



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

February 14, 2019
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
HOWARD W. BROWN JR., 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

PROCLAMATIONS, AWARDS AND SPECIAL PRESENTATIONS

1. Pavement Condition Evaluation and Maintenance Recommendation
Presentation by Bowman Consulting

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

COMMITTEE REPORTS

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

2. Minutes of January 24, 2019 Village Council Meeting.
3. RESOLUTION No. 005-2019 -- A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, ADOPTING A SCHEDULE OF DEVELOPMENT REVIEW FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

4. RESOLUTION No. 006-2019 - A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR THE PROVISION OF FIRE MARSHAL SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FIRST READING ORDINANCES

5. ORDINANCE NO. 3 (2019) -- AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT ORDERS, ZONING APPROVALS, AND BUILDING PERMITS FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; PROVIDING FOR THE DURATION OF THE MORATORIUM; PROVIDING FOR DIRECTION TO VILLAGE STAFF TO PREPARE RECOMMENDATIONS CONCERNING APPROPRIATE REGULATIONS; PROVIDING FOR DEFINITIONS, FINDINGS, SEVERABILITY, CONFLICTS, NON-CODIFICATION, AND AN EFFECTIVE DATE.

Motion:	Second:	Discussion by Council:	Public Comment	Vote:
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6. ORDINANCE NO. 4 (2019) - AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ADOPTING A VILLAGE SEAL PURSUANT TO SECTION 165.043, FLORIDA STATUTES; PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

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

DISCUSSION ITEMS

ANNOUNCEMENTS

NEXT REGULAR MEETING

ADJOURNMENT

**VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM**

MEETINGDATE: February 14, 2019

MEETING TYPE: Village Council

AGENDA ITEM TITLE: Pavement Condition Evaluation and Maintenance Recommendation Presentation
by Bowman Consulting

SUMMARY OF ITEM: Pavement Condition Evaluation and Maintenance Recommendations - Village of
Indiantown, FL

RECOMMENDATION: Receive and file report.

PREPARED BY: Howard W. Brown, Jr., ICMA-CM

DATE: 1/31/2019

REVIEWED BY: Howard W. Brown, Jr., ICMA-CM

DATE: 2/8/2019

APPROVED BY: Howard W. Brown, Jr., ICMA-CM

DATE: 2/8/2019

ATTACHMENTS:

Description

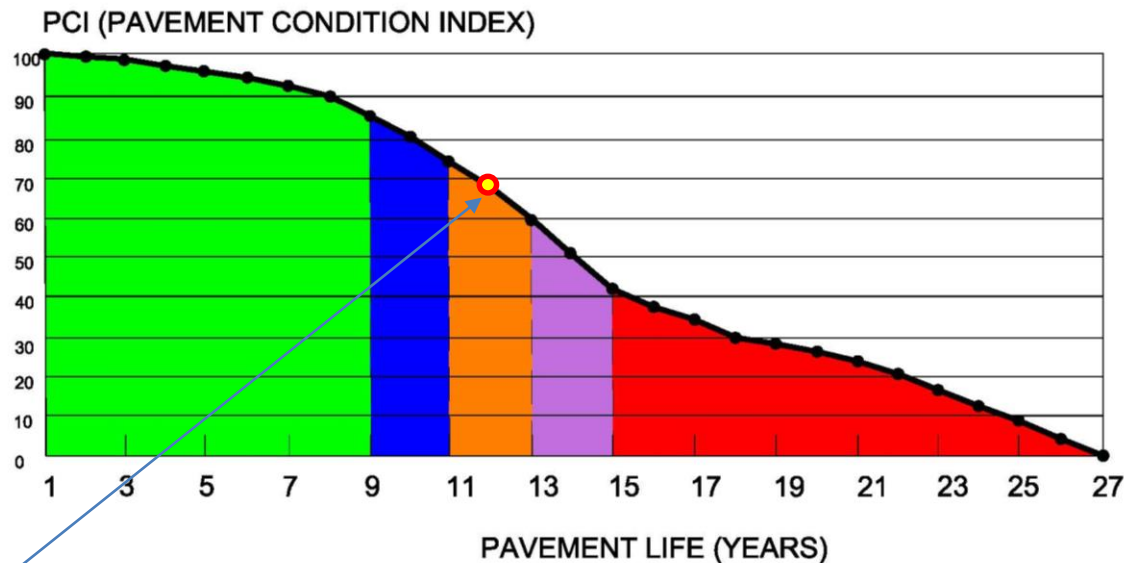
Presentation

Pavement Condition Evaluation and Maintenance Recommendations

Study Goals:

- Evaluate condition of existing pavement
- Review Streets for alternative treatments
- Estimate total cost to maintain streets
- Calculate Return to Street Interval
- Recommend Annual Budget
- Identify Maintenance Zones to balance annual expenditures
- Targeted Pavement Maintenance Program

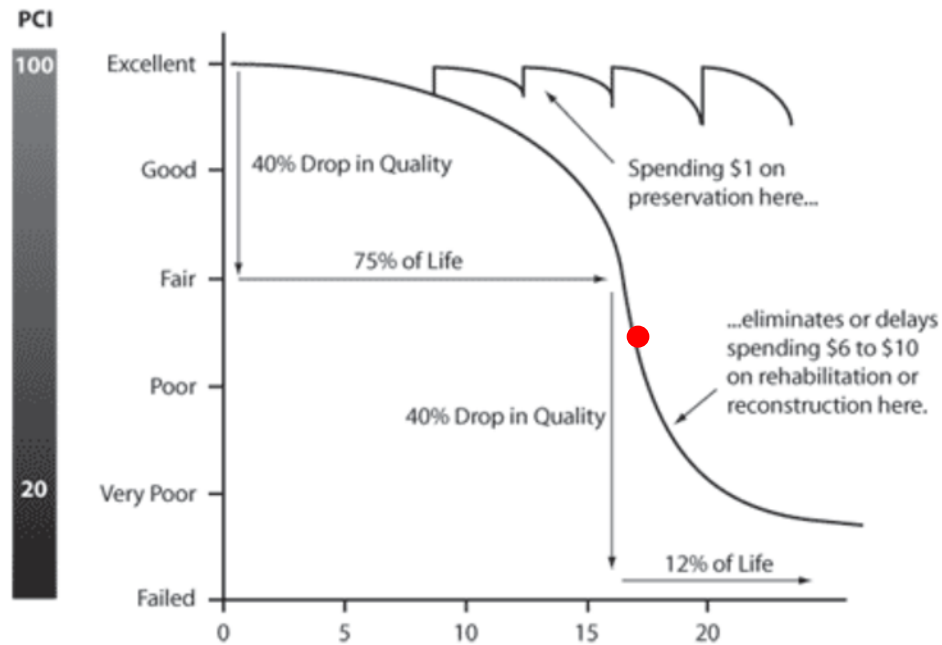
PAVEMENT LIFE CYCLE STANDARD DETERIORATION CURVE



Village's Average Street PCI = 69

Condition Category	Pavement Condition Index (PCI)		Years to Occur
	Upper Limit	Lower Limit	Δ Time
Excellent	100	86	9
Good	85	75	2
Fair	74	58	2
Poor	57	40	2
Failed	39	0	

Figure 2. Pavement option curve (example). (PCI = Pavement Condition Index.)



Source: U.S. Department of Transportation

Targeted Maintenance Approach

- 1) Surface treatments,
- 2) Point repairs and
- 3) Mill and overlay.

Pavement Maintenance “Tool Box”

Treatment Method	Cost	Duration	ROI	Public Inconvenience	Comments
Rejuvenator (Reclimite)	Very Low	~3-5 Yrs.	High	Low	Surface treatment only and very cost effective. Does not require restriping.
Crack Sealing	Very Low	~3-5 Yrs.	High	Low	By its self it is very unsightly, which is why we recommend combining this with slurry seal or Micro Seal.
Slurry Seal or Micro Surface	Low	~5-7 yrs.	High	Low	Surface treatment only. Requires crack seal, restriping and traffic control.
Chip Seal	Low	~5-7 yrs.	High	Moderate	Continued raveling often with claims for cracked window damage, rough surface, surface treatment only. Requires extensive sweeping, restriping and traffic control.
Cape Seal	Moderate	~5-7 yrs.	High	Moderate	The same problems, as listed above, with raveling while the chip seal is expose. It is primarily a surface treatment but provides limited structural enhancement and can improve more seriously deteriorated streets. Requires extensive sweeping, restriping and traffic control. Rubber, rejuvenating or standard chips can be used in the Cape Seal.
Point Repairs	Moderate	~5-10 yrs.	High	Low	Provides structural enhancement only, must be combined with a surface treatment such as chip seal or slurry seal to protect integrity and extend the life of the repair.
Double Slurry Seal or Micro Surface	Low Moderate	~5-7 yrs.	High	Moderate	When coupled with point repairs it can extend the life of a street that should be overlaid, provides limited structural enhancement by itself and structural improvement when combined with point repairs.
A.C. Overlay	High Moderate	~10-15 yrs.	High	Moderate	Provides structural section enhancement.
Conventional Reconstruction	Highest	~15-20 yrs.	Low	High	Provides new structural section, complete rebuild and can correct subgrade problems.



Rejuvenator (Reclimite)



Crack seal



Point Repairs



Micro Surfacing



Cape Seal (Chip Seal Placement)





Return to Street Interval	Condition
5-7 Years	Excellent – The budget is sufficient to properly maintain the streets with a large overlay component, High PCI
7-10 Years	Good – The budget is adequate to maintain the streets using a Targeted Maintenance Approach, Good PCI
10-15 Years	Marginal – Requires aggressive use of surface treatments to maintain streets, PCI will degrade over time
15+ Years	Poor - Requires aggressive use of surface treatments to hold streets together, PCI will degrade faster

\$4,400,970 / 10 years =

Return Interval (Yrs)	Annual Cost (\$)	Savings over FDOT Std (%)	Comments
5	\$338,650	-15%	Negative value due to low average PCI
7	\$241,892	18%	Desired return interval is 5-7 years
10	\$169,325	42%	Max. recommended return interval
15	\$112,883	62%	Under funded
20	\$84,662	71%	Under funded

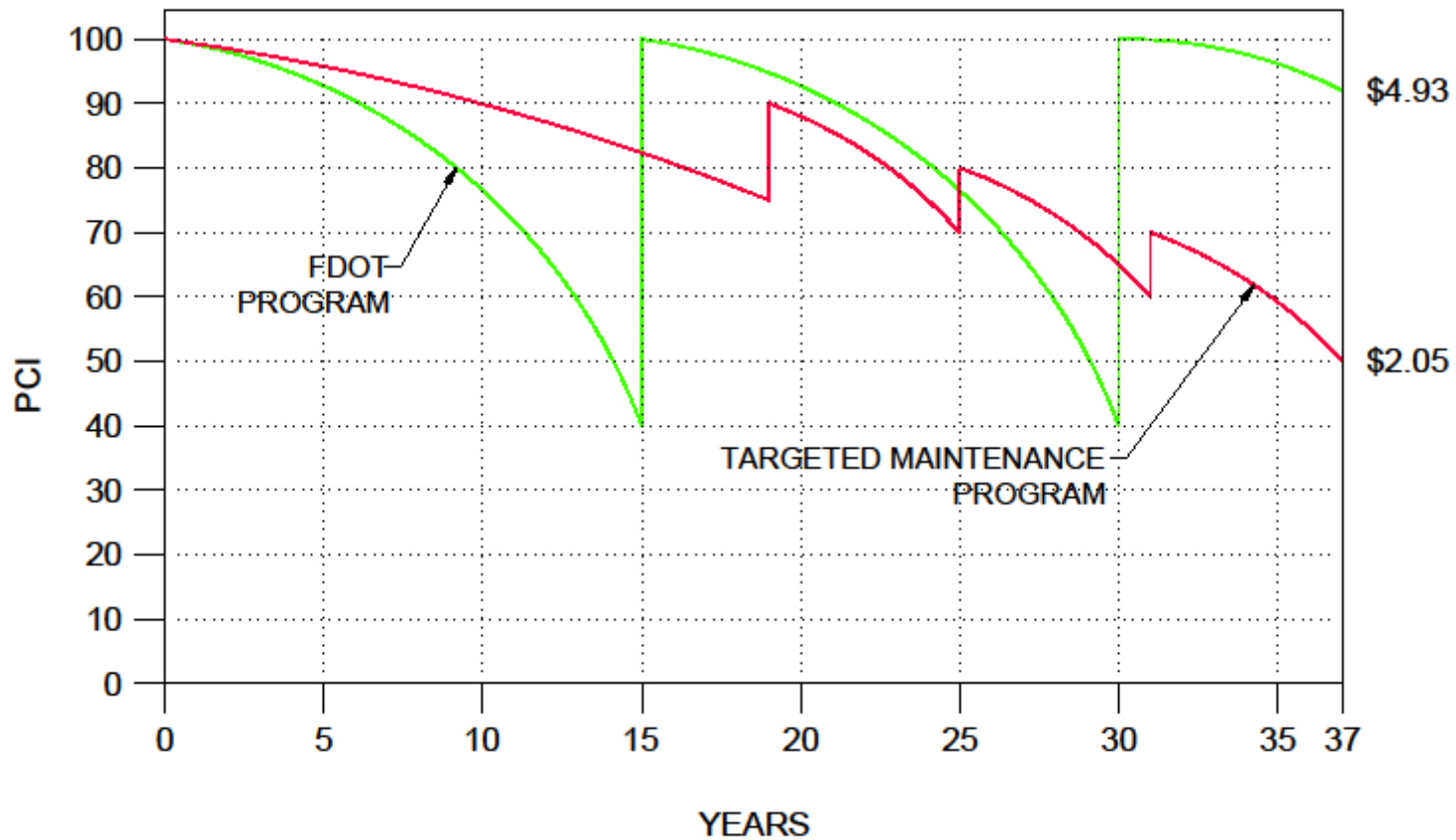
\$170,000

Recommended annual budget
For 10 year return interval

Benefits of Zones

- Balance annual pavement maintenance cost
- Scheduling utility maintenance
- Tell the public when their street will be worked on
- Helps develop a routine that everyone gets used too





Pavement Life is Doubled

Cost of Maintenance is cut in Half

TARGETED MAINTENANCE PROGRAM

Compare Cost of Targeted Maintenance Program With FDOT Standard Mill and Overlay

Cost of FDOT Maintenance Program:

Overlay equivalent \$2/SF every 15 years = \$0.13/SF per year

37 year equivalent overlay cost is \$0.13/yr x 37yr = \$4.93

	PCI Before Treatment	PCI After Treatment	Years of Services	Years Since Placed	Cost \$/SF	Typical Pavement PCI
New Pavement		100		0		100
Rejuvenator (Reclimite)	98	98	4	1	\$0.10	98
Rejuvenator (Reclimite)	94	94	4	5	\$0.10	90
Rejuvenator (Reclimite)	90	90	4	9	\$0.10	85
Rejuvenator (Reclimite)	83	83	4	13	\$0.10	60
Micro Surface	75	90	6	19	\$0.35	28
Micro Surface & Point Repairs	70	80	6	25	\$0.55	8
Micro Surface & Point Repairs	60	70	6	31	\$0.75	0
	50			37	\$2.05	0

**VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM**

MEETINGDATE: February 14, 2019

MEETING TYPE: Regular Agenda

AGENDA ITEM TITLE: Minutes of January 24, 2019 Village Council Meeting.

SUMMARY OF ITEM:

RECOMMENDATION: Approve Minutes

PREPARED BY: Cherie White DATE: 2/7/2019

REVIEWED BY: Howard W. Brown, Jr., ICMA-CM DATE: 2/8/2019

APPROVED BY: Howard W. Brown, Jr., ICMA-CM DATE: 2/8/2019

ATTACHMENTS:

Description

01/24/2019



**VILLAGE OF INDIANTOWN
VILLAGE COUNCIL MEETING
January 24, 2019
MINUTES**

ROLL CALL

Cherie White, Village Clerk

PRESENT

Council Member Dowling, Council Member Hernández, Mayor Gibbs Thomas, Vice Mayor Stone, Council Member Clarke. Village Manager Howard W. Brown, Jr. and Village Attorney Wade Vose

INVOCATION: Milton Williams delivered the Invocation.

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

PROCLAMATIONS, AWARDS AND SPECIAL PRESENTATIONS

COMMENTS BY THE PUBLIC

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

Roger Carman
Linda Nycum

COMMENTS BY VILLAGE COUNCIL MEMBERS

Council Member Dowling welcomed the public and recognized former Stuart City Commissioner Tom Campenni. He also welcomed the new Village Manager Howard Brown. He memorialized the past Dr. Martin Luther King Jr. event. He also asked that everyone keep in their prayers the family of the five victims who were shot at a bank in Sebring.

Council Member Clarke reminded the Council of the upcoming legislative action days in Tallahassee on March 26-27, 2019. She also said that as a representative of the Treasure Coast Regional League of Cities, Advocacy Committee attended a meet and greet with Senator Gayle Harrell.

Council Member Hernández thanked Jeff Leslie for meeting with her and Mr. Brown, discussing the future of Indiantown Utilities. She also announced an upcoming fundraising luncheon, February 22, 2019, benefiting the Education Coalition. Flyers are available in the back of the room, and at the Village Office and will have tickets for sale soon.

Vice Mayor Stone welcomed the new Village Manager he also attended the Chamber luncheon. He also asked staff to look at working with the chamber of commerce erecting a welcome sign to the Village of Indiantown. He also asked that they look at creating a platform to have neighborhood advisory committee.

Mayor Thomas welcomed Mr. Howard Brown, and thanked everyone for coming to the meeting. She encouraged the public to speak with the entire council. She announced the 1- Year Anniversary of the Village of Indiantown. The celebration will be held at Post Park from 11-3pm.

COMMITTEE REPORTS

Mayor Thomas announced that she attended the monthly Treasure Coast Regional League of Cities on February 16, 2019. She said she is the 2nd Vice president. Vice Mayor Stone was also in attendance. She also clarified that any action or vote taken at the outside committees only reflects her action not the action of the Village of Indiantown. She also announced that Councilmember Clarke was awarded a grant of up to \$300.00 toward travel to represent the Florida League of Cities as an Advocacy Member of the Treasure Coast Regional League of Cities. Mayor Thomas announced that she had been appointed to the Budget Audit and Budget Committee, Florida League of Cities nominating Committee. She said there was a presentation made including a video showcasing home rule. In the video was Vice Mayor Stone. The video will be published to the Town website.

COMMENTS BY VILLAGE MANAGER

Village Manager Howard Brown commented on the following items:
He met with Jeff Leslie of Indiantown Utilities;
Village Office Hours;
Strategic Planning Workshop;
Home Rule Video on the web site;
Meeting with Martin County Administrator to discuss office space and hours;
Looking at operations and staffing needs;
W2s and 1099 are being processed;
1 Year Village Celebration to be held on January 26, 2019 11-3pm at Post Park.

APPROVAL OF AGENDA

Motion: Approve Agenda

Moved by Council Member Hernández seconded by, Council Member Clarke

Approved 5/0

CONSENT CALENDAR

1. Approve Minutes of January 10, 2019 Regular Village Council Meeting

Motion: Approve Minutes as amended by the Clerk for Scriveners error

Moved by Vice Mayor Stone seconded by, Council Member Dowling

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

Doug Caldwell

Approved 5/0

REGULAR AGENDA

2. RESOLUTION No. 002-2019 - A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, ADOPTING A FINDING OF NECESSITY PURSUANT TO SECTION 163.355, FLORIDA STATUTES; FINDING A SPECIFIED AREA WITHIN THE VILLAGE TO BE A SLUM AND BLIGHTED AREA; FINDING THAT THE REHABILITATION, CONSERVATION, OR REDEVELOPMENT OF

SUCH AREA IS NECESSARY IN THE INTEREST OF PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE OF THE RESIDENTS OF THE VILLAGE; FINDING THAT THERE IS NEED FOR A COMMUNITY REDEVELOPMENT AGENCY TO FUNCTION IN THE VILLAGE PURSUANT TO SECTION 163.356, FLORIDA STATUTES; CREATING THE COMMUNITY REDEVELOPMENT AGENCY; DECLARING THE VILLAGE COUNCIL TO BE THE COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO SECTION 163.357, FLORIDA STATUTES; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion: Approve to table the item Resolution 002-2019 indefinitely

Moved by Council Member Dowling seconded by, Council Member Clarke

Approved 5/0

3. (Tabled from January 10, 2019)
Adopt 2019 Village Council Meeting Calendar.

Motion: Approve the adoption of the 2019 Village Council Meeting Calendar

Moved by Council Member Dowling seconded by, Council Member Hernández

Approved 5/0

FIRST READING ORDINANCES

4. ORDINANCE NO. 2 (2019) - AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A LOCAL PLANNING AGENCY PURSUANT TO SECTION 163.3174, FLORIDA STATUTES; PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Motion: Approve the adoption of Ordinance 02-2019 on First Reading

Moved by Council Member Hernández seconded by, Vice Mayor Stone

Approved 4/1 Mayor Thomas -No

SECOND READING ORDINANCES

5. ORDINANCE NO. 001-2019 -- AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, AMENDING CHAPTER 67, ARTICLE 7, NUISANCE ABATEMENT, SECTION 67.201, OF THE VILLAGE OF INDIANTOWN'S TRANSITIONAL CODE OF ORDINANCES TO CHANGE THE HEIGHT LIMIT ON WEEDS, UNDERGROWTH AND OTHER DEAD OR LIVING PLANT LIFE FROM 18 INCHES TO 10 INCHES; PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Motion: Approve Ordinance 001-2019 on Second Reading

Moved by Council Member Dowling seconded by, Vice Mayor Stone

Approved 5/0

DISCUSSION ITEMS

6. Discussion on Council Goals and Priorities, Meeting Date, Time, and Location

After discussion and explanation by Village Manager Howard Brown, he requested the Village Council schedule a Goals and Priorities Meeting for February 9, 2019, at 7:30 am-5:00 pm, to finalize the strategic plan of the Village.

The Council made the following motion:

Motion: Approve a Special Workshop to discuss the Goals and Priorities of the Village

Moved by Vice Mayor Stone seconded by, Council Member Clarke

Approved 5/0

7. Comprehensive Plan Timeline

Village Manager gave a brief overview regarding the item.

Motion: Approve to sunset the Comprehensive Plan Committee

Moved by Council Member Dowling seconded by, Council Member Clarke

The Commissioners discussed the item.

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

Renita Presler
Donna Carman
Doug Caldwell
Linda Ivory
Linda Nycum
Renita Presler

Approved 3/2

Mayor Thomas and Vice Mayor Stone - No

ANNOUNCEMENTS

NEXT REGULAR MEETING: February 14, 2019

ADJOURNMENT

ATTEST:

VILLAGE OF INDIANTOWN, FLORIDA

CHERIE WHITE
VILLAGE CLERK

SUSAN GIBBS THOMAS
MAYOR

APPROVED ON February 14, 2019

**VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM**

MEETINGDATE: February 14, 2019

MEETING TYPE: Village Council

AGENDA ITEM TITLE: RESOLUTION No. 005-2019 -- A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA, ADOPTING A SCHEDULE OF DEVELOPMENT REVIEW FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY OF ITEM: The Village of Indiantown is presently governed by the Martin County Comprehensive Plan and Land Development Regulations as they existed on December 31, 2017. As the Village is under these regulations, staff recommends that the Village of Indiantown adopt the fee schedule of Martin County until such time that the Village adopts its own regulations. At that time, staff will conduct a fee study and recommend a fee schedule specific to the Village of Indiantown.

RECOMMENDATION: Staff recommends that the Village of Indiantown utilize the Martin County development review schedule until such time that the Village of Indiantown adopts its own Land Development Regulations.

Adopt Res. No. 005-2019 Adopting Development Review Fee Schedule

PREPARED BY: Bonnie C. Landry, AICP DATE: 1/27/2019

REVIEWED BY: Wade Vose, Village Attorney DATE: 1/31/2019

APPROVED BY: Howard W. Brown, Jr., ICMA-CM DATE: 2/1/2019

ATTACHMENTS:

Description

Res. No. 005-2019 Adopting Development Review Fee Schedule

Exhibit A - Proposed Fee Schedule



RESOLUTION No. 005-2019

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF INDIANTOWN, FLORIDA, ADOPTING A
SCHEDULE OF DEVELOPMENT REVIEW FEES; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Village of Indiantown is presently governed by the Martin County Comprehensive Plan and Land Development Regulations as they existed on December 31, 2017; and

WHEREAS, because the Village is presently governed by these regulations, the Village Council of the Village of Indiantown finds that it would be reasonable and prudent to adopt a development review fee schedule identical to that of Martin County, until such time that the Village adopts its own regulations, at which time Village staff will conduct a fee study and recommend a revised development review fee schedule specific to the Village Council.

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

SECTION 1. DEVELOPMENT REVIEW FEE SCHEDULE ADOPTED. The Village Council of the Village of Indiantown, Florida hereby adopts a the Development Review Fee Schedule attached hereto as Exhibit "A."

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

- ALL SIGNATURES ON THE NEXT PAGE -

RES. 005-2019 ADOPTING A DEVELOPMENT REVIEW FEE SCHEDULE

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 _____, 2019.

ATTEST:

VILLAGE OF INDIANTOWN, FLORIDA

CHERIE WHITE
VILLAGE CLERK

SUSAN GIBBS THOMAS
MAYOR

REVIEWED FOR FORM AND
CORRECTNESS:

WADE C. VOSE
VILLAGE ATTORNEY



The Village of Indiantown

Development Review Application Fee Schedule

Applications	Fee
Administrative Amendment	\$3,850
Certificate of Reservation Extension	\$2,950
Completeness Review ¹	\$290
Development of Regional Impact Review	\$43,400
Major/PUD Final Site Plan	\$9,127
Major Master & Final Site Plan	\$12,000
Major Master Site Plan	\$12,000
Minor Final Site Plan	\$8,750
Minor Master Site Plan	\$8,750
Plat (Major/PUD Development)	\$16,600
Plat (Minor Development)	\$13,600
Plat Vacation	\$1,624
Pre-Application Meeting Request (Non-PUD)	\$580
Pre-Application Meeting Request (PUD)	\$1,100
PUD Final Site Plan	\$9,127
PUD Zoning & Master Site Plan	\$13,800
Revised Major Final Site Plan	\$9,127
Revised Major Master & Final Site Plan	\$12,000
Revised Major Master Site Plan	\$12,000
Revised Minor Final Site Plan	\$8,750
Revised Minor Master Site Plan	\$8,750
Revised PUD Final Site Plan	\$9,127
Revised PUD Zoning & Master Site Plan	\$13,800
Minor Timetable Extension to Development Order	\$1,450
Major Timetable Extension to Development Order ²	\$2,950
Variance (Administrative)	\$270
Variance (Non-Administrative)	\$690
Zoning Change (mandatory) ³	\$1,000
Zoning Change (non-mandatory)	\$3,115
Elective Resubmittal	
Elective Extension for Post Approval Document Submission	\$595
Resubmittal - Development of Regional Impact Review	\$10,850
Resubmittal – Major Final Site Plan	\$2,282
Resubmittal - Major Master Site Plan	\$3,000
Resubmittal - Minor Final Site Plan	\$2,188

¹Use the Completeness Review application for the initial submittal.

²Non-Administrative Timetable Extension applies to amendments processed Pursuant to Article 10.14, PUD Timetable Amendments, Timetable to Extend Concurrency Reservations, and Amendments processed under Article 10.17.

³For purposes of this fee schedule, a "mandatory rezoning" is one in which the parcel has a Category "C" zoning designation but is ineligible to receive site plan approval for new development without rezoning to a Category "A" district, specifically excluding applications for rezoning to PUD.

Resubmittal - Minor Master Site Plan	\$2,188
Resubmittal – Plat (Major/PUD Development)	\$4,150
Resubmittal - Plat (Minor Development)	\$3,400
Resubmittal - PUD Final Site Plan	\$2,282
Resubmittal - PUD Master Site Plan	\$3,450
Alternative Compliance Requests	Fee
Alternative Compliance Review - Landscaping	\$240
Alternative Compliance Review - Redevelopment Overlay District	\$240
Other Applications	
Article 10 Appeal ⁴	Hourly rate
Development Agreement ⁵	\$3,250
Excavation and Fill Application (Engineering)	\$320
Hauling Fee (Engineering)	\$0.21/yard
Meeting or Hearing Continuance of BCC or LPA Meeting	\$200
Minor Correction to Plat, Final or Master Site Plan to Address Minor Inconsistencies (as per Section 10.11.C, 10.11.D. and 10.11.E) ⁶	\$1,450
Permit-Ready Industrial Park Review ⁷	\$600
Petition for LDR Change	\$3,115
Proportionate Fair Share Request	Hourly rate
Release of Unity of Title or other BCC Administrative Action	\$179
Review of Minor Changes (as per Section 10.1.E) ⁸	\$600
Vested Rights Determination	\$9,850
Inspection Fees⁹	
Minor Development (Environmental)	\$560
Major/PUD Development (Environmental)	\$1,100
Re-Inspections (Environmental)	\$100
Re-Inspections (Engineering Department)	\$100
Plat – Minor Development Compliance (Engineering Department)	\$1,550
Plat – Major/PUD Development Final Site Plan Compliance (Engineering Department)	\$2,150
Minor Master and/or Final Site Plan Compliance (Engineering Department)	\$3,600
PUD/Major Master/Final Site Plan Compliance (Engineering Department)	\$2,900

⁴As determined by staff assigned to application.

⁵Development Agreements are special contracts usually involving infrastructure improvements, which are covered by Article 7.

⁶Applies when an application under review is determine to have discrepancies with a previously approved application.

⁷For review of building permit applications for vertical construction on lots approved as part of a “Permit-Ready Industrial Park.”

⁸Review of Minor changes is for review of building permit applications, if applicable.

⁹Inspection fees are collected during post approval for inspections required during construction phase.



Miscellaneous Fees	
Scrivener's Error	\$480
Street Name Change	\$480
Zoning Determination Letter	\$158
Hourly Rates	
GMD Director Hourly Rate	\$150
Administration – Clerical Hourly Rate	\$45
Development Review Administrator Hourly Rate	\$90
Environmental Administrator Hourly Rate	\$80
Comprehensive Planning Hourly Rate	\$80
Development Review Hourly Rate	\$80
Environmental Hourly Rate	\$70
Zoning Hourly Rate	\$45

**VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM**

MEETINGDATE: February 14, 2019

MEETING TYPE:

AGENDA ITEM TITLE: RESOLUTION No. 006-2019 - A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR THE PROVISION OF FIRE MARSHAL SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY OF ITEM: This resolution approves an interlocal agreement with Martin County for the provision of Fire Marshal Services.

RECOMMENDATION: Approve Res. No. 006-2019 Approving Interlocal Agreement with Martin County for Fire Marshal Services.

PREPARED BY: Wade Vose, Village Attorney DATE: 1/31/2019

REVIEWED BY: Howard W. Brown, Jr., ICMA-CM DATE: 1/31/2019

APPROVED BY: Howard W. Brown, Jr., ICMA-CM DATE: 2/1/2019

ATTACHMENTS:

Description

Res. No. 006-2019 Approving Interlocal Agreement with Martin County for Fire Marshal Services

Interlocal Agreement - Martin County and Village of Indiantown for Fire Marshal Services - final 01-23-19



RESOLUTION No. 006-2019

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF INDIANTOWN, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR THE PROVISION OF FIRE MARSHAL SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the requirement of Section 125.01(1)(q), Florida Statutes, and the procedures of Section 166.041, Florida Statutes, the Village has already adopted Ordinance No. 001 (2018) consenting to the inclusion of all of the Village in the Fire-Rescue Municipal Services Benefit Unit (MSBU) for the purposes described therein for the term of the special assessment; and

WHEREAS, the Village and the County have entered into an interlocal agreement dated September 27, 2018, for the provision of fire rescue services within the Village boundaries, which encompassed services identical to those funded by the Martin County Fire Rescue MSTU; and

WHEREAS, Fire Marshal Services, as herein defined, are not encompassed within the services covered by the foregoing Interlocal Agreement, thus necessitating a further interlocal agreement for the provision of such services by the County within the Village boundary.

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

SECTION 1. INTERLOCAL AGREEMENT APPROVED. The Interlocal Agreement with Martin County for the Provision of Fire Marshal Services to the Village of Indiantown, 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.

- ALL SIGNATURES ON THE NEXT PAGE -

RES. 006-2019 Approving Interlocal Agreement with Martin County for Fire Marshal Services

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 _____, 2019.

ATTEST:

VILLAGE OF INDIANTOWN, FLORIDA

CHERIE WHITE
VILLAGE CLERK

SUSAN GIBBS THOMAS
MAYOR

REVIEWED FOR FORM AND
CORRECTNESS:

WADE C. VOSE
VILLAGE ATTORNEY

INTERLOCAL AGREEMENT FOR FIRE MARSHAL SERVICES

THIS INTERLOCAL AGREEMENT ("Agreement") made and entered into this ____ day of February, 2019 (the "Effective Date"), 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") and **Martin County**, a political subdivision of the State of Florida, (hereinafter referred to as the "County").

WITNESSETH:

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to the Florida Interlocal Cooperation Act of 1969, the County and the Village have the power and authority to enter into an interlocal agreement for the purposes of delineating policies, procedures, and actions with respect to the County's provision of Fire Marshal Services, as herein defined, within the Village's corporate limits; and

WHEREAS, pursuant to the requirement of Section 125.01(1)(q), Florida Statutes, and the procedures of Section 166.041, Florida Statutes, the Village has already adopted Ordinance No. 001 (2018) consenting to the inclusion of all of the Village in the Fire-Rescue Municipal Services Benefit Unit (MSBU) for the purposes described therein for the term of the special assessment; and

WHEREAS, the Village and the County have entered into an interlocal agreement dated September 27, 2018, for the provision of fire rescue services within the Village boundaries, which encompassed services identical to those funded by the Martin County Fire Rescue MSTU; and

WHEREAS, Fire Marshal Services, as herein defined, are not encompassed within the services covered by the foregoing Interlocal Agreement, thus necessitating a further interlocal agreement for the provision of such services by the County within the Village boundary.

INTERLOCAL AGREEMENT

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

- 1.0 **Recitals.** The recitals above are true and correct and hereby incorporated into and made a part hereof.
- 2.0 **Authority.** The authority to enter into this Agreement is pursuant to Chapter 163, Florida Statutes.
- 3.0 **General Purpose.** The Village and the County are entering into this Interlocal Agreement to set forth the rights and responsibilities concerning the provision of Fire Marshal Services, as herein defined, by the County to the Village within the Village boundary.
- 4.0 **Fire Marshal Services.**

4.1 Definitions

- (a) "Fire Safety Inspections and Plan Review Services" shall mean the inspection or examination of non-residential or multifamily residential structures for the purpose of determining compliance with applicable fire and life safety codes, state hazardous material regulations or for effective fire suppression efforts, new business tax receipts inspections or life-safety inspections, with such services to be provided pursuant to the Florida Fire Prevention Code (as defined in Section 633.0215, Florida Statutes).
- (b) "Fire Arson Investigative Services" shall mean Martin County Fire Prevention will conduct initial fire origin and cause determinations. If the initial investigation indicates that a fire was intentionally set, the criminal investigation and prosecution will be conducted by the State Fire Marshal's office.
- (c) "Fire Marshal Services" shall mean the provision of Fire Safety Inspections and Plan Review Services, Fire Arson Investigative Services, and all other services attendant to the office of "Fire Marshal" pursuant to Florida law.

4.2 The County agrees to provide Fire Marshal Services within the Village, beginning upon the effective date of this Agreement. In the provision of Fire Marshal Services within the Village, the County is hereby authorized to charge the

INTERLOCAL AGREEMENT

same fees, provide the same service, and utilize the same process as is utilized by the County within unincorporated Martin County, following the County's Code and regulations for such services.

4.3 With respect to the provision of Fire Arson Investigative Services within the Village, and the provision of any other Fire Marshal Services within the Village as to which there is not an applicant to charge a fee, the Village shall reimburse the County for the provision of such services at the County's applicable hourly rates set forth in the County's adopted fee schedule, or if not provided for in such fee schedule, the Village shall reimburse the County for its actual costs. Further, in the event the County, after three diligent attempts, is unable to recover a fee or costs due from an applicant or other person pursuant to this Agreement, the County shall so inform the Village, and the Village shall pay the fee to the County. The County hereby assigns to the Village the right to recover the fees, costs, and charges referenced in this paragraph from any and all persons responsible therefor, via pursuit of collections, imposition of liens, recovery as restitution pursuant to criminal prosecution, or otherwise.

4.4 For the term of this Agreement, the Martin County Fire Marshal is hereby designated the Village of Indiantown Fire Marshal.

4.5 The parties agree that the Village shall reimburse the County for the Fire Marshal Services provided by the County to the Village prior to the effective date of this Agreement during November 2018 (specifically, with respect to the egg plant incidents) upon the same terms as set forth herein.

5.0 **Term and Termination.** This Agreement shall remain in effect from the Effective Date hereof, and indefinitely thereafter, subject to termination pursuant to this section. This Agreement may be terminated by either party by delivering to the other party written notice thereof prior to May 1 of a given calendar year, whereupon the Agreement will thereby terminate on September 30th at 11:59 PM of that year. The Agreement may be otherwise terminated in a manner agreed by the parties in writing.

6.0 **Dispute Resolution.** Disputes under this Agreement may be resolved by the County's Authorized Representatives and the Village's Authorized Representatives. Notwithstanding the provisions of Chapter 164, Florida Statutes, the parties agree that if such Authorized Representatives are unable to reach a resolution and the parties agree that the issue is of sufficient merit, prior to initiating any legal proceeding, the parties shall first select a mutually acceptable

INTERLOCAL AGREEMENT

mediator to conduct a mediation of the issues involved. The parties agree to be responsible for the mediator's fees and costs in equal amounts.

7.0 **Amendment.** This Agreement may only be amended by a written document signed by both parties and filed with the Clerk of the Circuit Court of Martin County, Florida.

8.0 **Notices.** All notices, requests, consents, and other communications required or permitted under this Agreement shall be in writing and as elected by the person giving such notice, hand delivered by messenger or courier service, telecommunicated (email or fax), or mailed by certified mail (postage prepaid), return receipt requested, addressed to :

As to Martin County:

With a copy to:

Martin County Administrator
2401 SE Monterey Road
Stuart, FL 34996

Martin County Attorney
2401 SE Monterey Road
Stuart, FL 34996

As to the Village of Indiantown:

With a copy to:

Village Manager
Village of Indiantown
PO Box 398
Indiantown, FL 34956-0398

Village Attorney
Village of Indiantown
PO Box 398
Indiantown, FL 34956-0398

or such other address as any party may designate by notice complying with the terms of this Section. Each such notice shall be deemed delivered: (a) on the date delivered, or on the day telecommunicated, or on the date upon which the return receipt is signed, or delivery refused or the notice is designated by the postal authorities as not deliverable, as the case may be, if mailed.

9.0 **Filing.** This Agreement shall be filed by Martin County with the Clerk of the Circuit Court of Martin County, Florida.

10.0 **Assignment.** Neither party shall assign this Agreement to any other person or entity without first obtaining the non-assigning party's written approval.

INTERLOCAL AGREEMENT

11.0 **General.** This Agreement embodies the whole understanding of the parties for Fire Marshal Services. There are no promises, terms, conditions, or obligations other than those contained herein, and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties pertaining to Fire Marshal Services.

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

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:

KRISTA A. STOREY,
ACTING COUNTY ATTORNEY

INTERLOCAL AGREEMENT

DATED: _____

ATTEST:

VILLAGE OF INDIANTOWN

CHERYL WHITE, CLERK

SUSAN GIBBS THOMAS, MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

WADE C. VOSE, VILLAGE ATTORNEY

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**VILLAGE OF INDIANTOWN, FLORIDA
AGENDA MEMORANDUM**

MEETINGDATE: February 14, 2019

MEETING TYPE:

AGENDA ITEM TITLE: ORDINANCE NO. 3 (2019) -- AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT ORDERS, ZONING APPROVALS, AND BUILDING PERMITS FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; PROVIDING FOR THE DURATION OF THE MORATORIUM; PROVIDING FOR DIRECTION TO VILLAGE STAFF TO PREPARE RECOMMENDATIONS CONCERNING APPROPRIATE REGULATIONS; PROVIDING FOR DEFINITIONS, FINDINGS, SEVERABILITY, CONFLICTS, NON-CODIFICATION, AND AN EFFECTIVE DATE.

SUMMARY OF ITEM: This ordinance establishes a temporary moratorium on the acceptance of applications and the issuance of development orders, zoning approvals, and building permits for medical marijuana treatment center dispensing facilities for a period of up to one year, and provides direction to staff to study, develop and recommend appropriate land development regulations for medical marijuana treatment center dispensing facilities consistent with the limited authority provided to the Village by Section 381.986(11), Florida Statutes.

RECOMMENDATION: Approve Ordinance 3 (2019) Establishing a Temporary Moratorium on Medical Marijuana Treatment Center Dispensing Facilities on First Reading.

PREPARED BY: Wade Vose, Village Attorney DATE: 1/31/2019

REVIEWED BY: Howard W. Brown, Jr., ICMA-CM DATE: 2/1/2019

APPROVED BY: Howard W. Brown, Jr., ICMA-CM DATE: 2/1/2019

ATTACHMENTS:

Description

Ordinance 3 (2019) - Establishing a Temporary Moratorium on MMTC DFs



VILLAGE OF INDIANTOWN, FLORIDA

ORDINANCE NO. 3 (2019)

AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT ORDERS, ZONING APPROVALS, AND BUILDING PERMITS FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; PROVIDING FOR THE DURATION OF THE MORATORIUM; PROVIDING FOR DIRECTION TO VILLAGE STAFF TO PREPARE RECOMMENDATIONS CONCERNING APPROPRIATE REGULATIONS; PROVIDING FOR DEFINITIONS, FINDINGS, SEVERABILITY, CONFLICTS, NON-CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Use of Marijuana for Debilitating Medical Conditions Initiative, Amendment 2, passed on the November 8, 2016 ballot; and

WHEREAS, passage of the Initiative amended the Florida Constitution to authorize “medical marijuana treatment centers” to cultivate, process, sell, and dispense marijuana products and related supplies to qualifying patients; and

WHEREAS, Section 381.986, Florida Statutes, was amended in 2017 to create a unified regulatory structure with regard to medical marijuana treatment centers; and

WHEREAS, pursuant to Section 381.986(11), Florida Statutes, regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in that subsection; and

WHEREAS, as such, the Florida Legislature has preempted regulation by the Village of Indiantown with regard to medical marijuana treatment center cultivating or processing facilities, except with respect to a 500 foot separation of such facilities from a public or private elementary school, middle school, or secondary school, and with respect to the enforcement of the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code; and

WHEREAS, Section 381.986(11), Florida Statutes, authorizes a county or municipality to “ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality”; and

WHEREAS, Section 381.986(11), Florida Statutes, further provides that “[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality,” and that “[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465”; and

WHEREAS, the Transitional Land Development Regulations of the Village of Indiantown do not currently contain definitions or regulations that sufficiently and appropriately implement the authority granted to the Village pursuant to Section 381.986(11), Florida Statutes, with respect to medical marijuana treatment center dispensing facilities; and

WHEREAS, the professional Village planning staff and the Village Council have determined that additional study is needed in regard to the adoption of local regulations with respect to medical marijuana treatment center dispensing facilities and to ensure that any local regulations are consistent with the State regulations of the same; and

WHEREAS, the Village Council hereby determines that to protect, preserve and promote public safety and welfare, a temporary moratorium on the receipt of applications for and the issuance of any development orders, zoning approvals or building permits for the establishment or operation of medical marijuana treatment center dispensing facilities is necessary for a limited duration and until regulations are codified in the Land Development Regulations of the Village of Indiantown to address the matters referenced above.

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. DEFINITIONS. As used herein, the term “medical marijuana treatment center dispensing facility” means any facility where medical marijuana or any product derived therefrom is dispensed at retail.

SECTION 3. TEMPORARY MORATORIUM ESTABLISHED. Beginning on the effective date of this ordinance and continuing for a period of 365 days, or sooner if expressly repealed in an ordinance adopted to amend the Land Development Regulations of the Village of Indiantown regarding medical marijuana treatment center dispensing facilities, a moratorium is hereby adopted on the receipt of applications for and the issuance of any development orders, zoning approvals or building permits for the establishment or operation of medical marijuana treatment center dispensing facilities within the geographic area of the Village of Indiantown now existing or which may be hereafter annexed during the moratorium. 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 4. RECOMMENDATIONS FOR THE VILLAGE OF INDIANTOWN LAND DEVELOPMENT REGULATIONS. Village staff is hereby directed to study, develop and recommend appropriate land development regulations for medical marijuana treatment center dispensing facilities.

SECTION 5. 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 6. CONFLICTS. All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith, are hereby repealed.

SECTION 7. NON-CODIFICATION. The provisions of this Ordinance shall not be codified in the Village of Indiantown Code of Ordinances or Transitional Land Development Regulations.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption.

PASSED on First Reading on the ____ day of _____, 2019.

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 _____, 2019.

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: February 14, 2019

MEETING TYPE:

AGENDA ITEM TITLE: ORDINANCE NO. 4 (2019) - AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ADOPTING A VILLAGE SEAL PURSUANT TO SECTION 165.043, FLORIDA STATUTES; PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

SUMMARY OF ITEM: This ordinance adopts a village seal and provides the protections for the seal afforded by Section 165.043, Florida Statutes.

RECOMMENDATION: Approve Ordinance 4 (2019) Adopting Village Seal on First Reading.

PREPARED BY: Wade Vose, Village Attorney DATE: 1/31/2019

REVIEWED BY: Howard W. Brown, Jr., ICMA-CM DATE: 2/1/2019

APPROVED BY: Howard W. Brown, Jr., ICMA-CM DATE: 2/1/2019

ATTACHMENTS:

Description

Ordinance 4 (2019) - Adopting Village Seal

Exh A



VILLAGE OF INDIANTOWN, FLORIDA

ORDINANCE NO. 4 (2019)

AN ORDINANCE OF THE VILLAGE OF INDIANTOWN, FLORIDA, ADOPTING A VILLAGE SEAL PURSUANT TO SECTION 165.043, FLORIDA STATUTES; PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 165.043, Florida Statutes, provides for the adoption of a municipal seal by ordinance, and further provides that a seal so adopted shall be entitled to the protections afforded by that statute, including the fact that the unauthorized use of the seal is a second degree misdemeanor; and

WHEREAS, the Village Council of the Village of Indiantown finds that the seal of the Village is an important representation of the unique characteristics of the Village of Indiantown, and that the seal should be protected as a form of intellectual property to the fullest extent allowed by law, such that the general public may rely upon the display or representation of the municipal seal as the official logo or brand of the Village.

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 and adopted as legislative findings by the Village Council of the Village of Indiantown, and are otherwise fully incorporated herein.

SECTION 2. MUNICIPAL SEAL OF THE VILLAGE OF INDIANTOWN. Pursuant to Section 165.043, Florida Statutes, the Village Council of the Village of Indiantown hereby adopts and designates the seal attached hereto as Exhibit “A” as the

official municipal seal of Village of Indiantown. As provided by law, the manufacture, use, display or other employment of any facsimile or reproduction of the municipal seal, except by municipal officials or employees in the performance of their official duties, without the express approval of the governing body is a second degree misdemeanor, punishable as provided in Sections 775.082 or 775.083, Florida Statutes, as the same may be amended. The Village Manager, or his designee, is delegated the authority to grant permission to others to use the seal.

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. CODIFICATION. The provisions of this Ordinance shall become and be made a part of the Transitional Code of Ordinances of the Village of Indiantown, and the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that sections other than Section 2 of this Ordinance shall not be codified. The codifier is granted liberal authority to codify the provisions of this Ordinance.

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

PASSED on First Reading on the ____ day of _____, 2019.

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 _____, 2019.

ATTEST:

VILLAGE OF INDIANTOWN, FLORIDA

CHERIE WHITE
VILLAGE CLERK

SUSAN GIBBS THOMAS
MAYOR

REVIEWED FOR FORM
AND CORRECTNESS:

WADE C. VOSE
VILLAGE ATTORNEY



"Exhibit A"