



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 19-0772

DEPT-3

Meeting Date: 8/27/2019

PLACEMENT: Departmental

TITLE:

DISCUSSION ON THE VILLAGE OF INDIANTOWN'S REQUEST FOR A TRANSFER OF COUNTY OWNED ASSETS TO THE VILLAGE OF INDIANTOWN

EXECUTIVE SUMMARY:

On June 20, 2019 the County Administrator (Administrator) received a request from the Village of Indiantown (Village) for a transfer of specific County owned assets that are within the Village boundary. Staff has prepared an analysis of each of the parcels and seeks direction from the Board of County Commissioners (Board).

DEPARTMENT: Administration

PREPARED BY: **Name:** Taryn G. Kryzda
Title: County Administrator

REQUESTED BY: Village Manager, Village of Indiantown

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

A few years ago, the County was made aware of incorporation efforts being pursued within the County's south (Hobe Sound) and west (Indiantown) areas. Incorporation is a State legislative issue and requires the legislation to pass State law allowing for the incorporation once placed on a ballot and voted upon by those that are impacted. The Village of Indiantown was incorporated in December 2017. Prior to the incorporation, the County had very limited interaction with the individuals that were leading the incorporation efforts. There was no prior dialogue as to what the County would or would not be willing to do with County owned assets: transfer, sell, or retain, to another entity if incorporation was successful and County owned assets were within the defined incorporated boundary.

Once the incorporation of Indiantown happened and the Village was created, County staff began developing an inventory of County owned assets that would be located within the newly created Village. This was needed to determine what assets there were and how to pay for maintaining them. Reason being, prior to the incorporation the County collected ad valorem taxes from the Municipal Services Taxing Units (MSTUs) for park maintenance, road maintenance, stormwater maintenance, and fire rescue operations from the taxable value that was in the unincorporated area that is now part

of the Village boundary, so those taxes would no longer be collected by the County, but by the Village. During those discussions, it became apparent that the incorporation language and legislative action along with some other boundary issues, did not provide the necessary language to accomplish the Village's goals. One of those goals was to have the Fire Rescue MSTU include taxable values that were within the Village boundary. That would allow the County to collect the necessary ad valorem based upon the Fire MSTU's millage rate. Another important aspect for the Village was to be able to receive 'credit' for the MSTU millage rates the County would be assessing in the Village boundary, to meet the state's three-mil tax rate requirement, for an incorporated area to receive state revenue sharing (sales tax, gas tax, and others). To meet the Village's objectives, an interlocal agreement (interlocal) was established for the County to continue maintaining the assets until the Village determined whether they would maintain them, or the County would be requiring the Village to pay the County for future services in exchange, the Village would collect the necessary ad valorem taxes and return them to the County as if the MSTU boundaries included the Village.

The Village decided last year to take over maintaining roads and stormwater as of October 1, 2018 (Fiscal Year 2018/2019). The interlocal was amended accordingly to remove road and stormwater maintenance within the Village boundary and the County transferred ownership of all related assets and made the appropriate budget changes. There are still some outstanding issues which staff is trying to resolve for road and stormwater maintenance. The County continued in FY19 to maintain County parks within the Village boundary and provide fire rescue services under the amended interlocal. The interlocal required the Village to provide the same level of ad valorem taxes that the Village collected using the millage rate established by the County for the Park and Fire Rescue MSTUs for the services being provided by the County. On June 20, 2019 the Village Manager sent a letter to the Administrator requesting the interlocal agreement be amended again to exclude park and recreation facilities and services and to transfer to the Village the parks and some auxiliary assets.

The letter included the following chart:

LISTING OF PARKS AND AUXILIARY ASSETS

	NAME	PARCEL ID ¹
1	Timer Powers	044039000000001103
2	Post Family	054039005001000104
3	Big Mound	0540390000000001501
4	Booker Park	0140380000000001420
5	Booker Park (owned by Martin County CRA)	0140380000000001209
6	Booker Fire Station	0140380000000001410
7	Lot next to Booker Park Fire Station	0140380000000001003

¹ Parcel Identification Number from Martin County Property Appraiser's Office

In evaluating the request, staff is offering the following for each parcel:

Name	Acres	Property Appraiser Market Value
Timer Powers	37.4900	\$3,553,240
Post Family	2.0145	\$227,480
Big Mound	21.3500	\$1,028,110
Booker Park	4.1900	\$131,350

Booker Park (owned by Martin Co. CRA)	1.0124	\$13,460
Booker Fire Station	1.4900	\$295,890
Lot next to Booker Park Fire Station	1.0400	\$13,830

The acres reflected for parks, are included in the Capital Improvement Plan (CIP) as part of the County's level of service (LOS) determinations as established within the Growth Management Comprehensive Plan (GMCP) which is 3 acres per 1,000 population. The market value reflected above is not an actual value as the Property Appraiser's market values are discounted based upon various factors. The only way to verify the actual value is to have an appraisal performed.

PARCEL OVERVIEW

Timer Powers Park

Timer Powers Park is a designated regional facility. The site was acquired in 1990 with "Lands For You" and District F funds. Development of the site was done in 1997 with a grant from Land and Water Conservation Fund (LWCF), Florida Inland Navigational District (FIND) grant, and allocation from the County's general fund totaling \$860,000. Most recent improvements were to the arena and restrooms for \$2,308,245 using District F Impact Fees and Half-Cent Sales Tax for Park's Master Plan. The park provides access to the Okeechobee Waterway and St. Lucie County C-44 Canal. Staff would recommend the County retain ownership of this facility so it can remain a regional asset, particularly with the possible location of the fairgrounds in that general area.

Post Family

This parcel has some nuances that will need to be addressed. The parcel between the Post Family parcel and the County's Library is abandoned right-of-way (ROW) which the County has already transferred to the Village. The Library's parking area encroaches onto a portion of the ROW on the south side, so we would ask the Village to abandon that area of encroachment to ensure the parking area is not negatively impacted in the future. The gazebo adjacent to the Library is on the Library's property and should remain as a County asset. The utilities for the park will require a separate meter since presently the meter for irrigation and electricity are part of the meters for the Library. The parcel for the park itself has deed restrictions for that parcel to be utilized for park and recreation with a reversion clause that expires on 12/21/2020.

Big Mound

The County recently upgraded and resurfaced the basketball courts at this park. The County operates an After School/Out of School (AS/OS) camp which is funded with a Children Services Council (CSC) grant and County funds. Camp attendance is free and provides service to roughly 40 children. The summer camp is five days a week from 7:30 AM to 6:00 PM. The after-school program is from 2:00 PM until 6:00 PM on regular school days and from 12:00 PM to 6:00 PM on early release school days. During the school's winter and spring breaks and other non-school days, the camp is held each of those days from 7:30 AM to 6:00 PM. This program has had numerous siblings from the same family attend and staff has connected with these families creating relationships that have and are long lasting. The grant requires the County to track educational metrics and goals pertaining to bullying, nutrition, and healthy living. Staff also provides homework tutoring and have partnered with 4-H to provide agricultural education such as growing vegetables and raising chickens. Staff partners with the Library to promote reading; there are other activities the participants are exposed to such as exercising, dancing, arts, crafts, sports, and cultural experiences. The participants go on field trips to the movies, Sailfish Splash waterpark, trampoline centers, skate centers, and bowling - many of these activities the participants have never experienced.

The County was asked by the Village if the AS/OS program could continue being ran by Martin County. The concern is the ability to maintain 'control' over the facility to provide adequate separation from the public for the children as required by law. The State also has specific maintenance requirements that must be followed when providing children programs such as these. Staff has reached out to the Boys & Girls Club in Indiantown, and there is the ability to have those that have or would be attending the camp attend similar activities at the Boys & Girls Club. Transportation is a concern, but the County has been told there is busing from the schools already provided by the Boys & Girls Club. The current grant expires June 30, 2020. The Village could run the same program themselves, but they would need to apply for the grant and have adequate staffing (Parks & Recreation staff are able to cover for one-another in the event of an illness or scheduled leave of absence). It may be in the best interest of all parties to have the County keep this asset for the time being and continue to run the program as it has for more than 15 years and look to transition over next year when the grant will be completed. This would allow the residents more time to get prepared since school started on August 12, 2019. County staff have developed a relationship with the community through this program and are reluctant to make any significant immediate changes that will negatively impact a population of the County that really needs and relies on the services being provided. Either way, the Village will have to enter into an interlocal agreement to pay the County for the maintenance expenses associated with another nine months of operations, since the Park MSTU no longer includes collection of ad valorem from the Village boundary.

If there is a desire to transfer this asset to the Village this year, the County should operate the program through December 2019, and terminate the grant agreement with CSC. Or, the County could continue operating the program through the term of the grant, which would be June 30, 2020. As previously mentioned, there will be the need for an interlocal agreement for maintenance of facilities and to restrict activities at the park while the AS/OS program is in session, per Department of Children and Families (DCF) requirements.

Another dynamic with Big Mound Park is a 150-foot monopole tower with a shelter located on the property. The tower is older but could be upgraded in the future should the need arise and/or a carrier was interested. If the Big Mound Park parcel is dispositioned it would include the tower. The County would want a restrictive clause allowing access, without a charge or fee, to the tower if the County needs to place equipment on it for telecommunications.

Booker Park

This parcel is across the street from the Book Park Fire Station and is an open field. It has two baseball fields and has been converted into a multi-use field to accommodate baseball, soccer, and other field sports. It would be reasonable to consider disposition of this asset to the Village if the County will be doing so with the Booker Park Fire Station.

Booker Park (owned by Martin County, CRA)

The County's Community Redevelopment Agency (CRA) purchased this property utilizing CRA Tax Increment Financing (TIF) funds. Disposition of the parcel would require a Request for Proposals (RFP) and is more problematic due to the rules and regulations for CRA and TIF funds. Staff would recommend the County's CRA retain the parcel at this time and should the County's CRA decide to surplus this property it can be addressed then.

Booker Park Fire Station

This parcel includes basketball courts, playground, and restrooms. Recently the facility was leased to the Police Athletic League (PAL) for some of their youth programs. There are no other issues pertaining to the disposition of the site.

Lot next to Booker Park Fire Station

This one-acre vacant lot is located to the north of the fire station building. It was purchased in 1997 for \$24,000 with District F MSTU funds. There are no issues if this parcel was to be dispositioned to the Village.

CONCLUSION

Transferring assets to the Village is not required, it is within the purview of the Board to determine one way or the other. If the Board decides to transfer any of the above listed assets to the Village, the County may want to include in the transfer documents provisions to ensure the property remains accessible to the public as either a park, open space, or public facility. The County may want to determine a price or value for some of the parcels and amenities and have the Village pay to acquire, rather than just transferring them.

Until the transfers are executed, County staff has agreed to continue to handle the programming (reservations for facilities, etc.) for the parks that have those amenities, but as of October 1, 2019 it is imperative that the Village assumes maintenance responsibilities, unless there is an interlocal defining otherwise.

Depending upon Board direction, staff will work with the Village to develop the necessary interlocal agreements and bring those back to the Board once the Village has approved them.

ISSUES:

When the incorporation discussions began, the County took the position that we did not want to be perceived in any way as a hindrance to the process. Inclusion in some of the incorporation discussions to even understand which County properties were being included in the boundary being proposed would have been a benefit for both parties. That would have allowed for these issues to be fully vetted and understood.

The discussions of the Indiantown incorporation indicated the Village would be operating under what has been termed “government-lite’ as reflected in their feasibility study. The Village would continue to have the County provide services and the Village would pay for those services based upon the County’s MSTU millage rates. This philosophy seems to have changed, and the Village has taken over road and stormwater maintenance, and now has included park maintenance. The County has been able to shift resources and other funding impacts due to the reductions to the MSTU.

Transferring the assets as requested, can be accomplished except for Timer Powers Park and the CRA owned lot in Booker Park. The rationale for retaining Timer Powers Park by the County, is because the County has a park ‘system’. The amenities (horse arena and boat ramp) at Timer Powers Park are unique and should be available to all residents of the County, maintenance for the park is funded through the general fund. Additionally, as previously mentioned, the County should retain this park due to the possibility of the fairgrounds being located within a mile of the park.

Staff has heard that the Village may also be interested in owning and operating the Elisabeth Lahti Library and soon the Village will be doing a study to consider performing fire rescue services. Both the Library and Fire Station located within the Village are part of the County’s overall service system being provided to the residents of the County. The library system allows for shared materials, cross-trained staff and enough coverage for staff vacancies or absences. In fire rescue, the Fire Station in Indiantown has additional staffing and apparatuses. The County can provide additional resources

should there be a need, such as when the FP&L plant had a major explosion. The County provides depth to all residents in the western area with units responding from Tropical Farms, Palm City, Stuart, and Hobe Sound when the Indiantown station staff are transporting a patient, on a call, or are out of their normal zone for other reasons.

If the Village decides to proceed with providing fire rescue services to their residents, the need for the County to have a western station would not be alleviated. This would require the Village to have an interlocal agreement with the County as it is anticipated that the County would be expected to provide back-up coverage when the Village needed it. Mutual aid between organizations can only exist if there are mutual compliments of personnel and equipment. Because of the funding structure for fire rescue, the County cannot be in a position where it would be subsidizing the Village residents with resources that are being funded by residents in the unincorporated area. If there is any modification of the Village residents' service level it would impact their response times and Insurance Services Office (ISO) Public Protection Rating.

LEGAL SUFFICIENCY REVIEW:

This is a legislative decision requiring no formal legal review for this item.

RECOMMENDED ACTION:

RECOMMENDATION

The Board discuss the item and provide staff with direction.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

Depending upon the direction received, staff time will be dedicated to the creation of the documents necessary to implement Board direction.

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

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| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Resolution | |

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