

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

December 3, 2024

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, Vice President on Tuesday, December 3, 2024 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
Jay Woltering
Phil Weinberg

Absent: Drew Powshok

Also present: Rick Nipper, District Manager
Elaine Robbins, Administrative Assistant
Jim Beadle, District Attorney

RECOGNITION OF GUESTS/VISITORS/STAFF

Bo Rainbolt, Assistant Manager of Operations
Mike McCabe, District Engineer
Debra Gutierrez, Fulcher DLG, LLC
Jake Wise, Construction Engineering Group (CEG)

ANNOUNCEMENTS

The District Manager announced that Mike McCabe, District Engineer, has celebrated a milestone of ten years of employment with the District.

He announced that the City of Palm Bay had appointed Philip Weinberg for a term to expire 9/30/2027.

The Manager invited the Board to the District's Christmas Party on December 19, 2024 at Fred Poppe Park.

PUBLIC COMMENTS

None

REGULAR BUSINESS

The Vice President presented the minutes of the October 22, 2024, Board meeting for approval. Jay Woltering **motioned to approve the minutes of the October 22, 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 October 31, 2024 for Board approval. Phil Weinberg **motioned to approve the Operating Statement through October 31, 2024.** Brant Hoffman **seconded the motion.** The Board **voted 6-0 to approve the motion.**

PRESENTATIONS

None

NEW BUSINESS

The District Manager announced the annual election of Board Officers. Phil Weinberg **motioned to nominate Jim Beadle as the District's Attorney.** Brant Hoffman **seconded the motion and the Board voted 6-0 to elect Jim Beadle as the District's Attorney.**

Phil Weinberg **motioned to reappoint Lisa Blackett as Secretary/Treasurer.** Don Jordan **seconded the motion and the Board voted 6-0 to elect Lisa Blackett as Secretary/Treasurer to the Board.**

Joe Hale **motioned to nominate Phil Weinberg as Board President.** Jay Woltering **seconded the motion and the Board voted 6-0 to elect Phil Weinberg as Board President.**

Phil Weinberg **motioned to nominate Joe Hale as Vice President of the Board.** Brant Hoffman **seconded the motion and the Board voted 6-0 to elect Joe Hale as Vice President of the Board.**

The Vice President turned the meeting over to the President.

The Manager presented the District's proposed holiday hours of operation to the Board for consideration. The Manager explained by utilizing the District's holiday schedule and two days of vacation, the staff would have a week off to be with their families. Joe Hale **motioned to carry forward the floating holiday for calendar year 2025 to this year's holiday week.** Jay Woltering **seconded the motion.** The Board **voted 6-0 to approve the motion.**

Debra Gutierrez, Fulcher Properties stated she owns the property on the south east quadrant of I-95 and 192 that had been in her family for four generations. Ms. Gutierrez added her grandfather, Joseph Fulcher and her father, Jim Fulcher both developed and sold a great deal of properties in the area through the years. Ms. Gutierrez inherited the property five years ago and has been trying to sell it. She stated she was able to sell property on the south west quadrant without any problems but she had discovered a couple of issues with two of the three parcels in the south east quadrant. In 2023, she said a potential buyer discovered the District's C-85 canal was actually on her property and pulled out of the sale. In 2007, Ms. Gutierrez said her father told her the canal would be moved to the eastern side of the property in order to have one parcel for Gander Mountain store to be built there but the economy down turn and Gander Mountain cancelled the purchase. A survey at that time did not show the canal was on her property.

Ms. Gutierrez gave a historical description that Canal 85 once extended all the way up to 192 but when the Collet Group purchased property from her father, they made an agreement with the District, filled the canal in and designed the property so the drainage would go to a seven-acre retention pond.

She reiterated the canal must be moved from her property, and she preferred to correct the land locked parcel. Joe Hale asked how long Canal 85 had been in the current location and the District Engineer stated aerial photos from the early 80's indicated the canal may not have been fully dug but from aerial pictures around 2004, the canal appeared to be fully dug at that time. The District Attorney advised the issue with the property being land locked had been addressed in statute by the District's ability to permit crossings to allow the property owner access to their property but the District Attorney advised the canal cannot simply be moved as the District owns the right of way and canal lands and are using the canal for District purposes. The District Attorney advised there is a process to accomplish this legally. The District Manager added the canal is not located on her property very far which would allow staff to fill in the canal fill the canal and regrade to its appropriate location in remedy. The District Attorney advised staff to do its own survey to confirm Ms. Gutierrez's findings and decide what options are available. The Board made a consensus to have a survey completed and bring the findings back to discuss options.

Jake Wise, CEG presented a brief refresh regarding a utility installation involving parallel use on C-41 that has been in the works for a decade. Mr. Wise advised he presented to the Board in December 2021 as part of a regional utility

project for the City of Palm Bay. He advised projects of this magnitude require tens of millions of dollars and take many years to design, permit and construct but no the project is on the precipice of being started he was advised by the District Engineer the permit for parallel use would not be approved. Joe Hale asked if the City of Palm Bay Utility Department supported the request and Mr. Roberts and Mr. Cordova verified the project was needed for the region but there was an alternate route available down Cogan Drive. Mr. Hale questioned if the alternate route would cost rate payers more because a second line would be needed and Mr. Roberts stated a second line would be necessary for either route.

Joe Hale asked the District Attorney since the Board is now aware that parallel use is prohibited according to the District's legislative standing does the District have to honor the permit. The District Attorney stated that the premise for the District to ever grant a parallel use permit was that there were no other reasonable alternatives to using the right of way and there seems to be an alternate route in this case. He added arguably there is no predicate to grant this use now and despite the fact that may not have been the case previously, the request should be denied because there is an alternative route to provide the utility service. The Board President advised Mr. Wise that unless the state legislature changes the District's enabling legislation, the District does not have the authority to approve parallel use. He added that the Board did approve them in the past but after this determination was made, the Board has not issued any parallel use permits.

OLD BUSINESS

The District Manager advised the Board that AT&T had removed the installation from C-51 and Bo had confirmed there is nothing in the right of way. He requested the issue be closed.

BUDGET

None

MANAGER'S REPORT

The Manager requested Board members advise staff by the end of the week if attending the Christmas Party. Brant Hoffman agreed, Jay Woltering advised he and his wife would attend, Joe Hale advised he and his wife would attend, Don Jordan advised he and his wife would attend, Keith Jerdon advised he would let staff know and Phil Weinberg advised he and his wife would attend.

ENGINEER'S REPORT

The District Engineer reported Brevard County Natural Resources staff have requested data to help identify flooding conditions in the June Park Police Foundation for a feasibility study. He added the homes in June Park were built to grade or below the road and the study's goal was to improve the area by expanding some of the drainage right of ways. The District Engineer advised he also had a request for information regarding the MS-1 and all pumping systems along C-69 and C-72/65. The District Engineer announced he was taking FEMA independent resiliency study courses to help identify critical needs. The District Engineer advised the Board that he has received the 90% plans for the Hollywood Boulevard widening which included a 600 page storm report and 300 page plans that must be reviewed to make sure the peak or duration of peak for volumes are increased in C-70.

The Manager requested a consensus from the Board to allow the Board President and him to work with the District's new lobbyist on the new legislation. He advised the transfer to the Corcoran Group had been smooth and there was a 30-day cancellation clause by either side. The Manager stated the legislative delegation would meet on January 23rd to find a sponsor for the bill. The Board approved a consensus to allow the Board President and the District Manager to meet with the lobbyist.

ASSISTANT MANAGER/OPERATIONS REPORT

The Assistant Manager of Operations reported staff met with the company that designed and built the District's harvester. He added the company would have a proposal to revamp the harvester. He reported the Alamo side deck mower had been returned to the dealer for troubleshooting issues with the hydraulics system. The mechanics have isolated an issue and are working with the Alamo representatives in Texas to develop a fix. He stated the

heavy equipment group was dipping C-17 south of Malabar and replacing a failed pipe that the City of Palm Bay provided since the long reach machine is there. The group will move to C-72 off of Hollywood Boulevard to remove vegetation and overgrowth to create a maintenance road like on C-69.

The Assistant Manager stated the District staff are great and they did a great job throughout storm season but after working on along C-20, staff left a mini excavator on the south side of C-20 overnight. Despite the machine being off Malabar Road as much as possible, the City of Palm Bay notified the District that was not in the guidance of traffic ordinances. Joe Hale asked the Assistant Manager if he thought it would be advantageous to provide MOT training for the staff and the Assistant Manager agreed.

ATTORNEY'S REPORT

None

SECRETARY/TREASURER'S REPORT

None

CLOSING

The Vice President stated that the next Board meeting would be 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.

DIRECTOR'S REPORTS

Joe Hale – Offered congratulations to the District staff for getting through the storm season and in his observations, things worked out well. He offered congratulations to the District Engineer for his tenure success and welcomed Phil Weinberg back to the Board of Directors.

Brant Hoffman – none

Keith Jerdon – Asked the Manager if there were a plan to repair the bank of C-70 that is slipping into the canal behind his home. The Manager stated the limited access would require the work to be performed by hand which was not feasible. The Manager stated staff had put the long reach into the canal in the past and it nearly became stuck. The Manager advised there would be further discussions to come up with a plan. Mr. Jerdon advised a large oak tree had eroded and encroaches on his home and something needed to be done in that area. Mr. Jerdon agreed staff had done a fantastic job during the storms and thank staff for all they do.

Don Jordan – stated that he would second what Keith just said about the staff doing a fantastic job.

Jay Woltering – Thanked the District Engineer for his years of service. He advised the Manager that in other canal districts, they use 8' wide rock or skeleton bucket with a small excavator and small flats boat they put out in the canal to be able to pick up a tremendous amount of muck, drain it out and put up on the bank. He suggested staff look into something like this. The District Engineer stated the long reach has a skeleton bucket but it is not 8' wide.

Phil Weinberg – Thanked the Board for re-electing him as President. He also congratulated Mike for ten years of employment and that the Board appreciates his work. He agreed the staff did a great job during hurricane season and all year long and stated he appreciated it. He added he hoped to see everyone at the Christmas Party.

ADJOURN

Phil Weinberg, President adjourned the meeting at 10:12 am.

Respectfully,

Lisa Blackett
Secretary
Board of Directors