Town of Melbourne Beach

SPECIAL TOWN COMMISSION MEETING
March 4, 2026 at 6:00 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 Clerk Amber Brown

1. **Call to Order**

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

2. **Roll Call**

   Town Clerk Amber Brown 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
Town Attorney Ryan Knight
Public Works Director Tom Davis
Town Clerk Amber Brown

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. Discussion and consideration regarding Funoe, LLC v. Town of Melbourne Beach; Case No. 05-2025-CA-023102 (Public Records case) – Town Attorney Ryan Knight

Mayor Alison Dennington spoke about how if there is a vote, she will be recusing herself because she is a member/manager of Funoe, LLC which is the plaintiff in this case. - 9:00

Vice Mayor Terry Cronin called a point of order Robert's Rules of Order 47-10 states the Chair will relinquish the chair when there is a conflict of interest.

Town Attorney Ryan Knight read part of Robert's Rules of Order 47-10.

Mayor Alison Dennington ruled the point of order not well taken.

Vice Mayor Terry Cronin made a motion for the Vice Mayor to preside over this meeting; Commissioner Anna Butler seconded the motion;

Vice Mayor Terry Cronin spoke about how Robert's Rules of Order 45-4 states that a conflict of interest is direct, personal or pecuniary financial interest not common to the other members. Says the Mayor has that conflict of interest being a manager of Funoe.

Mayor Alison Dennington spoke about how State Law supersedes all. Stated her conflict and will recuse if there is a vote, and that is all that is required.

Commissioner Sherri Quarrie spoke about how at the beginning the Mayor said she would ask for the removal of anyone who speaks over someone, and the Mayor has been speaking over the Vice Mayor the whole time. - 16:55

Town Attorney Ryan Knight spoke about the process for the agenda item. A memo was provided about the litigation. Currently scheduled for a one-day trial on April 8th. Expect an increase in legal fees leading up to the trial. Provided a summary and timeline of the case. In March of last year, the Town received five (5) public records requests from Funoe, LLC. He believes the completed date for these requests would be disputed at trial with Funoe arguing that documents were withheld or there were documents the Town should have had that they did not produce or that the Town redacted. Requests were made between March 6th and March 12th. Nathan Maloon from Funoe contacted the Town about this issue on March 13th, the Town Attorney responded March 19th. March 28th filed a petition of writ of mandamus alleging the Town only produced an Excel spreadsheet from public request PD-2025-2 and failed to provide other requested documents, specifically the key fob spreadsheet. Funoe alleges that the Town did not produce emails of Mayor Dennington requesting key fob access and key fob usage records, employee handbook and prior versions of the employee handbook, standard operating procedures 33 and 34 and a redacted document pertaining to key fobs.

Mayor Alison Dennington spoke about how the Town's public records request portal shows that there were previous public records requests and that is the document the Town admitted had been redacted by someone and that redaction should not have happened.

Town Attorney Ryan Knight spoke about how just prior to the meeting, he received a motion for sanctions against the Town for redactions of a document. The original document was a check-in and out sheet of key fobs, and the original had permanent marker through parts of the document. As soon as the court finds a violation, the Statute says the court shall award attorney fees and cost. Provided a conservative estimate for what the attorney fees would incur. Funoe's fees could range from $50,000-$100,000 if the case continues. Funoe is going to argue that the requests are not complete and that there are outstanding records that should have been produced. If the court finds that the Town did not produce even just one document then they shall rule in favor of the plaintiff no matter how much the Town did follow statute. The only way for the Town to be awarded attorney fees is if the court finds the requests are improper. Otherwise, the Town would not be awarded attorney fees even if the court rules in favor of the Town. Requested the Commission decide if they would like to continue litigating the case, do depositions, and go to court. The second option is to consider a stipulation with the court which means we do not know how the court is going to rule, but the request would be to have a hearing to cut off the attorney fees. Asked for direction from the Commission.

Mayor Alison Dennington asked what the day count is right now. - 34:55

Vice Mayor Terry Cronin called a point of order.

Mayor Alison Dennington called a point of order.

Town Attorney Ryan Knight said the resolution says the Mayor asked for a brief overview explanation of the item then the Mayor asked for a motion to be introduced on the item.

Vice Mayor Terry Cronin made a motion that the Vice Mayor now presides over this meeting; Commissioner Sherri Quarrie seconded;

Mayor Alison Dennington spoke about how she does not believe it is a proper motion.

Town Attorney Ryan Knight spoke about how the proper procedure is that a motion would be made on one of the items to open the item up for discussion with the Commission.

Vice Mayor Terry Cronin made a motion that we moved to fight this in court; Commissioner Anna Butler seconded;

Mayor Alison Dennington stated she will recuse from the vote, so there is no conflict so she will not be passing the gavel.

Town Attorney Ryan Knight spoke about Robert's Rules of Order section 47-10 and read, he should turn the chair over to the Vice President or appropriate temporary occupant during the assembly's consideration of that motion.

Mayor Alison Dennington spoke about disagreeing with it because it is against the Charter.

Mayor Alison Dennington passed the gavel.

Commissioner Tim Reed asked about the second option. The Town would be admitting to some degree of fault, and the court would award reasonable fees. Asked if that closes the case.

Town Attorney Ryan Knight spoke about how Funoe would say the Town has not produced public records they were required to; the court would have to make a determination that the Town did produce all responsive records. Could be a hearing on that. Would cut off the case if an affidavit was produced that said the Town has produced everything they have. The argument would be that at this point moving forward, the Town produced everything, admitted there may have been a violation, any fees incurred moving forward on the plaintiff's behalf are unreasonable because they are unnecessary. Could come to an agreement on attorney's fees with the plaintiff but he does not see that happening.

Commissioner Anna Butler spoke about being disheartened that the Commission is being put in this position. The decision has serious implications to the Town. Asked the Town Attorney if there was unlawful refusal. The memo does not state why there was a delay in providing the records. Considered if it was because the volume of records or number of requests was so large. There was no refusal of providing records.

Town Attorney Ryan Knight spoke about Florida law being very strict on this. It does not matter the volume of documents, volume of requests, or lack of staff. Said that improper purpose would require the court to find that the requests were made to cause that. The court has determined a delay in providing records as a refusal.

Commissioner Sherri Quarrie asked if the Town Attorney would be the sole attorney for the trial. - 46:10

Town Attorney Ryan Knight said no, if it goes to trial there will be a second chair who is a partner of the firm and that will increase the attorney fees.

Commissioner Sherri Quarrie spoke about this not being a good position to be in because this is going to be the resident's tax dollars.

Vice Mayor Terry Cronin asked what the proper purpose is here. The disagreements the Mayor had with the previous Town Manager, disagreements with the previous Police Chief. There are new staff and a new Commission, so what is the purpose of this?

Mayor Alison Dennington asked if there was a stipulation. Referenced problems in the memo, including the redacted document. Asked about what the number of days would be at now since the public records request if that document was able to be produced.

Town Attorney Ryan Knight said it would be around a year.

Vice Mayor Terry Cronin spoke about having a hard time understanding the difference between two different statutes. One is for Sunshine Law, and one is for records requests. Asked if an LLC is charged with paying the legal fees, what if they cannot cover them.

Town Attorney Ryan Knight spoke about how the Town's legal fees could be paid for by Funoe if there is an improper purpose but there is no good faith exception. Said it would be a different round of litigation for the issue of not being able to pay.

Mayor Alison Dennington called a point of order, said the Vice Mayor was trying to be uncivil and make unsubstantiated allegations.

Vice Mayor Terry Cronin overruled the point of order.

Vice Mayor Terry Cronin spoke about malfeasance and misfeasance, sometimes the Governor can come in and remove an elected official if they are hurting the Town. Funoe, LLC had issues with the old Town Manager and old Police Chief. This is just harming the Town. Perhaps we should address the Governor because this is not what the Town needs.

Kari Ross – 206 Flamingo *– Spoke about previously addressing the Commission about outstanding public records requests she has made. Asked for public records for social media and emails and the Mayor refuses to give them. It is very interesting that we are here talking about costs are $100,000 in Funoe public records case, but the Mayor is refusing to provide public records. The only recourse is for her to sue the Town. There is a problem here, we elected the problem, and hopes it is over in November. - 58:20*

Vice Mayor Terry Cronin gave a warning to be careful not to attack, is not certain he saw an attack.

Mayor Dennington called a point of order for the Vice Mayor asking the Town Attorney a question during public comment.

Vice Mayor Terry Cronin overruled the point of order.

Vice Mayor Terry Cronin asked Town Attorney Ryan Knight if a Town gets a reputation for settling cases, do more people become overly litigious.

Town Attorney Ryan Knight said in his opinion, no. Everyone is already overly litigious.

Barbara Gunthrie - 1903 Atlantic St *– Attended several meetings prior to the Mayor being elected and she attacked the Commission. What was the purpose, and why were those records so important? Previously being an attorney, the Mayor knows public records law is a soft spot.*

Bruce Pickett – 1501 Oak *– Asked if there is a standard for the completion of a record request. Is that based on the volume of records? When the request comes in, if there is a queue of fifty how does that happen?*

Town Attorney Ryan Knight spoke about how there is no standard. The court is not going to look at how many requests are waiting, or how many records there are. Public records law is a strict liability statute.

Mayor Alison Dennington spoke about there is not a standard, but there is a pending bill in legislation which has a strict deadline. Would have to respond in 3 days and provide the records in 10 days. Gave an example of a Town that had smaller staff and provided records quickly. A lot of fraud and waste is uncovered by public records requests.

Vice Mayor Terry Cronin spoke about how Funoe, LLC could take this as a win and withdraw the case because the Town is doing a lot to make sure the records have been digitized and getting records is easier.

Town Manager A. Marie Smith said they are in the process of scanning records and getting them on the website.

Town Clerk Amber Brown confirmed that it is the same records that they have been working on for years.

Robert Baldwin - 446 Riverview Ln *– Spoke about in his opinion, this case is the weakest for the Town. Consider the second option because this is going to be a very hard argument. It does not matter if the requests were fulfilled in good faith, it is just a calendar event. It is worth exploring that before going to trial which is very costly. Asked what the probability of success is if we go to trial.*

Jan Pence – 200 Riverside Dr *– Read Florida Statute 119.12 proper purpose penalty. There is a member of the Commission who has harassed, abused, and torn down Town staff. True leadership is about building something, not tearing things down.*

Susan Stark – 307 Fifth Ave *– Spoke about how there is a letter of the law and spirit of the law. Since there is a lawsuit, the Town has to follow the letter of the law not the spirit of the law. Consider the second recommendation from the Town Attorney. Remember it is not us versus them, it is all of us. There should be a way forward to put an end to this to instead put the money to better the Town instead of legal fees. - 1:16:35*

Dawn Barlow – 1710 Pine St *– Spoke about how the last few years have been tumultuous; however, there have been improvements. The plaintiff still has an opportunity to retract this. When you hear the Town Attorney's recommendations, the Town is in a lose-lose situation. We have stormwater, budget, and long-term planning that needs to be taken into account. We need to remember there is an opportunity to do what's in the best interest of the Town.*

Bryan Troy – 509 Hibiscus *– Spoke about it being hypocritical when the Town is fighting a lawsuit against the Mayor's lawsuit for public records, she is refusing to provide public records which might end in more lawsuits. In November, we need to elect a leader not a litigator.*

Commissioner Sherri Quarrie spoke about how the litigation can be removed, and would think that for the Town, the litigant would want to do the same thing for the community. The community is in dire need of stormwater management funds. Instead of putting the funds toward litigation, it can go towards stormwater. The staff was able to achieve the request in 48 days. Believes the resident's tax dollars should go towards the good of the residents.

Commissioner Anna Butler spoke about how changes have been made and good things have happened. Wished Funoe, LLC would have approached the Town to ask why it is taking so long, instead they immediately went to litigation. We are here for the Town, how can anyone be part of something against the Town? Her understanding with fee triggering for this case is that there would have to be constructive refusal, bad faith stalling, intentional non-compliance, complete failure to acknowledge, and mere tardiness is not automatically an unlawful refusal. Just because you can do something does not mean you should. Says she is here to fight for the Town. There are two other lawsuits coming down the pipe and is afraid this would set a precedent.

Mayor Alison Dennington spoke about how it seemed like Commissioner Anna Butler asked the Town Attorney a question. Curious where she got her legal bullet points.

Commissioner Anna Butler said she did research.

Commissioner Tim Reed spoke about how his approach is always to be completely objective and ask how this helps the Town. The net outcome does not seem to be any benefit to the Town. This is a disappointing situation to be in.

Vice Mayor Terry Cronin spoke about if Funoe, LLC were to remove this, it would be a wonderful statement.

Town Clerk Amber Brown read the motion on the floor which said Vice Mayor Terry Cronin made a motion that we move to fight this in court; Commissioner Anna Butler seconded.

Motion carried 3-1 with Commissioner Tim Reed dissenting and Mayor Alison Dennington abstaining.

Vice Mayor Terry Cronin requested someone make a motion to contact the Governor that the Mayor is harming the Town and they would like the Governor to do something about it.

Commissioner Anna Butler made a motion to contact the Governor's office and have a conversation about his looking into the egregious behavior from the Mayor and doing harm to our Town; Commissioner Sherri Quarrie seconded;

Commissioner Tim Reed asked that the motion be specific on who is being tasked with this.

Commissioner Anna Butler amended the motion to Commissioner Anna Butler is to contact the Governor's office regarding statute 112-51 in regards to the Mayor of the Town of Melbourne Beach; Commissioner Sherri Quarrie seconded;

Jan Pence – 200 Riverside Dr *– Thanked the Commission for this, and would volunteer to get signatures and go to Tallahassee to get the Mayor removed. - 1:36:35*

Vice Mayor Terry Cronin said there is no need for signatures.

Commissioner Tim Reed asked for the Town Attorney to weigh in on the motion.

Town Attorney Ryan Knight spoke about how any Commissioner can make the request to the Governor. Typically, in these situations the first step would be to have an authorization for an investigation from outside counsel and then the Commission would vote to forward the report to the Governor along with a request for removal or finding of malfeasance/misfeasance.

Vice Mayor Terry Cronin asked for clarification about whether the Commission could directly send a message to the Governor or whether this would require other lawyers to get involved.

Town Attorney Ryan Knight spoke about how individually a Commissioner could reach out to the Governor but if this vote happens, someone will write a letter but cannot communicate with anyone else on the Commission regarding what is in that letter. That would call for an investigation which would require an outside attorney.

Vice Mayor Terry Cronin spoke about having a letter drafted and then voting on it at the next meeting.

Mayor Alison Dennington asked if that would make the Town accountable if anything in the letter was incorrect.

Vice Mayor Terry Cronin said he would have the letter just reference the case.

Commissioner Anna Butler amended the motion that a letter be drafted to the Governor to enforce Statute 112-51 and be in reference to the Mayor being a manager of Funoe which is the plaintiff of the suit, then have the letter at the next meeting;

Town Attorney Ryan Knight said he would not draft the letter and would not appoint a resident to do so.

Commissioner Tim Reed confirmed that a Commissioner could bring the letter to the next meeting as an agenda item.

Commissioner Anna Butler withdrew her motion.

6. Adjournment

Commissioner Tim Reed moved to adjourn; Commissioner Anna Butler seconded; Motion carried 5-0.

Meeting adjourned at 7:43 pm.

Alison Dennington
Mayor

ATTEST:

Rachel Pembrook (Sep 17, 2025 17:04 47 EDT)

Rachel Pembrook
Transcriptionist

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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
Pennington, Albin	Town Commission
MAILING ADDRESS (Not necessary)	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
507 Ocean Ave	☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Melbourne Beach, FL COUNTY: Brevard	NAME OF POLITICAL SUBDIVISION: Town of Melbourne Beach
DATE ON WHICH VOTE OCCURRED: 03/04/2026	MY POSITION IS: ☐ 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).

* * * * * * * * * * * * * * * * *

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.

* * * * * * * * * * * * * * * * *

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)

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 March 4 (Wednesday) 6pm Special meeting, 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;

✓ inured to the special gain or loss of my business associate, Funoe, LLC;

✓ inured to the special gain or loss of my relative, Nephew Dennington (Funoe, 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:

Funoe, LLC v Town of Melbourne Beach has a Public Records Laws 2025-CA-23102 - This Case (Agenda) was a ~~Special~~ 3/4/2026 - a trial is scheduled 4/8/2026 The Agenda for a special meeting called, held The Atty requested direction. The Commissioners voted to continue Litigation - I passed the gavel before and disclosed the Conflict/Potential Conflict and abstained from vote

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.

6pm Special Meeting

3/4/2025

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.