



# **TOWN OF MELBOURNE BEACH**

## **SPECIAL TOWN COMMISSION MEETING**

**July 20, 2026**

**6:00 PM**

**AGENDA PACKET**

**Town of Melbourne Beach**  
**SPECIAL TOWN COMMISSION MEETING**  
**Monday, July 20, 2026 at 6:00 p.m.**  
**COMMUNITY CENTER – 509 OCEAN AVENUE**

**PUBLIC NOTICE**  
**AGENDA**

**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  
Interim Town Clerk Cyd Jones

**1. Call to Order**

**2. Roll Call**

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

The Commission and Staff of The Town of Melbourne Beach pledge to conduct all public discourse in a civil manner. The Mayor and all members of the Commission will treat one another with courtesy and respect, and ask the public to do the same toward the Commission, each other, and toward staff. We will be respectful of one another even when we disagree. We will direct all comments toward the issues. We will avoid personal attacks.

**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**

- A. Approval for Elizabeth Siano Harris to represent the Town of Melbourne Beach as counsel for case against Funoe, LLC. in Filing #252571329 – Town Manager A. Marie Smith

**6. Adjournment**

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so. In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

# **Town Commission Meeting**

**Section: New Business**

**Meeting Date: July 20, 2026**

**From: Town Manager**

**RE: Approval for Elizabeth Siano Harris to represent the Town of Melbourne Beach as counsel for case against Funoe, LLC. in Filing #252571329**

## **Background Information:**

We received notice on June 15, 2026, that Funoe, LLC's appeal regarding the ruling on a case involving a shed on the property was denied. Elizabeth Siano Harris was the town's counsel on that case and provided excellent service.

On the evening of July 15, 2026, Funoe, LLC filed an appeal of the Circuit Court's decision in the form of a Petition for Writ of *Certiorari* in the Fifth District Court of Appeal. Since this case has a new case number, it is considered a new case by Ms. Harris and requires a separate contract. She estimates the work for this case will cost between \$18,000 - 28,000 and will be ongoing for another year to year and a half. Her hourly rate is \$375.

## **Recommendation:**

Recommend the Commission approves funding for Elizabeth Siano Harris to represent the Town of Melbourne Beach in the District Court Case against Funoe, LLC, to be taken from reserves.



District Court of Appeal  
Fifth District  
300 South Beach Street  
Daytona Beach, Florida 32114  
(386) 947-1500

### **ACKNOWLEDGMENT OF NEW CASE**

DATE: July 16, 2026

STYLE: Funoe, LLC v. Town of Melbourne Beach

5DCA#: 5D2026-2060

The Fifth District Court of Appeal has received a Petition for Writ of Certiorari reflecting a filing date of July 15, 2026.

The county of origin is Brevard County.

The lower tribunal case numbers provided are 05-2022-AP-025737 and 2020-CE-198.

The filing fee of \$300.00 is Due

Case Type: Original Proceedings - Administrative - Certiorari Original Proceeding

\*Filing fees may be paid via the Statewide Portal ([myflcourtaccess.com](http://myflcourtaccess.com)). On the "Pleading on Existing Case" screen, enter your appellate court case number and click "Search." When the case populates, click "Next." On the next screen, choose "Add." On the next screen (the "Add/Edit Document" screen), search for "pay fee," then choose the appropriate fee box. Upload a copy of the Order to Pay issued by this Court, click "save" and then "next." You do not need to serve the other party with this filing; click "next." On the next screen, choose the appropriate payment option and enter the required credit card or banking information. If the payment information is correct, you may choose "Confirm and Submit All Now."

The Fifth District Court of Appeal's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

Pursuant to Administrative Order 5D26-01, all appellants and petitioners must file a Docketing Statement to the best of their ability, serve (send) a copy on the opposing parties/attorneys, and return a copy to the court. Paper filers may complete the paper Docketing Statement provided by the court. For electronic filers, a fillable Docketing Statement will be available on this court's website. Attorneys are required to file the Docketing Statement within 20 days of the filing of the notice of appeal or petition. Opposing parties must file a Docketing Statement only if they seek to make amendments, corrections, or additions to Appellant's Docketing Statement.

Pursuant to Administrative Order 5D18-02 (Amended), attorneys are required to: (1) provide their client(s) with a copy of every motion for extension of time or notice of agreed extension of time the attorney files and (2) include a statement in the certificate of service on that motion or notice certifying that a copy of the motion or notice was provided to the client and the manner in which the copy was provided (i.e. by U.S. Mail, e-mail, or hand delivery). The State of Florida and governmental agencies are excluded from the requirements of this Administrative Order.

Any party who may properly proceed in this Court pro se, i.e., unrepresented by counsel, may find useful "The Pro Se [Self-Represented] Appellate Handbook," which is provided by the Appellate Practice Section of The Florida Bar (available at [www.flabarappellate.org](http://www.flabarappellate.org)).

Please review and comply with any handouts enclosed with this acknowledgment.

cc:

Elizabeth Siano Harris  
Claudia Pastorius  
Hon. Kathryn Michele Speicher

## FIFTH DISTRICT COURT OF APPEAL NOTICE TO ATTORNEYS AND PARTIES

The Supreme Court of Florida adopted the Florida Rules of Appellate Procedure for guidance of Courts, attorneys, and parties. Compliance with those Rules is essential to the effective, expeditious, and just disposition of cases on appeal. Counsel and pro se parties are responsible for adhering to the most recent amendments to those Rules and to any Administrative Orders issued by this Court. The Rules are available for review at any District Court or county law library, or on the Court's website ([www.5DCA.org](http://www.5DCA.org)). The Court's Administrative Orders are available for review on the Court's website. A copy of the Rules may also be obtained at nominal cost from The Florida Bar, Tallahassee, FL 32399.

Contact with the judges or their staff is prohibited. Questions regarding the status of a case must be directed to the Clerk's Office. Clients, however, should direct such questions to their court appointed or retained counsel of record. To assist the Fifth District in the orderly consideration and disposition of matters under appellate review, compliance with the following is required:

1. All documents filed with the Court must be submitted electronically via the Statewide Portal, [www.myflcouraccess.com](http://www.myflcouraccess.com), unless the party is pro se or counsel has obtained a hardship waiver. See Admin. Order 5D19-01 and Admin. Order SC18-74. If filed on paper, the document must be submitted on 8 ½ by 11 inch paper and bear an original signature. Fla.R.App.P. 9.210(a)(1). The Court **does not** accept facsimile filings.
2. Pursuant to Administrative Order 5D2026-01, all appellants and petitioners must file and serve a Docketing Statement. Paper filers may complete the paper Docketing Statement provided by the court. For electronic filers, a fillable Docketing Statement will be available on this Court's website. Attorneys are required to file the Docketing Statement within 20 days of the filing of the notice of appeal or petition. Failure to do so will result in the issuance of an order to show cause.
3. All documents filed with the Court must be served on opposing counsel or on the pro se party and bear a certificate of service. Fla.R.App.P. 9.420(d).
4. Except for the filing of a notice of appeal or an extraordinary writ, the Fifth District does not acknowledge receipt of any document made in paper. Electronic filings are acknowledged by email. If confirmation is desired, a postage paid self-addressed envelope must be provided.
5. All requests for an enlargement of time must be made directly to the Fifth District. The trial judges do not have jurisdiction to grant such requests, except under Fla.R.Crim.P. 3.800 (b). Fla.R.App.P. 9.600(a).
6. Should an appellant wish to voluntarily dismiss the appeal before a decision on the merits is issued in the case, the appellant must file a Notice of Voluntary Dismissal directly with the Fifth District. Fla.R.App.P. 9.350. All Notices of Voluntary Dismissal must reflect service on the appellant or petitioner.
7. Notice of cross-appeal must be filed with the lower court. Notices of joinder and motions to intervene should be filed with the Fifth District. A fee of \$295 must be paid when a notice of cross-appeal, notice of joinder, or motion to intervene is filed. F.S. 35.22(2)(b) (2018).

8. In all civil cases, a conformed copy of the judgment or order to be reviewed must be attached to the notice of appeal or original petition, along with any timely motions that postponed rendition of the judgment or order appealed and the orders thereon. Fla.R.App.P. 9.110(d), 9.130(c), and 9.160(c).
9. When providing directions to the clerk of the lower court/tribunal to include exhibits in the record, **do not** designate any tangible evidence such as drugs, firearms, explosives, and heavy or bulky items without prior permission of the Fifth District. This does not apply to normal-size photographs, maps, graphs, or the like.
10. Appellant has the responsibility to ensure that the court reporter and the clerk of the lower court prepare and transmit the record in accordance with the appellate rules. Fla.R.App.P. 9.200(e).
11. Do not utilize brief covers. Do not staple or otherwise bind briefs or appendices submitted in paper format, as the Court scans all documents filed on paper. Fla.R.App.P. 9.210(a)(3) & 9.220.
12. A notice of supplemental authority may be filed before a decision has been rendered to call attention to decisions, rules, statutes or other authorities that have been discovered after service of the party's last brief. Submission must comply with the requirements of Florida Rule of Appellate Procedure 9.225.
13. All briefs must adhere to the format and content requirements set forth in Florida Rule of Appellate Procedure 9.210. Briefs submitted in paper must adhere to the prescribed font requirements and contain a certificate of compliance therewith immediately following the certificate of service. Fla.R.App.P. 9.045 and 9.210(a)(2).
14. Foreign attorneys must file a request to appear that adheres to the requirements as set forth in Florida Rule of Judicial Administration 2.510 and pay a \$100 fee to the Court and a \$250.00 fee to The Florida Bar. Fla.R.Jud.Admin. 2.510(b)(7); Fla.R.App.P. 9.440(a); F.S. 35.22 (2018).
15. When taking an appeal, a current order of insolvency signed by the trial court (or head of the administrative agency) is required for waiver of the statutory filing fee. Fla.R.App.P. 9.430. A certificate of indigency issued by the clerk of the lower tribunal will suffice.
16. When seeking to invoke the original jurisdiction of the Court, an affidavit of indigency that complies with Section 57.081 or Section 57.085, Florida Statutes, is required for waiver of the statutory filing fee. An Affidavit of Indigency Form is available on the Court's website.
17. A petition invoking the original jurisdiction of the Court must adhere to the format and content requirements set forth in Florida Rule of Appellate Procedure 9.100(g). Petitions submitted in paper must adhere to the prescribed font requirements and contain a certificate of compliance immediately following the certificate of service. Fla.R.App.P. 9.100(f).
18. Submit only the original of any petition invoking the original jurisdiction of the Court.
19. Florida Rule of Appellate Procedure 9.141 governs appellate review of lower court orders denying post-conviction relief made pursuant to Florida Rule of Criminal Procedure 3.800(a), 3.801, 3.802, 3.850, and 3.853, and original proceedings seeking belated appellate review or alleging ineffective appellate counsel.

**20. Documents filed by pro se inmates confined in an institution, to be deemed timely, must include a prison mail room date stamp or a certificate of service certifying the date the document was delivered to prison authorities. Fla.R.App.P. 9.420(a)(2).**

21. Oral arguments held at the Daytona Beach Courthouse may be viewed on the Fifth District website at [www.5DCA.org](http://www.5DCA.org).

(Rev. 5/26)