

Town of Melbourne Beach

SPECIAL TOWN COMMISSION MEETING September 29, 2025 @ 5:30 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

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 5:32 p.m.

2. Roll Call

Town Clerk Amber Brown conducted roll call

Commission Members Present

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

Staff Members Present

Town Attorney Ryan Knight
Finance Manager Jennifer Kerr
Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Public Comment

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. Please remember to sign the sign-in sheet provided if you will be speaking at the meeting.

5. New Business - 2:00

A. Consideration on employee request for severance pay

Town Attorney Ryan Knight spoke about how an employee has requested a severance after her position was eliminated with the new budget. The Town policies and procedures do not provide for a severance, but Florida Statutes do. To date, the Town has not received a grievance.

Mayor Alison Dennington confirmed that no claim has been received. Spoke about setting a precedent if they provide a severance without there being a claim.

Town Attorney Ryan Knight spoke about how the statute does not require a claim. It just said an employment dispute.

Mayor Alison Dennington spoke about how there does need to be a claim. Spoke about receiving a notice of resignation from another employee and suggested putting the employee that was laid off in that position in the meantime and working out an agreement.

Finance Manager Jennifer Kerr spoke about the employee who is on probation and the policy states if someone is on probation then the employee whose position was terminated would be offered the position that has an employee on probation. The employee was offered to take that position, and they declined it.

Town Attorney Ryan Knight spoke about how the statute does not require a claim to be filed; it states an employee dispute. Said it is not an extra compensation claim, it is a severance claim.

Mayor Alison Dennington spoke about how this would be creating a claim that does not currently exist.

Town Attorney Ryan Knight said he could agree if the statute said claim or written claim, but it does not say that, it says employment dispute.

Mayor Alison Dennington requested the email from the Finance Clerk be read to see if there was anything in the email that could be seen as an attempt to assert a claim.

Vice Mayor Dawn Barlow read the email from the Finance Clerk whose position was eliminated in the next fiscal budget. - 16:55

Mayor Alison Dennington asked how do you settle an employment dispute when there hasn't even been a dispute claimed. Believes this is a pull on heart strings.

Commissioner Robert Baldwin spoke about how this is a case where one person is being laid off for reasons other than job performance, which hasn't happened in over a decade, if ever. Proposed that if they can get past the legal hurdle the Mayor has brought up, then provide a week for each year in the position.

Mayor Alison Dennington said it is a shame the policies and procedures are not more clear.

Commissioner Anna Butler made a motion to provide 3 weeks of severance pay to Mrs. Vicki Van Dyke.

Mayor Alison Dennington said all of the Commission members must have a chance to speak before a motion is made.

Vice Mayor Dawn Barlow asked the Town Attorney if there is any legal issue with providing a severance.

Town Attorney Ryan Knight spoke about how his opinion is that the statute would apply for this situation.

Mayor Alison Dennington spoke about a provision that says all claims against the Town have to be in writing.

Commissioner Anna Butler made a motion to provide 3 weeks of severance pay to Mrs. Vicki Van Dyke plus an extension of her employee benefits until October 31, 2025, as well as payout any of her unused PTO;

Finance Manager Jennifer Kerr said her net pay would be \$2,140.75 for 30.5 hours working, plus 25.5 hours of sick time that she was out sick during that pay period, then 24.3 hours of vacation payout, and then 34.3 hours of sick payout which is 50% of her sick payout.

Mayor Alison Dennington said all employees after any termination can extend coverage using COBRA, so this would be something they do not normally do.

Finance Manager Jennifer Kerr spoke about how if the severance is approved, she will do it on this year's budget, the rest would be on next year's budget.

Vice Mayor Dawn Barlow asked the Town Attorney if benefits are an extension of employment or is that deemed part of a severance package.

Town Attorney Ryan Knight said it is part of severance pay.

Finance Manager Jennifer Kerr said she is entitled to unemployment compensation. Said this could cost the Town but a minimal amount.

Commissioner Tim Reed asked if the motion included if they signed an agreement.

Commissioner Anna Butler spoke about including upon signature of the severance settlement in the motion.

Town Attorney Ryan Knight said she would have 21 days to consult with an Attorney if she chooses, and once agreements are signed, she will have 7 days to pull out of the agreement if she wanted to.

Commissioner Robert Baldwin said he would be supportive of the 3 weeks of severance, but if health insurance pushes them to the next fiscal year, he would rather not include it in the severance.

Commissioner Anna Butler amended the motion to provide 3 weeks of severance pay to Mrs. Vicki Van Dyke as well as pay any unused PTO, upon signature of the severance settlement; Commissioner Robert Baldwin seconded;

Susan Stark – 307 Fifth Ave – Asked if the Town pays for family coverage, asked about COBRA insurance and if the Town can pay for that, and asked if they are setting a precedent for when another position is eliminated such as the Fire Department Maintenance, if they would be eligible for severance also. - 36:52

Mayor Alison Dennington said it would be setting a precedent and that is what she is worried about.

Finance Manager Jennifer Kerr spoke about how the Town covers 50% of family coverage. The Fire Department Maintenance position is part-time with no benefits.

Terry Cronin – 150 Riverside Dr – Spoke about the Commission had a great discussion, but had questions about the process being confusing because there was a motion, but then the Mayor said to wait, there was more discussion, then the motion was made again, and more discussion prior to a second, so what rules are being followed?

Mayor Alison Dennington spoke about how they follow Robert's Rules of Order, which allows for each Commissioner to speak prior to a motion being made.

Vice Mayor Dawn Barlow said they also use Resolution 2025-03 to supplement Robert's Rules.

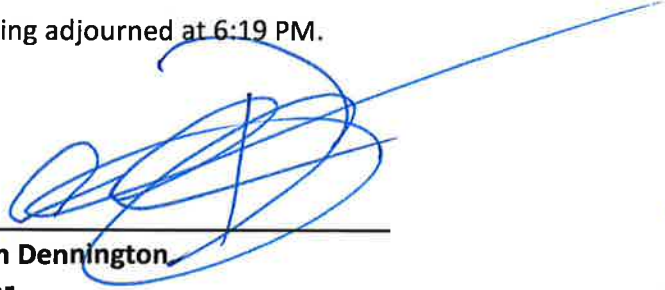
Motion carried 3-2 with Mayor Alison Dennington and Commissioner Tim Reed dissenting.

Mayor Alison Dennington spoke about voting against it because there was no written claim.

6. Adjournment

Commissioner Robert Baldwin made a motion to adjourn; Commissioner Anna Butler seconded; Motion carried 5-0.

Meeting adjourned at 6:19 PM.


Alison Dennington
Mayor

ATTEST:


Rachel Pembrook (Oct 9, 2025 14:40 EDT)
Rachel Pembrook
Transcriptionist

