

**TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
MONDAY JUNE 6, 2016
7:30 PM
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. **CALL TO ORDER, PRAYER AND PLEDGE**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:**
- D. **APPROVAL OF THE MINUTES:**
 - 1. **Regular Council Meeting of 5/16/16**
 - Exhibit:** Agenda Report No. 1
 - Recommendation:** Request Approval
- E. **SHERIFF REPORT:**
- F. **ATTORNEY REPORT:**
- G. **STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF:
BOARD REPORTS: P&Z, PARK & RECREATION, T&G COMMITTEE**
- H. **PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker.**
- I. **PUBLIC HEARINGS/SPECIAL ORDERS:**
- J. **UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)**
- K. **ACTION ITEMS:**
 - ORDINANCES FOR FIRST READING: 0;**
 - RESOLUTIONS:**
 - 2. **Resolution Repealing Prior Resos re: Council Procedures (Reso 05-2016)**

A RESOLUTION TO REPEAL PRIOR RESOLUTIONS PERTAINING TO COUNCIL PROCEDURES AND ADMINISTRATION TO INCLUDE BUT NOT BE LIMITED TO RESOLUTION 07-2014, RESOLUTION 30-2013, RESOLUTION 11-2012, RESOLUTION 104-2011, RESOLUTION 01-2009, RESOLUTION13-2008, RESOLUTION 04-2007, RESOLUTION 5-97, AND OTHERS THAT MAY MEET THIS CRITERIA PRIOR TO RESOLUTION 04-2016.

 - Exhibit:** Agenda Report No. 2
 - Recommendation:** Request Action
 - 3. **Resolution Expressing Malabar's Position re: SR514 Widening (Reso 06-2016)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST FROM THE FLORIDA TRANSPORTATION PLANNING ORGANIZATION TO RECOMMEND A CONCEPT FOR THE WIDENING ON SR 514, MALABAR ROAD FROM THE WESTERN BOUNDARIES OF THE TOWN TO U. S. 1 (STATE ROAD 5) IN THE TOWN OF MALABAR; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

 - Exhibit:** Agenda Report No. 3
 - Recommendation:** Request Action

MISCELLANEOUS:

4. **Malabar's Position on All Aboard Florida High Speed Passenger Rail**
Exhibit: Agenda Report No. 4
Recommendation: Request Action
5. **Direction on Cell Tower Land Lease**
Exhibit: Agenda Report No. 5
Recommendation: Request Action
6. **Referendum Question re: Single District Voting**
Exhibit: Agenda Report No. 6
Recommendation: Request Action

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

L. DISCUSSION/POSSIBLE ACTION:

7. **Discuss Policy re: "Purchasing" & "Piggy-backing"**
Exhibit: Agenda Report No. 7
Recommendation: Discussion

M. PUBLIC COMMENTS: General Items (Speaker Card Required)

N. REPORTS – MAYOR AND COUNCIL MEMBERS

O. ANNOUNCEMENTS:

(2) Vacancies on the Board of Adjustment; (3) Vacancies on the Park and Recreation Board;
(1) Vacancy on the Planning & Zoning Board

P. ADJOURNMENT:

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: June 6, 2016

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 5/16/2016

ATTACHMENTS:

Draft Minutes of the following meeting:

- Regular Town Council Meeting – 5/16/2016

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING
May 16, 2016 7:30 PM

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER:

The meeting was called to order at 7:35 pm by Council Chair Mayor Phil Crews. CM Krieger led the prayer and pledge.

B. ROLL CALL:

COUNCIL CHAIR:	Mayor PHIL CREWS
VICE-CHAIR:	BRIAN VAIL
COUNCIL MEMBERS:	GRANT BALL
	DON KRIEGER
	DICK KORN
	RICHARD KOHLER
TOWN ADMINISTRATOR:	DOUGLAS HOYT
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the Record, the Fire Chief Christopher Robinson was also present.

C. APPROVE AGENDA - ADDITIONS/DELETIONS/CHANGES – CM Krieger asked about two items from prior unfinished business – piggybacking and purchasing. They will be brought before council when TA drafts his recommendations. No objections.

D. APPROVE MINUTES – 4/18/16

1. Regular Council Mtg of 5/2/16

Exhibit: Agenda Report No. 1
Recommendation: Request Approval

MOTION: CM Korn / CM Ball to approve RTCM 5/2/16

Discussion: CM Krieger had questions about how certain comments were made – need clarification as he did not understand from listening to verbatim. He referenced page 4/31 at bottom, then 3rd para down, then 5/31 the last 2 sentences don't make sense. Clerk will clarify. **VOTE: All Ayes.**

Chair said minutes should be short. CM Krieger said minutes should follow tape which they seem to do now. Chair suggests minutes should be about two pages; the audio will remain online indefinitely. CM Ball and CM Vail agree. Chair said without objections they would try it for the next two meetings.

E. SHERIFF'S REPORT: no one present – CM Korn asked why BCSO is not here? They should have someone here one meeting a month. TA will give them a reminder for a monthly report in front of council. CM Vail wants a verbal report from the Fire Chief also. Chief said he would summarize the prior month and outline plans for the upcoming month at the second mtg of the month. Chair asked for consensus. Yes.

F. ATTORNEY REPORT: Atty said re: All Aboard Florida (AAF) a CM in Grant-Valkaria is following closely and she send him info and he forwards to his other cities. Latest is the US Army Corp of Engineers is requiring more information from AAF on their permit. May slow them down a little but probably not much. Has been keeping Clerk and TA abreast and he passes it on. CM Vail asked what position the SCLC and FLC have on this topic.

Franklin – check FLC resolutions submitted for consideration at annual conference. I think we submitted the high speed rail reso and they said no, it must affect the majority of the state.

CM Korn said FLC is ignoring it and the Mayors of Palm Bay and Cocoa are both aggressively speaking out in favor of this. Next agenda – FLC and SCLC position on AAF. What is Malabar position on AAF? Franklin said the Council did a reso on high speed rail.

G. STAFF REPORTS: ADMINISTRATOR:

TA briefed Council on multiple subjects:

- 1) Slope mower is back in operation as of tomorrow.
- 2) 4 bids on septic system for ADA restrooms; two thrown out as not compliant, remaining two are being reviewed and ultimate bid will be let out tomorrow. Contract price will be 11K. Part of that will be "in-kind"
- 3) Cell Tower lease - He referenced the packet in the council package.

Recommends a one-time buyout with those funds put into reserves. He asks Council to read package and contact him. CM Ball, he has two friends that are in this business. Both of them agree that celestial is the way they are going. The plan is to use small lower satellites. There will still need tower for microwave. Will not need as many. The celestial is more prone to atmospheric conditions. Ball is concern – if they get this money, it may be spent rather than saved. Put on next agenda for discussion.

CLERK: This year's SpringFest, for the first time, we did not spend the entire budgeted amount; we came in less than budgeted amount of \$6,350.00 by 1,050.00. In addition, with the increased participation by Council we brought in \$885.00 more revenue than we paid out in expenses. Also, am working on newsletter articles so if you have any ideas or want to contribute, please let me know. Lance from Aitkens Engineering has asked why Council recommendation on SR514 widening is not on tonight's agenda. I explained Council wanted to get input from constituents and he seemed surprised.

H. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker.**

I. PUBLIC HEARINGS/SPECIAL ORDERS: 0

J. UNFINISHED BUSINESS/GENERAL ORDERS: 0

K. ACTION ITEMS: ORDINANCES FOR FIRST READING: 0; RESOLUTIONS: 0; MISC: 0

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME – after next item – consensus. Karl left at 8:05 pm.

L. DISCUSSION/POSSIBLE ACTION:

2. Results of Resident/Citizen contacts re: SR514 widening Proposals

CM Vail, his calls – 4 lane it or do nothing.

CM Korn – dominant feeling was do nothing unless they can do something with the turn lane issue at Corey and Weber. Property owners have questioned how this is going to involve them.

CM Krieger, this is not a yes or no question. It is separate proposals for different sections. He explained the EELs property and the Frisbee park. He discussed the two intersections. Weber and Corey they also thought. In May 2015 they come with the different versions. They are talking about bike tracks at the TPO. They are doing this in Titusville. He referred to discussions he had with multiple residents. He said for Corey & Weber do the intersection improvements; expedite those improvements. Re: multi-modal system; only if it is on north side of Malabar. He said the EELs also wanted the boulevard to be removed. There are bad errors on these plans. There is only 1 bottleneck – the railroad. TPO and FDOT need to look at the Malabar curve. It (EELs land on north side) would just be used for ROW; not looking to destroy. Do not take it from the south side. Why can't they dig pond in the EELs. They wanted to put pond where new church is being built and in the triangle. He showed information he put out to the "Leafs" (social media) in Next Door. He has been pushing a little more. He said there is also a petition to reduce speed to 45. If you get Corey and Weber improvements the reduced speed will cure itself.

Mr. Kohler asked his neighborhood. If it is not broke then do not fix it. CM Krieger wants to contact Drew Thompson.

CM Ball, did not do the phone calls, it is not his way. Consensus is for the most part, why change what is not a problem. We are Rural Residential – why are we making it easier to get through our Town. Why don't they 4 lane it to Glatter and then make eastbound on Township and west bound from railroad to curve.

CM Vail kept his contact short – use 2-lane westbound, 2-lane east bound, and that would create a downtown area. That is one of the ideas. Sidewalks on north only. On the eastbound side, sidewalks would come with the development.

TA said in looking at the information FDOT on their website, their traffic counts are off. He also spoke to Rick Hood in GV and will meet with them on Weds. Their proposals are based on flawed data. At a minimum, turn lanes at Corey and Weber. Traffic accidents are nationally going down except for Malabar Road.

3. Teen Council – Purpose and Direction

CM Ball would like to see everyone take this home and the teen council to also have. What the teen council does and what the pamphlet says are vastly different. They are there to help us. The youth of today as they see, that we are not seeing that will be problems for them in the future. Have everyone take this home. Then do a resolution to formally create the teen council. Chair said Titusville and Palm Bay they have formal boards. Sees it more as a sponsorship that mirrors what they do up here. One elected official and most are home schooled. Should invite public school students. Krieger asked who the teen council constituents are. Good question for workshop.

CM Korn said Tom (Eschenberg) started Eagle Patrol and he did not want them to be like BCSO COPS. He started it rather informally. And he started Teen Council. Mayor Crews stepped in at his passing. Then Mayor Beatty took over and Dick Korn stepped in at conference. Do not over structure it and discourage them. The whole experience at convention and at SpringFest was positive. Should not limit it to Malabar teens residents. We need to very strongly support this concept. CM Ball said that is there needs to be a commitment by them.

CM Vail said it is definitely information teen council needs to review. Is workshop the better way? He thinks not. He thinks they should allow teen council to form something and then present to council.

CM Korn said do not underestimate the teens. Let them do the research and let them come up with a proposal. Then staff and legal can review it. Let them work on it and then bring it to council at regular meeting or have a special workshop.

Gideon Waldorf 2470 Hunter Lane, the reason they are asking for funding is for activities and to expand the program.

4. Population and Redistricting

CM Vail thinks voting should be from district. CM Krieger wants referenda question on the next agenda. Franklin will provide info on refenda deadlines to get on the next meeting.

M. PUBLIC COMMENTS: General Items (Speaker Card Required)

N. REPORTS – MAYOR AND COUNCIL MEMBERS

Chair asked for items for next meeting:

Franklin: none

TA Hoyt: cell tower lease

CM Ball – nothing

CM Vail – newsletter, FDOT info, who owns old house in triangle. Is looking for history. Make something unique for the town.

CM Korn - nothing

CM Krieger – resolution purchasing plan – roads, referring to the drop from edge of road that need filling. TA will be soliciting bids for hot asphalt. In addition, the culvert at corner of Hall and Weber, west side – it is collapsing - metal culvert, has he looked at it? There is no riprap. North of Hall west of Weber. Also the oak trees.

Mayor – he will be attending Park Board on Weds. The ROW along the river; the other triangle. Hans Kemmler wants Council to authorize paying for a survey. He nailed down FDOT and they will not lease or pass down but you can get a permit. He has a meeting set for next Wednesday in Cocoa.

O. ANNOUNCEMENTS:

- (2) Vacancies on the Board of Adjustment;
- (3) Vacancies on the Park and Recreation Board;
- (1) Vacancy on the Planning & Zoning Board

P. ADJOURNMENT:

There being no further business to discuss, Chair stated without objection the meeting is adjourned. The meeting adjourned at 8:50 PM.

BY: _____
Mayor Phil Crews, Council Chair

(seal)

ATTEST:

Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Date Approved: _____/2016

DRAFT

**TOWN OF MALABAR
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2
Meeting Date: May 6, 2016**

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Resolution Repealing Prior resos re: Council Procedures (Reso 05-2016)

BACKGROUND/HISTORY:

Council voted on a motion to repeal the resolutions pertaining to Council procedures. The Attorney advised that this must be done with a resolution.

FINANCIAL IMPACT: none

ATTACHMENTS:
Reso 05-2016

ACTION OPTIONS: Council Direction

RESOLUTION 05-2016

A RESOLUTION TO REPEAL PRIOR RESOLUTIONS PERTAINING TO COUNCIL PROCEDURES AND ADMINISTRATION TO INCLUDE BUT NOT BE LIMITED TO RESOLUTION 07-2014, RESOLUTION 30-2013, RESOLUTION 11-2012, RESOLUTION 104-2011, RESOLUTION 01-2009, RESOLUTION13-2008, RESOLUTION 04-2007, RESOLUTION 5-97, AND OTHERS THAT MAY MEET THIS CRITERIA PRIOR TO RESOLUTION 04-2016.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1.

Malabar Town Council directs that Resolution 07-2014 and any/all other resolutions prior to Resolution 07-2014 pertaining to council procedures and administration.

SECTION 2. Effective Date. This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member _____. This motion was seconded by Council Member _____ and, upon being put to vote, the vote was as follows:

- Council Member Grant Ball
- Council Member Brian Vail
- Council Member Don Krieger
- Council Member Dick Korn
- Council Member Richard Kohler

This Resolution was then declared to be duly passed and adopted this 6th day of June, 2016.

By: TOWN OF MALABAR

Mayor Phil Crews, Council Chair

ATTEST:

Debby K. Franklin
Town Clerk/Treasurer

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr., Town Attorney

Motion to repeal

Motion to repeal prior resolutions pertaining to Council procedures and administration to include but not be limited to resolution 07-2014, resolution 30-2013, resolution 11-2012, resolution 104-2011, resolution 01-2009, resolution 13-2008, resolution 04-2007, resolution 5-97, and others that may meet this criteria prior to resolution 04-2016.

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 3
Meeting Date: May 6, 2016

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Resolution Re: Council Position on SR514 Widening (Reso 06-2016)

BACKGROUND/HISTORY:

Council communicated with residents and business owners in the area and asked their opinion of the proposals from Engineering firm doing the Preliminary Design and Engineering (PD&E) for FDOT. The majority of the responses were to prioritize the improvements at Corey and Weber intersections at Malabar Road. There was also concern that none of the proposals lessened the severity of the curve east of the Fire Department. CM Krieger presented a resolution at the last meeting and it was discussed and concerns were bulleted and staff was directed to have it on agenda for action at this meeting.

FINANCIAL IMPACT: none

ATTACHMENTS:
Reso 06-2016

ACTION OPTIONS: Council Direction

RESOLUTION 06-2016

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A REQUEST FROM THE FLORIDA TRANSPORTATION PLANNING ORGANIZATION TO RECOMMEND A CONCEPT FOR THE WIDENING ON SR 514, MALABAR ROAD FROM THE WESTERN BOUNDARIES OF THE TOWN TO U. S. 1 (STATE ROAD 5) IN THE TOWN OF MALABAR; PROVIDING FOR DISTRIBUTION OF REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Road is a State Road that intersects the Town of Malabar from east to west at Township lines 28 and 29 in South Brevard County; and,

WHEREAS, SR 514 Malabar Road from US Highway 1 to Babcock Street (in Palm Bay) is approximately three and a half miles of which three miles is within the jurisdiction of the Town of Malabar; and,

WHEREAS, The Transportation Planning Organization has asked their input for multiple concepts as well as review of the currently accepted no-build two to three lane concept at the RTCM of April 18, 2016 and,

WHEREAS, the two four lane alternatives had negative effects on, future commercial growth, an active disk golf course, private lands, and the closure of a current though road serving the community and multimodal transportation and,

WHEREAS, the three lane alternative did not use the north side of the curve that is EELs and county lands and not effect the active disk golf course; and,

WHEREAS, the townspeople have expressed a desire to expedite the already accepted and funded improvements to the Corey Road and Weber Road (project 413761) and to include full signalization at both intersections with synchronization with signal at Babcock Street.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF MALABAR OF BREVARD COUNTY, FLORIDA that;

SECTION 1. Findings:

1. The two lane (currently accepted) concept or a three lane modified concept be designed without south-side road closures and with north-side bike paths.
2. The state lands on the north side of the Malabar SR514 curve be utilized to enhance multimodal use.
3. Glatter Road (old Township Road) not be closed as it is currently accommodating horse, bike and multimodal traffic.
4. Revise and expedite the improvements of Weber Road and Corey Road intersections to include full signalization with synchronization with signal at Babcock Street.
5. Protect the current Disc Golf course

SECTION 2. Severability.

The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

SECTION 4. Conflict.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 5. Effective Date.

This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member _____ .
The motion was seconded by Council Member _____ and, upon
being put to a vote, the vote was as follows:

- Council Member Grant Ball
- Council Member Brian Vail
- Council Member Don Krieger
- Council Member Dick Korn
- Council Member Richard Kohler

This Resolution was then declared to be duly passed and adopted this 6th day of June, 2016.

By: TOWN OF MALABAR

Mayor Phil Crews, Council Chair

ATTEST:

Debby K. Franklin
Town Clerk/Treasurer

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr., Town Attorney

For several Years the Transportation Planning Organization (TPO) in cooperation with the Florida Department of Transportation (FDOT) has proposed improvements and changes to SR514 / Malabar road, including projected widening and enhancements proposed for no sooner than 2025 to 2030.

Malabar has been asked their input for multiple concepts as well as review of the currently accepted no-build two to three lane concept at the RTCM of April 18, 2016. The presentation involved the eastern third of the entire SR514 project length.

The three lane alternative did not utilize the north side of the curve that is state and county owned lands. In this case there would be no need to impact our active disk golf park.

The two four lane alternatives have medians that would limit access to commercial and private properties. They would have negative effects on, the future commercial growth of the downtown, an active disk golf park and require the closure of a current though road serving the community as a commercial as well as multimodal road.

FDOT newsletter 2, dated April 2014 reported on the Corey and Weber road improvements stating "The project is funded for design, right-of-way acquisition and construction."

The townspeople have expressed a desire to expedite the already accepted and funded improvements to the Corey Road and Weber Road (project 413761). Improvements to the Corey and Weber Road intersections should be a priority before any new concept is introduced. The currently accepted no build concept is the least expensive alternative with the least amount of adjacent land effected. We want to explore and execute procedure to acquire the north side of the curve on SR514 / Malabar Road and see what new possibilities this creates for multimodal transportation for our citizens.

During discussion at this meeting Council directed:

Draft resolution for Council review:

1. The two lane (currently accepted) concept or a three lane modified concept be designed without south-side road closures and with north-side bike paths.
2. The state lands on the north side of the Malabar SR514 curve be utilized to enhance multimodal use.
3. Glatter Road (old Township Road) remain open as it currently accommodates commercial, horse, bike and multimodal traffic.
4. Investigate a fast track for improvements slated for Weber Road and Corey Road intersections.
5. Protect the current Disk Golf Park



2725 Malabar Road
Malabar, FL 32950
321-727-7764 (Office) 321-77-9997 (Fax)
www.townofmalabar.org

Tuesday, May 03, 2016

Residents of Malabar:

For several Years the Transportation Planning Organization (TPO) in cooperation with the Florida Department of Transportation (FDOT) has proposed improvements and changes to SR514 / Malabar road, including projected widening and enhancements proposed for no sooner than 2025 to 2030.

Citizens and Council members were lead to believe that improvements to the Corey Road and Weber Road intersections would be already completed by this time, however these improvements are now proposed for 2019. FDOT newsletter 2, dated April 2014 reported on the Corey and Weber road improvements stating "The project is funded for design, right-of-way acquisition and construction.".

Attendees of the April 18, 2016 Town Council Meeting were informed that this project was funded and ground breaking may occur in 2019, now 4 years later than initially anticipated. Since 2015 FDOT has made additional presentations at Town Hall with proposed changes for the downtown section from U.S. Highway 1 westward. These include: three lane downtown to Improved two lane with multi-modal bike and pedestrian path, three lane downtown westward passed the curve then transitioning to four lane, three lane downtown to four lane at Marie intersection. The timeline for all these variations is between 2025 and 2040. and they are currently not funded.

Projected traffic counts, accidents, injuries, and worse not withstanding. Improvements to our congested intersections should be the priority before any endorsement, of future concepts, decades down the line, are finalized.

We wish to have a clear and unified voice on these issues because changes or lack thereof, will affect all of us. Please contact your Councilman for your district or me to express your opinion on these issues.

For additional information see www.townofmalabar.org and follow the links to SR514.

Thank you for your participation.

Douglas C. Hoyt
Town Administrator
Town of Malabar



2725 Malabar Road
Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax)
www.townofmalabar.org

Tuesday, May 03, 2016

Urgent notice to the Residents of Malabar:

FDOT has been proposing changes to SR514 / Malabar road for a number of years. One of our current Council members was told, at a FDOT meeting that left hand turn lanes would be added and completed by 2015, to the Corey Road and Weber Road intersections at Malabar Road. November 2015 FDOT made a presentation at Malabar Town Hall to discuss the "proposed" addition of turn lanes at Corey Rd. and Weber Rd. Attendees were told that this project was funded and ground breaking would occur in 2019, now 4 years later than initially promised.

Since 2015 FDOT has made two additional presentations at Town Hall with proposed changes to Malabar Road, including: DO NOTHING, 4 LANE FROM Babcock St to US-1, 3 LANE from Babcock to US-1, 3 or 4 LANE to MARIE ST. then 2 LANE to US-1. And variations on this theme. Their timeline is between 2025 and 2040.

In 2012 there were 12 accidents on Malabar Rd, 2015 there were 24 accidents. Projecting this increase to 2020 we can expect 87 accidents. Will you or your family be one of them?

As a resident of Malabar changes, or lack thereof, to Malabar Rd. will affect you. Please contact your Councilman for your district or the Town Hall Staff to express your wishes for Malabar Road. Unless we reach a unified decision on this issue FDOT will do what they want, when they want. It is our Town, Our tax dollars. If the Town clearly expresses its wishes I believe we will be able to obtain this goal.

For additional information see www.townofmalabar.org and follow the links to SR514.

Thank you for your participation.

Doug

Douglas C. Hoyt
Town Administrator
Town of Malabar

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 4
Meeting Date: May 6, 2016

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Council Position on All Aboard Florida (AAF)

BACKGROUND/HISTORY:

Council asked staff to check resolutions to verify if prior Councils had communicated to outside agencies their position on this issue.

FINANCIAL IMPACT: none

ATTACHMENTS:

Reso 20-2014 – sent to the FLC for consideration at annual conference. Request was rejected.
Reso 30-2016 – joining with other cities to allow the County to coordinate with SCTPO in creating a “Quiet Zone” throughout Brevard County railroad tracks.

ACTION OPTIONS: Council Direction

RESOLUTION 20-2014

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REQUESTING THAT THE STATE OF FLORIDA AND THE FEDERAL RAIL ADMINISTRATION REQUIRE ALL ABOARD FLORIDA TO FUND, WITH NO GOVERNMENTAL ASSISTANCE, ALL COSTS RELATED TO THE ALL ABOARD FLORIDA PROJECT, AND TO TAKE ALL NECESSARY STEPS TO PRESERVE AND ENHANCE THE QUALITY OF LIFE FOR VISITORS, RESIDENTS, AND BUSINESSES WITHIN THE TOWN OF MALABAR AND ALONG THE ENTIRE ROUTE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar acknowledges the efforts of Florida East Coast Industries to construct a high speed passenger rail system, called All Aboard Florida, from Miami to Orlando along current and additional FEC tracks; and

WHEREAS, two railroad crossings are located within Malabar; and

WHEREAS, the All Aboard Florida Project will increase railroad traffic and train noise; and

WHEREAS, hundreds of people who reside in close proximity to these crossings would be significantly affected by traffic, noise and possible safety aspects of increased railroad traffic; and

WHEREAS, the FECI tracks run close to the environmentally sensitive Indian River Lagoon, which is the essence of the Space Coast and the most diverse estuary in North America, and reduction in waterfront access due to railroad traffic would significantly reduce economic and recreational opportunities for the entire community; and

WHEREAS, the preservation of the quality of life of the Town will, at the very least, depend on All Aboard Florida improving the rail crossings to maximize safety and minimize noise and disruption; and

WHEREAS, the State of Florida has expressed a commitment to the success of All Aboard Florida, and may not have recognized the potential major disruption and adverse financial impact that it may bring to Malabar and all the other communities along the east coast without providing any direct passenger rail benefits; and

WHEREAS, businesses along the Interstates will lose revenue as a result of redirecting travelers from roadways to railways; and

WHEREAS, the cost of maintaining the upgraded infrastructure at crossings to meet maximum safety requirements would be beyond the funding ability of the Town of Malabar and would certainly have a major financial impact to larger cities; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, FLORIDA, as follows:

Section 1. The Town of Malabar formally requests that any donor agency, including the Federal Rail Administration, other Federal agencies, the State of Florida, and any State agencies, to require All Aboard Florida to privately fund all costs of All Aboard Florida, including

all quiet zone/corridor improvements or terminal connections, without any governmental assistance, be it in the form of loans or infrastructure and right-of-way improvements at less than market rates, as such support would put the risk of All Aboard Florida on the backs of taxpayers.

Section 2. The Town of Malabar urges all other municipalities and counties within the State to request the Governor and State Legislators do all within their power to push FECl to explore extending direct benefits of passenger rail service to the municipalities along the route, and explore partnerships from which the area may benefit directly to offset and/or mitigate the impacts if All Aboard Florida is permitted to operate.

Section 3. The Town of Malabar strongly recommends that the Space Coast Metropolitan Planning Organization (MPO) Board convene regularly scheduled meetings with FDOT District 5 and local environmental impact experts to prepare for and respond to the Environmental Impact Study (EIS) draft and final product.

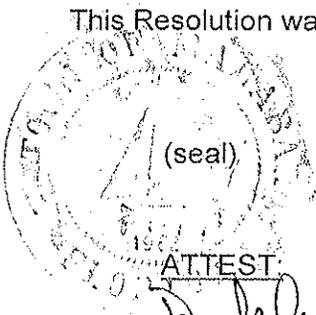
Section 4. The Town Council directs that this resolution be forwarded to the Florida League of Cities for consideration during the upcoming annual conference.

The foregoing Resolution was moved for adoption by KORN, seconded by Milucky, and upon, being put to a vote, the vote was as follows:

- Council Member Jim Milucky
- Council Member Wayne Abare
- Council Member Steve Rivet
- Council Member Dick Korn
- Council Member Marisa Acquaviva

Aye
Aye
Aye
Aye
Aye

This Resolution was then declared to be duly passed and adopted this 16th day of June, 2014.



TOWN OF MALABAR

By:

Steve Rivet
Steve Rivet, Council Chair

ATTEST:

Debby K. Franklin
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to Form and Content:

Karl W. Bohne, Jr.
Karl W. Bohne, Jr.,
Town Attorney



July 3, 2014

Ms. Debby Franklin
Town Clerk/Treasurer
Town of Malabar
2725 Malabar Road
Malabar, FL 32950

Dear Ms. Franklin:

Thank you for the resolution you submitted regarding a high speed passenger rail system.

At the FLC Annual Conference, the Resolutions Committee considers state constitutional, commemorative and federal issues.

As state law largely governs the acquisition, construction, maintenance and operation of the high-speed rail system, I have forwarded your resolution to the Transportation and Intergovernmental Relations legislative policy committee for its review. All state legislative matters are handled this way to ensure their review by the appropriate committee.

Please contact Megan Sirjane-Samples, the League staff member assigned to this committee, to discuss this issue further. She can be reached at 850-701-3655 or MSirjaneSamples@flcities.com. Should you have any questions about the legislative policy committee procedures I can be reached at (850) 701-3602 or apayne@flcities.com.

Sincerely,

Allison Payne, Manager
Advocacy Programs and Federal Affairs

cc: Megan Sirjane-Samples, Legislative Advocate

RESOLUTION 30-2014

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA SUPPORTING THE SPACE COAST TRANSPORTATION PLANNING ORGANIZATION IN ITS EFFORT TO COORDINATE THE CREATION OF A QUIET ZONE ALONG A PORTION OF THE FLORIDA EAST COAST RAILWAY CORRIDOR; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida East Coast (FEC) Railway traverses many local government jurisdictions in Brevard County; and

WHEREAS, additional freight trains are anticipated to use the FEC corridor in the near future; and

WHEREAS, All Aboard Florida (AAF) proposes to initiate passenger rail service on a portion of the FEC corridor in Brevard County; and

WHEREAS, it is deemed in the public interest to mitigate the impacts of the anticipated additional train traffic on the FEC; and

WHEREAS, public roads under the jurisdiction of seven Brevard County local governments and the Florida Department of Transportation cross the FEC at 50 locations between Canaveral Groves Boulevard and the Indian River County line; and

WHEREAS, all trains are required to sound their horn upon approaching each grade crossing; and

WHEREAS, a 'quiet zone' in which trains are not required to sound a horn at grade crossings is an effective mitigation method; and

WHEREAS, the creation of a continuous quiet zone from Canaveral Groves Boulevard to the Indian River County line will provide the highest level of community benefit; and

WHEREAS, AAF intends to install additional safety protection measures at the 50 crossings between Canaveral Groves Boulevard and the Indian River County line that are anticipated to largely meet the federal requirements for the creation of a quiet zone; and

WHEREAS, the State of Florida may provide matching funds to partially defray local government costs to implement quiet zones; and

WHEREAS, affected local governments are required to apply for quiet zone designation either individually or through a joint application; and

WHEREAS, the Space Coast Transportation Planning Organization (TPO) has offered to improve efficiency by assisting local governments and by coordinating the application for quiet zone designation and any request for state funds.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA:

Section 1: That it hereby supports partnering with Brevard County local government jurisdictions to seek designation of a continuous quiet zone that includes grade crossings on the FEC Railway from Canaveral Groves Boulevard to the Indian River County line.

Section 2: That it hereby supports the Space Coast Transportation Planning Organization in its effort to coordinate the application for quiet zone designation and state financial assistance that may be desired.

Section 3: That this resolution shall be in full force and effect immediately upon its passage and adoption.

This Resolution was moved for adoption by Council Member Milucky. This motion was seconded by Council Member Abare and, upon being put to vote, the vote was as follows:

Council Member Jim Milucky	Aye
Council Member Wayne Abare	Aye
Council Member Steve Rivet	Aye
Council Member Dick Korn	Aye
Council Member Marisa Acquaviva	Excused

PASSED AND ADOPTED this 22nd day of September, 2014.

Steve Rivet
Chair Steve Rivet

ATTEST:
Debby K. Franklin
Debby K. Franklin, C.M.C., Town Clerk/Treasurer

APPROVED AS TO FORM AND LEGALITY
Karl W. Bohne, Jr.
Karl W. Bohne, Jr., Town Attorney

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 5
Meeting Date: May 6, 2016

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Council Direction re: Cell Tower Lease

BACKGROUND/HISTORY:

TA provided information at the last Council meeting re: the benefits of taking a one-time lump sum payment from the cell tower owner. He asked that Council review material and be prepared to give Staff direction.

FINANCIAL IMPACT: none

ATTACHMENTS:

ACTION OPTIONS: Council Direction

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 6
Meeting Date: May 6, 2016

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Referendum for Nov 2016 Election for Single District Voting

BACKGROUND/HISTORY:

I was asked to find out the deadline to submit referendum questions to the voters on the ballot. The deadline is 8/22/16. The question re: single district voting was brought up by several Council Members.

Example:

EXHIBIT A to Ord 2016-xxx

Town of Malabar Language of Proposed Charter Changes

(In all cases, words crossed out with ---- are to be deleted and words underlined are to be added)

1. Referendum Regarding Section 2.02 to Article II as follows:

Section 2.02 Composition

The Town Council Members shall be elected from five (5) separate districts ~~to the election of Town Council members, who shall reside in five (5) separate districts, but~~ and are elected at large by voters within those separate districts.

FINANCIAL IMPACT: This is the year we have the question to voters re: MSTU. In 2014, we paid SOE \$900.00 for one referendum question. In 2012, we paid SOE \$2,159 for nine (9) referendum questions.

ATTACHMENTS:

Misc information

ACTION OPTIONS: Council Direction

Subject:

Deadline for Referenda/Amendments for 2016

Good Morning,

I hope this Holiday Season find you and your family safe and healthy. As we're preparing for the fall elections, I wanted to share this information with you.

After reviewing the calendar for next year, we have determined that the deadline for the county and/or municipalities to get us and amendments/referenda for the 2016 General Election is **Monday, August 22nd at 5:00pm**. Any ballot text needs to be in its final version and in compliance with state law and ballot rule. Once the ballot is laid out, we will provide a live proof that will need to be approved by the submitting agency as quickly as possible so we can begin ballot printing.

As always, if I can be of any assistance to you, please do not hesitate to contact me.

Thanks.

Denise Campbell

Special General Election
 Brevard County, Florida
 March 25, 2003

Malabar Charter Amendment

Reg. Voters	Times Counted	Total Votes	YES	NO
1696	446	443	250	193
1696	34	34	20	14
1696	480	477	270	207
			56.43%	43.57%
			58.82%	41.18%
			56.60%	43.40%

07 First Baptist Church of Malabar
 Absentee
 Total

The Florida Senate

2015 Florida Statutes

<u>Title XII</u> MUNICIPALITIES	<u>Chapter 166</u> MUNICIPALITIES <u>Entire Chapter</u>	SECTION 031 Charter amendments.
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166.031 Charter amendments.—

(1) The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose.

(2) Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.

(3) A municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. This section shall be supplemental to the provisions of all other laws relating to the amendment of municipal charters and is not intended to diminish any substantive or procedural power vested in any municipality by present law. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2).

(4) There shall be no restrictions by the municipality on any employee's or employee group's political activity, while not working, in any referendum changing employee rights.

(5) A municipality may, by unanimous vote of the governing body, abolish municipal departments provided for in the municipal charter and amend provisions or language out of the charter which has been judicially construed, either by judgment or by binding legal precedent from a decision of a court of last resort, to be contrary to either the State Constitution or Federal Constitution.

(6) Each municipality shall, by ordinance or charter provision, provide procedures for filling a vacancy in office caused by death, resignation, or removal from office. Such ordinance or charter provision shall also provide procedures for filling a vacancy in candidacy caused by death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two candidates for an office.

History.—s. 1, ch. 73-129; s. 1, ch. 86-95; s. 1, ch. 90-106; s. 43, ch. 90-315; s. 45, ch. 94-136.

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four (4) authorized signatures or electronic payments or direct deposit. The Town Clerk, Administrator, the Mayor and a delegated Council Member shall be authorized to sign checks. (Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03; Ord. No. 03-07, § 2(Exh. A), 9-8-03/11-4-03; Ord. No. 11-42, § 4(Exh. A), 8-1-11/11-20-11)

Sec. 4.02. Budget.

The budget shall provide a complete financial plan of all municipal funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the Town Council may require. The budget shall be compiled from detailed information and the classification of expenditures shall follow the Governmental Uniform Accounting System set forth by the Department of Banking and Finance of the State of Florida. It is mandatory that the budget will be balanced for each fiscal year.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03)

Sec. 4.03. Purchase and Sale of Real Property.

All purchases and sales of real property owned by the Town within the Town limits will be subject to public notice and hearing before a vote by the Town Council is taken. The public notice shall be of the same extent and nature as that required by the Florida Statutes for a rezoning.

(Amd. of 3-25-03)

ARTICLE V. INITIATIVE AND REFERENDUM

Sec. 5.01. Initiative and Referendum Power.

(a) The qualified voters of the Town shall have the power to propose the adoption or repeal of ordinances to the council. This power shall not extend to any emergency ordinance or any ordinance adopting the budget or any capital program or any ordinance relating to the appropriation of money, levy of taxes or establishing salaries of town employees.

(Amd. of 3-25-03)

Sec. 5.02. Procedure.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the town clerk or other official designated by the council an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. After the affidavit of the petitioners' committee is filed the clerk or other official designated by the council may issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(Amd. of 3-25-03)

Sec. 5.03. Petitions.

(a) Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least fifteen percent (15%) of the total number of qualified voters registered to vote at the last regular town election.

(b) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator stating that the circulator personally obtained the signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be genuine signatures of these persons and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.
(Amd. of 3-25-03)

Sec. 5.04. Procedure for Filing.

(a) Within twenty (20) days after the initiative or referendum petition has been filed, the town clerk or other official designated by the council shall evaluate the petition and complete a certificate as to its sufficiency. If it is insufficient, the committee shall be promptly sent by registered mail a copy of the certificate stating the defects. The grounds for insufficiency shall be those specified in subsection 5.03. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the council within two (2) days after receiving the copy of the certificate. A supplementary petition shall comply with the requirements of subsections (a) through (c) of Section 5.03. The clerk or other official designated by the council shall within five (5) days after the petition is filed complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this Section within the time required, the clerk or other official designated by the council shall promptly present the certificate to the council and the council shall then be the final determination as to the sufficiency of the petition.

(b) If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may within two (2) days after receiving the copy of such certificate file a request

that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it. The council's determination shall be the final determination as to the sufficiency of the petition.

(Amd. of 3-25-03)

Sec. 5.05. Referendum Petition; Suspension of Effect of Ordinance.

When a referendum petition is filed with the town clerk or other official designated by the council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of sufficiency of the petition;
- (b) The petitioners' committee withdraws the petition;
- (c) The council repeals the ordinance; or
- (d) Referendum on the ordinance has been certified.

(Amd. of 3-25-03)

Sec. 5.06. Action on Petitions.

(a) After the Town Clerk has determined the sufficiency of an initiative or referendum petition, the council will review the determination at its next scheduled meeting. The council's decision shall be a final determination as to the sufficiency of the petition. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided for adopting ordinances or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the town.

(b) The referendum on a proposed or referred ordinance shall be held no less than ninety (90) days and not later than 120 days from the date the petition was considered by the Council. If no regular town election is to be held within the period described in this subsection, the council shall provide for a special election except that the council may in its discretion provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be available at the polls.

(c) An initiative or referendum petition may be withdrawn at any time preceding the day set for the final determination by the town council by filing with the town clerk or other official designated by the council a request for withdrawal signed by at least [four] (4) members of the petitioners' committee. Upon the filing of such request for withdrawal, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Amd. of 3-25-03)

Sec. 5.07. Results of election.

(a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in favor of it, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(Amd. of 3-25-03)

ARTICLE VI. RECALL; CONDUCT OF OFFICIALS IN OFFICE**Sec. 6.01. Recall.**

The citizens of the Town of Malabar shall have the right to recall (remove) any official of the Town of Malabar who, in their judgment, is not performing his duties up to the standards set for officials by the Statutes of the State of Florida, as required by law.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03)

Sec. 6.02. Conduct of Officials in Office.

The officials of the Town of Malabar will [be] held to standards in office set forth in the Florida Statutes as required by law. These statutes hold officials statewide to standards of conduct concerning conflict of interest, ethics and morality as it affects their performance of duty in office. Ramifications for violations of these standards are set forth in the Florida Statutes.

(Ord. No. 95-3, § 1, 7-17-95; Amd. of 3-25-03)

ARTICLE VII. TRANSITION PROVISIONS**Sec. 7.01. Ordinances and Resolutions Preserved.**

All ordinances or resolutions of the town in effect upon the adoption of this Charter to the extent not inconsistent with it shall remain in force until repealed or changed as provided herein.

(Amd. of 3-25-03)

Sec. 7.02. Rights of Officers and Employees; Transition of Council Members.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are town officers or employees at the time of adoption. The present mayor and town council members shall continue to hold their offices and discharge their duties under this Charter until their successors are elected.

(Amd. of 3-25-03)