

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING

October 15, 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

Staff Members:

Interim Town Manager Lisa Frazier
Town Attorney Ryan Knight
Town Clerk Amber Brown

1. Call to Order

Mayor Alison Dennington called the meeting to order at 6:02 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

Interim Town Manager Lisa Frazier
Town Attorney Ryan Knight
Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Meeting Agenda – Additions/Deletions/Changes – 3:00

Vice Mayor Dawn Barlow made a motion to move Item 10D consideration of lease contract with Brevard County for the Historic Williams Building to immediately follow proclamations and awards; Commissioner Robert Baldwin seconded; Motion carried 5-0.

Vice Mayor Dawn Barlow made a motion that we incorporate after 10D insertion of some event announcements by the Town Clerk; Commissioner Anna Butler seconded; Motion carried 5-0.

Commissioner Anna Butler made a motion to move the Town Attorney's agenda item 1 to new business A pushing A to B, B to C, and C to D, his item 1 is discussion on settlement offer from Funoe LLC for all outstanding cases and litigation; Vice Mayor Dawn Barlow seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.

Mayor Alison Dennington spoke about moving the short-term rental discussion from Commissioner Butler to next month after the election.

Mayor Alison Dennington passed the gavel.

Commissioner Robert Baldwin asked if this is the same as the Town Attorney's item.

Town Attorney Ryan Knight pulled his owner-occupied short-term rental agenda item 10E.

Commissioner Anna Butler spoke about not wanting to push her agenda item because of the false information being spread that she would like to clarify.

Mayor Alison Dennington suggested addressing the false information under Commission Reports.

Commissioner Anna Butler pulled her short-term rental agenda item.

Town Clerk Amber Brown spoke about Unfinished Business Item E is the owner-occupied short-term rental item from the Town Attorney, and New Business Item A is regulations of short-term rentals by Commissioner Butler; both were pulled to place on the November agenda.

Commissioner Robert Baldwin made a motion to approve the agenda as amended; Commissioner Tim Reed seconded; Motion carried 5-0.

5. Proclamations/Awards

A. Consideration of the lease contract with Brevard County for the Historic Williams Building – 9:51

Steve Kimball, Deputy Director for Brevard County Parks and Recreation, presented the lease contract for the Historic Williams Building. The lease would be for 25 years at \$1 per year.

Town Attorney Ryan Knight spoke about the changes include an indemnification which was in the previous one, the Americans with Disabilities Act compliance, and background checks for anyone volunteering there.

Commissioner Tim Reed spoke about the liability insurance used to be covered by the County and now the Town is going to be responsible for it.

Town Attorney Ryan Knight spoke about the old agreement having an indemnification clause.

Commissioner Tim Reed asked if it had been run by our insurance carrier.

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Town Attorney Ryan Knight spoke about it should already be on the insurance.

Commissioner Tim Reed spoke about not being opposed to it, but we need to get the questions answered, and what are the full implications going to be for us.

Mayor Alison Dennington spoke about we could approve the lease, and if there are modifications required by ADA we could just close the building to the public or terminate the lease. The Commission should still approve it.

Commissioner Tim Reed spoke about the current budget Fund 391 has funds if needed.

Mayor Alison Dennington spoke about it being a historic building, so she does not think it would be required to have ADA modifications.

Town Attorney Ryan Knight spoke about how the Commission can terminate the lease.

Commissioner Robert Baldwin made a motion to accept and approve and execute the lease proposed by Brevard County for the Historic Williams Building at a dollar a year for 25 years; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.

B. Announcements of upcoming events – 23:46

Town Clerk Amber Brown spoke about upcoming events.

- October 17th Movie in the Park 7:00 pm - 9:00 pm and the Haunted House 7:00 pm – 10:00 pm
- October 18th Fall Festival 4:00 pm – 6:00 pm, Trunk or Treat from 5:00 pm – 7:00 pm, and the Haunted House 6:00 pm – 9:00 pm
- October 21st Town Commission Candidate Forum 6:00 pm
- November 4th Municipal Election

6. Presentations by Special Guests (Maximum of 5 Minutes)

A. Presentation for an Honor Walk by the Parks Board

Parks Board Members Jeanette Soucy and Sabrina Cornelius presented the Honor Walk design.

Commissioner Tim Reed spoke about not having a connection between Town Hall and the Community Center. Asked if the Board considered doing something from East to West?

The Parks Board spoke about having considered a lot of designs, but they decided on this design to start with, and when they get more bricks, they can add on to connect everything.

The Commission had no objections to the design.

7. Public Comment (Non-Agenda Items) – 37:51

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Lauren Hardman – 320 Sixth Ave – Provided Melbourne Beach Volunteer Fire Department applications due to the accusations that the dept. does not make an effort to recruit. Challenged everyone to find an able-bodied person to join the department. Loves the Honor Walk; would like to consider adding Merchant Marines. Asked if Christmas Circle is still going to be set up.

Erik Sander – 1910 Cedar Ln – Looking to get an update on stormwater for Basin 10.

Town Manager Lisa Frazier spoke about how she has gone around Town to identify the problem areas, and Basin 1 is now under contract. Spoke about doing a stormwater workshop to identify problem areas and create a plan on how to address the rest of the basins.

Jaime Ward – 1000 S Miramar, Indialantic – Spoke about being a mayor for 12 years. There are many people that are truly grateful for each and every one of you. Thank you all.

Sabrina Cornelius – 1706 Orange St – Spoke about the Parks Board needing more members.

Mark McBride – 310 Second Ave – Spoke about issues with short-term rental enforcement. There are unregistered rentals, advertisements out of compliance, owners not keeping required records, including sexual predator checklists and licenses of anyone over 18, and automobile license plates. Provided the Commission a motion to make enforcement of short-term rentals a priority.

Mayor Alison Dennington made a motion to task the Town Manager to have the new Code Enforcement Officer prioritize short term rental enforcement including fines for violators and to report in writing the process of his enforcement and fines by the November Town meeting; the focus of enforcement should be on unregistered STRs, STR advertising out of compliance, and an audit of STR owners' records management see Town ordinance section 74-20 and 74-41; Commissioner Tim Reed seconded;

Kari Ross – 206 Flamingo Ln – Asked what the record keeping entails. The Commission is asking for a report on 3 items, so what would that look like and entail.

Commissioner Robert Baldwin spoke about it is an audit of having the driver's licenses and background checks on record.

Mayor Alison Dennington spoke about the motion is to make this a priority so the Town Manager is aware.

Commissioner Robert Baldwin spoke about not being opposed to the motion, but what is being deprioritized in order to prioritize this? Should ask the Town Manager to look into what can be done to focus on STRs. Reword it to prioritize on how to make it a priority.

Motion carried 3-2 with Vice Mayor Dawn Barlow and Commissioner Robert Baldwin dissenting.

Susan Stark – 307 Fifth Ave – Complimented the Public Works Department for addressing her concern about the drop off onto the beach from the handicap ramp.

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8. Consent Agenda – 1:00:54

- A. ~~Approval of the September 3, 2025 second Special Town Commission Meeting minutes~~
- B. Approval of the September 10, 2025 first Special Town Commission Meeting minutes
- C. ~~Approval of the September 10, 2025 second Special Town Commission Meeting minutes~~
- D. Approval of the September 15, 2025 Special Town Commission Meeting minutes
- E. ~~Approval of the September 17, 2025 first Special Town Commission Meeting minutes~~
- F. ~~Approval of the September 17, 2025 second Special Town Commission Meeting minutes~~
- G. ~~Approval of the September 17, 2025 Regular Town Commission Meeting minutes~~
- H. Approval of the September 25, 2025 first Special Town Commission Meeting minutes
- I. Approval of the September 25, 2025 second Special Town Commission Meeting minutes
- J. Approval of the September 29, 2025 first Special Town Commission Meeting minutes
- K. Approval of the site plan for 411 Hibiscus – new home
- L. ~~Updated fee schedule for 2026 from BSE Consultants~~
- M. ~~Letter of Fuel/collection, and recycle processing fee adjustment from Waste Pro~~

Mayor Alison Dennington pulled items A, C, E, F, G, L, and M to the end of the agenda.

Consent Agenda Items B, D, H, I, J, and K were approved by unanimous consent.

9. Public Hearings/Special Orders

- A. Ordinance 2025-03 – Traffic Code – Second Reading – 1:04:21

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY FLORIDA, AMENDING CHAPTER 30, SECTION 30-43.1, “PENALTIES FOR VIOLATIONS OF CERTAIN TOWN PARKING REGULATIONS”; INCREASING AMOUNT OF CIVIL PENALTY FOR VIOLATION OF OFFENSES IN SECTION 30-42(A), (B), AND (C) FROM \$35.00 TO \$75.00; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Ryan Knight read the preamble.

Commissioner Tim Reed made a motion to approve the second reading of Ordinance number 2025-03; Commissioner Anna Butler seconded; Motion carried 5-0.

10. Unfinished Business

- A. Ordinance 2025-04 – Sign Ordinance – First Reading – 1:06:22

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, RELATING TO LAND DEVELOPMENT REGULATIONS AND SIGNAGE; AMENDING SECTION 7A-52, TOWN CODE OF ORDINANCES, RELATING TO PROHIBITED SIGNS AND PROVIDING FOR ADDITIONAL REGULATIONS AS TO TYPE OF SIGNAGE PROHIBITED WITHIN THE TOWN, AMENDING SIGN LOCATION AND DURATION OF SIGNAGE PERMITTED IN THE TOWN; REVISING SIGNAGE STANDARDS; PROVIDING FOR REMOVAL OF SIGNAGE BY THE TOWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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Mayor Alison Dennington spoke about concerns she has with the ordinance due to freedom of speech. The ordinance has a limit of three signs, which she does not believe is constitutional because you're limiting the amount of speech someone can put on their own property.

Town Attorney Ryan Knight spoke about how you can put a amount of sign restrictions. Proposed that the Commission request that he draft a memo regarding the law.

Mayor Alison Dennington spoke about having an aggregate and only allowing a total of 10 signs at any time because that would be content content-neutral regulation.

Commissioner Robert Baldwin spoke about looking into the County's regulations.

Commissioner Tim Reed spoke about putting this on a workshop agenda.

Commissioner Tim Reed made a motion to table Unfinished Business item 10 A Ordinance 2025-04 Sign Ordinance first reading, have the Town Clerk cancel any advertisements for that at this time, and take this to a workshop for further discussion; Commissioner Robert Baldwin seconded; Motion carried 5-0.

- B. Ordinance 2025-06 – Salary of the Mayor and Town Commission Ordinance – First Reading – 1:17:32

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, FLORIDA, AMENDING CHAPTER 10, SECTION 10-1, TOWN CODE OF ORDINANCES, RELATING TO SALARY OF MAYOR AND TOWN COMMISSION; AMENDING SALARY OF MAYOR AND TOWN COMMISSION TO \$3,000; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Ryan Knight read the preamble for Ordinance 2025-06.

Vice Mayor Dawn Barlow made a motion to accept ordinance number 2025-06; Commissioner Anna Butler seconded; Motion carried 5-0.

- C. Discussion on a Civility Pledge and Resolution – Commissioner Anna Butler – 1:18:56

Commissioner Anna Butler spoke about how, after a difficult meeting, she went to the Florida League of Cities to see how to help calm things, and this is what she found. Spoke about adopting a civility pledge for everyone and read the resolution.

Mayor Alison Dennington spoke about appreciating it, but suggested shortening it. Some of the language is in the Ordinances and Charter. The Commission regulates during meetings, but this goes towards freedom of speech. Would vote against it with the language the way it is due to freedom of speech, unless it is condensed down to only hold the Commission to a higher standard. Residents have sent her emails about what Commissioner Butler has sent out.

Commissioner Robert Baldwin spoke about it compelling upon the Commission. It is more of a pledge among the Commission. Does not feel it restricts the public.

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Mayor Alison Dennington spoke about this violating the public's First Amendment rights.

Commissioner Anna Butler spoke about it being a recommendation.

Commissioner Tim Reed asked the Town Attorney if he had read it and if he had any comments about the legality of it.

Town Attorney Ryan Knight spoke about how he has read it, and other municipalities have similar pledges. It is a recommendation, so it does not restrict anyone.

Mayor Alison Dennington likes the civility pledge itself.

Vice Mayor Dawn Barlow spoke about how, in the last few weeks, everyone has taken steps forward and sees this as a step forward.

Mayor Alison Dennington spoke about having a problem with sections 3 and 4, then you could get a 5-0 vote.

Commissioner Anna Butler spoke about not changing it.

Commissioner Anna Butler made a motion to adopt a civility pledge and resolution as is; Vice Mayor Dawn Barlow seconded;

Kari Ross – 206 Flamingo Ln – Spoke about one member of the Commission saying these rules are already in place; however, last meeting she was stopped during her public comment. To say we don't need a reminder to be civil is wrong. Points of order have been ignored.

Tina Coppock – 505 Avenue B – Spoke about this motion is going to be hard to police because you cannot control the public, and what would be the penalties. Who makes the decision of who gets thrown out of meetings and why?

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

Mayor Alison Dennington spoke about voting against it because of paragraphs 3 and 4.

~~D. Consideration of the lease contract with Brevard County for the Historic Williams Building~~

Moved to Presentations/Awards

~~E. Discussion on Revisions to STR Ordinance relating to Owner Occupied Short Term Rentals and Inspections – Town Attorney Ryan Knight~~

Pulled to next month

11. New Business

A. Discussion on settlement offer from Funoe, LLC for all outstanding cases in litigation. – 1:39:44

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Town Attorney Ryan Knight spoke about how he requested a settlement offer from Funoe, LLC's counsel. The Commission has three options: schedule a shade meeting, schedule a special meeting to discuss it in public, or discuss it now.

Commissioner Robert Baldwin confirmed the first step is to decide what type of meeting.

Mayor Alison Dennington spoke about there no longer being a time crunch.

Town Attorney Ryan Knight spoke about the deadline being December 5, 2025.

Mayor Alison Dennington spoke about how there is no longer a trial scheduled right now.

Commissioner Anna Butler spoke about it being very unusual because one Commission Member has more knowledge about this than the others.

Commissioner Tim Reed spoke about waiting to discuss it with the new Commission.

Mayor Alison Dennington spoke about a bill that was recently filed for capricious action, as well as damages, where you can file straight to court.

Town Attorney Ryan Knight spoke about the bill has not been enacted, so it does not need to be discussed at this point.

Vice Mayor Dawn Barlow asked who would be involved in mediation.

Town Attorney Ryan Knight spoke about a mediator, Funoe LLC's representative, their counsel, Town Manager, Town Attorney, and the Town's lawyer, Elizabeth Harris. The Commission would have to vote on any type of settlement.

Vice Mayor Dawn Barlow spoke about how it would make legal sense to support mediation.

Commissioner Anna Butler spoke about there was a previous settlement.

Town Attorney Ryan Knight spoke about the shed case that was involved in a settlement, and a separate lawsuit is based upon that settlement. Any agreement can be breached.

Commissioner Anna Butler spoke about how a settlement really isn't a settlement.

Town Attorney Ryan Knight spoke about the 3 cases would be over forever if they were settled.

Mayor Alison Dennington spoke about doubting that mediation is on the table at all. Spoke about a declaratory judgment.

Town Attorney Ryan Knight spoke about this pending litigation, which is why the details are not being discussed right now.

Mayor Alison Dennington spoke about taking this up in November after the election.

Commissioner Robert Baldwin made a motion to allow Attorney Knight to tell us what the settlement offer was here in the room tonight, and then we can decide where to take it from there; Commissioner Anna Butler seconded;

Commissioner Tim Reed confirmed the motion is to hear the offer, not to make any decisions.

Town Attorney Ryan Knight spoke about the Commission having time to make a decision.

Mayor Alison Dennington verified the Commission can choose to do a shade meeting or not.

Tina Coppock – 505 Avenue B – Spoke about the Mayor needs to stop talking and pass the gavel. She has insider information as she is Funoe, LLC. The other Commissioners still have no idea what the settlement offer is, but the Mayor has the details because she is acting as Funoe, LLC, not as the Mayor. How do we know she will stick to the settlement.

Mayor Alison Dennington spoke about abstaining from the vote due to a conflict, as she is a principal of the LLC, passing the gavel, and filing the form.

Motion carried 4-0, with Mayor Alison Dennington abstaining.

Town Attorney Ryan Knight spoke about the settlement offer to resolve the 3 cases. The Town would have to agree to a confession of error in judgment in the appellate case, which is the shed case, and an admission that the Town breached the settlement agreement. In addition to that, all fees in the 3 cases would be paid by the Town in the amount of \$56,350.47 from August 28, 2024 to present. Additionally, the Town would have to issue an apology to Funoe, LLC This would be a condition upon mutual release. The cases would be dismissed with prejudice, meaning the cases would be prohibited from being brought again, and this would be contingent upon a written settlement agreement. The opposing counsel has agreed to keep this offer open until December 5, 2025.

Commissioner Robert Baldwin asked what the status of the 3 cases is.

Town Attorney Ryan Knight spoke about the appellate case, the Town filed a motion to dismiss in the shed case, and Funoe, LLC filed a motion to reconsider. That has been sitting in the court for 5-6 months.

Commissioner Robert Baldwin asked what the timeline is for the court to rule.

Town Attorney Ryan Knight spoke about Attorney Elizabeth Harris will file a motion to rule or set oral argument, which could take 2-3 months or 6-7 months.

Mayor Alison Dennington spoke about asking Attorney Elizabeth Harris to file a motion to rule exponentially increasing the fees.

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Town Attorney Ryan Knight spoke about the breach of settlement case working both ways. If the Town prevailed, then they would be awarded fees.

Mayor Alison Dennington spoke about there being a lot more fees. The fees are only from the breach forward.

Town Attorney Ryan Knight spoke about the public records request case originally being scheduled for a hearing on December 5, 2025, but it was moved. Had initial disclosures of witnesses and people who might have information. He disagrees with the other side because they listed former and current employees, and about 20 people within the Town. If those requests for depositions were to go forward, he would file a motion with the court to prevent that. The third case is the breach of settlement case, and it is just sitting there.

Mayor Alison Dennington spoke about all of it is public, and you can go online and see the trial dates. Asked the Attorney to explain that there is no good faith exception if you didn't produce a record, even if you produce them later.

Town Attorney Ryan Knight spoke about the statute saying if it was not complied with by the Town, then the opposing party would be entitled to reasonable attorney fees. That is the weakest case. The cases are 3 separate cases.

Mayor Alison Dennington spoke about there is some relation between them.

Commissioner Robert Baldwin spoke about if mediation is not going to go anywhere, then stay the course. If the Town Attorney thinks we are strong on 2 of the 3 cases, stay the course.

Town Attorney Ryan Knight spoke about the Commission might want to have a shade meeting to have the appellate attorney come in and discuss that case. The only caveat is that it's not a usual shade meeting because you are going to have somebody from the other side sitting in.

Mayor Alison Dennington spoke about how the new commissioners will not be able to read the transcript if it is done before they are elected. There is a time in November when she will be gone, so the Commission could schedule the meeting.

Vice Mayor Dawn Barlow asked who would have access to a shade meeting transcript, and when would the new commissioners take office, if a shade meeting happens prior to the new commissioners taking their seats, do they have access once they are in the seats?

Town Attorney Ryan Knight spoke about how the transcripts would be public records at the conclusion of the litigation. Not aware of any situations or cases where that has occurred. He would seek an opinion from the Attorney General.

Commissioner Robert Baldwin asked if each Commissioner could contact Attorney Elizabeth Harris about the appellate case rather than having a shade meeting with a court reporter.

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Town Attorney Ryan Knight spoke about how each Commissioner could contact Attorney Elizabeth Harris. At this point, the Commission can accept the settlement offer, counteroffer, reject the settlement offer, propose mediation, or just sit on this. Could call a special meeting or reach out to Elizabeth Harris.

~~A. Discussion on the regulation of short term rentals – Commissioner Anna Butler~~

Pulled to next month.

B. Discussion on developing an ordinance to address residential propane storage tanks –
Commissioner Tim Reed – 2:18:46

Commissioner Tim Reed introduced the agenda item. Explained that the Commission cannot discuss items outside of a public meeting, so he brought this forward to discuss large residential propane storage tanks. The primary aspect is to create a database of residential addresses for fire safety. Additionally, it would ensure property owners maintain the tanks, and they could institute a maximum size. Add this to the task list for the Fire Chief to provide feedback on this.

Mayor Alison Dennington asked if there are State regulations addressing this. We could not conflict with them.

Town Attorney Ryan Knight spoke about speaking with Dave Micka, who stated we would need to get an exemption from the State Fire Marshal. In his opinion, it would be unlikely that they would grant it. Additionally, it would be very difficult to implement and enforce because it involves private residences.

Mayor Alison Dennington asked to get the State requirements before she considers this.

Vice Mayor Dawn Barlow confirmed there was not a specific situation that brought this to light. Spoke about propane tanks need to go through permitting. Tanks that are leased, the company is responsible for them, and when they are filled, there are safety protocols. Spoke about residents who have gas tanks for recreational vehicles, fuel tanks for generators, and tanks for lawn equipment, so she is trying to figure out the practicality of all this.

Commissioner Anna Butler spoke about appreciating it being brought up, but thinks it is redundant, and there isn't a problem that is trying to be fixed. Received several emails from residents who opposed it and stated where does it end.

Commissioner Robert Baldwin spoke about how he contacted Indialantic Fire to see if the recent fire was impacted by a propane tank, and they said no. They contact the big propane companies to get a list of properties they service. The companies maintain/service the tanks when they fill them.

Mayor Alison Dennington asked about getting the existing codes and statutes. Could we look at limiting the number of tanks on a property? Asked the Town Manager to get the lists from

the propane companies. We could task the Technology Board to do a search of the propane tanks listed in the online permitting. It would be good to have a list of these.

Commissioner Tim Reed spoke about creating the list as a starting point.

Commissioner Tim Reed made a motion that we evaluate the resources we have available for determining the number and addresses for large propane tanks in Town; Commissioner Robert Baldwin seconded;

Mayor Alison Dennington read a Public Comment submitted by ***Linda Swensen – 217 Surf Rd – Opposed to this because propane tanks are not a safety issue, they are routinely inspected and monitored by gas and generator companies, adding a yearly fee when the Town was already paid for the permit, and this is a waste and burden on the fire department personnel.***

Tina Coppock – 505 Avenue B – Spoke about being opposed to this, and where does it stop. The Commission has no business regulating what residents do in their backyards.

Motion carried 5-0.

C. Discussion on Low Impact Development Conference – Town Manager Lisa Frazier – 2:43:07

Town Manager Lisa Frazier spoke about the Marine Resources Council's conference, and most municipalities that are interested in alternative ways to retain stormwater attend. Get with her if anyone is interested in attending.

Mayor Alison Dennington spoke about how she is going to a lot of things but would like Commissioner Tim Reed to attend.

Commissioner Tim Reed spoke about how he is mostly interested in the second day.

Mayor Alison Dennington spoke about reaching out to the Environmental Advisory Board members. Ask if canopy trees can be worked into water retention?

Vice Mayor Dawn Barlow spoke about EAB hosting a Nature Day Event every year.

D. **Approval of the September 3, 2025 second Special Town Commission Meeting minutes – 2:51:43**

Was Consent Agenda Item A.

Mayor Alison Dennington spoke about on page 10 would like formula error in quotes and add the numbers. Page 11 related to the Commission can have an audit done, add the code section that was cited. Page 12 when the Mayor talks about if the Fire Chief leaves, we look for a new one and rebuild the department, add we don't want him to, but if he does. Page 14 it says "any fraudulence" which is not a word, so it should just say fraud. Page 15 strike the citing to the website because it is a political website. That is it for that set of minutes.

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Commissioner Tim Reed spoke about it being more expedient to provide the Town Clerk with a marked-up version.

Commissioner Anna Butler spoke about getting the minutes pretty quickly and then writing an email to the Clerk.

Mayor Alison Dennington spoke about previously taking the time to redline minutes and then they weren't approved. Is she going to go through the trouble of redlining them and then not having them done or bring them up at the meeting. There have been a ton of meetings lately. Table them, and then she can work with the Clerk to redline them.

Town Manager Lisa Frazier spoke about the Mayor providing them marked up, and then the Clerk can do tracked changes on them.

Commissioner Tim Reed made a motion to table the proposed edits to the meeting minutes for items A, C, E, F, G of the Consent Agenda; Commissioner Anna Butler seconded;

Marc Lower – 206 Elm Ave – Spoke about loving tracked changes, but asked about the legality of it.

Motion carried 5-0.

E. Approval of the September 10, 2025 second Special Town Commission Meeting minutes

Was Consent Agenda Item C. Tabled as part of the motion during New Business Item D.

F. Approval of the September 17, 2025 first Special Town Commission Meeting minutes

Was Consent Agenda Item E. Tabled as part of the motion during New Business Item D.

G. Approval of the September 17, 2025 second Special Town Commission Meeting minutes

Was Consent Agenda Item F. Tabled as part of the motion during New Business Item D.

H. Approval of the September 17, 2025 Regular Town Commission Meeting minutes

Was Consent Agenda Item G. Tabled as part of the motion during New Business Item D.

I. Updated fee schedule for 2026 from BSE Consultants – 2:01:12

Town Attorney Ryan Knight spoke about the contract providing that the fee schedule can be updated by the firm once per calendar year. Spoke about this fee schedule is for 2026, and there is about a \$10.00 increase on some items compared to their 2025 fee schedule.

Mayor Alison Dennington asked for copies of the executed contracts and confirmed this is a notification and does not require a vote.

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J. Letter of Fuel/collection, and recycle processing fee adjustment from Waste Pro – 2:05:10

Bring back next month with additional data.

Recess 9:12 pm – 9:19 pm

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

Interim Town Manager Lisa Frazier
Town Attorney Ryan Knight
Town Clerk Amber Brown

12. Finance/Budget Report – 3:11:19

Mayor Alison Dennington spoke about how the SAFER grant is held up because of the Federal government shutdown. Proposed having the Town Manager draft a letter to our Representatives to request guidance from FEMA. The concern is that hiring now would put the grant at risk.

Mayor Alison Dennington passed the gavel.

Mayor Alison Dennington made a motion to authorize that we send a letter as the Town and on behalf of the Town's Fire Department highlighting the governments shutdown effects on our small Fire Department, as well as fire departments probably all over throughout the country because everyone is waiting on grants, the potential of them, everyone is held up and that we respectfully request that our State Legislators and our US Senators and local representatives call on FEMA to issue guidance that says that municipalities can go forward with some of their budget and sort of personnel decisions, and that if they are granted the FEMA grant, which were already supposed to have been awarded by now, but that they will not be penalized, that they'll still be eligible, so that cities can move forward on the budgets that they've passed; Commissioner Robert Baldwin seconded;

Frank LaGrassa – 412 First Ave – Spoke about not having a referendum on paid firefighters. The Fire Department has a conflict with providing information on this topic and recruiting.

Motion carried 5-0.

Commissioner Tim Reed spoke about how the Town is now operating in the Fiscal Year 2026 budget. Page 246, Ocean Park parking, grew from 2024 to 2025, but Ryckman Park parking decreased from 2024 to 2025. Wondered what happened at Ryckman Park, and to be aware of the reliability of the revenue stream.

Town Manager Lisa Frazier spoke about the possibility that the parking stickers are affecting revenue collected at Ryckman Park, whereas Ocean Park revenue would not change.

Mayor Alison Dennington spoke about people parking at Ryckman, particularly on Friday nights, without paying and without stickers. Asked if the Police Department is ticketing on Friday nights. Spoke about having a seasonal parking rate.

Commissioner Anna Butler made a motion to approve the finance report; Vice Mayor Dawn Barlow seconded; Motion carried 4-1, with Mayor Alison Dennington dissenting

13. Town Staff/Board Reports

A. Technology Advisory Board – 3:27:26

Chairman Bruce Larson spoke about the evaluation and recommendation of EMS Software Solution, Inc.

Board Member Marc Lower spoke about how the Deckard Technologies software is very slick. The goal is to get to 99% compliance level. Has a meeting with the Code Officer and Deckard to go through the process. Part of this is to establish the process.

Mayor Alison Dennington asked for suggestions related to prioritizing short-term rentals.

Board Member Marc Lower spoke about the components and capabilities of Deckard Technologies.

Commissioner Tim Reed asked if there is a query that the Board can build to help the staff, and another issue is reporting.

Board Member Marc Lower spoke about how the Board can help, and the dashboard is available all the time. The reports depend on what metrics we want to track.

Vice Mayor Dawn Barlow spoke about prioritizing this, but she voted against the motion because she did not like the wording of it. Appreciates everyone's efforts to push this forward.

Mayor Alison Dennington asked if the software could provide reports that were difficult to get before.

Chairman Bruce Larson spoke about how we use the software, and that it can do reports.

Commissioner Robert Baldwin asked if this has a public-facing portal, and whether is it self-serve.

Commissioner Tim Reed asked about the status of getting a Special Magistrate.

Town Attorney Ryan Knight spoke about how he has not heard back from Weiss Serota to see if they have another attorney who could be our magistrate. The next step is to reach out to the previous magistrate at her new firm.

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Mayor Alison Dennington spoke about wanting to hire someone local to temporarily fill the Special Magistrate position. Spoke about the short-term rental enforcement process and responsibilities. Could the Technology Board come up with a list?

Bruce Larson spoke about how the Board can report on the capability and ease of use of the Deckard Technology software.

B. Building Department – 3:57:52

Town Manager Lisa Frazier spoke about not having a permit tech at the moment, so we asked C.A.P. for one. The C.A.P. Government contract has been completed. The next day, they came and did the scheduled inspections and provided a temporary permit tech.

Mayor Alison Dennington appreciated getting all the details and getting everything done.

Vice Mayor Dawn Barlow confirmed there is not too much of a backlog.

Mayor Alison Dennington spoke about the previous Code Enforcement Officer Fritz Reiser came back for the vacation rental code enforcement position.

Town Manager Lisa Frazier spoke about how the Town has received one application for the permit tech position and one application for the part-time code enforcement.

Commissioner Anna Butler spoke about the attractive nuisances that have gone by the wayside. Spoke about Avenue A, there are 3 properties that are not inhabited and are completely overgrown and out of control.

Vice Mayor Dawn Barlow spoke about adding a follow-up with the person who files a code enforcement complaint.

Mayor Alison Dennington spoke about adding a confirmation number when you submit a code complaint online.

Town Attorney Ryan Knight spoke about the Town is still under contract with a law firm for the Special Magistrate.

C. Public Works Department – 4:06:43

Town Manager Lisa Frazier spoke about a ride along to look at issues, including flooding. The Riverview project is out for bid and closes November 13th. That road has a portion that is collapsing and another area that is sinking. Basin 1 improvements: they are communicating with Atlantic Development to get the schedule for the project. Discussed the Basin 1 project. Working on a vulnerability assessment with Brevard County through the MRC, which is free. A local resident, Kelsey Mack from Applied Ecology, offered to do a community educational outreach meeting on vulnerability assessments and storm surge on November 5th. This is important for better opportunities to receive coastal resiliency infrastructure grants from DEP.

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Commissioner Tim Reed asked for an update on the Riverview seawall project.

Town Manager Lisa Frazier spoke about it not moving much further. They have been working on Basin 1, and then Anchor Key had a collapse in the road.

Commissioner Tim Reed spoke about the report indicating the boards on the pier need attention, and this is the first time this has been brought up. How did this just come up? The budget only has \$1,500 for pier maintenance. Would like more information and costs.

Mayor Alison Dennington spoke about being unhappy with how things come up and are done as an emergency without follow-up to the Commission.

Vice Mayor Dawn Barlow commended the Public Works Department for the attention to keep the roads clear and drains clean, as there has been a lot of stormwater. To her knowledge, there has not been any damage due to the volume of water.

D. Code Enforcement – 4:19:44

Mayor Alison Dennington spoke about following up on the Sands on the Beach case.

E. Fire Department – 4:20:28

Commissioner Anna Butler spoke about how the push-in ceremony was a great event and restored faith in humanity. Thanked Jason Judge for donating the towels, and the Fire Department for all their efforts.

Vice Mayor Dawn Barlow appreciated the Community Event and all the volunteers' efforts.

Commissioner Tim Reed asked if the new engine is ready to be used.

Town Manager Lisa Frazier spoke about the new truck not being ready because there is some transferring of items from the old truck to the new truck.

Commissioner Tim Reed asked about the sale of the old fire truck. Previously thought the Town was selling 2 trucks, but now it looks like only one truck is being sold. That would be a budget surprise. The sale of the vehicles was a key component in the budget.

Mayor Alison Dennington spoke about being in a holding pattern because of the FEMA grant due to the government shutdown.

Town Manager Lisa Frazier spoke about if we hire 6, then we would sell both trucks, but if we only hire 3, then we would only sell one truck and keep the mini pumper.

Commissioner Tim Reed spoke about how that does not align with the way the budget was laid out. Spoke about the sale of the old fire truck, and if the Fire Chief does not have the time, then he should be getting with the Town Manager.

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Mayor Alison Dennington spoke about how the Fire Chief is probably swamped. The kids really enjoyed Fire Prevention Week.

F. Police Department – 4:32:53

No additions.

G. Town Clerk – 4:32:57

Commissioner Tim Reed asked if we have the cost for the election yet.

Town Clerk Amber Brown spoke about how they do not provide the cost, but previously, they said it would only be an additional cost for any extra pages.

H. Town Attorney – 4:35:13

~~1. Discussion on settlement offer from Funoe, LLC for all outstanding cases in litigation.~~

Moved to New Business Item A.

Town Attorney Ryan Knight spoke about how some municipalities have 2 scheduled meetings per month in order to reduce the number of special meetings and shorten meeting length.

Mayor Alison Dennington spoke about how Commissioner Anna Butler previously brought up having a time limit. If there are 2 voting meetings, then we could have a cut-off for the length of meetings and push the remaining items for 2 weeks.

Town Manager Lisa Frazier spoke about how that would cut down on police overtime as well, and shorten meetings, so it would be really helpful.

Mayor Alison Dennington confirmed it could be done by Resolution.

I. Town Manager – 4:41:53

No additions.

14. Commission Reports – 4:42:22

Commissioner Anna Butler spoke about not being a proponent of short-term rentals, although she has been accused of being so. Put this on the agenda because residents are concerned about short-term rentals and disagree with the Town Attorney's legal opinion with respect to the provisions of the Land Development Code. The Commission can decide whether to engage outside legal review in order to end the debate and move forward.

Vice Mayor Dawn Barlow thanked everyone for trusting her to be on the Commission. Thanked the Town Staff for everything they do. Values the diverse perspectives and spirited discussions among the Commission. Proud of the efforts taken and applaud everyone who contributes to the Town. Thanked the volunteers who are the backbone of what makes the Town so special.

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Mayor Alison Dennington spoke about FLC meetings have started, encouraged everyone to use the property tax toolkit, appreciates all of the Commissioners' service, as to the Fire Dept., voted for it to save the department for a year, then educate the public, and then do a referendum. Thanked the Town Clerk and spoke about public records requests that she put in abeyance, and others that she canceled.

15. Task List

Owner Occupied Short-Term Rentals – Next Month

StormReady – Chief Zander will be running point on this – Next Month

Toxic Workshop Survey – Survey closed on September 29th, responses pending review by the Town Manager – Next Month

Building Maintenance Calendar – Commissioner Reed will get with Public Works – Next Month

Large Pump – Incorporate this into the stormwater plan – December

Public Records Requests – not discussed

451 Riverview Lane – not discussed

16. Adjournment

Vice Mayor Dawn Barlow made a motion to adjourn; Commissioner Anna Butler seconded; Motion carried 5-0.

Meeting adjourned at 11:16 PM.



Alison Dennington
Mayor

ATTEST:



Amber Brown, CMC
Town Clerk