City of Melbourne, Florida
Minutes – Regular Meeting Before City Council
October 28, 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 6:31 p.m. by Vice Mayor David Neuman.

A. OPENING

1. The invocation was given by Vice Mayor Neuman.

2. Pledge of Allegiance

3. Roll Call

Present:

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

Absent:

Paul Alfrey	Mayor (vacation)

4. Proclamations and Presentations

Vice Mayor Neuman presented the Exceptional Citizen Award to Jackie Small, who was selected at Council's September 24, 2025 regular meeting.

Vice Mayor Neuman also presented a proclamation declaring November 2025 as "Native American Heritage Month," and November 14-16, 2025 as "Native Rhythms Festival Days."

Employees who reached a milestone of service during the months of September and October 2025 were invited to the Council meeting to accept their service pin and gift card. Brent Dooley, Fire Operations (20 years), Christopher Cooper, Fire

Operations (25 years) and Richard Smith, Engineering (25 years) attended the meeting and was recognized by the Mayor and City Council and City Manager.

5. Approval of Minutes – October 14, 2025 Regular Meeting.

   <u>Moved by Hanley/Bassett for approval.</u> <u>Motion carried unanimously.</u>

6. City Manager's Report

   City Manager Jenni Lamb reported that a push-in ceremony celebrating the arrival of a new heavy rescue engine will take place on Friday, October 31 at 9:00 a.m. at Fire Station 76 (2470 Croton Road).

   Additionally, Mrs. Lamb noted that the Public Works and Utilities Department is assisting the City of Titusville in response to the major flooding that has taken place with the recent heavy rains.

   In closing, Mrs. Lamb referenced the prior conversation held by City Council regarding the one-way conversion of Guava Avenue. She noted that variable message boards will soon be placed to announce the traffic pattern shift.

7. Public Comments

   Pete Bittner, 621 Ironwood Drive, referenced a private company currently running fiber through his neighborhood and stated that the company has broken two water mains and leaves two large holes in every resident's yard. He stated that he spoke with Engineering staff who stated that the company needs to return the affected properties to the conditions they found them in; however, Mr. Bittner stated that this is not occurring.

   Mrs. Lamb pointed out the City Engineer in the audience and noted that the Engineering Department can take that information as other issues have arisen in the city with regard to fiber installation.

   Joseph Colombo, 2020 W. Eau Gallie Boulevard, discussed his history with the City of Melbourne and noted that his comments relate to public fraud and corruption. He stated that his comments about Mayor Paul Alfrey are not allegations since he has proof. He referenced the city's action to provide $500,000 in American Rescue Plan Act funds to Space Coast Habitat for Humanity in June of 2024. He noted that the mayor signed the resolution and two month later, the mayor's business was in contract with Habitat for Humanity and ultimately received a portion of those funds. Mr. Colombo stated that the mayor's business has been paid $56,500 from Habitat for Humanity and noted again that he has "direct proof." He submitted a packet of information and stated that if the city does not report this activity within one week, he will.

Connie McClary, Palm Bay, discussed the organizations she represents and referenced an e-mail that she submitted to City Council members with pictures about a nuisance property along Race Street. She stated that this property has been a problem for more than six years and discussed the multiple complaints submitted against the property. She asked the City Council for relief from this property.

Mark Herendeen, no address given, referenced an upcoming boat race that runs through the City of Melbourne and displayed a video showing an example of what the race looks like. He noted that the event will take place on November 1 beginning at 10:00 a.m.

John Curtis, 466 Teal Drive, referenced the agenda item regarding special activity permits and noted that his issue with the current process is that he is limited to six events per year. He requested that Council consider allowing more events, especially for his business located in Downtown Eau Gallie (Intracoastal Brewing Company), which he stated would greatly benefit from the allowance for additional events.

Council Member Julie Kennedy asked how many events Mr. Curtis' business would have if allowed. Mr. Curtis replied once a month would be fantastic, but more would be amazing.

Council Member Mark LaRusso stated that Mr. Curtis' business has transformed Downtown Eau Gallie and when things within the city need to be transformed, the city should look to businesses like Mr. Curtis' for help.

B. UNFINISHED BUSINESS

8. **Ordinance No. 2025-49:** (Second Reading/Public Hearing) An ordinance amending Chapter 6 of the City Code relating to permissible hours of sale, service, and consumption of alcoholic beverages on January 1.

(Mr. Smith stepped out of the chamber at 7:22 p.m.)

Attorney Conley read the ordinance by its title and clarified that the goal of the new subsection that is proposed is that if a conditional use has more specific hours of operation stated within the ordinance as a condition, those hours apply as compared to the general hours stated in Chapter 6.

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

<u>Moved by LaRusso/Bassett for approval of Ordinance No. 2025-49.</u> <u>The roll call vote was:</u>

Aye: LaRusso, Bassett, Hanley, Kennedy and Neuman

Motion carried unanimously. Mr. Smith was not present.

C. NEW BUSINESS

9. Work Order No. 24-06 to the contract for Asphalt and Milling Annual Resurfacing Program for the Kingsmill Subdivision Road Resurfacing and Restoration, Project No. 68122, V.A. Paving, Inc., Cocoa, FL - $1,250,000.

(Mr. Smith returned to the chamber at 7:24 p.m.)

City Engineer James Ennis reported that the roadway surfaces within the Kingsmill Subdivision have been determined to be at the end of life and geotechnical testing was performed to determine what type of restoration is needed. It was determined that Reign Street and Royalty Street require black base installation in addition to resurfacing due to the condition of the base. Nobility Avenue, Majestic Avenue, Kingsmill Avenue, Kingdom Avenue, and Empire Avenue will receive the standard 2-inch mill and resurfacing. This work order includes 3.4 miles of roadway resurfacing, of which, base repairs are required on 0.4 miles of the total resurfacing area.

The contractor will have 270 days following Notice of Commencement to complete the work included within this work order.

Moved by Hanley/Smith for approval of Work Order No. 24-06 to the contract with V.A. Paving, Inc., Cocoa, FL for the Kingsmill Subdivision Road Resurfacing and Restoration, Project No. 68122, in the not-to-exceed amount of $1,250,000. Motion carried unanimously.

10. Work Order No. 24-07 to the contract for Asphalt and Milling Annual Resurfacing Program for the Fiscal Year 2025 Resurfacing Program, Project No. 68025, V.A. Paving, Inc., Cocoa, FL - $4,000,000.

Mr. Ennis reported that the 2014 Pavement Management Plan identified methodologies using a combination of standard milling and resurfacing, sealing, cold-in-place recycling, reconstruction, and base repairs to optimize city dollars to achieve and maintain acceptable pavement condition and structural condition indexes. The city's milling and resurfacing efforts are focused on streets with an average pavement condition index of less than 60. Staff identified the next 34 roadway sections for resurfacing. This work order includes 12.6 miles of roadway resurfacing, of which, base repairs are required on 3.7 miles of the total resurfacing area.

The contractor will have 270 calendar days from Notice of Commencement to complete this project.

Mr. LaRusso asked if this is all of the paving that has been approved by Council for 2025-2026. Mr. Ennis stated that this does not constitute all of the roadways as additional roads will be added to the resurfacing programs. He noted that the streets listed in this item are the ones ready to go.

Moved by LaRusso/Smith for approval of Work Order No. 24-07 to the contract with V.A. Paving, Inc., Cocoa, FL in the amount not to exceed $4,000,000. Motion carried unanimously.

11. Task Order No. DRMP-I-2025-001 to the Continuing Contract for Professional Engineering Services for Riverview Park Roundabout and Parking Improvements, Project No. 13323, DRMP, Inc., Merritt Island, FL - $89,480.

Mr. Ennis reported that as part of the Riverview Park Master Plan, a traffic circle (or roundabout) was proposed at the entrance to Riverview Park due to the proximity of the signalized intersection at US Highway 1/W.H. Jackson Street to the intersection of Irwin Street at the Riverview Park entrance. The existing alignment allows for multiple conflict points regarding assignment of right of way and lacks sufficient vehicle queueing lengths. A traffic circle eliminates conflicts with right of way assignment as the flow is continuous and vehicle queuing is provided for within the park itself, allowing for improved traffic circulation.

On May 28, 2024, City Council approved the abandonment and vacation of Irwin Street, south of the Riverview Park entrance, and of Line Street except for the portion of Line Street that is necessary for the traffic circle improvements. Later that year and upon coordination with Community Development Department and Parks & Recreation Department staff, a task order was issued to DRMP, Inc. to provide surveying services and preliminary engineering services for the traffic circle and a parking lot layout for twenty-two additional spaces. The layout has been completed and accepted by the City Engineer. The project is ready for final design.

The scope of services includes final engineering design and permitting for a traffic circle, redesigned parking lot, sidewalk connections, crosswalks and associated ADA curb ramps per the preliminary layout. Additional deliverables include geotechnical explorations, utility coordination, cost estimating, plans and specification production, and traffic analysis.

Council Member Marcus Smith referenced the Riverview Park master plan and asked for a status of the overall plan. Mr. Ennis replied that those activities continue to be coordinated with the Parks and Recreation Department

Moved by Bassett/Neuman for approval of Task Order No. DRMP-I-2025-001 to DRMP, Inc., Merritt Island, FL for professional engineering services for Riverview

Park Roundabout and Parking Improvements, Project No. 13323 in the amount of $89,480. Motion carried unanimously.

12. Task Order No. DRMP-U-2025-001 to the Continuing Contract for Professional Engineering Services for the Lift Station No. 55 Rehab, Project No. 32526, DRMP, Inc., Merritt Island, FL - $109,275.

Public Works and Utilities Director Jennifer Spagnoli reported that Lift Station No. 55, located on the west side of Stewart Road at the Sweetwood Drive intersection, has reached the end of its service life and requires replacement. The existing station consists of a wet well with duplex vacuum-assisted suction lift pumps, operating at a capacity of 1,400 gallons per minute (gpm).

The proposed lift station replacement consists of the design of a new wet well with modern submersible pumps, a new valve pad, new control panel, new generator, and associated site improvements. Because Lift Station No. 55 is proposed to pump additional flows redirected from Lift Station Nos. 21 and 26 to accommodate future developments within the Pineapple Avenue corridor, triplex pumps will be provided with a capacity of 2,000 gpm each.

The scope of services includes boundary and topographic survey of the lift station site, geotechnical evaluation, civil engineering design services, electrical engineering, instrumentation/controls design, permitting services, bidding services, and construction administration services.

Completion of DRMP services is expected within 210 days following Notice to Proceed.

Moved by Hanley/Kennedy for approval of Task Order No. DRMP-U-2025-001 to DRMP, Inc., Merritt Island, FL for professional engineering services for Lift Station No. 55 Rehab, Project No. 32526, in an amount $109,275. Motion carried unanimously.

13. Sarno Road Emergency Force Main Replacement, Project No. 32726, in the amount of $1,040,218.45.

    a. Authorization to establish Project No. 32726 and a budget transfer in the amount of $1,041,000 from Project No. 30099.

    b. Utilization of Horizontal Directional Drill Contract P25015K-0-2025/KL for the Sarno Road Emergency Force Main Replacement to Concurrent Utility Services LLC, Rockledge, FL - $1,041,000.

Ms. Spagnoli reported that on October 12, 2025, city staff was notified of a wastewater force main break at 1070 Sarno Road and immediately mobilized to investigate. It was determined to be a break on a 16-inch ductile iron force main.

This 16-inch force main transfers raw wastewater from Lift Station No. 23 to the D.B. Lee Water Reclamation Facility (WRF). In order to complete the repair, two line stops, and a 12-inch bypass had to be installed, and 130 linear feet of ductile iron pipe was replaced with C900 polyvinyl chloride (PVC).

Between the repair and D.B. Lee WRF there is another 380 linear feet of 10-inch and 900 linear feet of 16-inch old ductile iron pipe in the Sarno Road right-of-way that is recommended for immediate replacement to avoid another similar incident resulting in emergency repairs and potential wastewater spills. There is also an additional 400 linear feet of 24-inch old ductile iron force main within the plant site that has had multiple repairs in the last two years and is recommended for immediate replacement. Replacing the ductile iron pipe will strongly reduce the chances of another wastewater force main break in this area, resulting in a potential discharge to the Indian River Lagoon.

A quote was requested from Concurrent Utility Services LLC utilizing city Contract P25015K-0-2025/KL Horizontal Directional Drill Services. The scope for work consists of mobilization, maintenance of traffic, directional bore of 380 linear feet of 10-inch high-density polyethylene (HDPE) force main, 900 linear feet of 20-inch HDPE force main, and 400 linear feet of 24-inch HDPE force main with line stops, fittings and connections to existing valves, grouting the existing force mains after the new mains are placed in service, restoration and as-built survey.

Moved by Hanley/Bassett for authorization to establish Water and Wastewater Capital Improvement Project No. 32726 and a budget transfer from Project No. 30099. Motion carried unanimously.

Moved by Hanley/Bassett for approval to utilize Contract P25015K-0-2025/KL with Concurrent Utility Services LLC of Rockledge, FL for the Sarno Road Emergency Force Main Replacement, Project No. 32726, for a not-to-exceed amount of $1,041,000. Motion carried unanimously.

14. CONSENT AGENDA:

a. Utilization of contract pricing for wireless air cards for multiple departments, Verizon Wireless, Basking Ridge, NJ - estimated annual cost of $210,676.20.

b. Grant Funding Agreement between the City of Melbourne and Daily Bread, Inc./Providence Connects for Housing Case Manager services in the amount of $100,000 for FY 2025-2026.

c. Grant Funding Agreement between the City of Melbourne and Eau Gallie Arts District Main Street, Inc. for providing a designated Florida Main Street Program within the Olde Eau Gallie Riverfront Redevelopment Area in the amount of $85,000 for FY 2025-2026.

Vice Mayor Neuman stated that Mr. LaRusso had removed Item c. from the consent agenda.

Moved by Hanley/Smith for approval of the consent agenda, Items a. and b. Motion carried unanimously.

15. ITEMS REMOVED FROM THE CONSENT AGENDA

c. Grant Funding Agreement between the City of Melbourne and Eau Gallie Arts District (EGAD) Main Street, Inc. for providing a designated Florida Main Street Program within the Olde Eau Gallie Riverfront Redevelopment Area in the amount of $85,000 for FY 2025-2026.

Mr. LaRusso asked for clarification on the process involved with approving this item versus approving the similar item for the Downtown Melbourne area. Mrs. Lamb replied that the Grants-in-Aid Review Committee meets to consider General Fund dollars while the agreement with Melbourne Main Street is based out of CRA funds.

Mr. LaRusso referenced Christmas lighting and holiday events planned in Downtown Eau Gallie. He expressed concern with one of the events being promoted by a private individual when, in his opinion, such activity was tasked to the EGAD director.

Kathie Elias, Executive Director, Eau Gallie Arts District Main Street, stated that historically, EGAD has been in charge of the event; however, this private individual assists in sponsoring the event. She referenced the cost provided by Downtown Melbourne with regard to decorations and noted that EGAD's cost would be considerably less based on the smaller footprint.

Mr. LaRusso expressed a desire to make sure that City Council members are invited to attend the event, which did not occur last year. Ms. Elias replied that she understood.

Moved by LaRusso/Bassett for approval of the Funding Agreement between the City of Melbourne and the Eau Gallie Arts District Main Street in the amount of $85,000 for FY 2026 and authorization for the City Manager to execute the agreement. Motion carried unanimously.

Council will convene as the Melbourne Downtown Community Redevelopment Agency for the following item:

16. Grant Funding Agreement between Melbourne Downtown Community Redevelopment Agency and Melbourne Main Street for providing a designated Florida Main Street Program in the amount of $156,550 for FY 2025-2026.

(Mr. LaRusso stepped out of the chamber at 7:56 p.m.)

Community Development Director Cindy Dittmer reported that on an annual basis, MMS presents the Melbourne Downtown Redevelopment Advisory Committee with an annual report, demonstrating that they continue to fulfill their contractual obligations by providing a Florida Main Street Program. The provision of a designated Main Street program is consistent with the goals of the Melbourne Downtown CRA Redevelopment Plan. MMS, through its volunteers, enhance the Downtown CRA's physical redevelopment and economic development efforts. Some examples of their partnership with the CRA include the Facade Improvement Program, Business Wayfinding Program, MMS Design Team initiatives, parking management, and community policing.

CRA funding for this agreement is intended for administration, operating and programs, expended by the organization consistent with strategies of the Melbourne Downtown Redevelopment Plan. Special events are not funded with this grant. This contractual relationship in carrying out the redevelopment plan is provided for in F.S. 163.370 and is consistent with CRA Budget Policy #501.

On October 3, 2025, MMS presented the Annual Report to the Melbourne Downtown Redevelopment Advisory Committee and the committee unanimously recommended approval of the FY 2025-2026 Grant Funding Agreement.

Vice Mayor Neuman opened the public hearing. There were no comments from the audience.

<u>Moved by Hanley/Neuman for approval of the FY 2025-2026 Grant Funding Agreement between the Melbourne Downtown Community Redevelopment Agency and Melbourne Main Street, Inc.</u> <u>Motion carried unanimously.</u> Mr. LaRusso was not present for the vote.

Council will reconvene for the remaining items.

17. Public-Private Partnership (P3) Unsolicited Detailed Proposal for Eau Gallie Joint-Use Parking Garage and Hotel Project at 1551 Highland Avenue. (First Public Hearing)

(Mr. LaRusso returned to the chamber at 8:00 p.m.)

Mrs. Dittmer reported that MHH is proposing to construct a 160-room, full-service hotel on their adjacent 1.14-acre property (1463 Highland Ave). The proposed 89,000± square-foot hotel will be under a well-known hotel flag and will have a number of amenities including: a pool; meeting rooms; a 7,000-square-foot banquet hall; and a rooftop restaurant. The developer is proposing a public-private partnership consisting of a joint-use freestanding structured parking garage on the city's adjacent property (1551 Highland Ave). Under a P3

Comprehensive Agreement with the city, MHH would construct the proposed 542 ± space shared parking garage and deliver it to the city. The facility will contain approximately 300 public parking spaces, and approximately 242 private parking spaces to satisfy City Code parking requirements for the hotel development.

The developer has indicated that the conceptual hotel project is only economically feasible through the city's financial contribution of $10.5 million to construct the public parking portion of the parking facility, and utilizing a ten-year grant reimbursement on a portion of city real property taxes attributable to the new capital investment for the proposed hotel, which will be constructed on the adjacent private property.

The city's review of the proposal consisted of engaging two consulting teams to assist in the evaluation of the unsolicited detailed proposal. DRMP, Inc. was hired to evaluate the proposed constructability and related costs of the joint-use parking garage and has affirmed the proposed cost of constructing 300 parking spaces within a structured parking garage to be approximately $10.5 million. Grow America was hired to evaluate the reasonableness of the developer's request for financial incentives and has confirmed that there exists a need for incentives to make the project feasible and that the development would not be unduly enriched or subsidized through the city's incentives.

On July 8, 2025, City Council reviewed draft terms of the proposal and MHH has finalized their Unsolicited Detail Proposal. Based upon the city staff review of the proposal, staff would recommend terms to be drafted into a P3 Comprehensive Agreement in accordance with Section 255.065, Florida Statues. These terms are in the agenda package.

At the July 8, 2025 City Council meeting, staff also requested authorization to meet with Brevard County staff to discuss and negotiate amendments to the Interlocal Agreement to accommodate the framework of the P3 agreement with MHH. Brevard County staff is currently reviewing the proposed amendments to the ILA as requested by city staff.

Vice Mayor Neuman asked about a timeline as it relates to approval by the Brevard County Commission. Attorney Conley stated that the city is still waiting on comments from the county, so no immediate timeframe is available. Continuing, Vice Mayor Neuman asked if the city is guaranteed the referenced spots for public parking. Mrs. Dittmer stated that the upper part of the garage is intended for hotel parking while the remainder is intended for public parking.

Ms. Hanley expressed concern with the close proximity to the civic center. Mrs. Dittmer noted that the city and the applicant are on the same page with regard to a loading zone that is acceptable to the city.

Vice Mayor Neuman opened the public hearing.

Lance Scida, representing the applicant, stated that his team has had multiple meetings with city staff and have gone through a lot of back and forth to ensure that both parties are happy with the details. He stated that the applicant is in agreement with the information presented to Council. He noted that the hotel will be a Marriott flag hotel and provided some conceptual details about the hotel, along with similar hotels that have been developed by this team throughout the State of Florida.

Discussion took place about the hotel's plans for a "convention" type of environment. Mr. Scida stated that the team is in a very conceptual stage right now; however, the initial concept has an approximately 7,000 square foot meeting space.

<u>Moved by LaRusso/Neuman to move forward with the preparation of the P3 Comprehensive Agreement consistent with Section 255.065, Florida Statutes, with Melbourne Hospitality Holdings, LLC, with the changes to the terms and further negotiation as provided within the staff memorandum.</u> <u>Motion carried unanimously.</u>

18. **Ordinance No. 2025-50:** (First Reading) An ordinance amending Sec. 42-19 of the City Code regarding large group feedings in City parks.

Attorney Conley read the ordinance by its title. Deputy City Attorney Richard Broome reported that pursuant to City Council direction at its September 24, 2025 meeting, the City Attorney's Office has prepared a proposed ordinance to make findings regarding large group feedings within the city, and to amend Sec. 42-19, City Code for the roster of community parks and available days and times for large group feedings. The intended purpose of this proposed ordinance is to distribute the activity of large group feedings equitably throughout the city, while continuing to provide ample and alternative opportunities for permit applications to engage in the activity.

Per the discussion on September 24, 2025, City Council requested a revision to Sec. 42-19 to create an alternating roster of available parks on weekend days. As illustrated in the proposed ordinance and staff memo within the agenda package, the City Attorney's Office and city staff are seeking guidance and direction from City Council on how to finalize the revised roster - specifically, whether to include Southwest Park or Eddie Lee Taylor Sr. Community Complex within the alternating weekend roster.

Attorney Conley added that this regulation has to be based on a content-neutral basis with restrictions narrowly tailored to important governmental interests. Mrs. Lamb added that staff does not have a preferred park to add to the list (between Southwest Park or Eddie Lee Taylor Sr. Community Complex).

Discussion took place regarding activities within the two parks mentioned, pavilion rentals that are available, and fees that are charged/waived in these circumstances.

Margo Pierce, 2506 Riverview Drive, stated that the city has 23 community parks, but this ordinance is only utilizing eight of those parks. She asked why the remaining parks were left out and expressed confusion regarding the rotation schedule listed in the ordinance.

Attorney Conley noted that staff's methodology was to maintain the overall number of opportunities for applicants to exercise this type of activity within city parks. He explained how an applicant would select a location. He referenced the difference between a permit fee and the rental charge for activities held within parks.

Rena Elder Foley, 2704 Melwood Drive, expressed concerns with the rotation schedule and the times listed within the ordinance.

Mrs. Kennedy stated that following this discussion, she is leaning towards noting Southwest Park (as requested by staff). Council Members expressed consensus with that idea.

Moved by Smith/Kennedy for approval of Ordinance No. 2025-50 with the revision to include Southwest Park. Motion carried. Ms. Hanley voted nay.

19. Discussion regarding the 2007 Civic Center Study Phase I: Market Study (also referred to as the 2007 Melbourne Auditorium Study).

Deputy City Manager Joan Junkala-Brown reported that at the July 22, 2025 regular Council meeting, City Council provided staff direction to proceed with a feasibility study for the Melbourne Auditorium. At this time, staff is requesting additional direction on Council's expectations related to the feasibility study. To that end, Ms. Junkala-Brown presented an overview of the previously commissioned "2007 Civic Center Study, Phase I: Market Study", also referred to as the 2007 Melbourne Auditorium Study.

Ms. Junkala-Brown noted that staff is seeking to understand whether Council would like an update to the 2007 study, a study that evaluates what type of facility today's market will support, a study related to expanding the programs and services currently being served by the existing auditorium, a study that seeks to re-purpose the site for a convention center and related amenities phased out over a period of time, or otherwise.

Vice Mayor Neuman stated that following the presentation, his initial thought is that Option B is the right way to go (commission financial estimates and construction costs and facility operations and potential funding sources based on the recommendations by SPG in the Phase I study). Mrs. Junkala-Brown stated that this would also be her recommendation. She added that in its current state, the auditorium is functionally obsolete and at capacity.

Following discussion, Council expressed consensus to move forward with Option B as presented by staff.

20. Discussion regarding creating the Melbourne Small & Developing Business program. (Requested by Council Member Marcus Smith)

Mr. Smith stated that the goal of this item is to support small businesses in Melbourne. He described his work history with the Small Business Development Center in Cocoa and stated that he worked closely with weVENTURE. He referenced various programs offered by weVENTURE, including mentorship, and stated that his idea is to create a “shark tank” style of program to receive grant funding to assist with starting or continuing their business models.

Kathryn Rudloff, Executive Director of weVENTURE, commended Mr. Smith for bringing this item forward and described how her program assists small businesses in the area. She provided statistics about small businesses and their growth in the area and how rising costs and labor shortages are impacting the businesses in the area. Ultimately, Mrs. Rudloff described a review process followed in Cocoa where the city leverages the services of weVENTURE to select businesses who make it through this review process and pays for the business to go through weVENTURE’s business mentoring program. Following the completion of that program and weVENTURE’s approval and vote of confidence, the funding becomes a forgivable loan.

Discussion continued about having the Melbourne Downtown CRA Advisory Committee review this potential program and provide feedback regarding whether this would be a beneficial program to establish in the City of Melbourne.

Following discussion, Council expressed consensus to have staff bring details about weVENTURE’s Ignite360 Business Mentoring Program to the Melbourne Downtown CRA Advisory Committee to see if this is a program that the City of Melbourne would benefit from participating in.

21. Discussion regarding the City's special activity permitting process. (Requested by Vice Mayor David Neuman)

Vice Mayor Neuman discussed the public comments received earlier in the meeting about the potential of increasing the frequency of special events allowed on private property (for example, from six events per year to 12 events per year). He further discussed some of the concerns he has about closing the roads in Downtown Melbourne and how event road closures, attendance, and other factors are having a negative impact on Downtown Melbourne businesses. Ultimately, Vice Mayor Neuman stated that he would like to see a process by which the main street (referencing New Haven Avenue) is only closed for “larger events.”

Additionally, Mr. LaRusso suggested a “tiered” approach where a large special activity permit closes down a road, a medium special activity permit closes down just an area around the business, and a small special activity permit only takes place on the business’ property. He stated that the economy has been horrible to small businesses and therefore, the city should offer “every nugget it can” to these businesses.

Mrs. Kennedy expressed interest in the tiered approach referenced by Mr. LaRusso; however, she asked for clarification on how frequently a business can close down a roadway.

City Clerk Kevin McKeown replied that the special activity code sets a limit on the frequency and duration of events held on private property. Therefore, there is no current limit on the number of events that can occur on the street (city property). Mr. McKeown referenced the former Friday Fest in Downtown Melbourne, which occurred every month (12 times per year). This event was permitted this level of frequency because the frequency limit only relates to events held on private property.

Ms. Hanley asked if anyone on Council has a feel for how businesses in Downtown Melbourne are reacting to these special events. Vice Mayor Neuman replied that to his knowledge, the road closures are having a negative impact, especially when the attendance at an event is low and foot traffic is not coming into the event area. Ms. Hanley then asked when roads are typically closed for events.

Mr. McKeown replied that the applicant starts by placing their preferred closure time on the application, recognizing that there is a need for different levels of set up for different events. From there, staff analyzes whether the requested time is a good idea. For example, generally, city staff will recommend closing the roadway very early in the morning or very late into the night to have as minimal impact as possible. He noted that closure of the roadway also comes with dealing with vehicles parked in public parking spaces, so often the event area is closed with that in mind. However, staff takes precaution to ensure that the needs of the applicant with regard to set up are balanced with the needs/impact to the businesses downtown.

Vice Mayor Neuman stated that Melbourne Main Street has a survey that is being completed on this topic with the results not completely finalized. He asked that this discussion be brought back at a future meeting once those results are finalized. However, regarding Mr. LaRusso’s idea on a tiered approach to permitting, he asked for Council direction.

Attorney Conley noted that what he is taking away from the discussion about the frequency and duration of events is that staff can review code language regarding the definition of a business promotion and the potential of having different levels of business promotions.

Following discussion, Council directed staff to research the intensities of special events and “tiering” the frequency upon which those types of events can occur on private property and to have a discussion at a future meeting to assess the results of Melbourne Main Street’s survey of businesses relating to the impact that permitted events/street closures are having downtown.

22. Discussion regarding a code of conduct for volunteer advisory board members. (Requested by Vice Mayor David Neuman)

    Vice Mayor Neuman requested to postpone this item to either the November 25 or December 9 meeting.

23. Discussion regarding a revision to Council Policy #36 — Travel and Per Diem. (Requested by Council Member Marcus Smith)

    Mr. Smith requested to postpone this item to either the November 25 or December 9 meeting.

24. Consideration of proposals for disposition of 0.08 acres of City property abutting 1015 W.H. Jackson Street.

    Mr. Ennis reported that as part of the City Manager’s report to City Council on August 12, 2025, staff received consensus from City Council to proceed with disposal of the city-owned parcel. The Notice of Public Hearing for the city-owned parcel was advertised on August 24, 2025, with a 30-day submittal deadline of September 22, 2025. Additionally, the Notice of Public Hearing established that the disposition of the property would be brought back before City Council for a public hearing at the Regular Council Meeting scheduled for October 28, 2025.

    Staff received one proposal with an offer of $1,000 for the city-owned parcel. However, the city has expressed additional interest in the privately-owned parcel located at 1015 W.H. Jackson Street, which needs to be addressed prior to the disposition of the city-owned parcel. Specifically, staff is proposing to negotiate with the property owner of 1015 W.H. Jackson Street for a drainage easement to preserve the existing historical drainage along the southern boundary of the privately-owned parcel as well as modifying or reserving easements within the privately-owned parcel to accommodate the existing public sidewalk along W.H. Jackson Street.

    A task order to the city’s survey consultant was issued on October 15, 2025, to perform a topographic survey to locate all drainage and sidewalk features within both the city-owned parcel and the privately-owned property located at 1015 W.H. Jackson Street, along with providing any legal descriptions necessary to accommodate city drainage and public sidewalk infrastructure. The final survey and legal descriptions are anticipated to be complete by November 21, 2025.

(Mr. LaRusso stepped out the chamber at 10:39 p.m.)

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

Moved by Kennedy/Bassett for approval of postponing Council consideration of the proposal for disposition of 1015 WH Jackson to the December 9, 2025 regular City Council meeting at 6:30 p.m. in the Council Chamber and for city staff to continue negotiations with the interested party. Motion carried unanimously. Mr. LaRusso was not present for the vote.

25. Appointment of three members to the Citizens' Advisory Board.

Moved by Kennedy/Bassett to reappoint Dale Haynes and Rhodie Humbert as regular members and Tyrone Bryan as an alternate member. Motion carried unanimously. Mr. LaRusso was not present for the vote. (Term of Haynes, Humbert and Bryan: November 12, 2025 through November 11, 2028 – three-year terms.)

Added to the agenda:

26. Discussion regarding the implementation schedule of Water and Sewer Impact Fees.

Financial Services Director Ross McGinn reported that at the December 10, 2024 City Council Meeting, Council authorized the use of Raftelis Financial Consultants, Inc. to perform a Water and Wastewater Rate and Impact Fee Study. While a prior Water and Wastewater Rate Study was performed in 2023, it did not include a review of water and sewer impact fees, which have not been reviewed and updated since Ordinance No. 2012-19 established the current fee structure in May 2012.

(Mr. LaRusso returned to the chamber at 10:42 p.m.)

Impact fees are used to defray the cost of increased demand on water and wastewater systems, shifting the burden of ensuring adequate capacity from existing ratepayers to new development. As governed by Sec. 58-131 and 58-242 of City Code, fees are assessed per equivalent residential connection (ERC), which is currently $1,540.00 for water and $2,210.00 for wastewater.

The City of Melbourne's ability to assess water and wastewater impact fees for new development is limited by the Florida Impact Fee Act (F.S. 163.31801), which has been updated a number of times since its introduction in 2006. Under existing law, any impact fee increase may not exceed 50 percent of current impact fee rates, implemented over a four-year phase-in period in equal installments, absent a demonstrated-need study to justify increases and expressly demonstrates the “extraordinary circumstances” necessitating the need to exceed the phase-in limitations.

Raftelis Financial Consultants have provided a draft report of proposed impact fee increases in which the increase exceeds the 50 percent limit allowable under current law. City staff reviewed the applicability of F.S. 163.31801 and recent legislation during the 2025 Legislative Session and noted that HB 579 significantly altered the city’s ability to implement the proposed increase due to new requirements that go into effect January 1, 2026.

Specifically, HB 579 amended the implementation of impact fee increases using the “extraordinary circumstances” provision of the law, requiring a unanimous vote of the governing body (up from a two-thirds majority), requiring a phase-in period of in at least two but not more than four equal installments (up from an immediate increase to the proposed fee), and most importantly, eliminating the ability of a local government to exceed the phase-in limitations if a local government has not increased impact fees in the past five years.

With the City of Melbourne’s most recent increase in impact fee rates in 2012, as the language in HB 579 becomes effective January 1, 2026, the city would effectively be limited to increasing water and wastewater impact fees to 50 percent over a four-year period in equal installments

Moved by Hanley/Smith to allow city staff to work with Raftelis Financial Consultants in preparing a demonstrated-needs study to justify “extraordinary circumstances” for Council’s consideration, using the schedule as noted in Option 1.

Vice Mayor Neuman asked how the city compares to neighboring communities. Mr. McGinn replied that the city is on the higher end of the spectrum; however, other communities are in the same position.

The question was called. Motion carried unanimously.

D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Ms. Bassett discussed her concerns with the allegations made during public comments and asked about the city’s plan to “get ahead” of the matter. Attorney Conley replied that to a certain extent, some of the allegations are the Mayor’s to handle individually. He stated that while the city may have some role in regards to the agreement with Habitat for Humanity, Attorney Conley stated that he did not want to jump to any conclusions.

Ms. Bassett also recognized National First Responders Day.

Ms. Hanley discussed the push by state legislators to get rid of property taxes and asked for Council's permission to attend next month's National League of Cities event in Utah. Council did not grant permission to Ms. Hanley.

E. ADJOURNMENT

The meeting adjourned at 10:59 p.m.

/s/ Kevin McKeown, City Clerk – November 5, 2025

Approved by Council: November 13, 2025