Town of Melbourne Beach

SPECIAL TOWN COMMISSION MEETING
February 27, 2026 at 4:30 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:
Mayor Alison Dennington
Vice Mayor Terry Cronin
Commissioner Anna Butler
Commissioner Tim Reed
Commissioner Sherri Quarrie

Staff Members:
Town Manager A. Marie Smith
Town Attorney Ryan Knight
Town Clerk Amber Brown

1. **Call to Order**

   Mayor Alison Dennington called the meeting to order at 4:30 pm.

2. **Roll Call**

   Deputy Town Clerk Cyd Cardwell conducted roll call.

Commission Members Present
Mayor Alison Dennington
Vice Mayor Terry Cronin
Commissioner Anna Butler
Commissioner Tim Reed
Commissioner Sherri Quarrie

Staff Members Present
Town Manager A. Marie Smith
Finance Manager Jennifer Kerr
Deputy Town Clerk Cyd Cardwell

3. **Pledge of Allegiance, Moment of Silence, and Civility Pledge**

   Mayor Alison Dennington led the Pledge of Allegiance, moment of silence, and read the Civility Pledge.

4. **Public Comments**

5. **New Business**
   A. Request for an executive session – Town Attorney Ryan Knight - 4:30

Town Attorney Ryan Knight said he was requesting that the Town Commission convene a private attorney client session to discuss settlement negotiations or strategy related to litigation expenditures with request for pending litigation in the case of FUNOE LLC against the Town of Melbourne Beach, case number 2025-CA-023102. This is the litigation matter related to the public records request. The court has set a trial date of April 8th, 2026. He requested that the Commission convene a shade meeting to be held as a Special Meeting on March 4th, 2026. The only people that can attend this meeting are the members of the Town Commission, the Town Manager, the Town Attorney and a certified court reporter. The purpose of today's meeting is for the Commission to vote as to whether they would want the private shade meeting or if they would want a public meeting.

Commissioner Tim Reed asked the Town Attorney to reiterate the topic of the shade meeting.

Town Attorney Ryan Knight said the topic would be limited to strategy related to litigation expenditures.

Vice Mayor Terry Cronin asked what the advantage of a shade meeting is if the Mayor, who is associated with FUNOE, can be in attendance and could hear any strategies discussed. Said it would be wise of the Mayor to withdraw the case. Does not want to hide anything from the Town by having a private meeting.

Mayor Alison Dennington suggested that Vice Mayor Terry Cronin read the responses from the Town itself which is relevant to his point.

Town Attorney Ryan Knight spoke about how with a public meeting, anything he said would be part of public record, any subsequent follow-up litigation or motions that need to be filed, FUNOE's attorney could use that, so it could be used as evidence to the court. In a shade meeting, it would not be public record.

Mayor Alison Dennington asked for clarification of the strategy and settlement aspects of a shade meeting. Also asked how it is handled if things are discussed at a shade meeting that are not supposed to be discussed.

Town Attorney Ryan Knight said it would be on him to ensure the discussion is limited to the settlement negotiations or strategy related to litigation expenses. Explained that they could talk about the costs of going to trial, not going to trial, his opinion on the case strengths in a court finding against the Town.

Commissioner Sherri Quarrie confirmed that a shade meeting is going to give the Town protection that what the Town Attorney is saying could not be litigated against the Town. Asked if a public meeting would happen after the shade meeting and when that could happen.

Town Attorney Ryan Knight confirmed there would be a public meeting after the shade meeting at some point if votes were needed, because votes are not allowed at a shade meeting. The public meeting could directly follow the shade meeting.

Mayor Alison Dennington asked if the Town Attorney could get back to her about the consequences of discussing things in the shade meeting that are not allowed.

Town Attorney Ryan Knight said it would be a violation of Statute but the Statute does not provide any penalties for this specifically. Gave a possible example of a noncriminal infraction which could be $500. Reiterated that if he is there, they will stay on topic. He said he could send her what the potential range of consequences could be and do that work for free.

Commissioner Tim Reed asked if he was recommending the shade meeting route. Confirmed a court reporter would not be needed if it was a public meeting.

Town Attorney Ryan Knight said he does not necessarily recommend one way or another; believes it is not 100% imperative to have a shade meeting in this instance. Court reporter would probably cost $600-800, could be upwards of $1,000 depending on the length of the meeting.

Town Manager A. Marie Smith asked how quickly the meeting needed to be scheduled and if the 72-hour prior notice needed to be abided by.

Town Attorney Ryan Knight said because of the time constraints, would like to have the meeting as soon as possible. Said he got a witness list of 50 people that he would be sending to the individual Commissioners. Said they could each look at that list and make their own determinations on it.

Vice Mayor Terry Cronin made a motion that instead of having a shade meeting, they have a regular meeting to discuss this; Commissioner Anna Butler seconded;

Mayor Alison Dennington recused herself from the vote as she has a conflict.

Commissioner Tim Reed said he is not necessarily in favor of the shade meeting. Could potentially go more in depth at a shade meeting but transparency is important.

Commissioner Sherri Quarrie said she believes in transparency, so she agrees with the motion.

Motion carried 4-0

The Commission set a meeting time of 6:00 pm directly following the 5:00 pm workshop on March 4th.

6. Adjournment

Commissioner Sherri Quarrie moved to adjourn; Commissioner Anna Butler seconded; Motion carried 5-0

Meeting adjourned at 5:06 pm.

Alison Dennington
Mayor

ATTEST:

Rachel Pembrook (Sep 17, 2020 17:02:54 EDT)

Rachel Pembrook
Transcriptionist

TOWN OF MELBOURNE BEACH, FLORIDA
FOUNDED 1883 • SEAL

FEB 27 '25 PM 5:33

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE
Alison Dennington	Tour Commission
MAILING ADDRESS (NOT Home) 507 Ocean Ave	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Melbourne Beach COUNTY Brevard	NAME OF POLITICAL SUBDIVISION: Town of Melbourne Beach
DATE ON WHICH VOTE OCCURRED 02/27/2025	MY POSITION IS: Mayor ☐ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

✓ PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

✓ WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO influence THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

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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, Alison Dennington, hereby disclose that on 02/27/2026, 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;

✓ (Potentially) inured to the special gain or loss of my business associate, Funde, LLC;

✓ inured to the special gain or loss of my relative, husband Co-manager/member of Funde, LLC;

___ inured to the special gain or loss of _____, 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:

I am a member manager & a 4 member Fla LLC entity. My husband is also a manager & member. There are 2 other members that are Trust entities for which I am trustee. These Trusts have small interests and are only members, NOT mangers. The vote was related to the Town Attorney Rep. to the Commission as to whether to have a Shade mtg related to Pend Mg Pub12 Records case, trial with pending date in this case in 13

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.

The only case at issue in this 6-B 13 Funde is the only Plaintiff Funde v. Town (PRR) 2025-CA-023102

02/27/2026
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.

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