

City of Melbourne, Florida
Minutes – Regular Meeting Before City Council
April 14, 2026

A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 6:30 p.m. by Mayor Paul Alfrey.

A. OPENING

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

Present:

Paul Alfrey	Mayor
Julie Kennedy	Vice Mayor
Marcus Smith	Council Member, District 1
Mark LaRusso	Council Member, District 2
David Neuman	Council Member, District 3
Rachael Bassett	Council Member, District 4
Mimi Hanley	Council Member, District 5
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

Council Member Mimi Hanley asked if Council would consider postponing Item 18 relating to the discussion on the city’s code enforcement process to the April 28 regular City Council meeting (at 6:30 p.m. at Melbourne City Hall). There were no objections from City Council.

Mayor Alfrey and City Manager Jenni Lamb congratulated Ms. Dorothy “Dot” Lindon on being the recipient of the “Service Act Award” from the Congressional Medal of Honor Society. A video documenting Ms. Dot’s service to the community was shown.

Mayor Alfrey presented two proclamations, one declaring April 12-18, 2026 as “National Public Safety Telecommunicators Week” to Deputy Chief David Waltemeyer and staff of the Melbourne Police Department and the other declaring April 24, 2026 as “Arbor Day” to Parks and Recreation Director Nikki Caldwell and staff.

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The Exceptional Citizen Award presentation to Samuel Plummer was postponed.

5. Approval of Minutes – March 24, 2026 Regular Meeting

Moved by Neuman/Smith for approval. Motion carried unanimously.

6. City Manager's Report

Mrs. Lamb provided an update on the Downtown Core Streetscape Project, stating that staff presented the budget for upcoming capital improvement plan projects to the Downtown Melbourne CRA Advisory Committee on April 3. The Advisory Committee members expressed concerns regarding overall project cost, potential impacts to merchants during construction, and the loss of other important CRA projects. While there was discussion on potentially scaling back the project and seeking additional public input, a motion to bring these concerns back to Council with those recommendations failed with a 3-3 vote.

Mrs. Lamb also provided an update on the Small Business Incentive Program and the discussion that occurred with the Downtown Melbourne CRA Advisory Committee.

Finally, Mrs. Lamb reminded Council of the public meeting regarding Fire Station 72 that is scheduled for Monday, April 20 at 5:30 p.m.

Mr. Smith noted that he spoke to the City Attorney regarding the Small Business Incentive Program and continues to work on ways to influence the growth of small business in Downtown Melbourne.

7. Public Comments

Tammy Dennis, Indialantic, coordinator for Education and Citizenship Armed Forces Coalition, invited Council to attend the upcoming United States Military Enlistment Ceremony at Viera High School on April 17th at 5:00 p.m.

Dan Torchio, 1100 Luminary Circle, shared his concern with the loud noises that are occurring across the street from his home. He noted that he has spoken to the Melbourne Police Department and the issue has not yet been resolved.

Mrs. Lamb reported that the city is proactively monitoring the area and are providing a higher presence of police officers during the nighttime hours. She also noted that she will speak to the Police Department about testing decibel levels.

Larry Snider, Brevard County, proposed the idea that the City of Melbourne form a sister city relationship with the City of Nanaimo, Canada, as they are also known as the Harbor City.

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Theresa Clifton, Executive Director of the Brevard Humane Society and Molly Mutt Thrift Shop, noted that Molly Mutt recently obtained a new location with the help of a private donor; however, she has been having issues with the city's Code Enforcement division due to periodically housing cats that are up for adoption. She asked that Council help her move the process along.

Mrs. Lamb reported that staff is requesting a meeting with Ms. Clifton to discuss the issues occurring.

Shannon Blair, Palm Bay, discussed the importance of Arbor Day and keeping Earth clean. She also asked that Council consider adopting the Plant Based Treaty.

At this point in the agenda, the Mayor noted that he would be moving Item 13 up to the next item and that following Item 13, Council will resume the normal order of the agenda.

B. UNFINISHED BUSINESS

8. **Ordinance No. 2026-14, Ordinance No. 2026-15 and Ordinance No. 2026-16, 1634 Pine Hill Drive:** (Second Reading/Public Hearing) Ordinances providing for annexation, Comprehensive Plan amendment and zoning designation on 0.20± acres located on the north side of Pine Hill Drive, east of North Wickham Road, and south of Kingston Lane. (Owner/Applicant - Margaret Spillers) (P&Z Board - 3/5/26) (First Reading - 3/24/2026)
- a. **Ordinance No. 2026-14/ANNX2026-0002:** (Second Reading/Public Hearing) An ordinance providing for the annexation of 0.20± acres of real property into the City of Melbourne corporate limits.
 - b. **Ordinance No. 2026-15/MAP2026-0005:** (Second Reading/Public Hearing) An ordinance establishing a Low-Density Residential Future Land Use.
 - c. **Ordinance No. 2026-16/MAP2026-0006:** (Second Reading/Public Hearing) An ordinance establishing R-1A (Single-Family Low Density Residential District) zoning.

City Attorney Adam Conley read the ordinances by their titles.

Council Member Mark LaRusso asked if a property will be asked to annex into the city following the bill that was being considered by the Legislature. Attorney Conley noted that the referenced bill has not been signed yet and that the version presented to the Governor for signature would be effective in 2027. Once the bill goes into effect, revised City Code language will need to be adopted. (NOTE: following the meeting, Attorney Conley e-mailed City Council noting that

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this response was inaccurate. The referenced bill was tabled and the companion Senate Bill was not accepted by the House to present to the Governor.)

Mrs. Lamb noted that the waterline is already in place.

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

Moved by Neuman/Bassett for approval of Ordinance No. 2026-14, based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

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

Motion carried unanimously.

Moved by Neuman/Kennedy for approval of Ordinance No. 2026-15, based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

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

Motion carried unanimously.

Moved by Neuman/Kennedy for approval of Ordinance No. 2026-16, based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

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

Motion carried unanimously.

9. **Ordinance No. 2026-17, Economic Development Tax Exemption Program:** (Second Reading/Public Hearing) An ordinance amending Chapter 54 of the City Code to update the statutory definition references of "new business" and "expansion of a new business." (First Reading - 3/24/2026)

Attorney Conley read the ordinance by its title. The Mayor opened the public hearing. There were no comments from the audience.

Moved by Neuman/Smith for approval of Ordinance No. 2026-17. The roll call vote was:

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

Motion carried unanimously.

C. NEW BUSINESS

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10. Work Order No. 12 to the Storm Drain Cleaning, Repairs and Maintenance contract for the annual spend amount for Cured-in-Place Pipe Lining, Shenandoah General Construction, LLC, Pompano Beach, FL - \$250,000.

(Mr. Neuman stepped out of the chamber at 7:37 p.m.)

Public Works and Utilities Director Jennifer Spagnoli reported on April 8, 2025, City Council approved a contract award for Storm Drain Cleaning, Repairs and Maintenance with Shenandoah General Construction, LLC.

Work Order No. 12 provides for the annual Cured-In-Place pipe (CIPP) lining as-needed spend amount for the Streets & Stormwater Division to include storm drain cleaning, repairs and maintenance for the rehabilitation of drainage pipes throughout the city. CIPP rehabilitation is a cost-effective and non-intrusive method of pipe repair. CIPP will restore the structural integrity of stormwater piping, reduce infiltration and eliminate leaky joints. This method is used in areas where major site restoration would be required.

Moved by Hanley/Bassett for approval of Work Order No. 12 to the Storm Drain Cleaning, Repairs and Maintenance contract with Shenandoah General Construction, LLC, Pompano Beach, FL, for Cured-in-Place Pipe Lining in the amount not to exceed \$250,000. Motion carried unanimously. Mr. Neuman was absent for the vote.

11. Contract award for Street Sweeping Services, Sweep One, LLC, Sanford, FL - \$176,160.

(Mr. Neuman returned to the chamber at 7:39 p.m.)

City Engineer James Ennis reported that this is a contract award for street sweeping services to remove debris from the roadway and as a component of the city's efforts to remove nutrients from entering the Indian River Lagoon. Sweep One, LLC, of Sanford, Florida, was awarded the Brevard County contract for Street Sweeping Services (March 14, 2024 – April 23, 2027). This contractor has a history of satisfactorily completing projects for the City of Melbourne and Brevard County. The city's procurement policy allows for piggybacking contracts awarded through the use of competitive solicitation by other public agencies.

The contract is a base contract with unit pricing of \$42.15 per curb mile. The city maintains roughly 600 curb miles of city roadway and 70 curb miles of Florida Department of Transportation's (FDOT) roadway. There is a surcharge of \$16 per curb mile for compliance with the maintenance of traffic requirements on FDOT roadways. Under this contract, all the roadways maintained by the city will be swept six times per year. Sweeping will occur in the following months: August, October, December, February, April, and June. This contract would cover all costs associated with street sweeping, including the disposal of collected materials. It should be noted that the contract stipulates a surcharge on FDOT

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roadways for compliance with the additional maintenance of traffic requirements to perform work within FDOT right-of-way.

Mr. LaRusso asked how weather will affect these dates. Mr. Ennis noted that they will adjust these months if weather pushes their sweeping back in dates.

Moved by Bassett/Neuman for approval of a contract award to Sweep One, LLC, Sanford, FL, for street sweeping services, in the amount of \$176,160. Motion carried unanimously.

12. Task Order No. ATK-I-2025-002 to the Continuing Contract for Professional Engineering Services for the Wickham Road & Mariah Drive Intersection Improvements Project, Atkins Realis USA, Inc., Melbourne, FL - \$138,157.

Mr. Ennis reported that on September 26, 2023, City Council approved Ordinance 2023-28 and 2023-29, for a development project on the northeast corner of the Wickham Road and Mariah Drive intersection. At this meeting, Council heard from various residents in the Live Oak community regarding the difficulty of maneuvering through the intersection and the additional traffic that would be generated as a result of the added development. The development did not necessitate any code-required infrastructure improvements at the intersection of Wickham Road and Mariah Drive due to the existing conditions. City staff reviewed the existing conditions and determined that the safety concerns and the traffic volume issues at the intersection were partially a result of the misalignment of where Mariah Drive and Constellation Drive intersected Wickham roadway. As a result of conversations between residents, city staff, and the developer, the developer offered to contribute to the design and construction of the improvements in the amount of \$75,000, which was noted in the October 10, 2023 City Council Meeting. After this meeting, City Council adopted intersection improvements for the Wickham Road and Mariah Drive intersection into the Fiscal Year 2025-2026 Capital Improvement Program and allocated funds to the project.

The project will provide a dedicated left turn lane by re-aligning the Mariah Drive exit and entrance serving the Live Oak subdivision to better align with the intersection. By adding a dedicated left turn lane for eastbound Mariah Drive, both left turn movements on Mariah Drive and Constellation Drive can occur simultaneously to improve the overall efficiency and safety of the intersection. An agreement with the Live Oak Homeowner's Association will be required to acquire the existing private landscaping tract along Mariah Drive and convert it into City of Melbourne right-of-way, as well as require the relocation of an entrance sign and landscaping features for the neighborhood.

The scope of services under this task order is for design only and includes survey and concept planning, utility coordination, traffic data collection, traffic analysis, existing mast arm evaluation, preparation of roadway and traffic signal

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plans and permitting with Brevard County and other agencies. The work will be completed within 165 days from the Notice to Proceed.

Mr. Smith asked how the coordination is going with Brevard County and the HOA for the traffic signal. Mr. Ennis noted that Brevard County is on board with this project and the city is providing them with all requested information on the project. Mr. Ennis discussed the HOA's landscape island that is essentially separate from the subdivision tract and in the city's right-of-way. The HOA will be coordinated throughout the entire design process, but the appropriate information and layout needs to be available to present to the HOA.

Vice Mayor Julie Kennedy noted that when the HOA was at a previous City Council meeting, they seemed excited for this project. She asked how many staff hours have been put into this without the HOA's approval at this point. Mr. Ennis stated that he did not have an exact number at this point. He described the work involved with getting the proposed improvement documents ready.

Attorney Conley also noted that the HOA's attorney reached out to the city to discuss the project; however, it was only a conversation on a conceptual basis.

Mr. Neuman asked if the HOA is aware of the scope of this project. Attorney Conley responded yes.

Council Member Mimi Hanley also reiterated Vice Mayor Kennedy's point that when the HOA discussed this project before, it was pushing for this project to happen.

Moved by Smith/Neuman for approval of Task Order No. ATK-I-2025-002 to Atkins Realis USA, Inc., Melbourne, FL for professional engineering services for the Wickham Road & Mariah Drive Intersection Improvements, Project No. 64326, in the amount of \$138,157. Motion carried unanimously.

13. **Resolution No. 4414:** A resolution adopting the honorary street name of "Ms. Dot Linson Circle" for a public street named Colbert Circle.

Mr. Ennis reported that on March 24, 2026, City Council provided consensus and direction to staff to prepare a resolution to adopt the honorary street name "Ms. Dot Linson Circle" for the public street known as "Colbert Circle" located east of Lipscomb Street and north of E. University Boulevard. City Council indicated that the honorarium is in recognition of Ms. Dorothy "Dot" Ann Linson's longtime dedication to community service, in excess of 25 years, and giving to others.

Staff has reviewed Council's honorary naming request consistent with the criteria set forth in City Code Section 52-6 (b) (2) and found that the proposed honorary street name meets all the necessary criteria for approval and should have minimal public impact.

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Joseph McNeil Jr., 804 Poplar Lane, expressed his support for this renaming.

Moved by Neuman/Smith for approval of Resolution No. 4414. Motion carried unanimously.

Ms. Dot was presented with a commemorative honorary street sign.

At this point, Council resume with the normal order of the agenda, starting with Item 8.

14. CONSENT AGENDA:

- a. Swimming Pool Use Agreements between the City of Melbourne and five (5) public high schools of the School Board of Brevard County for use of City pools by public school swim teams.
- b. Third Extension to Interlocal Agreement between the City of Melbourne and the City of Palm Bay to provide pool usage for Red Cross Lifeguard Instructor Training at the Palm Bay Aquatic Center, 120 Malabar Road SE, Palm Bay, FL.
- c. Renewal of the Property & Casualty and Workers' Compensation Insurance Program — annual cost of \$4,805,217.86 for Fiscal Year 2026.
- d. Memorandum of Understanding between the City of Melbourne and the School Board of Brevard County for School Resource Officers for the 2026-2027 school year (July 1, 2026 to June 30, 2027) with the initial placement of six (6) School Resource Officers, and the flexibility to add additional School Resource Officers if staffing allows, at a flat fee of \$77,000 per officer.
- e. Renewal of VMware vSphere Foundation License and Maintenance for a three-year period for the Information Technology Department, SHI, Inc., Somerset, NJ - annual cost \$162,005.15; total cost of contract \$486,015.45.
- f. Renewal of Omnissa Horizon Upgrade License and Maintenance for the Information Technology Department for a one-year period, SHI, Inc., Somerset, NJ - \$114,990.02.
- g. Utilization of contract pricing for water main deflections for the Water Distribution Division, Concurrent Utility Services, LLC, Rockledge, FL - estimated annual spend \$600,000.
- h. Purchase of Municipal Impact Fee Consultant Services, Raftelis Financial Consultants, Inc., Maitland, FL - amount not to exceed \$134,000.

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- i. **Resolution No. 4415:** A resolution authorizing the City Manager to submit a grant application to the U.S. Department of Justice, Office of Justice Programs, for 2025 Edward Byrne Memorial Justice Assistance Grant funding in the amount \$60,853 for the purchase of law enforcement equipment.
- j. **Resolution No. 4416:** A resolution authorizing the City Manager to submit a grant application to the Florida Department of Environmental Protection Volkswagen Settlement Diesel Emission Mitigation Program – Class 8 Municipal Service Trucks and Port Drayage Trucks funding.

Moved by LaRusso/Neuman for approval of the consent agenda. Motion carried unanimously.

- 15. ITEMS REMOVED FROM THE CONSENT AGENDA
- 16. Consideration of Letters of Intent for purchase 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 Community Development Department's 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 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 previously 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 (attached).

On September 11, 2025, City Council considered an unsolicited proposal from the Islamic Society of Brevard County for a purchase price of \$220,000. City Council directed staff to reject the unsolicited proposal and proceed with a competitive solicitation to dispose of the surplus property.

The city published a Request for Letters of Intent to Purchase via DemandStar on February 13, 2026, and published a legal ad advertising disposition of the property. The solicitation was active for 30 days.

The city received five proposals for disposition of the property and are provided in the agenda package.

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Staff is requesting that City Council consider the Letters of Intent, select a buyer and direct staff to begin negotiations and return to City Council with a Contract for Sale and Purchase. Staff is also recommending that City Council select an alternate buyer, so that if the first negotiations are unsuccessful, staff can move to the second party without having to begin the advertising process again.

Mr. Neuman noted that he has sent some ideas to Mr. Dittmer on what the property can be used for in the community. He asked for details on an upcoming economic study for the University Boulevard area. Mrs. Lamb replied that it is something that will be something for the upcoming budget if funding is available. She added that it would be approximately six months to complete the study.

The Mayor noted that there are public speakers wishing to speak on this item.

Rev. Nathaniel Harris, Macedonia Community Development Corporation of South Brevard, shared his appreciation for Council's aid in affordable housing in the Melbourne community and noted that his corporation will utilize this property as an administrative office to help residents in the area.

Ray Lea, Malabar, shared a presentation on how the Macedonia Community Development Corporation of South Brevard has served the community of Melbourne and why this property will be of great value to this organization if Council selects it as the p buyer for this project.

Joseph McNeil Jr., 804 Poplar Lane, representing the Concerned Citizens Committee of South Brevard, Inc., discussed how this property could be vital for their wrap around community services related to mental health care. He discussed how preventing children from going into foster care or having drug-related issues is a win for the community. He noted that a private investor has come forward to help with their proposal.

Tyrone Bryan, Melbourne, stated that the Concerned Citizens Committee is planning to address a need in the community. He discussed how they plan to use the property to have access to various opportunities for care.

Wendi Wengel, Melbourne, discussed her life experiences and expressed her support for the selection of the Concerned Citizens Committee of South Brevard, Inc. as the buyer.

Chad Wengel, Melbourne, expressed his support for the selection of the Concerned Citizens Committee of South Brevard, Inc. as the buyer and the importance of investing in the community's youth.

Judge A.B. Majeed, representing Hi Tech Development Group, Inc., Bright Horizons Academy, Inc. and the Islamic Society of Brevard County, noted that these three organizations have decided to merge their offer into one. He discussed the public and community intent with this property, including improving

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the structure's interior and exterior and using the facility for continuing education and civic and moral responsibilities.

Mr. Neuman asked for clarification on the intended use of the property, since the three organizations that were referred to submitted three different bids with different proposals. Judge Majeed stated that the property will be an education institution regardless of which offer is picked.

Vice Mayor Kennedy asked for clarification on the bid amount if all three organizations are going to be considered as one. Judge Majeed replied that the bid is \$350,000.

Ms. Hanley expressed her confusion with Judge Majeed's comments. Attorney Conley commented that Judge Majeed's comment allude to a consolidation of purpose between the three bids. He noted that this is not a formal solicitation process and continuing, asked if the representative from Hi Tech Development Group, Inc. has provided any confirmation to support Judge Majeed's comments. Judge Majeed noted that Mr. Rafeek is in the audience to support the proposal.

Mr. LaRusso asked if staff knew this consolidation was happening prior to the start of this meeting. Attorney Conley replied that he did not. Mrs. Lamb replied her office found out late this afternoon that the three organizations had a connection to the Islamic Society. Mrs. Thibert stated that Judge Majeed phoned her this afternoon to tell her he would be speaking and representing the three organizations.

Mr. Neuman asked if there are any zoning issues with any of these proposals. Mrs. Dittmer noted that following the explanation from Judge Majeed, there does not appear to be any concerns. Continuing, Mr. Neuman asked about the state of the building. Mrs. Thibert reported that although an older building, the property is likely in need of air conditioning and a new roof.

Ms. Hanley commented on the earlier referenced study. Mrs. Lamb noted that the study has not been approved in the budget – it is not being undertaken at this point. Ms. Hanley asked how much such a study would cost. Mrs. Dittmer noted that it depends on what the study would look like, but a guess is around \$100,000. Ms. Hanley asked where the funding would come from. Finance Director Ross McGinn reported that there is already funding for projects such as this study.

Discussion continued.

Mr. Smith disclosed that he has a voting conflict of interest and therefore, will abstain from voting on this item (see attached voting conflict of interest form). He described his conflict as the fact that he holds the position of Vice President with the Concerned Citizens Committee of South Brevard, Inc. Continuing, Mr. Smith stated that he believes a study needs to be done for the South Melbourne study.

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Council Member Rachael Bassett asked what services are being offered by the Citizens Committee. Mr. Bryan described further what “youth drop-in services” would look like.

Following discussion with the City Attorney about how to select a primary and alternate buyer, a roll call was taken for Council Members to select their preferred primary buyer:

Concerned Citizens Committee of South Brevard, Inc.: LaRusso and Bassett

Macedonia Community Development Corporation of South Brevard: Neuman, Hanley and Kennedy

Hi Tech Development Group, Inc.: Alfrey

(Note: Mr. Smith did not participate in the roll call.)

Moved by Neuman/Kennedy to select Macedonia Community Development Corporation of South Brevard as the primary buyer. Motion carried unanimously. Mr. Smith did not record a vote.

A roll call was then taken for Council Members to select their preferred alternate buyer:

Concerned Citizens Committee of South Brevard, Inc.: LaRusso, Neuman, Bassett and Hanley

Hi Tech Development Group, Inc.: Kennedy and Alfrey

(Note: Mr. Smith did not participate in the roll call.)

Moved by LaRusso/Bassett to select Concerned Citizens Committee of South Brevard, Inc. as the alternate buyer. Motion carried unanimously. Mr. Smith did not record a vote.

17. **Ordinance No. 2026-18, Certificate of Occupancy Process:** (First Reading/Public Hearing) An ordinance amending City Code Appendix D, Chapter 13 (Buildings and Building Regulations), Article II, by creating a new Division 7 related to certificate of occupancy and certificate of engineering construction completeness process. (Applicant - City of Melbourne) (P&Z Board - 3/19/2026)

Community Development Director Cindy Dittmer reported that the proposed Code amendment is intended to enhance the coordination of the completion of a development project between three development departments, specifically the Fire Department's Code Compliance Division (Building), Engineering Department, and Community Development Department. The proposed language will ensure that all Federal, State, and local requirements, in addition to the Florida Building Code (FBC), have been met. The proposed language requires

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that a "Certificate of Engineering Construction Completion" be issued by the city's Engineering Department, which shall certify that all site design components are complete or have been bonded, prior to the issuance of a Certificate of Occupancy by the city's Building Official. The "Certificate of Engineering Construction Completion" shall also ensure that all City Council conditions are met prior to the Certificate of Occupancy issuance. The engineering site improvements include components such as water and sewer lines, parking lot/spaces, driveways, stormwater management systems, and landscaping.

The Building Official routinely coordinates with other city departments to ensure all required site improvements are completed prior to issuing a Certificate of Occupancy. However, recent amendments to Florida Statutes, Chapter 553, (effective date of July 2025), necessitate additional code language to allow this continued coordination, authorizing the Building Official to withhold a Certificate of Occupancy for incomplete site improvements as was previously practiced prior to recent changes in legislation. Other jurisdictions, specifically Brevard County, Titusville, Palm Bay, and West Melbourne, have similar code requirements to ensure all other government approvals are in place prior to the issuance of a Certificate of Occupancy (CO).

There have been recent instances where a developer requests a Certificate of Occupancy for the building without having all required code and regulatory site improvements completed. Examples of scenarios for which the city is seeking to avoid include a CO issued for a building without a finished parking lot, or a required Florida Department of Environmental Protection (FDEP) water connection approval that ensures proper water safety.

On March 19, 2026, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendment.

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

Moved by LaRusso/Neuman for approval of Ordinance No. 2026-18 based upon the findings contained in the Planning & Zoning Board memorandum. Motion carried unanimously.

18. Discussion on the City's enhanced Code Enforcement process.

This item was postponed by Council to the April 28 meeting.

19. Appointment of three regular members to the Beautification and Energy Efficiency Board.

Moved by LaRusso/Neuman to appoint Nicholas Sanzone, George Kobosko, Stephan Newman and Austin Ekonomou as a regular members. Motion carried unanimously. (Terms: Sanzone and Kobosko – April 14, 2026 through February

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12, 2027, unexpired three-year term; Newman and Ekonomou – April 14, 2026 through February 12, 2029, unexpired three-year term.)

D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Mr. Neuman asked for staff to start the process to procure more information on an economic study in the south Melbourne corridor. Mrs. Lamb noted that a proposal can be obtained, and it can be added to a quarterly budget adjustment. Mrs. Dittmer noted that staff can speak with the consultant to obtain some ideas following some guidance from Council on the scope of the study.

Ms. Hanley noted that she attended the TPO Safety Conference in Sumter County.

Mr. Smith noted that he will be bringing more information to the discussion on the next agenda regarding volunteer advisory boards to include board member profiles. Additionally, Mr. Smith discussed the valuation of the city's CRAs as of 2025. Brief discussion occurred on the city's CRAs.

Mr. LaRusso discussed various e-mails that have been sent to City Council from city staff and some concerned citizens. One issue he intends to spearhead and bring back to Council relates to the Eau Gallie harbor and the challenges there. Continuing, he expressed concern about various House Bills that were considered by the Legislature this year.

In closing, Mr. LaRusso discussed the City Code language that includes the procedure Council is to follow when a member cannot attend a City Council meeting. He recommended that the language be updated to include the words "shall notify the City Clerk in writing" with the reason for non-attendance. There were no objections for staff to prepare an ordinance related to this change.

Vice Mayor Kennedy noted that a Council discussion on e-bikes will be scheduled for the first meeting in May.

E. ADJOURNMENT

The meeting adjourned at 9:25 p.m.

/s/ Justice Stevens, Assistant City Clerk – April 3, 2026

Approved by Council: April 14, 2026

Re-approved by Council (with attachment): May 12, 2026

Attachment: Form 8B – Memorandum of Voting Conflict of Interest, Item 18

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Marcus Smith, hereby disclose that on April 14, 20 26 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of Concerned Citizens Committee of South Brevard, Inc., by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Consideration of Letters of Intent for purchase of City-owned property located at 695 E. University Boulevard.

One of the five proposals for the disposition of the property was submitted by the Concerned Citizens Committee of South Brevard, Inc. for whom I serve as Vice President as an uncompensated volunteer, and am also a member of the organization. As authorized pursuant to §286.012, Fla. Stat., I chose to abstain from voting on this item to avoid any possible conflict, or the appearance of a possible conflict, pursuant to §112.313, Fla. Stat. or §112.3143, Fla. Stat.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4/30/2026

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.