



**VILLAGE OF INDIANTOWN
AGENDA
REGULAR VILLAGE COUNCIL MEETING**

November 29, 2018
6:30 PM
at the INDIANTOWN CIVIC CENTER
15675 SW Osceola Street, Indiantown, FL 34956

VILLAGE COUNCIL
SUSAN GIBBS THOMAS, MAYOR
GUYTON STONE, VICE MAYOR
JACKIE GARY CLARKE
ANTHONY D. DOWLING
JANET HERNÁNDEZ

ADMINISTRATION
TERESA LAMAR-SARNO, VILLAGE MANAGER
WADE C. VOSE, VILLAGE ATTORNEY
CHERIE WHITE, VILLAGE CLERK

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That's why we say "Character Counts" in Indiantown. Civility is practiced at all Village meetings.

Special Needs: If anyone attending this meeting requires a reasonable accommodation, please contact Cheryl White, Village Clerk, by telephone at (772) 597-9900 or by email at cwhite@indiantown.org. at least 48 hours in advance.

Quasi-Judicial Hearings: Some of the matters on the Agenda may be "quasi-judicial" in nature. Village Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Village Council.

Appeal of Decision: If a person decides to appeal any decision made by the Village Council with

respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Village Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Village Council Member, or by any member of the public desiring it to be heard, without a motion.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

*-The public is invited to comment for up to 3 minutes **on any item not on the Agenda**. Questions are typically deferred to staff, and if civility is not practiced, the Mayor may rule the person out of order, and may require the person be removed from the meeting.*

COMMENTS BY VILLAGE COUNCIL MEMBERS

COMMENTS BY VILLAGE MANAGER

APPROVAL OF AGENDA

-A motion is adopted to approve the Agenda as it appears, or as modified by motion of the village council.

Motion:	Second:	Discussion by Council:	Public Comment	Vote:
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CONSENT CALENDAR

1. Minutes 10/22/2018 Special Village Council Meeting and Code Enf Workshop and 10/25/2018 Village Council Meeting
2. RESOLUTION No. 059-2018 A RESOLUTION OF THE VILLAGE OF INDIANTOWN REQUESTING THE FLORIDA LEGISLATURE TO CORRECT A DRAFTING ERROR IN THE SPECIAL ACT CREATING THE VILLAGE OF INDIANTOWN WITH RESPECT TO MUNICIPAL SERVICE TAXING UNITS; AND PROVIDING FOR AN EFFECTIVE DATE.
3. RESOLUTION No. 060-2018 A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, APPROVING AN ACKNOWLEDGEMENT OF TRANSFER OF LAND USE JURISDICTION CONCERNING THE FORT DAWSON PUD; AND PROVIDING AN EFFECTIVE DATE.

Motion:	Second:	Discussion by	Public Comment	Vote:
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		Council:		
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REGULAR AGENDA

4. Selection of Village Manager

Motion:	Second:	Discussion by Council:	Public Comment	Vote:
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SECOND READING ORDINANCES

5. ORDINANCE NO. 12 (2018) AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE RECEIPT, ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR ANNEXATION INTO THE VILLAGE OF INDIANTOWN; PROVIDING THE DURATION OF THE MORATORIUM; PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, NON- CODIFICATION, AND AN EFFECTIVE DATE.

Motion:	Second:	Discussion by Council:	Public Comment	Vote:
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DISCUSSION ITEMS

ANNOUNCEMENTS

NEXT REGULAR MEETING 12/13/2018 at 6:30 PM

ADJOURNMENT

**VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM**

MEETINGDATE: November 29, 2018

MEETING TYPE:

AGENDA ITEM TITLE: Minutes 10/22/2018 Special Village Council Meeting and Code Enf Workshop
and 10/25/2018 Village Council Meeting

SUMMARY OF ITEM:

RECOMMENDATION:

PREPARED BY: Cherie White DATE: 11/16/2018

REVIEWED BY: DATE:

APPROVED BY: DATE:

ATTACHMENTS:

Description

10/22/2018

10/25/2018



VILLAGE OF INDIANTOWN
OPEN HOUSE/CODE ENFORCEMENT WORKSHOP, SPECIAL VILLAGE
COUNCIL MEETING
OCTOBER 22, 2018 5:00 P.M.
MINUTES

ROLL CALL

Cherie White, Village Clerk

PRESENT

Council Member Dowling, Council Member Clarke, Council Member Hernández, Mayor Gibbs Thomas, Vice Mayor Stone, Village Manager Teresa Lamar-Sarno and Village Attorney Wade Vose

PLEDGE OF ALLEGIANCE: Mayor Gibbs Thomas led the council in the pledge of allegiance.

**INTRODUCTION OF WORKSHOP BY VILLAGE MANAGER
(ENGLISH/SPANISH)**

Village Manager Lamar-Sarno welcomed everyone and introduced the Mayor, Council, and Village Staff. She explained the open house format as a hands on interactive polling format.

A 15 minute break was taken.

The Open House reconvened

The public participated in a hands on polling with questions relating to Code Enforcement.

The final question asked the participants to pick a favorite Village Seal that they think would best represent the Village of Indiantown.

8:35 P.M. The workshop was adjourned.

ATTEST: VILLAGE OF INDIANTOWN, FLORIDA

CHERIE WHITE
VILLAGE CLERK

SUSAN GIBBS THOMAS
MAYOR

APPROVED ON: November 29, 2018



VILLAGE OF INDIANTOWN
VILLAGE COUNCIL MEETING
OCTOBER 25, 2018
MINUTES

ROLL CALL

Cherie White, Village Clerk

PRESENT

Council Member Dowling, Council Member Hernández, Mayor Gibbs Thomas, Vice Mayor Stone, Village Manager Teresa Lamar-Sarno and Village Attorney Wade Vose

ABSENT

Council Member Clarke

INVOCATION: Reverend Sandi Davis delivered the invocation.

PLEDGE OF ALLEGIANCE: Mayor Gibbs Thomas led the council in the pledge of allegiance.

PROCLAMATIONS, AWARDS AND SPECIAL PRESENTATIONS

1. Presentation by Jennifer Pelham, County Extension Director & Urban Horticulture Agent IV for University of Florida IFAS Extension Martin County.

Jennifer Pelham, Director and members of the University of Florida IFAS Extension Martin County came forward and introduced the services and programs they provide.

PUBLIC COMMENT

The following members came forward and offered public comment:

Donna Carman

COMMENTS BY VILLAGE COUNCIL MEMBERS

Council Member Dowling thanked everyone for the Indiantown Rodeo. He also attended a seminar and what Martin County will look like in the future. He invited the community to attend a public meeting regarding Martin County 2070 What's Next? on November 28, 2018 from 6-7 pm at the Wolf-High Technology Center 2400 SE Salerno Road, Stuart.

He asked that the Community encourage the kids in the Community attend public meetings. He also expressed concern over the recent bombs being sent to public officials.

Council Member Hernández also thanked the Indiantown Chamber of Commerce for inviting her to the rodeo.

She also announced that she will be selling tickets for the Indiantown Education Coalition that provides scholarships to high school seniors.

Vice Mayor Stone announced that the Village will be putting together some committees for upcoming events. He also announced that he won business of the year in Martin County.

Mayor Thomas thanked the Indiantown Chamber of Commerce for the Indiantown Rodeo. She also asked that the Village Office display the reins given to the Village of Indiantown from The Martin County Board of County Commission. She also attended the Martin County 2070 seminar. The Indiantown Veterans Association will be hosting a Halloween Party for 21 years old or older on Friday night. She asked that everyone keep a member of the community as well as Council Member Clarke in their thoughts and prayers.

Vice Mayor Stone announced the upcoming Christmas Parade to be held on December 8, 2018 beginning at 4:00 p.m., with line up beginning at 2:00 p.m.

COMMENTS BY VILLAGE MANAGER

Village Manager Lamar-Sarno announced the past Code Enforcement Workshop and Open House. She said it was well attended and will bring back an update as to the results of the polls. She also stated she will be moving forward and working with Indian River State College and the Business Development Board to

work on a Business Accelerator Program. The cost to the Village is \$3,500.00 but free to those businesses from Indiantown.

She also introduced Joe Capra, Captec Engineering, who is in the audience, and has a contract on tonight's agenda for consideration. She thanked the Chamber of Commerce for the Indiantown Rodeo.

APPROVAL OF AGENDA

Motion: Approve the Agenda

Moved by Council Member Dowling, seconded by Council Member Hernández.

Approved 4/1 Clarke Absent

CONSENT CALENDAR

2. Minutes 10/11/2018, Regular Village Council Meeting.

3. RESOLUTION 055-2018 A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, APPROVING AN AGREEMENT PURSUANT TO REI 02-2018 FOR PROFESSIONAL ENGINEERING SERVICES WITH CAPTEC ENGINEERING, INC., AND PROVIDING AN EFFECTIVE DATE.

4. RESOLUTION 056-2018 A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, APPROVING AN AGREEMENT PURSUANT TO REI 02-2018 FOR PROFESSIONAL ENGINEERING SERVICES WITH BOWMAN CONSULTING GROUP, LTD.; AND PROVIDING AN EFFECTIVE DATE.

5. RESOLUTION 057-2018 A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, APPROVING AN AGREEMENT PURSUANT TO REI 02-2018 FOR PROFESSIONAL ENGINEERING SERVICES WITH KIMLEY-HORN AND ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE.

Motion: Approve the Consent Calendar with the corrections to the minutes

Moved by Council Member Hernández, seconded by Council Member Dowling

Approved 4/1 Clarke Absent

REGULAR AGENDA

6. Update on the Village of Indiantown Voluntary Annexation Process Discussion

The following members of the public came forward and offered public comment:
Renita Pressler
Donna Carman

After a staff presentation and Council comments the following motion was made:

Motion: Accept staff recommendation option #2 (Application fee of \$2,500 PLUS recording and advertising fee. Bill the applicant for these exact charges.)

Moved by Council Member Hernández, seconded by Vice Mayor Stone

Approved 4/1 Clarke Absent

DISCUSSION ITEMS

7. Civic Center Flooring Repairs

The following members of the public came forward and offered public comment:

Craig Bauzenberger Sr.
Roger Carman

After a staff and Council comments the Village Council directed the Civic Center to get additional flooring quotes.

ANNOUNCEMENTS

NEXT REGULAR MEETING: November 8, 2018

ADJOURNMENT

ATTEST:

VILLAGE OF INDIANTOWN, FLORIDA

CHERIE WHITE
VILLAGE CLERK

SUSAN GIBBS THOMAS
MAYOR

APPROVED ON November 29, 2018

VILLAGE OF INDIANTOWN, FLORIDA AGENDA MEMORANDUM

MEETING DATE: November 29, 2018

MEETING TYPE:

AGENDA ITEM TITLE: RESOLUTION No. 059-2018 A RESOLUTION OF THE VILLAGE OF INDIANTOWN REQUESTING THE FLORIDA LEGISLATURE TO CORRECT A DRAFTING ERROR IN THE SPECIAL ACT CREATING THE VILLAGE OF INDIANTOWN WITH RESPECT TO MUNICIPAL SERVICE TAXING UNITS; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY OF ITEM: This resolution requests the florida legislature to correct a drafting error in the special act creating the Village of Indiantown with respect to unicipal service taxing units.

Background:

It has been determined that Ch. 2017-195, Laws of Florida, contains an inadvertent drafting error concerning the treatment of certain ad valorem millages assessed by other taxing authorities within the Village boundary, for the purposes of complying with Section 218.23(1), Florida Statutes.

Specifically, Section 11, Subsection 8 of Ch. 2017-195, Laws of Florida, states in pertinent part that “For purposes of complying with s. 218.23(1), Florida Statutes, relating to ad valorem taxation, the millage levied by special districts may be used for an indefinite period of time.” Section 11, Subsection 12 of Ch. 2017-195, Laws of Florida, refers to the four Martin County municipal service taxing units then extant within the Village boundary as “special taxing districts.”

While “municipal service taxing units” established by counties pursuant to Section 125.01(q), Florida Statutes, have historically been confused with “special districts,” (See Gallant v. Stephens, 358 So. 2d 536, 539 (Fla. 1978)), pursuant to Gallant and the subsequently enacted definition of “special district” provided in Section 189.012(6), Florida Statutes, “municipal service taxing units” are not, as a technical matter, “special districts” under Florida law.

The reference in Ch. 2017-195, Laws of Florida, to the four Martin County municipal service taxing units then extant within the Village boundary as “special taxing districts” clearly indicates the legislative intent that the reference to “millage levied by special districts” in Section 11, Subsection 8 of Ch. 2017-195, Laws of Florida, was intended to encompass millages levied within municipal service taxing units.

This clear legislative intent is further supported by the fact that at the time of the passage of Ch. 2017-195, Laws of Florida, the millages levied by actual special districts within the Village boundary (the South Florida Water Management

District and the Florida Inland Navigation District) amounted to a total of 0.3256 mills, only a little over one-tenth of the 3.0 mills necessary to comply with Section 218.23(1), Florida Statutes.

In contrast, at the time of the passage of Ch. 2017-195, Laws of Florida, the millages levied within the four municipal service taxing units then extant within the Village boundary amounted to a total of 3.3613 mills, fully satisfying the 3.0 mills necessary to comply with Section 218.23(1), Florida Statutes.

Pursuant to applicable Florida law, the specific rights relating to compliance with Section 218.23(1), Florida Statutes, granted by the Florida Legislature to the Village of Indiantown by Section 11, Subsection 8 of Ch. 2017-195, Laws of Florida, are appropriately corrected by further legislative action of the Florida Legislature, and are not properly subject to correction by a municipal charter amendment.

RECOMMENDATION: Approve Resolution No. 059-2018 Requesting Florida Legislature to Correct Charter Drafting Error concerning MSTUs.

PREPARED BY: Wade Vose, Village Attorney

DATE: 11/14/2018

REVIEWED BY:

DATE:

APPROVED BY:

DATE:

ATTACHMENTS:

Description

R059-2018 Requesting Florida Legislature to Correct Charter Drafting Error concerning MSTUs



RESOLUTION No. 059-2018

A RESOLUTION OF THE VILLAGE OF INDIANTOWN REQUESTING THE FLORIDA LEGISLATURE TO CORRECT A DRAFTING ERROR IN THE SPECIAL ACT CREATING THE VILLAGE OF INDIANTOWN WITH RESPECT TO MUNICIPAL SERVICE TAXING UNITS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Ch. 2017-195, Laws of Florida, the Village of Indiantown was created on December 31, 2017; and

WHEREAS, it has been determined that Ch. 2017-195, Laws of Florida, contains an inadvertent drafting error concerning the treatment of certain ad valorem millages assessed by other taxing authorities within the Village boundary, for the purposes of complying with Section 218.23(1), Florida Statutes; and

WHEREAS, specifically, Section 11, Subsection 8 of Ch. 2017-195, Laws of Florida, states in pertinent part that "For purposes of complying with s. 218.23(1), Florida Statutes, relating to ad valorem taxation, the millage levied by special districts may be used for an indefinite period of time."; and

WHEREAS, Section 11, Subsection 12 of Ch. 2017-195, Laws of Florida, refers to the four Martin County municipal service taxing units then extant within the Village boundary as "special taxing districts"; and

WHEREAS, while "municipal service taxing units" established by counties pursuant to Section 125.01(q), Florida Statutes, have historically been confused with "special districts," (See *Gallant v. Stephens*, 358 So. 2d 536, 539 (Fla. 1978)), pursuant to *Gallant* and the subsequently enacted definition of "special district" provided in Section

RESOLUTION No. 059-2018; REQUESTING THE FLORIDA LEGISLATURE TO CORRECT
CHARTER DRAFTING ERROR CONCERNING MSTUs

189.012(6), Florida Statutes, “municipal service taxing units” are not, as a technical matter, “special districts” under Florida law; and

WHEREAS, the reference in Ch. 2017-195, Laws of Florida, to the four Martin County municipal service taxing units then extant within the Village boundary as “special taxing districts” clearly indicates the legislative intent that the reference to “millage levied by special districts” in Section 11, Subsection 8 of Ch. 2017-195, Laws of Florida, was intended to encompass millages levied within municipal service taxing units; and

WHEREAS, this clear legislative intent is further supported by the fact that at the time of the passage of Ch. 2017-195, Laws of Florida, the millages levied by actual special districts within the Village boundary (the South Florida Water Management District and the Florida Inland Navigation District) amounted to a total of 0.3256 mills, only a little over one-tenth of the 3.0 mills necessary to comply with Section 218.23(1), Florida Statutes; and

WHEREAS, in contrast, at the time of the passage of Ch. 2017-195, Laws of Florida, the millages levied within the four municipal service taxing units then extant within the Village boundary amounted to a total of 3.3613 mills, fully satisfying the 3.0 mills necessary to comply with Section 218.23(1), Florida Statutes; and

WHEREAS, pursuant to applicable Florida law, the specific rights relating to compliance with Section 218.23(1), Florida Statutes, granted by the Florida Legislature to the Village of Indiantown by Section 11, Subsection 8 of Ch. 2017-195, Laws of Florida, are appropriately corrected by further legislative action of the Florida Legislature, and are not properly subject to correction by a municipal charter amendment; and

WHEREAS, the Indiantown Village Council, by Resolution No. 043-2018, has also requested that the Florida Legislature correct scrivener’s errors in the legal description of the Village boundaries as set forth in Ch. 2017-195, Laws of Florida, and it would be expeditious to make that correction and the correction requested herein in a single bill.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF INDIANTOWN, FLORIDA:

RESOLUTION No. 059-2018; REQUESTING THE FLORIDA LEGISLATURE TO CORRECT
CHARTER DRAFTING ERROR CONCERNING MSTUs

Section 1. The recitals set forth above are true and accurate and represent the factual findings of the Village Council, and are adopted as if set forth below.

Section 2. The Village Council hereby requests that the Florida Legislature amend Section 11, Subsection 8 of Ch. 2017-195, Laws of Florida, to read as follows:

(8) STATE-SHARED REVENUES.—The village shall be entitled to participate in all revenue sharing programs of the state effective April 1, 2018. The provisions of s. 218.23(1), Florida Statutes, shall be waived for the purpose of conducting audits and financial reporting through the end of the village fiscal year 2018-2019. For purposes of complying with s. 218.23(1), Florida Statutes, relating to ad valorem taxation, the millage levied by special districts and the millages levied within municipal service taxing units may be used for an indefinite period of time. Initial revised population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Martin County Department of Community Development shall provide the estimate.

Section 3. This resolution shall take effect immediately upon adoption.

Council Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

VILLAGE COUNCIL	YES	NO	ABSENT	ABSTAIN
SUSAN GIBBS THOMAS, MAYOR				
GUYTON STONE, VICE MAYOR				
JACKIE GARY CLARKE, COUNCIL MEMBER				
ANTHONY J. DOWLING, COUNCIL MEMBER				
JANET HERNANDEZ, COUNCIL MEMBER				

RESOLUTION No. 059-2018; REQUESTING THE FLORIDA LEGISLATURE TO CORRECT
CHARTER DRAFTING ERROR CONCERNING MSTUs

ADOPTED this _____ day of _____, 2018.

ATTEST:

VILLAGE OF INDIANTOWN, FLORIDA

CHERIE WHITE
VILLAGE CLERK

SUSAN GIBBS THOMAS
MAYOR

REVIEWED FOR FORM
AND CORRECTNESS:

WADE C. VOSE
VILLAGE ATTORNEY

**VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM**

MEETINGDATE: November 29, 2018

MEETING TYPE:

AGENDA ITEM TITLE: RESOLUTION No. 060-2018 A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, APPROVING AN ACKNOWLEDGEMENT OF TRANSFER OF LAND USE JURISDICTION CONCERNING THE FORT DAWSON PUD; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY OF ITEM: This item formally acknowledges that the Fort Dawson project and the Fort Dawson PUD Agreement are now under the exclusive comprehensive planning, land use, and land development regulatory authority of the Village of Indiantown, and pursuant thereto, the Village of Indiantown is properly the successor in interest to the County in the Fort Dawson PUD Agreement.

RECOMMENDATION: Approve Res. 060-2018 - Approving Acknowledgement of Transfer of Land Use Jurisdiction - Fort Dawson PUD.

PREPARED BY: Wade Vose, Village Attorney DATE: 11/16/2018

REVIEWED BY: Teresa Lamar-Sarno, Village Manager DATE: 11/16/2018

APPROVED BY: Teresa Lamar-Sarno, Village Manager DATE: 11/16/2018

ATTACHMENTS:

Description

Res 060-2018

Attach



RESOLUTION No. 060-2018

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, APPROVING AN ACKNOWLEDGEMENT OF TRANSFER OF LAND USE JURISDICTION CONCERNING THE FORT DAWSON PUD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Indiantown, Martin County, and Indiantown International, Inc., have deemed it advisable to formally acknowledge the transfer of comprehensive planning, land use, and land development regulatory jurisdiction with respect to the Fort Dawson PUD Agreement and project, in order to provide supporting documentation for the issuance, in favor of the Village of Indiantown, of the required irrevocable letter of credit to secure the performance of the public improvements contemplated by the First Amendment to PUD Agreement.

NOW, THEREFORE BE IT RESOLVED, by the Village Council of the Village of Indiantown, Florida, as follows:

SECTION 1. ACKNOWLEDGEMENT OF TRANSFER OF LAND USE JURISDICTION CONCERNING THE FORT DAWSON PUD APPROVED. The Acknowledgement of Transfer of Land Use Jurisdiction concerning the Fort Dawson PUD, a copy of which is attached, is hereby approved, and the Mayor is hereby authorized to execute the same.

SECTION 2. EFFECTIVE DATE. This resolution shall take effect immediately upon adoption.

[THIS SPACE INTENTIONALLY LEFT BLANK.]

RES. 060-2018 Approving an Acknowledgement of Transfer of Land Use Jurisdiction - Fort Dawson PUD.

Council Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

VILLAGE COUNCIL	YES	NO	ABSENT	ABSTAIN
SUSAN GIBBS THOMAS, MAYOR				
GUYTON STONE, VICE MAYOR				
JACKIE GARY CLARKE, COUNCIL MEMBER				
ANTHONY J. DOWLING, COUNCIL MEMBER				
JANET HERNANDEZ, COUNCIL MEMBER				

ADOPTED this ____ day of _____, 2018.

ATTEST:

VILLAGE OF INDIANTOWN, FLORIDA

CHERIE WHITE
VILLAGE CLERK

SUSAN GIBBS THOMAS
MAYOR

REVIEWED FOR FORM AND
CORRECTNESS:

WADE C. VOSE
VILLAGE ATTORNEY

ACKNOWLEDGEMENT OF TRANSFER OF LAND USE JURISDICTION
FORT DAWSON

THIS ACKNOWLEDGEMENT OF TRANSFER OF LAND USE JURISDICTION ("Acknowledgement") made and entered into this ____ day of November, 2018, by and between the **Village of Indiantown**, a municipal corporation chartered under the laws of the State of Florida, (hereinafter referred to as the "Village"), **Martin County**, a political subdivision of the State of Florida, (hereinafter referred to as the "County"), and **Indiantown International, Inc.** (hereinafter referred to as the "Owner").

WITNESSETH:

WHEREAS, on June 22, 2010, County and Owner entered into a Planned Unit Development Zoning Agreement for the development of a project in Martin County, Florida, known as "Fort Dawson", which Agreement is recorded in Official Records Book 2473, Page 739, public records of Martin County, Florida, and which Agreement as amended from time to time is hereinafter referred to as the "Fort Dawson PUD Agreement"; and

WHEREAS, on November 28, 2017, County and Owner entered into that certain First Amendment to Planned Unit Development Zoning Agreement ("First Amendment to PUD Agreement"), amending the Fort Dawson PUD Agreement, *inter alia*, to provide for additional public improvements to be constructed by Owner; and

WHEREAS, the First Amendment to PUD Agreement has not yet been recorded in the public records of Martin County, Florida, pending Owner's tender of an irrevocable letter of credit to secure the performance of the construction of the public improvements contemplated by the First Amendment to PUD Agreement; and

WHEREAS, the Village of Indiantown was created by Ch. 195-2017, Laws of Florida, and duly approved by public referendum on November 8, 2017, for incorporation beginning December 31, 2017; and

WHEREAS, the project known as Fort Dawson, and all of the real property encompassed within the Fort Dawson PUD Agreement now lie within the corporate boundaries of the Village of Indiantown; and

WHEREAS, by operation of Florida law and pursuant to Section 11(7)(b) of Ch. 195-2017, Laws of Florida, the Fort Dawson project and the Fort Dawson PUD Agreement are now under the exclusive comprehensive planning, land use, and land development regulatory authority of the Village of Indiantown, and pursuant thereto, the Village of Indiantown is properly the successor in interest to the County in the Fort Dawson PUD Agreement; and

WHEREAS, the parties hereto deem it advisable to formally acknowledge this transfer of jurisdiction in order to provide supporting documentation for the issuance, in favor of the Village of Indiantown, of the required irrevocable letter of credit to secure the performance of the public improvements contemplated by the First Amendment to PUD Agreement.

NOW, THEREFORE, the parties hereto hereby agree as follows:

1. Acknowledgement of and Agreement to Recitals. Each of the parties hereto hereby acknowledges and agrees that the recitals set forth above are true and correct, and such recitals are hereby incorporated into and made a part hereof.

2. Village Successor in Interest to PUD Agreement. The parties hereto acknowledge and agree that the Village of Indiantown is the successor in interest to the County in the Fort Dawson PUD Agreement, and that the required irrevocable letter of credit to secure the performance of the construction of the public improvements contemplated by the First Amendment to PUD Agreement shall be issued in favor of the Village of Indiantown.

3. Filing. This Acknowledgement shall be recorded by the Village of Indiantown with the Clerk of the Circuit Court of Martin County, Florida.

IN WITNESS WHEREOF, the parties hereto have caused the execution hereof by their duly authorized officials on the dates stated below.

[This Space Intentionally Left Blank.]

DATED: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK
OF THE CIRCUIT COURT AND
COMPTROLLER

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

DATED:_____

ATTEST:

VILLAGE OF INDIANTOWN

CHERYL WHITE, CLERK

SUSAN GIBBS THOMAS, MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

WADE C. VOSE, VILLAGE ATTORNEY

WITNESS 1:

By: _____

Name: _____

WITNESS 2:

By: _____

Name: _____

OWNER

INDIANTOWN INTERNATIONAL, INC.

By: _____

Name: Clyde W. Dawson

Title: President

Address: P.O. Box 1234
Indiantown, FL 34956-1234

Date: _____

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared CLYDE W. DAWSON, President of INDIANTOWN INTERNATIONAL, INCORPORATED, a Florida corporation on behalf of the Corporation, who (____) is personally known to me or (____) has produced _____ as identification, and who executed the foregoing instrument and acknowledged before me that he executed same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ of _____, 20____.

NOTARY PUBLIC

[SEAL]

Name Printed:

My Commission Expires:

**VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM**

MEETINGDATE: November 29, 2018

MEETING TYPE:

AGENDA ITEM TITLE: Selection of Village Manager

SUMMARY OF ITEM:

RECOMMENDATION: Select preferred candidate for Village Manager and direct that Dan Kleman, with the legal advice of the Village Attorney, negotiate a contract to bring back to the Village Council for approval.

PREPARED BY: Cherie White, Village Clerk

DATE: 11/16/2018

REVIEWED BY: Wade Vose, Village Attorney

DATE: 11/16/2018

APPROVED BY:

DATE:

**VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM**

MEETINGDATE: November 29, 2018

MEETING TYPE:

AGENDA ITEM TITLE: ORDINANCE NO. 12 (2018) AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE RECEIPT, ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR ANNEXATION INTO THE VILLAGE OF INDIANTOWN; PROVIDING THE DURATION OF THE MORATORIUM; PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, NON- CODIFICATION, AND AN EFFECTIVE DATE.

SUMMARY OF ITEM: This ordinance establishes a temporary moratorium on the receipt, acceptance, processing, and consideration of applications for voluntary annexation pursuant to Section 171.044, Fla. Stat. for a period of 365 days, or less if expressly repealed in an ordinance adopted to adopt a comprehensive plan.

RECOMMENDATION: Adopt Ordinance No. 12 (2018) - Establishing a Temporary Moratorium on the Acceptance and Processing of Annexation Applications - Second Reading.

PREPARED BY: Wade Vose, Village Attorney DATE: 10/25/2018

REVIEWED BY: Teresa Lamar-Sarno, Village Manager DATE: 10/30/2018

APPROVED BY: DATE:

ATTACHMENTS:

Description

Ordinance 12 (2018) - Establishing a Temporary Moratorium on the Acceptance and Processing of Annexation Applications



VILLAGE OF INDIANTOWN, FLORIDA

ORDINANCE NO. 12 (2018)

AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE RECEIPT, ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR ANNEXATION INTO THE VILLAGE OF INDIANTOWN; PROVIDING THE DURATION OF THE MORATORIUM; PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, NON-CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Village of Indiantown was created by Ch. 195-2017, Laws of Florida, and duly approved by public referendum on November 8, 2017, for incorporation beginning December 31, 2017; and

WHEREAS, pursuant to Florida law and Section 6(3)(b) of Ch. 195-2017, Laws of Florida, the Village of Indiantown is actively working on developing the Village's first comprehensive plan, with a statutory deadline for the adoption thereof approaching; and

WHEREAS, pursuant to Florida law, the choice of whether to refuse to annex property into the Village of Indiantown lies in the sound discretion of the Village Council; and

WHEREAS, the Village Council finds that it is most appropriate to focus the Village's limited planning resources first on the development of the Village's new comprehensive plan, rather than on the consideration of applications for annexation; and

WHEREAS, the Village Council finds that it is most appropriate to finalize the comprehensive planning of the property within the present Village boundaries prior to adding new property to the Village; and

WHEREAS, the Village Council finds that it would be appropriate to establish a temporary moratorium on the receipt, acceptance, processing, and consideration of applications for voluntary annexation pursuant to Section 171.044, Fla. Stat. for a period of 365 days, or less if expressly repealed in an ordinance adopted to adopt a comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA AS FOLLOWS:

SECTION 1. RECITALS. The above recitals and “Whereas” clauses are hereby included as findings by the Village Council of the Village of Indiantown, and are otherwise fully incorporated herein.

SECTION 2. TEMPORARY MORATORIUM ESTABLISHED. Beginning on the effective date of this ordinance and continuing for a period of 365 days, or terminating sooner if expressly repealed in an ordinance adopted to adopt a comprehensive plan, a temporary moratorium is hereby adopted on the receipt, acceptance, processing, and consideration of applications for voluntary annexation pursuant to Section 171.044, Fla. Stat. The scope and duration of the moratorium shall be subject to modification by subsequent ordinance of the Village Council of the Village of Indiantown.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. CONFLICTS. All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith, are hereby repealed.

SECTION 5. NON-CODIFICATION. The provisions of this Ordinance shall not be codified in the Village of Indiantown Code of Ordinances.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption.

PASSED on First Reading on the ____ day of _____, 2018.

Council Member _____ offered the foregoing ordinance on second reading, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

VILLAGE COUNCIL	YES	NO	ABSENT	ABSTAIN
SUSAN GIBBS THOMAS, MAYOR				
GUYTON STONE, VICE MAYOR				
JACKIE GARY CLARKE, COUNCIL MEMBER				
ANTHONY J. DOWLING, COUNCIL MEMBER				
JANET HERNANDEZ, COUNCIL MEMBER				

ADOPTED on Second Reading this ____ day of _____, 2018.

ATTEST:

VILLAGE OF INDIANTOWN, FLORIDA

CHERIE WHITE
VILLAGE CLERK

SUSAN GIBBS THOMAS
MAYOR

REVIEWED FOR FORM
AND CORRECTNESS:

WADE C. VOSE
VILLAGE ATTORNEY