



**INDIAN RIVER COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM**

**Assistant County Administrator /  
Department of General Services**

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**Date:** February 27, 2018

**To:** Jason E. Brown, County Administrator

**Thru:** Michael C. Zito, Assistant County Administrator

**From:** Beth Powell, Conservation Lands Manager

**Subject:** Jones' Pier Conservation Area Public Use Improvements – Project Update and Status of FEMA Project Worksheet #796

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**I. DESCRIPTIONS AND CONDITIONS – PROJECT UPDATE**

In September 2008, the Board of County Commissioners purchased the historic Jones' Pier Conservation Area (JPCA) under the County's environmental lands program. The subject waterfront property consists of approximately 16.5 acres located on south Jungle Trail. The property was acquired for conservation and historic preservation purposes with a 45% cost-share grant (\$3M) from the Florida Communities Trust (FCT). As a condition of the FCT grant award, a management plan was created and approved by the BCC. Certain special management conditions include public parking, a picnic pavilion, stormwater or other pond, nature center (featuring the Jones' home), trails, education signage and ecological restoration which are required as a part of the funding agreement between the County and FCT. The special management conditions are included as an attachment as Attachment A.

Structures on the JPCA include the main house; a detached garage; a guest cottage; an improved dock and observation pier. Mr. Jones resided in the home under a Caretaker's Lease Agreement with the County until his death in March 2011, at which time the County began the transition into management and maintenance of the property.

In March 2013, the Board approved a Florida Inland Navigation District grant to improve the two docks on the site. The grant was awarded and the County completed the necessary repairs to both docks for the purpose of public access in June 2015.

From May 2011 until Hurricane Matthew in 2016, the main house was under a lease agreement with an Indian River County Sheriff's Deputy for the purpose of providing on-site security, grounds maintenance, and other services. During the time in which the deputy and his wife resided at the main house, repairs and improvements were made to both the main house and guest cottage. During 2015, the guest house was serving as an educational post with minor site improvements that provided for limited public education. The larger dock is currently open and utilized by the public. The small dock was damaged during Hurricane Matthew and is currently closed due to damage.

After Hurricane Matthew, the main house and guest cottage were damaged by storm surge and flooding. Staff determined the house was not fit for habitation and major repairs were necessary including the removal of water damaged dry wall, cabinetry, and flooring. The lease was subsequently terminated and the damages were listed with FEMA for funding eligibility to repair damages. Both the guest cottage and main house were professionally dried out and assessed for damages.

Staff is currently managing multiple opportunities for public access improvements to the site:

- FEMA Project Worksheet #796 for repairs to the main house and observation dock to pre-storm condition (see Attachment B – PA-04-FL-4283-PW-00796(0); Subgrant Application PA ID No. 061-99061-00 – Project Number IRCAG03)
- MBV Work Order No. 5 for designing the public access improvements – 90% complete
- Division of Historical Resources Grant for the reconstruction of the Fruit Stand and educational signage – submitted and awaiting funding allocation from the State’s approved 2018/19 budget.
- HMGP grant application to elevate the house and to mitigate future damage – in review with HMGP.
- MBV Work Order No. 10 for the conceptual design of the stormwater pond/wetland restoration – 90% complete.
- IRL NEP grant application to construct the stormwater wetland/pond/wetland restoration – submitted and in review.

**HMGP Application – Hurricane Matthew:**

A Hazard Mitigation Grant Program (HMGP) grant application has been completed to elevate the house and is currently under review. The current estimate to elevate the structure is \$69,400. This may occur simultaneously with the site improvements (parking, restrooms, etc.) or may be completed independently. Under HMGP funding, the County would provide a 25% match (\$17,350) and the grant would be issued and approved prior to any work.

**Division of Historical Resources Grant Application:**

On May 2, 2017, an informational item was presented to the Board regarding application to the Division of Historical Resources for the Jones’ Pier Fruit Stand (and other educational information along Jungle Trail and the Indian River Lagoon). The grant was reviewed by DHR and staff has been informed that funding is likely. The funding allocation through DHR has the potential to be \$27,500. If funding is awarded by DHR and accepted by the Board, this portion of the project may move independently of other improvements.

**MBV Contract:**

On May 9, 2017, the Board approved Work Order No. 5 for MBV Engineering, Inc. to complete Site Plan, Design and Permitting for the public use improvements to the Kroegel Homestead, Hallstrom Farmstead and Jones’ Pier Conservation Areas. The scope of services under this work order include site planning, design and permitting for pedestrian paths, parking, restrooms, water and sewer utilities, existing driveway modifications, minor drainage with swales and culverts, sidewalks and ADA access to bathroom facilities where applicable. To date, the site plan is in its final stages of development and is approximately 90% complete. All survey work required for the site plan has been completed, coordination with the City of Vero Beach on utilities, coordination with St. Johns River Water Management District on stormwater permitting requirements and a preliminary schematic of the site homestead area. The current approved work order approved for the Jones’ Pier Conservation Area is \$28,250.

On January 23, 2018, the BCC approved Work Order No. 10 in the amount of \$6,500 for MBV Engineering, Inc. to complete an overall stormwater attenuation plan which will include restoration of

herbaceous wetlands and a surface water feature. This plan was incorporated into the Indian River Lagoon National Estuary Program (IRL NEP) grant proposal. The BCC also authorized staff to apply for the IRLNEP grant under the same agenda item. A copy of the IRL NEP Jones' Pier Conservation Area Restoration Grant is available in the Board of County Commissioners Office and is also in the scanned version of the March 6, 2018 Board of County Commissioners Agenda Packet found at: <http://www.ircgov.com/Boards/BCC/03/06/2018>.

For reference, Attachments C and D provide a conceptual site plan and timeline, respectively.

**Summary of Proposed Improvements:**

Phase	Structures/Features	Preliminary Cost Estimate*	Potential Grant Funds	Net Cost to County	Potential Grant Fund	County Funding Source
PHASE 1	Refurbish & Repurpose Main House	\$125,000	\$	\$125,000		Con Lands CIE/Insurance
	Elevate Main House	\$69,356	\$52,017	\$17,339*	HMGP Grant	Con Lands CIE/Insurance
	Fruit Stand Replica	\$33,000	\$19,000	\$14,000*	Division of Historical Resources	Con Lands CIE
	Parking, Sidewalks, Restrooms, Pavilion, Trails, Boardwalks	\$300,000	\$150,000	\$150,000*	Florida Inland Navigation District	Con Lands CIE/Windsor
	Wetland Creation/Stormwater	\$178,000	\$61,000	\$117,000*	Indian River Lagoon National Estuary Program	Con Lands CIE
	Planting	\$24,000	\$	\$24,000*	IRLNEP	Tree Mitigation Fund
	Repair Small Observation Dock	\$1,600	\$	\$1,600		Insurance
		<b>\$730,956</b>	<b>\$282,017</b>	<b>\$448,939 *</b>		
	*contingent on grant funding awarded and accepted					
PHASE 2	Restore & Repurpose Guest Cottage	\$30,000	\$15,000	\$15,000*	DHR	Con Lands CIE
	Hydric Hammock Restoration	\$75,000	\$30,000	\$45,000*	SJRMWD	Con Lands CIE
	Native Planting Area	\$20,000		\$20,000		Tree Mitigation Fund
	Upland/Gopher Tortoise Restoration	\$5,000		\$5,000		Con Lands CIE
	Community Gardens	\$15,000		\$15,000		Con Lands CIE
		\$145,000	\$45,000	\$100,000		
	<b>TOTAL SITE IMPROVEMENTS:</b>	<b>\$875,956</b>	<b>\$327,017</b>	<b>\$548,939*</b>		

**II. DESCRIPTIONS AND CONDITIONS – FEMA Update**

On October 6, 2016, Hurricane Matthew caused widespread damage throughout the County. At the Jones’ Pier Conservation Area, storm surge caused damage from flooding waters to the main house and guest cottage. Staff determined the house was not fit for habitation and major repairs were necessary including the removal of water damaged dry wall, cabinetry, and flooring. An assessment by the County’s insurance adjuster was completed on April 6, 2017, and their findings were consistent with the staff’s assessment. The caretaker’s lease by the Indian River County Sheriff’s Deputy was subsequently terminated and the damages were listed with FEMA for funding eligibility to repair damages. In an attempt to mitigate lingering water damage, both the guest cottage and main house were professionally dried out and assessed for damages, however, FEMA recommended a halt on any further work until the project could be assessed for possible funding eligibility under the federal guidelines.

Staff from various departments (Budget, Public Works, Community Development and Parks Division) have coordinated extensively with FEMA staff through on-site meetings, phone calls and emails in regard to the FEMA assessment of damages and potential funding reimbursement that might be approved. Through this process, various options have been evaluated including repairing the main house to pre-storm conditions and the possibility to elevate the Jones home to address future storm surge and other flooding issues.

On February 28, 2018, staff received the Project Worksheet: Subgrant Application – FEMA Form 90-91 for the Jones’ Pier Conservation Area. This application provides an estimate of repairs and associated costs as follows:

CONTRACT repair for site 1 (Main House):	\$48,400.00
CONTRACT repair for site 2 (Guest Cottage):	\$35,100.00
CONTRACT repair for pier:	\$1,600.00
Direct Administrative Cost:	<u>\$2,210.13</u>
<b>TOTAL:</b>	<b>\$87,310.13</b>

The grant application and elements for repair within, reflect restoration to pre-storm condition. While this may be a valuable option for the Guest Cottage and Observation Pier, it is not consistent with the County’s Management Plan and goal to restore and repurpose the Main House for public use. From conversations with FEMA representatives who completed the Project Worksheet/Subgrant Application, it remains unclear when reimbursement funding would be allocated and issued to the State for disbursement and whether or not, if the County proceeded with an improved project, repairs to the Main House as an improved project would qualify for reimbursement.

Based on the County's Adjuster's Report and FEMA Assessment, damages and insurance recovery are as follows:

<b>Main House, Guest Cottage &amp; Small Observation Dock - FEMA Project Worksheet #796</b>		<b>FEMA Project Worksheet 2/28/18</b>	<b>FEMA Reimbursement Amount 75%/25% based on current PW</b>	<b>IRC Adjuster's Report*</b>	<b>FEMA Reimbursement Amount 75%/25% based on projected adjusted PW</b>
Main House	Restore to Pre-storm Condition	\$48,400.00		\$43,504.79	
Guest Cottage	Restore to Pre-storm Condition	\$35,100.00		\$15,560.46	
Repair Small Observation Dock	Restore to Pre-storm Condition	\$1,600.00		\$1,600 (quote from contractor – not included in adjuster's report)	
		\$85,100.00** (this total excludes \$2,210.13 in Direct Administrative Costs – DACA shown in PW)	<b>Current Project Worksheet:</b> \$48,507.00 (FEMA Assessment less Insurance Reimbursement)  \$36,380.25 (FEMA 75%) \$6,063.38 (State Match 12.5%)  Total Potential Reimbursement Current Project Worksheet: \$42,443.63	\$60,665.25  -\$36,593.00 (received from Insurance Claim)	<b>Anticipated Revised PW Adjusted:</b> \$24,072.25 (IRC Adjuster's Report less Insurance Reimbursement)  \$18,054.19 (FEMA 75%) \$3,009.03 (State Match 12.5%)  Total Potential Reimbursement Adjusted: \$21,063.22

\*Based on the Indian River County insurance carrier's adjuster's report.

\*\*Based on the FEMA Subgrant Application Form 90-91 received February 28, 2018. FEMA staff have indicated that the Final Project Worksheet costs will be adjusted during insurance review to match the Indian River County Adjuster's Report.

**ANALYSIS**

Depending on the assessment completed by FEMA and after going through the federal review process, the County may be eligible for approximately \$42,443.63 under Project Worksheet #796 or \$21,063.22 which is a more likely scenario after FEMA insurance review of the Project Worksheet. While it is our understanding that work can be completed prior to final FEMA and State review, it has been

conveyed that no work should be conducted without careful documentation of the repairs. Furthermore, if the County chose to pursue an improved project, the funding would be capped at the stated amount above and no additional monies would be available. Should the County wish to pursue FEMA reimbursement for repairing buildings to pre-storm conditions, the project would continue to be reviewed by both federal and state agencies until FMEA obligates and awards the funds to the State, the State completes all necessary reviews and FEMA has allocated the funding to the State for disbursement. All work would be required to comply with the federal purchasing guidelines to ensure funding eligibility/reimbursement.

Options at this point for FEMA Project Worksheet reimbursement are as follows:

- Repair all or a portion of the structures to pre-storm condition which may allow for additional funding through the Scope of Work if unforeseen damages are uncovered during the repairs. Under this scenario, the County would proceed with repairs, following federal purchasing guidelines.
- Repair, refurbish and repurpose the Main House in accordance with the 2008 Approved Management Plan. Under this scenario, FEMA funding may or may not be eligible for reimbursement. Repair and restore the Guest Cottage and Observation Pier to pre-storm condition and pursue FEMA reimbursement.
- Repair, refurbish and repurpose the buildings and pier without pursuing FEMA reimbursement funding.

Staff will continue to separately pursue the State's Hazard Mitigation Fund Program application to elevate the main house which will prevent future flooding damage. Updates on this progress will be provided to the Board as available.

### **County Funding Sources**

On December 13, 2016, the Board approved utilizing 30% of the Windsor Properties Donation (\$1M) for public use improvements at the South Prong Preserve and the Jones' Pier Conservation Area as shown in Attachment E for reference.

On December 5, 2017, the Board approved funding for access improvements through an amendment to the Comprehensive Plan's Capital Improvements Element as follows:

*For conservation capital projects, the focus is on improvements to conservation lands. Those improvements include construction of passive recreational access facilities such as boardwalks, and stabilization/preservation of historic structures. The projects will be funded from environmental land bonds, grants, optional sales tax, boating improvement funds, upland mitigation funds, secondary roads, Windsor property exchange donation, and park impact fees. The total expenditure amount for the projects within this category for fiscal years 2017/18 through 2021/22 is \$4,450,000, representing 1.41% of the overall CIP. Staff Report Dated November 27, 2017, to Jason Brown from Bill Schutt.*

Given the FEMA information available to date, it is unlikely that an improved project to repurpose the main house in accordance with the Management Plan would qualify for federal funding or reimbursement. In order to expedite an improved project, the County may opt to withdraw the Project Worksheet from its list of Hurricane Damage. The existing funding allocations support the public use improvements at the Jones' Pier Conservation Area along with positive community input which has created a priority for this property.

**III. DESCRIPTIONS AND CONDITIONS – Florida Inland Navigation District 2018 Funding Opportunity**

In March 2013, the Board approved a Florida Inland Navigation District Grant (FIND) to improve the docks at the Jones’ Pier Conservation Area. Funding allocated from FIND was \$15,000. As a Phase I improvement, the docks were repaired and opened to the public. Additional funding assistance from FIND is currently available under the 2018-19 cycle through the Waterway Assistance Program. If approved, the grant would fund up to 50% of public use facilities that support waterway access and education regarding waterway safety and lagoon health.

<b>Structures/Features Eligible for FIND Grant Funds</b>	<b>Preliminary Cost Estimate</b>	<b>Potential Grant Funds</b>	<b>Net Cost to County</b>	<b>County Funding Source</b>
Parking, Sidewalks, Restrooms, Pavilion, Trails, Boardwalks	\$300,000	\$150,000	\$150,000	Con Lands CIE/Windsor

**STAFF RECOMMENDATIONS**

1. For FEMA Project Worksheet #796, staff recommends the Board authorize staff to immediately proceed with repairs to the Observation Pier and Guest Cottage to pre-storm conditions and pursue FEMA reimbursement funding; and to return to the Board with a plan for an improved project to the Main House in accordance with the 2008 Approved Management Plan which may or may not be eligible for FEMA reimbursement funding.
2. Authorize staff to pursue funding the public use improvements eligible under the 2018/19 Florida Inland Navigation District’s Cooperative Assistance Program due March 30, 2018, including, but not limited to parking, restrooms, boardwalks and other support facilities that relate to Lagoon access.
3. Direct staff to return to the Board with a conceptual plan for refurbishing and repurposing the main house and other buildings to serve as public facilities.

**APPROVED AGENDA ITEM FOR MARCH 6, 2018**