

City of Melbourne, Florida
Minutes – Regular Meeting Before City Council
May 12, 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 Mayor Paul Alfrey.
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

The members of the Brevard County Foster and Adoptive Parent Association were unable to attend the meeting for the declaration of “National Foster Care Month” on May 2026; however, the proclamation was mailed to the organization.

The Mayor presented a proclamation declaring May 10-16, 2026 as “National Police Week” and May 15, 2026 as “Peace Officers’ Memorial Day” to Chief of Police David Gillespie.

Additionally, the Mayor presented a volunteer milestone of service award to Peter Kostrzewa for 35 years of service on the Zoning Board of Adjustment.

Finally, Suzanne Sherman, on behalf of the Florida City and County Managers Association, presented the city with a plaque celebrating the city’s 100 years of a council-manager form of government.

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5. Approval of Minutes

- a. Reapproval of the April 14, 2026 Regular Meeting Minutes
- b. Approval of the April 28, 2026 Regular Meeting Minutes.

City Clerk Kevin McKeown read Council Member Marcus Smith's Form 8B into the record for the April 14, 2026 City Council Meeting.

Moved by Hanley/Bassett for the reapproval of the April 14, 2026 regular meeting minutes. Motion carried unanimously.

Moved by Hanley/Bassett for the approval of the April 28, 2026 regular meeting minutes. Motion carried unanimously.

6. City Manager's Report

City Manager Jenni Lamb reported that as authorized at the March 24, 2026 City Council meeting, staff submitted five census tracts to the state for nomination under the Opportunity Zone 2.0 Program. Additional information about the submittal and a map showing the census tracts are included in the agenda package.

Council Member David Neuman asked if this will come back to Council. Mrs. Lamb noted that it will not, but staff will provide updates if they come in.

Mrs. Lamb noted that at the April 28, 2026 regular City Council meeting, Council expressed consensus for staff to explore opportunities to reduce term lengths for all volunteer board members. A memo from the City Clerk regarding this topic was provided under separate cover on May 8, 2026.

Vice Mayor Julie Kennedy requested that a discussion item be placed on a future agenda for this topic. Council expressed consensus.

7. Public Comments

Michael Stover, 933 Spring Oak Drive, provided information on Faith, Family and Responsible Fatherhood Month and requested a proclamation be issued. Mayor Alfrey asked that this proclamation be placed on the June 9th meeting agenda.

B. UNFINISHED BUSINESS

8. **Ordinance No. 2026-19, Creative Playground:** (Second Reading/Public Hearing) An ordinance granting a conditional use to allow the sale and consumption of alcoholic beverages (beer and wine) on premises as an accessory use to an interactive arts and crafts business in a 1,654±- square foot unit within a 3-unit building located on 0.20±-acre developed acres, zoned C-3 (Central Business District), located on the west side of Highland Avenue, south of

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Eau Gallie Boulevard and north of Montreal Avenue (1416 Highland Avenue). (Owner - Gorezik LLC, Derek Gores) (Applicant/Representative - Joshua Lehman) (P & Z Board - 4/2/2026) (First Reading - 4/28/2026)

City Attorney Adam Conley read the ordinance by its title. There were no disclosures by Council. The Mayor opened the public hearing.

Josh Lehman, applicant, was available for questions.

Moved by LaRusso/Neuman for approval of Ordinance No. 2026-19, based upon the findings and conditions contained within the Planning and Zoning Board memorandum. The roll call vote was:

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

Motion carried unanimously.

9. **Ordinance No. 2026-20, Olde Eau Gallie Riverfront CRA Plan Amendment:** (Second Reading/Public Hearing) An ordinance amending Chapter 20, Article VI, Olde Eau Gallie Riverfront Community Redevelopment Agency to amend the Olde Eau Gallie Riverfront Community Redevelopment Agency (CRA) Redevelopment Plan to update the duration of the Agency consistent with the Revised and Restated Interlocal Agreement with Brevard County and Brevard County Resolution No. 2026-031. (P & Z Board - 4/2/2026) (First Reading - 4/28/2026)

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

Moved by LaRusso/Alfrey for approval of Ordinance No. 2026-20. Motion carried unanimously.

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

Motion carried unanimously.

C. NEW BUSINESS

10. **CONSENT AGENDA**

- a. Utilization of contract pricing for paving at the D.B. Lee Water Reclamation Facility, Concurrent Utility Services LLC, Rockledge, FL - estimated amount of \$124,131.
- b. Purchase of Verkada security cameras and an access control system for Melbourne City Hall, Project No. 10925, Atlantis Electrical Systems, LLC, Palm Bay, FL - \$316,326.

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

11. **ITEMS REMOVED FROM THE CONSENT AGENDA**

12. **Ordinance No. 2026-21, Circle K Convenience Store:** (First Reading/ Public Hearing) Conditional Use request to allow a convenience store with gas pumps in a C-P (Commercial Parkway) zoning district with site plan approval to redevelop the 2.1± acres of property, located on the west side of South Babcock Street, south of NASA Boulevard and north of Hibiscus Boulevard (1300 South Babcock Street). (Owner - Lemonade MM Melbourne Babcock LLC) (Applicant/Representative - Jarod Stubbs, PE, Kimley Horn & Associates, Inc.) (P&Z Board - 4/16/2026)

Attorney Conley read the ordinance by its title. Community Development Director Cindy Dittmer reported that the property is currently developed with a 7,325± square foot financial institution including parking, landscaping and stormwater. The applicant is requesting a Conditional Use approval to develop a 5,200±-square foot convenience store with 14 fueling stations. The subject property is currently zoned C-P (Commercial Parkway), which is a mixed-use zoning category typically designated along major roadway corridors and is designated with a Mixed Use Future Land Use. In the mixed-use zoning categories, there needs to be additional scrutiny to address whether convenience stores with gas pumps are compatible. Convenience stores with gas pumps require a Conditional Use approval in the C-P zoning district.

With the location of this property within the former Babcock Street CRA corridor and within the Midtown Activity Center with a Mixed Use Future Land Use (as designated within the Comprehensive Plan), staff has some concerns about the compatibility of convenience store with gas pumps as a principal use in this area.

Within the goals and objectives of the Comprehensive Plan, the use of this property as a convenience store with gas pumps does not: meet the intended mixed use, higher density and intensity uses within an Activity Center; exhibit a compact urban design; satisfy the need for a walkable type of use; nor address the stated uses within the Mixed Use future land use of retail, office, low/medium/high residential, recreational or institutional. These uses would have met the goals of the Redevelopment Plan of the former Babcock CRA to further develop support services to support the concentration of employers near the Melbourne International Airport, where a concentration of employment is located. However, the proposed use is an allowable conditional use request within the C-P zoning district and the proposed site plan adheres to all use standards for convenience stores with gas pumps, as outlined within City Code.

The site plan indicates access to both Rialto Place (along the north property line), and the existing eastern driveway connecting to the southern property, with internal, connecting drives on both sides of the fuel pump area. The existing

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driveway on Babcock Street will be modified as an entrance only to reduce vehicular conflicts with the internal driveway connection to the south. The site plan provides the required 20 parking spaces, and complies with all use standards related to architectural standards, façade and roofline standards, canopy, landscaping and lighting.

The subject property is located on an arterial roadway, surrounded by commercial development, restaurants, and vacant commercial land (under construction for a hotel). On the east side of Babcock Street is Melbourne High School, with I-1 zoning. There are no single-family residential lots located within 500 feet of the subject property; a multi-family residential development is located 530± feet to the north (Madison Midtown Apartments).

On April 16, 2026, the Planning and Zoning Board voted 5-to-2 to recommend approval of this request.

Mr. Neuman asked if the applicant remedied the concerns of noise at the site. Mrs. Dittmer noted that there was not any discussion on this as it was just a concern from staff.

Mr. Smith asked what the compatibility concerns were. Mrs. Dittmer noted that staff is mainly concerned with compatibility with the Comprehensive Plan as the Midtown Activity Center has a higher allowed intensity to include larger square footage construction and higher densities. The intensity of this development would allow something much larger in height to be developed.

Council Member Mimi Hanley shared her concern with this development as she believes this is not the best use of the property. She noted that she discussed this item with the City Manager and asked staff if there were any findings that would support the denial of the conditional use. The conditional use must meet the requirements of City Code but there are portions of the proposed use and development that may have detrimental effects to the surrounding area, public facilities, private, commercial and other services facilities available in the area. More specifically, the change may cause depreciation of property value or reduce the safety, light and general convenience of the neighboring developments. Ms. Hanley provided Council with a document that provided possible findings of denial for this item. She also noted that if the Babcock Street Community Redevelopment Area was still operating, this item would not come to Council. Ms. Hanley stated her belief that this development will change the dynamic of the area and asked Council to postpone this item so staff can investigate these concerns.

Mayor Alfrey opened the public hearing.

Nicholas West, 100 Rialto Place, representing the ownership group of the Rialto Place, asked that Council deny this project. He stated that this project deviates

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from the Comprehensive Plan and future and use designation for the corridor and imposes harm to the surrounding property and tenants.

Mr. Neuman asked Attorney Conley if he can make a motion to deny this item based on his concern with the development not following the Comprehensive Plan. Attorney Conley noted that there must be a specific finding within the Comprehensive Plan to deny this item. He noted that if Council is considering a denial, he would be looking for similar findings.

Discussion continued.

Ms. Hanley noted that most of this area is a professional area and asked if the addition of a gas station would fall out of line with the Comprehensive Plan.

Mrs. Dittmer noted that this is not considered a Professional Office Zoning area but is Commercial Parkway Zoning and Mixed-Use future land use. She explained that automotive convenience stores and gas pumps are viewed as more intensive commercial uses because of the more adverse impacts that come from a gas station. These uses were not viewed as part of the mixed-use midtown activity center.

Mr. LaRusso asked if the school in the immediate area had a chance to give its opinion. Mrs. Dittmer noted that the school was notified; however, they did not share any concerns. Mr. LaRusso then asked if this project would have come before Council if the Babcock CRA still existed. Mrs. Dittmer noted that the Babcock CRA redevelopment plan called for mixed-use properties to support the high-tech business hub that was surrounding the CRA that had lower intensity commercial uses. She stated that the project would still have come to Council, but staff would have recommended denial.

Vice Mayor Julie Kennedy asked if the area to the south is being built as residential units. Mrs. Dittmer Cindy responded yes. Mrs. Kennedy noted that the traffic that will come of this project concerns her.

Discussion continued.

Mayor Alfrey also shared his concern for the entry and exit of the facility. He asked Mr. West if the private road to the north and south will be accessible to the gas station. Mr. West noted that he has not been asked to use the private road (to the north) and is not in favor of the project.

Ms. Hanley asked if any other business uses the private driveway. Mr. West noted that the Hilton is the only other business that uses the driveway.

Chris Ossa, representing the engineer of record for the project, noted that if the private drive is not accessible for the gas station, there will be issues with the project.

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Mrs. Dittmer noted that if there is no access to this road, there would need to be a new site plan and it would need to come back to Council.

Mrs. Lamb asked Mr. Ossa where the large semitrucks will access the site. Mr. Ossa noted that they would use the private driveway to the north to enter the development and the private driveway to the south to exit.

Ms. Hanley asked how this project is going to work if there is no access to the road the semis need.

Mr. West noted that he spoke with his office and there is an agreement for the private driveways to be used, but no agreement for the increased use of large semitrucks.

Discussion continued.

Mayor Alfrey and Mr. Neuman stated that they believe there is substantial evidence to deny this project. Attorney Conley assisted with the potential language for a motion.

Moved by Neuman/Alfrey for denial based on the application failing to satisfy review criteria in Appendix B, Article IX, Section 5(C)(2)(d) in that the application not have significant adverse impacts on the livability and usability of nearby land due to: noise, dust, fumes, smoke, glare from lights, late-night operations, odors, truck and other delivery trips, the amount, location, and nature of any outside displays, storage, or activities, potential for increased litter, and privacy and safety issues. Motion carried unanimously.

13. **Ordinance No. 2026-22, Mayfair Community Development District**
Contraction: (First Reading/Public Hearing) An ordinance amending City Code, Chapter 20, Article IX, Section 20-289 and Section 20-291, regarding a contraction to the jurisdictional boundaries of the Mayfair Community Development District. (Applicant/Representative - Mayfair Community Development District) (P&Z Board - 4/16/2026)

Attorney Conley read the ordinance by its title. Mrs. Dittmer stated that City Council approved Ordinance No. 2007-20 in 2007, establishing the Mayfair Community Development District ("CDD") in City Code, Chapter 20, Article IX. The purpose of a Community Development District, or CDD, as authorized by state law, is to finance and construct the infrastructure required by a development project. The Board of Supervisors of the Mayfair Community Development District is now petitioning the City of Melbourne to contract or reduce the area of the CDD to 154.13± acres of land, in compliance with Florida Statutes, Section 190.046. The CDD Board has received the consent of all landowners within the existing boundary of the CDD, which is attached to the Petition.

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The proposed amendment to Section 20-289 provides for a new legal description of the Mayfair Community Development District and Section 20-291 provides for an updated drawing of the Mayfair Community Development District area. The Planning and Zoning Board/Local Planning Agency made a Finding of Consistency that the request is consistent with the Comprehensive Plan.

On April 16, 2026, the Planning and Zoning Board voted unanimously to recommend approval of the proposed request.

Mr. Smith asked if there are any concerns that Council should have with this project. Mrs. Dittmer noted that there is no concern from staff.

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

Ginger Wald, applicant, noted that she was available for any questions.

Mayor Alfrey asked Ms. Wald if there would be elections in the CDD. Ms. Wald noted that there will be landowner elections every two years and once there are 250 residents, there will be a general election of the residents of the area.

Mr. Smith asked what will come of the property that is being released by the CDD. Ms. Wald noted that there is a sliver of the city's property and other pieces of the property will be left alone and the other is intended to be commercial.

Moved by Neuman/Smith for approval of Ordinance No. 2026-22 based upon the findings contained in the Planning & Zoning Board memorandum. Motion carried unanimously.

14. **Ordinance No. 2026-23, Modifications to Affordable Housing Development:** (First Reading/Public Hearing) An ordinance amending City Code, Appendix B, Article V, Section 4, Affordable Housing Development, to be consistent with the definition of affordable housing and application of such to Live Local Act projects as defined within Florida Statutes. (P&Z Board 4/16/2026)

Attorney Conley read the ordinance by its title. Mrs. Dittmer stated that during the creation of the Affordable Housing Development section of City Code (Appendix B, Article V, Section 4) in 2023, staff included a compliance and monitoring section that set forth rent limitations for households based upon the household income level. Further, a section was added specifying that "monthly tenant rent shall not exceed 30% of the household income occupying the unit unless required by local, state, or federal funding agency for low-income households or below". This language excluded moderate-income households (80%-120%) due to the similarity of the moderate-income household monthly rent and the average market rate rents for the Melbourne area. This addresses any concerns related to an affordable housing developer's ability to charge rent at the top income threshold (120%) for persons with lower household income levels below the 120% threshold.

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City staff has recently reviewed the rent limitation language for affordable housing projects set forth in Appendix B, Article V, Section 4, Affordable Housing Development, and has determined that a modification to this section is appropriate to ensure that Live Local Act projects are consistent with the definition of affordability for affordable housing projects in Florida Statutes Sections 166.043/420.0004(3). In addition, this proposed modification would prevent such language from being interpreted as a form of rent control in violation of the preemptions set forth in Section 166.043, Fla. Statutes.

On April 16, 2026, the Planning and Zoning Board voted unanimously to recommend approval of the proposed ordinance.

Moved by Neuman/Smith for approval of Ordinance No. 2026-23 based upon the findings contained in the Planning & Zoning Board memorandum. Motion carried unanimously.

15. Discussion on the City's enhanced Code Enforcement process. (Postponed - 4/14/2026, 4/28/2026)

Code Enforcement Official Mark Herold presented Council with information on the city's Code Enforcement process, types of enforcement that the city performs, enforcement success rate, changes that staff and Council can make to help aid the process, staff's plan moving forward and displayed photos of significant cases that Code Enforcement is dealing with.

Mr. Smith asked how many owners of these homes are not local. Mr. Herold noted that it is about half locals and half out of the area. Mr. Smith also asked if there is a list of properties that are being foreclosed on. Mr. Herold noted that there is.

Mrs. Lamb noted that staff needs Council's support to move forward on these bigger issues like abatements and foreclosures.

Mr. Neuman noted his support of moving forward with staff's recommendation.

Following further discussion, Council expressed consensus to support staff's recommendation to enhance enforcement and for staff to bring back City Code changes that will aid staff's ability to enforce these enhanced actions.

16. Discussion of electric bicycles (e-bikes).

Police Chief Gillespie and Sergeant Benjamin Slover provided Council with information on bicycle and e-bike safety and laws, the differences between e-bikes and e-motors, roadway rules, community concerns, new enforcement to consider and what the Melbourne Police Department is doing to educate the community and to enforce the existing bike laws.

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Mr. Neuman noted that he would like to discuss keeping motorbikes or e-bikes out of the downtown areas and city parks.

Mr. LaRusso asked where the e-bike issue is more prevalent. Sergeant Slover noted that extra enforcement has started on New Haven Avenue and will move to major streets like Wickham Road. Mr. LaRusso also asked what the most common issue is with e-bikes. Sergeant Slover noted that the most common occurrences are e-bikes crossing the street where they should not be.

Vice Mayor Kennedy noted that she does not want to overload the police department, but something needs to change for the community.

Mr. LaRusso recommended adding wrecked e-bikes at intersections to show the community how big a safety issue this is.

Mr. Smith agreed with Vice Mayor Kennedy's concern with overloading the police department, but educating the community is necessary.

Leah Nepo, Community Engagement Coordinator for the Space , noted that the TPO recommended regulations with licenses to Bevard County; however, the issue of buying bikes anywhere makes it difficult since they are not registered. She noted that the TPO performs a lot of visual, verbal and hands on education that falls in line with the Police Department's plan to educate the community and is always available as a resource for the city.

Council expressed consensus to support the police department's continued action to educate the community and enforce existing bike laws.

17. Board Appointments

- a. Request for waiver of Sections 112.313(3) and 112.313(7), Florida Statutes, on behalf of John Huy (Affordable Housing Advisory Committee) who has a contractual relationship with the City.

Moved by Hanley/Bassett for approval of the exemption request and, pursuant to Section 112.313(12), Florida Statutes, waiver of the provisions of Sections 112.313(3) and 112.313(7), Florida Statutes, on behalf of John Huy as a member of the Affordable Housing Advisory Committee regarding his relationship with Jobear Contracting, Inc. and its existing scope of business with the City, including technical support and various repair/maintenance services for the remainder of Fiscal Year 2026. Motion carried unanimously.

- b. Affordable Housing Advisory Committee

Moved by Hanley/Alfrey to reappoint Michael Miller as a regular member to the Affordable Housing Advisory Committee. Motion carried unanimously. (Term: May 13, 2026 through May 12, 2031; five-year terms.)

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(NOTE: Mr. Huy was not reappointed.)

D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Mr. Neuman noted that the Independence Day Parade is coming up, invited Council to be a part of the parade and also shared that Mr. Bill Potter is this year's honoree.

Council Member Rachael Bassett reported that she attended the Fallen Officers' Memorial Ceremony at the Melbourne Police Department.

Ms. Hanley noted that she attended the District Five Safety Summit and shared some of the conversations that were discussed.

Mr. Smith noted that he attended the Brevard Prosperity Initiative Panel discussion with Sheriff Wayne Ivey.

Mr. LaRusso shared that Riverside Drive is back open but will be closing again shortly. He also reminded Council that it is sea turtle mating season.

Vice Mayor Kennedy noted that she also attended the memorial ceremony and noted that at the Space Coast League of Cities meeting, Junior Achievement was there as the guest speaker. She also noted that Junior Achievement needs volunteers and encouraged Council to consider assisting. Mrs. Kennedy also shared that the news that the renovated Burger King is open in her district. Finally, she happily shared that the issue of flooding in the residential area off of Lake Washington Road is finally being worked on/corrected.

E. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

/s/ Kevin McKeown, City Clerk – May 18, 2026

Approved by Council: May 26, 2026