

# Town of Melbourne Beach

## JOINT WORKSHOP

### TOWN COMMISSION & CHARTER REVIEW COMMITTEE

Monday, May 5, 2025 at 6:00 p.m.

COMMUNITY CENTER – 509 OCEAN AVENUE

## MINUTES

#### Commission Members:

Mayor Alison Dennington  
Vice Mayor Dawn Barlow  
Commissioner Robert Baldwin  
Commissioner Anna Butler  
Commissioner Tim Reed

#### Charter Review Committee:

Chairman James Simmons  
Vice Chairman Bruce Larson  
Member Kathy Ivers-Osthus  
Member Charles Leps Jr  
Member Jessica Martinez

#### Staff Members:

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
Town Clerk Amber Brown

### 1. Call to Order

Mayor Alison Dennington called the meeting to order at 6:00 p.m.

### 2. Roll Call

Deputy Clerk Cyd Cardwell conducted roll call.

#### Commission Members Present:

Mayor Alison Dennington  
Vice Mayor Dawn Barlow  
Commissioner Robert Baldwin  
Commissioner Anna Butler  
Commissioner Tim Reed

#### Charter Review Committee Present:

Chairman James Simmons  
Member Kathy Ivers-Osthus  
Member Charles Leps Jr  
Member Jessica Martinez

#### Staff Members Present:

Town Manager Elizabeth Mascaro  
Town Attorney Ryan Knight  
Deputy Clerk Cyd Cardwell

#### Commission Members Absent:

#### Charter Review Committee Absent:

Vice Chairman Bruce Larson

### 3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

### 4. Public Comments

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.

## **5. New Business**

### **A. Presentation and discussion on the report from the Charter Review Committee**

Chairman James Simmons explained how the Charter Review Committee worked on the review paragraph by paragraph, section by section and how they came to a decision about what changes to bring forward. Spoke about certain topics they deemed high priority and others that were lower priority.

Mayor Alison Dennington provided an overview of the charter review process for the public and how to view the Charter Review Committee's past meetings online. Spoke about how she brought this forward and how it is important to look at the Charter periodically. Asked the Town Attorney if the Commission could add or alter provisions when the suggested changes come to a vote.

Town Attorney Ryan Knight confirmed that yes, that is possible since this is an advisory committee. Stated that there are eleven (11) proposed changes and explained the committee's low vs. high priority classification. Low priority means an issue has not been encountered recently or is just minor changes to wording, so they wanted the focus on the high priority amendments. He also informed the Commission of placeholders, such as the Spanish-language translation, and that there will be additions to the final report of minutes and signature page of all committee members.

Chairman James Simmons suggested going through the amendments in order. Introduced Amendment 1 to update "he" or "his" throughout the Charter to include both genders.

Commissioner Tim Reed asked who the Budget Director mentioned in the amendment proposal is and how the financial impact would be determined. - 11:15

Town Attorney Ryan Knight clarified that the verbiage is included per state statute but that there would not be a financial impact.

Member Jessica Martinez confirmed that the Commission had read the Charter.

Chairman James Simmons stated that the next change is lower priority and introducing too many changes would have a financial impact on the election itself. Said Town Clerk Amber Brown had information on the number of changes and costs. Introduced Amendment 2 to change the residency requirement for serving on the Commission from six (6) months to twelve (12).

Commissioner Tim Reed expressed the opinion that this should be a higher priority change.

Commissioner Robert Baldwin disagreed and thought this could remain a lower priority.

Chairman James Simmons introduced Amendment 3 to change the amount of time a Commissioner is prohibited from serving due to term limits from one (1) year to eleven (11) months.

Mayor Alison Dennington was concerned that this would possibly conflict with a Florida statute.

Town Attorney Ryan Knight stated that this change would not conflict with the state statute. Said this would apply to someone who was termed out and then reelected again a year later.

Chairman James Simmons introduced Amendment 4 that clarifies that a Commissioner appointed due to vacancy would serve until the next general election for which the qualifying period has not begun at the time of vacancy. He stated that this is a high priority amendment due to the recent two vacant seats to prevent the need for a special election.

Mayor Alison Dennington spoke about a loophole, said counties are required to allow you to keep the voting equipment for one (1) month after the regular election that you can use without charge. Said she would like to have a provision that says that the Town would prefer to have elections if they can.

Chairman James Simmons introduced Amendment 5 which removes prior amendment language so that in an election with multiple terms, the candidates with the most votes get elected for the longest terms. Introduced Amendment 6 that allows the Commission to vote to adjourn even when they do not have enough members present for quorum. He stated this is low priority.

Member Charles Leps Jr explained that this just clarifies the intent of the section, it doesn't change the legal language. - 23:38

Chairman James Simmons introduced Amendment 7 that removes the Town Commission's ability to appoint/suspend/remove the Town Clerk and gives that ability back to the Town Manager. He stated this is high priority.

Mayor Alison Dennington stated that the Town Clerk has job responsibilities that fall under the Town Commission as well as the Town Manager. She asked Town Attorney Ryan Knight for the section of the charter that covers those responsibilities and asked Deputy Clerk Cyd Cardwell for the job description from the Town website.

Town Attorney Ryan Knight provided the section of the Charter (3.04).

Mayor Alison Dennington expressed concern that the Town Clerk has duties as an official that fall outside of his/her duties as an employee.

Town Attorney Ryan Knight confirmed that the proposed amendment would not be changing any of the Town Clerk's job duties.

Chairman James Simmons reiterated that the amendment only pertains to the Town Clerk's discipline, removal, or hire. Introduced Amendment 8 as high priority. He described a scenario when prior Commissioners would interfere with Town business under the guise of an investigation. He stated that this amendment prevents Commissioners from giving direction to or interfering with employees under the direction of the Town Manager.

Mayor Alison Dennington spoke about this making it more difficult for Commissioners to get records they need.

Chairman James Simmons said this is making it easier for the Town Staff to do their jobs that are not interfered with.

Commissioner Robert Baldwin asked if there is any language we can refer to, other towns that have addressed this.

Town Attorney Ryan Knight said they had about 4 or 5 charter provisions in there that they looked at as far as interference clauses.

Member Charles Leps Jr explained how the Charter Review Committee came to the wording they did by reviewing similar charter language from other municipalities. - 33:05

Vice Mayor Dawn Barlow spoke about how public records requests from Commission members are not charged to that person. If a Commissioner puts in a public records request, it could potentially put a Commissioner in a negative light if someone were to try and use that Commissioner to put in a request on behalf of someone else.

Mayor Alison Dennington disagreed with the use of "interfere" because she thought it was too open to interpretation. Said it is her opinion that it would neuter oversight and the chance of looking at information.

Commissioner Anna Butler said that is not the intent.

Town Attorney Ryan Knight said if the request is very large, it needs to go to a public records request. If it can be done quickly it's not a big deal.

Mayor Alison Dennington spoke about putting in a definition for "interfere". Also wanted a provision about budget issues.

Town Attorney Ryan Knight provided similar interference clauses from other municipalities in a memo via email.

Chairman James Simmons pointed out that this is for the Commission to decide and vote on, so if they have better language, they can debate that.

Commissioner Tim Reed respects the intent but objects to the use of "interfere". Spoke about finding different language; the main things here are to not have the Commissioners directing staff or tasking them to do something.

Mayor Alison Dennington spoke about passing a resolution to lay out a process for the Commissioners, specifically dealing with inquiries and investigations.

Town Attorney Ryan Knight said some of the examples he gave specifically reference interference, others have the inquiries language in there. Definitions are not included in their charter; it just says the members shall not interfere with the administration. Said ultimately a court is going to look at what an inquiry is using a dictionary. In a resolution you could say if an inquiry will take more than 30 minutes, this is the procedure.

Chairman James Simmons introduced Amendment 9 that gives the Town Manager the ability to set the Town Clerk's salary, where it previously rested with the Town Commission. This item was given high priority. - 49:38

Commissioner Tim Reed asked if the wording needed to be adjusted to reflect the fact that we now have a Deputy Clerk in addition to a Town Clerk.

Town Attorney Ryan Knight said that it would not be necessary because the Deputy Clerk is below the Town Clerk.

Mayor Alison Dennington expressed the opinion that the Town Commission should be involved because some of the Town Clerk's duties relate to the Commission.

Commissioner Robert Baldwin asked that she detail out a list of those items and bring them forward at the next meeting.

Chairman James Simmons introduced Amendment 10 as lower priority. This amendment would clarify that the Town Attorney's salary and/or contract is fixed by the Town Commission. It previously used the wording "salary" only. They also removed the wording relating to traffic court. Introduced Amendment 11 which clarifies the definition of unacceptable gifts. He stated this is low priority because Florida statutes do define this already. Directed the Commission to page 75 of the agenda packet which has a chart showing what language would be changing for each proposed amendment and why.

Mayor Alison Dennington stated that other towns' charters define circumstances leading to forfeiture of office by no longer residing in Town. She asked that it would be considered to add a provision in.

Commissioner Tim Reed asked what the process would be if they wanted to ask the Charter Review Committee to create another provision.

Mayor Alison Dennington said she would look at other nearby municipalities' verbiage and bring something to the meeting.

Commissioner Tim Reed asked if the Commission would need to make a motion at the meeting and have agreement to have the Charter Review Committee work on another provision.

Chairman James Simmons stated that there is no time remaining to do so.

Vice Mayor Dawn Barlow asked Town Attorney Ryan Knight to review the timeline for getting Charter amendments on the ballot.

Town Attorney Ryan Knight stated that the Charter Review Committee just had their last meeting to review the last outstanding minutes. He will still need to draft the ordinance for these changes and have first and second readings.

Commissioner Tim Reed asked for confirmation that the first reading would need to be in June and would have to be finalized by August.

Town Attorney Ryan Knight confirmed this and reiterated that they still have some time.

Mayor Alison Dennington would like to piggyback on a provision about forfeiture of office due to a move out of Town. - 1:02:58

Commissioner Robert Baldwin asked if they were targeting to have 4 to 5 provisions on the ballot.

Town Attorney Ryan Knight said it's up to them but it's usually around 4 to 6.

Chairman James Simmons stated that he thought the Supervisor of Elections charges by the sheet, but that Town Clerk Amber Brown would have the information about cost.

Mayor Alison Dennington asked the Town Manager for the Town Clerk to share that information on cost prior to the next meeting. Asked if the Charter Review Committee considered a provision stating that the Charter be reviewed every eight years.

Commissioner Robert Baldwin agreed that it would be good to have a cadence to get this done periodically.

Mayor Alison Dennington proposed potentially creating an ordinance to set the cadence.

The Commissioners thanked the Charter Review Committee members for their time spent reviewing the Charter and identifying provisions to be updated.

## 6. Adjournment

**Commissioner Anna Butler moved to adjourn; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.**

Meeting adjourned at 7:07 pm.

  
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Alison Dennington  
Mayor

ATTEST:

  
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Rachel Pembrook  
Transcriptionist

