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JOINT SCHOOL CONCURRENCY WORKSHOP MEETING

BOARD OF COUNTY COMMISSIONERS

CITY OF FELLSMERE COUNCIL

TOWN OF INDIAN RIVER SHORES COUNCIL

CITY OF SEBASTIAN COUNCIL

CITY OF VERO BEACH COUNCIL

The Board of County Commissioners of Indian River County, Florida, met in Joint Session with the City of Fellsmere Council, Town of Indian River Shores Council, City of Sebastian Council and City of Vero Beach Council, at the Richardson Center, Indian River Community College Mueller Campus, 6155 College Lane, Vero Beach, Florida, on Wednesday, May 3, 2006. Present were Chairman Arthur R. Neuberger, Vice Chairman Gary C. Wheeler, and Commissioners Sandra L. Bowden, Wesley Davis and Thomas S. Lowther. Also present were County Administrator Joseph Baird, Assistant County Attorney Bill DeBraul, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Maria I. Suesz.

1. CALL TO ORDER

Chairman Neuberger called the meeting to order 1:30 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman Neuberger led the Pledge of Allegiance to the Flag.

3. WELCOME AND INTRODUCTIONS

Chairman Neuberger asked his Commissioners and the City Council members to introduce themselves: City of Fellsmere Vice Mayor John McCants, City of Sebastian Mayor Nathan B. McCollum, Vice Mayor Brian S. Burkeen, Councilmember Al Paternoster, Councilmember Andrea B. Coy, City of Vero Beach Vice Mayor Sabin Abell, Councilmember Bob Solari, Councilmember Debra Fromang, Councilmember Ken Daige, and Town of Indian River Shores Vice Mayor David J. Becker.

Chairman Neuberger acknowledged the following County Staff members who were present: Community Development Director Bob Keating, Planning Director Stan Boling, Long Range Chief Sasan Rohani, and County Administrator Joseph Baird.

4. CONSULTANT PRESENTATION

Jeanne Mills, JD, AOC, Jeanne Mills and Associates, LC, introduced herself, David DeYoung, AICP of Kimley-Horn and Associates, Inc., and Ryan Morrell, AICP, Mamco, Inc. **Ms. Mills** gave an overview of SB360 and an update of school concurrency using a PowerPoint presentation (copy on file). The Department of Community Affairs (DCA) has selected Indian River County as a pilot project community to fast-track draft school concurrency documents. The first draft is to be completed by June 1, 2006, and is to include several items required for submission to DCA. Those required documents include the Interlocal Agreements (ILA) with the municipalities providing a framework for school concurrency, the Public School Facilities Element, the Intergovernmental Coordination Element, and the Capitol Improvement Element.

Ryan Morrel, Mamco, Inc., provided a technical overview to the data collection and analysis process, the assessment of current conditions, and the projection of future demands and requirements. He reviewed school related data, the School District's Five-Year Capital Facilities Plan, the process in obtaining municipal data, and data and analysis results.

Ms. Mills provided an overview of the Public School Facilities Element (PSFE), the Capital Improvement Element (CIE), and the Intergovernmental Coordination Element (ICE).

David DeYoung, AICP, Kimley-Horn and Associates, discussed the residential review process explaining the tier level of service, and the service area boundaries for elementary, middle and high schools. He reviewed school district options of looking at adjacent service areas and sharing capacity, the availability standard and options provided in the Florida Statutes, and what it means by proportionate share mitigation.

Chairman Neuberger wanted to know if the adopted level of service could be exceeded. **Mr. DeYoung** responded, that the adopted level of service may not be exceeded. He advised that the Indian River County School District is proposing 100% for 2008 to 2013 (5 years) as the tier level of service, and described how the process to tier down to the desired level of service works.

There was a brief discussion regarding Palm Beach County's School District level of service.

Mr. Morrel discussed responsibilities of the School District and their areas of focus.

Ms. Mills presented the local government responsibilities and their focus on school concurrency. She said residential development would not be approved until the School District has determined that capacity does not exceed the adopted level of service in a school service

area, and unless the impact fees have been paid. The local governments will participate in the Interlocal Agreement as signatories to the agreement, and will adopt a consistent Public School Facilities Element that would embody the provisions of the Interlocal Agreement. The Capitol Improvement Element would be updated annually, and the Intergovernmental Coordination Element (ICE) would be adopted according to the needs of ICE in a local government. The local government would monitor the school level of service standard since the level of service adopted may not be exceeded. The School District boundaries would change based on the needs of the School District to modify those school service areas as new schools come online, or to address that development which needs to be shifted in order to balance the schools utilization. Mitigation measures with a developer and the local government will have a binding agreement to address the issues mitigating the impact of the development.

Mr. DeYoung concluded the presentation defining the best benefit of school concurrency to be the awareness by all parties of residential development and how it is going to impact the County's schools.

5. DISCUSSION AND COMMENTS

Chairman Neuberger inquired as to what level of service the School Board adopted. **Mr. DeYoung** responded that it was decided to use 100%.

Commissioner Wheeler heard what he thought was a conflict by saying the schools cannot exceed the adopted level of service, then say they can mitigate if they do exceed the adopted level of service. He wondered whether development would come to a halt if the School Board did not follow the plan. **Mr. De Young** explained that the process is working in other counties, particularly Palm Beach County. The process will work with cooperation and coordination of everyone working together.

Discussion continued and **Ms. Mills** explained the intent of the School District was to choose the level of service standard of 100% because it was the most reasonable standard to match the eventual class size reduction of each school. She explained the process followed in Palm Beach County.

Commissioner Bowden inquired about the School District's current millage rate, and after the class size reduction, if the School Board intends to bring forward another bond referendum. **Dr. Dan McIntyre**, School Board Assistant Superintendent, responded that he did not think they would have a bond referendum anytime soon and he thought the millage rate was between 8 and 9 mills.

Mayor Nathan McCollum, City of Sebastian, asked who works the formula to determine capacity. **Mr. DeYoung** responded the School District working with the consultant use the standard formula that is in the Interlocal Agreement to determine the student generation multiplier.

Commissioner Davis wanted to be sure that the student generation multiplier was specifically for Indian River County, and he learned it is.

Andrea Coy, City of Sebastian Council Member, questioned what the current capacity is in the schools. Mr. DeYoung responded that no school is higher than 101%.

Discussion ensued concerning language in the Interlocal Agreement regarding the selection of school sites. Community Development Director Bob Keating explained that every year the School District has to send the local governments their 5-year Public Facilities Plan and it is an opportunity for local governments to obtain input to provide assistance for new school locations.

Mayor McCollum asked for an explanation why the elected officials meeting currently held in June had been moved to August. Director Keating related the change was made because in August the school board would have the draft facilities plan update.

Vice Mayor Brian Burkeen, City of Sebastian, questioned, based on the boundaries, if there are schools operating below the level of service of 100%. **Ms. Mills** explained all county schools except for middle schools are below the adopted level of service. When you analyze a school, you are looking at the school boundary, the school service area, and the school attendance zone.

Vice Mayor Burkeen felt the way the level of service is determined is misleading. **Mr. DeYoung** said when you break it down into the individual school boundaries it gives you a better picture of available capacity. He related that there are five (5) schools currently exceeding the level of service on an individual basis.

Commissioner Lowther asked if the stand-alone Freshman Learning Center (FLC) at Vero Beach High School counts towards the 10th through 12th grade figures, and if that brings the capacity over 100%. **Mr. DeYoung** responded that the FLC has a capacity associated with it, and if you look at it by itself, enrollment versus capacity, it is operating at acceptable levels. If you put the FLC kids into the high school, the high school would be over capacity because essentially you are leaving 700 student stations behind; you have to provide for them. Commissioner Lowther understood this plan could warrant the need for the south County high school at some future place in time and **Mr. DeYoung** agreed.

Vice Mayor Burkeen inquired when they would receive the new language to the Interlocal Agreement, and **Mr. DeYoung** said by June 1, 2006.

Councilmember Coy opined that the Interlocal Agreement required only statistics from the City and she failed to see any other requirements of the City and felt this may be a

waste of time. She felt the opportunity to participate in School Board functions had been available in the past, but the City has not had the opportunity to make changes. She told the County their role was not very different from that of the City's, and she asked for an explanation.

Director Keating responded that by executing the Interlocal Agreement each municipality would be taking on a major part of the system. The two major responsibilities are the School Board will make sure the supply is there (build schools), and the cities will make sure the demand is met.

Director Keating said the purpose of this meeting was to get those responsible together, (both Boards) receive input, and together try to resolve it at staff level. He pointed out the Interlocal Agreement has specifics regarding how to change the school service area boundaries and the Public School Facility Plan. The Cities and the County have essential veto authority over the School Board's decisions to making unilateral changes.

Commissioner Wheeler wanted to know whether the School Board or the County decides what is to be developed. Director Keating said both; the School Board gets to weigh-in if the Cities or the County wants to make any changes to their Comprehensive Plan. This agreement mandates that the School Board would have to keep up with supplying the school seats necessary to meet the demand and to maintain the level of service. This is the only aspect of concurrency mandated by the State where you have different governmental bodies responsible for supply and demand. The Interlocal Agreement is essentially setting responsibilities on both parties.

Dr. McIntyre felt there was plenty of time to massage these issues and to address everyone's concerns before the final draft.

Councilmember Coy would like to see more participation considered at all levels so everyone reaches a comfort zone. She asked that the School Board consider the Cities' input in the future, when decisions are being made regarding the boundaries.

Damien Gillium, Sebastian developer, wanted to know who controls the money. Director Keating said the local government that is issuing the building permit collects the impact fees. The County transfers the impact fees to the School Board, and they have to provide to the County every year where impact fees are being spent to ensure they are being spent appropriately.

Peter Seed, Indian River County Neighborhood Association, said the Association is enthusiastic about this effort. He wanted to know if age restricted communities are included in the Consultant's statistics indicating that a retirement community does generate student enrollment. **Mr. DeYoung** responded that it does.

Director Keating stated that Court decisions mandate that we cannot charge impact fees for kids. We are not looking at secondary impacts. The assumption is they have to live in the area. He said it was a good idea though.

Mr. Seed asked if mitigation opportunities are in addition to the developer's cost for impact fees. **Mr. DeYoung** said they could be if the mitigation option is agreed upon. The impact fee does get credited against that option, then, the developer may be paying more into the system than what the impact fees were originally.

Mr. Seed asked what the project approval date is based on and whether it entitles the developer to reserve capacity; and if so, for how long. **Mr. DeYoung** responded there is a vesting period that is based on the County's concurrency management system.

6. ADJOURNMENT

There being no further business, on Motion duly made, seconded and carried, the meeting was adjourned at 2:45 p.m.

ALL BACKUP DOCUMENTATION IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND
ARE HEREBY MADE A PART OF THESE MINUTES

ATTEST:

Jeffrey K. Barton, Clerk

Arthur R. Neuberger, Chairman

Minutes Approved: _____

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