

City of Melbourne, Florida
Minutes – Regular Meeting Before City Council
September 11, 2025

A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 6:35 p.m. by Mayor Paul Alfrey.

A. OPENING

1. The invocation was given by Vice Mayor David Neuman.
2. Pledge of Allegiance
3. Roll Call

Present:

Paul Alfrey	Mayor
David Neuman	Vice Mayor, District 3
Marcus Smith	Council Member, District 1
Mark LaRusso	Council Member, District 2
Rachael Bassett	Council Member, District 4
Mimi Hanley	Council Member, District 5
Julie Kennedy	Council Member, District 6
Jenni Lamb	City Manager
Joan Junkala-Brown	Deputy City Manager
Adam Conley	City Attorney
Kevin McKeown	City Clerk
Justice Stevens	Assistant City Clerk
Rebecca Thibert	Assistant to the City Manager

4. Proclamations and Presentations
5. Approval of Minutes – August 26, 2025 Regular Meeting

Moved by Hanley/Bassett for approval. Motion carried unanimously.

6. City Manager's Report

City Manager Jenni Lamb referenced a future discussion item as it relates to the November 11 regular City Council meeting since the meeting now falls on a city observed holiday. Following discussion, Council expressed consensus to reschedule the meeting to November 13. Mrs. Lamb stated a resolution to make that change will appear on the next agenda.

Vice Mayor Neuman asked for clarification on whether the meetings in November will be on the November 13 and November 25 or if the meetings will be combined into one meeting on November 13. Mrs. Lamb responded that the intention is to

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

hold both meetings, unless there is direction from Council to only have one. Council expressed consensus to keep the meetings on November 13 and 25.

7. Public Comments

There were no public comments.

B. UNFINISHED BUSINESS

8. **Ordinance No. 2025-40 (AV2025-0001):** (Second Reading/Public Hearing) An ordinance vacating a portion of the public utility and drainage easement along the west lot line of 1627 Sweetwood Drive. (First Reading - 8/26/2025)

City Attorney Adam Conley read the ordinance by its title. There were no disclosures by Council and no comments during the public hearing.

Moved by Bassett/Kennedy for approval of Ordinance No. 2025-40. The roll call vote was:

Aye: Bassett, Hanley, Kennedy, Smith, LaRusso, Neuman and Alfrey

Motion carried unanimously.

C. NEW BUSINESS

9. Work Order No. 24-05 to the Asphalt and Milling Annual Resurfacing Program, for the Front St. Civic Center South Parking Lots Repaving, Project No. 12423, VA Paving, Inc., Cocoa, FL - \$56,333.

City Engineer James Ennis reported that the Front Street Civic Center parking lot was previously reviewed by Parks and Engineering staff and, based upon the same criteria utilized for the city's pavement management plan, was found to need resurfacing. Due to the upcoming pier replacement project, which is currently under design, the resurfacing of the Front Street Civic Center parking lots was broken into two phases. The first phase of the resurfacing addresses the parking lots on the south side of the civic center building and the south side of the Front Street Park Complex. The second phase of the resurfacing will be performed along with the installation of the planned Front Street Pier replacements and boat ramp upgrades so as not to damage newly placed asphalt.

Streets & Stormwater crews have already made drainage repairs to the parking lot south of the Front Street Park Complex in advance of the resurfacing project.

The Front Street Civic Center Repaving Project (Project No. 12423) was previously proposed and deferred in the Fiscal Year 2024 budget. The scope of work includes repaving the parking areas on the south side of the civic center

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

and on the south side of the park, as shown in the attached exhibit, to provide solid driving surfaces and parking areas at the civic center and park.

Moved by Hanley/Bassett for approval of substantially in the form of, and authorization for the City Manager, to sign Work Order No. 24-05 to the Asphalt and Milling Annual Resurfacing Program for Front Street Civic Center South Parking Lots repaving, with VA Paving, Inc., Cocoa, FL, Project No. 12423, in the amount of \$56,333. Motion carried unanimously.

10. CONSENT AGENDA:

- a. Purchase of two 80KW mobile backup generators for the Lift Stations Division, Tradewinds Power Corp, Miami, FL - total estimated amount of \$254,948.
- b. Conversion of four tennis courts into 12 permanent pickleball courts at Jimmy Moore Park, Project No. 70025, Sports Surfaces, LLC, West Palm Beach, FL - \$93,400.
- c. Purchase of 13,440 water meter retrofits, Badger Meter, Inc., Milwaukee, WI - \$2,208,326.
- d. Purchase of 13,000 meter box lids, Morsco, Inc. d/b/a Fortiline Waterworks, Daytona Beach, FL - \$302,900.

Moved by Hanley/Kennedy for approval of the consent agenda. Motion carried unanimously.

11. ITEMS REMOVED FROM THE CONSENT AGENDA

12. **Ordinance No. 2025-41 (AV2025-0002):** (First Reading/Public Hearing) An ordinance vacating a bike path easement between 2465 Wild Wood Drive and 2455 Wild Wood Drive.

Attorney Conley read the ordinance by its title and reported that correspondence between the applicant and the Engineering Department has been provided to Council regarding the applicant's request to postpone this item to a later date.

Moved by Hanley/Alfrey to postpone this item to the October 14 regular City Council meeting at 6:30 p.m. in the Council Chamber. Motion carried unanimously.

13. **Ordinance No. 2025-42, Ordinance No. 2025-43, and Ordinance No. 2025-44, Melbourne Architectural:** (First Reading/Public Hearing) Ordinances providing for annexation of 1.43± acres of real property, and a Comprehensive Plan amendment and zoning designation on 1.07± acre portion of the property, located on the east side of East Drive, south of Dow Road, and north of Ellis

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

Road. (Owner/Applicant - T D & K Holdings, LLC, Tom Soyk) (Representative - David Baggett, P.E., Haley Ward, Inc.) (P&Z Board - 8/21/2025)

- a. **Ordinance No. 2025-42/ANNX2025-0004:** (First Reading/Public Hearing)
An ordinance providing for the annexation of 1.07± acres of developed property, and 0.36± acres of adjacent road and canal right-of-way into the City of Melbourne corporate limits.
- b. **Ordinance No. 2025-43/MAP2025-0011:** (First Reading/Public Hearing)
An ordinance establishing an Industrial Future Land Use.
- c. **Ordinance No. 2025-44/MAP2025-0012:** (First Reading/Public Hearing)
An ordinance establishing M-1 (Light Industrial) zoning.

Attorney Conley read the ordinances by their titles. Community Development Director Cindy Dittmer reported that the property owner has requested that 1.07± acres of property be annexed into the City of Melbourne and has submitted a voluntary annexation petition. An additional 0.36± acres consisting of adjacent road and canal rights-of-way are also proposed for annexation. The property has existing city water service and will continue to be served by an existing septic tank system for the treatment of wastewater.

The applicant has submitted a conceptual site plan exhibit for a 5,225±-square-foot building addition to the existing manufacturing facility, which is a permitted use in the requested M-1 zoning district. The property is currently designated under the Brevard County zoning IU, which allows a variety of light industrial uses, including a manufacturing facility. Planning staff has reviewed this layout and determined that the exhibit meets City Code requirements in concept for property line setbacks, drive aisle requirements, landscaping areas, and parking standards.

The subject property is part of an unincorporated Brevard County enclave and the annexation of the subject site will reduce the area of unincorporated lands. The annexation area does not pose any problems with regard to the provision of municipal services. The proposed future land use and zoning are compatible with the surrounding industrial uses and industrial zoning classifications. All of the surrounding properties are zoned M-1 or IU, light industrial classifications.

On August 21, 2025, the Planning and Zoning Board voted unanimously to recommend approval of the proposed requests.

There were no disclosures by Council and no comments during the public hearing.

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

Moved by Hanley/Bassett for approval of Ordinance No. 2025-42, based upon the findings contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

Moved by Hanley/Kennedy for approval of Ordinance No. 2025-43, based upon the findings contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

Moved by Hanley/Alfrey for approval of Ordinance No. 2025-44, based upon the findings and condition contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

14. **Ordinance No. 2025-45, Van Beers Bottle and Tap:** (First Reading/Public Hearing) An ordinance granting a conditional use (CU2025-0005) to allow consumption of alcohol (beer and wine) on premises on a 0.26±-acre parcel zoned C-3 (Central Business District) located on the south side of East New Haven Avenue, west of Grant Place and east of Livingston Street. (Owner - Hynes Properties LLC/Diane Hynes) (Applicant/Representative - Jay Van Schaick) (P&Z Board - 8/21/2025)

Attorney Conley read the ordinance by its titles. Mrs. Dittmer reported that the property is located in a 1,957±-square-foot unit within a multi-tenant plaza. The applicant proposes to serve beer and wine as a bar/tavern use for a craft beer taproom and bottle shop. The on-premises consumption of alcohol, when not in conjunction with a restaurant, requires conditional use approval in the C-3 zoning district. The applicant's business plan indicates the establishment will be open from 12:00 p.m. to 10:00 p.m. Tuesday through Thursday, from 12:00 p.m. to 11:00 p.m. on Friday and Saturday, and from 12:00 p.m. to 8:00 p.m. on Sunday.

The floor plan identifies a layout with a taproom, a kitchen area, a bottle shop area, a biergarten, and three unisex bathroom facilities. The taproom and biergarten contain multiple seating areas. In addition, the taproom contains a bar area with multiple seats. The applicant indicates that there is a total of 76 seats in the establishment.

The subject site is located in urban Downtown Melbourne. Within a 500-foot radius of the subject property there is a mixture of uses such as retail, office, restaurant, and residential uses. The nearest residential uses (Highline Apartments and 701 E. New Haven Apartments) are located adjacent to the west and south of the subject site.

Staff has added multiple conditions to the ordinance to ensure that the on-premises consumption of alcoholic beverages (beer and wine) will not affect the surrounding area. These conditions include but are not limited to: a maximum seating allowance of 76 persons; consumption of alcohol will be entirely within the interior of the building/biergarten; and two or more violations of the city's

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

noise regulations or occupancy is a breach of the conditional use. Adoption of this conditional use will repeal a previous ordinance for the consumption of full alcohol (4COP) from 2012.

During the August 21, 2025 meeting, the Planning and Zoning Board voted unanimously to recommend approval of the request.

There were no disclosures by Council and no comments during the public hearing.

Moved by Hanley/Alfrey for approval of Ordinance No. 2025-45, based upon the findings and conditions contained within the ordinance. Motion carried unanimously.

15. **Subdivision Variance Request (SDV2025-0001) Mayfair East Phase One:** (Public Hearing) A request granting three variances from the Subdivision Regulations per Appendix D, Chapter 8, for property consisting of 192.96± acres, zoned C-1 (Neighborhood Commercial District) and PUD (Planned Unit Development District) located south of Florida Avenue, north of Pirate Lane/Eber Road, and west of Lipscomb Street. (Owners - KL LB BUY, LLC; Southern Homes of Melbourne II LLC) (Applicant/Representative - Jake Wise, Construction Engineering Group) (P&Z Board - 8/21/2025)

Mrs. Dittmer reported that the applicant is requesting the following three subdivision variances: 1) To allow relief from the limitation of issuance of only two single-family model home building permits prior to recording of the Final Plat, allowing for up to fifty percent of the residential permits prior to recording of the Final Plat; 2) To allow issuance of two building permits for PUD non-residential/secondary uses (club house proposed in Tract REC-1 and guard house proposed within Tract LD-34); and 3) To permit the developer to temporarily retain specified tracts until completion, construction and subsequent conveyance to the Mayfair Community Development District (CDD) or another responsible maintenance entity, with recorded easements and covenants assuring city access and resident use.

The first two parts of the subdivision variance request are related to the number of building permits allowed within the proposed subdivision prior to recording of the Final Plat. The engineering construction plans have recently been approved for Mayfair East Phase One, and the Final Plat for Mayfair East Phase One is currently under staff review for the first 109 lots and future development tracts. During the pre-construction meeting, the applicant identified that they intended to obtain up to 50% percent of the building permits (266 max) prior to Final Plat. City Code only allows this option if the development of the subdivision follows Section 8.7 for the Expedited Permitting Process, for which this plat was not eligible. They also identified that they would be requesting permits for the clubhouse and the guard house, which is not permitted by City Code until the

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

final plat is approved by City Council and recorded. Since the Mayfair East Preliminary Plat was not originally approved under the new Section 8.7, the applicant has requested a subdivision variance to allow for the construction of up to 50% of the single-family residential permits for the development, rather than the maximum of two building permits allowed.

The third part of the subdivision variance request relates to the tracts within the proposed Mayfair East Phase One Final Plat. The applicant is requesting not to dedicate the following tracts to the HOA (Tracts LD-33, LD-34, LD-35, LD-36, REC-1, RD-1A, RD-2, RD-4, ST-1, and ST-9). The applicant requests to allow Lennar or Southern Homes Communities to retain title of the tracts until construction of improvements within each tract is complete, after which the tracts will be conveyed to the appropriate management entity.

City staff has reviewed the three subdivision variance requests and can support the subdivision variance primarily due to the conditions of approval that ensure that prior to issuance of the building permits, the minimum necessary improvements are completed, all inspections of site work are completed, and a "Certificate of Eligibility to Proceed" is issued by the City Engineer. Minimum necessary improvements include: fire and emergency service access to the site; water supply for fire suppression; mass grading and stormwater work, excavating and installing stormwater facilities as planned to support mass-graded areas; and any other safety-related improvements required by the city. These requirements are outlined within City Code for the new expedited permitting process for subdivisions.

At the August 21, 2025 meeting, following review and discussion, the Planning and Zoning Board voted unanimously to recommend approval of this request.

Vice Mayor Neuman asked if these homes are going to impact the surrounding schools for traffic purposes. Mrs. Dimmer noted that school entrances are far enough away from the entrance to the community that there will be no conflict.

Council Member Julie Kennedy asked if a traffic study has been completed. Mrs. Dittmer responded yes.

There were no disclosures by Council. The Mayor opened the public hearing.

Timothy Reilly, representing the applicant, expressed the development team's support for the request and asked the project engineer to speak on the timing of construction.

Jake Wise, engineer of record, spoke on the history of this development and thanked Council for moving forward.

Vice Mayor Neuman asked when construction is set to start. Mr. Wise noted that

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

the team has already broken ground and shared that there is a 14-month construction period. Vice Mayor Neuman then asked when the traffic study was completed. Mr. Wise replied that it was completed in 2024 and it was conducted during the school year.

Moved by Hanley/Neuman for the approval of SDV2025-0001, based upon the findings and conditions contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

16. **Ordinance No. 2025-46, Utility Rates:** (First Reading/Public Hearing) An ordinance amending previously scheduled utility rate increases; amending City Code, Chapter 58, Utilities; amending Section 58-133, Water Service Rates; and amending Section 58-243, Sewer Service Rates.

Attorney Conley read the ordinance by its title. Financial Services Director Ross McGinn reported that at the August 26, 2025 City Council meeting, the city's rate consultant, Raftelis, Inc., presented the results of the Water and Wastewater Rate Study. The study's results recommended a series of increases over the course of the next five fiscal years for the purpose of ensuring the water and sewer utility system will have enough resources to fund necessary capital improvement projects, service debt and maintain an appropriate level of reserves in compliance with the bond covenants of existing debt. During the presentation, both the rate consultant and staff recommended proceeding with five consecutive annual increases of 10.5% increase in water rates and a 7% increase in wastewater rates, effective October 1, 2025 and each October 1 thereafter during the study period.

Adopting multiple years of increases provides bondholders and rating agencies assurance that the city will meet its bond covenants and assists with achieving better borrowing terms. It is staff's intent to perform additional rate studies in the coming years as appropriate to ensure that the rates adopted with this ordinance are sufficient and whether assumptions made in the 2025 Water and Wastewater Study differed materially from actual results.

Prior to receiving Council's concurrence to proceed with the process of implementing the recommendations, staff worked to comply with Florida State Statute 180.136 which requires a local government-operated utility to provide notice of a proposed increase to each customer through the billing process stating the date, time and place of the meeting the proposed increase will be considered. Language providing this information was inserted into customer bills during the billing cycles that fell within the month of August.

Council Member Mimi Hanley asked if there are going to be any more rate increases in the future Mrs. Lamb noted that impact fee discussions will be appearing on a future agenda.

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

Council Member Mark LaRusso asked what the rate increases are going to be for Brevard County since District 2 is on county sewer. Mr. McGinn noted that he can get that information for Mr. LaRusso after the meeting.

The Mayor opened a public hearing. There were no comments from the audience.

Moved by LaRusso/Smith for approval of Ordinance No. 2025-46. Motion carried unanimously.

17. Waiver of competitive bid for disposition of city-owned property located at 695 E. University Boulevard.

Assistant to the City Manager Rebecca Thibert reported that the city currently owns real property located at 695 E. University Boulevard. This was the former location of the Housing and Urban Improvement Division offices. Staff from this facility have been relocated to 701 S. Babcock Street, which was the previous location of the Police Department Communications Center.

The property at 695 E. University Boulevard has now been declared surplus city-owned property. Section 12.09 – Real Property, of the City's Procurement Manual, requires surplus property to be offered for sale by competitive bid (formal solicitation) if over \$5,000. The policy also requires an appraisal, survey and title search.

Staff has received an unsolicited proposal for the purchase of the property from the Islamic Society of Brevard County. The Islamic Society currently owns neighboring property located at 683 E. University Boulevard. The Letter of Intent to Purchase Commercial Property received from the Islamic Society is for a purchase price of \$220,000.

Staff obtained an appraisal for the property in August 2022 which indicated a value of \$250,000. A subsequent appraisal obtained in February 2025 indicates a value of \$350,000.

Staff is requesting approval of a waiver of the competitive bid requirement in Section 12.09 – Real Property of the City's Procurement Manual and to proceed with negotiations for the sale of the property with the Islamic Society of Brevard County.

Following negotiations, staff would return to City Council for approval of a resolution and contract for sale and purchase to authorize disposition of the property.

Mayor Alfrey shared his concern with the price that was offered.

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

Following brief discussion, Council expressed consensus to not approve this waiver and asked for staff to follow the competitive bid process.

18. Consideration of the City's proposed 2026 State Legislative Priorities.

Mrs. Lamb reported that the City of Melbourne participates in activities to promote and support State legislation that enhances the priorities of the city and municipal home rule while opposing legislation with the potential to undermine the city's objectives. To achieve its goals, the city annually adopts State legislative priorities that are then advanced to the Brevard Legislative Delegation, applicable committees and appropriate members of the State Legislature.

The city's proposed 2026 State legislative priorities for City Council's consideration is attached. This list, which consists of broad statements and proposed projects, represents a starting point for City Council's discussion. In past years, the city has included support for the Florida League of Cities' adopted legislative priorities and positions. The Florida League of Cities will begin their legislative policy committee meetings on September 26, 2025 and will not adopt their priorities and policies until December 5, 2025. Staff will forward information about the Florida League of Cities' priorities and policies to City Council as it is received.

The Brevard Legislative Delegation meeting has been scheduled for Tuesday, September 30, 2025 at 2:00 p.m., located in the Brevard County Commission Chambers in Viera. Historically, the Mayor has spoken on behalf of the city at the delegation meeting.

The 2026 Regular Session will convene on January 13, 2026. Interim Committee Meetings will be held from October 6, 2025 through December 12, 2025. As in years past, staff will monitor legislation and bring additional information and/or discussion items forward to the City Council as applicable.

Mrs. Kenndy asked to add that the city is in support of the change of legislation as a result of the passing of Senate Bill (SB) 180.

Vice Mayor Neuman asked to add support for legislation relating to the city's CRAs. He also asked for clarification on what the city is opposing in reference to homeowners' associations. Mrs. Lamb stated that there is proposed legislation that would transfer ownership and maintenance of HOAs to the city, like roadways and trimming of trees.

Vice Mayor Neuman asked if it would be feasible to ask for any funding for Holmes Park improvements (as presented by Melbourne Main Street in May 2025). Mrs. Lamb noted that staff can add this to the list.

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

Mrs. Hanley showed a video that was provided by the Florida League of Cities (FLC) that discussed keeping taxes in the state of Florida low and expressed her opposition to the removal of property taxes.

Council Member Marcus Smith asked if funding for workforce development could be added to this list. Mrs. Lamb stated that staff can add that the city is in support of legislation that addresses workforce development.

Council expressed consensus with the priorities recommended by staff, as well as the addition of the following: supporting legislative changes to repeal the provisions of SB180, supporting legislation that affirms the goals of the city's CRAs, supporting legislation for the continued funding for workforce development, and seeking funding for updates to Holmes Park.

D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Council Member Rachel Bassestt noted that after the rough few days that have passed, she hopes the community can come together positively.

Mrs. Hanley shared that she will be attending upcoming FLC events and asked for Council to share the FLC videos that are sent out on their personal social media pages to spread the word to the community.

Mrs. Kennedy shared that she will be attending the upcoming "Flood the Hill" event in Washington D.C.

Mr. Smith mentioned that he will be attending the memorial of Dr. Joe Lee Smith. He also passed out a booklet from the Transportation Planning Organization meeting that shared information on new transportation options for the future of Brevard County. Mr. Smith also shared that he will be attending the FLC Institute for Elected Municipal Officials and has been nominated for the advocacy committee of the Space Coast League of Cities.

Mr. LaRusso shared that he and the airport director hosted the FDOT secretary at the airport for a tour of the facility. He also moderated a luncheon between three elected officials from the Brevard County area for the Federated Women's Club. He also attended the Honor Flight departure at airport.

Vice Mayor Neuman noted that he will not be in attendance at the rescheduled meeting on November 13. He then asked if there was any objection from Council for him to bring back information on obtaining an artifact from the 9/11 attacks to be placed in Melbourne's Military Memorial Park as next year will be the 25th anniversary of the terrorist attacks. There were no objections from Council.

Mrs. Lamb shared the news that a city employee tragically passed away due to a motorcycle accident. She also noted that she will be placing a discussion item on

City of Melbourne, Florida
Minutes - Regular Meeting of the City Council
September 11, 2025

a future agenda (before the end of the year) regarding the city's land development review process.

Mrs. Lamb also noted that Mr. Smith asked for a discussion item to be placed on a future agenda for a small and developing business program. Mr. Smith explained that the company weVENTURE would like to present a proposal and also wanted to finish their presentation from the previous workshop meeting they attended. Vice Mayor Neuman expressed that he felt more comfortable if Mr. Smith presented the information. Mr. Smith agreed to present the information during the discussion item.

E. ADJOURNMENT

The meeting adjourned at 7:57 p.m.

/s/ Kevin McKeown, City Clerk – September 17, 2025

Approved by Council: September 24, 2025