded at \$2.4 million compared to just over \$3 million for 2023. She said the \$616,000 difference from the previous year reflects the conclusion of the Save Our Indian River Lagoon cost-share program. She noted that while User Fees increased by \$40,000, Permit Revenues experienced a slight decline of approximately \$3,700 and Operating Expenses decreased from \$1.7 million to \$1.5 million primarily as a result of a reduction in the net pension liability from Florida Retirement System (FRS) and Other Post Employment Benefits. Ms. Aviles stated that Materials & Supplies ended the year at \$231,000 which was a decrease of \$63,000 from the prior year largely attributed to lower expenditures in Aquatics and Herbicides as well as modest reductions in Fuel and Gas expenses and Repair and Maintenance. Ms. Aviles added the positive change in Net Position in Expenses amounted to \$320,000 making the total Net Position of over \$5 million for the year.

She reported that a new Government GASB standard, GASB 100 – Accounting Changes and Error Corrections, was implemented this year but this standard did not affect the audit as there were no corrections needed. Additionally, she noted that GASB statement 101, Compensated Absences, will be implemented next year and will alter the calculations of Compensated Absence Liabilities. She and the Secretary/Treasurer would discuss to provide more clarity and direction. Ms. Aviles concluded her report that the Internal Controls and Compliance with Local Government both received clean reports but the Management Letter noted a minor finding related to a Revenue Recording issue of a FEMA receivable its journal entry inadvertently posted to Revenue. She explained that since the FEMA revenue had been recognized in previous years, an unnecessary audit entry adjustment was made.

Keith Jerdon **motioned to accept the report for the 2023/2024 fiscal year.** Don Jordan **seconded the motion.** The Board **voted 5-0 to accept the report.** The President then asked for a vote on the annual Letter of Engagement. Ms. Aviles reported that the fee did go up slightly due to internal costing of labor from \$15,400 to \$17,000. Keith Jerdon **motioned to accept the Letter of Engagement for continuing audit services.** Joe Hale **seconded the motion.** The Board **voted 5-0 to approve the motion.**

REGULAR BUSINESS

The President presented the minutes of the February 25, 2025, Board meeting for approval. Drew Powshok **motioned to approve the minutes of the February 25, 2025 Board meeting.** Don Jordan **seconded the motion.** The Board **voted 5-0 to approve the motion.**

The President presented the Operating Statement through March 31, 2025 for Board approval. Joe Hale **motioned to approve the Operating Statement through March 31, 2025.** Drew Powshok **seconded the motion.** The Board **voted 5-0 to approve the motion.**

OLD BUSINESS

The Manager reported he had spoken with Ms. Fulcher. She indicated that she was in no immediate hurry to relocate the canal and expressed agreement to maintain its current position. Furthermore, she conveyed a willingness to cooperate with any future property owners should relocation become necessary, provided that the water flow continues southward from the property. The Manager stated he would coordinate with the District Attorney to prepare a formal letter reflecting this agreement and forward it to Ms. Fulcher.

NEW BUSINESS

The President introduced the Proclamation for National Public Works week. The Manager reported that the proclamation, issued collaboratively by the City of Palm Bay, Brevard County and West Melbourne, was made available for the Board's review. He also advised there is a pending bill proposing that Public Works be classified as First Responders, thus aligning its recognition with that of the police and fire departments.

BUDGET

The District Manager explained that while the original capital purchase plan for this fiscal year was to acquire two pickup trucks, discussions with staff led to a request to reallocate those funds toward the purchase of a portable pump.

The pump would offer rapid deployment to any area in need of assistance and could be used in pipe replacement projects when combined with a coffer dam to expedite repairs. Additionally, he noted that the District's current bush hog, which was budgeted for next fiscal year, is significantly worn, and the District's mechanics have recommended its replacement now. The Manager requested to postpone the purchase of the two pickup trucks and instead purchase the pump and bush hog. Drew Powshok **made a motion to approve the modification of the budget for the year 2024/2025.** Joe Hale **seconded the motion.** The Board **voted 5-0 to approve the motion.**

The President presented the District's proposed 2025/2026 Fiscal Year Budget and User Fee rate for consideration. He advised that there was once again no user fee increase as the District's User Fee rate is at the legislative cap.

Joe Hale **motioned to approve the User Fees for the 2025/2026 Fiscal Year.** Drew Powshok **seconded the motion.** The Board **voted 5-0 to approve the motion.**

Drew Powshok **motioned to approve the Budget for the 2025/2026 Fiscal Year.** Don Jordan **seconded the motion.** The Board **voted 5-0 to approve the motion.**

MANAGER'S REPORT

The District Manager reported that the gates at the MS-1 structure is down will and remain so until the City of Palm Bay completes their work on the Norwood project repairs. He advised the timeline to raise the gates is expected to be the beginning of May. The Manager stated staff had taken advantage of the situation and are conducting cleaning and maintenance duties on the MS-1 structure.

The Manager advised the props for the District's harvester were delivered and ready to be installed allowing for its return to operational status once the water levels return to normal. He added staff had been preparing for Hurricane season and dipping aquatic weeds in C-69, C-70, and C-84 while moving dirt to C-42 to improve maintenance on the canal.

ENGINEER'S REPORT

The District Engineer reported that C-69 is being dipped in preparation for the Westbrook by pass project, which is scheduled to begin later in the month to facilitate the bypass pumps at the Palm Crossings. Additionally, he reported he had been closely monitoring legislative developments including the following bills:

- The First Responder Bill which seeks for formally recognize Public Works employees and provide identification cards that grant access to restricted areas during emergencies.
- A bill in session proposing the MS-4 Cities and Counties conduct mandatory infrastructure inspections every five years and report findings to the Florida Department of Environmental Protection (DEP). He advised the District would not be included as it is not classified as MS-4.
- A significant legislative effort aimed at eliminating the Board of Professional Engineers and consolidative professional boards under the Department of Business and Professional Regulation. The proposal seeks to remove continuing education requirements associated with license renewal.

The District Engineer said he would continue to track the legislative discussions and the potential impact on operations.

ASSISTANT MANAGER/OPERATIONS REPORT

The Assistant Manager of Operations was absent and there was no report.

ATTORNEY'S REPORT

None

SECRETARY/TREASURER'S REPORT

The Secretary/Treasurer reported that she and the District Manager plan to engage with FEMA during a scheduled phone meeting in May to determine whether the remaining balance of funds will be received in the current fiscal or calendar year. She noted the outstanding balance amounts to approximately \$250,000 as well as an additional \$50,000 for administrative costs which is expected to take a longer period to process.

CLOSING

The President stated that the next Board meeting would be Tuesday, June 24, 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 – Reported that he will not be at the next meeting due to going on vacation.

Keith Jerdon – Asked about the plan for the pumps for hurricane season. The Manager confirmed that the District's standard will be installed, with one at C-69 and one at C-70, but there will not be a second pump at C-70 as a backup. The Manager stated that research requested by Mr. Jerdon shows, the rental pump costs \$2,000 per month and was never utilized – activating it would have doubled the monthly fee. Mr. Jerdon reiterated his belief that removed the rental pump is premature until the pipe upgrades are completed. The Manager said the pump will have the capacity to pump 1,000 gallons per minute, matching the efficiency of both the rental pump and the District's pumps. He emphasized that the new pump would not be dedicated to C-70 but could be deployed as needed throughout the District rather than continuing to incur a \$2,000 monthly expense to serve only 500 people. Mr. Jerdon continued to advocate for retaining the rental pump citing concerns that staff may be unable to check on pumps during a storm. The Manager reiterated that the portable pump can be set up within two hours making long-term rental unnecessary.

Don Jordan – none

Drew Powshok – Reported during discussions with the Engineer and the City of Palm Bay Public Works, it was noted that Canal 7, previously owned by the District, had at some point transitioned – its east half becoming Florida Department of Transportation (DOT) property to service the School Board. Despite this change, the District has continued maintaining the east side of C-7. He reported that in 1989, DOT divested of the property to the St. Johns River Water Management District (SJRWMD), yet District maintenance has continued. Mr. Powshok stated that given that SJRWMD does not actively maintain this area, consideration be given to reclaiming the right of way from SJRWMD which would eliminate permitting challenges that currently require SJRWMD permits. Mr. Powshok advised the service side of the right of way includes a DOT right of way line, classifying it as a public road right of way. The Manager stated he would consult with Mr. Powshok, the District Engineer, and the District Attorney to assess feasibility. The President advised the Manager to investigate the matter and provide an update to the Board at the next Board meeting.

Phil Weinberg – Reminded the Board that the terms of four members – Joe Hale, Drew Powshok, Brant Hoffman, and Jay Woltering are set to expire at the end of September. He expressed confidence Joe Hale and Drew Powshok will likely be reappointed, but noted the status of Brant Hoffman and Jay Woltering remains uncertain.

ADJOURN

Phil Weinberg, President adjourned the meeting at 9:51 am.

Respectfully,

Lisa Blackett,
Secretary
Board of Directors