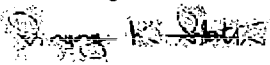
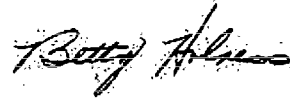


February 18, 2010		AGENDA ITEM		Item 08	
<input checked="" type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution	
<input checked="" type="checkbox"/> Other					
Department: Growth and Resource Management				File Number: VC-1263243492531-A	
Division: Planning and Development					
Subject: Ordinance No. 2010-03, amending the sign regulations to allow bus bench advertising.					
Account Number(s): N/A					
Total Item Budget: N/A					
Staff Contact(s): Becky Mendez, Senior Planning Manager Phone: 736-5959 ext. 2943 Mike Dyer, Assistant County Attorney Phone: 736-5959 ext. 2946					
Summary/Highlights: <p>On June 4, 2009, County Council considered recommendations from VOTRAN on the subject of streetside amenities for public transit. At the conclusion of the presentation, the council directed the preparation of an ordinance to allow signs on public transportation benches and shelters. The proposed ordinance authorizes such a sign when approved through a competitive selection process of the county.</p> <p>PLDRC is scheduled to consider the item at their February 9, 2010, meeting. At the time of this agenda item, the event has yet to occur. Staff will update Council at the public hearing regarding the PLDRC recommendation.</p>					
ATTACHMENTS:					
Recommended Motion: Adopt.					
Gregory Stubbs Director Growth and Resource Management  Kelli McGee Director Planning and Development No Signature Present		OMB Approved as to Budget Requirements		Legal Approved as to Form and Legality	
				Betty Holness County Manager's Office  Approved Agenda Item For: February 18, 2010	
Council Action:			Modification:		
<input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Approved With Modifications <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued Date:					

Summary/Highlights Continued:

1. Draft Ordinance No. 2010-03
2. June 4, 2009 Council meeting minutes
3. PLDRC agenda memo

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1 ...

2 **SECTION II: AUTHORIZING INCLUSION IN CODE** - The provisions of this
3 ordinance shall be included and incorporated into the Code of Ordinances of the County of
4 Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform
5 to the uniform numbering system of the code.

6 **SECTION III: SEVERABILITY** - Should any word, phrase, sentence, subsection or
7 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or
8 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed
9 from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain
10 in full force and effect.

11 **SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in
12 conflict herewith are, to the extent of such conflict, repealed.

13 **SECTION V: EFFECTIVE DATE** - A certified copy of this Ordinance shall be filed
14 with the Department of State by the County Manager within ten (10) days after enactment by the
15 County Council and this Ordinance shall take effect upon filing with the Department of State.

16 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN**
17 **OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE**
18 **THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,**
19 **DELAND, FLORIDA, THIS 18TH DAY OF FEBRUARY A.D., 2010.**

20
21
22 **ATTEST:** **COUNTY COUNCIL**
COUNTY OF VOLUSIA, FLORIDA

23
24
25
26
27 James T. Dinncn, County Manager

Frank T. Bruno, Jr., County Chair

COUNCIL MINUTES FROM JUNE 4, 2009 PRESENTATION

11:00 a.m.

Item 6

Streetside amenities presentation

Staff Contact: Lois Bollenback, 386-756-7496, ext. 4126

VC-1236359925966

Lois Bollenback, the former General Manager of Votran, gave the staff report. It included an overhead PowerPoint slide presentation. Council discussion followed. Concerns were expressed about losing revenue from bus bench advertising. Ms. Bollenback said during the previous year, only a little more than \$1,000 had come in from that revenue stream. She explained various issues with the bench advertising program in the unincorporated areas of the County. Many of the cities had turned toward setting their own bench advertising policies, where in the past they traditionally had not had any at all. She further explained about the cost to transition the program to one of non-advertising. She concluded by stating it was staff's desire that the Council give direction on the public transit amenities program in general and also on advertising on bus benches within the unincorporated County.

Public participation followed. **Ramara Garrett**, with Waverly Media, the only current, private bench provider in the County, distributed and spoke about a report on her firm's points of objection to the streetside amenities program. She felt there should be some way for the County to partner with her firm for the public's benefit. **Douglas Kosarek**, representing the Volusia Tax Reform Executive Committee, also was opposed to the program. He encouraged the Council to leverage its money and deny or alter the proposal.

Additional Council discussion ensued. Concerns were stated about spending County revenue when advertising companies already were paying for the use of the benches as a marketing tool. County Attorney Dan Eckert pointed out either the County's longstanding bench advertising policy needed to be in compliance with its own Zoning Ordinance or else the Ordinance had to be reworked so the County could follow its own regulations. County Manager Jim Dinneen suggested ideas for enabling the system to grow by answering the needs of its users. Concerns were made about the Metropolitan Planning Organization (MPO) being included in the process.

More discussion followed. Concerns were expressed over losing the federal funding if it were not used right away. Ms. Bollenback and Ken Fischer, Interim General Manager of Votran, explained there were some time constraints, but the County would be safe from that for more than a year. Other discussion followed about various amenities and ways to develop them in different areas.

Council Member Northey said she felt the proposal was an opportunity to improve the community, develop a positive image and facilitate access for seniors and the disabled. She moved for APPROVAL of the program. Council Member Alexander seconded the motion. Some discussion on the motion followed. Chair Bruno called for an electronic vote and the motion FAILED 2-5, with Council Members Northey and Alexander in support and Council Members Hayman, Kelly, Persis, Wagner and Chair Bruno in opposition.

Chair Bruno said if the County was going to continue to have bench advertising, there would have to be a change in the sign ordinance. He said he would like a motion to direct staff to return to the Council with a change in the sign ordinance that would allow bus bench advertising. Mr. Eckert CLARIFIED the motion to be an amendment to the sign ordinance to allow the advertising and thereafter a revisiting of the procurement process for selection of an advertising firm.

Council Member Hayman so moved and Council Member Wagner seconded the motion. Further discussion ensued. Mr. Fischer gave his understanding of the Council's wishes. Ms. Bollenback explained that staff was thinking of using MPO subcommittees to disseminate information and give input, not the formal MPO board itself. After additional dialogue, the motion CARRIED 5-2, with Chair Bruno and Council Members Alexander, Hayman, Persis and Wagner in support and Council Members Northey and Kelly in opposition.

Council Member Persis then moved to ADOPT the streetside amenities program with the exception of references to the benches, shelters and advertising. Council Member Hayman seconded the motion. After some discussion, the motion CARRIED 7-0.



TO: Chairman and Members
Planning & Land Development
Regulation Commission

DATE: January 11, 2010

FROM: Becky Mendez, AICP
Senior Planning Manager

PLDRC HEARING: February 9, 2010

SUBJECT: Ordinance No. 2010-03, amending the sign code to allow signs on benches located within the right-of-way.

REQUEST: On June 4, 2009, the council considered recommendations from VOTRAN on the subject of streetside amenities for public transit. At the conclusion of the presentation, the council directed the preparation of an ordinance to allow signs on public transportation benches and shelters. The proposed ordinance authorizes such a sign when approved through a competitive selection process of the county.

RECOMMENDED MOTION: I move to recommend to forward Ordinance No. 2010-03 to County Council on February 18, 2010 for adoption.

ATTACHMENTS:

1. Minutes from the June 4, 2009 Council meeting
2. Draft Ordinance No. 2010-03



INTER-OFFICE MEMORANDUM

TO: Honorable Chair and Members
Volusia County Council

DATE: February 15, 2010

FROM: Becky Mendez, AICP 
Senior Planning Manager

MEMO: 10-CP-003

SUBJECT: Update to Council agenda item # 8

Attached for your review, staff has drafted the minutes from the February 9, 2010 Planning & Land Development Regulation Commission (PLDRC) public hearing for the Proposed Ordinance 2010-03 amending the sign regulations to allow bus stop bench advertising.

c: Marcy Zimmerman, Council Clerk
County Council Agenda distribution

Excerpt from the minutes of the PLDRC meeting of February 9, 2010. These minutes have not been approved by the PLDRC, and are therefore subject to change.

1 **PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION**
2 **PUBLIC HEARING HELD**
3 **February 9, 2010**

4
5 **PUBLIC ITEMS**

- 6
7 1. Proposed Ordinance amendment to Section 72-298 regarding Signs
8 Becky Mendez, AICP, Senior Planning Manager

9
10 **Becky Mendez, AICP, Senior Planning Manager**, this item is being brought
11 forward as a result of a Council discussion with regards to public transportation
12 benches and shelters. The current ordinance prohibits signs on such things
13 however; Council has directed staff to draft this amendment.

14
15 **Michael Dyer, Assistant County Attorney**, stated that this was an amendment that
16 was directed to staff by the County Council.

17
18 **Member Cornett** asked if content of the advertisement was being controlled.

19
20 **Ms. Mendez** replied not with this amendment. The advertisements would be
21 brought forth to the County through the procurement process.

22
23 **Mr. Dyer** commented that this amendment does not pertain to content only the
24 prohibition of the location of the sign.

25
26 There was a discussion regarding the procurement process and whether it would be
27 handled by the county Council or by a contracted third party.

28
29 **Member Russell** moved to forward the proposed amendment to County
30 Council finding the amendment consistent with the Comprehensive Plan.
31 **Member Young** seconded. Motion carried unanimously.
32

COMMUNITY SERVICES**-Parks, Recreation and Culture****Item 09**

FILE NUMBER 761

Extension of professional services contracts with Archaeological Consultants, Inc.; RJ Heisenbottle Architects; and Southeastern Archaeological Research for archaeological and historical preservation services, RSQ no. 10-SQ-16DS.

Dave Byron (386) 943-7029 x12616 Tim Baylie (386) 736-5953 x12636

This Item was approved at the time the CONSENT AGENDA was approved.

Item 10

FILE NUMBER 773

Award of professional services contracts to Bellomo-Herbert, Littlejohn Engineering; and Zev Cohen in Ormond Beach for landscape architecture and engineering, 13-SQ-08JD.

Dave Byron (386) 943-7029 x12616 Tim Baylie (386) 736-5953 x2636

This Item was approved at the time the CONSENT AGENDA was approved.

-Votran**Item 11**

FILE NUMBER 789

Renewal of contract with A.G Pifer Construction Company, Inc., for installation of bus shelters, route signage and other passenger amenities, 10-B-17DS (MA 6329).

Expenditure from grant funds: \$200,000

Dave Byron (386) 943-7029 x12616 Steven Sherrer (386) 756-7496 x14126

Community Services Department Director Dave Byron clarified the County was in the process of seeking a new contract on bus bench advertising. At the same time, a bill had been proposed in the State Legislature dealing with bus bench advertising companies being responsible for putting bus bench pads on the benches for ADA compliance. The staff had wanted to see what happened with the bill, since part of Agenda Item 11 would set the scene for a new bus bench advertising contract as it related to the pads and ADA compliance. Part of the Item also dealt with routine signage, etc., that had to be done to make the shelters ADA compliant. The staff asked that the Council move the Item forward, but Mr. Byron would answer any questions first.

In response to a remark from Council Member Wagner, County Manager Dinneen said he would have staff explain to him and the other Council Members a revised not-to-exceed spending amount related to the routine signage and so forth regarding the shelters.

Council Member Northey moved for APPROVAL as recommended. Council Member Cusack seconded the motion, which CARRIED 7-0.

FINANCIAL AND ADMINISTRATIVE SERVICES**-Personnel****Item 12**

FILE NUMBER 783

Settlement of litigation: Frank Angrisani v. County. Case No: 2012-13585 CIDL.

Expenditure: \$45,000

Nancye Jones (386) 736-5950 x12111 Charles Spencer (386) 736-5951 x12884

This Item was approved at the time the CONSENT AGENDA was approved.

Item 13

FILE NUMBER 815

Workers' compensation settlement of all claims with employee, William Lutz.

Expenditure: \$39,000

Nancye Jones (386) 736-5950 Charles Spencer (386) 736-5951

This Item was approved at the time the CONSENT AGENDA was approved.

-Purchasing**Item 14**

FILE NUMBER 678


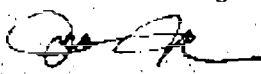

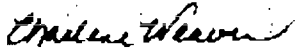

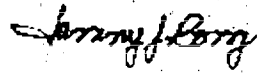
Renewal of contract with Staples for office supplies ITB 08-B-07BB.

Expenditure: Approximately \$620,000

DISCUSSION BY COUNCIL OF MATTERS NOT ON AGENDA AND COMMITTEE REPORTS


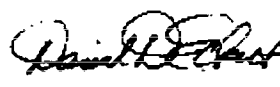
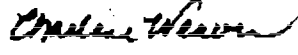

Council Member Patterson:

Said he had been contacted about the bus benches throughout the County and wondered if a contract on them was still in effect. He said he had been told a number of the benches were not at actual bus stops but in County rights-of-way. County Attorney Eckert said Votran employees were taking inventory by matching the bus stops against the bus benches. The County had terminated the "bench contract" pursuant to the Council's direction, and Votran management would be bringing to the Council an ADA-compliance study and a new RFP for the County to issue.

Date: 04/04/2013		AGENDA ITEM		Item: 11
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input checked="" type="checkbox"/> Other	
Department: Community Services Division: Votran				
Subject: Renewal of contract with A.G Pifer Construction Company, Inc., for installation of bus shelters, route signage and other passenger amenities, 10-B-17DS (MA 6329).				
David F. Byron Director Community Services 	Jeaniene Jennings Director Purchasing  Approved in Accordance with Purchasing Policies and Procedures	Legal Daniel D. Eckert County Attorney Director Legal Department 	County Manager's Office Charlene Weaver, CPA, CFO Deputy County Manager 	
Steven Sherrer Director Votran 	Tammy Bong Director Management and Budget  Approved as to Budget Requirements	Approved as to Form and Legality		
Council Action:				
Modification:				
Fund Number(s)::	Description:	Amount:		
456 Volusia Transportation Authori	FTA 5307 grant funding	\$200,000.00		
Total Item Budget: \$200,000.00				
Staff Contact(s):		Phone:	Ext.	
Dave Byron		386 943 7029	12616	
Steven Sherrer		386 756 7496	14126	
Summary/Highlights: On May 20, 2010, the county council awarded a contract to A. G. Pifer Construction Company, Inc., Daytona Beach, Florida, for installation of shelters, bus stops signs, and ADA upgrades at various bus stop locations. The contract was awarded for three years with two one-year renewals. The amount was \$100,000. Votran staff is seeking to exercise the first one-year renewal option on the contract and add \$200,000 to the contract to complete the project of bus stop sign installation and other work associated with the ADA upgrades at bus stops. Votran has 115 bus stops that vary in size, location, and available right of way. ADA compliance requirements vary by location. This project is funded with Federal Transit Administration 5307 grant funds for passenger				

amenities.

Recommended Motion: Approval.

Date: 10/10/2013		AGENDA ITEM		Item: 07
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input checked="" type="checkbox"/> Other	
Department: Community Services				
Division: Votran				
Subject: Program options for bus benches in unincorporated area.				
David F. Byron Director Community Services 		Legal Daniel D. Eckert County Attorney Director Legal Department 	County Manager's Office Charlene Weaver, CPA, CFO Deputy County Manager 	
Steven Sherrer Director Votran 		Approved as to Form and Legality		
Council Action:				
Modification:				
Account Number(s): NA				
Total Item Budget: NA				
Staff Contact(s):		Phone:	Ext.	
Dave Byron		386 943 7029	12616	
Steve Sherrer		386 756 7496	4126	
Summary/Highlights: This agenda item summarizes options for county council consideration and direction to move forward with the passenger amenities (bus benches) program in the unincorporated area.				
Background: In late 2009, the county was in the process of soliciting proposals from companies interested in providing benches with advertising at Votran bus stops in unincorporated Volusia County. The solicitation process was not completed due to the fact the state was working to standardize guidelines for ADA accessibility at bus stops.				
Although the contract with Waverly Media, the bus bench provider at the time, was ended, Waverly has been allowed to continue to provide benches with advertising at 115 stops in unincorporated Volusia until the bus stops can be made compliant with new ADA rules and a new bench provider contract is in place.				
To undertake the ADA improvements, each bus stop needs to be analyzed taking into consideration such things as available right of way, roadway configuration, proximity to the bus stopping point, and location of connecting sidewalks. ADA compliance varies depending on the characteristics of the stop. Engineering site work and pad design are underway and must				

be completed before ADA-compliant bus pads can be installed. The process to complete the pad installation could take six months or more and cost an estimated \$218,000 (federal funds). Meanwhile, the county can undertake the process of establishing a new bench provider contract.

Votran is seeking county council direction on whether to continue with the status quo until a new bench advertising vendor contract is in place or to end the county's relationship with Waverly as soon as feasible. If Waverly is directed to remove its benches, Votran would have to purchase new benches at an estimated cost of \$92,000 (federal funds). In addition, Votran would be responsible for the installation and maintenance of the benches. Once a new bench advertising vendor is selected, Votran possibly could sell the benches to the vendor. Or it is possible the county could issue a contract for ad sales only, with the county owning and maintaining the benches and surrounding pads. Although this option is likely to earn Votran a higher commission on ad sales, there would be an annual maintenance cost of approximately \$65,000 that would not qualify for federal funding. This would include the salary and benefits of two fulltime service employees, and maintenance and fuel for a route service vehicle. There would be a one-time capital expense of \$70,000 (federal funds) to purchase a service vehicle.

Another option would be to end the relationship with Waverly and direct the benches be removed with no benches being placed in the future. This would erode customer service and would present a hardship for some passengers. Bus benches are not required.

Summary of options:

-- Status quo with Waverly; pads are made ADA compliant; a new vendor contract is in place for a company to own and maintain benches supported with advertising revenue. Outside estimate of time, nine months to one year.

-- End relationship with Waverly as soon as possible; benches are removed (outside estimate of time, two months); county purchase benches (outside estimate of time four months); pads are made ADA compliant; a new vendor contract is in place (explore option of selling benches to the chosen vendor, or selecting a vendor only to sell advertising with the county continuing to be responsible for benches). Outside estimate of time, nine months to a year.

-- Eliminate benches altogether.

Votran's preference would be for the vendor to own, install and maintain benches and pads with a percentage of the advertising sales shared with Votran.

Recommended Motion: Provide direction.

Department:	Purchasing
Contact person:	Becky Bishop
Date opened:	1/14/08

DATE:	ACTIVITY:
1/27/09	Review contract w/ Votran - 10 min T/C to Bessie Parshap - no answer Committee sent BB an email re: to call TS 2:00pm.
2/2/09	Steph checked Code of Ordinance + didn't see anything. Ran gage museum to Bessie Bishop Marilyn told doll from Yacov not put Marilyn on bus bench. Alan + Yandy aware and in agreement
2-10-09	Lois Bolander to advise if Waverly has satisfied Mr. Wagner's bus bench ad elsewhere.
3/20/09	Kara B camp Waverly's client wants to put museum on property but Waverly will do what Waverly wants
3/20/09	4:30 pm, left three mail to Bessie Bishop re: fair museum about Waverly. I feel good if thought we would close legal file but if we needed anything we should see me next week.

1/28/09

Tara called and requested I find out who told Waverly they can't advertise. Bail bondmen or attorneys in front of corrections and why.

Called Lois Bollenback and left message for her to contact me.

Spoke to Greg Marcum as well.

1/29/09

(X1976)

Greg Marcum responded to let me know that Marilyn Ford is the one that informed Waverly they could not advertise bail bonds or attorneys in front of corrections. This was done at the instruction of Dan Eckert and Nancy Jones. Reason - it is ^{not} inappropriate setting for this type of advertising and was done

Jim Brown 852 0536
office 322-3600
Waverly

Need current ACOB with ^{prob} County named as additional insured.

1/31 - left voice msg. to call back
(322-3600) office

2/3/11 - E-mailed Hold Harmless

2/15/11 - Sent form again

(2/18/11) Received signed Hold Harmless via fax.

2/25/11

Electron cycle - two French advertising
political advertisements about agency
no agency in city right away

But themselves are making this stop ADA non-
compliant ~~throughout~~ a 5'x8' piece of concrete
to city of road (all amenities) can move
bench further away.

Maurice Digne - City of Mollona
will require update

FDBT had to retro fit a bunch of stops
on west coast
that was given Mollona a time frame

3/14/11 Have Ken Fisher above info.
He will research and report next
week. Mike Digne will handle in
coordination with two French advertising.

*Atty Chumley's notes - re: bus bench policies
of neighboring jurisdictions - started 12-11-2012
1st updated 2-4-2013*

City of Daytona Beach

Per Ms. Hartmann and public works, the City of Daytona Beach no longer permits advertising on bus benches. Placement of benches is determined by where Votran bus stops are located, therefore if there is a stop, and the City identifies the stop as being ideal for a bench, a bench will be installed.

Ormond Beach

No program, as reported by assistant city attorney Randy Hayes.

Holly Hill

City has a contract with Waverly Media, LLC, for the installation of bus benches and associated advertising. Review of contract reveals 15% of gross revenue received from advertising + \$100 per year for each bench generating advertising revenue in the city (compare with county's 15% of gross revenue or \$500 per year, whichever is greater). Per Elizabeth (Beth) Wrenn @ Public Works: (386) 248-9463.

Deltona

Bus bench advertising is handled pursuant to two (2) contracts with separate advertisers.

DeBary

No policy yet; however, the City is thinking about formulating a policy.

Orange City

407-425-9766

Signs are prohibited as off-site advertising.

However, several signs were installed in the City by Waverly without permission.

City fought to have the signs removed. Waverly initially resisted but ultimately acquiesced.

Daytona Beach Shores

DeLand

Bus bench advertising is generally prohibited by the City of DeLand as provided in § 33-73.02(q) of the DeLand Code of Ordinances; however, such advertising may be authorized in writing pursuant to § 337.407, Fla. Stat. (2012) (FDOT authorization of right-of-way signage along state-controlled roads and highways).

12/11/12 BUS benches

(Killing
before)

- legal to get list from cities
as well as contracts from cities

- Benadette (actor)

- will be sent in

how much is being charged

→ ① KOM

② City info (contracts)

→ ③ County policy position

Not going out until we get
a handle on this.

Is there a process for
determining bench positions?

①

List of city benches

Which benches are getting

⑤ Council action on
cheat channel ads
What's allowed / vs
What's not.

⑥ How does a bus get
placed? City vs.
Unincorp...

Cross Reference stops
by list of business.
w/ a stop - gas
w/o a stop - get gas

There is a page in pax area
notebook analyzing 2005
stops vs. unincorporated.

* Of the 2,000 stops
how many meet the
criteria that call for
add'l expenditures?

1) 2000 stops / how many benches?

2) City contracts

3) Road availability

4) County Council history

- Advertising policy
- Advertising zoning and etc.

Atty Chumley notes
Notes 12/11/2012 - Bus Benches

- ① How much \$ in passenger amenities to retrofit bus benches -
- ② List of bus bench locations - 95 - 68 are in unincorporated areas.
- ③ Look @ the sites to check out what the effort would have to be done - no timetable for response.
- * ④ Relationships w/ the cities - need to know what they charge on this. → how do they handle bus advertising.

* Contract - list of benches - where they are located
- fee schedule - how they're getting compensated.

Put this
on the
log

- 1 Limitation on buses - advertising - no smoking advertising - city policies / limitations on advertising - what they can and cannot get.
- 2 Cost range \$5,000 TOP

\$800 or \$900-

PDW - do we have enough of this?

- How do we determine new stop location
- What they've been charging and collecting - vs. what we've been getting.

- DAYTONA

- CITY INFORMATION!!

NEED THIS

ASAP!!

Threshold for boardings & deborads -

- ★ 2,000 stops - how many warrant amenities
- 5 passengers an hour - bench
- 25 passengers an hour - shelter

From: John Chumley
To: Chumley, John
Date: 1/26/2012 10:07 AM
Subject: VOTRAN Bus Bench RFP

Memo to myself - called K. Fischer's office - spoke to another person in office @ 10:04 AM. Bus bench RFP has not been finalized as FDOT approval has not been secured. K. Fischer is meeting with FDOT tomorrow (01/27) to discuss the issue.

J. Giffin Chumley
Assistant County Attorney
Legal Department
County of Volusia
123 West Indiana Avenue
DeLand, Florida 32720-4613
Voice: (386) 736-5950
Fax: (386) 736-5990
e-mail: jchumley@co.volusia.fl.us

VOTRAN - Bus Bench RFP

- Still need FDOT app'l on benches
- hold RFP.
- FDOT has issued guidelines for bus stops on state roads. legislation & guidelines are pending - ADA - FDOT issuing a one-size fits all ADA standards.
- Meeting tomorrow to discuss guidelines.
- RFPs need to inc the standards

Atty Chumley notes

- Bus Bench Advertising: Pam Wilski - talked to

Ken - need FDOT approval on benches -
on hold until FDOT approves

Ken

Fisher

1

wait
for

green

light

History: Use Advertising to raise \$ - ~~Carle submitted~~
amended to allow for public RFP prepped.
Wilbur by the Sec. complaining about advertising
on bus benches - Camp Plan overlay - need to
be Countywide consistent w/ benches.
Kelly McCree - unhappy.

Atty Chomley's notes:

3/5/2013 MEETING

Zoning →

- Locate all benches not ~~at~~ at stops.
- Remove all but benches @ bus stops
- Remove benches.
- New K w/ revised RFP.
- Why 12 months?
- Surveys to determine whether there's sufficient space for slabs (ADA compliant)
- \$28,000 past 3.5 years.
- 95 benches in the unincorporated area.
- So we don't know which ones are not at bus stops.

- 15% of sales reven

~~\$1000
+ \$1500
\$500
+ \$1000~~

\$9,500 [\$72k

- Advertising on County-owned benches →

- Any benches grandfathered in?

- Interim K. RFP - ONE-YEAR K

- FMV - stipulated for in-kind advertising

- Equal access - campaign financing

- \$100 for any bench at any time
for advertising.

November 1992 – Contract with AMI

December 2008 – Letter issued to Michelle Jura of Waverly to cancel contract effective June 1, 2009

June 4, 2009 – Lois Bollenback presents a proposed Votran passenger amenities program where Votran would provide benches and shelters at Votran bus stops and no longer contract for advertising on bus benches throughout unincorporated Volusia County.

Council voted not to approve the proposed passenger amenities program for Votran to install & maintain benches (2-5 vote against)

Council did want benches with advertising in unincorporated areas but current County ordinance did not allow bus bench advertising in unincorporated areas.

Chair Bruno said if the county was going to continue to have bench advertising that there would need to be a change in the sign ordinance that would allow bus bench advertising. There was a motion and a second. At that time Ken Fischer gave his understanding of the council's wishes. Council approved (5-2) that the ordinance should be changed. After the ordinance change the procurement process for selection of an advertising firm would be revisited.

August 2009 - The sign ordinance was changed by Council to allow bus bench advertising in the unincorporated county.

The Council did not give clear direction in June 2009 to remove benches or to leave benches or to continue or cancel the contract with Waverly. To the best of Ken Fischer's recollection the decision was made at that time to have Waverly hold off on removing benches until ordinance was changed so that we would not be in a situation where we did not have any passenger amenities for our customers.

Votran did not anticipate the ADA accessibility issues that came about at the same time. Additionally, Votran did not expect that it would take this long for the RFP to go out and for a vendor to be selected. The issue should have been revisited when the additional delay began to discuss next steps and desire of the Council. This did not happen.

ADA accessibility issues came up and about this same time and we were waiting on final guidance from Tindale Oliver so that the report document could be included with the RFP document. This took much longer than anyone expected it would.

February 2009 - Draft Interlocal Agreement between VC and the individual cities was created

May 26, 2010 – Draft RFP for bus benches was completed

January 2011 – One on one meetings were held with council members to discuss the bus bench program

February 2011 – Passenger amenities presentation

July 2011 – CAD drawings were created

Working on
id'ing &
an author
date

bullet format

may-wav

When may absorbed (9/8/08)

did we go back to

Council? NO.

10.

* Assignment of Contract

* Should have taken to
county

* List of agreements
to get third party
presented taken.

S. Sherre's
Notes

More people mean more savings. Commute to work
in a LYNX Vanpool for just under \$100 a month.

Waverly is Mavrick now

we
= Did have Mav contact 11/1992

No contact w/ Waverly

AMI →
Mav is
Wav

Why? ~~Not up to date~~

June 2009 exit

We are receiving \$ from
Waverly. How much?

\$20,504
since 3/2010

100

Ordinance prohibiting advertising
benches in various areas
- ordinance was changed by
council

- we were ready to go back
out. then AAA came
up again. waiting on
guidance so that stops
are compliant.

Heather / Tinsdale - Oliver

Cut your commuting costs - and carbon footprint -
in half by carpooling to work.

get w/ Jim update on any
current contracts to
bus bench and verifying
we only (cont w/ cert)

Maverick

Q did we ever have
an agreement?

money received from

Florida dept of law enforcement
investigating maverick

Bus passes are a convenient, economical way to
get employees to work.

Bus Bench Advertising in Volusia County

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06/07/2001	Council Member Pat Northey requests that "staff agenda the bus bench advertising contract."
07/05/2001	Council Member James Ward asks when the Council is going to "discuss the bus bench advertising issue."
08/16/2001	Agenda Item #23 proposes that the County's agreement with AMI be modified to allow benches to be placed only at VOTRAN bus stops. Staff summary notes that AMI had previously placed two benches at locations that were not designated bus stops. After some discussion, Council votes for approval of the

Bus Bench Advertising in Volusia County

	measure and to have removed the benches that are not located at bus stops.
01/23/2003	<p>Agenda Item #10 pulled by Counsel Members Pat Northey and Joseph Jaynes. Item #10 seeks counsel approval of the following policies:</p> <p>(1) Bus stop amenities should be provided by each municipality through a contract with a vendor that results in the purchase, installation and maintenance of bus benches and shelters, that is off-set by revenue from advertising on the benches and shelters;</p> <p>(2) In municipalities that do not allow advertising on benches and shelters, Votran will assist with the capital costs of purchasing bus benches and shelters; and</p> <p>(3) In municipalities that allow advertising on benches or shelters and derive revenue from such arrangements, the municipalities should assume responsibility for maintenance of Votran benches and shelters</p> <p>Council approves the foregoing policies, and further directs staff NOT to accept advertising on shelters for bus stop amenities in the unincorporated areas of Volusia County and to provide separate contracts for cities that want to accept advertising on bus stop amenities.</p>
08/07/2003	<p>Proposed Transit Development Plan for 2003-2007 is approved. TDP refers to the establishment of a countywide policy related to the implementation of bus stop amenities, under which, Votran would continue to provide bus benches through a contract with AMI and shelters with advertising to those communities that want them. However, for those municipalities that do not allow advertising, provisions would be established that would enable them to address their own needs for amenities, including installation and maintenance.</p> <p>Implementation prefers utilizing advertising to offset maintenance costs of amenities while recognizing the autonomy of each jurisdiction regarding design. TDP further reiterates the result of the January 23, 2003 meeting, where Council directed staff to take no advertising on shelters located in unincorporated areas while acknowledging that contracts could be made separate from the County for those cities that wish to advertise.</p>
08/26/2004	<p>Updated TDP for 2003-2007 refers to the establishment of a countywide policy related to the implementation of bus stop amenities, under which, Votran would continue to provide bus benches through a contract with AMI and shelters with advertising to those communities that want them. However, for</p>

Bus Bench Advertising in Volusia County

	<p>those municipalities that do not allow advertising, provisions would be established that would enable them to address their own needs for amenities, including installation and maintenance.</p> <p>The preferred policy would utilize advertising to offset the maintenance cost of the amenity, while recognizing the autonomy of each jurisdiction with regards to design.</p> <p>The updated TDP omits reference to the 2003 County Council direction to take no advertising on shelters located in unincorporated areas.</p>
02/21/2005	<p>Ken Fischer sends letter to Mr. Nat Gerhardt of Maverick Bench Media (successor to AMI), informing him that <u>the County intends to issue an RFP to install and maintain bus benches in unincorporated Volusia County and notifying him that the intent of the RFP is for bus bench service to begin at least 181 days from his receipt of the notice (in accordance with the provisions of the County's existing contract with Maverick Bus Bench Media).</u> Letter appears to be seeking termination of services.</p>
06/29/2005	<p>Memo from Ms. Bollenback to Reggie Williams, Community Services Director, and Kenneth R. Fischer, General Manager for Votran. The memo details a potential conflict between County ordinances and bus bench advertising efforts and outlines the cost/benefit of Votran continuing the advertising program vs. Votran constructing its own benches.</p>
08/04/2005	<p>Annual update to TDP indicates that Votran will continue to provide benches through a contract with AMI (Maverick Bus Bench Media?) to those communities who want them. The preferred policy recognizes the autonomy of each jurisdiction regarding advertising, style selection, and maintenance of street furniture.</p> <p>The updated TDP omits reference to the 2003 County Council direction to take no advertising on shelters located in unincorporated areas.</p>
06/13/2008	<p>Letter addressed to Mr. Harold Gallup of Maverick Bench Media, LLC from Ms. Lois Bollenback, stating that on February 21, 2005, the County notified Nat Gerhardt of the County's intent to issue an RFP to install and maintain bus benches in unincorporated Volusia County, beginning as soon as 181 days from receipt of such notice.</p> <p>Letter states that the County was unable to move forward with the RFP and</p>

Bus Bench Advertising in Volusia County

	requests that the parties extend their current agreement, subject to review of Maverick's liability insurance certificates.
12/01/2008	Letter from Ms. Lois Bollenback, General Manager of Votran, is sent to Ms. Michelle Jura of Waverly Media, LLC (successor to Maverick Bus Bench Media and AMI) providing notice of discontinuance of the 1992 bus bench advertising agreement, effective June 1, 2009.
06/01/2009	Effective date of termination letter sent on 12/01/2009 (180 days after).
06/04/2009	<p>Votran proposes a program to facilitate installation of streetside amenities for public transit. <u>As part of its proposal, Votran further asks to discontinue advertising on public transit benches in the unincorporated area of the County.</u></p> <p>During the meeting, concerns arose over the loss of bus bench advertising revenue; however, Votran noted that the County had received little more than \$1,000 from the prior year through its advertising program. Votran representatives noted that many cities have now set their own bus bench advertising policies and that there were several issues with advertising in the unincorporated areas of the County.</p> <p>The County Attorney noted that "the County's longstanding bench advertising policy" needed to comply with the zoning ordinances of the county, which, at the time, prohibited signs from being erected on public property or public rights-of-way.</p> <p>Council Member Pat Northey recommends approval of Votran's request; however, the motion fails.</p> <p>Chair Frank Bruno states that if the County is going to continue with bus bench advertising, the sign ordinance should be amended to allow it. Motion is made and approved to amend the sign ordinance accordingly and to revisit the procurement process for the selection of a bus bench advertising firm. The streetside amenities program is further adopted with the exception of those parts referring to bus benches, shelters, and advertising.</p>
02/18/2010	The County's sign ordinance is amended to allow for "signs erected on public property or public rights-of-way" when such signs are placed on public transportation benches or shelters as approved through a competitive selection process of the county. The ordinance is adopted by a 6-1 vote.

↓
ADA Question.

Bus Bench Advertising in Volusia County

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9/27/10	Attorney requested for project, assigned to Mike Dyer.
10/20/10	Final RFP sent to Legal
10/20/10	Legal issues begin, with Wilbur of the Sea. → K. McGee.
1/25/11	Legal hold regarding issues and direction on the bus bench standards.
3/22/11	Votran modifies scope to add unincorporated areas to solicitation before it is released. ↘
7/11/2011	Orange City raises concerns with Bus Bench advertising, solicitation still on hold.
08/2011	Votran and Tindale-Oliver begin discuss creating a document titled "Votran Technical Design Standards for Accessible Bus Stops". ADA.
10/2011	FDOT document "Accessing Transit- Design Handbook for Florida Bus Passenger Facilities" update Phase I began by Tindale-Oliver. This document is updated every 4 years. ADA.
06/2012	Accessing Transit-Design Handbook for Florida Bus Passenger Facilities update Phase I complete. Currently- Phase II of Accessing Transit-Design Handbook.. is underway, not complete.
Eoy 2012	- Tindale/Oliver
02/06/2013	<p>As of this date, the County is in the process of developing a solicitation for bus bench advertising in accordance with prior directives. Tindale-Oliver recently completed an ADA study and their recommendations regarding ADA-compliant construction specifications and guidelines for new benches; however, the County is currently in the process of selecting another consultant to advise and develop the remainder of the solicitation.</p> <p>Law enforcement recently (Thursday, January 31, 2013) raided Waverly</p>

↓
Authorize

Bus Bench Advertising in Volusia County

	<p>Media, LLC's Port Orange office, presumably seeking additional evidence in the fraud investigation of Ramara Garrett, formerly of Waverly Property Group, LLC, as well as other persons.</p> <p>Waverly continues to maintain benches and place advertising in the unincorporated portions of the County despite the County's notice of termination sent on December 1, 2008. No further action has been taken with regard to Waverly; however, Votran staff has continued to receive regular checks from Waverly for advertising revenues associated with bus bench signage.</p> <p><i>Semi-annual.</i></p> <p>Given the foregoing history, staff requests direction from management as to how to proceed.</p>
02/25/2013	<p>Votran submits request for an Engineering firm to survey and analyze existing stops in unincorporated areas of the County in order to create construction documents to be used to improve existing stops.</p>

msat = W...
REP = ...
Legal = ...

Not a bench
Not a
VOTRAN
know
bench as
so there
or a bus
route

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What is of revenue
is for receipts
2. Political candidate
advertising on
bench council
saw that as
donation in
kind with
writing. Steve
has no idea if
it's kind or not
FOR

3. Match up commission
payments to check
and benches =
reconciliation
of payments

Disagreements
between
bus benches
and staff

What happened 2/2000 - 8/2010
Steve to address

	measure and to have removed the benches that are not located at bus stops.
01/23/2003	<p>Agenda Item #10 pulled by Counsel Members Pat Northey and Joseph Jaynes. Item #10 seeks counsel approval of the following policies:</p> <ol style="list-style-type: none">(1) Bus stop amenities should be provided by each municipality through a contract with a vendor that results in the purchase, installation and maintenance of bus benches and shelters, that is off-set by revenue from advertising on the benches and shelters;(2) In municipalities that do not allow advertising on benches and shelters, Votran will assist with the capital costs of purchasing bus benches and shelters; and(3) In municipalities that allow advertising on benches or shelters and derive revenue from such arrangements, the municipalities should assume responsibility for maintenance of Votran benches and shelters <p>Council approves the foregoing policies, and further directs staff <u>NOT</u> to accept advertising on <u>shelters</u> for bus stop amenities in the <u>unincorporated</u> areas of Volusia County and to <u>provide separate contracts for cities</u> that want to accept advertising on bus stop amenities.</p>
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Law enforcement recently (Thursday, January 31, 2013) raided Waverly

Votran uses Tindale-Oliver document for RFP. JJ needs to check out prohibition on vendor bidding as it's what Tindale-Oliver is design stop for what bus stops should look like. Contractor selected NOT Based on Tindale-Oliver document

WHEN DID ADA BECOME ISSUE? Steve to answer

DIDNT WANT ADVERTISING ON Benches

WANTED CONSISTENT STANDARDS

ADA

phase II is primarily getting graphics into it

2012

	<p>Media, LLC's Port Orange office, presumably seeking additional evidence in the fraud investigation of Ramara Garrett, formerly of Waverly Property Group, LLC, as well as other persons.</p> <p>Waverly continues to maintain benches and place advertising in the unincorporated portions of the County despite the County's notice of termination sent on December 1, 2008. No further action has been taken with regard to Waverly; however, Votran staff has continued to receive regular checks from Waverly for advertising revenues associated with bus bench signage.</p> <p>Given the foregoing history, staff requests direction from management as to how to proceed.</p> <p><i>Votran entered request for RSD for engineer</i></p>
02/25/2013	<p>Votran submits request for an Engineering firm to survey and analyze existing stops in unincorporated areas of the County in order to create construction documents to be used to improve existing stops.</p>

*Votran use Capital funds to pay contracts
to put ~~new~~ compliant Benches - bringing up
to STD.*

*Steve: After engineer hired to design STD,
might need to make decision
Votran to be improve stops
+ let advertising come in and address
benches*

Construction S.A. = just ~~the~~ ^{designing} part

*Votran use passengers amenities fund
to improve stop to meet ADA
regls. Advertising can come after
Votran in install benches.*

No program in place that Votran install benches



FBI seizes Daytona Beach-area company's docs in mortgage fraud case

Waverly Media at center of FBI investigation

UPDATED 5:21 PM EST Jan 31, 2013

PORT ORANGE, Fla. -

Federal agents were seen carrying boxes out of a Port Orange business Thursday morning after a three-year investigation into mortgage fraud.

The Federal Bureau of Investigation, along with several local agencies, believes it will find information that connects Waverly Media, a bus-stop bench advertising firm, and its employees to a \$50 million mortgage scheme.

Investigators did not immediately take anyone into custody, but they said the documents may prove several people involved in the business defrauded banks into giving them mortgages.

WESH 2 News is not naming anyone involved in the investigation because no one was arrested Thursday morning.

Agents said the victims in this case are not only the defrauded banks but taxpayers as well, because these type of schemes helped lead to the economic downfall that prompted big bailouts.

Waverly Media is in the outdoor advertising business, but federal agents said operators consolidated other businesses, including a property business and title company.

Investigators said they believe the evidence will implicate the business in falsifying information about buyers who would otherwise be unqualified for a mortgage to obtain pricey ocean and riverfront homes.

The FBI has been investigating Waverly for three years, and Thursday's raid was the first public action.

Employees from other businesses in the industrial area on Dairy Circle were stunned as a swarm of agents, officers from Daytona Beach Shores with the mortgage fraud task force, and those with the division of financial services descended on the business.

"Actually I thought my boss was lying to me when he came in and said everybody was out here," said Kelly Roberts. "I had no idea."

The FBI investigation remains ongoing. Investigators said it may be weeks before anyone is charged.

Related

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Bus Bench Advertising in Volusia County

Date	Description
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11/01/1992 ✓ 2	<p>County enters into a second bus bench advertising contract with AMI for a period of one (1) year through November 1993, which contract will automatically be renewed for one year unless notice of cancellation is provided in writing by either party to the other on a date sixty days before the end of the contract period.</p> <p>The agreement gives AMI the right to place benches at (i) bus stops in unincorporated Volusia County and (ii) at such other rights-of-way in the unincorporated areas of the County that are mutually acceptable to AMI and Votran. The agreement disallows placement within DBIA, County parks, or a municipality (<i>i.e.</i>, incorporated areas).</p> <p>Rights and title to benches is vested in AMI, and AMI agrees immediately to remove any such benches from County property at the request of VOTRAN upon termination of the Agreement unless extended by the parties hereto.</p> <p>VOTRAN is to receive compensation in the amount of fifteen (15%) of gross revenues (not defined) collected for rental or \$500.00 per year (whichever is greater), which sum is to be paid quarterly or semi-annually. AMI agrees to maintain accurate records open to inspection by VOTRAN to verify gross revenues and the percentage received by VOTRAN therefrom.</p> <p>Termination without cause may demanded only by providing 180 days written notice of such termination to the other party.</p>
06/07/2001 ✓ 3	Council Member Pat Northey requests that "staff agenda the bus bench advertising contract."
07/05/2001 ✓ 4	Council Member James Ward asks when the Council is going to "discuss the bus bench advertising issue."
08/16/2001 ✓ 5	Agenda Item #23 proposes that the County's agreement with AMI be modified to allow benches to be placed only at VOTRAN bus stops. Staff summary notes that AMI had previously placed two benches at locations that were not designated bus stops. After some discussion, Council votes for approval of the

Bus Bench Advertising in Volusia County

	measure and to have removed the benches that are not located at bus stops.
01/23/2003 ✓6	<p>Agenda Item #10 pulled by Counsel Members Pat Northey and Joseph Jaynes. Item #10 seeks counsel approval of the following policies:</p> <ol style="list-style-type: none"> (1) Bus stop amenities should be provided by each municipality through a contract with a vendor that results in the purchase, installation and maintenance of bus benches and shelters, that is off-set by revenue from advertising on the benches and shelters; (2) In municipalities that do not allow advertising on benches and shelters, Votran will assist with the capital costs of purchasing bus benches and shelters; and (3) In municipalities that allow advertising on benches or shelters and derive revenue from such arrangements, the municipalities should assume responsibility for maintenance of Votran benches and shelters <p>Council approves the foregoing policies, and further directs staff NOT to accept advertising on shelters for bus stop amenities in the unincorporated areas of Volusia County and to provide separate contracts for cities that want to accept advertising on bus stop amenities.</p>
08/07/2003 ✓7	<p>Proposed Transit Development Plan for 2003-2007 is approved. TDP refers to the establishment of a countywide policy related to the implementation of bus stop amenities, under which, Votran would continue to provide bus benches through a contract with AMI and shelters with advertising to those communities that want them. However, for those municipalities that do not allow advertising, provisions would be established that would enable them to address their own needs for amenities, including installation and maintenance.</p> <p>Implementation prefers utilizing advertising to offset maintenance costs of amenities while recognizing the autonomy of each jurisdiction regarding design. TDP further reiterates the result of the January 23, 2003 meeting, where Council directed staff to take no advertising on shelters located in unincorporated areas while acknowledging that contracts could be made separate from the County for those cities that wish to advertise.</p>
08/26/2004 ✓8	<p>Updated TDP for 2003-2007 refers to the establishment of a countywide policy related to the implementation of bus stop amenities, under which, Votran would continue to provide bus benches through a contract with AMI and shelters with advertising to those communities that want them. However, for those</p>

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	<p>municipalities that do not allow advertising, provisions would be established that would enable them to address their own needs for amenities, including installation and maintenance.</p> <p>The preferred policy would utilize advertising to offset the maintenance cost of the amenity, while recognizing the autonomy of each jurisdiction with regards to design.</p> <p>The updated TDP omits reference to the 2003 County Council direction to take no advertising on shelters located in unincorporated areas.</p>
<p>02/21/2005</p> <p>✓ 9</p>	<p>Ken Fischer sends letter to Mr. Nat Gerhardt of Maverick Bench Media (successor to AMI), informing him that the County intends to issue an RFP to install and maintain bus benches in unincorporated Volusia County and notifying him that the intent of the RFP is for bus bench service to begin at least 181 days from his receipt of the notice (in accordance with the provisions of the County's existing contract with Maverick Bus Bench Media). Letter appears to be seeking termination of services.</p>
<p>06/29/2005</p> <p>✓ 10</p>	<p>Memo from Ms. Bollenback to Reggie Williams, Community Services Director, and Kenneth R. Fischer, General Manager for Votran. The memo details a potential conflict between County ordinances and bus bench advertising efforts and outlines the cost/benefit of Votran continuing the advertising program vs. Votran constructing its own benches.</p>
<p>08/04/2005</p> <p>✓ 11</p>	<p>Annual update to TDP indicates that Votran will continue to provide benches through a contract with AMI (Maverick Bus Bench Media?) to those communities who want them. The preferred policy recognizes the autonomy of each jurisdiction regarding advertising, style selection, and maintenance of street furniture.</p> <p>The updated TDP omits reference to the 2003 County Council direction to take no advertising on shelters located in unincorporated areas.</p>
<p>06/13/2006</p> <p>✓ 12</p>	<p>Letter addressed to Mr. Harold Gallup of Maverick Bench Media, LLC from Ms. Lois Bollenback, stating that on February 21, 2005, the County notified Nat Gerhardt of the County's intent to issue an RFP to install and maintain bus benches in unincorporated Volusia County, beginning as soon as 181 days from receipt of such notice.</p> <p>Letter states that the County was unable to move forward with the RFP and</p>

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	requests that the parties extend their current agreement, subject to review of Maverick's liability insurance certificates.
12/01/2008 ✓ 13	Letter from Ms. Lois Bollenback, General Manager of Votran, is sent to Ms. Michelle Jura of Waverly Media, LLC (successor to Maverick Bus Bench Media and AMI) providing notice of discontinuance of the 1992 bus bench advertising agreement, effective June 1, 2009.
06/01/2009 14	Effective date of termination letter sent on 12/01/2008 (180 days after).
06/04/2009 ✓ 15	<p>Votran proposes a program to facilitate installation of streetside amenities for public transit. As part of its proposal, Votran further asks to discontinue advertising on public transit benches in the unincorporated area of the County.</p> <p>During the meeting, concerns arose over the loss of bus bench advertising revenue; however, Votran noted that the County had received little more than \$1,000 from the prior year through its advertising program. Votran representatives noted that many cities have now set their own bus bench advertising policies and that there were several issues with advertising in the unincorporated areas of the County.</p> <p>The County Attorney noted that "the County's longstanding bench advertising policy" needed to comply with the zoning ordinances of the county, which, at the time, prohibited signs from being erected on public property or public rights-of-way.</p> <p>Council Member Pat Northey recommends approval of Votran's request; however, the motion fails.</p> <p>Chair Frank Bruno states that if the County is going to continue with bus bench advertising, the sign ordinance should be amended to allow it. Motion is made and approved to amend the sign ordinance accordingly and to revisit the procurement process for the selection of a bus bench advertising firm. The streetside amenities program is further adopted with the exception of those parts referring to bus benches, shelters, and advertising.</p>
02/18/2010 ✓ 16	The County's sign ordinance is amended to allow for "signs erected on public property or public rights-of-way" when such signs are placed on public transportation benches or shelters as approved through a competitive selection process of the county. The ordinance is adopted by a 6-1 vote.

Bus Bench Advertising in Volusia County

02/2010- 08/2010 17	FDOT establishing ADA guidelines, and sending to any municipality or vendor which handles bus bench placement.
8/5/2010 18	Votran sends a preliminary scope of work for Bus Bench advertising.
9/20/2010 19	Votran sends a formal request for RFP to Purchasing
9/21- 10/18/2010 20	Votran works with Purchasing on finalizing the scope, deliverables and schedules a pre-proposal meeting date.
9/27/2010 21	Attorney requested for project, assigned to Mike Dyer.
10/20/2010 22	Final RFP sent to Legal
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1/25/2011 24	Legal hold regarding issues and direction on the bus bench standards.
3/22/2011 25	Votran modifies scope to add unincorporated areas to solicitation before it is released.
7/11/2011 26	Orange City raises concerns with Bus Bench advertising, solicitation still on hold.
08/2011 27	Votran and Tindale-Oliver begin discuss creating a document titled "Votran Technical Design Standards for Accessible Bus Stops".
10/2011 28	FDOT document "Accessing Transit- Design Handbook for Florida Bus Passenger Facilities" update Phase I began by Tindale-Oliver. This document is updated every 4 years.
06/2012 29	Accessing Transit-Design Handbook for Florida Bus Passenger Facilities update Phase I complete. Currently- Phase II of Accessing Transit-Design Handbook.. is underway, not complete.
02/06/2013 30	As of this date, the County is in the process of developing a solicitation for bus bench advertising in accordance with prior directives. Tindale-Oliver recently completed an ADA study and their recommendations regarding ADA-compliant construction specifications and guidelines for new benches; however, the County is currently in the process of selecting another consultant to advise and develop the remainder of the solicitation.

Bus Bench Advertising in Volusia County

	<p>Law enforcement recently (Thursday, January 31, 2013) raided Waverly Media, LLC's Port Orange office, presumably seeking additional evidence in the fraud investigation of Ramara Garrett, formerly of Waverly Property Group, LLC, as well as other persons.</p> <p>Waverly continues to maintain benches and place advertising in the unincorporated portions of the County despite the County's notice of termination sent on December 1, 2008. No further action has been taken with regard to Waverly; however, Votran staff has continued to receive regular checks from Waverly for advertising revenues associated with bus bench signage.</p> <p>Given the foregoing history, staff requests direction from management as to how to proceed.</p>
02/25/2013 31	<p>Votran submits request for an Engineering firm to survey and analyze existing stops in unincorporated areas of the County in order to create construction documents to be used to improve existing stops.</p>

Bus Bench Advertising in Volusia County

Date	Description
10/01/1979	County enters into "exclusive" bus bench advertising agreement with AMI (Associated Marketing, Inc.) for a period of five (5) years through September 30, 1984.
11/01/1992	<p>County enters into a second bus bench advertising contract with AMI for a period of one (1) year through November 1993, which contract will automatically be renewed for one year unless notice of cancellation is provided in writing by either party to the other on a date sixty days before the end of the contract period.</p> <p>The agreement gives AMI the right to place benches at (i) bus stops in unincorporated Volusia County and (ii) at such other rights-of-way in the unincorporated areas of the County that are mutually acceptable to AMI and Votran. The agreement disallows placement within DBIA, County parks, or a municipality (i.e., incorporated areas).</p> <p>Rights and title to benches is vested in AMI, and AMI agrees immediately to remove any such benches from County property at the request of VOTRAN upon termination of the Agreement unless extended by the parties hereto.</p> <p>VOTRAN is to receive compensation in the amount of fifteen (15%) of gross revenues (not defined) collected for rental or \$500.00 per year (whichever is greater), which sum is to be paid quarterly or semi-annually. AMI agrees to maintain accurate records open to inspection by VOTRAN to verify gross revenues and the percentage received by VOTRAN therefrom.</p> <p>Termination without cause may be demanded only by providing 180 days written notice of such termination to the other party.</p>
06/07/2001	Council Member Pat Northey requests that "staff agenda the bus bench advertising contract."
07/05/2001	Council Member James Ward asks when the Council is going to "discuss the bus bench advertising issue."
08/16/2001	Agenda Item #23 proposes that the County's agreement with AMI be modified to allow benches to be placed only at VOTRAN bus stops. Staff summary notes that AMI had previously placed two benches at locations that were not designated bus stops. After some discussion, Council votes for approval of the

	measure and to have removed the benches that are not located at bus stops.
01/23/2003	<p>Agenda Item #10 pulled by Counsel Members Pat Northey and Joseph Jaynes. Item #10 seeks counsel approval of the following policies:</p> <ol style="list-style-type: none">(1) Bus stop amenities should be provided by each municipality through a contract with a vendor that results in the purchase, installation and maintenance of bus benches and shelters, that is off-set by revenue from advertising on the benches and shelters;(2) In municipalities that do not allow advertising on benches and shelters, Votran will assist with the capital costs of purchasing bus benches and shelters; and(3) In municipalities that allow advertising on benches or shelters and derive revenue from such arrangements, the municipalities should assume responsibility for maintenance of Votran benches and shelters <p>Council approves the foregoing policies, and further directs staff NOT to accept advertising on shelters for bus stop amenities in the unincorporated areas of Volusia County and to provide separate contracts for cities that want to accept advertising on bus stop amenities.</p>
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06/01/2009	Effective date of termination letter sent on 12/01/2009 (180 days after).
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UPDATE
or ESTABLISHING.

02/2010-08/2010	FDOT establishing ADA guidelines, and sending to any municipality or vendor which handles bus bench placement. UPDATES
8/5/2010	Votran sends a preliminary scope of work for Bus Bench advertising.
9/20/2010	Votran sends a formal request for RFP to Purchasing
9/21-10/18/2010	Votran works with Purchasing on finalizing the scope, deliverables and schedules a pre-proposal meeting date.
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1/25/2011	Legal hold regarding issues and direction on the bus bench standards.
3/22/2011	Votran modifies scope to add unincorporated areas to solicitation before it is released. L
7/11/2011	Orange City raises concerns with Bus Bench advertising, solicitation still on hold. L → How did this hold things up?
08/2011	Votran and Tindale-Oliver begin to discuss creating a document titled "Votran Technical Design Standards for Accessible Bus Stops". L → - document to be used w/ RFP.
10/2011	FDOT document "Accessing Transit- Design Handbook for Florida Bus Passenger Facilities" update Phase I began by Tindale-Oliver. This document is updated every 4 years. L → FDOT
06/2012	Accessing Transit-Design Handbook for Florida Bus Passenger Facilities update Phase I complete. Currently- Phase II of Accessing Transit-Design Handbook.. is underway, not complete. L
02/06/2013	As of this date, the County is in the process of developing a solicitation for bus bench advertising in accordance with prior directives. Tindale-Oliver recently completed an ADA study and their recommendations regarding ADA-compliant construction specifications and guidelines for new benches; however, the County is currently in the process of selecting another consultant to advise and develop the remainder of the solicitation.

9/10/2012
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03/15/13	Votran submits request for an Engineering firm to survey and analyze existing stops in unincorporated areas of the County in order to create construction documents to be used to improve existing stops.
03/19/13	RFP 13-P-82IF was posted for Bus Bench Advertising
4/4/13	RFP 13-P-82IF was cancelled due to pending legislative changes and questions from vendors on scope. RSQ 13-SQ-77JD was put on hold.
4/4/13	County Council discussion on pending legislative changes to bus bench advertising,
4/21/13	Bill on changes in bus benches did not make it through Legislative session.
5/22/ 2013	Request for statements of qualification 13-SQ-77JD, released from Hold status.
6/27/2013	RSQ 13-SQ-77JD closed with one response
7/10/13	Evaluation committee met to review one respondent to request for statement of qualifications. Committee decided to send RSQ back out with revised scope of work after only one response was received.
7/30/13	Request for statements of qualification re-released with revised scope of work. 13-SQ-151JD
8/29/13	RSQ 13-SQ-151JD closes with 3 responses.
9/18/13	Evaluation committee met to rank and shortlist proposals received.
10/3/13	Three presentations were made to the evaluation committee. The evaluation committee ranked Lassiter Transportation Group top recommendation.
10/24/13	Council will consider award of engineering work to Lassiter Transportation Group.

Bus Bench Advertising in Volusia County

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[ADA] - Accessibility Standards

Date	Description
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11/01/1992	<p>County enters into a second bus bench advertising contract with AMI for a period of one (1) year through November 1993, which contract will automatically be renewed for one year unless notice of cancellation is provided in writing by either party to the other on a date sixty days before the end of the contract period.</p> <p>The agreement gives AMI the right to place benches at (i) bus stops in unincorporated Volusia County and (ii) at such other rights-of-way in the unincorporated areas of the County that are mutually acceptable to AMI and Votran. The agreement disallows placement within DBIA, County parks, or a municipality (<i>i.e.</i>, incorporated areas).</p> <p>Rights and title to benches is vested in AMI, and AMI agrees immediately to remove any such benches from County property at the request of VOTRAN upon termination of the Agreement unless extended by the parties hereto.</p> <p>VOTRAN is to receive compensation in the amount of fifteen (15%) of gross revenues (not defined) collected for rental or \$500.00 per year (whichever is greater), which sum is to be paid quarterly or semi-annually. AMI agrees to maintain accurate records open to inspection by VOTRAN to verify gross revenues and the percentage received by VOTRAN therefrom.</p> <p>Termination without cause may demanded only by providing 180 days written notice of such termination to the other party.</p>
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Bus Bench Advertising in Volusia County

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Bus Bench Advertising in Volusia County

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Bus Bench Advertising in Volusia County

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06/13/2006	<p>Letter addressed to Mr. Harold Gallup of Maverick Bench Media, LLC from Ms. Lois Bollenback, stating that on February 21, 2005, the County notified Nat Gerhardt of the County's intent to issue an RFP to install and maintain bus benches in unincorporated Volusia County, beginning as soon as 181 days from receipt of such notice.</p> <p>Letter states that the County was unable to move forward with the RFP and</p>

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10/8 from S. Sherrer

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Do we know when a given bus bench is placed or picked up.

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12/01/2009 OK	Letter from Ms. Lois Bollenback, General Manager of Votran, is sent to Ms. Michelle Jura of Waverly Media, LLC (successor to Maverick Bus Bench Media and AMI) providing notice of discontinuance of the 1992 bus bench advertising agreement, effective June 1, 2009.
06/01/2009	Effective date of termination letter sent on 12/01/2009 ²⁰⁰⁹ (180 days after).
06/04/2009	<p>Votran proposes a program to facilitate installation of streetside amenities for public transit. As part of its proposal, Votran further asks to discontinue advertising on public transit benches in the unincorporated area of the County.</p> <p>During the meeting, concerns arose over the loss of bus bench advertising revenue; however, Votran noted that the County had received little more than \$1,000 from the prior year through its advertising program. Votran representatives noted that many cities have now set their own bus bench advertising policies and that there were several issues with advertising in the unincorporated areas of the County.</p> <p>The County Attorney noted that "the County's longstanding bench advertising policy" needed to comply with the zoning ordinances of the county, which, at the time, prohibited signs from being erected on public property or public rights-of-way.</p> <p>Council Member Pat Northey recommends approval of Votran's request; however, the motion fails <u>is seconded but voted against 5-2.</u></p> <p>Chair Frank Bruno states that if the County is going to continue with bus bench advertising, the sign ordinance should be amended to allow it. Motion is made and approved to amend the sign ordinance accordingly and to revisit the procurement process for the selection of a bus bench advertising firm. <u>The</u> streetside amenities program is further adopted with the exception of those parts referring to bus benches, shelters, and advertising. <u>1</u></p> <p style="text-align: right;"><i>why didn't the K end.</i></p>
02/18/2010	The County's sign ordinance is amended to allow for "signs erected on public property or public rights-of-way" when such signs are placed on public transportation benches or shelters as approved through a competitive selection process of the county. The ordinance is adopted by a 6-1 vote.

Bus Bench Advertising in Volusia County

02/2010-08/2010	FDOT establishing ADA guidelines, and sending to any municipality or vendor which handles bus bench placement.
8/5/2010	Votran sends a preliminary scope of work for Bus Bench advertising.
9/20/2010	Votran sends a formal request for RFP to Purchasing
9/21-10/18/2010	Votran works with Purchasing on finalizing the scope, deliverables and schedules a pre-proposal meeting date.
9/27/2010	Attorney requested for project, assigned to Mike Dyer.
10/20/2010	Final RFP sent to Legal
10/20/2010	Legal issues begin, with Wilbur of the Sea.
1/25/2011	Legal hold regarding issues and direction on the bus bench standards.
3/22/2011	Votran modifies scope to add unincorporated areas to solicitation before it is released.
7/11/2011	Orange City raises concerns with Bus Bench advertising, solicitation still on hold.
08/2011	Votran and Tindale-Oliver begin discuss creating a document titled "Votran Technical Design Standards for Accessible Bus Stops".
10/2011	FDOT document "Accessing Transit- Design Handbook for Florida Bus Passenger Facilities" update Phase I began by Tindale-Oliver. This document is updated every 4 years.
06/2012	Accessing Transit-Design Handbook for Florida Bus Passenger Facilities update Phase I complete. Currently- Phase II of Accessing Transit-Design Handbook.. is underway, not complete.
02/06/2013	As of this date, the County is in the process of developing a solicitation for bus bench advertising in accordance with prior directives. Tindale-Oliver recently completed an ADA study and their recommendations regarding ADA-compliant construction specifications and guidelines for new benches; however, the County is currently in the process of selecting another consultant to advise and develop the remainder of the solicitation.

Bus Bench Advertising in Volusia County

	<p>Law enforcement recently (Thursday, January 31, 2013) raided Waverly Media, LLC's Port Orange office, presumably seeking additional evidence in the fraud investigation of Ramara Garrett, formerly of Waverly Property Group, LLC, as well as other persons.</p> <p>Waverly continues to maintain benches and place advertising in the unincorporated portions of the County despite the County's notice of termination sent on December 1, 2008. No further action has been taken with regard to Waverly; however, Votran staff has continued to receive regular checks from Waverly for advertising revenues associated with bus bench signage.</p> <p>Given the foregoing history, staff requests direction from management as to how to proceed.</p>
02/25/2013	Votran submits request for an Engineering firm to survey and analyze existing stops in unincorporated areas of the County in order to create construction documents to be used to improve existing stops.
May 2013	Request for statements of qualification released
7/10/13	Evaluation committee met to review one respondent to request for statement of qualifications. Committee decided to send RSQ back out with revised scope of work after only one response was received.
July 2013	Request for statements of qualification re-released with revised scope of work.
8/29/13	Statement of disqualifications due. Three respondents.
9/18/13	Evaluation committee met to rank proposals received.
10/3/13	Three presentations were made to the evaluation committee. The evaluation committee ultimately selected Lassiter Transportation Group.
10/24/13	Council will consider award of engineering work to Lassiter Transportation Group.

COUNTY COUNCIL MINUTES – JUNE 4, 2009

CHAIR TO CONVEY TITLE TO NSP REAL PROPERTY ON BEHALF OF THE COUNTY OF VOLUSIA IN ACCORDANCE WITH FEDERAL RULES, REGULATIONS AND GUIDELINES; PROVIDING AN EFFECTIVE DATE.

11:00 a.m.

Item 6

Streetside amenities presentation

Staff Contact: Lois Bollenback, 386-756-7496, ext. 4126

VC-1236359925966

Lois Bollenback, the former General Manager of Votran, gave the staff report. It included an overhead PowerPoint slide presentation. Council discussion followed. Concerns were expressed about losing revenue from bus bench advertising. Ms. Bollenback said during the previous year, only a little more than \$1,000 had come in from that revenue stream. She explained various issues with the bench advertising program in the unincorporated areas of the County. Many of the cities had turned toward setting their own bench advertising policies, where in the past they traditionally had not had any at all. She further explained about the cost to transition the program to one of non-advertising. She concluded by stating it was staff's desire that the Council give direction on the public transit amenities program in general and also on advertising on bus benches within the unincorporated County.

Public participation followed. **Ramara Garrett**, with Waverly Media, the only current, private bench provider in the County, distributed and spoke about a report on her firm's points of objection to the streetside amenities program. She felt there should be some way for the County to partner with her firm for the public's benefit. **Douglas Kosarek**, representing the Volusia Tax Reform Executive Committee, also was opposed to the program. He encouraged the Council to leverage its money and deny or alter the proposal.

Additional Council discussion ensued. Concerns were stated about spending County revenue when advertising companies already were paying for the use of the benches as a marketing tool. County Attorney Dan Eckert pointed out either the County's longstanding bench advertising policy needed to be in compliance with its own Zoning Ordinance or else the Ordinance had to be reworked so the County could follow its own regulations. County Manager Jim Dinneen suggested ideas for enabling the system to grow by answering the needs of its users. Concerns were made about the Metropolitan Planning Organization (MPO) being included in the process.

More discussion followed. Concerns were expressed over losing the federal funding if it were not used right away. Ms. Bollenback and Ken Fischer, Interim General Manager of Votran, explained there were some time constraints, but the County would be safe from that for more than a year. Other discussion followed about various amenities and ways to develop them in different areas.

Council Member Northey said she felt the proposal was an opportunity to improve the community, develop a positive image and facilitate access for seniors and the disabled. She moved for APPROVAL of the program. Council Member Alexander seconded the motion. Some discussion on the motion followed. Chair Bruno called for an electronic vote and the motion FAILED 2-5, with

COUNTY COUNCIL MINUTES – JUNE 4, 2009

Council Members Northey and Alexander in support and Council Members Hayman, Kelly, Persis, Wagner and Chair Bruno in opposition.

Chair Bruno said if the County was going to continue to have bench advertising, there would have to be a change in the sign ordinance. He said he would like a motion to direct staff to return to the Council with a change in the sign ordinance that would allow bus bench advertising. Mr. Eckert CLARIFIED the motion to be an amendment to the sign ordinance to allow the advertising and thereafter a revisiting of the procurement process for selection of an advertising firm.

Council Member Hayman so moved and Council Member Wagner seconded the motion. Further discussion ensued. Mr. Fischer gave his understanding of the Council's wishes. Ms. Bollenback explained that staff was thinking of using MPO subcommittees to disseminate information and give input, *not* the formal MPO board itself. After additional dialogue, the motion CARRIED 5-2, with Chair Bruno and Council Members Alexander, Hayman, Persis and Wagner in support and Council Members Northey and Kelly in opposition.

Council Member Persis then moved to ADOPT the streetside amenities program with the exception of references to the benches, shelters and advertising. Council Member Hayman seconded the motion. After some discussion, the motion CARRIED 7-0.

BEGIN CONSENT AGENDA

AIRPORT AND PORT

- **Airport Services**

Item 7

Racetrack RV, Inc. amended and restated commercial lease and use agreement for 11.73 acres property; Revenue: \$150,000.00

Staff Contact: Dennis McGee, 386-248-8030, ext. 8320

VC-1242398880320

Stephen Cooke, 386-248-8030, ext. 8309

This Item was approved at the time the CONSENT AGENDA was approved.

COMMUNITY SERVICES

- **Community Assistance**

Item 8

FY 2007/08 and 2008/09 consolidated plan amendments for Community Development Block Grant

Staff Contact: Edward L. Jasper, 386-943-7039, ext. 3472

VC-1241710373351

COUNTY COUNCIL MINUTES – JUNE 4, 2009

Stacey Manning, Assistant County Attorney, explained how brokers would be obtained through the RSQ process. He said there was no statutory limitation regarding the amount of the commission and staff expected to select one broker for each side of the County. It was felt fewer brokers could focus their efforts on several properties better than many brokers with just one or two properties. Less training would be needed for the two brokers. Community Services Director Dave Byron explained the marketing strategies. Mr. Jasper and Housing and Grants Administration Manager Diana Phillips gave information about the demolition and redevelopment program as it pertained to blighted homes. Stimulus Grant Specialist Dona DeMarsh spoke about the possibility of a certain part of Energy and Environmental Block Grant (EEBG) funds being set aside for "greening" in rehabilitation efforts.

Public participation took place. **Nicole Tesnow** said she was concerned about the use of old data, transparency and reputable community partners. **Elizabeth Layton** wondered about accountability and the benefit to taxpayers in general.

Further discussion ensued. In response to a question from Council Member Hayman regarding the reliability of information on eligible facilities in given areas, County Attorney Dan Eckert stated the County's program followed the Federal guidelines that had been established when the bill creating the NSP was signed in 2008. He did not think there would be an individual cause of action.

Council Member Hayman moved for APPROVAL as recommended. Council Member Alexander seconded the motion. Discussion on the motion followed. Council Member Northey felt the requirement of "green rehabilitation" on every project should be added to the motion. Chair Bruno stated the issue was separate from the resolution to be voted on. He felt there would be no problem with obtaining support of it, but it should be addressed later. Council Member Northey said she would do so.

The motion CARRIED 7-0. Resolution No. 2009-81, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2009-81

A RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF VOLUSIA, FLORIDA, AUTHORIZING THE COUNTY TO UTILIZE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) TITLE III OF THE FEDERAL HOUSING AND ECONOMIC RECOVERY ACT (HERA) OF 2008; DIRECTING COUNTY MANAGER TO ADMINISTER THE COUNTY'S PARTICIPATION IN THE NSP; DELEGATING AUTHORITY TO COUNTY MANAGER TO ACQUIRE FORECLOSED REAL PROPERTY FOR PUBLIC FACILITIES AND IMPROVEMENTS, PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE HOME BUYERS TO ACQUIRE AND REHABILITATE FORECLOSED REAL PROPERTY, OR TO ACQUIRE, REHABILITATE, AND MAINTAIN FORECLOSED PROPERTY PRIOR TO CONVEYING TO ELIGIBLE HOME BUYERS OR QUALIFIED COMMUNITY AFFORDABLE HOUSING PARTNER; AUTHORIZING COUNTY

Waverley deposits
Advertising Checks

Deposits	Date of Deposit	Jan	Feb	Mar	Apr	May	June	Total	Plus benches thought to be in City but weren't	Total Calculated Amount
\$6,690.81	7/5/2013	No. Benches	70	66	103	65	71	70	At 15%	
		Gross Adv \$	\$6,707.50	\$6,513.80	\$8,032.65	\$6,513.80	\$7,213.80	\$6,883.80	\$41,865.35	\$6,279.80
										\$411.00
										\$6,690.80
\$5,302.24	3/27/2013	Sept	Oct	Nov	Dec					
		No. Benches	106.5	103	72	86				
		Gross Adv \$	\$10,559.83	\$9,834.83	\$6,932.50	\$8,021.00			\$35,348.16	\$5,302.22
										\$5,302.22
\$4,825.26	1/7/2013	June	july	Aug						
		No. Benches	70	150	98.5					
		Gross Adv \$	\$8,629.00	\$15,696.21	\$7,976.41				\$32,301.62	\$4,845.24
										\$4,845.24
\$1,260.97	11/1/2012	March	April	May					Minus money that is Orange Cities not ours	
		No. Benches	86	80	92					
		Gross Adv \$	\$7,111.96	\$7,858.00	\$8,029.00				\$22,998.96	\$3,449.84
										\$2,188.87
										\$1,260.97
\$1,878.46	4/20/2012									
\$2,683.56	2/10/2012									
\$7,983.56	2/8/2012									
\$2,189.19	5/24/2011									
\$3,110.52	8/19/2010									
\$2,658.76	2/23/2010									
\$1,328.95	10/1/2009									
<u>\$39,912.28</u>										

44,347

6 months
6,652.05

37,694.95" - overhead.
delay

Mischaracterized

60 days

$$\frac{15}{100} = \frac{6,652.05}{x}$$

$$15x = 665205$$

Came out, benches