



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

AGENDA REGULAR VIRTUAL COMMISSION MEETING VIRTUAL PUBLIC MEETING

Tuesday, September 01, 2020 7:00 pm

Meeting ID: 972 1095 9680

Please read the virtual meeting instructions attached



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

Mayor O'Halpin
Vice-Mayor Kennedy
Commissioner Ross
Commissioner Samaria
Commissioner Tudor

3 Pledge of Allegiance

4 Additions, Deletions or Withdrawals to the Agenda

At this time, any member of the Village Commission or the Village Manager may request to add, change, or delete items from the agenda.

5 Presentations

 **5.a Proclamation - Hispanic Heritage Month - by Vice-Mayor Kennedy**

 **5.b Resolution 2020-43 - Celebrating 100th Anniversary of Ratifying the 19th Amendment - by Commissioner Ross**

 **5.c Proclamation - Arbor Day - by Parks & Parkway Advisory Board**

 **5.d Proclamation - September 11th Anniversary - by Commissioner Samaria**

5.e Senator Jason Pizzo and David Caserta presentation

6 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

7 Information / Updates

8 Consent Agenda

Items listed under Consent Agenda are viewed to be routine, and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then the item(s) will be removed from the Consent Agenda and will be considered separately.

8.a Acceptance of Commission Minutes

- Revised Regular Virtual Commission Meeting June 02, 2020
- Revised Emergency Virtual Commission Meeting July 16, 2020
-  ▪ Special Commission Meeting August 13, 2020
- Special Commission Meeting August 21, 2020 - Attorneys Interviews
- First Workshop Budget FY 2020-2021 July 23, 2020
- First Workshop Budget FY 2020-2021 July 28, 2020 (Continuation)
- Second Workshop Budget FY 2020-2021 August 13, 2020
- Second Workshop Budget FY 2020-2021 August 20, 2020 (Continuation)

9 Ordinances

9.a Ordinance 2020-04 - Construction and Pool Fence - First Hearing

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 11 OF THE BISCAYNE LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES" ESTABLISHING REQUIREMENTS FOR MANDATORY FENCING OF CONSTRUCTION SITES, MANDATORY MAINTENANCE REQUIREMENTS FOR POOLS; AND AMENDING CHAPTER 16 ENTITLED "PERMITS AND CERTIFICATES" AUTHORIZING THE BUILDING OFFICIAL TO REQUIRE THE POSTING OF A MAINTENANCE BOND FOR CONSTRUCTION SITES; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

Public Comments Related to Ordinance 2020-04

Comments from the public relating to agenda item 9.a

10 Resolutions

10.a Resolution 2020-41 - Imposing Annual Solid Waste assessment for FY 2020-2021 - by staff - Public Hearing



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING THE ANNUAL SOLID WASTE ASSESSMENT FOR FISCAL YEAR 2020-2021; ESTABLISHING THE ASSESSMENT RATE FOR SOLID WASTE SERVICE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Comments Related to Resolution 2020-41

Comments from the public relating to agenda item 10.a

10.b Resolution 2020-42 - Synovus Bank - TSYS Merchant Credit Card Services - by staff



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT BETWEEN SYNOVUS BANK AND TSYS MERCHANT SOLUTIONS LLC AND THE VILLAGE OF BISCAYNE PARK TO BECOMING THE VILLAGE'S CREDIT CARD MERCHANT PROVIDER; PROVIDING FOR AN EFFECTIVE DATE

10.c Resolution 2020-44 - Waive Permit Fee for Solar Photovoltaic Systems - by Commissioner Ross



RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, SUPPORTING RENEWABLE ENERGY INSTALLATIONS AND WAIVING VILLAGE PERMIT FEES FOR SUCH INSTALLATIONS FOR A PERIOD FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

10.d Resolution 2020-45 - Adopting Expense Reimbursement Plan in Lieu of Commission Salaries - by Commissioner Ross



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, DIRECTING STAFF TO DEVELOP FOR ADOPTION AN ORDINANCE ESTABLISHING AN ACCOUNTABLE EXPENSE REIMBURSEMENT PLAN IN LIEU OF COMMISSION COMPENSATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

10.e Resolution 2020-46 - Extension of Waste Pro services to December 31, 2020 - by staff



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AUTHORIZING THE INTERIM VILLAGE MANAGER TO APPROVE THE AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND WASTE PRO OF FLORIDA, INC. FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES, TO ALLOW EXTENSION OF THE WASTE PRO SERVICES FOR TRASH AND GARBAGE DISPOSAL; PROVIDING FOR AN EFFECTIVE DATE

11 Old Business

11.a Village Attorney Selection - by Commission



11.b FDOT - Lane Elimination Process - by Vice-Mayor Kennedy



12 New Business

12.a Halloween Decorations Award - by Vice-Mayor Kennedy



12.b 2021 Tree Grant Program - by staff



13 Request for placement of items on next meeting agenda

Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.

14 Reports

14.a Village Attorney

14.b Village Manager

14.c Board / Committee Reports - email Barbara Kuhl - Chair of Parks & Parkway

14.d Commission

- Mayor O'Halpin
- Vice Mayor Kennedy
- Commissioner Ross
- Commissioner Samaria
- Commissioner Tudor

15 Announcements

- First Budget Hearing FY 2020-2021 - September 08, 2020 6:30 pm
- Second Budget Hearing FY 2020-2021 - September 29, 2020 6:30 pm

16 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

Village of Biscayne Park meeting on September 01, 2020 at 7:00 pm with Social Distancing Modifications

The Village of Biscayne Park is using Zoom to hold the Virtual Public Meeting via communications media technology as authorized by Governor DeSantis' Executive Order 2-69. Members of the public may also use Zoom to view and participate in the meeting online. Zoom is a cloud platform for video and audio conferencing, collaboration, chat and webinars across mobile devices, laptops, desktops, telephones and room systems.

Public Comment

Anyone who wishes to provide public comment will be able to do so by participating in the Village Commission meeting via the Zoom platform and/or telephone by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of 24 hours no later than two (2) hours before the meeting via email to the Village Clerk at villageclerk@biscayneparkfl.gov.

Instructions on How to Watch, Listen and/or Participate in the Virtual Meeting

To access the Zoom Virtual Public Meeting of September 01, 2020 at 7:00 pm, you have the following options:

Zoom meeting instructions for the public participants:

Download the “Zoom Client for Meetings” to your computer or laptop here: <https://zoom.us> and click on Join a Meeting. . When prompted to join a meeting, enter the meeting ID. Use the link below to join the meeting.

If you are using a tablet or smartphone, download zoom from the device’s app store.

For the September 01, 2020 meeting please use the meeting link

<https://zoom.us/j/97210959680>

to attend electronically and watch the meeting by computer, tablet or smartphone.

For additional information or assistance please contact the following prior to the meeting:

1. For public comment questions: Roseann Prado, Village Clerk, villageclerk@biscayneparkfl.gov or 305-899-8000
2. For questions on connecting to the meeting: Phone Doctor: 305-301-0732.

Public Comment

- 1. Access audio of the Zoom meeting via phone:**

You may access the audio from your phone by dialing: **305-893-4427**. When the **Meeting ID** is requested, enter **972 1095 9680** followed by # key. When asked for a participant ID, press # key. If you would like to speak during public comment, please press *9 on your phone to activate the “raise your hand” feature of Zoom. Comments will be limited to three (3) minutes.

2. Watch the meeting online and provide public comment during the meeting:

Use the “raise your hand” feature and be recognized at the direction of the Chair. Comments will be limited to three (3) minutes.

Proclamation

Celebrating National Hispanic Heritage Month

Celebrando el Mes Nacional de la Herencia Hispana

WHEREAS, each year, the United States observes National Hispanic Heritage Month by celebrating the culture, traditions, and countless contributions of citizens and residents whose ancestors came from Spain, Cuba, Mexico, the Caribbean, Central America, and South America; and

WHEREAS, what began in 1968 as Hispanic Heritage Week under President Johnson and was expanded by President Reagan in 1988 to a month-long celebration; and

WHEREAS, Hispanics and Latinos serve as civil rights leaders and community organizers, politicians, soldiers, educators, journalists, first responders, pioneers in the arts and science, healthcare professionals, athletes, inventors, entertainers and more; and

WHEREAS, locally, Hispanics and Latinos from diverse cultures contribute to the vitality of the Village of Biscayne Park as residents, community activists, board members, volunteers, staff, administration, police, and as one elected commissioner and former mayor; and

WHEREAS, people of Hispanic origin are the nation's largest ethnic or racial minority, constituting 19% of the nation's total population; and Hispanics are 24% of Florida's total population; and more than 40% of the population of the Village of Biscayne Park is Hispanic;

NOW, THEREFORE, be it resolved that, I, Virginia O'Halpin, Mayor of the Village of Biscayne Park, Florida, joined by the entire Commission, do hereby proclaim September 15 to October 15, 2020 as

Hispanic Heritage Month

El Mes de la Herencia Hispana

and encourage observation of this special annual tribute by celebrating the generations of Hispanic and Latino Americans who have positively influenced and enriched our American society and our community here in the Village of Biscayne Park.



Dated this 1st day of September 2020
VILLAGE OF BISCAYNE PARK, FLORIDA

Mayor Virginia O'Halpin



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 5.b

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Rox Ross

DATE: September 1, 2020

TITLE: **RESOLUTION CELEBRATING THE 100TH ANNIVERSARY OF THE
PASSAGE AND RATIFICATION OF THE 19TH AMENDMENT TO
THE CONSTITUTION OF THE UNITED STATES, PROVIDING FOR
WOMEN'S SUFFRAGE**

Recommendation

Reading and approval of the attached Resolution Celebrating the 100th Anniversary of the Passage and Ratification of the 19th Amendment to the Constitution of the United States, providing for Women's Suffrage.

Background

See attached proposed resolution.

Resource Impact

Minimal financial impact.

Attachment

Draft Resolution

Literature from the 1920-2020 Women's Suffrage Centennial Commission.

Prepared by: Rox Ross

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RESOLUTION NO. 2020-43

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, CELEBRATING THE 100TH ANNIVERSARY OF THE PASSAGE AND RATIFICATION OF THE 19TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, PROVIDING FOR WOMEN’S SUFFRAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the year 2020 marks the 100th anniversary of the ratification of the 19th Amendment to the United States Constitution, guaranteeing and protecting women’s right to vote; and

WHEREAS, women first organized and collectively fought for suffrage at the national level in July of 1848. Suffragists such as Elizabeth Cady Stanton and Lucretia Mott convened a meeting of over 300 people in Seneca Falls, New York; culminating in the now-famous 1848 Declaration of Sentiments, which mimicked Thomas Jefferson's Declaration of Independence by proclaiming “all men *and women* are created equal;” and,

WHEREAS, in the following decades, women marched, protested, lobbied and even went to jail; by the late 1800’s regional suffrage organizations began to form in states across the United States advocating for women’s rights to vote; and by the 1870s, women pressured Congress to vote on an amendment that would recognize their suffrage rights; this amendment, sometimes known as the Susan B. Anthony amendment, became the 19th Amendment; and

WHEREAS, in 1893, Ella C. Chamberlain founded the Florida Women’s Suffrage Association to start a state campaign; but, it took 20 years for the Equal Franchise League of Jacksonville to petition the Florida Legislature to consider a bill recognizing women’s suffrage rights, citizens spoke at a packed hearing in the Florida Capitol Building, and that petition was rejected in April 1913; and

WHEREAS, women and allies to the movement continued to organize on a national level, and after decades of arguments for and against women’s suffrage, on May 21, 1919 the United States House of Representatives approved a proposed amendment, followed by the Senate a few weeks later on June 4, 1919; and

WHEREAS, upon the United States Congress’s approval, states across the country held special sessions on ratification, and on August 18, 1920, Tennessee became the 36th state to ratify the 19th Amendment, meeting the required three-fourths of the then 48 states to be added to the Constitution, and eight days later, on August 26, 1920 the 19th Amendment was certified into the United States Constitution, protecting American women’s right to vote; and¹

WHEREAS, this centennial offers an unparalleled opportunity to elevate women’s history and to commemorate a milestone of democracy; that the right of citizens of these United States to vote shall not be denied or abridged by the federal or state governments on account of gender; and

¹ Florida showed support for women’s right to vote by becoming the 43rd state to ratify the amendment on May 13, 1969.

1
2 **WHEREAS**, most of the women who began asking for the right to vote never lived to see the
3 enfranchisement of women, but today more than 68 million American women vote in elections because
4 of the courageous suffragists who never gave up the fight for equality; and

5
6 **WHEREAS**, women are running for office in unprecedented numbers, and we encourage current
7 politicians, both male and female, to remember that they follow in the footsteps of those great suffragists.

8
9 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE**
10 **VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

11
12 **Section 1. Recitals.** The above recitals are true and correct, and incorporated herein by this
13 reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

14
15 **Section 2. Resolve.** The Village Commission hereby resolves to:

- 16 a. Celebrate the 100th anniversary of the passage and ratification of the 19th Amendment
- 17 to the Constitution of the United States, providing for women’s suffrage;
- 18 b. Honor the role of the ratification of the 19th Amendment in further promoting the core
- 19 values of our democracy as promised by the Constitution of the United States;
- 20 c. Reaffirm the opportunity for people of the United States to learn about and
- 21 commemorate the efforts of the women’s suffrage movement and the role of women in
- 22 our democracy; and,
- 23 d. Reaffirm the Commission’s role and urge all government agencies of the State of
- 24 Florida and these United States to continue to strengthen democratic participation and
- 25 to inspire future generations to cherish and preserve the historic precedent established
- 26 under the 19th Amendment.

27
28 **Section 3. Transmittal.** The Village Clerk is instructed to furnished copies of this Resolution
29 to the appropriate officials, including U.S. Senators Marco Rubio and Rick Scott, U.S. Representatives
30 Debbie Wasserman Schultz and Frederica Wilson, Florida Governor Ron Desantis, the Miami Dade
31 County Mayor and Board of County Commissioners, the Florida League of Cities and the Miami Dade
32 County League of Cities.

33
34 **Section 4. Severability.** If any section, sentence, clause or phrase herein is held to be invalid
35 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the
36 remaining portions of this Resolution.

37
38 **Section 5. Effective Date.** This Resolution shall become effective immediately upon its
39 adoption.

1 PASSED AND ADOPTED this ____ day of September, 2020.

2
3
4 The foregoing Resolution was offered by _____, who moved its
5 adoption. The motion was seconded by _____, and upon being put to a vote
6 the vote was as follows:

7
8 Virginia O’Halpin, Mayor _____
9 Macdonald Kennedy, Vice Mayor _____
10 Daniel Samaria, Commissioner _____
11 Roxanna Ross, Commissioner _____
12 William Tudor, Commissioner _____

13
14 VILLAGE OF BISCAYNE PARK

15
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17 _____
18 Virginia O’Halpin, Mayor

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22 ATTEST:

23
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25 _____
26 Roseann Prado, Village Clerk

27
28
29 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
30 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

31
32
33
34 _____
35 John R. Herin, Jr., Interim Village Attorney

THE 100TH ANNIVERSARY OF WOMEN'S SUFFRAGE

FLORIDA

RATIFIED THE 19TH AMENDMENT ON MAY 13, 1969

1920  2020
WOMEN'S SUFFRAGE
CENTENNIAL
COMMISSION

1920-2020





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Your State | p5**

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"THE RIGHT OF
CITIZENS OF THE
UNITED STATES TO
VOTE SHALL NOT BE
DENIED OR ABRIDGED
BY THE UNITED
STATES OR BY ANY
STATE ON ACCOUNT
OF SEX."

The 19th Amendment

ABOUT

The Women's Suffrage Centennial Commission (WSCC) was formed by Congress to commemorate the 100th anniversary of women's right to vote and the 19th Amendment.

Throughout 2020, the United States is celebrating the centennial of the ratification of the 19th Amendment, which secured women's constitutional right to vote. Today, more than 68 million American women vote in elections because of the courageous suffragists who never gave up the fight for equality. This centennial is an unparalleled opportunity to elevate women's history and to commemorate a milestone of American democracy.

Use this toolkit as your guide to commemorating the centennial in your state and community.



ALICE PAUL IN FRONT OF THE NATIONAL WOMAN'S PARTY HEADQUARTERS, WASHINGTON, D.C., 1920.

LEARN THE HISTORY

THE WOMEN'S SUFFRAGE MOVEMENT

Suffragists began their organized fight for women's equality in 1848 when they demanded the right to vote during the first women's rights convention in Seneca Falls, New York. For the next 72 years, women leaders lobbied, marched, picketed, and protested for the right to the ballot. The U.S. House of Representatives finally approved the "Susan B. Anthony Amendment," which guaranteed women the right to vote, on May 21, 1919. The U.S. Senate followed two weeks later and voted to approve the 19th Amendment on June 4, 1919. The 19th Amendment then went to the states, where it had to be ratified by three-fourths of the then 48 states to be added to the Constitution. Tennessee became the 36th and final state needed to ratify the 19th Amendment on August 18, 1920. On August 26, 1920, the U.S. Secretary of State issued a proclamation declaring the 19th Amendment ratified and officially part of the U.S. Constitution. Today, August 26th is celebrated annually as Women's Equality Day.

FLORIDA QUICK FACTS

- Florida ratified the 19th Amendment on May 13, 1969.
- After Congress passed the 19th Amendment in June 1919, states across the country held special sessions between 1919-1920 to vote on ratification. However, the Florida Legislature did not hold a vote during this time period, and became the 43rd state to ratify the amendment in 1969.
- Suffragists such as Ella C. Chamberlain, Mary Nolan, and Julia Norris were active in Florida.
- Suffrage organizations in Florida included the Florida Women's Suffrage Association and the Florida Equal Franchise League.



SUFFRAGIST AND
LAWYER INEZ
MILHOLLAND AT A
WOMEN'S SUFFRAGE
PARADE IN NEW YORK
CITY, MAY 3, 1913.

LEARN THE HISTORY

ORIGINAL SOURCE: NATIONAL PARK SERVICE

FLORIDA AND THE 19TH AMENDMENT

RATIFICATION DATE: MAY 13, 1969

Women first organized and collectively fought for suffrage at the national level in July of 1848. Suffragists such as Elizabeth Cady Stanton and Lucretia Mott convened a meeting of over 300 people in Seneca Falls, New York. In the following decades, women marched, protested, lobbied, and even went to jail. By the 1870s, women pressured Congress to vote on an amendment that would recognize their suffrage rights. This amendment was sometimes known as the Susan B. Anthony amendment and became the 19th Amendment.

The amendment reads:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex."

In the late 1800s, regional suffrage organizations began to form in states across the US. But the suffrage movement had roots in abolitionism (movement to end slavery). As a result, southern women's suffrage groups were slower to organize. Organized efforts to promote women's suffrage lagged in Florida until Ella C. Chamberlain founded the Florida Women's Suffrage Association in 1893. But when Chamberlain moved out of state four years later, the organization disbanded.

Women's suffrage did not have widespread support in the state until the 1910s when groups like the Florida Equal Franchise League and the Orlando Suffrage League were founded. Many women's suffrage groups in Florida often only supported the white woman's right to vote. As a result, African American women were frequently excluded from the suffrage organizations of white women.

Women from Florida were also involved in national organizations like the National Woman's Party. By the late 1910s, their efforts were paying off. After decades of arguments for and against women's suffrage, Congress finally approved the 19th Amendment in 1919. After Congress passed the 19th Amendment, at least

36 states needed to vote in favor of it for it to become law. This process is called ratification.

States across the US held special sessions to vote on the amendment. Some states ratified the amendment while others voted to reject it. Florida, however, did not hold a vote on the amendment. Many politicians and newspapers in the state were against women's suffrage.

On August 18, 1920, Tennessee became the 36th state to ratify the 19th Amendment, recognizing women's right to vote. On May 13, 1969, Florida showed its support for women's suffrage by belatedly ratifying the 19th Amendment.

Florida Places of Women's Suffrage: State Capitol Building

In 1913, the Equal Franchise League of Jacksonville petitioned the Legislature to consider a bill recognizing women's suffrage rights. Suffragists were given the opportunity to speak at an evening session that April in front of the state representatives. Citizens packed the Capitol Building to hear the argument for women's suffrage. The bill was rejected and Florida women had to wait another seven years to exercise the right to vote. The Florida Capitol Building is listed on the National Register of Historic Places. It no longer houses the state legislature, but operates as the Florida Historic Capitol Museum. It is open seven days a week.

Source:

<https://www.nps.gov/articles/florida-and-the-19th-amendment.htm>

COMMEMORATE ACROSS YOUR STATE

-  **Issue Proclamations or Executive Orders:** Encourage your Governor and Mayors across the state to issue a commemorative proclamation or executive order to recognize your state's or community's role in the women's suffrage movement, designate August 26, 2020 as Women's Equality Day, or designate 2020 as "The Year of Florida Women." Find samples and templates at womensvote100.org/resolutionsandorders.
-  **Pass Resolutions:** Encourage your state legislature, city councils, and town councils to pass commemorative resolutions to recognize your state's or community's role in the women's suffrage movement, designate August 26, 2020 as Women's Equality Day, or reaffirm your state's or community's commitment to the 19th Amendment and to uplifting women's voices. Find samples and templates at womensvote100.org/resolutionsandorders.
-  **Join the Forward Into Light Campaign:** On August 26, 2020, buildings and landmarks across the country will light up in purple and gold to celebrate the 100th anniversary of the 19th Amendment and women's right to vote. This nationwide celebration of the centennial is named for the historical suffrage slogan, "Forward through the Darkness, Forward into Light." Work with leaders, organizations, and communities in your state to celebrate women's right to vote in the official suffrage colors of purple and gold, from the State Capitol to skyscrapers to bridges to city halls.

WHAT'S HAPPENING IN FLORIDA

- In 2019, the Florida Legislature passed a bill signed by Governor Ron DeSantis forming the Florida Women's Suffrage Centennial Commemoration Committee, charged with ensuring a statewide observance of the centennial of women's suffrage in 2020.
- From April 6 - May 25, 2019, the Florida Historic Capitol Museum hosted One Half of the People: Advancing Equality for Women, a traveling exhibit by the National Archives.

GET INSPIRED

COMING UP IN 2020



**FORWARD
INTO LIGHT**



**PROJECT 19
SKYDIVERS**



**VOTES FOR
WOMEN TRAIL**



**CENTENNIAL
RIDE**

Forward Into Light: As part of the WSCC's Forward Into Light campaign, states across the country will light their buildings and landmarks in purple and gold on August 26, 2020, the centennial of the ratification of the 19th Amendment. Some states started commemorating the centennial with lightings in 2019, including Pennsylvania, Massachusetts, and Virginia. Are you in for August 26, 2020? Contact the WSCC for more information.

Project 19: Led by the Women's Skydiving Network (WSN), Project 19 is a planned jump of 100 women skydivers in July 2020 outside of Chicago in celebration of the centennial of women's right to vote. The WSN also has a sponsored all-women Professional Demonstration Team, which is scheduling jumps (at no charge!) during 19th Amendment celebrations around the country throughout 2020. For more information, contact Team Captain Melanie Curtis at mel@melaniecurtis.com.

Votes for Women Trail: The National Votes for Women Trail is a project led by the National Collaborative for Women's History Sites to place historic markers at locations relevant to the history of the women's suffrage movement in all 50 states. The WSCC is partnering with the National Collaborative for Women's History Sites to complete the Trail in 2020. Visit womensvote100.org/votes-for-women-trail to follow the Trail and find historic sites in your state.

Centennial Ride: In honor of the centennial of the 19th Amendment, hundreds of women and men will participate in a cross-country motorcycle tour in 2020. Riders will leave from ten different starting cities around the country, and more than 1,000 riders will converge on Washington, D.C. on August 26, 2020. Learn more at www.centennialride.com.

PLAN AN EVENT



"WE KNOCK AT THE BAR OF JUSTICE, ASKING AN EQUAL CHANCE."

-Mary Church Terrell, suffragist & founder of the National Association of Colored Women, 1898

- **What:** Hold a press conference, reception, or public program commemorating the centennial of the 19th Amendment and women's right to vote. Keep reading for examples and ideas!
- **Where:** Host an event at your State Capitol or City Hall, or at a historic site, museum, school, university, or community center. Find a list of historic sites and places in Florida along the National Votes for Women Trail at womensvote100.org/get-involved.
- **When:** Events celebrating the centennial can be held anytime throughout 2020, but particularly important dates include Black History Month (February), Women's History Month (March), and June-August 2020, building up to the official centennial date on August 26, 2020.
- **Who:** Invite members of your community to your event, as well as state or local leaders such as your Governor, First Lady/First Partner, Members of Congress, State Legislators, Mayor, or local Council Members. Invite a guest speaker, such as a women's suffrage historian, and invite historic performers to portray famous women of history. Find a list of historians and performers at womensvote100.org/get-involved.
- **Additional Details:** The suffragists wore white dresses to display their unity, and the yellow rose became a symbol of the movement's ultimate victory. At your commemorative event, decorate the room with yellow roses, suggest your guests dress in white attire, and offer replica Votes for Women pins, which can be provided by the WSCC.

Relevant Organizations in Your State:

- Florida Commission on the Status of Women: fcsw.net
- Florida Historic Capitol Museum: flhistoriccapitol.gov
- Florida Historical Society: myfloridahistory.org
- Florida League of Cities: flcities.com
- Florida Women's Hall of Fame: flwomenshalloffame.org
- Florida Women's Heritage Trail: dos.myflorida.com/historical/preservation/heritage-trails/womens-heritage-trail
- Florida Women's Suffrage Centennial Commemoration Committee: fcsw.net/2020-centennial
- Museum of Florida History: museumoffloridahistory.com

PLAN AN EVENT



"MEN, THEIR RIGHTS, AND NOTHING MORE; WOMEN, THEIR RIGHTS, AND NOTHING LESS."
Susan B. Anthony & Elizabeth Cady Stanton, c.1868

MORE CENTENNIAL CELEBRATION IDEAS

Street Renaming: Through your Mayor's office, change the name of a street in your city in honor of a local suffragist.

Suffrage Exhibits: Work with your local historical society to create an exhibit about your community's suffrage story.

Purple and Gold Fireworks: At your State Fair, County Fair, or community gathering, feature a display of purple and gold fireworks.

Musical Performances: Hold a concert featuring female composers or original music from the suffrage movement, which can be found online through the Library of Congress's searchable archives.

Film Screenings: Host screenings of films focused on the suffrage movement or women's empowerment, such as *Iron Jawed Angels*, *Suffragette*, or *A League of Their Own*.

Suffrage Floats: Include a suffrage-themed float in state and local parades.

Community Murals: Hire a local artist to create a suffrage-themed mural in your community that tells the story of the suffrage movement in your state.

Suffrage Centennial Races: Take the lead from the National Park Service's Race to Ratification and hold a suffrage-themed 5K or 10k in summer 2020.

Wikipedia Edit-a-Thon: Work with Wikipedia to plan an "Edit-a-Thon" focused on your state and local suffrage history.

Suffrage Essay or Art Contests: Hold an essay or art contest for students on topics related to your state and local suffrage history.

Suffrage Book Club: Form a book club with a locally owned bookstore to read and discuss books about the women's suffrage movement.

Plantings of Yellow Roses: Plant yellow roses in your home, school, or community gardens and share photos on social media using the hashtags #WomensVote100, #SuffrageSisters, and #SuffraGents.

JOIN THE CONVERSATION

STAY ENGAGED

- Follow @WomensVote100 on Facebook, Twitter, and Instagram
- Check out the “Suffrage Sisters” YouTube channel
- Subscribe to our e-newsletter at womensvote100.org
- Keep an eye on our Florida page at womensvote100.org/florida

FIND RESOURCES

- womensvote100.org/learn
- womensvote100.org/news
- womensvote100.org/states

Use these hashtags on social media to engage with your community during this historic moment:

#WomensVote100
#SuffrageSisters
#SuffraGents

SAMPLE SOCIAL MEDIA POSTS

Instagram

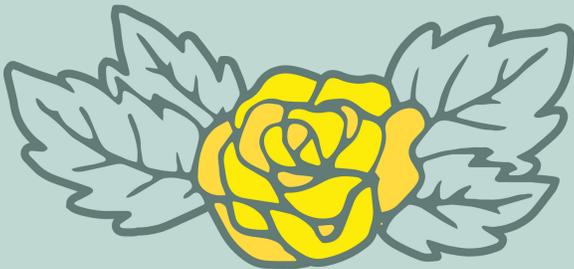


Facebook



THE 100TH ANNIVERSARY OF WOMEN'S SUFFRAGE

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION



QUESTIONS?

CONTACT KIMBERLY WALLNER
DIRECTOR OF PROGRAMS & PARTNERSHIPS
202-707-0106
KIMBERLY@WOMENSVOTE100.ORG

Arbor Day Proclamation

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our Village increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE, I, Virginia O’Halpin, Mayor of the Village of Biscayne Park, do hereby proclaim September 1, 2020, as

ARBOR DAY

in the Village of Biscayne Park, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Dated this 1st day of September in the year 2020.



Virginia O’Halpin, Mayor

Proclamation

Remembrance of September 11, 2001

WHEREAS, on the morning of September 11, 2001, terrorists ruthlessly attacked the United States at multiple locations, leading to the immediate death of nearly 3,000 innocents from the United States and from more than 90 different countries and territories;

WHEREAS, in response to the attacks, good people from private and public sectors, police officers, firefighters, emergency medical technicians, physicians, nurses, military personnel and other first responders immediately, and without concern for their own wellbeing, heroically rose to service, attempting to protect the tens of thousands who narrowly escaped with their lives and others still at risk from the attacks; and

WHEREAS, in the aftermath of the attacks, thousands of people volunteered to help in the search, rescue and recovery of victims lost in the terrorist attacks; and

WHEREAS, many witnesses to these horrific events, first responders, rescue and recovery workers and volunteers, as well as survivors continue to suffer from serious medical illnesses and emotional distress related to the physical and mental trauma of the September 11 attacks; and

WHEREAS, hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of the U.S. Armed Forces, while thousands have given their lives or suffered injury to defend our security and prevent future terrorist attacks; and

WHEREAS, the entire nation witnessed and shared in the tragedy of September 11, 2001; and

WHEREAS, September 11, 2020 marks the 19th anniversary of these heinous terrorist attacks and provides an occasion to reflect on those events and the countless sacrifices related to them,

NOW, THEREFORE, I, Virginia O'Halpin, Mayor of the Village of Biscayne Park, Florida, joined by the entire Commission, do hereby recognize the 19th anniversary of the September 11, 2001 terrorist attacks.

We offer our most sincere condolences to the families, friends and loved ones of the innocents who lost their lives that day; and we honor the heroic service, actions and sacrifices of the first responders, public officials, volunteers and others who came to the aid of innocent victims.

Further, we take this opportunity to recognize the valiant service, actions and sacrifices of our United States Armed Forces, intelligence agencies, diplomatic services, homeland security, our law enforcement personnel and the families who support them, for they give so much, including life and wellbeing, to support the causes of freedom and to defend the security of our country.



Dated this 1st day of September, 2020
VILLAGE OF BISCAYNE PARK, FLORIDA

Virginia O'Halpin, Mayor



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 8.a

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: September 01, 2020

TITLE: Acceptance of Commission Minutes

Background

The minutes as listed below are being provided for the Commissioner's review and acceptance.

Recommendation

Acceptance at Consent Agenda.

Attachment

- Revised Regular Virtual Commission Meeting 06 02 2020
- Revised Emergency Virtual Commission Meeting 07 16 2020
- Special Virtual Commission Meeting 08 13 2020
- Special Virtual Commission Meeting 08 21 2020 – Attorneys Interviews
- First Workshop Budget FY 2020-2021 07 23 2020
- First Workshop Budget FY 2020-2021 07 28 2020 Continuation
- Second Workshop Budget FY 2020-2021 08 13 2020
- Second Workshop Budget FY 2020-2021 08 20 2020 Continuation

Prepared by: Roseann Prado, Village Clerk



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

REVISED MINUTES

Regular Virtual Commission Meeting

Log Cabin - 640 NE 114th Street

Biscayne Park, FL 33161

Tuesday, June 02, 2020 at 7:00 pm

1 Call to Order

Mayor O'Halpin called the meeting to order at 7:03 pm.

2 Roll Call

Mayor O'Halpin - present

Vice Mayor Tudor - present

Commissioner Kennedy - present

Commissioner Ross - present

Commissioner Samaria - present

Staff present:

Interim Village Manager David Hernandez

Interim Village Attorney John Herin

Village Clerk Roseann Prado

Chief of Police Luis Cabrera

Recording: Cesar Hernandez

3 Pledge of Allegiance

4 Vice-Mayor Nomination

Vice-Mayor William Tudor's term has been completed and Commissioner MacDonald Kennedy is next in line for the position according to the Village Charter, as historically selection of the Vice-Mayor has been by alphabetical order. Commissioner MacDonald Kennedy was nominated for the office of Vice Mayor from June 1st to November 30th, 2020.

5 Additions, Deletions or Withdrawals to the Agenda

Commissioner Ross moved to bring item 6 - Additions, Deletions or Withdrawals to the Agenda to item 5.

Commissioner Ross added the following items to Village Manager Report on item 15.b:

- CITT - audit findings report / frozen funds

- FEMA appeal

Commission Ross also requested to include at Consent Agenda the following items:

11.a - Resolution 2020-26

11.c - Resolution 2020-28

11.d - Resolution 2020-29

Vice-Mayor Kennedy requested to add the following items to Village Manager Report on item 15.b:

- Drain cleaning

Vice-Mayor Kennedy requested Commissioner Samaria to report on item 15.d regarding the charity donations.

Commissioner Ross motioned to approve agenda changes. Mayor O'Halpin seconded.

Motion passed 5 - 0.

6 Presentations

6.a Waste Pro - Kenneth Rivera, Division Manager of Waste Pro of Florida, Inc.

Commission directed Manager to bring

The following persons spoke on the records:

Judi Hamelburg

David Raymond

Janey Anderson

Maha Malike

William Pierce

Art Gonzalez

William Pierce (2nd)

Amy Raymond

Lorie Mertes

Commissioner Kennedy motioned to direct the Manager to bring to Commission Meeting of August 4, 2020 the following options regarding solid waste:

- Pre-feasibility of in-house collection
- Piggyback with another municipality
- RFP for solid waste collection

Commissioner Ross seconded. **Motion passed 5 - 0.**

Commissioner Kennedy motioned to extend Waste Pro contract to November 30, 2020. Commissioner Ross seconded.

Motion passed 5 - 0.

6.b FDOT project on 6th Avenue - Proposed Resolution 2020-25 - FDOT proposed improvements to 6th Avenue.

Interim Village Manager requested the item to be table due to FDOT is preparing to hold a workshop regarding the improvements on 6th Avenue. Date to be determined.

7 Public Comments Related to Agenda Items / Good & Welfare

The following persons spoke on the records:

Rikki Goodman
Chuck Ross
Maria Sanchez
David Raymond
Nancy Davis
Amy Raymond
Lorie Mertes
Howard G.
William Pierce
Janey Anderson
Bob Anderson
Art Gonzalez
Michael Lyndaker
Nicole Susi
Gage Hartung
Maha Malike
Chuck Ross
Rikki Goodman
Maria Sanchez
Daniel Carbonera

8 Consent Agenda

8.a Acceptance of Commission Minutes

- Regular Commission Meeting May 05, 2020
- Special Virtual Commission Meeting May 19, 2020

8.b Resolution 2020-26 - Miami-Dade County Property Appraiser - Access to Certain



Exempt Information

Item moved from Item 11.a

8.c Resolution 2020-28 - GMS Financial Services - extension of agreement



Item moved from Item 11.c

8.d Resolution 2020-29 - Calvin Giordano extension of agreement



Item moved from Item 11.d

Vice-Mayor Kennedy motioned to approve the Consent Agenda. Commissioner Samaria seconded. **Motion passed 5 - 0.**

9 Ordinances

None

10 Resolutions

10.a Resolution 2020-27 - Tree Matching Grant Program



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE STREET TREE PLANTING GRANT AGREEMENT BETWEEN THE VILLAGE AND MIAMI-DADE COUNTY, AND EXPEND GRANT AND MATCHING FUNDS IN THE AMOUNT OF \$24,000.00 FOR THE PLANTING OF TREES WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross motioned to approve Resolution 2020-27 with the amendments as following:

- Extension to expenditure thru September 30
- Number of species
- Locations

Commissioner Samaria seconded. **Motion passed 5 - 0.**

Commissioner Kennedy motioned to extend the meeting to 12:00am. Commissioner Samaria seconded. Consensus of Commission to approve the extension of meeting.

11 Old Business

11.a Whistleblower Protection - by Commissioner Samaria

Commissioner Samaria motioned to direct the Village Attorney to draft an ordinance regarding whistleblower. Mayor O'Halpin seconded. **Motion passed 3 - 2** (Vice-Mayor Kennedy and Commissioner Tudor opposed)

11.b Gray Robinson Invoices - by Commissioner Samaria

- Charter review board / Amendments to Charter
- Jan 17 and Feb 13 invoices
- Trim compliance

Commission directed the Attorney to work with the Manager to pay Gray Robinson's invoices according with instruction.

Commissioner Ross motioned not to pay invoices as discussed. Vice-Mayor Kennedy seconded. Motion passed 4 - 0. Commissioner Samaria left the room and submitted Form 8B.

Commissioner Ross motioned to call a **Special Commission Meeting** for the balance of the agenda for Tuesday, June 16, 2020 as follows:

12.c - Manager's Report - by Commissioner Kennedy

12.d - Change of Compensation for Commission - by Mayor O'Halpin

12.e - Discussion on Chief of Police contract - by Commissioner Samaria

13.b - Calendar of Village Responsibilities - by Commissioner Kennedy

13.c - Discussion on Construction Site Requirements - by Commissioner Ross

15.b - Report Manager:

- CITT - audit findings report / frozen funds

- FEMA appeal
- Drain cleaning

Commissioner Samaria seconded. **Motion passed 5 - 0.**

12 General Election November 3, 2020 - Candidates Qualifying Date Revised

12.a

Vice-Mayor Kennedy motioned to approve the qualifying period for General Election of November 03, 2020. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

13 Reports

13.a Village Attorney

13.b Village Manager

13.c Board / Committee Reports

13.d Commission Comments:

Mayor O'Halpin

Vice-Mayor Kennedy

Commissioner Ross

Commissioner Samaria

Commissioner Tudor

14 Announcements

- Next Special Virtual Commission Meeting - Tuesday June 16, 2020 6:30 pm.
- Next Regular Commission Meeting - Tuesday July 07, 2020 7:00 pm.

15 Adjournment

Mayor O'Halpin motioned to adjourn the meeting. Vice-Mayor Kennedy seconded. Meeting adjourned at 11:54 pm.

Commission approved on Regular Commission Meeting of September 1, 2020.

Attest:

Virginia O'Halpin, Mayor

Roseann Prado, Village Clerk



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

REVISED MINUTES

Emergency Virtual Commission Meeting

Biscayne Park, FL 33161

Thursday, July 16, 2020 at 12:00 p.m.

1 Call to Order

Mayor O'Halpin called the meeting to order at 12:00 p.m.

2 Roll Call

Mayor O'Halpin - present

Vice Mayor Kennedy - present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Staff present:

Village Clerk Roseann Prado

Interim Village Attorney John Herin

Chief of Police Luis Cabrera

Technical support / Recordings: Cesar Hernandez

3 Pledge of Allegiance

4 Public Comments Related to the Agenda Items

The following persons spoke on the records:

David Raymond

Janey Anderson

Chuck Ross

Howard Goldman

Dan Schneiger

David Hernandez

5 Discussion of Interim Village Manager Resignation

5.a Discussion on Interim Village Manager

Consensus of the Commission to place an advertisement immediately recruiting a new Village Manager.

Commissioner Ross motioned to post the advertisement for three (3) weeks. Vice-Mayor Kennedy seconded.

Motion failed 2 - 3. (Commissioner Samaria, Commissioner Tudor and Mayor O'Halpin opposed)

Commissioner Tutor motioned to run the advertisement for thirty (30) days.
Commissioner Samaria seconded.

There was additional discussion adding language to the advertisement and having a Resident's Committee selected as follows:

- Five (5) members appointed by each Commissioner (no Commissioner' spouses)
- Invite all Chairs of Boards and Foundation
- Invite all Qualified candidates to the November 03, General Election

Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - No

Motion passed 4-1 (Commissioner Tudor opposed)

5.b Nomination of an Interim Manager

Following a presentation by Finance Director Paul Winkeljohn,
Commissioner Ross motioned to appoint Finance Director Paul Winkeljohn and GMS as Interim Village Manager and directing Attorney Herin to draft an agreement. Vice-Mayor Kennedy seconded.

Motion passed 3 - 2 (Mayor O'Halpin and Commissioner Samaria opposed)

Commission scheduled a Special Commission Meeting for July 23, 2020 at 6:00 pm -
Interim Village Manager

6 Adjournment

Commissioner Samaria motioned to adjourn. Vice-Mayor Kennedy seconded.
The meeting adjourned at 3:06 pm.

Commission approved on Regular Commission Meeting of September 1, 2020.

Attest:

Virginia O'Halpin, Mayor

Roseann Prado, Village Clerk



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

MINUTES

Special Virtual Commission Meeting Biscayne Park, FL

Thursday, August 13, 2020 at 6:30 pm

Meeting ID: 966 7355 8362

1 Call to Order

Mayor O'Halpin called the meeting to order at 6:34 pm

2 Roll Call

Mayor O'Halpin - present

Vice Mayor Kennedy- present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Staff present:

Interim Village Attorney John Herin

Village Clerk/Interim Manager Roseann Prado

Finance Director Paul Winkeljohn

Recording/Technical Support: Cesar Hernandez

3 Pledge of Allegiance

4 Additions, Deletions or Withdrawals to the Agenda

Commissioner Ross requested to add to Item 7 - Old Business as follows:

7.b - Manager Recruitment - background checks

7.c - Scheduled Meetings of September

Vice-Mayor Kennedy requested to add to item 7 - Old Business as follows:

7.d - FDOT further action

7.e - RFP Solid Waste

7.f - Amicus Brief

Vice-Mayor Kennedy motioned to approve agenda as amended. Commissioner Ross seconded.

Motion passed 5 - 0.

5 Public Comments Related to Agenda Items

The following persons spoke on the record:

David Raymond

Juan Mantega

Bob Anderson

Chuck Ross

6 Resolutions

6.a Resolution 2020-37 - MOU w Police Benevolent Association 1% Harzard Pay

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC. AND THE VILLAGE OF BISCAYNE PARK, AUTHORIZING A TEMPORARY ONE PERCENT (1%) PAY INCREASE RELATED TO THE COVID-19 PANDEMIC, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Resolution 2020-37. Mayor O'Halpin seconded.

Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

Motion passed 5 - 0.

6.b Resolution 2020-38 - ILA w Miami-Dade County CARES Act Distribution

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF BISCAYNE PARK, REGARDING IMPLEMENTATION OF THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Samaria motioned to approve Resolution 2020-38. Commissioner Tudor seconded.

Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

Motion passed 5 - 0.

6.c Resolution 2020-39 - Calvin Giordano - Amendment Two Agreement for Building Dept Planning Services

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND CALVIN, GIORDANO & ASSOCIATES, INC., FOR THE PROVISION OF BUILDING PLAN REVIEW AND INSPECTION SERVICES AND MUNICIPAL PLANNING DEPARTMENT SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Kennedy motioned to approve Resolution 2020-39 to extend Agreement for (90) ninety days thru November 13, 2020 under the same current fee schedule and split of 65/35 percentage as amended.

Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

Motion passed 5 - 0.

6.d Resolution 2020-40 -Agreement w Country Bill's Lawn Maintenance Inc. - Miami-Dade County Tree Grant Program

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND COUNTRY BILL'S LAWN MAINTENANCE, INC., FOR THE PROVISION OF TREE GRANT FUNDING RECEIVED FROM MIAMI-DADE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross motioned to approve Resolution 2020-40. Mayor O'Halpin seconded.

Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

Motion passed 5 - 0.

7 Old Business

7.a Village Attorney applications - section of applicants for Commission interview

Commission selected (3) three applicants for interview as follows:

Mayor O'Halpin - Rafael Suarez-Rivas

(3) Three candidates

Fox Rothschild

Nabors, Giblin & Nickerson

Vive-Mayor Kennedy - Fox Rothschild
Nabors, Giblin & Nickerson
Commissioner Ross - Fox Rothschild
Nabors, Giblin & Nickerson

Commissioner Samaria - Fox Rothschild **(3) Three candidates**
Rafael Suarez-Rivas
Nabors, Giblin & Nickerson

Commissioner Tudor - Fox Rothschild **(3) Three candidates**
Nabors, Giblin & Nickerson
Rafael Suarez-Rivas

Commission directed Village Clerk to contact the three candidates and schedule a public meeting to interview the applicants between Wednesday, August 19, 2020 or Friday, August 21, 2020, both days at 6:30 pm.

- 7.b** Discussion on September meetings scheduled dates - by Commissioner Ross
Commissioner Ross requested to return the Regular Commission meeting from previous approved date of September 8, 2020 to September 1, 2020 as initially scheduled. Commission agreed unanimously.
- 7.c** Discussion on Village Manager Recruitment and background checks - by Commissioner Ross
- 7.d** Discussion on FDOT - by Vice-Mayor Kennedy
Commission requested to engage Calvin, Giordano & Associates, Inc. to work with the community and Commission on recommendations to the project.
- 7.e** Discussion on RFP to Solid Waste - by Vice-Mayor Kennedy
- 7.f** Amicus Brief - by Vice-Mayor Kennedy
Commissioner Ross motioned to request Attorney to bring updates of Amicus Brief to September 1, 2020 Regular Commission meeting. Mayor O'Halpin seconded.
Motion approved 5 - 0.

8 Reports

- 8.a** Village Attorney
- 8.b** Village Manager
- 8.c** Board / Committee Reports
- 8.d** Commission
Mayor O'Halpin
Vice-Mayor Kennedy
Commissioner Ross

Commissioner Samaria
Commissioner Tudor

9 Adjournment

Vice-Mayor Kennedy motioned to adjourn. Commissioner Samaria seconded.

The meeting adjourned at 9:43 pm.

Commission approved on Regular Commission Meeting of September 1, 2020.

Attest:

Virginia O'Halpin, Mayor

Roseann Prado, Village Clerk



MINUTES

1st Virtual Budget Workshop - FY 2020-2021

via Zoom

Biscayne Park, FL 33161

Thursday, July 23, 2020 6:30 pm

1 Call to Order

Mayor O'Halpin called the meeting to order at 7:00 pm

2 Roll Call

Mayor O'Halpin - present

Vice-Mayor Kennedy - present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Present from staff were:

Interim Village Manager / Village Clerk Roseann Prado

Chief of Police Luis Cabrera

Commander Wollschlager

GMS Finance Director Paul Winklejohn

GMS Finance Sharyn Henning

Recreation Manager Issa Thornel

Public Works Director Cesar Hernandez

3 Pledge of Allegiance

4 Public Comments Related to Agenda Items

Public Comments moved to each Section

5 Discussion of Proposed Fiscal Year 2020-2021 Budget

5.a Section 2 - General Fund Revenues

Revenue Summary

9.7 Millage Rate

Section 5 - Expenditures: Debt Service

2019 Budget - Recap to date.

Introduction of any items changes requested above budget.

2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

Finance recommended pay off debt.

Section 6 - Expenditures: Police Department

2019 Budget - Recap to date.

Introduction of any items changes requested above budget.

2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

Section 8 - Expenditures: Code Compliance

2019 Budget - Recap to date.

Introduction of any items changes requested above budget.

2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

Public Comments

The following persons spoke on the records:

Janey Anderson

Bob Anderson

Chuck Ross

Commission comments followed.

Commission had a consensus to do a continuation of First Budget Workshop FY 2020-2021 on Tuesday, August 28, 2020 at 6:30 pm.

7 Adjournment

Vice-Mayor Kennedy motioned to adjourn. Mayor O'Halpin seconded.

Meeting adjourned at 10:41 pm.

Commission approved on September 1, 2020

Attest:

Virginia O'Halpin, Mayor

Roseann Prado, Village Clerk



MINUTES

1st Virtual Budget Workshop - FY 2020-2021

(Continuation)

Biscayne Park, FL 33161

Thursday, July 28, 2020 6:30 pm

1 Call to Order

Mayor O'Halpin called the meeting to order at 9:02 pm

2 Roll Call

Mayor O'Halpin - present

Vice-Mayor Kennedy - present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Present from staff were:

Interim Village Manager / Village Clerk Roseann Prado

Chief of Police Luis Cabrera

GMS Finance Director Paul Winklejohn

Recreation Manager Issa Thornel

Public Works Director Cesar Hernandez

Commander Nicholas Wollschlager

3 Pledge of Allegiance

Section 3 - Expenditures: Commission

2019 Budget - Recap to date.

Introduction of any items changes requested above budget.

2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

4 Public Comments Related to Agenda Items

Bob Anderson

Chuck Ross

5 Discussion of Proposed Fiscal Year 2020-2021 Budget

5.a Section 2 - General Fund Revenues

5.b





5.c Section 4 Expenditures: Administration

2019 Budget - Recap to date.



Introduction of any items changes requested above budget.

2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

Public Comments Related to this Agenda Item

Bob Anderson

Janey Anderson

David Raymond

5.d Section 5 - Expenditures: Debt Service

2019 Budget - Recap to date.



Introduction of any items changes requested above budget.

2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

5.e Section 6 - Expenditures: Police Department

2019 Budget - Recap to date.



Introduction of any items changes requested above budget.

2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

5.f Section 7 - Expenditures: Building Services

2019 Budget - Recap to date.



Introduction of any items changes requested above budget.

2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

5.g Section 8 - Expenditures: Code Compliance (Part of Police Department)

2019 Budget - Recap to date.



Introduction of any items changes requested above budget.

2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

5.h Section 9 - Expenditures: Public Works

2019 Budget - Recap to date.

Introduction of any items changes requested above budget.



2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

Public Comments Related to this Agenda Item

David Raymond

Chuck Ross

5.i Section 10 - Expenditures: Parks & Recreation

2019 Budget - Recap to date.

Introduction of any items changes requested above budget.



2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

5.j Special Revenue Fund

Section 11 - Road Fund

Section 12 - CITT

2019 Budget - Recap to date.

Introduction of any items changes requested above budget.



2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

5.k Enterprise Fund

Section 13 - Sanitation Fund

2019 Budget - Recap to date.

Introduction of any items changes requested above budget.



2019 Budget - What was spent and projected to be spent - Estimated savings: above and below - Budget details.

2020 Budget - Highlights or programs desired revisions within Budget proposed amounts.

7 Adjournment

Commissioner Tudor motioned to adjourn. Vice-Mayor Kennedy seconded.

Meeting adjourned at 11:12 pm.

Commission approved on September 1, 2020

Attest:

Virginia O'Halpin, Mayor

Roseann Prado, Village Clerk



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 9.a.

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: John R. Herin, Jr., Interim Village Attorney

DATE: September 1, 2020.

TITLE: ORDINANCE NO. 2020-04 An Ordinance of the Village Commission of the Village of Biscayne Park, Florida, Amending Chapter 11 of the Biscayne Land Development Code Entitled "Accessory Structures" Establishing Requirements for Mandatory Fencing of Construction Sites, Mandatory Maintenance Requirements for Pools; and Amending Chapter 16 Entitled "Permits and Certificates" Authorizing the Building Official to Require the Posting of a Maintenance Bond for Construction Sites; Providing for Inclusion in the Code and Scrivener's Errors; Providing for Conflicts; Providing for Severability and Providing for an Effective Date

Recommendation

Staff recommends approval on first reading of Ordinance 2020-04.

Background

The Commission directed staff to prepare an ordinance requiring fencing at construction sites and requiring pool enclosures and maintenance requirements.

Resource Impact

Cost of enforcement

Attachment(s)

- Proposed Ordinance 2020-04
-

Prepared by: John R. Herin, Jr, Interim Village Attorney

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ORDINANCE NO. 2020-04

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 11 OF THE BISCAYNE LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES" ESTABLISHING REQUIREMENTS FOR MANDATORY FENCING OF CONSTRUCTION SITES, MANDATORY MAINTENANCE REQUIREMENTS FOR POOLS; AND AMENDING CHAPTER 16 ENTITLED "PERMITS AND CERTIFICATES" AUTHORIZING THE BUILDING OFFICIAL TO REQUIRE THE POSTING OF A MAINTENANCE BOND FOR CONSTRUCTION SITES; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 4.03 of the Village Charter of the Village of Biscayne Park empowers the Village Commission to adopt, amend, or repeal such ordinances as may be required for the proper governing of the Village; and

WHEREAS, the Village Commission "(Commission") recognizes the need to regulate fences at construction sites and require the regular maintenance of pools to protect the health, safety and welfare of the residents of Biscayne Park; and

WHEREAS, on September __, 2020, the Village Planning Board, as the local planning agency for the Village, held its hearing on this proposed Ordinance with due public notice and input; and

WHEREAS, on September 1, 2020 the Commission held a first reading and public hearing of this proposed Ordinance; and

WHEREAS, on October __, 2020 the Commission held a second reading and public reading of this proposed Ordinance with due public notice and input.

NOW, THEREFORE, BE ORDAINED BY THE VILLAGE OF BISCAYNE PARK, FLORIDA AS FOLLOWS:¹

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

¹/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

1 Section 2. Amendments to the Land Development Code. Chapter 11 of the Land
2 Development Code of Ordinances, Village of Biscayne Park, Florida is hereby amended by adding a
3 section to be numbered _____, which section reads as follows: to read as follows:

4
5 **CHAPTER 11 – ACCESSORY STRUCTURES**

6
7 ***

8
9 **11.6. - Fences, walls and hedges.**

10
11 ***

12
13 **Sec. 11.6 - Construction site fencing and maintenance.**

14
15 11.6. All construction sites shall be enclosed with a temporary six-
16 foot fence, which shall be installed prior to commencement of any
17 construction activity or material deliveries. The fence shall be chain link,
18 covered with green or black nylon material screening the construction from
19 view, and installed on the front, side and rear lot lines. The fence shall not
20 be placed in a manner that creates a public safety hazard and the fence gate
21 shall be locked during nonworking hours.

22
23 11.6. All Construction sites shall be maintained free of loose
24 debris and scrap materials. No open pits, holes, or trenches shall be
25 permitted on the construction site except during construction activity or
26 when a guard is present. The contractor shall provide before any
27 construction, adequate refuse and garbage containers. All persons
28 employed on the premises shall be instructed to use these containers for the
29 disposal of left-over food, rubbish, garbage, or construction debris, etc., and
30 the premises shall be kept clean and sanitary. Houses under construction
31 shall be provided with sufficient waste receptacles to contain all garbage
32 and waste produced by the house. Garbage and waste placed outside of
33 receptacles shall constitute a violation of this section and is declared to be a
34 public nuisance.

35
36 11.6. Whenever an application is made for a building permit in the
37 Village and during the construction under permit, it shall be the duty of the
38 Building Official to determine whether the improvement being permitted or
39 constructed will impact the appearance of the Village by the possibility or
40 occurrence of construction debris left abandoned or damage to the Village
41 median during or upon the completion of the work associated with the
42 permit. If, in the opinion of the Building Official, it appears probable that,
43 in the course of construction, that construction debris may be or has been
44 abandoned or that the work involved will leave or has left debris or damage
45 to the Village median that will not be restricted to the project site, the
46 Building Official shall require a cash bond of \$5,000.00 to be posted by the
47 applicant. This bond shall be posted in addition to any amounts otherwise
48 required to be paid to the Village by the Applicant including, but not limited
49

1 to, any fees required pursuant to other resolutions or ordinances of the
2 Village relating to the improvement of the property.

3
4 Sec. 11.6. The Building Official shall give a receipt for the sum of
5 money on a form prepared by the Village. The receipt form shall contain a
6 provision that all or part of the cash bond shall be forfeited upon
7 documentation of damage to the median or debris at the site that is not
8 properly contained in dumpsters. The Village will restore the median or
9 clean the debris left on the site that has been abandoned or is otherwise
10 littering or likely to litter or on the private property of any Village resident
11 or other areas of the Village other than the job site. Any amount of forfeiture
12 will trigger a stop work order while the \$5,000.00 bond is replenished and
13 the site cleaned of debris.

14
15 Sec. 11.6. Before final approval of any building or structure
16 constructed or any other work for which a permit has been issued, the
17 Building Official shall require the cleanup of the work site and shall refuse
18 final approval of the construction permit unless the cleanup is completed.

19 ***

20 21 22 **11.9 - Swimming pools.**

23
24 ~~Sec.11.9.1 — A swimming pools, unless entirely screened in, must be~~
25 ~~surrounded by a protective fence and/or wall of a minimum height of four~~
26 ~~(4) feet.~~

27
28 ~~Sec. 11.9.2 — The fence or wall shall be placed either around the~~
29 ~~swimming pool or the premises on which the pool is located.~~

30
31 ~~Sec. 11.9.3 — The fence or wall shall be constructed of concrete block or~~
32 ~~two inch chain link, galvanized wire with top rail. All gates shall be the~~
33 ~~spring local type (close automatically) and shall be equipped with a lock.~~

34
35 ~~Sec. 11.9.4 — Final inspection and/or approval of construction of a~~
36 ~~swimming pool shall not be granted until such a fence or wall has been~~
37 ~~erected.~~

38
39 ~~Sec. 11.9.5 — No overhead electric power line shall pass over any pool, nor~~
40 ~~shall any power line be nearer than ten (10) feet horizontally or vertically~~
41 ~~from the pool's water edge.~~

42
43 Sec. 11.9. No final inspection and approval for a swimming pool shall
44 be given by the Village unless there has been erected a safety barrier as
45 hereinafter provided. No pool shall be filled with water unless a final
46 inspection has been made and approved, except for testing purposes as
47 may be approved by the Village.

1 Sec. 11.9 The safety barrier shall take the form of a screened-in patio,
2 a wooden fence, a wire fence, a rock wall, a concrete block wall or other
3 materials, so as to enable the owner to blend the same with the style of
4 architecture planned or in existence on the property or as otherwise
5 required by this Code.

6
7 Sec. 11.9 The minimum height of the safety barrier shall be not less
8 than four (4) feet.

9
10 Sec 11.9. The safety barrier shall be erected either around the
11 swimming pool or around the premises or a portion thereof on which the
12 swimming pool is erected. In either event, it shall enclose the area
13 entirely, prohibiting unrestrained admittance to the enclosed area. Pools
14 located in enclosed structures shall not require the installation of barriers
15 as required herein.

16
17 Sec. 11.9. Gates shall be of the spring lock type, so that they shall
18 automatically be in a closed and fastened position at all times. Gates shall
19 also be equipped with a safe lock and shall be locked when the swimming
20 pool is not in use.

21
22 Sec. 11.9. Before any work is commenced, permits shall be secured
23 for all swimming pools and for the safety barriers. Plans shall contain all
24 details necessary to show compliance with the terms and conditions of this
25 Code. No swimming pool permit shall be issued unless simultaneously
26 therewith a permit is secured for the erection of the required safety barrier.
27 If the premises are already enclosed a permit for the safety barrier shall
28 not be required, if, upon inspection of the premises, the existing barrier
29 and gates are proven to be satisfactory.

30
31 Sec. 11.9. In the wooden type fence, the boards, pickets, louvers, or
32 other such members, shall be spaced, constructed, and erected, so as to
33 make the fence non-climbable and impenetrable. Walls, whether of the
34 rock or block type, shall be non-climbable. Wire fences shall be the two
35 (2) inch chain link or diamond weave non-climbable type, or of an
36 approved equal, with top rail, they shall be of a heavy, galvanized material.

37
38 Sec. 11.9. It shall be within the discretion of the Building Official to
39 refuse approval of a barrier which, in his/her opinion, does not furnish the
40 safety requirements of this section, i.e., that is high enough and so
41 constructed to keep the children of preschool age from getting over or
42 through it.

43
44 Sec. 11.9. It shall be the responsibility of the owner and/or occupant
45 of the premises upon which the swimming pool is built to maintain and
46 keep in proper and safe condition the safety barrier required and erected
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49

1 in accordance with this Code, to maintain the pool in proper working order
2 and free of algae, debris, mosquitos, and other health and safety hazards.

3
4 Sec. 11.9.5 No overhead electric power line shall pass over any pool,
5 nor shall any power line be nearer than ten (10) feet horizontally or
6 vertically from the pool's water edge.
7

8 **Section 3. Inclusion in the Code & Scrivener's Errors.** The Village Commission intends
9 that the provisions of this Ordinance be made a part of the Biscayne Park Code, and that sections herein
10 may be renumbered or re-lettered and the words or phrases herein may be changed to accomplish
11 codification; regardless, typographical errors that do not affect intent may be corrected with notice to and
12 authorization of the Village Manager without further process.

13
14 **Section 4. Conflicts.** Whenever the requirements or provisions of this Ordinance are in
15 conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most
16 restrictive shall apply.

17
18 **Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this
19 Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid,
20 such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the
21 part so declared.

22
23 **Section 6. Effective Date.** This Ordinance shall become effective upon adoption by the Town
24 Council.

25
26 PASSED AND ADOPTED upon first reading this ____ day of _____, 2020.

27
28 PASSED AND ADOPTED upon second reading this ____ day of _____, 2020.

29
30 The foregoing Ordinance was offered by _____, who moved its
31 adoption. The motion was seconded by _____, and upon being put to a vote
32 the vote was as follows:

33
34 Virginia O'Halpin, Mayor _____
35 MacDonald Kennedy, Vice Mayor _____
36 Roxanna Ross, Commissioner _____
37 Dan Samaria, Commissioner _____
38 William Tudor, Commissioner _____
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1 VILLAGE OF BISCAYNE PARK

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4 _____
5 Virginia O’Halpin, Mayor
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9
10 ATTEST:

11
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13 _____
14 Roseann Prado, Village Clerk
15

16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
17 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:
18

19
20
21 _____
22 John R. Herin, Jr., Interim Village Attorney
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VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 10.a.

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Interim Village Manager

DATE: September 1, 2020

TITLE: Resolution No. 2020-41 - A Resolution of the Village Commission of the Village of Biscayne Park, Florida, Adopting the Annual Solid Waste Assessment for Fiscal Year 2020-2021; Establishing the Assessment Rate for Solid Waste Service Against Assessed Property Located Within the Village of Biscayne Park for the Fiscal Year Beginning October 1, 2020 Through September 30, 2021; Providing for Severability; and Providing For An Effective Date.

Recommendation

Staff recommends approval of Resolution No. 2020-41, imposing the proposed Annual Waste Fee Assessment for FY 2020 - 2021.

Background

All garbage, trash and recycling costs of the Village are paid through the non-ad valorem Solid Waste Management Fee Assessment paid by each property owner in addition to their ad valorem taxes. The Sanitation Fund is a separate fund from the General Fund. The estimated annual rate per residential unit effective October 1, 2020 will increase by \$58.03, resulting in a non-ad valorem solid waste fee assessment per residential unit for Fiscal Year 2020-2021 of \$481.51. Adjustments were also made to both administrative and direct overhead fees that the Sanitation Fund pays back to the General Fund. With the adjustments made as outlined above, the total Sanitation Fund budget is \$625,000 and the solid waste fee assessments for Fiscal Year 2020-2021 will be \$481.51.

Attachments

- Resolution No. 2020-41
 - Daily Business Review Public Hearing Advertisement
 - Notice of Proposed increase to Solid Waste
-

Prepared by: Roseann Prado, Interim Village Manager

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RESOLUTION NO. 2020-41

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING THE ANNUAL SOLID WASTE ASSESSMENT FOR FISCAL YEAR 2020-2021; ESTABLISHING THE ASSESSMENT RATE FOR SOLID WASTE SERVICE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 4.09 of the Village of Biscayne Park Charter and Section 17.4 of the Biscayne Park Land Development Code (“Code”) authorize the Village of Biscayne Park (“Village”) to impose a non-ad valorem solid waste management fee assessment (“Solid Waste Assessment”); and

WHEREAS, the Village utilizes the Miami-Dade County Property Appraiser’s Office (“County”) to disclose the Solid Waste Assessment on the County’s TRIM notices to residents, and collect the Solid Waste Assessment utilizing the County’s property tax bills to residents; and

WHEREAS, the Village Administration has completed an analysis of the projected budget and determined the Solid Waste Assessment to provide Village residents with the necessary solid waste services and management (“Solid Waste Services”); and

WHEREAS, all assessed properties in the Village receive a special benefit from the provision of Solid Waste Services; and

WHEREAS, the estimated Solid Waste Assessment for fiscal year 2020-2021 is \$481.51 per residential unit, which is \$58.03 more than the fiscal year 2019-2020 Solid Waste Assessment based on the anticipated increase to the Village’s annual Sanitation budget from \$548,826.00 to \$625,000.00; and

WHEREAS, the Village adopted a preliminary assessment resolution containing a description of the Solid Waste Services; describing the method of computing the Solid Waste Assessment for Solid Waste Services against assessed residential property; designating an assessment rate and directing preparation of an updated assessment roll for fiscal year 2020-2021; and providing notice of the required public hearing; and

1 **WHEREAS**, the Village may confirm or repeal the preliminary assessment resolution,
2 with such amendments as the Village deems appropriate, after hearing comments and objections
3 of all interested parties; and

4
5 **WHEREAS**, the updated assessment roll was made available for inspection by the public,
6 as required by the Code and state law.

7
8 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE**
9 **VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

10
11 **Section 1. Recitals.** The above recitals are true and correct, and incorporated herein
12 by this reference and are hereby adopted as the legislative and administrative findings of the
13 Village Commission.

14
15 **Section 2. Final Rate Resolution.** This Resolution constitutes the final assessment
16 resolution, which completes the annual process for updating the assessment roll and directs the re-
17 imposition of a Solid Waste Assessment for the fiscal year beginning October 1, 2020.

18
19 **Section 3. Funding of Solid Waste Services.** Upon the imposition of Solid Waste
20 Assessment for Solid Waste Services against assessed property located within the Village, the
21 Village shall provide Solid Waste Services to such property. Each assessed property benefits from
22 the Village's provision of Solid Waste Services in an amount not less than the Solid Waste
23 Assessment imposed against such property computed in the manner set forth in this Resolution.

24
25 **Section 4. Annual Solid Waste Assessment.** For Fiscal Year 2020-2021, the
26 estimated total cost of providing Solid Waste Services is approximately \$603,410.00 (net of
27 discounts and collection fees). Accordingly, the Village approves a final rate of assessment equal
28 to \$481.51 for each property assessed for Solid Waste Services for fiscal year 2020-2021 and
29 future fiscal years. The Village Manager will prepare, or cause to be prepared, an updated
30 assessment roll for the fiscal year beginning October 1, 2020. The Village Clerk shall maintain a
31 copy of this Resolution and the updated assessment roll on file in the office of the Village Clerk
32 and is open to public inspection. The foregoing method of determining the Solid Waste
33 Assessment for Solid Waste Services is a fair and reasonable method of apportioning the cost of
34 Solid Waste Services among the assessed properties.

35
36 The assessable property described in the assessment roll, which is hereby approved, are
37 specially benefitted by the provision of Solid Waste Services in the amount of the Solid Waste
38 Assessment set forth in the assessment roll. The Village ascertains, determines, and declares that
39 each assessable property within the Village benefits from the Village providing Solid Waste
40 Services in an amount not less than the Solid Waste Assessment for each assessed property as
41 computed in the preliminary assessment resolution. Adoption of this final assessment resolution
42 constitutes a legislative determination that all assessed property derives a special benefit from the
43 Solid Waste Services. Such as the availability and use of collection services to property and safely
44 remove and transport solid waste generated on such property; the provision of disposal services
45 which provide effective and environmentally sound disposal of solid waste generated on such
46 property; and the enhancement of environmentally responsible use and enjoyment of such
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1 property. The method for computing Solid Waste Assessment described in the preliminary
2 assessment resolution is approved. Adoption of this final assessment resolution constitutes a
3 legislative determination that the Solid Waste Assessment is fairly and reasonably apportioned
4 among the residential properties that receive the special benefit. Interim Solid Waste Assessments
5 are also levied and imposed against all property for which a Certificate of Occupancy is issued
6 after adoption of this final assessment resolution based upon the rates of assessment approved
7 herein.

8
9 **Section 5. Public Hearings.** The Village Commission held a public hearing on
10 September 01, 2020 at 7:00 p.m. at the Log Cabin, 640 NE 114th Street, Biscayne Park, FL to
11 consider comments on the Solid Waste Assessment, and re-impose the Solid Waste Assessment
12 for Solid Waste Services for fiscal year 2020-2021, and collecting such assessments on the same
13 bill as ad valorem taxes.

14
15 **Section 6. Notice by Publication.** The Village Clerk published a notice of the public
16 hearing in substantially the form attached as Appendix A. Publication of the notice was published
17 on August 9, 2020 in the Miami Daily Business Review.

18
19 **Section 7. Notice by Mail.** The Village Clerk provided notice of the public hearing
20 by first class mail to the owner of each assessed property according to non-ad valorem assessment
21 from Miami-Dade County Property Appraiser. Such notice was mailed around August 9, 2020 in
22 the form attached as Appendix B.

23
24 **Section 8. Shortfall.** Any shortfall in the expected Solid Waste Assessment proceeds
25 due to any reduction or exemption from payment of the Solid Waste Assessments required by law
26 or authorized by the Village shall be supplemented by any legally available funds, or combination
27 of such funds, and shall not be paid for by proceeds or funds derived from the Solid Waste
28 Assessment. In the event a court of competent jurisdiction determines any exemption or reduction
29 by the Village is improper or otherwise adversely affects the validity of the Solid Waste
30 Assessment imposed for the 2020-2021 fiscal year, the sole and exclusive remedy shall be the
31 imposition of a Solid Waste Assessment upon each affected property in the amount of the Solid
32 Waste Assessment that would have been otherwise imposed save for such reduction or exemption
33 afforded to such property by the Village.

34
35 **Section 9. Imposition of Lien.** Solid Waste Assessments shall constitute a lien upon
36 the property assessed equal in rank and dignity with the liens of all state, county, district or
37 municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law,
38 such lien shall be superior in dignity to all other liens, titles and claims, until paid. The updated
39 assessment roll shall be delivered to the County for collection using the tax bill collection method
40 in the manner prescribed by the Code and state law. The updated assessment roll delivered to the
41 County shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll.

42
43 **Section 10. Non-residential Property.** The annual Solid Waste Assessment for Solid
44 Waste Services is not imposed against non-residential property due to the widely varied production
45 of solid waste among the types of non-residential property and that the cost of disposal of solid
46 waste generated on non-residential property can be effectively recovered through tipping fees.



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ALM Media, LLC
PO Box 936174
Atlanta, GA 31193-6174

Please Remit To:

Daily Business Review

Miami Dade

Customer No: 9008253

VILLAGE OF BISCAYNE PARK
Attention To: ROSEANN PRADO,
600 NE 114TH ST
BISCAYNE PARK, FL 33161

Invoice #:	10000481504-0807
Invoice Date:	08/10/2020
Due Date:	Due Upon Receipt
AMOUNT DUE:	\$296.82

Amount Remitted

PLEASE RETURN THIS SECTION WITH PAYMENT

TEAR HERE

Daily Business Review

Miami Dade

Invoice Date: 08/10/2020	Customer #: 9008253
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Invoice #	Description	Amount
10000481504-0807	Placement/Position: Bids/Hearngs/Meetings/Ordinances/Hearings Run Dates: 08/07/2020, 08/10/2020 Ad Size: 3 x 6.44 Inches	\$296.82
	VILLAGE OF BISCAYNE PARK - PROPOSED INCREASE TO ANNUAL NON-AD VALOREM ASSESSMENT FOR RESIDENTIAL SOLID WASTE - PUBLIC HEARING - SEP. 1 2020	
	Subtotal	\$296.82
	Total Due	\$296.82

Visit our online payment portal at <http://almpaymentcenter.com> to pay via credit card

For billing questions, please email: ALMcollection@alm.com.



MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE:**

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF BISCAYNE PARK - PROPOSED INCREASE TO ANNUAL NON-AD VALOREM ASSESSMENT FOR RESIDENTIAL SOLID WASTE - PUBLIC HEARING - SEP. 1 2020

in the XXXX Court,
was published in said newspaper in the issues of

08/07/2020 08/10/2020

SEE ATTACHED

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Guillermo Garcia

Sworn to and subscribed before me this
10 day of AUGUST, A.D. 2020

Barbara Thomas

(SEAL)

GUILLERMO GARCIA personally known to me

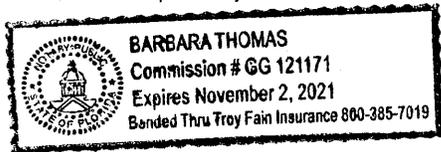


EXHIBIT A
NOTICE OF PROPOSED INCREASE TO
ANNUAL NON-AD VALOREM ASSESSMENT
FOR RESIDENTIAL SOLID WASTE VILLAGE
OF BISCAYNE PARK, FLORIDA

Notice is hereby given that the Commission of the Village of Biscayne Park will hold a Public Hearing on the proposed 2020 Non-Ad Valorem Assessment Roll on Tuesday, September 1, 2020 at 7:00 p.m. at Log Cabin, 640 NE 114th Street, Biscayne Park, FL 33161. The purpose of the Public Hearing is to receive comments from the public regarding the proposed increase to the solid waste non-ad valorem assessment roll prior to taking final action.

The proposed solid waste assessment to be levied against each affected parcel for 2020 totals **\$481.51 per residential unit**. This proposed assessment amount was calculated based on the projected increase to the municipality's sanitation fund budget for 2020-2021 to \$625,000. The proposed amount reflects a \$58.03 increase per residential unit from the 2020 solid waste assessment amount of \$423.48 per residential unit. The Village of Biscayne Park will collect a total revenue of \$603,410 by this solid waste assessment. The Village Commission may AMEND or ALTER the proposed assessment at the Public Hearing.

All non-ad valorem assessments approved by the Village Commission will be included on the 2020-21 Combined Property Tax Bill distributed by the Miami-Dade County Tax Collector in October 2020. The non-ad valorem assessment will be payable November 1, 2020 through March 31, 2021. Per Florida Statutes, a failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

Affected property owners have the right to appear at the Commission's Public Hearing on this matter and the right to file written objections with the Village Clerk by emailing to VillageClerk@biscayneparkfl.gov or by regular mail to Village Clerk, Village of Biscayne Park, 600 N.E. 114 Street, Biscayne Park, Florida 33161. A map of the area assessed is below.

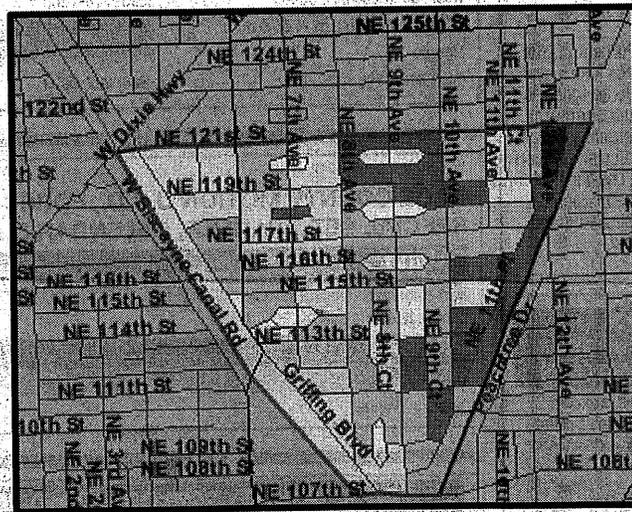


EXHIBIT A

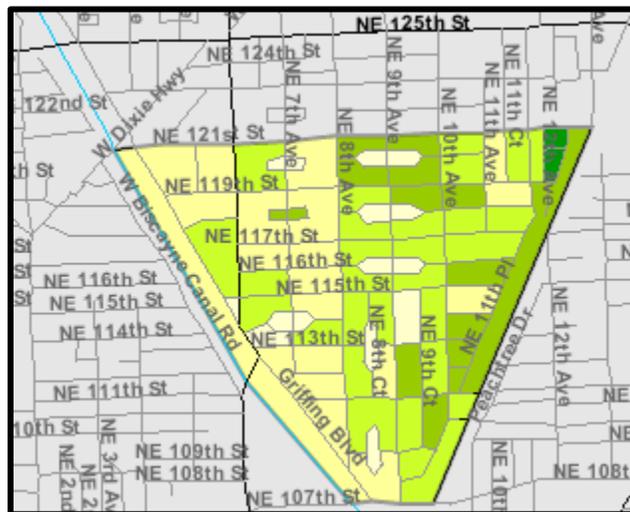
NOTICE OF PROPOSED INCREASE TO ANNUAL NON-AD VALOREM ASSESSMENT FOR RESIDENTIAL SOLID WASTE VILLAGE OF BISCAYPNE PARK, FLORIDA

Notice is hereby given that the Commission of the Village of Biscayne Park will hold a Public Hearing on the proposed 2020 Non-Ad Valorem Assessment Roll on Tuesday, September 1 2020 at 7:00 p.m. at Log Cabin, 640 NE 114th Street, Biscayne Park, FL 33161. The purpose of the Public Hearing is to receive comments from the public regarding the proposed increase to the solid waste non-ad valorem assessment roll prior to taking final action.

The proposed solid waste assessment to be levied against each affected parcel for 2020 totals **\$ 481.51 per residential unit**. This proposed assessment amount was calculated based on the projected increase to the municipality's sanitation fund budget for 2020–2021 to \$625,000. The proposed amount reflects a \$58.03 increase per residential unit from the 2020 solid waste assessment amount of \$423.48 per residential unit. The Village of Biscayne Park will collect a total revenue of \$603,410 by this solid waste assessment. The Village Commission may AMEND or ALTER the proposed assessment at the Public Hearing.

All non-ad valorem assessments approved by the Village Commission will be included on the 2020-21 Combined Property Tax Bill distributed by the Miami-Dade County Tax Collector in October 2020. The non-ad valorem assessment will be payable November 1, 2020 through March 31, 2021. Per Florida Statutes, a failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.

Affected property owners have the right to appear at the Commission's Public Hearing on this matter and the right to file written objections with the Village Clerk by emailing to VillageClerk@biscayneparkfl.gov or by regular mail to Village Clerk, Village of Biscayne Park, 600 N.E. 114 Street, Biscayne Park, Florida 33161. A map of the area assessed is below.





VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 10.b

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Interim Village Manager

DATE: September 1, 2020

TITLE: Resolution 2020-42 – A Resolution of the Village Commission of the Village of Biscayne Park, Florida, Authorizing the Village Manager to Enter Into an Agreement With Synovus Bank and Tsys Merchant Solutions, LLC and the Village, To Become the Village’s Credit Card Merchant Provider; Providing for Severability; and Providing for an Effective Date.

Recommendation

Staff recommends approval of Resolution No. 2020-42, for the proposed Agreement with Synovus Bank and TSYS Merchant Credit Card Services to allow for the use of credit cards for the payment of all fees and charges to the Village of Biscayne Park.

Background

For a very long time the Village has wanted to establish a merchant credit card service to facilitate payments from residents and contractors for permit fees, citations, event permits and other collectible payments for the numerous services provided by the Village of Biscayne Park.

Financial Impact

Purchase of one (1) terminal - \$ 750.00 (one time cost)

Transaction Fees: Interchange – 0.50%

Authorization fee - \$ 0.07

Other Fees – Monthly Minimum Discount Fee – waived

ACH Return / Change Fee - \$ 15.00

Quarterly PCI Fee: \$ 125.00 / Reduced to \$18.80 once compliance is validated

Annual Administrative Fee - \$ 79.95

Application / Set-Up - \$ 100.00

Monthly Fee - \$ 5.00

Village of Biscayne Park – Credit Card Convenience Fee – 2.29%

Attachments

- Resolution No. 2020-42
- Application for Merchant Card Processing
- TSYS Cost Information

Prepared by: Roseann Prado, Interim Village Manager

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RESOLUTION NO. 2020-42

**A RESOLUTION OF THE VILLAGE COMMISSION
OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,
AUTHORIZING THE VILLAGE MANAGER TO
EXECUTE AN AGREEMENT BETWEEN SYNOVUS
BANK AND TSYS MERCHANT SOLUTIONS LLC
AND THE VILLAGE OF BISCAYNE PARK TO
BECOMING THE VILLAGE’S CREDIT CARD
MERCHANT PROVIDER; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, Synovus is established as the banking institute of all Village of Biscayne Park accounts; and,

WHEREAS, the Village Commission finds it to be in the best interest of its citizens to authorize the Village Manager to finalize the agreement between Synovus and TSYS Merchant Solutions, LLC as the merchant authority for providing credit card convenience services for the residents of the Village of Biscayne Park facilitating the payments of fees and services.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1: The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2: The Village Commission hereby authorizes the Village Attorney and the Village Manager to finalize the banking agreement between Synovus Bank and TSYS Merchant Card Processing and the Village of Biscayne Park as the processor institute of credit card merchant services as per attached hereto as Exhibit “1”.

Section 3. This Resolution shall become effective upon adoption.

1 **PASSED AND ADOPTED** this 1st day of September, 2020.
2
3

4 The foregoing Resolution was offered by _____, who moved its adoption. The motion was
5 seconded by _____, and upon being put to a vote the vote was as follows:
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9 Virginia O’Halpin, Mayor _____
10 MacDonald Kennedy, Vice Mayor _____
11 Roxanna Ross, Commissioner _____
12 Daniel Samaria, Commissioner _____
13 William Tudor, Commissioner _____
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17 **VILLAGE OF BISCAYNE PARK**
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21 _____
22 Virginia O’Halpin, Mayor
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26 **ATTEST:**
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30 _____
31 Roseann Prado, Village Clerk
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35 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
36 **USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:**
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40 _____
41 John R. Herin, Jr., Interim Village Attorney
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APPLICATION FOR MERCHANT CARD PROCESSING

STW Short Name: <u>SYNOVUS/AS</u>	Assoc #: <u>123567</u>
Sales Rep Name: <u>Athena Cashman</u>	Sales Rep Code: <u>TF-990922</u> Branch # (if applicable) _____

For purposes of this application, "Processor" or "TSYS" is TSYS Merchant Solutions, LLC, or one of its affiliates, located at 12202 Airport Way, Suite 100, Broomfield, CO 80021 and can be contacted at (800) 654-9256. Additional information can be found on the TSYS website, www.TSYS.com.

"Merchant Bank" or "Member Bank" is Synovus Bank, located at 1132 Broadway, 2nd Floor Jordan Building, Columbus, GA 31901, (706) 649-4900. Processor is a registered ISO/MSP of Synovus Bank.

1. BUSINESS INFORMATION

Legal Business Name (25 characters max) Village of Biscayne Park			DBA Business Name (23 characters max) Village of Biscayne Park		
Legal Address 600 NE 114th Street			DBA Address (Physical location, no PO Boxes) 600 NE 114th Street		
City BISCAYNE PARK	State FL	ZIP 33161	City BISCAYNE PARK	State FL	ZIP 33161
Legal Phone Number (305) 899-8000	Legal FAX Number (305) 891-7241	DBA Phone Number (305) 899-8000		DBA FAX Number (305) 891-7241	
Email address for Notices: <u>villageclerk@biscayneparkfl.gov</u> (See "Notices" in the Merchant Card Processing Agreement included with this application for additional information relating to email address usage.)					
Customer Service Phone Number: (305) 899-8000			Website address: <u>www.biscayneparkfl.com</u>		
Preferred Address for: Statements? <input type="checkbox"/> Legal Address <input checked="" type="checkbox"/> DBA Address			Length Owned? <u>84</u> Years _____ Months		
Chargebacks? <input type="checkbox"/> Legal Address <input checked="" type="checkbox"/> DBA Address <input type="checkbox"/> FAX _____					
<input checked="" type="checkbox"/> Email Address (TransLink) <u>villageclerk@biscayneparkfl.gov</u>					
Contact Name: <u>Roseann Prado</u> Title: <u>Manager</u> Phone: <u>(305) 899-8000</u>					
Any prior bankruptcies? Business: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, filing date? _____			Personal: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, filing date? _____		
Business type: <input checked="" type="checkbox"/> Retail <input type="checkbox"/> Retail with tips <input type="checkbox"/> Restaurant <input type="checkbox"/> MOTO _____%			<input type="checkbox"/> Internet _____% <input type="checkbox"/> Lodging <input type="checkbox"/> Supermarket <input type="checkbox"/> Utility <input type="checkbox"/> Pharmacy		
<input type="checkbox"/> Business to Business _____%					
Detail business description (include Description of Products or Services Sold).			MCC / SIC <u>9399</u>		
Provide separate pages if needed: <u>Permits, Facility Rental, Log Cabin Rental, Recreation Classes</u>					

2. W-9 INFORMATION

Taxpayer Identification Number: (Must be 9 digits) <u>59-6000277</u>		Business Name: (as shown on your income tax return up to 40 characters) <u>Biscayne Park Foundation Inc</u>	
<input checked="" type="checkbox"/> EIN <input type="checkbox"/> Social Security Number <input type="checkbox"/> ITIN			
Address for IRS/Compliance notices: (if different than Legal Address given above) <u>600 NE 114th Street</u>		To consent to paperless delivery of IRS notices, please review and check the box below: <input checked="" type="checkbox"/> By checking this box, you acknowledge that you have read and agree to Consent to Paperless Delivery of Tax Related Documents located at WWW.TSYS.COM/DOCUMENTS and included with this application and that you consent to receiving IRS notices via paperless delivery.	
City <u>BISCAYNE PARK</u> State <u>FL</u> Zip <u>33161</u>			
For purposes of paperless delivery of IRS Notices, you are required to provide a valid email address. If different from the email address already provided above, please indicate the email address where you wish to receive paperless delivery of your IRS Notices. If you consent to receive IRS/Compliance notices by paperless delivery, to have IRS/Compliance notices sent electronically, please indicate the email address where such notices should be sent. (Email address required) <u>villageclerk@biscayneparkfl.gov</u>			
Type of Ownership: <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Political Organization		Exempt Payee: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 501(c)(3) Tax-exempt: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> LLC <input type="checkbox"/> Partnership <input type="checkbox"/> Ltd Liability Partnership <input checked="" type="checkbox"/> Government Entity <input type="checkbox"/> Trust <input type="checkbox"/> Professional Association <input type="checkbox"/> Public Corporation <input type="checkbox"/> Private Corporation <input type="checkbox"/> Non Profit Corporation <input type="checkbox"/> Financial Institution	

3. BENEFICIAL OWNER AND OFFICER INFORMATION

A. The following information for each individual, if any, who, directly or indirectly, through any contract, arrangement, understanding, relationship or otherwise, owns 25% or more of the equity interests of the legal entity or sole proprietorship for which the account is being opened.

Name of Owner	U.S. Person: Social Security Number Non-U.S. Person: Social Security Number, Passport Number and Country of Issuance, or other similar identification number ¹	Date of Birth	Percent Owned (%)	Residential Address, City, State, Zip	Residential Phone Number
	<input type="checkbox"/> U.S. Person <input type="checkbox"/> Non-U.S. Person				

B. The following information for one individual with significant responsibility for managing the legal entity listed above, such as: An executive officer or senior manager (e.g. Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Managing Member, General Partner, President, Vice President, Treasurer); or any other individual who regularly performs similar functions. (If appropriate, an individual listed under section A above may also be listed in this section B.)

Name of Officer/Manager and Title	U.S. Person: Social Security Number Non-U.S. Person: Social Security Number, Passport Number and Country of Issuance, or other similar identification number ¹	Date of Birth	Percent Owned (%)	Residential Address, City, State, Zip	Residential Phone Number
Roseann Prado - Interim Manager	<input checked="" type="checkbox"/> U.S. Person <input type="checkbox"/> Non-U.S. Person		0 %		(305) 899-8000

¹ In lieu of a passport number, Non-U.S. persons may also provide a Social Security Number, an alien identification card number, or number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard. Privacy Policy can be found at www.tsys.com.

Name and Title of person Opening Account who by signing section 12 of this application is certifying (i) that, to the best of his/her knowledge, the information provided in this section 3 is complete and correct, and (ii) that the information provided in sections 1 and 2 about the legal entity for which the account is being opened is complete and correct	Name: <u>Roseann Pardo</u>
	Title: <u>Manager</u>

4. SITE SURVEY / PATRIOT ACT

Site Survey: <input type="checkbox"/> On Site Visit Done by Sales Representative <input checked="" type="checkbox"/> Sales Partner Validated <input type="checkbox"/> No Site Survey Performed	Merchant's physical inventory consistent with the business signage: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Site Consistent with application: <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Signature of Sales Representative*: _____ **Printed Name:** Athena Cashman **Date:** 7/31/2020
 * By signing above you hereby acknowledge that the information listed herein is true and accurate and was personally observed on the indicated document, as applicable.

PATRIOT ACT REQUIREMENTS -To help the government fight the funding of terrorism and money laundering activities, the USA Patriot Act requires all financial institutions to obtain, verify and record information that identifies each person (including business entities) who opens an account. What this means for you: When you open an account, we will ask for your name, physical address, date of birth, taxpayer identification number and other information that will allow us to identify you. We may also ask to see your driver's license or other identifying documents. Complete Section I and II for all business types except if a Government Entity where only Section I is required. Completion of Site Survey section by Sales Representative is required.

Section I: Government Form of Identification	Items Reviewed	Section II: Business Form of Identification	Items Reviewed
<input checked="" type="checkbox"/> Government Entity Articles of Incorporation <input type="checkbox"/> Government Entity Tax Determination Letter <input type="checkbox"/> Government Entity Third Party Verification	Third Party Verification Description _____ _____ _____ _____	<input type="checkbox"/> Government Issued Business License <input type="checkbox"/> Tax Return <input type="checkbox"/> Entity Articles <input type="checkbox"/> Business Financial Statement	Business Name _____ Date and Place of Issuance: / _____ IS/IRS Employer ID: _____ Expiration Date: _____

5. CARD PROCESSING INFORMATION

Have you ever accepted credit cards before? Yes No If yes, what is the Processor's name? _____
 Please provide the most recent 3 months of credit card processing statements.

Number of locations? 1 If you are affiliated with an existing account, please provide existing Merchant ID#: _____

Please check this box if you are applying for processing services for additional merchant locations. If the additional locations are under common ownership, federal tax identification number, same authorized signatory, please submit the Additional Merchant Addendum as Exhibit A with this Application. Please note that all additional locations, along with the Primary location, will be subject to and governed by the terms and conditions of this Application and the Merchant Card Processing Agreement referenced in and included with this Application. If the additional locations are not under common ownership or have varying tax identification numbers and authorized signatories, you will be required to submit a separate Application for Merchant Card Processing per location.

Do you bill your customers prior to goods being shipped? Yes No
 If Yes, how many days? 0-2 days 3-30 days 31-60 days 61-90 days Over 90 days

What is your Return and Refund Policy? (Please be specific)

How do you advertise? (check all that apply) Yellow pages Telemarketing Catalog Word of mouth Publications Mass/Direct mail Internet
 Other, please explain: _____

Please supply copies of advertising, including catalogs and brochures.
 Where applicable, provide video (TV), audio tape (Radio or IVR), and Web-page screen prints. List the URL (www. X .com, .net .org, etc.) on each page.

Card Types Requested? Select all that apply. All Credit Cards All Credit and PIN Based Debit Cards PIN Based Debit Cards Only **

***Merchant has the right not to accept all card types. **Point Of Sale programming cannot prohibit the acceptance of credit cards; therefore, It is the merchant's responsibility to enforce this. Processor, and not Merchant Bank, will settle American Express, PayPal™ In-Store, Discover, and JCB transactions.**

Credit Card Processing Methods	Do you use a third party fulfillment house? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide name and address.	Average Credit/Debit Transaction (Ticket) Amount:	Total Credit/Debit Monthly Sales:
Card Swiped Transactions 80 %	_____ _____ _____	\$50.00	\$25,000.00
Manually Keyed (Card Present with Imprints) 0 %			
Manually Keyed (Card Not Present and/or Mail Order/Telephone Order) 20 %			
eCommerce (Card Not Present) 0 %			
Total (must equal 100%) 100 %			
Business to Business (must be 0 - 100%) 10 %			

Does annual American Express volume exceed \$1,000,000? Yes No **Would Merchant like to receive American Express marketing materials?** Yes *No

*By checking 'No' the merchant opts out of receiving future commercial marketing communications from American Express. Note that you may continue to receive marketing communications while American Express updates its records to reflect your choice. Opting out of commercial marketing communications will not preclude you from receiving important transactional or relationship messages from American Express.

Seasonal Business? Yes No If yes, indicate by "X" the months that are ACTIVE: Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

List the names of each of your independent contractors or agents that will have access to store, process, or transmit cardholder data, including online shopping carts, payment gateways, hosting companies, and order-taking services. (Provide separate pages if needed).

6. BANKING INFORMATION

Name and Phone Number of Financial Institution	Routing Number (Shown on the bottom of check)	Bank Account Number (Shown on the bottom of the Check)	Type of Accounts	Use this account for*:
** SYNOVUS BANK (800) 334-9007	061100606	01008767200	<input checked="" type="checkbox"/> checking	<input checked="" type="checkbox"/> daily settlement <input checked="" type="checkbox"/> TXP ACH settlement <input checked="" type="checkbox"/> monthly billing <input checked="" type="checkbox"/> TXP ACH fees <input checked="" type="checkbox"/> chargebacks

*If nothing indicated, Financial Institution #1 will be used for all ACH activity. **AUTHORIZATION FOR AUTOMATIC FUNDS TRANSFER (ACH): The Merchant Bank (defined on page 3) is authorized to initiate or transmit automatic debit and/or credit entries and/or check entries to the account identified above and in the provided voided check (if applicable) relating to the above account (**) for all services contemplated under this Agreement. Said authority is granted to Merchant Bank's Processor and their agents. This authority is to remain in effect until Merchant Bank or its agents receive written notice from Merchant revoking it. You understand that you will be considered the Receiver of all ACH entries submitted hereunder, and agree to comply with all rules and operating guidelines of the NACHA Rules and other relevant clearing house associations which are applicable to Receivers, as the same may be applicable to transactions processed hereunder.

7. TRADE REFERENCES

Bank or Trade Name	Account Number	Product Sold	Phone Number

8. FEE SCHEDULE

All Visa/MC/AXP/DISC/PP/JCB/Diners Card Types
Discount Rate/Per Item Fee: 0.50 % + \$ _____ per item

Pricing Plan/Non-Qualified Surcharges:* Interchange Pass Thru Plus Assessments

* All Non-Qualified fees apply to all Visa / MC / AXP / DISC / PP / JCB / Diners Card types

The following association-related fees, as adjusted or allocated by TSYS, may be added to "Fees for Access to Card Brand Services" billing bundle or be itemized on merchant statements - Cross border international transaction assessments/program support, MC network access/brand usage (NABU), MC Digital Enablement, MC license fee, MC Safety Net, MC Account Status Inquiry Service (ASIS) fee, MC transaction processing excellence, Visa / MC excessive authorization, MC transaction compliance fee, MC nominal amount authorization fee, Visa US acquirer processing fee (APF), Visa Zero Floor Limit, Visa misuse of the authorization system, Visa FANF, Visa integrity, Visa Data Consistency, Credit Voucher fee for Visa, Discover data usage, Discover PIF and American Express Access and System Processing fees. Further Visa / MC / AXP / DISC / PP fees, including association Base II and kilobyte fees, Visa / MC / AXP / DISC / PP assessments, and \$15 Annual Location Fee for MC may also apply. **Batch Close Fee:** All batch closing and batch inquiries are considered "transactions" and will be billed at the same rate as Visa / MC / AXP / DISC/PP Trans Fees unless specified. **Monthly Minimum Discount:** Applies to Discount Rate & captured transaction fees. Qualified T&E Surcharge of .60% will apply to T&E merchant transactions. **TransFreedom:** In addition to your TransFreedom Monthly fee, Automatic Volume Purchase billing may apply to volume processed in excess of the current pricing tier at a rate of \$25.00 per every \$500.00 in additional processed volume. **Invalid Data Fee:** a \$50 per month fee will be applied to your account if you have provided us with an invalid tax identification number or incorrect name for your company.

Authorization Fee:		All Card Types \$ <u>0.07</u>		Voice Auth Fee \$ <u>0.52</u>		ARU Auth Fee \$ <u>0.52</u>		Batch Close Fee \$ <u>0.00</u>	
Monthly Service Fee	\$	<u>5.00</u>	Application Setup Fee	\$	<u>100.00</u>	Monthly Minimum	\$	<u>0.00</u>	
Chargeback Fee	\$	<u>15.00</u>	ACH Change Fee	\$	<u>15.00</u>	Retrieval (Request for Copy) Fee	\$	<u>7.00</u>	
ACH Return Fee	\$	<u>15.00</u>	Payment Gateway Monthly Fee	\$	<u>0.00</u>				
Administrative Fee	\$	<u>79.95</u>							

Note: Processor and its contractors provide the additional products and services set forth in sections 9, 10 and 11, in addition to Purchasing Cards, Corporate Cards and Fleet Cards and the Invalid Data Fee above. Merchant Bank does not provide such services and has no responsibility or liability for them.

9. ADDITIONAL SERVICES AND TERMS

- ACH Processing (ACH Addendum required) Check Services (CrossCheck Application Required) Petro/Fleet (Petro Addendum required)
 Voyager WrightExpress (WEX)

PIN Debit/EBT

PIN Based Debit Per Item Fee* \$ 0.2000 PIN Based Debit Monthly Fee \$ _____ PIN Based Debit Application Fee \$ _____ EBT Per Item Fee \$ _____

*Debit Discount Rate: NOTE - PIN Based Debit authorization and interchange fees may apply.

Wireless and Other Services

Petro/Fleet (per Terminal) Setup Fee: \$ _____ Monthly Fee: \$ _____	SmartLink (per Modem) Setup Fee: \$ _____ Monthly Fee: \$ _____	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Semiannually Breach Coverage Fee \$ <u>8.95</u>	Section 11.2(d) Fee (as stated in the Merchant Card Processing Agreement) does not apply if checked <input type="checkbox"/>	PCI Quarterly Program Fee* \$ <u>28.80</u> *PCI Fee will be reduced to \$ <u>18.80</u> for ongoing support once compliance is validated; an additional monthly fee of \$9.95 will be charged for ongoing support each month where compliance is NOT validated after 180 days from date of boarding.
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10. EQUIPMENT OPTIONS

Industry: Retail Retail w/ Tips Restaurant MOTO QPS Retail QPS Restaurant Lodging Petro/Fleet Cash Advance
 Equipment shipped to: DBA Legal Agent Other* N/A Merchant trained by: Agent TransFirst Other*
 Welcome Kit sent by: Agent TransFirst Welcome Kit shipped to: DBA Legal Agent Other* N/A

*If 'Other' was selected above, provide shipping details below:

*Name: _____ *Address: _____
 *City: _____ *State: _____ *Zip: _____

Item Description	Model Number	Version or Serial #	QTY	Code	Price	Bill To	FEATURES			
							PIN Based Debit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dial Prefix	
Terminal	DESK5000		1	PN	\$ 750.00	Merchant	EBT Services	<input type="checkbox"/> Cash Benefits Only	<input type="checkbox"/> Food Stamps*	<input type="checkbox"/> Both*
Pin Pad	iPP315		1	PN	\$ 0.00	Merchant	*EBT FNS/FCS# (7 digits):	Multi-Merchant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
							Parent MID:	Number of Child Accts:		
							AVS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Invoice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
							Corp/Purch Card	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	eCommerce	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
							Verification Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Quick Pymnt Srv	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
							Partial Auth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Shared Line	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
							Auto Close	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Auto Close Time	1830
							Connection Method	<input type="checkbox"/> Dial <input checked="" type="checkbox"/> IP/SSL <input type="checkbox"/> Wireless		
							Store & Forward	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Memory Size	<input type="checkbox"/> 512K <input type="checkbox"/> 1Meg
							EMV Capabilities	<input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> NFC/Contactless		
							Tip at Time of Sale	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Tip Calculator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Merchant Email Address (Required): _____

Shipping, handling and tax will be billed in addition to the equipment price listed above. **If merchant owned WAY terminal, SIM # & Serial# required. Bill To Options: Merchant, Agent, Transfirst, N/A.
Codes: FUA = Free Use Addendum (Submit FUA addendum with this Application), MO=Merchant Owned, PN=Purchase New, PO=Purchased Via Other Source, PRF=Purchased Refurbished, LSE=Lease, FLS=FD Leasing, EE=Encryption Exchange, **RTL=TransFirst Rental Program or **STR=Short Term Rental. Any free use equipment provided by TransFirst is, as between Merchant and TransFirst, the property of TransFirst and is being provided for free use and Merchant agrees that it has read and agrees to the terms and conditions regarding such free use equipment as set forth in the Merchant Card Processing Agreement located at www.TSYS.com/DOCUMENTS and included with this application.

11. TRANSIT/TXP/TC/SIERRA SEMI INTEGRATED HARDWARE AND CONFIGURATION

Product: <input type="checkbox"/> TransIT <input type="checkbox"/> Sierra Semi Integrated <input type="checkbox"/> Transaction Express <input type="checkbox"/> Transaction Central <input type="checkbox"/> TC Plus (CC & ACH - ACH Addendum required)									
TransIT Product: <input type="checkbox"/> WebPASS <input type="checkbox"/> MultiPASS <input type="checkbox"/> THP <input type="checkbox"/> TSEP <input type="checkbox"/> Vital Select <input type="checkbox"/> Vital Plus <input type="checkbox"/> Vital Mobile									
TXP Input Types: <input checked="" type="checkbox"/> Virtual <input type="checkbox"/> Web Services <input type="checkbox"/> Batch <input type="checkbox"/> Post <input type="checkbox"/> Hosted					Industry: <input type="checkbox"/> Retail <input type="checkbox"/> MOTO <input type="checkbox"/> eCommerce				
***Integrated Product Name:					***Welcome Email Address:				
***Integrated Website Address:									
TRANSIT FEATURES					SIERRA SEMI INT FEATURES			TXP PROCESSING OPTIONS*	
Auto Batch Close Time:		Forced Re-Credit <input type="checkbox"/> Y			Tokenization: <input type="checkbox"/> Default <input type="checkbox"/> Custom			Batch Close Method <input type="checkbox"/> M/A	
Location Type:		CNP Batch <input type="checkbox"/> Y			Custom Tokenization MID:			Direct Swipe <input type="checkbox"/> Y	
Headquarter MID:		Enhanced Data (Level II & III) <input type="checkbox"/> Y						Partial Auth <input type="checkbox"/> Y	
Tokenization: <input type="checkbox"/> Default <input type="checkbox"/> Custom		PIN Debit <input type="checkbox"/> Y						Batch Response File <input type="checkbox"/> Y	
Custom Tokenization MID:		Mandatory Security Code <input type="checkbox"/> Y						File Split <input type="checkbox"/> Y	
EnsureBill: <input type="checkbox"/> InFlight <input type="checkbox"/> Standard		Apple Pay <input type="checkbox"/> Y						Private Label <input type="checkbox"/> Y	
Partial Auth <input type="checkbox"/> Y		Samsung Pay <input type="checkbox"/> Y						PIN Based Debit <input type="checkbox"/> Y	
Forced Authorization <input type="checkbox"/> Y		Device Type: <input type="checkbox"/> Android <input type="checkbox"/> iPhone			TC FEATURES*			TC EXTENDED FEATURES*	
Item Description		Config / Color		QTY	Code	Price	Bill To	Batch Close Method <input type="checkbox"/> A <input type="checkbox"/> M <input type="checkbox"/> M/A	
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<small>*Important: If feature not selected, it will be defaulted off. If Manual Recurring is selected, Auto Recurring is also activated. If both ECI and Recurring needs to be setup under 1 MID, 2 Transaction Central setups are required. Note: A=Auto / M=Manual</small>									
<small>Special Instructions:</small>									
**Shipping, handling and tax will be billed in addition to the equipment price listed above. Bill To Options: Merchant, Agent, Transfirst, N/A.									
Codes: FUA = Free Use Addendum (Submit FUA addendum with this Application), MO=Merchant Owned, PN=Purchase New, PO=Purchased Via Other Source, PRF=Purchased Refurbished, LSE=Lease, FLS=FD Leasing, EE=Encryption Exchange, **RTL=TransFirst Rental Program or **STR=Short Term Rental. Any free use equipment provided by TransFirst is, as between Merchant and TransFirst, the property of TransFirst and is being provided for free use and Merchant agrees that it has read and agrees to the terms and conditions regarding such free use equipment as set forth in the Merchant Card Processing Agreement located at www.TSYS.com/DOCUMENTS and included with this application.									

Card Association Disclosure Page

Merchant Services Provider Contact Information

Name: TSYS Merchant Solutions, LLC

Address: 12202 Airport Way, Ste 100, Broomfield, CO 80021

URL: www.TSYS.com

Customer Service #: 800-654-9256

Member Bank/Merchant Bank Information

The Bank's mailing address is Synovus Bank, located at 1132 Broadway, 2nd Floor Jordan Building, Columbus, GA 31901, and the phone number is (706) 649-4900.

Important Member Bank Responsibilities

- The Bank is the only entity approved to extend acceptance of Visa and Mastercard products directly to a Merchant.
- The Bank must be a principal party to the Merchant Card Processing Agreement.
- The Bank is responsible for educating Merchants on pertinent Visa and MasterCard Rules with which Merchants must comply; but this information may be provided to you by Processor.
- The Bank is responsible for and must provide settlement funds to the Merchant.
- The Bank is responsible for all funds held in reserve that are derived from settlement.

Important Merchant Responsibilities

- Ensure compliance with cardholder data security and storage requirements.
- Maintain fraud and chargebacks below Card Association thresholds.
- Review and understand the terms of the Merchant Card Processing Agreement.
- Comply with Card Association rules.
- Retain a signed copy of this Card Association Disclosure Page.

Merchant Resources

- You may download "Visa Regulations" from Visa's website at: <https://usa.visa.com/support/small-business/regulations-fees.html#3> .
- You may download "MasterCard Rules" from MasterCard's website at: <http://www.mastercard.com/us/merchant/support/rules.html> .
- You may download "American Express Merchant Operating Guide" from American Express' website at: www.americanexpress.com/merchanttopguide .

The responsibilities above do not replace the terms of the Merchant Card Processing Agreement and are provided to ensure the Merchant understands some important obligations of each party and that the Bank is the ultimate authority should the Merchant experience any problems.

Merchant Information (* = Required)

*Business Legal Name (Printed): Village of Biscayne Park

*Business Address: 600 NE 114th Street BISCAYNE PARK, FL 33161

*Business Phone: (305) 899-8000

*Signature of Owner or Officer: _____

*Printed Name of Owner or Officer: Roseann Prado

*Title: Interim Village Manager

*Date: 7/31/2020



CONSENT TO PAPERLESS DELIVERY OF TAX-RELATED DOCUMENTS

Please read this information carefully and print or download a copy for your files.

You may elect to receive tax-related documents from TSYS Merchant Solutions, LLC or its affiliates ("TSYS") via electronic delivery either via email or delivered through a web interface, where you can go to a web site and download the statement. However, IRS guidelines require that you must first review these disclosures and provide your affirmative consent to receiving information in an electronic format. This Consent to Paperless Delivery ("Consent") is effective until withdrawn by you. This is your copy of the Consent.

By agreeing to accept required tax-related documents electronically, you also agree that:

1. Your computer system meets the hardware and software requirements stated below under "System Requirements"; and
2. You will promptly notify TSYS of any change in your e-mail address by providing your merchant taxpayer identification number and merchant name as it appears on your Form W-9 either by calling TSYS at (800) 654-9256, or by writing to:

TSYS Merchant Solutions, LLC
12202 Airport Way, Suite 100
Broomfield, Colorado 80021
c/o IRS Account Maintenance

Consent to Paperless Delivery of Tax-Related Documents

By clicking on the "I have read the Consent and consent to paperless delivery" checkbox, you acknowledge that you have read and understand this Consent, and that you affirmatively consent to receive and acknowledge that you can access, receive, print and retain your tax-related documents (including IRS Form 1099) electronically. You agree that such information may be communicated online by posting notices, disclosures and other communications on our website or by sending such information to you by e-mail. Your consent to receive tax-related documents electronically will be effective until withdrawn (see "Withdrawal of Consent"). If you do not specifically consent to the electronic delivery of tax-related documents by clicking the applicable checkbox, you will continue to receive paper copies of all required tax-related documents, including Form 1099.

Additional Paper Copies

In addition to consenting to and obtaining electronic copies, you may request additional paper copies of your tax-related documents by contacting TSYS as provided above. Requesting a paper copy of your tax-related documents will not be considered a withdrawal of your consent for paperless delivery. You must formally withdraw consent to begin regularly receiving a paper copy of your future tax-related documents.

Notification of Change to E-mail Address

You agree to notify us promptly if your e-mail address or other account information changes by contacting us as provided above. For information that is required by law to be sent to you, including Form 1099, if we receive an electronic notice that an e-mail is undeliverable due to an incorrect or inoperable e-mail address, we will resend such information via U.S. Postal Service.

Withdrawal of Consent

Withdrawal of consent to paperless delivery is prospective only. Any withdrawal ensures that future tax-related documents will be delivered to you as a paper document, but does not apply to any document that has already been furnished to you electronically. You may withdraw your Consent to paperless delivery by providing written notice either: (1) by mail at the address set forth above; or (2) by email to etaxoptout@tsys.com. TSYS may take up to 10 business days after receipt to process your request. In each case, state that you are withdrawing consent to paperless delivery of tax-related documents, and provide the merchant's taxpayer identification number and the merchant's name as it appears on its Form W-9.

System Requirements

To access your electronic tax-related documents, you need to be able to read Adobe PDF files. To do this, you must have Adobe Acrobat Reader installed on your computer. It can be downloaded for free at <http://get.adobe.com/reader/>. You also need to have a computer with Internet access that supports the use of a browser that supports 128-bit encryption, and will need to have JavaScript enabled in your browser. You need hardware as necessary to support this software. In order to keep copies for your records, you will need to have access to a printer or have the ability to download information.

Agreement

You understand and intend that your clicking on the "I have read the Consent and consent to paperless delivery" checkbox shall operate as your signature and you acknowledge that you have read the Consent and have printed or downloaded a copy for your records. You further acknowledge that you affirmatively consent to receive your tax-related documents, including IRS Form 1099 electronically. Tax-related documents will remain available electronically for at least one year after the date the document is first made available to you electronically.

Notice of termination

TSYS reserves the right to stop paperless delivery of your tax-related documents at any time by giving you notice. If TSYS does so, TSYS will send you paper copies of your tax-related documents.



Date	July 23, 2020
Company	Village of Biscayne Park
Subject	Synovus Merchant Services Program – Cost Information

Thank you for allowing Synovus Bank and TSYS the opportunity to handle your credit card processing needs. As one of the largest, independent, PCI Compliant processors in the nation you can rest assured that your account is being handled by experienced professionals in a secure environment focused on one thing – providing you with the best service.

TRANSACTION FEES (Visa, MasterCard, Discover, Amex)

Submission Method: Qualified/Swiped/ECommerce

Interchange & Assessments Plus *: 0.50%

Authorization fee: \$.07

*Cross border international transaction assessments/program support, MC network access/brand usage (NABU), Visa US acquirer processing fee (APF), Visa Zero Floor Limit, Visa misuse of the authorization system, and other card association fees may apply. All Visa/MasterCard/Discover/Amex interchange dues and assessments are passed through.

*The percentage rate paid for qualified Visa/MasterCard/Discover/Amex transactions meeting Visa/MasterCard/Discover/Amex Interchange requirements.

Processing Solution: Ingenico Tetra Desk5000 terminal & iPP315 pin pad.

OTHER FEES

Protect your company and your customers – always choose a PCI Compliant processor. Learn more at www.VISA.com/cisp

Monthly Minimum Discount Fee: Waived	Annual Administrative Fee: \$79.95
ACH Return/Change Fee: \$15.00	Monthly Breach Coverage (Optional): \$8.95
Chargeback Fee: \$15.00	Application/Set-Up \$100.00
Quarterly PCI Fee: \$125.00*	Monthly Fee: \$5.00

***PCI Fee will be reduced to \$18.80 for ongoing support once compliance is validated.**

Please feel free to contact me with any questions.

Sincerely,

Athena Cashman
Sr. Account Executive
+1.970.266.9499 O
+1.303.482.0481 F



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item 10.c

TO: Honorable Mayor & Members of the Village Commission

FROM: Rox Ross, Commissioner

DATE: September 1, 2020

TITLE: Waiver of Village Permit Fees for Solar Photovoltaic Systems

Recommendation

Approval of the attached resolution providing for waiver of Village permit fees in connection with the installation of solar photovoltaic systems.

Background

In August 2013, Biscayne Park joined Bay Harbor Islands and Surfside in an interlocal agreement creating the Clean Energy Coastal Corridor in accordance with Florida Statute 163.08 Property Assessed Clean Energy (PACE) Programs for the upfront financing of energy conservation and renewable energy projects. Ygrene was designated to act as the administrator for that PACE Program. These home improvement projects include conservation by retiring old units for new energy efficient HVAC's, and also provide hurricane mitigation with shutters, high-impact doors and windows and wind-resistant roofing.

But, permit applications for solar system installations are very infrequent. To provide an incentive for renewable energy, the attached resolution propose that the Village waive its permit fees in connection with solar photovoltaic systems.

Resource Impact

When first proposed in 2018, the Building Department ran numbers for a hypothetical \$15,000 solar panel installation that would result in permit fees of approximately \$420 to the Village (\$67 to the County).

Attachment

Resolution 2020-44
Coral Gables Step Into Solar literature

Prepared by: Rox Ross

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RESOLUTION NO. 2020-44

**RESOLUTION OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA,
SUPPORTING RENEWABLE ENERGY INSTALLATIONS
AND WAIVING VILLAGE PERMIT FEES FOR SUCH
INSTALLATIONS FOR A PERIOD FOR A PERIOD OF
ONE (1) YEAR; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, in August 2013, the Village of Biscayne Park joined the Towns of Bay Harbor Islands and Surfside in creating the Clean Energy Coastal Corridor, a Property Assessed Clean Energy (PACE) Program, to provide upfront financing for Qualifying Improvements, pursuant to Florida Statute § 163.08; and

WHEREAS, these home improvement projects include energy conservation by retiring old units for new energy efficient HVAC's, and hurricane mitigation improvements with shutters, high-impact doors and windows and wind-resistant roofing; and

WHEREAS, a primary motivation for entering the Clean Energy Coastal Corridor, was to expand the use of renewable energy in the community, and that result has yet to be realized; and

WHEREAS, the Village of Biscayne Park considers it in the interests of its residents to support the use of renewable energy such solar power, and wishes to provide an incentive by waiving Village building permit fees for renewable energy home improvement projects; and

WHEREAS, the Village of Biscayne Park's Code of Ordinances, as amended on October 7, 2014 (Ord. 2014-8), provides that all administrative and user fees are addressed by resolution and kept by the Village Clerk in one central location at the Master Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Village Commission.

Section 2. Village Commission of the Village of Biscayne Park authorizes the waiver of Village building permit fees related to renewable energy installations for a period of one (1) year, subject to renewal by further resolution of the Commission.

Section 3. This fee waiver shall be incorporated into the Master Fee Schedule and promoted in communications to Village property owners.

Step Into Solar!

Step 1

Preliminary Self Assessment

The Preliminary Self Assessment will determine the homeowner's objectives for the Photovoltaic (PV) system:

- o Perform an energy audit and learn about your energy usage (energy.gov/energysaver/home-energy-audits).
- o Determine if opportunities exist for energy conservation or energy efficiency and implement them (energy.gov/energysaver/energy-saver).
- o Determine how much you would like to decrease your electric bill or how much clean energy you would like to generate with a PV system. Use the Florida Solar Energy Center website to assist (fsec.ucf.edu/en/consumer/solar_electricity).
- o Determine your budget and research potential incentives and rebates.
 - Database of State Incentives for Renewables & Efficiency® (dsireusa.org).
 - Coral Gables Property Assessed Clean Energy (PACE) Program (coralgables.com/sustainability).

Step 2

Choose a Contractor

When choosing a contractor, focus on:

- o Experience in installing grid-connected PV or grid-independent (stand-alone) systems.
- o Proper state and county licensing and insurance.
- o A proposal should contain cost of system, components, scope of work, performance expectations, schedule, maintenance requirements and warranty.

Step 3

Site Assessment

Site Assessment is usually done by a contractor for a proposal:

- o Verify customer needs and expectations.
- o Determine solar equipment size and type, address any obstructions.
- o Determine array location with adequate area, tilt and azimuth, ground or roof.
- o Determine the roof type, age, condition, and type of supporting structure for a roof mount system.
- o Verify the electric system, ratings and yearly kWh usage.
- o Determine PV system component locations, and connect/disconnect locations.

Step 4

Sign Contract with Contractor



A photograph of a residential roof with several rows of blue solar panels installed. The background shows green trees and a clear blue sky.

Step 5

Obtain Permits from City

Your contractor is responsible for getting the necessary building permits needed for your installation. Permitting time and procedures may vary depending upon the size and complexity of the system. The process involves review by the Coral Gables Board of Architects plus plan reviews and site inspections by the Building Division. City permit fees are waived for solar panel installations.

Step 6

Install the PV system

Once permits are issued, and panels and other system components (racks, inverters, etc.) have been delivered, your contractor will commence with installation of the system. Remember that a building inspector will come and inspect the installation at different stages of completion.

Step 7

Get Connected

Complete the FPL Net metering agreement (Rule 25-6.065). FPL will install a smart meter and let you know when you can turn on your system. This meter will measure the difference between the energy used by your household and the energy that your solar system has produced.

Step 8

Enjoy

Enjoy being an environmental steward by reducing your carbon footprint. Also, enjoy paying your electricity company less money each month.

Feel free to review Miami-Dade's Solar System Guidelines, Disclosure Form, and Roof Permit Forms at:
miamidade.gov/permits/forms-checklists.asp

Visit coralgables.com/sustainability for additional information on Sustainable Coral Gables.

Ygrene Surpasses \$1 Billion in Florida PACE Investment

Ygrene Energy Fund <government.relations@ygrene.com>

Wed 7/1/2020 8:03 AM

To: Roxanna Ross <rross@biscayneparkfl.gov>;

Ygrene Surpasses \$1 Billion in FL PACE Investment

Ygrene Energy Fund is proud to announce that it has surpassed \$1 billion of investment via PACE financing in the state of Florida. Along with the Green Corridor District and the hundreds of participating cities and counties, Ygrene has provided an affordable option for tens of thousands of families and small business owners across the state make hurricane resistant, energy efficient, and renewable energy improvements to their homes and businesses.

PACE financing is a proven tool that helps combat the impacts and costs of natural disasters while creating jobs and providing positive economic impacts. PACE is helping boost local and state economies, which is more important now than ever. In fact, PACE projects financed by Ygrene across Florida have created more than 25,000 jobs and provided more than \$2.4 Billion in local economic stimulus. PACE is also estimated to save property owners more than \$1.4 billion on their insurance premiums over the next 20 years. Ygrene and PACE are also playing a crucial role protecting Florida's environment by reducing CO2 emissions by more than 640,000 metric tons, which is the equivalent to taking more than 138,000 cars off the road for a year.

Ygrene thanks the thousands of partners and stakeholders across the state who, over the past ten years, have believed in PACE and its power to protect the environment while creating much needed economic opportunities. We are grateful for the many partnerships that made this achievement possible and look forward to continuing the critical work needed to advance natural disaster and climate resiliency solutions while helping stimulate local economic development.

Impact Metrics Since Program Inception

Access Ygrene's helpful resources online: [visit our blog!](#)

Connect with us:

government.relations@ygrene.com

www.ygrene.com/government-florida



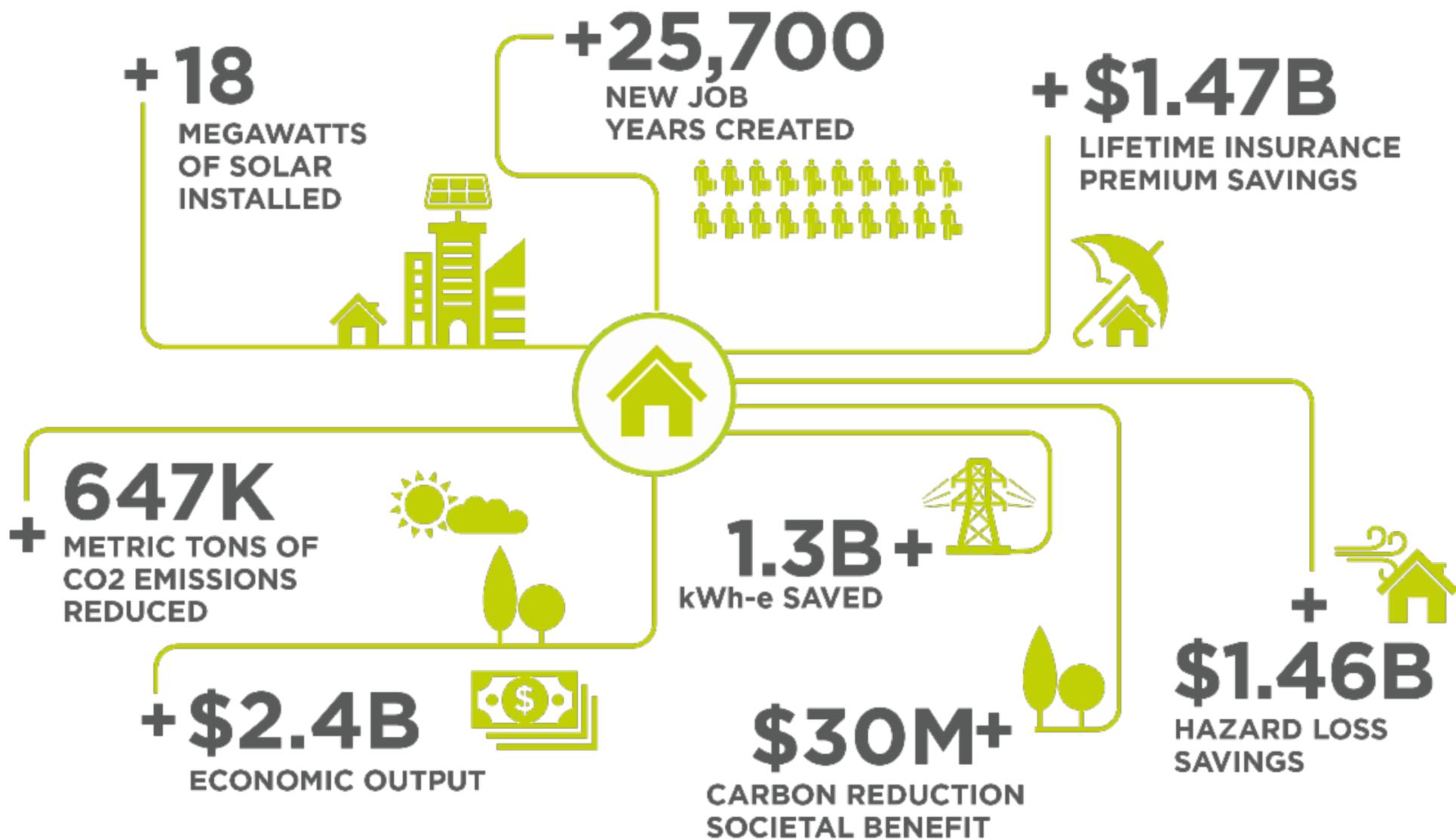
Ygrene Energy Fund | 2100 S. McDowell Blvd Ext., Petaluma, CA 94954

[Unsubscribe ross@biscayneparkfl.gov](mailto:ross@biscayneparkfl.gov)

[Update Profile](#) | [About Constant Contact](#)

Sent by government.relations@ygrene.com

Estimated impact of \$1B in over 46,000 funded disaster resiliency, renewable energy, and energy efficiency property improvement projects across Florida.



Data based on University of South Florida, Patel College of Global Sustainability research, "Public Impacts of Florida's Property Assessed Clean Energy (PACE) Program," utilizing, in part, Ygrene's proprietary impact model. This represents estimated lifetime impacts of PACE projects completed by Ygrene through June, 2020. The research report can be accessed here:

<http://www.usf.edu/pcgs/documents/pace-report-final.pdf>

Biscayne Park

# Applications	# Projects Completed	\$ Total Invested
223	81	\$2,215,862

Types of Improvements	Total Improvement Count	Energy Efficient	Hurricane Protection	Renewable Energy	Other
	105	25	66	4	10

Estimated Lifetime Solar Power Capacity Installed (MW)	Estimated Lifetime Total Electricity Saved (kWh)	Estimated Lifetime Total Natural Gas Saved (ccf)	Estimated Lifetime Total Utility Bill Savings (\$)	Estimated Lifetime Total Carbon Abated (metric tons)	Estimated Job Years Added	Estimated Augmented Gross Economic Output (\$)	Estimated Avoided Disaster Losses (\$)	Estimated Avoided Disaster Losses Relocation Costs (\$)	Hurricane Protection Project Count	Estimated Adjusted Lifetime Insurance Savings (\$)
0.02	2,103,342	22,818	\$284,934	1,249	57	\$5,517,495	\$2,557,691	\$667,224	56	\$3,097,623



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 10.d

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Commissioner Rox Ross

DATE: September 1, 2020

TITLE: Resolution 2020-45 - A Resolution of the Village Commission of the Village of Biscayne Park, Florida, Directing Staff to Develop For Adoption an Ordinance Establishing an Accountable Expense Reimbursement Plan In Lieu of Commission Compensation; Providing For Severability; and Providing For an Effective Date

Recommendation

Adopt Resolution 2020-45 and direct Village staff to draft an ordinance establishing an accountable expense reimbursement plan in lieu of Commission compensation.

Background:

A savings could be realized of approximately \$3,876 by adopting an accountable expense reimbursement plan in lieu of Commission salaries. More importantly adoption of this policy supports education and training, building effective leadership and advocacy on the Village Commission. We likely can all agree that serving in municipal government is more of a calling, and anyone seeking office to supplement their income will end up woefully disappointed, and disappointing to the electorate.

Our relatively new Manager-Commission form of government is now 14 years old (adopted June 13, 2006), and it seems prudent to examine and discuss the roles and responsibilities of the Commission, including forms of compensation. The Florida League of Cities uses an acronym that, in a normal year would be appropriate in September with the start of football season, to describe the common roles of the municipal legislative body – CLEATS:

Constituent Representative: As with all representative democracies, the Mayor and Commissioners are the direct representative of the citizens and are responsible to the citizenry.

Legislator: Municipal laws (ordinances) adopted, amended, and enforced through the actions of the Commission. In addition to ordinances and policies, the Commission is responsible for the municipal charter. Charters are broad, constitutional-type documents that are created to provide the essential structure of the government without the details that are best set by policy.

Charters are usually amended for structural change when the municipality has undergone dramatic changes.

Enforcer: The Commission must decide what and who will enforce the ordinances of the municipality. There are a variety of enforcement tools available (such as code enforcement; fines, penalties, and forfeitures; land-use regulations; misdemeanors and other criminal penalties, etc.).

Advocate: Whether for the member's own goals for the city, or in representing the municipality before the county, school board, state, regional and national governments, and public-private ventures, the elected officials also serve as advocates.

Teacher: One of the key responsibilities each elected official must accept is that of instructor. Most citizens look to their elected officials to clearly explain the complexity of municipal government, service delivery, intergovernmental relations and/or growth management, and to advocate wisely for or against changes to it.

Steward and Supervisor: Only the Commission may appropriate funds and is responsible for the fiscal health of the municipality. Staff may prepare the budget and recommend fiscal strategies, [*may even delegate day-to-day fiscal authority*] but the ultimate "fiscal officer" is the elected body. This is a tremendous public trust, and cannot be overstated! The ability to set a fee or levy a tax is one of critical importance. This role also goes beyond finance. The Mayor and Commissioners are also stewards of the municipality's resources (land, equipment and personnel). The mission, goals, ordinances and policies adopted by the Commission should reflect the sense of stewardship entrenched in the elected body.

The elected official learns the cycles of government (fiscal year versus calendar year, for example) and through that learning becomes adept at recommending new ideas, revising existing programs, learning from the successes of others (not "re-inventing the wheel" as the old saying goes), finding partners for new ventures and building the municipality's relationships on every scale. In time, efficiencies are then adopted into each service, program and project, while effectiveness is the ultimate measure used in evaluating the city's performance.

Other Advice: You are not alone: Your colleagues are a great resource. An elected mayor, deputy mayor, commissioner or council member cannot violate the open meetings laws by talking to a member of a different collegial body (another city's council). Getting to know your colleagues from across Florida can be one of the greatest benefits and learning tools! You will find common ground in the similar problems, challenges and opportunities – as well as great ideas for solutions.

[Largely quoted from the Florida League of Cities website www.floridaleagueofcities.com with some modifications to reflect Biscayne Park's Manager-Commission form of government and existing ordinances.]

Most, and often more than all, of the “compensation” I received from the Village has been expended in acquiring the tools and training to be an effective representative, in performing official duties of office, keeping updated on matters that impact the Village, communications with constituents and the Administration, in developing relationships other elected officials, educators, government agencies, private and public entities that could benefit the Village, in attending FLC’s Legislative Committee meetings to influence changes beneficial to municipalities, or in direct donations for landscaping, furniture and equipment in the Village.

The Village currently pays the Mayor \$4,000 and each Commissioners \$2,000 annually, with payroll taxes (FICA/Medicare \$918) the expenditure for 2020-2021 is budgeted to be \$12,918. As the \$12,000 income is received, the Mayor and Commissioners incur employee payroll and federal income tax (estimated at an average 22%) of approximately \$2,040. At the end of the day, the \$12,918 appropriation nets out to approximately \$9,042 benefit to the combined Commission.

During the budget process, Village Administration and Commission have carefully reviewed anticipated reductions of revenues and continuing increases of expenditures with the view to maximizing resources.

I propose that a savings could be realized of approximately \$3,876 by adopting an accountable expense reimbursement plan in lieu of Commission compensation. The funds presently authorized for Commission compensation would be made available for each of them to draw discretionary reimbursement of expenses of office in performance of Village business within certain guidelines approved by the Commission.

IRS Code 1.162-17 and 1.274-5T(f) regulate and describe attendant record requirements for an accountable reimbursement policy. Section 112.061, Fla. Stat. sets parameters for per diem and travel expenses of public officers, establishing standard rates, procedures, limitations and oversight, which must be adhered to by authorized persons seeking reimbursement to be paid by a public agency. **Please note that municipalities are authorized to modify the per diem expenses Section 112.061, Fla. Stat.**

The attached Resolution is the first step to incorporate an expense reimbursement plan by amending Sec. 2-17 of the Code to allow for such a plan. The Town of Surfside has an expense reimbursement plan in place that may be largely borrowed and made applicable here.

Upon approval of the attached Resolution, the Commission and Staff may take further steps toward implementation of a Commission Accountable Reimbursement Policy through further ordinance and resolution process in accordance with the Village Charter.

Fiscal/Budgetary Impact:

Fiscal impact in the negative is caused by incurring the ordinary costs associated with approval of an ordinance. However, approval of this Resolution will result in a net GAIN for the Village and Commission in that the funds presently set aside for Commission salary will

not be diminished by payroll and income taxes, but will be fully available for benefit to the Village.

Attachments:

Resolution

Fla. Stat. 112.061

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RESOLUTION NO. 2020-45

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING AN
ACCOUNTABLE EXPENSE REIMBURSEMENT PLAN IN LIEU
OF COMMISSION SALARIES; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Village wishes to adopt a policy that supports education and training, building effective leadership and advocacy on the Village Commission; and,

WHEREAS, the Village currently pays \$12,000 straight compensation to the Commission by annual salary of \$4,000 to the Mayor and \$2,000 to each of four Commissioners. Including employer payroll taxes, the Village's expenditure in this regard for 2020-2021 is budgeted to be a total of \$12,918 ("Commission Salaries"); and,

WHEREAS, the net benefit received by the Mayor and Commissioners in lieu of Commission Salaries is substantially reduced by employee payroll and income tax of on average, approximately 22%, resulting in a combined average net benefit of approximately \$9,042 ("Net Benefit"); and,

WHEREAS, most, if not all, of the Net Benefit is used by the Mayor and Commissioners in preparing for and in executing duties of office which indirectly and directly benefit the Village, through constituent representation, legislation, enforcement and compliance, advocacy, information, stewardship and supervision; and

WHEREAS, the Village Commission advocates for maximizing Village resources for the benefit of the Village, and it appears that a savings of approximately \$3,876 could be realized by adopting an accountable expense reimbursement plan in lieu of Commission salaries; and

WHEREAS, the Village Commission finds that it is in the best interests of the Village and its residents to adopt an accountable expense reimbursement plan in lieu of Commission Salaries, and to set out lawful and appropriate guidelines for such an accountable expense reimbursement plan.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1: Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2: Resolve. The Mayor and Commissioners hereby resolve to substitute a straight compensation policy with a combined compensation/reimbursement policy, and establish an account for compensation in the form of reimbursement of discretionary expenses to be funded by the amounts

1 previously set aside for Commission Salary (“Discretionary Expense Reimbursement Fund”), except that
2 each member of the Commission shall receive \$1 as and for annual salary.

3
4 **Section 3: Purpose.** The purpose of this Resolution is to establish guidelines for the Commission
5 Discretionary Expense Reimbursement Fund for discretionary travel, subsistence and related expenses
6 incurred while conducting the duties of office and Village business. To qualify for reimbursement, such
7 expenses must be reasonable and prudent under the circumstances, directly related to the conduct of
8 Village business and evidenced by proper receipts. Unnecessary or excessive expenditures shall not be
9 allowed, advanced or reimbursed.

10
11 **Section 4: Guidelines for the reimbursement of budgeted expenses.** Upon approval of
12 reimbursement for a properly budgeted expense, the Village Manager will exercise best judgment and
13 reimburse expenses previously allocated in the adopted fiscal year budget at actual cost, subject to IRS
14 Code 1.162-17 and 1.274-5T(f), Fla. Stat. 112.061, MDC Code Sec. 106 and the Village Charter.

15
16 **Section 5: Guidelines for the reimbursement from Discretion Expense Reimbursement**
17 **Fund.** Upon approval of a proper reimbursement requested either under the terms of this section, subject
18 to Fla. Stat. 112.061 and the Village Charter, the Village will reimburse the Mayor up to \$3,999, and each
19 Commissioner up to \$1,999, as follows for travel-related expenses such as commercial transportation,
20 lodging, meals, tips, registrations, parking fees, communications charges, as well as other equipment and
21 business-related expenses at actual cost. Where permissible, pursuant to provision of the IRS Code, the
22 Commission may by resolution upon a four-fifths (4/5) majority, set a monthly rate of reimbursement for
23 recurring expenses, such as cell phone and internet service.

24
25 (a) Transportation expense. Reimbursement of transportation-related expenses will be
26 based upon the least expensive mode of transportation available, unless a more expensive mode is
27 necessary due to business-related requirements. In determining the least expensive mode,
28 commercial bus service will be excluded. Reimbursement of mileage will be according to the
29 maximum rate established under Florida law if personal vehicles are used for business travel.

30
31 (b) Lodging expense. Reimbursement of lodging expense will be based on normal and
32 reasonable cost for the area. Proximity of the conference, seminar or meeting will also be
33 considered. The Village will reimburse only the cost of a single room, regardless if an extra room
34 is required because a family member or personal guest has accompanied an elected or appointed
35 official. The Village will reimburse business-related communications costs, but will not reimburse
36 in-room movies or personal communications costs.

37
38 (c) Meal expense. The Village shall reimburse meals at actual cost, not including
39 alcoholic beverages, based on what is reasonable cost for the area.

40
41 (d) Other expense and Manager Authority. The Village Manager shall have authority to
42 carry out the purpose and procedures, and enforce the limitations outlined herein, provided
43 however, that any non-travel related expenditures by an elected official in connection with Village
44 business as described herein exceeding \$500 shall require the approve of a simple majority of the
45 Commission at a regular or special meeting. Notwithstanding anything to the contrary, the Village
46 Manager shall have the discretion to reject any travel or other claims that are not in compliance
47 with these provisions or the expense policies otherwise adopted by the Village, and shall refer such
48 rejected items to the Commission.

1 (e) Procedure for Reimbursement. After travel has been completed or a reimbursable
2 business expense has been incurred, the Mayor or Commissioner must complete a travel or other
3 expense reimbursement form, and submit same along with receipts to the Village Manager or
4 designee with a reasonable amount of time, but before the fiscal year end. The Village Manager
5 or designee will perform a review to determine compliance with Village policies. Any
6 noncompliance, missing information, etc., will delay the reimbursement of expense
7

8 (f) Expenses prohibited for reimbursement. Reimbursement for the purchase of personal
9 items, including barber and beauty parlor fees, medical expenses, clothing and personal attire,
10 personal gifts and alcoholic beverages are specifically prohibited.
11

12 **Section 6: Implementation.** Village Attorney and staff are directed to take steps to implement
13 these policies by ordinance as required by the Village Charter.
14

15 **Section 7. Severability.** If any section, sentence, clause or phrase herein is held to be invalid
16 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the
17 remaining portions of this Resolution.
18

19 **Section 8. Effective Date.** This Resolution shall become effective immediately upon its
20 adoption.
21
22
23
24

25 **PASSED AND ADOPTED** this ____ day of September, 2020.
26

27
28 The foregoing Resolution was offered by _____, who moved its
29 adoption. The motion was seconded by _____, and upon being put to a vote
30 the vote was as follows:
31

32	Virginia O’Halpin, Mayor	_____
33	Macdonald Kennedy, Vice Mayor	_____
34	Roxanna Ross, Commissioner	_____
35	Dan Samaria, Commissioner	_____
36	William Tudor, Commissioner	_____

37
38
39 VILLAGE OF BISCAYNE PARK
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45 _____
46 Virginia O’Halpin, Mayor
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ATTEST:

Roseann Prado, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

John R. Herin, Jr., Interim Village Attorney

The 2019 Florida Statutes

[Title X](#)
PUBLIC OFFICERS, EMPLOYEES, AND
RECORDS

[Chapter 112](#)
PUBLIC OFFICERS AND EMPLOYEES: GENERAL
PROVISIONS

[View Entire
Chapter](#)

112.061 Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system.—

(1) **LEGISLATIVE INTENT.**—To prevent inequities, conflicts, inconsistencies, and lapses in the numerous laws regulating or attempting to regulate travel expenses of public officers, employees, and authorized persons in the state, it is the intent of the Legislature:

(a) To establish standard travel reimbursement rates, procedures, and limitations, with certain justifiable exceptions and exemptions, applicable to all public officers, employees, and authorized persons whose travel is authorized and paid by a public agency.

(b) To preserve the standardization established by this law:

1. The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

2. The provisions of any special or local law, present or future, shall prevail over any conflicting provisions in this section, but only to the extent of the conflict.

(2) **DEFINITIONS.**—For the purposes of this section, the following words shall have the meanings indicated:

(a) **Agency or public agency**—Any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or any other separate unit of government created pursuant to law.

(b) **Agency head or head of the agency**—The highest policymaking authority of a public agency, as herein defined.

(c) **Officer or public officer**—An individual who in the performance of his or her official duties is vested by law with sovereign powers of government and who is either elected by the people, or commissioned by the Governor and has jurisdiction extending throughout the state, or any person lawfully serving instead of either of the foregoing two classes of individuals as initial designee or successor.

(d) **Employee or public employee**—An individual, whether commissioned or not, other than an officer or authorized person as defined herein, who is filling a regular or full-time authorized position and is responsible to an agency head.

(e) **Authorized person**—

1. A person other than a public officer or employee as defined herein, whether elected or commissioned or not, who is authorized by an agency head to incur travel expenses in the performance of official duties.

2. A person who is called upon by an agency to contribute time and services as consultant or adviser.

3. A person who is a candidate for an executive or professional position.

(f) **Traveler**—A public officer, public employee, or authorized person, when performing authorized travel.

(g) **Travel expense, traveling expenses, necessary expenses while traveling, actual expenses while traveling, or words of similar nature**—The usual ordinary and incidental expenditures necessarily incurred by a traveler.

(h) **Common carrier**—Train, bus, commercial airline operating scheduled flights, or rental cars of an established rental car firm.

(i) **Travel day**—A period of 24 hours consisting of four quarters of 6 hours each.

(j) **Travel period**—A period of time between the time of departure and time of return.

(k) **Class A travel**—Continuous travel of 24 hours or more away from official headquarters.

(l) **Class B travel**—Continuous travel of less than 24 hours which involves overnight absence from official headquarters.

(m) **Class C travel**—Travel for short or day trips where the traveler is not away from his or her official headquarters overnight.

(n) Foreign travel—Travel outside the United States.

(3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

(a) All travel must be authorized and approved by the head of the agency, or his or her designated representative, from whose funds the traveler is paid. The head of the agency shall not authorize or approve such a request unless it is accompanied by a signed statement by the traveler's supervisor stating that such travel is on the official business of the state and also stating the purpose of such travel.

(b) Travel expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed by this section.

(c) Travel by public officers or employees serving temporarily in behalf of another agency or partly in behalf of more than one agency at the same time, or authorized persons who are called upon to contribute time and services as consultants or advisers, may be authorized by the agency head. Complete explanation and justification must be shown on the travel expense voucher or attached thereto.

(d) Travel expenses of public employees for the sole purpose of taking merit system or other job placement examinations, written or oral, shall not be allowed under any circumstances, except that upon prior written approval of the agency head or his or her designee, candidates for executive or professional positions may be allowed travel expenses pursuant to this section.

(e) Travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering, or supporting the implementation, organization, direction, coordination, or administration of, activities related to or involving travel to a terrorist state shall not be allowed under any circumstances. For purposes of this section, "terrorist state" is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

(f) The agency head, or a designated representative, may pay by advancement or reimbursement, or a combination thereof, the costs of per diem of travelers for foreign travel at the current rates as specified in the federal publication "Standardized Regulations (Government Civilians, Foreign Areas)" and incidental expenses as provided in this section.

(g) A traveler who becomes sick or injured while away from his or her official headquarters and is therefore unable to perform the official business of the agency may continue to receive subsistence as provided in subsection (6) during this period of illness or injury until such time as he or she is able to perform the official business of the agency or returns to his or her official headquarters, whichever is earlier. Such subsistence may be paid when approved by the agency head or his or her designee.

(h) The State Surgeon General or a designee may authorize travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health. The Department of Health may establish rates lower than the rate provided in this section for these travel expenses.

(4) OFFICIAL HEADQUARTERS.—The official headquarters of an officer or employee assigned to an office shall be the city or town in which the office is located except that:

(a) The official headquarters of a person located in the field shall be the city or town nearest to the area where the majority of the person's work is performed, or such other city, town, or area as may be designated by the agency head provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

(b) When any state employee is stationed in any city or town for a period of over 30 continuous workdays, such city or town shall be deemed to be the employee's official headquarters, and he or she shall not be allowed per diem or subsistence, as provided in this section, after the said period of 30 continuous workdays has elapsed, unless this period of time is extended by the express approval of the agency head or his or her designee.

(c) A traveler may leave his or her assigned post to return home overnight, over a weekend, or during a holiday, but any time lost from regular duties shall be taken as annual leave and authorized in the usual manner. The traveler shall not be reimbursed for travel expenses in excess of the established rate for per diem allowable had he or she remained at his or her assigned post. However, when a traveler has been temporarily assigned away from his or her official headquarters for an approved period extending beyond 30 days, he or she shall be entitled to reimbursement for travel expenses at the established rate of one round trip for each 30-day period actually taken to his or her home in addition to pay and allowances otherwise provided.

¹(d) A Lieutenant Governor who permanently resides outside of Leon County, may, if he or she so requests, have an appropriate facility in his or her county designated as his or her official headquarters for purposes of this section. This official headquarters may only serve as the Lieutenant Governor's personal office. The Lieutenant Governor may not use state funds to lease space in any facility for his or her official headquarters.

1. A Lieutenant Governor for whom an official headquarters is established in his or her county of residence pursuant to this paragraph is eligible for subsistence at a rate to be established by the Governor for each day or partial day that the Lieutenant Governor is at the State Capitol to conduct official state business. In addition to the subsistence allowance, a Lieutenant Governor is eligible for reimbursement for transportation expenses as provided in subsection (7) for travel between the Lieutenant Governor's official headquarters and the State Capitol to conduct state business.

2. Payment of subsistence and reimbursement for transportation between a Lieutenant Governor's official headquarters and the State Capitol shall be made to the extent appropriated funds are available, as determined by the Governor.

3. This paragraph expires July 1, 2020.

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.—For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(a) The travel day for Class A travel shall be a calendar day (midnight to midnight). The travel day for Class B travel shall begin at the same time as the travel period. For Class A and Class B travel, the traveler shall be reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included within the travel period. Class A and Class B travel shall include any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

(b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as provided in this section, which allowance for meals shall be based on the following schedule:

- 1. Breakfast—When travel begins before 6 a.m. and extends beyond 8 a.m.
- 2. Lunch—When travel begins before 12 noon and extends beyond 2 p.m.
- 3. Dinner—When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. The Chief Financial Officer shall establish a schedule for processing Class C travel subsistence payments at least on a monthly basis.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are provided as follows:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

- 1. Eighty dollars per diem; or
- 2. If actual expenses exceed \$80, the amounts permitted in paragraph (b) for subsistence, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

- 1. Breakfast. \$6
- 2. Lunch. \$11
- 3. Dinner. \$19

(c) No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(7) TRANSPORTATION.—

(a) All travel must be by a usually traveled route. In case a person travels by an indirect route for his or her own convenience, any extra costs shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. The agency head or his or her designee shall designate the most economical method of travel for each trip, keeping in mind the following conditions:

- 1. The nature of the business.
- 2. The most efficient and economical means of travel (considering time of the traveler, impact on the productivity of the traveler, cost of transportation, and per diem or subsistence required). When it is more efficient and economical to either the

traveler or the agency head, jet service offered by any airline, whether on state contract or not, may be used when the cost is within an approved threshold determined by the agency head or his or her designee.

3. The number of persons making the trip and the amount of equipment or material to be transported.

(b) The Department of Financial Services may provide any form it deems necessary to cover travel requests for traveling on official business and when paid by the state.

(c) Transportation by common carrier when traveling on official business and paid for personally by the traveler, shall be substantiated by a receipt therefor. Federal tax shall not be reimbursable to the traveler unless the state and other public agencies are also required by federal law to pay such tax. In the event transportation other than the most economical class as approved by the agency head is provided by a common carrier on a flight check or credit card, the charges in excess of the most economical class shall be refunded by the traveler to the agency charged with the transportation provided in this manner.

(d)1. The use of privately owned vehicles for official travel in lieu of publicly owned vehicles or common carriers may be authorized by the agency head or his or her designee. Whenever travel is by privately owned vehicle:

a. A traveler shall be entitled to a mileage allowance at a rate of 44.5 cents per mile; or

b. A traveler shall be entitled to the common carrier fare for such travel if determined by the agency head to be more economical.

2. Reimbursement for expenditures related to the operation, maintenance, and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business and reimbursement is made pursuant to this paragraph, except as provided in subsection (8).

3. All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed on the basis of the current map of the Department of Transportation. Vicinity mileage necessary for the conduct of official business is allowable but must be shown as a separate item on the expense voucher.

(e) Transportation by chartered vehicles when traveling on official business may be authorized by the agency head when necessary or where it is to the advantage of the agency, provided the cost of such transportation does not exceed the cost of transportation by privately owned vehicle pursuant to paragraph (d).

(f) The agency head or his or her designee may grant monthly allowances in fixed amounts for use of privately owned automobiles on official business in lieu of the mileage rate provided in paragraph (d). Allowances granted pursuant to this paragraph shall be reasonable, taking into account the customary use of the automobile, the roads customarily traveled, and whether any of the expenses incident to the operation, maintenance, and ownership of the automobile are paid from funds of the agency or other public funds. Such allowance may be changed at any time, and shall be made on the basis of a signed statement of the traveler, filed before the allowance is granted or changed, and at least annually thereafter. The statement shall show the places and distances for an average typical month's travel on official business, and the amount that would be allowed under the approved rate per mile for the travel shown in the statement, if payment had been made pursuant to paragraph (d).

(g) No contract may be entered into between a public officer or employee, or any other person, and a public agency, in which a depreciation allowance is used in computing the amount due by the agency to the individual for the use of a privately owned vehicle on official business; provided, any such existing contract shall not be impaired.

(h) No traveler shall be allowed either mileage or transportation expense when gratuitously transported by another person or when transported by another traveler who is entitled to mileage or transportation expense. However, a traveler on a private aircraft shall be reimbursed the actual amount charged and paid for the fare for such transportation up to the cost of a commercial airline ticket for the same flight, even though the owner or pilot of such aircraft is also entitled to transportation expense for the same flight under this subsection.

(8) OTHER EXPENSES.—

(a) The following incidental travel expenses of the traveler may be reimbursed:

1. Taxi fare.

2. Ferry fares; and bridge, road, and tunnel tolls.

3. Storage or parking fees.

4. Communication expense.

5. Convention registration fee while attending a convention or conference which will serve a direct public purpose with relation to the public agency served by the person attending such meetings. A traveler may be reimbursed the actual and necessary fees for attending events which are not included in a basic registration fee that directly enhance the public purpose of the participation of the agency in the conference. Such expenses may include, but not be limited to, banquets and other meal functions. It shall be the responsibility of the traveler to substantiate that the charges were proper and necessary.

However, any meals or lodging included in the registration fee will be deducted in accordance with the allowances provided in subsection (6).

(b) Other expenses which are not specifically authorized by this section may be approved by the Department of Financial Services pursuant to rules adopted by it. Expenses approved pursuant to this paragraph shall be reported by the Department of Financial Services to the Auditor General annually.

(9) RULES.—

(a) The Department of Financial Services shall adopt such rules, including, but not limited to, the general criteria to be used by a state agency to predetermine justification for attendance by state officers and employees and authorized persons at conventions and conferences, and prescribe such forms as are necessary to effectuate the purposes of this section. The department may also adopt rules prescribing the proper disposition and use of promotional items and rebates offered by common carriers and other entities in connection with travel at public expense; however, before adopting such rules, the department shall consult with the appropriation committees of the Legislature.

(b) Each state agency shall adopt such additional specific rules and specific criteria to be used by it to predetermine justification for attendance by state officers and employees and authorized persons at conventions and conferences, not in conflict with the rules of the Department of Financial Services or with the general criteria to be used by a state agency to predetermine justification for attendance by state officers and employees and authorized persons at conventions, as may be necessary to effectuate the purposes of this section.

(c) The Department of Management Services may adopt rules to administer the provisions of this section which relate to the statewide travel management system.

(10) FRAUDULENT CLAIMS.—Claims submitted pursuant to this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter; and any person who willfully makes and subscribes any such claim which he or she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under the provisions of this section of a claim which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#). Whoever shall receive an allowance or reimbursement by means of a false claim shall be civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

(11) TRAVEL AUTHORIZATION AND VOUCHER FORMS.—

(a) *Authorization forms.*—The Department of Financial Services shall furnish a uniform travel authorization request form which shall be used by all state officers, employees, and authorized persons when requesting approval for the performance of travel to a convention or conference. The form shall include, but not be limited to, provision for the name of each traveler, purpose of travel, period of travel, estimated cost to the state, and a statement of benefits accruing to the state by virtue of such travel. A copy of the program or agenda of the convention or conference, itemizing registration fees and any meals or lodging included in the registration fee, shall be attached to, and filed with, the copy of the travel authorization request form on file with the agency. The form shall be signed by the traveler and by the traveler's supervisor stating that the travel is to be incurred in connection with official business of the state. The head of the agency or his or her designated representative shall not authorize or approve such request in the absence of the appropriate signatures. A copy of the travel authorization form shall be attached to, and become a part of, the support of the agency's copy of the travel voucher.

(b) *Voucher forms.*—

1. The Department of Financial Services shall furnish a uniform travel voucher form which shall be used by all state officers, employees, and authorized persons when submitting travel expense statements for approval and payment. No travel expense statement shall be approved for payment by the Chief Financial Officer unless made on the form prescribed and furnished by the department. The travel voucher form shall provide for, among other things, the purpose of the official travel and a certification or affirmation, to be signed by the traveler, indicating the truth and correctness of the claim in every material matter, that the travel expenses were actually incurred by the traveler as necessary in the performance of official duties, that per diem claimed has been appropriately reduced for any meals or lodging included in the convention or conference registration fees claimed by the traveler, and that the voucher conforms in every respect with the requirements of this section. The original copy of the executed uniform travel authorization request form shall be attached to the uniform travel voucher on file with the respective agency.

2. Statements for travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health shall be on forms approved by the Department of Financial Services.

(12) **ADVANCEMENTS.**—Notwithstanding any of the foregoing restrictions and limitations, an agency head or his or her designee may make, or authorize the making of, advances to cover anticipated costs of travel to travelers. Such advancements may include the costs of subsistence and travel of any person transported in the care or custody of the traveler in the performance of his or her duties.

(13) **DIRECT PAYMENT OF EXPENSES BY AGENCY.**—Whenever an agency requires an employee to incur either Class A or Class B travel on emergency notice to the traveler, such traveler may request the agency to pay his or her expenses for meals and lodging directly to the vendor, and the agency may pay the vendor the actual expenses for meals and lodging during the travel period, limited to an amount not to exceed that authorized pursuant to this section. In emergency situations, the agency head or his or her designee may authorize an increase in the amount paid for a specific meal, provided that the total daily cost of meals does not exceed the total amount authorized for meals each day. The agency head or his or her designee may also grant prior approval for a state agency to make direct payments of travel expenses in other situations that result in cost savings to the state, and such cost savings shall be documented in the voucher submitted to the Chief Financial Officer for the direct payment of travel expenses. The provisions of this subsection shall not be deemed to apply to any legislator or to any employee of the Legislature.

(14) **APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING ORGANIZATIONS.**—

(a) The following entities may establish rates that vary from the per diem rate provided in paragraph (6)(a), the subsistence rates provided in paragraph (6)(b), or the mileage rate provided in paragraph (7)(d) if those rates are not less than the statutorily established rates that are in effect for the 2005-2006 fiscal year:

1. The governing body of a county by the enactment of an ordinance or resolution;
2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;
3. The governing body of a district school board by the adoption of rules;
4. The governing body of a special district, as defined in s. 189.012, except those special districts that are subject to s. 166.021(9), by the enactment of a resolution; or
5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.

(b) Rates established pursuant to paragraph (a) must apply uniformly to all travel by the county, county constitutional officer and entity governed by that officer, district school board, special district, or metropolitan planning organization.

(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, special districts, and metropolitan planning organizations, other than those subject to s. 166.021(9), remain subject to the requirements of this section.

(15) **CLASS C TRAVEL.**—Moneys appropriated from the State Treasury may not be used to pay per diem or subsistence related to Class C travel.

(16) **STATEWIDE TRAVEL MANAGEMENT SYSTEM.**—

(a) For purposes of this subsection, “statewide travel management system” means the system developed by the Department of Management Services to:

1. Collect and store information relating to public officer or employee travel information;
2. Standardize and automate agency travel management;
3. Allow for travel planning and approval, expense reporting, and reimbursement; and
4. Allow travel information queries.

(b) Each executive branch state government agency and the judicial branch must report on the statewide travel management system all public officer and employee travel information, including, but not limited to, name and position title; purpose of travel; dates and location of travel; mode of travel; confirmation from the head of the agency or designee authorization, if required; and total travel cost. Each executive branch state government agency and the judicial branch must use the statewide travel management system for purposes of travel authorization and reimbursement.

(c) Travel reports made available on the statewide travel management system may not reveal information made confidential or exempt by law.

History.—ss. 1, 3, ch. 22830, 1945; ss. 1, 2, 3, ch. 23892, 1947; ss. 1, 3, ch. 25040, 1949; ss. 1, 3, ch. 26910, 1951; s. 1, ch. 28303, 1953; s. 1, ch. 29628, 1955; s. 1, ch. 57-230; s. 1, ch. 61-183; s. 1, ch. 61-43; s. 1, ch. 63-5; s. 1, ch. 63-192; s. 1, ch. 63-122; s. 1, ch. 63-400; ss. 2, 3, ch. 67-371; ss.

1, 2, ch. 67-2206; s. 1, ch. 69-193; s. 1, ch. 69-381; ss. 12, 23, 31, 35, ch. 69-106; s. 65, ch. 71-136; s. 1, ch. 72-213; s. 1, ch. 72-217; s. 1, ch. 72-324; s. 26, ch. 72-404; s. 1, ch. 73-169; s. 1, ch. 74-15; s. 1, ch. 74-246; s. 1, ch. 74-365; ss. 1, 2, ch. 75-33; s. 1, ch. 76-166; s. 2, ch. 76-208; ss. 1, 2, ch. 76-250; s. 1, ch. 77-174; s. 1, ch. 77-231; ss. 1, 2, ch. 77-437; s. 2, ch. 78-95; s. 51, ch. 79-190; s. 1, ch. 79-205; s. 1, ch. 79-303; s. 1, ch. 79-412; ss. 1, 2, ch. 81-207; ss. 1, 2, ch. 83-307; s. 1, ch. 85-140; s. 1, ch. 87-407; s. 4, ch. 88-235; s. 12, ch. 89-291; s. 18, ch. 91-45; s. 1, ch. 94-139; s. 1403, ch. 95-147; s. 26, ch. 95-312; s. 5, ch. 96-310; s. 43, ch. 96-399; s. 23, ch. 98-136; s. 9, ch. 99-8; s. 7, ch. 99-155; s. 16, ch. 99-399; ss. 48, 53, ch. 2001-254; ss. 46, 79, ch. 2002-402; s. 2, ch. 2003-125; s. 123, ch. 2003-261; s. 49, ch. 2003-399; s. 5, ch. 2004-5; s. 32, ch. 2004-269; s. 23, ch. 2005-71; s. 12, ch. 2006-1; s. 6, ch. 2006-18; ss. 14, 53, ch. 2006-26; s. 1, ch. 2006-41; s. 3, ch. 2006-54; s. 2, ch. 2007-196; s. 6, ch. 2008-6; s. 13, ch. 2008-153; s. 2, ch. 2010-4; s. 4, ch. 2011-143; s. 58, ch. 2014-22; s. 103, ch. 2019-116; s. 6, ch. 2019-118.

¹**Note.**—Section 103, ch. 2019-116, added paragraph (4)(d) “[i]n order to implement Specific Appropriation 2624 of the 2019-2020 General Appropriations Act.”



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 10.e

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Interim Village Manager

DATE: September 01, 2020

TITLE: Waste Pro Continuation of Services and Extension of Contract

Recommendation

Staff recommends extending the Agreement with Waste Pro for Solid Waste collection as described in Waste Pro's letter dated July 22, 2020, with an increase of \$ 2.00 (two dollars) per unit through December 31, 2020.

Background

In June 02, 2014, the Village of Biscayne Park entered into an Agreement with Waste Pro of Florida, Inc. for Solid Waste and Recycling Collection Services. Article II of the Agreement allows the Agreement to be extended two (2) additional five (5) year terms.

- The Village received a letter of Continuation of Services dated 09/30/2019 extending the services for ninety (90) calendar days through December 30, 2019 at the same rate as in the Agreement.
- The Village received a letter of Continuation of Services dated 02/04/2020 extending the services through April 30, 2020, at the same rate as in the Agreement.
- The Village received a letter of Continuation of Services dated 03/02/2020 extending the Agreement through September 30, 2020, with a rate increase of \$2.00 per unit effective May 1, 2020, bringing the rate for monthly services to \$29.70 per unit.
- The Village has received a letter of Continuation of Services dated 07/22/2020 proposing an extension of the Agreement through December 31, 2020, but with another rate increase of \$2.00 per unit bringing the rate for monthly services to \$31.70 per unit.

Resource Impact

Applying the second rate increase of \$ 2.00 per unit results of the following financial impact:

- Current rate = \$ 29.70 per unit / per month / per 1,298 units at the Village of Biscayne Park = totaling \$ 38,550.60
- Difference of cost = \$ 2,596.00 per month / total of 1,298 units until December 31, 2020.

- The differential payment will be allocated from Solid Waste Fund.
- Any deficiency will be balanced on the FY 2021 Solid Waste Assessment Budget.

Attachment(s)

- Waste Pro Agreement
 - Waste Pro letters dated: 09/30/2019
02/04/2020
03/02/2020
07/22/2020
 - Waste Pro current invoice
-

Prepared by: Roseann Prado, Village Clerk

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RESOLUTION NO. 2020-46

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND WASTE PRO OF FLORIDA, INC. FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES, TO EXTEND THE TERM OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, on June 2, 2014, the Village of Biscayne Park (“Village”) and Waste Pro of Florida, Inc. (“Waste Pro”) entered into an Agreement for solid waste and recycling collection services, which Agreement is incorporated herein by reference as Exhibit “1” (“Agreement”); and

WHEREAS, the Agreement was scheduled to lapse on October 1, 2019; and

WHEREAS, the Village received a letter of Continuation of Services from Waste Pro dated September 30, 2019 extending the Agreement for ninety (90) calendar days through December 30, 2019 with the same rate of \$27.70 per unit/per month; and

WHEREAS, the Village received a letter of Continuation of Services from Waste Pro dated February 4, 2020 extending the Agreement through April 30, 2020, with the same rate of \$27.70 per unit/per month; and

WHEREAS, the Village received a letter of Continuation of Services from Waste Pro dated March 2, 2020, extending the Agreement through September 30, 2020, with a rate increase of \$2.00 per unit/per month, effective May 1, 2020, bringing the cost of services to \$29.70 per unit/per month; and

WHEREAS, the Village received a letter of Continuation of Services from Waste Pro dated July 22, 2020 proposing an extension of services through December 31, 2020, with a rate increase of \$2.00 per unit/per month, effective October 1, 2020 bringing the cost of services to \$ 31.70 per unit/per month; and

WHEREAS, the Village Commission believes it is in the best interest of the residents, property owners and visitors of the Village to extend the Agreement through the end of 2020 while the Village explores all of its options with regard to solid waste and recycling collection services in the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

1 VILLAGE OF BISCAYNE PARK
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5 _____
6 Virginia O’Halpin, Mayor
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10 ATTEST:
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14 _____
15 Roseann Prado, Village Clerk
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18 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
19 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:
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23 _____
24 John R. Herin, Jr., Interim Village Attorney
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**AGREEMENT
BETWEEN
VILLAGE OF BISCAYNE PARK, FLORIDA
AND
WASTE PRO OF FLORIDA, INC.
FOR
SOLID WASTE AND RECYCLING COLLECTION SERVICES**

This Agreement made and entered into this 2 day of June, 2014, by and between the VILLAGE OF BISCAYNE PARK, FLORIDA, a municipal corporation of the State of Florida (hereinafter "Village") and Waste Pro of Florida, Inc. (hereinafter "Contractor").

WHEREAS, Village issued competitive RFP No. 2014-01 (hereinafter the "RFP") for Solid Waste and Recycling Collection Services; and

WHEREAS, Contractor was awarded RFP by a selection committee as directed by the Village Commission; and

WHEREAS, pursuant to Section 4.03 of the Village Charter, on May 21, 2014 the Village Commission adopted Ordinance Number 2014-03 which authorized execution of this Franchise Agreement by both parties on terms substantially similar to those stated in the RFP;

NOW, THEREFORE, in consideration of the mutual promises and understandings set forth herein, the parties hereto agree as follows:

**ARTICLE I
INCORPORATION OF DOCUMENTS**

The RFP, including Addenda #1 through #4, and the proposal submitted by the Contractor, (hereinafter, collectively, the "RFP Documents") are attached hereto and incorporated herein in their entirety as Exhibit "A". Except as otherwise provided in this Agreement, the parties shall comply with the terms and conditions set forth in the RFP Documents.

**ARTICLE II
TERM**

The term of this Agreement/Franchise for Solid Waste and Recycling Collection Services (the "Term") shall be for five (5) consecutive years, commencing on October 1, 2014 at 12:00 AM through October 1, 2019 at 11:59 PM. The term may be extended for up to two (2) additional five (5) year terms, subject to the execution of a written amendment to this Agreement signed by both parties unless the Contractor gives written notice to the Village Manager that the Contractor is not willing to renew this Agreement and such notice is delivered at least three hundred sixty (360) calendar days before the end of the then current term of the Agreement. With regard to the initial term and each renewal term (if any), the Village shall give written notice to the Contractor at least one hundred eighty (180) calendar days before the end of the then current term if the Village wishes to renew this Agreement.

ARTICLE III
FRANCHISE

For a period of five (5) years commencing on _____, 2014 (the "Effective Date"), and for any renewal terms, the Village hereby grants Contractor the exclusive franchise and the sole obligation to operate and maintain a comprehensive garbage, trash and other refuse collection including roll-off and removal system and service as well as recycling collection systems for residential customers in and for the Village as specified in RFP NO. 2014-01, which is attached hereto as Exhibit "A", and incorporated herein. Contractor is authorized by Village to enter in, upon, over and across the present and future streets, alleys, bridges, easements and other public places of the Village for the purposes of collecting the garbage, trash, recyclables, and other refuse of the residents, inhabitants, businesses and other entities existing within the municipal corporate limits of the Village, Miami-Dade County, Florida, or as directed in conformance with the Charter and Ordinances of the Village and other applicable law. Further, Contractor may enter certain private property for the purpose of collection as described above provided the waiver of liability form is properly completed by the property owner.

ARTICLE IV
DUTIES OF CONTRACTOR

The Village shall provide all recycling receptacles to be used by serviced residential units. The Contractor shall maintain all recycling receptacles to be used by serviced residential units. The Contractor will replace up to 10% of missing receptacles Village-wide in any given year.

All services provided shall be consistent with "Exhibit C" Scope of Services, attached hereto and incorporated herein. All collection shall be consistent with all Village Ordinances, as amended from time to time.

The Contractor shall provide the Village with \$5,000.00 in payment and in-kind services for special events and community outreach each year of this Term.

Contractor will strive to implement Compressed Natural Gas (CNG) recycling collection vehicles in the Village by October 1, 2017.

ARTICLE V
OFF-STREET RESIDENTIAL COLLECTION SERVICE

Contractor shall provide off-street collection of Residential Solid Waste from residential service units if a request for off-street service has been made to and approved by Village in the manner required by Village, including a waiver of liability form filled out by the property owner. Village shall notify Contractor in writing of any residents requiring off-street service. No additional monies shall be due to the Contractor for the provision of off-street service. The point of collection for off-street service shall be the back or side yard or such other location as is mutually agreeable to the Contractor and the resident. In the event the appropriate location cannot be agreed upon, the Village shall mediate the dispute and designate the location for collection. Contractor shall provide off-street service on the same scheduled collection day that residential curbside service would otherwise be provided to the residential service unit.

ARTICLE VI
PROPER COLLECTION PROCEDURES FOR CONTRACTOR

When providing collection services, Contractor shall thoroughly empty the customer's collection containers and return them in an upright position to the location where they were placed by the customer.

After the Contractor empties a collection container that has a lid, the Contractor shall place the lid back on top of the collection container and close it securely.

Contractor shall handle collection containers carefully and in a manner to prevent damage. Garbage cans, garbage carts, recycling containers and their lids shall not be tossed or thrown by the Contractor. Should the recyclable materials exceed the amount of space provided for by the recyclable container utilized by the resident, the Contractor shall make every effort to also collect the "excess" recyclable material during the scheduled pick-up.

The Contractor shall provide collection service with as little noise and disturbance as possible.

ARTICLE VII PROCEDURES FOR MISSED COLLECTIONS

If the Village Manager or a customer notifies the Contractor about a missed collection, the Contractor shall promptly return to the customer's premises and collect all of the residential waste, or recyclable material (as the case may be) that has been set out for collection. If the Contractor is notified before noon, the collection shall be completed before the end of that day. If the Contractor is notified after noon, the collection shall be completed before noon on the next business day, or 24 hours, whichever is earlier.

ARTICLE VIII SPILLAGE AND LITTER BY CONTRACTOR

Contractor shall not cause or allow any solid waste, liquid, or other material to be spilled, released or otherwise dispersed in the Village as a result of the Contractor's activities.

Contractor shall immediately pick up any spillage or litter from collection containers that is caused by the Contractor.

When hauling or transporting any material over public roads in the Village, the Contractor shall use a covered or enclosed vehicle or other device to prevent the material from falling, blowing or escaping from the vehicle. If solid waste or any other material escapes from or is scattered by Contractor's vehicle for any reason, Contractor shall immediately pick up such material.

Contractor's vehicles shall not release or cause litter in violation of the Florida Litter Law (Section 403.413, Florida Statutes) or the Village Code. If litter is released or falls from Contractor's vehicle for any reason, the Contractor shall immediately stop the vehicle and retrieve the litter.

The Contractor shall immediately clean up any oil, hydraulic fluid or other liquid that leaks or spills from Contractor's vehicles and the Contractor shall repair any associated damage.

If the Village Manager or a customer notifies the Contractor before noon that the Contractor has caused litter, or caused a leak or spill of solid waste, oil, hydraulic fluid or other liquids or materials, the Contractor shall clean up the liquids and materials before the end of the day. If the Village Manager or a customer notifies the Contractor after noon, the Contractor shall clean up the liquid or materials before noon on the next business day, or 24 hours, whichever is earlier.

ARTICLE IX
COLLECTION OF SOLID WASTE AFTER A DISASTER

Following a hurricane, tornado, or other natural or human event that is declared a federal disaster, the Contractor shall use its best efforts to immediately collect, by any means available, all of the solid waste that is set out by customers. This shall be the Contractor's primary responsibility until the Contractor is able to provide collection services on a routine basis, as determined by the Village Manager. The Contractor shall use its best efforts to resume its collection services on the scheduled collection days as soon as possible after the disaster.

This Agreement does not give the Contractor the right to collect disaster debris within the public rights-of-way. The Village will enter into a separate contract with the Contractor if the Village wishes to utilize the Contractor's services for the collection of disaster debris. Nothing herein shall require the Village to utilize the services of Contractor, or prevent the Village from hiring another person to collect disaster debris. Among other things, the Village may utilize a disaster debris contract in accordance with the Village's emergency management plan or the Village may utilize the Village personnel and equipment for the collection of disaster debris. The Contractor shall comply with the provisions of the Contractor's response to RFP 2014-01 relating to collection of solid waste after a disaster, the "Disaster Preparedness Plan Summary For the Village of Biscayne Park", section 3.12.

ARTICLE X
FRANCHISE FEE

Contractor agrees to pay eleven percent (11%) Franchise Fee to the Village in return for the use of the streets, alleys, bridges, easements and other public places of Village as reflected in the Rate Structure attached hereto as Exhibit "B", for Solid Waste, Recyclable Materials, and other refuse collection and removal accounts inclusive of single-family, multi-family and nonresidential accounts served within the Village's municipal corporate limits. The aforesaid payment shall be made to Village by:

(a) Village deducting the Franchise Fee from the amounts collected by Village from the accounts served by the Contractor, as provided herein, or

(b) Collection and payment of the Franchise Fee by Contractor where Contractor performs the billing and collection of payment, as provided by the direction of the Village under the terms and conditions of this Agreement.

The Village shall remit payment to the Contractor the sum of money equal to the Village's gross billing to resident per unit for solid waste collection services on a monthly basis, due on or before the 15th day of the following month.

ARTICLE XI
RATE ADJUSTMENT

Annual Service Fee Adjustment. The service fee shall be adjusted on October 1, 2016 and each subsequent year during the term of this Agreement (including any renewal of this Agreement). The service fee shall be adjusted based on a combined index consisting of ninety percent (90%) of the percentage change in the previous year's Consumer Price Index (CPI) plus ten percent (10%) of the percentage change in the previous year's Fuel Index, as described below. The total rate increase in a given year shall be capped at five percent (5%).

Any rate adjustment requested by the Contractor must be fully documented and received by the Village Manager by April 15th of every year.

Current Service Fee x (90% x CPI change + 10% Fuel Index change) = Change in subsequent year's Service Fee.

The CPI change shall be the percentage change in the average CPI for All Urban Consumers (not seasonally adjusted, south urban, all items) published by the United States Department of Labor Bureau of Labor Statistics, for the twelve (12) month period ending the most recent June 30, as compared to the twelve (12) month average of the preceding year ending June 30.

The Fuel Index change shall be the percentage change in the average fuel prices published by the United States Department of Energy, Energy Information Administration, for Lower Atlantic PADD 1C (No. 2 Diesel Low Sulfur Commercial Prices by All Sellers) for the twelve (12) month period ending the most recent June 30, as compared to the twelve (12) month average of the preceding year ending June 30.

Example:

Assumptions: CPI change= 2.95% - Fuel Index change = 11.4%

Combined Index= (90% x CPI change + (10% Fuel Index change) = 3.78%

Adjustment by Petition. The Contractor may petition the Village to adjust the rates listed based upon unusual and unanticipated increases in the cost of conducting business, including, but not limited to, changes in laws or regulations. Any such petition shall be supported by documentation establishing the increase in operating costs and the reasons therefor. The Village may, after examination, refuse to accept the adjusted costs if they are not properly documented, increases are considered to be excessive, or decreases are considered insufficient. In the event the Village does not wish to accept the adjusted costs and the matter cannot be resolved to the satisfaction of the Village, the Agreement may be cancelled by the Village upon thirty (30) days' written notice to the Contractor. If requested by the Village, the Contractor shall continue to provide collection services for up to one hundred eighty (180) days at the previous adjusted rate.

In the event a municipality within Miami-Dade County or Broward County negotiates a more favorable rate than the Village after the execution of this Agreement or for the provisions of the same or substantially the same services (residential only) provided in this Agreement with the Contractor of this Agreement, the Contractor shall be required to, upon execution of the agreement with the neighboring municipality, reduce the rates charged to the Village to be equal to or lower than the rates charged the neighboring municipality. Neighboring municipality shall mean all municipalities located within Miami-Dade County.

ARTICLE XII DISPOSAL OBLIGATION AND PAYMENT

Contractor and Village acknowledge the contractual obligation between the Village and Miami-Dade County, Florida for the disposal of solid waste. All solid waste collected for the Village by the Contractor shall be delivered to a Miami-Dade County Solid Waste System facility.

Contractor agrees to accept Recyclable Waste for disposal from the Village and Village agrees to deliver such Acceptable Waste. Recyclable Waste shall be defined as Recyclable Material, Recovered Materials collected by residents within the Village of Biscayne Park, Florida. For greater certainty, Village

acknowledges that Recyclable Waste shall not contain any infectious waste or Hazardous Waste; "Hazardous Waste" means waste listed, characterized or designated as hazardous by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act, 42 USC 6901 et seq., as amended from time to time and its implementing regulations, and by analogous Florida statute, regulations, orders or rules and includes any substance which is deemed hazardous by any judicial or governmental entity, body or agency having jurisdiction to make such determination; "Recyclable Material" shall have the meaning assigned to such term under Chapter 62-701.200 (104) F.A.C., as the same may be amended from time to time during the term hereof; "Recovered Materials" shall have the meaning assigned to such term under Chapter 62-701.200 (102) F.A.C., as the same may be amended from time to time during the term hereof with minimum contamination; and "Designated Disposal Facility" means the Contractor's designated approved Recycling Facility.

The service fee shall be inclusive of the cost of disposal not to exceed 2,700 tons. Any amount above 2,700 tons shall be paid by the Village at Contractor's direct cost.

The Village maintains the right to audit the cost of disposal on an annual basis.

In the event of a change in law for disposal obligation or a significant change in the Village's Recycling program that has the potential to materially affect the cost of disposal as set forth in Exhibit "D", attached hereto and incorporated herein, the Village and the Contractor agree that a generation study will be performed at the request of the Village with the cooperation of the Contractor. The Contractor will fund the study. The Village reserves the sole right to select the Consultant to perform the study. The Contractor and Village shall work together to develop a methodology that will be used to perform the waste generation study, including the selection of representative routes, and the scope, timing and duration of the study. However, the Village shall have the sole right to approve or revise the methodology for the waste generation study. The generation study will be designed to establish an alternate monthly cost of disposal. The Contractor shall cooperate fully with the Village related to the performance and completion of the study.

If the waste generation study results in an annual disposal avoidance factor that is lower than the initial generation rate due to the services provided by Contractor, the Contractor shall receive thirty five percent (35%) of any excess disposal fees and shall reimburse the Village sixty five percent (65%) of the annual disposal avoidance rebate to the Village due and payable within thirty (30) days of each contractual year. The Village may audit participation on an annual basis and reserves the right to increase this minimum based on increased recycling participation.

The Contractor shall share all recycling rebates derived from the sale of recyclables with the Village. The rebate share shall be twenty percent (20%) Contractor/eighty percent (80%) Village.

ARTICLE XIII WORKFORCE

The direction and supervision of solid waste and recycling collection and disposal shall be by competent, qualified, sober and drug-free personnel. The Contractor shall devote sufficient personnel, time and attention to the direction of operation to assure performance satisfactory to the Village. Any employee of the Contractor who does not conduct himself in a proper fashion, or is incompetent or negligent in the due and proper performance of his duty, or is disorderly, dishonest, intoxicated, obscene or grossly discourteous shall be discharged from duty in the Village upon receipt by the Contractor of a written request from the Village Manager that such action be taken. The Village shall specify reasons for the request.

The Contractor shall comply with all applicable state and federal laws relating to wages, hours, and all other applicable laws relating to the employment or protection of employees, now or hereafter in effect.

The Contractor agrees to pay all of its employees on duty in the Village no less than the Miami-Dade Living Wage and to abide by other requirements as established by the Congress of the United States in the Fair Labor Standards Act as amended and changed from time to time.

No person convicted of a crime(s) and/or repeated non-criminal violations of traffic laws which demonstrate a propensity to unfaithfully fulfill the duties of his employment such as, but not limited to, larcenous activity, aggravated battery or other violence, those relating to the operation of motor vehicles, and any crime for which civil rights have been removed within the last two (2) years shall be employed by the Contractor for duty in the Village.

Contractor agrees to hire and retain for the term of this Agreement, subject to the Contractor's job performance standards, a minimum of six (6) of the Village's current sanitation department employees. Such employment shall be on a full time basis provided the employee accepts the employment offer (consisting of at least thirty five (35) hours per week of employment and eligibility for all benefits generally available for full-time employees of the Contractor) and at a wage at least equal to Contractor's employees in a similar position.

Contractor shall maintain and update the Village with a list of all Contractor employees servicing the Village.

ARTICLE XIV PHONE SERVICE

The Village may, at its discretion, forward a dedicated phone line for customer service purposes to the following number which shall be managed by Contractor: 305-651-7011.

ARTICLE XV LIQUIDATED DAMAGES

In the event Contractor is in violation of any provision of this Agreement, the Village shall levy liquidated damages as outlined below:

- 1st event – written warning, with twenty four (24) hours to cure;
- 2nd event - \$500 per day;
- 3rd event - \$750 per day; and
- 4th event or more - \$1000 per day.

ARTICLE XVI TERMINATION FOR CAUSE

The Village may terminate this Agreement if the Contractor materially breaches this Agreement and does not cure said material breach within seven (7) days of receipt of written notice from the Village. If the breach cannot be reasonably cured within the applicable cure period, the Village may extend the time limit provided that the Contractor promptly undertakes and continues efforts to cure said material breach within a reasonable time. If the material breach is not cured, the Village may terminate this Agreement by providing written notice. Such termination will be effective on the date given in the notice.

ARTICLE XVII
CONTRACTOR'S OBLIGATIONS PRIOR TO TERMINATION OF AGREEMENT

Continuation of Contractor's Service. If the Village does not exercise its right to renew this Agreement or if there are no renewal options remaining, the Village will attempt to award a new agreement at least six (6) months prior to the expiration of this Agreement. In the event a new agreement has not been awarded within such time frame, the Contractor shall provide collection services to the Village for an additional ninety (90) calendar days after the expiration of this Agreement, at the then current rates, if the Village requests this service.

Sale or Lease of Contractor's Mechanical Containers. Upon request, the Contractor shall enter into good faith negotiations to allow the Village or the Village's newly selected franchise hauler to purchase, or rent for up to ninety (90) days, the mechanical containers (if any) used and owned by the Contractor in the service area. The purchase price and rental fee shall be negotiated, but shall not be greater than the fair market value.

Schedule for Termination of Contractor's Services. Prior to the termination of this Agreement, the Contractor shall work with the Village to ensure that there is no interruption or reduction of service when the Contractor ends its services to the Village. If a new franchise agreement is awarded to a franchise hauler other than the Contractor, the Contractor shall coordinate and cooperate with the newly selected franchise hauler, as well as the Village, to minimize any disruptions in the service provided to the public.

Village's Right to Procure New Services. At any time, the Village may issue a request for proposals, or commence negotiations with a hauler other than the Contractor, or take any other step deemed necessary by the Village to obtain the services of a hauler which will collect solid waste for the Village after this Agreement expires or is terminated.

ARTICLE XVIII
ASSIGNMENT OF AGREEMENT

No assignment of this Agreement or any right or responsibility occurring under this Agreement, shall be made in whole or in part by the Contractor without the express written consent of the Village Manager. The Village Manager shall have the right to approve or deny, with or without cause, any proposed or actual assignment by the Contractor. Any assignment of this Agreement made by the Contractor without the express written consent of the Village Manager shall be null and void and shall be grounds for the Village to declare a default of this Agreement. In such cases, the Village may terminate this Agreement by giving written notice to the Contractor, and this Agreement shall be deemed terminated on the date designated in the notice. Upon such termination, all liability of the Village under this Agreement to the Contractor shall cease, except for the amounts due and owing for collection services completed at that time. Thereafter, the Village shall have the right to call the performance bond and shall be free to negotiate with any hauler for the service which is the subject of this Agreement.

In the event that the Village Manager's consent to any proposed assignment is denied, Contractor shall continue to provide all of the services required herein for the remainder of the term.

If any assignment is approved by the Village Manager, the assignee shall fully assume all of the liabilities of the Contractor.

The requirements of this Article shall include, but not be limited to, cases where the Contractor hires a subcontractor to undertake any of the Contractor's obligations under this Agreement.

ARTICLE XIX
INDEMNIFICATION

The parties hereby agree that the following indemnification provision shall govern this Agreement:

Contractor agrees to indemnify and hold harmless the Village, its officers, agents and employees from and against any and all claims, suits, actions, damages and causes of action whatsoever, legal or administrative proceedings, liabilities, interest, attorney's fees, costs of any kind whether arising prior to the start of activities or following completion or acceptance and in any manner directly or indirectly caused, occasioned or contributed to in whole or in part by reason of any act, error or omission, fault or negligence whether active or passive by Contractor, or anyone acting under its control, direction, or on its behalf in connection with or incident to its performance of this Agreement and the RFP Documents. Nothing in this Agreement, or under the RFP Documents, shall be construed to affect in any way the Village's rights, privileges, and immunities under the doctrine of "sovereign immunity" and as set forth in Section 786.28, Florida Statutes.

ARTICLE XX
VILLAGE'S RIGHT TO INSPECT AND AUDIT CONTRACTOR'S RECORDS

Contractor shall cooperate with the Village Manager and provide every reasonable opportunity for the Village to ascertain whether the duties of the Contractor are being performed properly. Contractor shall promptly provide any information regarding the services provided by the Contractor under this Agreement, in addition to the information required explicitly by this Agreement, that the Village Manager or the Contractor deem relevant under the circumstances.

The Village shall have the right to inspect, copy and audit, at the Village's expense, all of the Contractor's records concerning the Contractor's services under this Agreement. The Contractor's records shall be made available for inspection in the Village during normal business hours, within five (5) business days after the Village requests the records.

The Contractor understands, acknowledges and agrees that it shall, pursuant to Section 119.0701, Florida Statutes, as amended from time to time, do the following:

(a) Keep and maintain public records that ordinarily and necessarily would be required by the Village in order to perform the same service being rendered within this Agreement;

(b) Provide the public with access to public records and at a cost that does not exceed the cost provided within Chapter 119, Florida Statutes, as amended from time to time, or as otherwise provided for by law;

(c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; and

(d) Meet all requirements for retaining public records and transfer, at no cost, to the Village all public records in possession of Contractor upon termination of this Agreement. Further, Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Village in a format that is compatible with the then current Village computer systems.

Contractor understands, acknowledges and agrees that the Village is required, pursuant to Section 119.0701, Florida Statutes, as amended from time to time, to ensure compliance with this Article by

enforcing the terms of this Agreement. As a result of the foregoing, any violation of this Article shall be a material breach and this Agreement may be terminated by the Village without any penalty.

Prior to termination, the Village shall give written notice to Contractor that it is in violation of this Article. Contractor shall have five (5) business days to cure a violation of this Article.

Notwithstanding any other provisions in this Agreement to the contrary, Contractor shall be liable for any and all damages, including but not limited to, consequential and incidental damages, that may arise out of breach of this Article of the Agreement.

ARTICLE XXI QUARTERLY REPORT

The Contractor shall submit a quarterly report to the Village Manager no later than the fifteenth (15th) day of each calendar quarter (i.e., January 15, April 15, July 15, October 15). At a minimum, the quarterly report shall contain the following information for the previous quarter: (a) the total quantity of each type of residential waste (e.g., solid waste, bulk waste) delivered to each facility; (b) the total quantity of recyclable material delivered to a facility; (c) the number of missed collections; (d) a summary of each accident involving personal injuries or property damage; and (f) the total number of legitimate complaints.

Whenever the Contractor submits a quarterly report to the Village, the Contractor also shall submit a signed written statement from the District Manager or their designee, verifying that the quarterly report is accurate in all respects. The District Manager or their designee also shall: (a) verify each month that all of the residential waste collected by the Contractor has been delivered to a facility; (b) the Contractor has accurately informed each facility whether to bill the Village for each load delivered by the Contractor; and (c) the Contractor's quarterly report accurately accounts for all such deliveries.

Contractor shall comply with its "Customer Service Plan" as contained in Contractor's Response to RFP 2014-01, section 2.4.

ARTICLE XXII CONSTRUCTION OF AGREEMENT

Both parties acknowledge that they are represented by legal counsel and they have had meaningful input into the terms and conditions contained in this Agreement. Therefore, any doubtful or ambiguous provisions contained herein shall not be construed against the party that physically prepared this Agreement. The rule sometimes referred to as "Fortius Contra Proferentum" shall not be applied to the interpretation of this Agreement.

ARTICLE XXIII ENTIRETY OF CONTRACTUAL AGREEMENT

This Agreement, together with the attachments hereto, sets forth the entire Agreement between the parties, and there are no promises or understandings other than those stated herein. None of the provisions, terms or conditions contained in this Agreement may be added to, modified, superseded or otherwise altered, except by written instrument executed by both parties hereto.

ARTICLE XXIV
GOVERNING LAW AND VENUE

The laws of the State of Florida shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement. Any and all legal or equitable actions necessary to enforce this Agreement shall be held and maintained solely in the state courts in and for Miami-Dade County, Florida. Venue shall lie exclusively in Miami-Dade County.

ARTICLE XXV
INSOLVENCY

In the event that either party shall become insolvent, make a general assignment for the benefit of creditors, suffer or permit the appointment of a receiver for its business or its assets or shall avail itself of, or become subject to, any proceeding under the Federal Bankruptcy Act or any other statute of any state relating to insolvency or the protection of rights of creditors, or become subject to rehabilitation, then, at the option of the other party and immediately upon written notice, this Agreement shall terminate and be of no further force and effect.

ARTICLE XXVI
NOTICE

All notices required shall be sent by certified mail, return receipt requested. If sent to Village, such notices shall be mailed to:

Maria C. Camara, Village Clerk
Village of Biscayne Park
640 NE 114th Street
Biscayne Park, FL 33174

And if sent to Contractor, such notices will be mailed to:

Russell Mackie, Region Vice President
Waste Pro of Florida, Inc.
17302 Pines Boulevard
Pembroke Pines, FL 33029

ARTICLE XXVII
REMEDIES

This Agreement shall be governed by the laws of the State of Florida. Any and all legal action necessary to enforce this Agreement will be held in Miami-Dade County, Florida. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any part of any right, power or remedy hereunder shall preclude any other or further exercise hereof.

ARTICLE XXVIII
SEVERABILITY

If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

ARTICLE XXIX
MODIFICATIONS TO THE CONTRACT

The Village shall have the power to make changes in this Agreement as the result of changes in law, Village Code or both to impose new rules and regulations on the Contractor under this Agreement relative to the scope and methods of providing collection services as shall from time-to-time be necessary and desirable for the public welfare. The Village shall give the Contractor notice of any proposed change and an opportunity to be heard concerning those matters. The scope and method of providing collection services as referenced herein shall also be liberally construed to include, but is not limited to the manner, procedures, operations and obligations, financial or otherwise, of the Contractor.

ARTICLE XXX
THIRD PARTY RIGHTS

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Village and Contractor.

ARTICLE XXXI
INSURANCE

For the entire term of this agreement, and any renewal terms, Contractor shall comply with the insurance provisions delineated at Article VII, as required by RFP 2014-01, and specifically, the Certificate of Liability Insurance provided by Contractor under its response to RFP 2014-01, section 5.20.

Exhibit B - Residential Curbside Service

Residential Garbage, Trash and Recycling Collection Services

Monthly charge per dwelling unit		8/1/2014
Collection:	Rate per Month	
Garbage	\$	13.72
Trash	\$	8.25
Recycling	\$	3.00
TOTAL RATE	\$	24.97

Residential Multifamily Garbage and Trash Collection Services (over 4 units)

	Rates Per Service	
Rolled Out Commercial 95 or 101 gallon container	\$	27.96
Rolled Out Container (and return)	\$	3.50
Opening or Closing Doors/Gates	\$	3.50
Locks for Containers	\$	14.00
Unlocking Containers	\$	14.00
Supplying and retrofitting locking mechanism	\$	10.00
Adding/Exchanging Wheels on Containers	\$	14.00
Adding/Exchanging Lids on Containers	\$	25.00
Moving Container Location per Customer Request	\$	25.00
Changing out size of container more than 2x per year	\$	25.00
Additional pickups for residential containerized Customers	\$	14.34
Turnaround Compactors	\$	50.00
	Service Per Month	
Additional Quarterly Special Trash Manual / Non-Mechanical pickup	Service Per Cubic Yard \$	15.00



Exhibit C

Village of Biscayne Park
RFP No. 2014-01
Solid Waste Collection Services

Scope of Services Solid Waste Collection Operations Plan

- This operation plan provides the same service that the Village currently receives but reducing the number of days to two.
- Twice a week manual pick-up of garbage on **Tuesdays** and **Fridays** for all residences, Multiple Unit Residences, Non-Residential Use sites, and Municipal owned buildings. Residences will provide their own containers, not to exceed forty (40) gallons in capacity. Residents will place their containers out on the curb unless they are registered with the Village for “Off-street Residential Collection Service”, whereas Waste Pro will then enter their property and pick up their garbage from inside.
- Once a week manual pick-up of trash and yard waste (vegetative waste) on **Tuesdays**. This will allow residents to do their yard work over the weekend and have fewer days of trash out visible in the community. Residents place either their container(s) not to exceed forty (40) gallons or a pile, not to exceed two (2) cubic yards (3ft x 3ft x 6ft), out on the curb for pick-up.
- Once a week pick-up of recyclable materials on **Fridays**. Residents place their provided container out on the curb for pick-up unless they are registered with the Village for “Off-street Residential Collection Service” whereas Waste Pro will then enter their property and pick-up their recycling from inside.

- Special pick-up of items placed out on the wrong day; piles that exceed two (2) cubic yards; appliances (white goods) and other bulk pick-up such as mattresses and furniture shall be fined at the rates established by Village resolution.
- Hours of operation shall be limited to 7:00am – 5:30pm. This restriction does not apply to the first ninety (90) days of the contract.
- Four (4) quarterly Saturday pick-ups shall be scheduled with the Village.

EXHIBIT D

Disposal Avoidance Base Tons

To determine the amount of disposal avoidance, the base tons disposal factor is determined as the historical amount of tons as reported by the Village at the effective date of this Agreement. The Base Tons are as follows:

Annual Base Solid Waste Tons* = 2,437.76

Annual Base Recycling Tons** = 208

The Disposal Avoidance factor shall be determined by the following equation:

INITIAL PERIOD

$(\text{Annual Recycling Tons Reported} - \text{Annual Base Recycling Tons}) = \text{Annual Increased Recycling Tons}$
 $(\text{Annual Base Solid Waste Tons} - \text{Annual Solid Waste Tons Reported}) = \text{Annual tons of Solid Waste reduced}$

SUBSEQUENT PERIOD

$(\text{Annual Recycling Tons Reported} - \text{Prior Year Recycling Tons}) = \text{Annual Increased Recycling Tons}$
 $(\text{Annual Prior Year Solid Waste Tons} - \text{Annual Solid Waste Tons Reported}) = \text{Annual tons of Solid Waste reduced}$

*Base Garbage and Trash tons established by two year average of annual tons as reported in Addendum 1 of RFP 2014-01

**Base recycling tons reported by Miami Shores as 4 tons per week.



Disaster Preparedness Plan Summary For the Village of Biscayne Park

As a vendor that will provide service to your residents and business owners on a daily basis, we understand the importance of being there to provide the service that they are expecting. We all know we can not control these types of events, but Waste Pro can guarantee our ability to react after events have occurred. Our team of "Waste Professionals" is committed to communicating with the Village of Biscayne Park Staff and getting back to work as soon as possible. The following is a comprehensive storm preparedness plan illustrating a possible scenario and our commitments.

Disaster Preparedness Plan Concept

The most likely types of event to occur are a windstorm, tropical storm or hurricane. There are two (2) typical scenarios that would occur; one is a minor event with winds occurring in the range of less than a tropical storm. The other is a tropical storm or hurricane with winds occurring from tropical storm force to a class 5 hurricane. Each of these scenarios would call for a different set of actions due to the difference of the severity of each.

Experience

The management team of Waste Pro has had successful hands-on previous experience with storm debris cleanup. Our teams experience dates back over seventeen (17) years to Hurricane Andrew and forward to the hurricanes of 2004, 2005, 2006 and 2007. During 2004 Waste Pro provided hurricane cleanup, in varying degrees, to all of our major municipal accounts including Putnam County, St. Lucie County and the City of Longwood. 2005 again required hurricane cleanup in St. Lucie County where Waste Pro contracted directly with FEMA. During 2006, 2007 and 2008 other cities and counties hired storm debris contractor specialists but have used Waste Pro for additional assistance over the years.

Two (2) Types of Events

A. Winds less Than a Tropical Storm

This type of event will create an additional varying amount of yard and tree waste debris for Waste Pro to collect. This will necessitate the use of mostly additional conventional waste collection vehicles (rear loaders, front loaders, cherry pickers and roll off trucks) and possibly some larger equipment such as wheeled loaders with landscape rakes, dump trucks, flagmen and personnel with chainsaws. The additional conventional collection vehicles and personnel would be available from several reliable sources.

- Waste Pro of Florida
- Waste Pro of South Carolina
- Waste Pro of Georgia
- Wood Resource Recovery, LLC
- Trucks & Parts of Tampa (truck rental)
- Equipment Manufacturers
- Other Subcontractors

B. Tropical Storm or Hurricane

Tropical Storms and Hurricane event will create an additional varying amount of yard and tree waste debris. This will necessitate the use of additional conventional waste collection vehicles (rear loaders, front loaders, cherry pickers and roll off trucks) and possibly some larger equipment such as wheeled loaders with landscape rakes, dump trucks, flagmen and personnel with chainsaws. The additional conventional collection vehicles and personnel would be available from several reliable sources.

- Waste Pro of Florida
- Waste Pro of South Carolina
- Waste Pro of Georgia
- Wood Resource Recovery, LLC
- Trucks & Parts of Tampa (truck rental)
- Equipment Manufacturers
- Other Subcontractors

As past history has shown any solid waste and recycling contractor, including the largest national companies, selected for a contract by any city or county will need to use a specialty sub-contractor for a massive storm debris cleanup effort. The more municipal contracts a company has, the more thinly spread their existing assets are to cover such an event, when all of their cities want to be cleaned up at the same time. Waste Pro's efforts would be concentrated on the cities and counties it serves.

Plan Overview

I. Emergency Contact Information

Name	Cell Phone
Russell Mackie	772-370-3509
Elliot Chevres	954-445-9256
Mike Allen	772-216-7216
Guerlin Escar	786-486-7554

II. Pre Storm

A. Triggering Events

- Thunderstorm
- Flooding
- High Wind
- Tropical Storm or Hurricane Watch or Warning

B. Coordination with Authorities: 72/ 48/ 24/ 12 Hour

- Establish and maintain contact with City/County designated personnel.
- Review situation with manager, supervisors, and department heads.
- Note plan updates for changes, vendors, etc.

C. Facilities

- Check drainage ways
- Secure vents
- Housekeeping, stowage
- Bottled water inventory
- Septic system capacity
- Back-up information systems
- Bring in Emergency Generators
- Check on current availability of backup locations to park trucks and extra equipment

D. Personnel

- Personal safety
- Family safety and security
- Storm assignments

E. Rolling Stock

- Top off fuel
- Top off oil
- Check/change tires

- Secure cab/windows

F. Containers – Secure Inventory

- Front/Rear load - confirm empty, open lids
- Roll off – confirm empty, doors secure, use as shielding as needed

G. Inventory

- Secure fuel tank lids and hatches
- Secure oil tanks, fill ports, secure reels and hoses
- Rack and secure tires

III. Storm

A. Tropical Storm Watch or Warning

- Continue operations
- Maintain communication with City/County designated personnel
- Cease operations if local wind velocity reaches 30 mph-sustained winds or local rainfall reaches three (3) inches.
 - Advise City/County designated personnel
 - Advise storm debris specialty sub-contractor
 - Secure facilities and rolling stock
 - Shut all systems down
 - Open all electrical switches
 - Send personnel home

B. Hurricane Watch or Warning

- Continue operations
- Maintain communication with City/County designated personnel
- Cease operations if local wind velocity reaches 30 mph-sustained winds or local rainfall reaches three (3) inches.
 - Advise City/County designated personnel
 - Advise storm debris specialty sub-contractor
 - Secure facilities and rolling stock
 - Shut all systems down
 - Open all electrical switches
 - Send personnel home

IV. Post Storm

Reestablish and maintain contact with designated City/County personnel immediately after the storm passes.

- Assess magnitude of damage
 - Personnel, families
 - Company

- Community
- Advise designated City/County personnel
- Coordinate with designated City/County Personnel – begin clearing public
- Reestablish or suspend service(s)
- Garbage (Residential and/or Commercial
- Yard Trash
- Recycling
- Establish level of post storm response
- Contact storm debris specialty contractor if needed
- Initiate post storm response depending upon severity of damage.

Law Offices of John J. Hearn, P.A.
1001 N.W. 119th Drive
Coral Springs, Florida 33071
Phone: (305) 360-2547
Facsimile: (954) 227-7321

August 11, 2014

Russell Mackie, Regional Vice President
Waste Pro of Florida
17302 Pines Boulevard
Pembroke Pines, Florida 33029

Re: Waiver

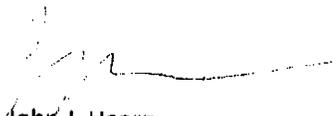
Dear Mr. Mackie:

As you are aware, I have been informed that some Biscayne Park residents are concerned with the language of the Waste Pro waiver. Further, many residents have already executed the waiver in order to allow side yard pickup. This letter will confirm that the intent of the waiver and the enforcement of the waiver shall be consistent with the following language:

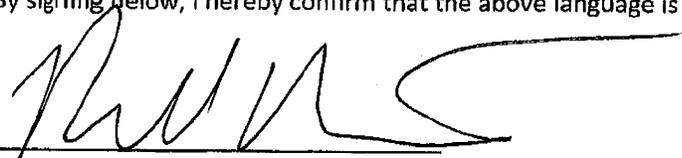
Side/back yard (by selecting this option, the property owner waives Waste Pro of Florida from any liability from employees entering the property for the sole purpose of garbage collection; however, Waste Pro of Florida acknowledges that if any damage occurs to the property (other than normal wear and tear) resulting from its employees' negligence, Waste Pro of Florida will take reasonable means to fix/reimburse for such damage.

Please confirm by signing below that this is consistent with your agreement and interpretation of this waiver.

Very truly yours,


John J. Hearn
Village Attorney

By signing below, I hereby confirm that the above language is consistent with the intent of the waiver.

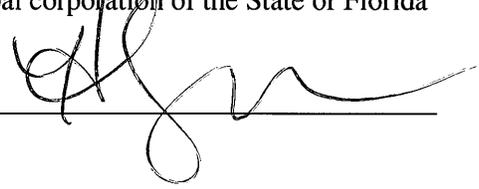

Russell Mackie, Regional Vice President
Waste Pro of Florida

(AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK, FLORIDA AND WASTE PRO OF FLORIDA, INC. FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES)

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals the day and year first above written.

VILLAGE OF BISCAYNE PARK, FLORIDA,
a municipal corporation of the State of Florida

By: _____



ATTEST:

Maria C. Camara

Maria C. Camara, Village Clerk

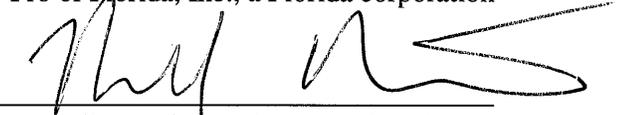
APPROVED AS TO FORM & LEGALITY
For the use and reliance of the Village of
Biscayne Park, Florida only.

John J. Hearn
John J. Hearn, Village Attorney

WITNESSED:

Waste Pro of Florida, Inc., a Florida corporation

By: _____



Russell Mackie, Region Vice President

Marian LE Nguyen

Name typed, printed or stamped

Candido Lopez

Candido Lopez
Name typed, printed or stamped

Attachment(s)

- Waste Pro Agreement
- Waste Pro letters dated: 09/30/2019
02/04/2020
03/02/2020
- Waste Pro current invoice February/2020

Prepared by: Roseann Prado, Village Clerk



Date: 09/30/2019

RE: Continuation of Contractors Services

Manager Manners,

Pursuant to Article XVII of the Solid Waste and Recycling Services continuation of services, Waste Pro will continue to provide current services for an additional Ninety (90) Calendar days after the expiration date of the current agreement of 09/30/2019 to expire on 12/30/2019 and at the current rates effective 10/1/2019. During this time and to the extent that the Village of Biscayne Park is willing to accept, Waste Pro would like to negotiate an extension that is allowed under our current franchise agreement under Article II Terms a five (5) year extension and to that extent that it is possible and negotiate if possible an additional Five (5) year extension as allowed by the franchise agreement.

Thank you


Kenneth Rivera

Waste Pro of Florida, Inc.

CC: Russell Mackie Regional Vice President, Waste Pro of Florida Inc.

Shawn Erias Division Manager, Waste Pro of Florida Inc.



Continuation of Services

To: Village Manager Manners
From: Kenneth Rivera Waste Pro of Florida Inc.
Date: 02/04/2020

As a follow, up to the memorandum dated 09/30/2019 Continuation of Services, Waste Pro of Florida Inc. will extend and continue to provide service thru April 30th, 2020 at the current rate. During this time and to the extent the Village of Biscayne Park is willing to accept, Waste Pro would like to negotiate an extension that is allowed under our current franchised agreement under Article II a (5) five year extension and to that extent that it is possible and negotiate an additional five (5) year extension as allowed by the franchise agreement.

Thank you,


Kenneth Rivera
Waste Pro of Florida Inc.,



To: Village Manager Hernandez
From: Kenneth Rivera Waste Pro of Florida Inc.
Date: 03/02/2020

As a follow, up to the memorandum dated 09/30/2019 Continuation of Services, Waste Pro of Florida Inc. will extend and continue to provide service thru April 30th, 2020 at the current rate. Additionally, in our meeting held on February 21, 2020, the Village expressed a need for additional extension that would expire on September 30th, 2020 to provide the Village sometime to decide if RFP or a full contract extension would be possible. Should the City wish to extend our agreement up to such time, Waste Pro of Florida Inc. would agree to such an extension should the Village accept a Two dollar (\$2.00) per home increase to be effective May 1st, 2020. During this time and to the extent the Village of Biscayne Park is willing to accept, Waste Pro would like to negotiate an extension that is allowed under our current franchised agreement under Article II a (5) five-year extension and to that extent that it is possible and negotiate an additional five (5) year extension as allowed by the franchise agreement.

Thank you,

Kenneth Rivera

Kenneth Rivera
Waste Pro of Florida Inc.,
CC: Russell Mackie RVP Waste Pro of Florida Inc.

Exhibit 2



To: Village Manager, Paul Winkel john

From: Kenneth Rivera Waste Pro of Florida Inc.

Date: 07/22/2020

As a follow, up to email sent by your office to our RVP Russell Mackie dated 07/18/2020 Continuation of Services, Waste Pro of Florida Inc. will extend and continue to provide service thru April 30th, 2020 at the current rate. Additionally, in our meeting held on February 21, 2020, the Village expressed a need for additional extension that would expire on September 30th, 2020 to provide the Village sometime to decide if RFP or a full contract extension would be possible. During discussion with former Village Manager Hernandez, the Village of Biscayne expressed the need for Waste Pro of Florida Inc. to offer an additional extension through December 31st, 2020. Should the City wish to extend our agreement up to such time, Waste Pro of Florida Inc. would agree to such an extension should the Village accept a Two dollar (\$2.00) per home increase to be effective October 1st, 2020 bringing your rate to \$31.70. During this time and to the extent the Village of Biscayne Park is willing to accept, Waste Pro would like to negotiate an extension that is allowed under our current franchised agreement under Article II a (5) five-year extension and to that extent that it is possible and negotiate an additional five (5) year extension as allowed by the franchise agreement.

Thank you,

Kenneth Rivera

Kenneth Rivera

Waste Pro of Florida Inc.,

CC: Russell Mackie RVP Waste Pro of Florida Inc.



WastePro of Florida, Inc.

INVOICE

117 - Pembroke Pines
 17302 Pines Blvd
 Pembroke Pines, FL 33029
 Phone 954-967-4200 Fax 954-247-4489

DATE: 6/30/2020
 INVOICE #: 0000907769
 ACCT #: 075370

Bill To:
 Village of Biscayne Park
 640 NE 114th St
 Biscayne Park, FL 33161-6202

001. 300. 13100. 40200 38,550.60
004. 320. 53800. 34000 38,550.60
004. 300 20700. 10000 (38,550.60)

Site

Service Date	House Count	Rate	Description	Charge
06/01/2020 -06/30/2020	1,298	29.7	Residential Monthly Services	\$38,550.60
Village of Biscayne Park				
GL Acct. Number <i>see above</i>				TOTAL
Amount \$ <i>38,550.60</i>				\$38,550.60

Date *7/15/2020*

117 - Pembroke Pines
 17302 Pines Blvd
 Pembroke Pines, FL 33029

DATE: 6/30/2020
 INVOICE #: 0000907769
 ACCT #: 075370
 Amount Due: \$38,550.60

Description: [Signature]
Dept. Head: [Signature]
Finance Dir.: [Signature]

Village Mgr.: [Signature]
Emergency Incident [Signature]

Be sure to write your account number on your check

Remit To:

Bill To:
 Village of Biscayne Park
 640 NE 114th St
 Biscayne Park, FL 33161-6202

Waste Pro
 17302 Pines Blvd
 Pembroke Pines, FL 33029

11.a

Village Attorney Selection



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 11.b

TO: Honorable Mayor & Members of the Biscayne Park Village Commission

FROM: MacDonald Kennedy, Vice Mayor

DATE: September 1, 2020

TITLE: FDOT/6th Ave. Action Plan Update

Background

On August 4, 2020, by a 4-1 vote (Tudor opposed), the village commission passed Resolution 2020-35 (attachment #1) requesting that FDOT cancel the redevelopment project for SR915/NE 6th Ave. for the eight (8) blocks where it passes through Biscayne Park. On August 13, FDOT representative BaoYing Wang responded with confirmation of our request (attachment #2): "FDOT has put the subject design project on hold until further coordination with the Village occurs and a subsequent resolution is issued regarding the new scope for the project." **The project is now on hold until the village submits that resolution with our formal requests.**

Further, Resolution 2020-35 included requests for several studies. BaoYing Wang produced all but one of those studies in her August 13 email, which all commissioners received. **The only missing study is a lane elimination study.**

On August 25, I discussed the process for requesting that study from FDOT District Six Transportation Planning Manager Kenneth Jeffries. On August 26, Ken emailed **FDOT's brand new Lane Repurposing Guidebook 2020** (attachment #3), released that same day. Ken also provided some additional information about that study:

- Lane elimination primarily considers traffic analyses, including impacts on alternative routes, side streets and to adjacent communities (in this case, those north and south of Biscayne Park on NE 6th Ave.). NE 6th Ave. is currently designated as service standard "D," and **a change in that service due to congestion must not exceed the adopted level of service from our comprehensive plan.** Per our 2025 Comprehensive Plan: "The Village will ... coordinate with the County and State to maintain a peak hour level of service standard "D" for county and state roads in Biscayne Park ... State Road 915/NE 6th Ave."
- **A greater purpose (rather than merely our desire) is required to eliminate lanes** (add transit lanes, add bike paths, add additional landscaping space, ease the crossing of a busy street, etc.), **and that purpose must align with the municipality's comprehensive plan.**

- **If lanes are eliminated, FDOT will require sidewalks as part of the street's overall design**, and (per FDOT's original design proposal) sidewalks are always placed as far into the right-of-way as possible from the street: "The sidewalk must be as far away as possible from the road." Narrowing NE 6th Ave. will not move sidewalks farther from houses.
- The lane elimination study must be approved by FDOT before it can commence. However, **Biscayne Park must then coordinate and pay for that study.** (Ken did say he could ask his bosses for the state to pay for the study but they rarely do that.)

In Resolution 2020-35, the village makes the following commitment to FDOT:

Section 4. Official Village Request. Further, after receiving these studies, the Village Commission commits to expediting an official request to FDOT. That process may include one or more public workshops of Village residents, and the request will be in the form of a Resolution passed by majority approval of the Village Commission. [underline emphasis added]

FDOT and the State of Florida have already spent nearly \$600,000 on this project, so **Biscayne Park now has an obligation to develop an action plan** to complete its next resolution, which should include only reasonable, informed requests. (That action plan may include one or more resident workshops, mailed questionnaires, special commission meetings to develop the resolution and other elements that could take additional months, all TBD with an anticipated completion date, calendar, responsible parties, etc.)

This project could contribute in a significant way to our overall vision for the village, but alternately it could permanently scar Biscayne Park. It's important that we get it right. At the same time, we must move forward expeditiously and to **communicate with FDOT throughout that process** to demonstrate our commitment to fulfilling our obligation as a local government.

Recommendation

If we have any interest in even the possibility of eliminating lanes on 6th Ave., **we need to request, conduct, and pay for the lane elimination study** first. Let's discuss that topic this evening, considering the notes above and the details in the attached documents. At the end of the discussion about eliminating lanes, **we might direct the manager to contract with Calvin Giordano or another outside firm to start the application process**, which, I believe, is beyond the ability of village staff even if all positions were filled. Alternately, **we might direct the manager to get a proposed cost for the application process** and to report back prior to the September 8 meeting for continued discussion. Additionally, she can find out if any CITT money can be used for these or other elements of the FDOT project.

If we decide to forego the lane elimination study and remove "lane reduction" from our desires for NE 6th Ave., **I will propose an action plan at an upcoming commission meeting** to complete our resolution for FDOT. That proposal will take into

consideration the hiring of a village manager and the installation of a new commission in November.

Further, in regard to communicating with FDOT, I am suggesting that the manager report to BaoYing Wang and to the commission all significant progress of our internal process to create a final resolution, including a recap from every meeting in which it is discussed. If more than two weeks passes with no progress or discussion on the project, the manager should report that to the commission and BaoYing Wang so lines of communication are kept open at all times. The manager will also be directed to forward all communications from FDOT to all commissioners immediately upon receipt. We must not drop the ball on this project, and we must be transparent about it to residents, the commission, and to FDOT. This project must not retreat into the shadows.

Resource Impact

None for this discussion and possible decision about a lane elimination study.

Attachment(s)

- 1. FDOT resolution signed
- 2. FDOT response to BP Resolution 2020-35
- 3. FDOT lane-repurposing-guidebook-2020

Prepared/Sponsored by: MacDonald Kennedy, Vice Mayor

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RESOLUTION NO. 2020-35

A RESOLUTION OF THE VILLAGE COMMISSION REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION CANCEL ALL FURTHER DESIGN AND DEVELOPMENT WORK ON THE PROPOSED MODIFICATIONS OF SR 915/6th AVENUE IN THE VILLAGE OF BISCAYNE PARK, FLORIDA, TO ALLOW THE VILLAGE OF BISCAYNE PARK COMMISSION TO DEVELOP, WITH RESIDENTS' INPUT, ALTERNATE DESIGN PROPOSALS FOR THE PROPOSED MODIFICATIONS CONSISTENT WITH VILLAGE'S COMMUNITY CHARACTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, on July 22, 2020, the Florida Department of Transportation ("FDOT") presented a preliminary design to the Village of Biscayne Park ("Village") for the modification of SR 915 / 6th Avenue for the eight (8) blocks where it passes through the Village from 121 Street to 113 Street; and

WHEREAS, FDOT's budget for the project is \$2.6 million; and

WHEREAS, FDOT has already spent more than \$580,000 on the preliminary design as part of that total budget; and

WHEREAS, the Village desires to take appropriate advantage of FDOT's time, skills, and generous budget to improve 6th Avenue with elements that also reflect the Village's overall vision for the community; and

WHEREAS, FDOT's presentation includes elements within the "Project Scope" that were not requested by or agreed upon with the Village; and

WHEREAS, FDOT in "Background" in the presentation states, "Project originated as a request from the Village..." and FDOT staff further reported during the workshop that the request came from "a few commissioners;" and

WHEREAS, the Village speaks only by majority vote of the Commission as it relates to such requests; and

WHEREAS, FDOT further advised the Village that it will continue to work on the project design while awaiting official Village response, costing Florida taxpayers additional money on a project that may very well change; and

1 **WHEREAS**, FDOT reported that the Village may request that design elements be changed or
2 eliminated and that budgeted expenses be reallocated to other elements in the project and/or additional
3 elements not presently included in the project; and
4

5 **WHEREAS**, FDOT reported that the design should be completed by November 2020, just four
6 months from now.
7

8 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE**
9 **VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

10
11 **Section 1. Recitals.** The above recitals are true and correct, and incorporated herein by this
12 reference and are hereby adopted as the legislative and administrative findings of the Village Commission.
13

14 **Section 2. Cancel Design Process.** The Village Commission respectfully requests that FDOT
15 cancel the project in anticipation of an official Village Commission request for project elements.
16

17 **Section 3. Produce Project Studies.** Further, as background for that resolution, the Village
18 Commission requests that FDOT provide the following studies, as described at the workshop, to assist in
19 understanding the appropriate and informed requests that can be made for the project. (By September 1,
20 2020, the Commission requests an estimated deadline for receiving these completed studies.)
21

- 22 a. Current traffic and safety studies for 6th Avenue
- 23 b. Current lane elimination study for 6th Avenue
- 24 c. Current pedestrian traffic study for 6th Avenue (A 2014 pedestrian safety study was
25 provided to the Village on July 30, 2020.)
- 26 d. Information on how traffic changes on 6th Avenue will impact other north/southbound
27 Avenues within the Village and Griffing Blvd. (a county road)
28

29 **Section 4. Official Village Request.** Further, after receiving these studies, the Village
30 Commission commits to expediting an official request to FDOT. That process may include one or more
31 public workshops of Village residents, and the request will be in the form of a Resolution passed by
32 majority approval of the Village Commission.
33

34 **Section 5. Concerns for State Expenditures.** As residents of the State of Florida and elected
35 officials with responsibility for their own Village budget, members of the Village Commission share
36 FDOT's concern that expenditures be allocated wisely. Canceling FDOT's current project while awaiting
37 the official Village request will ensure that appropriated state funds are spent on a project that addresses
38 the needs and desires of the Village.
39

40 **Section 6. Severability.** If any section, sentence, clause, or phrase herein is held to be invalid
41 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the
42 remaining portions of this Resolution.
43

44 **Section 7. Effective Date.** This Resolution shall become effective immediately upon its
45 adoption.
46

47 PASSED AND ADOPTED this 4th day of August 2020.
48
49

1 The foregoing Resolution was offered by Vice Mayor MacDonald Kennedy, who moved its
2 adoption. The motion was seconded by Commission Roxanna Ross, and upon being put to a vote the vote
3 was as follows:

4		
5	Virginia O'Halpin, Mayor	YES
6	MacDonald Kennedy, Vice Mayor	YES
7	Daniel Samaria, Commissioner	YES
8	Roxanna Ross, Commissioner	YES
9	William Tudor, Commissioner	NO

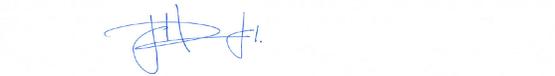
10
11
12 VILLAGE OF BISCAYNE PARK

13
14 
15 _____
16 Virginia O'Halpin, Mayor
17
18

19
20 ATTEST:

21
22 
23 _____
24 Roseann Prado, Village Clerk
25

26
27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
28 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

29
30 
31 _____
32 John R. Herin, Jr., Interim Village Attorney
33
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Roseann Prado

From: Wang, BaoYing <BaoYing.Wang@dot.state.fl.us>
Sent: Thursday, August 13, 2020 10:09 AM
To: Roseann Prado
Cc: MacDonald Kennedy
Subject: FPID 443986-1 SR 915/NE 6 Ave from NE 113 Street to NE 121 St_ Resolution 2020-35 - Village of Biscayne Park_emails 1 of 2

Dear Ms. Prado,

Thank you for providing me the executed resolution No. 2020-35. FDOT provides the following responses to the Village of Biscayne Park's Resolution and additional requests:

- FDOT has put the subject design project on hold until further coordination with the Village occurs and a subsequent resolution is issued regarding the new scope for the project. Please keep in mind that FDOT has limited budget for this project and cannot ensure that any scope proposed for the new project that exceeds the current budget of \$2.6 Million will be included.
- FDOT held a virtual public meeting for the project on July 22, 2020. At the meeting, the following was explained and also services on addressing the Village's request in the Resolution:
 - a. A Traffic and Safety Study was not conducted given that this project originated as a request by the Village to incorporate sidewalks only. A Sidewalk Feasibility Study was performed due to the sidewalk request. This study was provided to Commissioner Kennedy on July 30, 2020.
 - b. FDOT has not performed a lane elimination study along 6th Avenue. FDOT has a Lane Elimination Process the Village will need to follow. A copy of this request was provided to Commissioner Kennedy on July 30, 2020. Per the Process, the Applicant (the Village) must consult with the FDOT to determine the specific analysis requirements and review process and will submit a Draft Concept Report to the FDOT. If you need help with the process, please contact Neil Lyn, District Statistics Administrator at Neil.Lyn@dot.state.fl.us or 305-470-5373.
 - c. A Pedestrian Safety Study and a Signal Warrant Analysis were provided to Commissioner Kennedy on July 30, 2020.
 - d. Traffic changes on 6th Ave within the Village and Griffing Blvd are not anticipated since the project is for sidewalk improvement with new pedestrian crosswalks at the intersection of NE 113th Street and NE 6 Ave. The project proposed for the existing lane configuration to remain as is; if the Village desires to pursue the lane elimination process, traffic changes due to the change in lane configuration will need to be analyzed as part of that effort.

I am going to forward you the documents provided to Commissioner Kennedy on July 30, 2020 in a separate email.

Please feel to contact me for further questions.

Sincerely,

Bao-Ying Wang, PE, CPM
Senior Project Manager
Consultant Management Office
Florida Department of Transportation - District Six
1000 NW 111th Avenue, Room 6251
Miami, Florida 33172
Phone: (305) 470-5211; Fax: (305) 640-7558
E-mail: BaoYing.Wang@dot.state.fl.us

From: Roseann Prado <villageclerk@biscayneparkfl.gov>
Sent: Tuesday, August 11, 2020 6:04 PM
To: Ribbeck, Hans <hr@ribbeck.co>; roman@iscprgroup.com; Wang, BaoYing <BaoYing.Wang@dot.state.fl.us>
Cc: MacDonald Kennedy <mkenedy@biscayneparkfl.gov>
Subject: Resolution 2020-35 - Village of Biscayne Park

EXTERNAL SENDER: Use caution with links and attachments.

Dear All,

Please see attached the Resolution 2020-35 approved by the Commission of the Village of Biscayne Park regarding FDOT project on SR 915 NE 6th Avenue.

Warm Regards,



Roseann Prado, CMC
Village Clerk – Interim Village Manager

Village of Biscayne Park
Village Hall
600 NE 114th Street
Biscayne Park, FL 33161
305 899 8000 – Phone
305 891 7241 – Fax
villageclerk@biscayneparkfl.gov
www.biscayneparkfl.gov

 Please print only if necessary.

The Village of Biscayne Park is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our servers and kept as a public record.



Lane Repurposing Guidebook

AUGUST 2020



Before Lane Repurposing



After Lane Repurposing



FLORIDA DEPARTMENT OF TRANSPORTATION
SYSTEMS IMPLEMENTATION OFFICE

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A1A, Fort Lauderdale, Florida

1 About this Guidebook

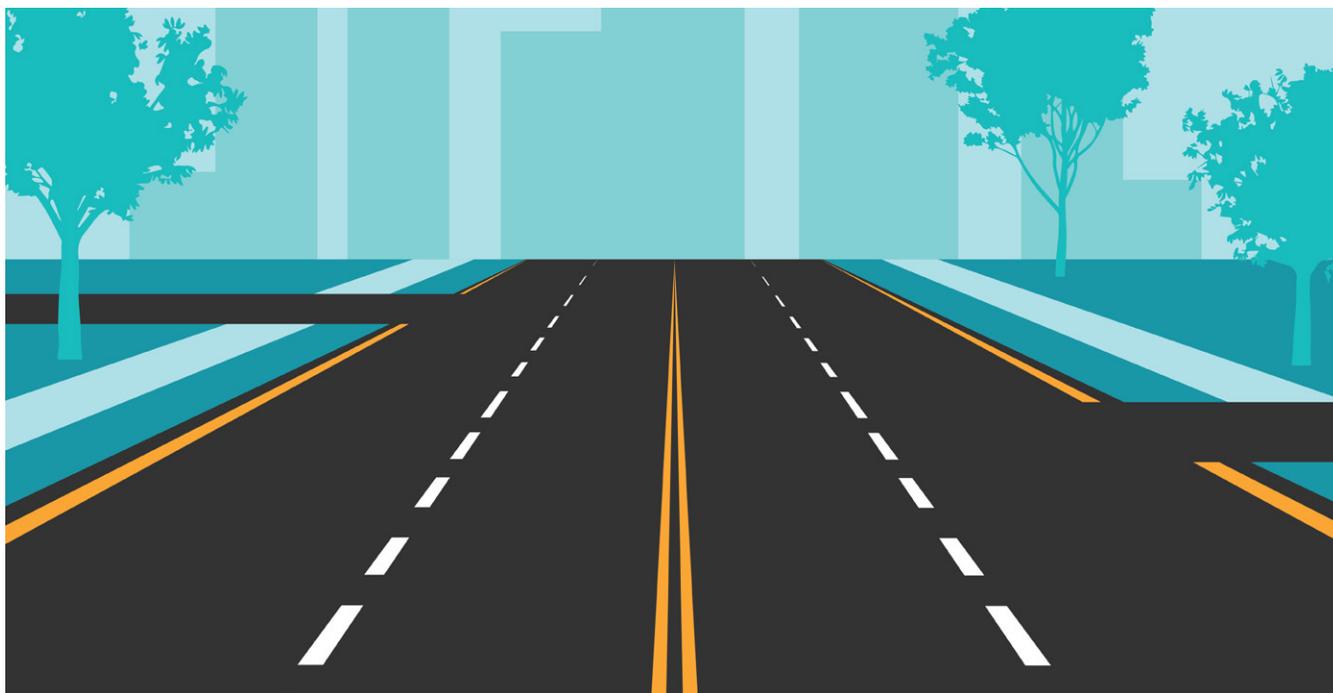
Previously referred to as a road diet, lane reduction, or lane elimination, a lane repurposing project is a way to reassign roadway space to achieve other purposes such as economic development, safety and mobility for all users. This guidebook serves as a resource for local, regional, and statewide transportation agency planners and engineers to analyze potential lane repurposing projects and includes the potential factors to be considered prior to design and implementation. Additionally, this guidebook summarizes documentation requirements and the Florida Department of Transportation (FDOT) review and approval process for lane repurposing requests on the State Highway System (SHS). There are several types of facilities where lane repurposing projects cannot take place. Those are Interstate Highways, the Florida Turnpike and other Limited Access facilities, as well as Designated Historic Highways. Key considerations, best practices, additional resources, and guidance analysis and implementation of lane repurposing projects are outlined within this guidebook. In addition, the guide references applicable regulations, requirements, forms, and FDOT resources/handbooks for further detailed information.

1.1 Background

To balance the needs of the statewide transportation network and local roadways, FDOT has developed a process allowing local and regional agencies to repurpose parts of the roadways in their jurisdiction that are owned by FDOT for other purposes. For example, a city may want to repurpose a four-lane roadway to slow vehicular traffic and make the area more amenable to people who walk/bicycle or at-risk populations, such as young children and the elderly. To do this, the city would develop a lane repurposing application and conceptual plan that would be sent to the appropriate FDOT District Lane Repurposing Coordinator for approval based on certain criteria (See [Section 2](#)). Additionally, an applicant may want to create an exclusive lane for transit service. For lane repurposing projects that involve facilities for transit-related services, it's advised that additional discussion and coordination with FDOT and their respective transit agencies take place as early as possible. This is because this guidebook may not cover all of the issues that could occur during the planning phase of these types of lane repurposing projects.

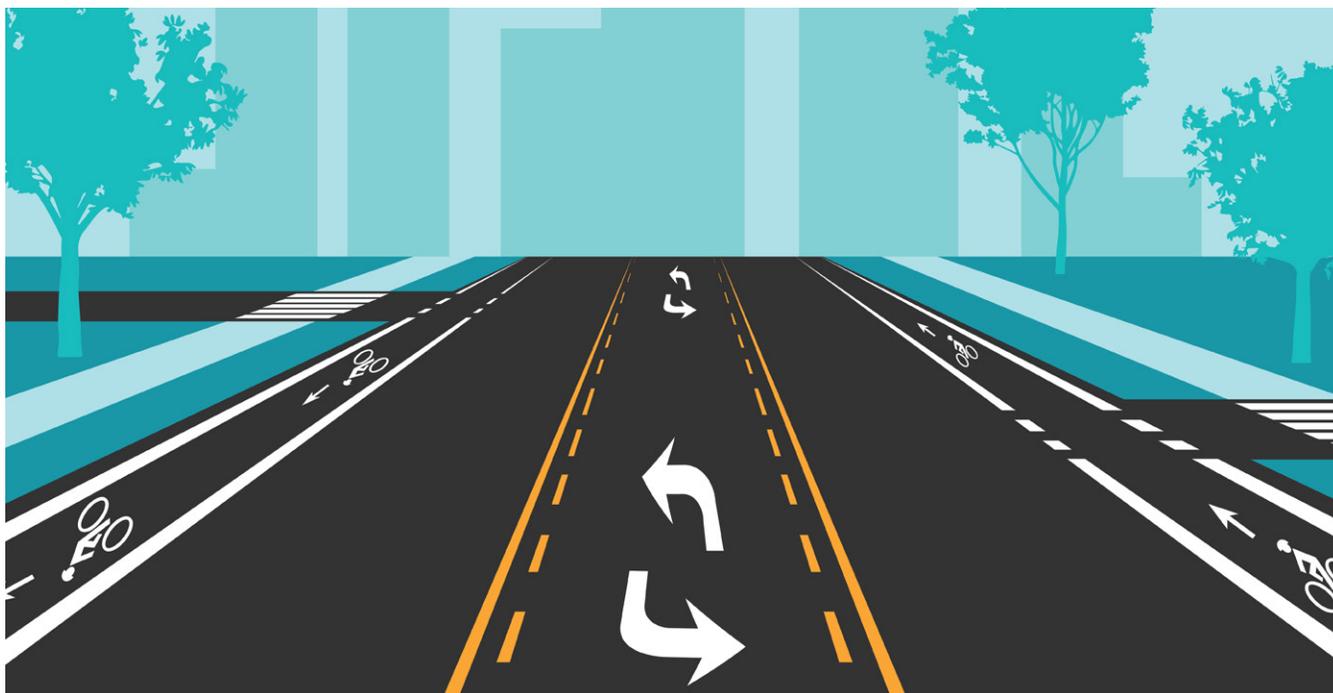
Previously, this process was referred to as the Lane Elimination process and the guidance was contained within the Lane Elimination Guidebook (Phases 1 and 2). This process has been renamed the Lane Repurposing process reflecting a more accurate description of what the process entails: lanes on these roadways are not being eliminated, but simply repurposed for a use that fits the needs of that specific portion of roadway. For example, if a roadway has four lanes and when it traverses through the center of a small town, it may need to be repurposed to two lanes with a center two-way-left-turn-lane (TWLTL) with bicycle lanes on both sides (See [Figure 1-1](#) and [Figure 1-2](#)). This change could serve that community better, allowing people to walk around more easily and use other modes of transportation. It could also slow down traffic, potentially making the corridor safer.

FIGURE 1-1 Before Lane Repurposing



Source: FDOT

FIGURE 1-2 After Lane Repurposing



Source: FDOT

1.2 Resources

There are numerous resources that lane repurposing applicants may utilize while developing their applications, such as this guidebook, the [FDOT Design Manual \(FDM\)](#) chapters, and these resources below.



POLICY: [FDOT's Systems Implementation Office](#) (SIO) developed a new [Access Management Guidebook](#) that incorporates context classification into the discussion. [FDOT's Quality/Level-of-service \(Q/LOS\) Handbook](#) provides guidance on measuring LOS for vehicles, pedestrians, bicyclists, and transit users. FDOT's Complete Streets policy and website are also helpful for applicants who wish to understand how this may affect their projects. For projects where roadways are subject to a jurisdictional transfer, guidance can be found in the [FDOT Transportation System Jurisdiction and Numbering Handbook](#) and [Transportation System Jurisdiction and Numbering Procedure - Topic No. 525-020-010](#).



DATA: There are several guidebooks and documents that can provide applicants with guidance that can be found on the [FDOT Transportation Data and Analytics](#) homepage. The [FDOT Traffic Online](#) site is a web application providing traffic counts, turning movement counts, bicycle, and pedestrian counts from field studies. The [FDOT Project Traffic Forecasting Handbook](#) offers guidelines and techniques for Corridor Traffic Forecasting studies and Project-Level Traffic Forecasting studies. The [ConnectPed Online App](#) also provides information that is useful for analysis, such as traffic counts, crash data, posted speeds, and context classification.



DESIGN POLICY: The FDM also identifies procedures for FDOT projects and establishes geometric and design criteria for SHS facilities. [FDM 126](#) provides an overview of the general purpose, requirements, and application process for lane repurposing projects. [FDM 103](#) includes standard forms and checklists needed when initiating and applying for a lane repurposing project.



COMPLETE STREETS: With the implementation of [FDOT's Complete Streets Initiative](#), many statewide policy/design documents were updated to include these concepts. This lane repurposing guidebook is part of this effort and draws from these resources. The [FDOT Context Classification](#) document provides guidance for land use and roadway design purposes for local officials implementing land use and transportation policies and projects with these policies.



ENVIRONMENTAL: This guidebook also references regulatory environmental review, public involvement, planning consistency requirements, other applicable FDOT procedures, and industry best practices or lessons learned that should be reviewed when identifying, evaluating, and documenting a candidate lane repurposing project. The [FDOT Project Development and Environment \(PD&E\) Manual](#) outlines the environmental review process for compliance with the federal National Environmental Policy Act (NEPA) and associated federal and state laws and regulations for all SHS facilities. NEPA compliance is for Federal projects, the PD&E manual also covers state projects. Planning consistency requirements between the environmental documentation, the proposed improvements, and statewide and local transportation plans are documented in [FDOT's MPO Program Management Handbook](#). Public involvement requirements and considerations are documented in [FDOT's Public Involvement Handbook](#), and [F.S. 335.199](#). Additionally, applicants can find guidance on public involvement in [Section 4](#) of this guidebook.

NEPA compliance is for Federal projects, the PD&E manual also covers state projects.



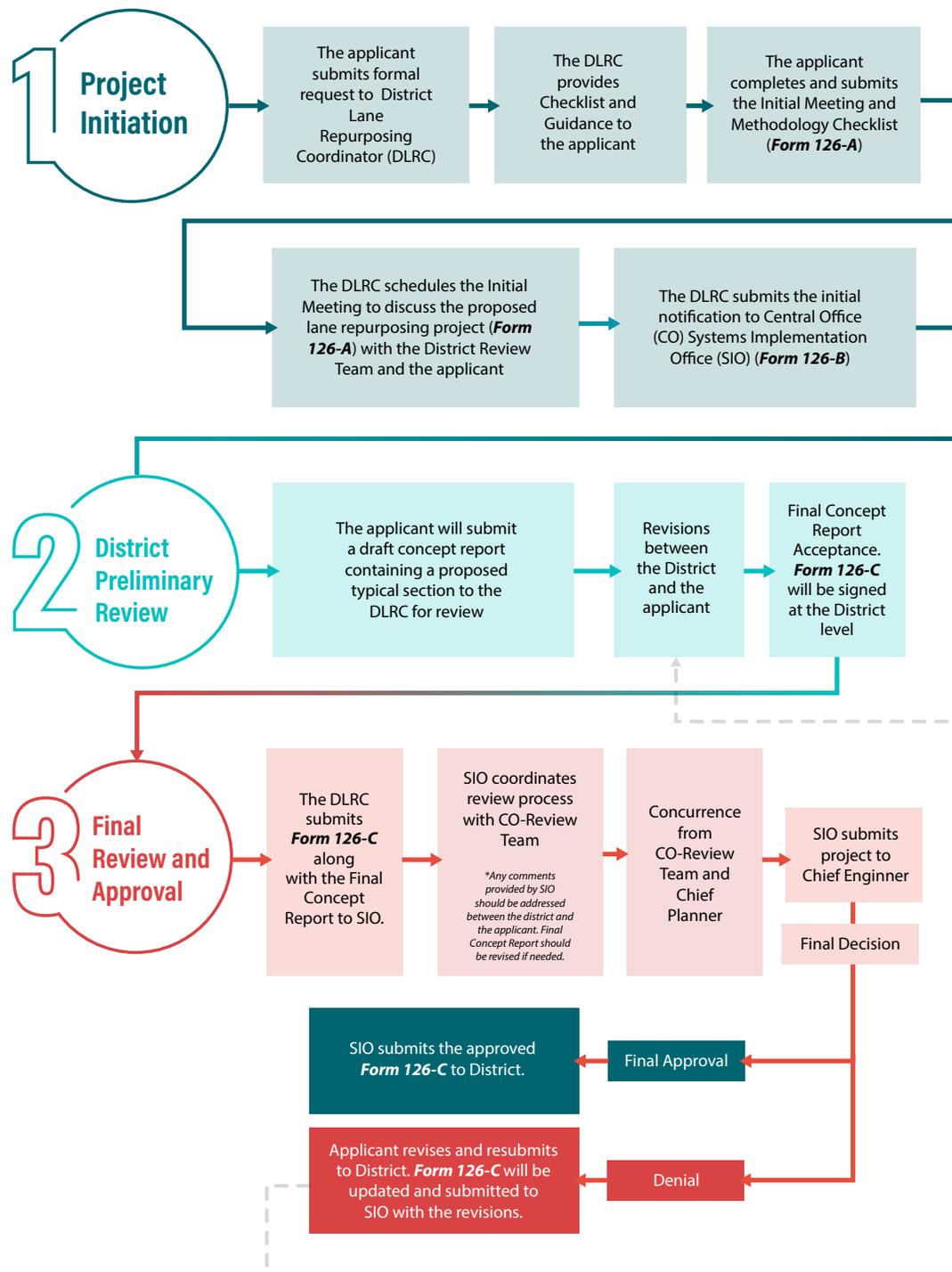
FEDERAL: In addition to FDOT resources, this guidebook references industry standards, best practices, and lessons learned from the national transportation industry such as the [Federal Highway Administration \(FHWA\) Road Diet Informational Guide](#), additional [FHWA resources](#), and applicable American Association of Highway and Transportation Officials (AASHTO) design standards and guidelines.

2 Lane Repurposing Application Process

The focus of this section is to provide additional guidance regarding the FDOT Lane Repurposing Application Process and what applicants should expect throughout the process, as well as the roles of FDOT staff at the individual districts and the Central Office. The FDOT lane repurposing application process is a three-step process (see [Figure 2-1](#)) involving the lane repurposing applicant, District staff, and Central Office staff. The roles and responsibilities for each of these three groups will be discussed within this section.

FIGURE 2-1 FDOT Lane Repurposing Project Application Flowchart

S



2.1 Potential Data Needs

As applicants proceed through the lane repurposing application process, there will be a need for significant amounts of data, depending on the nature of the project. A lane repurposing project that has low AADT and simply requires restriping to implement, will be less data intensive than a project which requires construction of curbs, gutters and medians. Lane repurposing projects are reviewed thoroughly by FDOT staff at both the District and Central Office.

2.2 Applicant

The applicant for a lane repurposing project on the SHS can be a local government entity (e.g., municipality, county, Metropolitan Planning Organization (MPO), Transportation Planning Organization (TPO), Transportation Planning Agency (TPA), or the Department can submit a request for the repurposing of travel lanes on the SHS. This is handled through their applicable FDOT District Lane Repurposing Coordinator (DLRC). A private entity may only submit a request through a local government entity.

Lane repurposing projects typically are most successful when the applicant is the champion of the project in the community. An applicant who has strong political support for the project can assemble the needed stakeholders and develop a common purpose to guide the project. It is a best practice for the applicant to provide documentation of project support from the elected bodies of jurisdictions where the project is located, and adjacent jurisdictions that will potentially be impacted by the project.

It is the responsibility of the applicant to ensure all parts of the application are completed based upon FDOT standards and procedures. FDOT's role is primarily one of review and will not advocate on behalf of the applicant, nor will they lead any necessary public involvement.

2.2.1 Step One – Project Initiation

There are three main steps that are part of the lane repurposing project application process. The first step is where the applicant contacts the appropriate [FDOT DLRC](#) and submits a formal request for a lane repurposing project. Once this takes place, the lane repurposing process is considered to have been formally started. The DLRC provides an Initial Meeting and Methodology Checklist ([Form 126-A](#)) and the FDOT Lane Repurposing Guidebook to the applicant. The applicant should review this guidebook and submit the required information in [Form 126-A](#) prior to the Initial Meeting with the District Review Team. After this meeting, the applicant will complete and submit the final checklist information including meeting minutes to the DLRC.

2.2.1.1 Initial Meeting and Methodology Checklist (Form 126-A)

[Form 126-A](#) ([Figure 2-2](#)) must be completed by the applicant as part of Step One of the Lane Repurposing Application Process and provides information to applicants about what is needed to complete the concept report, which is required for Step Two and Step Three. The completion of [Form 126-A](#) does not substitute for the concept report but it provides guidance about the detailed information that will be needed in the concept report and the topics to be discussed at the Initial Meeting. Before the Initial Meeting, applicants should complete [Form 126-A](#) as thoroughly as possible, and develop a series of questions/comments to discuss during the Initial Meeting with the DLRC. If there are boxes on the form that are not checked because they are not applicable to the application, it is appropriate for the applicant to write "N/A" within the designated sections on [Form 126-A](#). The applicant should be ready to discuss their reasoning at the Initial Meeting.

FIGURE 2-2 Form 126-A

Form 126-A

INITIAL MEETING AND METHODOLOGY CHECKLIST

This is a list of items that the Applicant should prepare to discuss at the initial meeting and the District Review Team may require the Applicant to address these items in the Concept Report, as needed.

Project Information

<ul style="list-style-type: none"> <input type="checkbox"/> Project Location <input type="checkbox"/> Project Limits <input type="checkbox"/> Project Length <input type="checkbox"/> Project Purpose <input type="checkbox"/> Conceptual plan (including transitions to and from the lane repurposing section) that meet FDOT Design Standards for all modes <input type="checkbox"/> Existing and long-range future AADT (the latter based on historical growth and the regional travel demand model) <input type="checkbox"/> Consistency of the proposed project with the applicable Long-Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Transit Development Plan (TDP), comprehensive plan, master plans, visions, and Complete Streets initiatives <input type="checkbox"/> Status of the roadway as an Evacuation Route, freight route, and part of the Strategic Intermodal System (SIS) <input type="checkbox"/> Status of the roadway as a major transit corridor per the LRTP or TDP <input type="checkbox"/> Proposed use(s) for the right-of-way after lanes are eliminated (e.g., widened sidewalks, bicycle lanes, landscaping, on-street parking, transit lanes) <input type="checkbox"/> Impact on bicycle/pedestrian infrastructure and connectivity <input type="checkbox"/> Impact on parking <input type="checkbox"/> Impact on transit routes, stop locations (including appropriateness of turn radii and lane widths), include total number of stops and routes in the area. <input type="checkbox"/> Existing right-of-way width and any proposed changes to the right-of-way width <input type="checkbox"/> Anticipated changes in jurisdictional responsibility for ownership or maintenance of the roadway <input type="checkbox"/> Anticipated changes in functional classification, context classification, and/or access management classification 	<ul style="list-style-type: none"> <input type="checkbox"/> Jurisdiction(s) in which the Project is Located <input type="checkbox"/> Proposed Change in Lane Configuration <input type="checkbox"/> Project Schedule <input type="checkbox"/> Context Classification <input type="checkbox"/> Public Involvement, agency outreach and endorsement. <input type="checkbox"/> Existing design and posted speeds <input type="checkbox"/> Existing and future typical section <input type="checkbox"/> Target speed with anticipated changes in posted speed limits and design speeds <input type="checkbox"/> Need for design variations or design exceptions <input type="checkbox"/> Plan for obtaining input and review from businesses, residents, and other stakeholders <input type="checkbox"/> Plan for receiving endorsement from elected officials <input type="checkbox"/> Funding source and cost estimates <input type="checkbox"/> Size of impact area-parallel and cross streets <input type="checkbox"/> Potential implementation strategy and partner commitments <input type="checkbox"/> Impact on School crossing locations and midblock crossing <input type="checkbox"/> Need to add, remove, or modify traffic signals <input type="checkbox"/> Near and long range multimodal level of service (LOS) and queuing analysis for intersections and segments in the impact area under build and no-build scenario. <input type="checkbox"/> Mitigation to address the significant adverse impact on state roads and regional transportation system <input type="checkbox"/> Crash data summary and analysis for the segment and intersections in the project limit <input type="checkbox"/> Case-specific special considerations to be determined (e.g., railroad crossing improvements)
--	--

Source: FDM 103 – Form 126-A

As part of this Initial Meeting and Methodology Checklist review by the applicant, there may be design variations and design exceptions noted. If the lane repurposing project is within the planning phase and not the design phase, then it is acceptable to simply list these within the concept report for FDOT to review.

Once [Form 126-A](#) has been completed and submitted by the applicant to the DLRC, the DLRC schedules an Initial Meeting with the designated District Review Team and the applicant. The Applicant attends the Initial Meeting to discuss the project and gain a full understanding of the process and requirements. The DLRC and Review Team review the Methodology Checklist ([Form 126-A](#)) with the applicant to assess potential project needs and determine concept report requirements. Once all of the methodology is discussed and agreed upon, the DLRC submits an initial notification to the Central Office Systems Implementation office, including the following forms:

- Completed [Form 126-A](#) Checklist;
- Meeting minutes from the Initial Meeting discussion;
- Initial notice to Central Office with [Form 126-B](#) and documentation of concurrence from District Planning and Environmental Administrator, District Design Engineer, and District Traffic Operations Engineer.

2.3 District Review Team

The Review Team consists of the FDOT DLRC for the respective District, as well as supporting staff from other offices that may need to be involved. The Team generally includes Planning, Environmental Management, Modal Development, Design, and Traffic Operations. For example, it may be necessary to have staff from Roadway Design to review the geometric portions of the application and be involved in the process. This section lays out the responsibilities of the District Review Team and what applicants should expect throughout the application process.

The District Lane Repurposing Review Team generally includes staff from the following offices:

- Planning**
- Environmental Management**
- Modal Development**
- Roadway Design**
- Traffic Operations**

2.3.1 Step Two – District Preliminary Review

The DLRC and District Review Team will review a draft concept report, including the proposed typical section(s). If accepted, [Form 126-C](#) will be signed at the District level and the process moves forward to submission for review by the Central Office. If revisions are required, coordination takes place between the applicant and the [DLRC](#).

After the District reviewer's acceptance, a Final Concept Report must be submitted along with [Form 126-C](#) and signed at the District level to Central Office for review. The DLRC will work closely with Central Office staff during this review phase.

2.4 Central Office Review Team

There are two main staff members who manage the lane repurposing process in Central Office; the Systems Management Administrator and the designated Statewide Lane Repurposing Coordinator. The DLRC works with these staff members to help applicants move the process through to the third step of the lane repurposing application process. For more information on this application process, please review [Figure 2-1](#).

2.4.1 Step Three - Final Review and Approval

The DLRC submits a Final Review and Approval of Final Concept Report notification to Central Office Systems Implementation Office ([Form 126-C](#)), requiring concurrence by the District Planning and Environmental Administrator, District Design Engineer, and District Traffic Operations Engineer.

The Central Office Systems Implementation Office coordinates the review of the lane repurposing application with all members of the Central Office Review Team. The Systems Implementation Office must also obtain concurrence from the Chief Planner.

The Systems Implementation Office submits the lane repurposing project and Design Concept for Final Approval or Denial to the Central Office Chief Engineer who has the final authority for approval or denial of the request.

[Form 126-C](#) must then be signed by both the Chief Planner and Chief Engineer. The DLRC is notified of the Chief Engineer's decision.

2.4.1.1 Approval/Rejection

Upon approval, the project will move forward to the FDOT project development process. Lane repurposing requests may be denied by the Chief Engineer based on FDOT review of applicable criteria and requirements. If denied, the applicant may be required to make modifications and resubmit the application. The applicant will then be required to address the comments and resubmit the request to the respective DLRC to meet specific requirements on a case-by-case basis. The resubmittal must include an updated and signed [Form 126-C](#).



A1A, Fort Lauderdale, Florida

3 Lane Repurposing Concept Reports

The focus of this section is to review the various parts of the concept report which are required by the applicants for a lane repurposing application, specifically the project description, proposed modifications, traffic analysis, safety analysis, and supporting documentation.

Lane repurposing projects involve changes to the roadway cross section and restriping of existing travel lanes for either a roadway segment or an entire corridor. The changes may include design modifications such as reduced lane widths, median changes, access management modifications, bicycle lanes, new or wider sidewalks, shared-use paths, on-street parking or transit only lanes, or loading/transportation network company (TNC) zones.

Traffic operation improvements and design enhancements such as turn lanes and improved turning radii must be evaluated for all lane repurposing projects. Additionally, these projects should consider the incorporation of additional features to improve the mobility or aesthetics of an area, as well as address community needs such as transit accommodations, pedestrian enhancements, on-street parking, and landscaping.

Lane repurposing projects are a subset of transportation right-sizing projects. These types of projects are often initiated because a roadway may not serve its original purpose. The recently published [NCHRP Report 917, "Right-Sizing Transportation Investments"](#) states: "Right-sizing offers repurposing, re-using, or fundamentally re-sizing (either larger or smaller) an existing asset (or in some cases, plans for a future asset) for a newly understood economic function or purpose to better serve the residents in an area." Right-sizing is a process where transportation agencies and partners systematically assess the best use of infrastructure to adapt to changing conditions. The process looks at infrastructure through an economic lens identifying who the users of a facility are, who is paying for it, and who is reaping the benefits of the infrastructure.

The NCHRP report identifies opportunities in processes such as functional classification review, access management, maintenance, and short- and long-range transportation planning to perform a rightsizing review. It also identifies nonrecurring agency-initiated processes which are typically where lane repurposing projects are identified.

3.1 Project Description

A project description is critical in informing FDOT on the current conditions of the roadway and the proposed changes to be made. A project description also includes information as to why a roadway should undergo lane repurposing. A critical component of the overall project description is the purpose of the project, which is discussed in further detail below.

3.1.1 Purpose

It is important to clearly state the purpose and goals of the proposed lane repurposing project because this will guide the evaluation criteria before and after the project is completed. [Section 5](#) provides four examples of differing project purposes. Typically, the purpose of these projects is to reconfigure the existing cross section to enhance other uses and travel modes. Lane repurposing projects often contribute to the economic development, livability, and vitality of a community. The recovered travel way can be used to accommodate other uses such as separated or buffered bicycle lanes, wider sidewalks, landscaping, on-street parking, bulb-outs, traffic calming, transit lanes, and pedestrian refuge islands.

Lane repurposing projects typically differ from one another, even if the overall goals are similar. For example, a project may involve the conversion of an existing undivided four-lane roadway to a three-lane roadway that includes two through lanes and TWLTL. Another project may involve converting a five-lane roadway (four travel lanes, TWLTL) to a three-lane roadway with on-street bicycle lanes and/or parking. In some cases, the

same number of lanes may even be maintained but narrowed to include bicycle lanes, on-street parking, landscaping, or wider sidewalks. [Section 5](#) profiles these and other types of lane repurposing projects. The purposes of these projects are similar, but the way they were implemented and the degree to which construction was required differed.

Lane repurposing projects are proposed for a wide variety of reasons based on factors such as traffic operations, safety, complete streets, bicycle and pedestrian accommodations, exclusive transit lanes, and community needs. In general, there are key evaluation factors that must be analyzed when considering the need for lane repurposing projects. The following list provides an overview of critical characteristics to be considered when providing justification that a candidate project should be advanced for future consideration.



ACCESS MANAGEMENT: Lane repurposing requires an analysis of the access management of the roadway to assess potential conflict points, medians, median openings, and driveways. A variety of considerations may need to be given to access management issues such as the operations of intersections; driveway alignments; access to private property and businesses; accessibility for pedestrians, bicycles and bus stop locations; curb ramps; and the location of new medians or refuge islands (if applicable) among others. [FDOT's Access Management Guidebook](#) and [FDM 214](#) should be referenced for further guidance and standards.



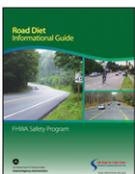
DESIGN CRITERIA: The [FDM 126](#) outlines requirements and key expectations for lane repurposing projects and compliance with FDOT and the AASHTO design criteria. Chapter 126 references the lane repurposing checklist and forms in [FDM 103](#) and information on FDOT [Design Exceptions and Design Variations \(FDM 122\)](#).



FUNCTIONAL CLASSIFICATION: A lane repurposing project may potentially impact the [Functional Classification](#) of a roadway, which could have many implications, such as federal funding eligibility ([NHS - National Highway System](#)), state and federal reporting requirements, project prioritization, and traffic analysis. Federal functional classification is the roadway classification recognized by FDOT and must be referenced when a lane repurposing project is being considered.



RIGHT-OF-WAY: Lane repurposing infers the re-use of roadway right-of-way for other applications, especially related to serving pedestrians, bicyclists, and transit users. Typically, there is not a need for right-of-way acquisition. The goal should be to analyze how all existing right-of-way can be maximized to support the new uses. However, the need for additional right-of-way requirements to accommodate turning lanes, medians, and landscaping enhancements should be analyzed. If there are any impacts to the sites around the project corridor, the [FDOT Transportation Site Impact Handbook](#) is a potential resource that should be referenced.



SAFETY: Lane repurposing projects, in general, have been demonstrated to reduce crashes, including fatalities, by all users while slowing average speeds and traffic exposure. Studies summarized in the [FHWA Road Diet Informational Guide](#) show a 19 to 47 percent reduction in overall crashes when a lane repurposing is installed on a previously four-lane undivided facility as well as a decrease in crashes involving drivers under 35 years of age and over 65 years of age.

One common justification for a lane repurposing project is to increase the safety for vulnerable road users throughout the project limits because the reallocation of space for all users and slowing traffic improves safety and quality of travel. Projects should include an analysis of several key safety-related elements such as lane width, turn lanes, crossing distances for pedestrians, bicycle lanes, accessibility to transit stops/stations, ADA accommodations, sidewalk location and width, intersection design, and on-street parking. It is also important for applicants to collect crash history (typically five years) including the number of incidents, type, severity (including pedestrians and bicyclists) and contributing causes, patterns, and locations.

This information can be collected online through the Florida Traffic Safety Portal, [FDOT Crash Analysis Reporting System \(CARS\)](#), or Signal Four Analytics a web-based crash mapping system used for analysis by law enforcement, traffic engineering, transportation planning agencies, developed by the GeoPlan Center at the University of Florida. Additional crash information is available from the Florida Department of Highway Safety and Motor Vehicles (DHSMV).

Applicants should indicate clearly within the concept report the purpose of their lane repurposing project and application, why it is important and the potential benefits that would occur after it is completed.

3.1.2 Project Location

Four-lane undivided roadways with AADT of $\leq 20,000$ are typically good candidates for a lane repurposing (e.g. converting to a two-lane, two-way road with a TWLTL, and bicycle facilities). However, projects are evaluated for lane repurposing feasibility on a case-by-case basis. Lane repurposing projects typically function well in areas with a robust local roadway network which can absorb some of the diverted traffic from the repurposing project. In cases where additional diverted traffic is not wanted on individual roadways, it may be necessary to utilize traffic calming techniques and/or median modifications to direct traffic. The concept report should include a map series showing the location of the project and nearby roads, land uses and other relevant information to aid reviewers in understanding the context of the proposed project.

Regional connectivity needs for traffic circulation are important to consider. Roadways which serve as evacuation and/or freight routes typically are not the best candidates for lane reductions without plans to reroute the evacuation and freight traffic. Other freight impacts that affect the success of a candidate project include a project located along an existing truck route, a roadway with over 10 percent truck traffic, and connection to a local freight corridor and/or the [Strategic Intermodal System \(SIS\)](#). Freight considerations are discussed in [Section 3.3.4.3 - Freight Routes](#).

The land use context of the proposed project is another important consideration. In implementing the [Complete Streets Policy](#), FDOT developed the [Context Classifications](#) (CCs) to ensure that "FDOT will routinely plan, design, construct, reconstruct and operate a context-sensitive system of Complete Streets." A series of eight different classifications shown in [Figure 3-1](#) were developed, ranging from natural areas to downtown urban spaces. Using these contexts together with transportation characteristics, transportation staff can provide and plan for an area's transportation needs in a more context sensitive manner.

Suburban context classifications that are likely to have roadways transitioning from more suburban development to a more walkable urban context are good candidates for lane repurposing projects. CCs in more urban areas may have lane repurposing projects with additional purposes. For example, a transit agency may wish to develop bus-only lanes and work with their local municipality to repurpose several lanes, or a downtown development authority may want to repurpose on-street parking spots for loading zones or TNC zones through their local government.

FIGURE 3-1 FDOT Context Classifications



C1 NATURAL: Lands preserved in a natural or wilderness condition, including lands unsuitable for settlement due to natural conditions.

C2 RURAL: Sparsely settled lands; may include agricultural land, grassland, woodland, and wetlands.

C2T RURAL TOWN: Small concentrations of developed areas immediately surrounded by rural and natural areas; includes many historic towns.

C3R SUBURBAN RESIDENTIAL: Mostly residential uses within large blocks and a disconnected or sparse roadway network.

C3C SUBURBAN COMMERCIAL: Mostly non-residential uses with large building footprints and large parking lots within large blocks and a disconnected or sparse roadway network.

C4 URBAN GENERAL: Mix of uses set within small blocks with a well-connected roadway network. May extend long distances. The roadway network usually connects to residential neighborhoods immediately along the corridor or behind the uses fronting the roadway.

C5 URBAN CENTER: Mix of uses set within small blocks with a well-connected roadway network. Typically concentrated around a few blocks and identified as part of a civic or economic center of a community, town, or city.

C6 URBAN CORE: Areas with the highest densities and building heights, and within FDOT classified Large Urbanized Areas (population >1,000,000). Many are regional centers and destinations. Buildings have mixed uses, are built up to the roadway, and are within a well-connected roadway network.

Source: FDOT Context Classifications

3.1.3 Area of Influence

Once the location of a lane repurposing project has been selected, the area of influence needs to be determined. The area of influence defines how the lane repurposing project may impact surrounding roadways and features during and after its construction. The overall impact on the transportation network that the lane repurposing project may have must also be determined. For example, repurposing a lane from four to two lanes may reduce vehicle speeds which could impact roadways in the network. Mitigation to address the significant adverse impact on roads in this area of influence may be needed. The area of influence or the method to determine it, should be agreed upon at the Initial Meeting.

3.1.4 Existing Conditions

Applicants must conduct an existing conditions analysis on the location chosen for the lane repurposing. For this analysis the following factors need to be considered: roadway functional classification, FDOT context classification, evacuation route, SIS designation, posted speed limits and average speeds, traffic data collection, signalized intersections, and existing levels of service (LOS). There are several documents which applicants can utilize for guidance on how to collect and review this data (See [Table 3-1](#)).

TABLE 3-1 Existing Conditions and Relevant FDOT Guidance

Existing Conditions Component	FDOT Guidance
Roadway Functional Classification	FDOT Transportation Data and Analytics Office
FDOT Context Classification	FDOT Transportation Data and Analytics Office – Roadway Characteristics Inventory Connect Ped Web Application
Evacuation Route	FDOT Emergency Management
SIS Designation	FDOT SIS Office
Posted Speed Limits/ Average Speeds	FDOT Transportation Data and Analytics Office
Multimodal Traffic Data Collection	FDOT Transportation Data and Analytics Office
Signalized Intersections	FDOT Traffic Engineering and Operations Office
Existing Level-of-Service	District Q/LOS Coordinators

There are several methods to collect data in addition to the resources mentioned in [Section 1.2 Resources](#) and [Table 3-1](#). Field visits are recommended as they can provide vital information on the project that may not be captured with online methods. For example, there may be a section of the roadway that becomes congested due to a specific driveway, or there may be a higher than average pedestrian volumes due to a transit stop or a business. Applicants should also plan on reviewing access management plans, transit development plans, parks and recreation plans, and local agency parking/downtown circulation plans for critical information on their project.

3.1.4.1 Typical Section

For lane repurposing projects, it is important to document the various characteristics of a roadway and to diagram them appropriately. One way of doing this is looking at a typical section of a roadway. Per [FDM 306](#), “Typical Section sheets provide detailed cross section depictions of the principal roadway elements that are standard between certain station or milepost limits.” Elements such as traffic data, roadway design, and any relevant notes are required principal roadway elements. For more information on these elements though, please refer to [FDM 306](#). Other features that applicants must collect are signage, pavement markings, on-street parking and signals within their project limits. This is to identify and catalog the existing conditions when considering replacement or enhancements. The best methods for collecting this data are to review as-built plans, design documents, and field investigations.

It is highly recommended that local agencies share the preliminary concepts with FDOT for review before presenting to the public. This is to verify the implementation feasibility and consistency with FDOT design criteria.

3.1.4.2 Roadway Functional Classification

Repurposing of a lane on a roadway can impact the functional classification of that road. A change in functional classification can be very significant because it could result in a gap in the continuity and connectivity of the system and affect planning, funding, traffic analyses, project prioritization, and state and federal reporting requirements. As such, potential changes to functional classification are key considerations in reviewing lane repurposing projects.

The primary guide for managing functional classifications for federal reporting purposes is FHWA’s [Highway Functional Classification: Concepts, Criteria and Procedures](#) document, which was updated in 2013. There are key differences between the 2013 document, the original 1989 document, and the 2008 interim guidance document that may continue to impact functional classifications in Florida (e.g., the ongoing designation of Urban Minor Collectors). The 2013 document notes that federal functional classifications should reflect existing conditions, not future conditions. That is, a federal functional classification change should occur after the associated roadway project concludes. The federal functional classification system is the only functional classification recognized by FDOT. Other agencies in Florida, as well as local governments, may have their own functional classification systems.

The FHWA document is supplemented by a document prepared by FDOT’s Transportation Data and Analytic Office (TDA), FDOT’s [FHWA Urban Boundary and Federal Functional Classification Handbook](#). The FDOT Handbook describes the process for assigning and revising functional classifications (a process wherein ADT, access, and system continuity are criteria) and provides sample forms. It notes that the reclassification of U.S. highways requires coordination with AASHTO, and it states that functional classification changes should occur before system designation changes occur. FDOT also publishes the [Functional Classification and Urban Boundary Maps](#) which provide detailed roadway classification information. The urban boundaries designate if a roadway segment is located in a rural or urban area and whether or not it is within a municipality.

Changes in functional classification of a roadway can affect the funding eligibility of the roadway. Under the FAST Act, [Surface Transportation Block Grant \(STBG\) funds](#) can be used on any “Federal-aid highway, bridge, and tunnel projects on any public road” as well as “pedestrian and bicycle infrastructure and transit capital projects, including intercity bus terminals.” In general, the only roads upon which STBG funds cannot be used are Local streets and Rural Minor Collectors. However, downgrading the functional classification of the affected roadway as part of the lane repurposing project will likely not impact the potential to receive future STBG funding for the roadway. The FHWA Division Office should be consulted if there is a question about this, particularly if FDOT intends to transfer jurisdiction of the roadway to a local government (in which case the local government would be responsible for future improvements).

Changes to federal functional classifications related to lane repurposing projects may originate with FDOT District staff, an MPO/TPO, or a local government. Local government requests for federal functional classification changes typically occur through an MPO/TPO. The changes must be reviewed and approved by FDOT and then by FHWA.

3.1.4.3 Access Management

Lane repurposing projects may need to include access management plans that eliminate, consolidate, and/or relocate driveways to reduce conflict points. Reducing conflict points tends to improve traffic operations by helping vehicle traffic flow more smoothly and improve safety for all modes. Shared/joint accesses minimize the number of driveways and curb cuts, particularly in a downtown setting, which is important in maintaining a pedestrian/bicycle-oriented environment while managing vehicular traffic and safety. Another benefit to reducing the number of access points is that landscaped medians could replace a TWLTL; this might visually narrow the road, add green elements to the corridor, and enhance the aesthetics of the roadway.

[Chapter 14-97, F.A.C.](#) describes the access management classification system for the SHS, associated standards, and the process for modifying a roadway's access management classification. Where access spacing is increased due to driveway consolidation, however, there might not be a need to modify access management classifications. [FDOT's Systems Implementation Office](#) has developed a new [Access Management Guidebook](#) and maintains the [FDOT Access Management Classification KMZ file](#) which provides current access management classifications for roadways on the SHS.

3.1.4.4 Regional Connectivity

Throughout the state, there are regional networks that utilize the state highway system. For example, emergency evacuation routes or freight routes/SIS connections could potentially interact with roadways that are within the project limits. Other regional networks could be passenger rail, premium transit routes, Bus Rapid Transit (BRT), Shared-Use Nonmotorized Trail (SUN Trail), or regional trail networks. It is important that applicants accurately note these networks within their concept reports as any omission could potentially omit a critical stakeholder. The best methods for collecting this data are to review FDOT and local transportation plans.

3.1.4.5 Evacuation Route

Careful consideration must be given to the decision to eliminate a travel lane in potential evacuation areas. Evacuation is a special transportation circumstance that can be planned for in areas especially prone to disasters, such as coastal areas during hurricanes and locations with specific security threats (institutional areas, heavily-visited tourist attractions, and other buildings/areas designed to hold large crowds during special events). [FHWA's Manual on Uniform Traffic Control Devices \(MUTCD\)](#) calls for a state or locally developed contingency plan that considers "the use of all applicable roadways" in the event of an emergency evacuation. It also calls for "a controlled operation of certain designated highways" and "the establishment of traffic operations for the expediting of essential traffic."

Potential negative impacts on evacuation resulting from lane repurposing can be mitigated by leaving the full required paved roadway width anticipated by the emergency evacuation plan. Lane width changes, striping of bicycle lanes, and striping of painted buffer areas are types of improvements that generally do not physically reduce the paved width of the roadway and, thus, are the optimal type of lane repurposing strategy if located within an evacuation area.

While evacuation events are not everyday occurrences and the effects of a lane repurposing on their success have not been comprehensively examined, the consequences for evacuating and emergency vehicles have been raised during several studies of actual lane repurposing projects. Some types of lane repurposing (specifically four-to-three conversions and bicycle lane addition/conversion from parking) are preferred by emergency responders because they enable emergency vehicles to use an intuitive path (i.e., the TWLTL) and mitigate confusion by other drivers.

3.1.4.6 SIS Designation

The SIS is a high priority network of facilities which are allocated a significant portion of FDOT resources. These facilities contribute to the economic growth and mobility of the State of Florida. If a roadway falls under SIS designation, special considerations may need to be taken. The [FDOT SIS Atlas](#) can be used as a reference to determine if a roadway that will be repurposed is part of the SIS, or is planned to be added or dropped.

3.1.4.7 Posted Speed Limits and Average Speeds

Data on posted speed limits and average speeds need to be reviewed and collected as part of the existing conditions review. Due to the nature of lane repurposing projects, it is possible that the speed limit and average speeds will likely decrease. This information will impact traffic and safety analyses, which are critical components of the concept report.

For example, if the average speeds on the roadway are significantly higher than others, there may need to be a discussion on the appropriate roadway elements (i.e., a physically separated bicycle lane may be more appropriate than a painted bicycle lane). Also, this information will be required for any potential LOS analyses that are conducted. Finally, if there are to be any before/after studies of the corridor, it would be critical to know whether or not speeds greatly changed over time.

3.1.4.8 Traffic Data Collection

In order to understand the impacts of lane repurposing projects, traffic data needs to be obtained to better understand the roadways within the project limits. Traffic data collection can help to understand the current and future impacts that a lane repurposing project may have on a specific roadway and the overall network. For more information on this concept, please refer to [Section 3.3](#) of this guidebook. Much of the data and information collected will be used for the traffic analysis portion of the concept report.

A critical piece of data for a lane repurposing project is existing and projected/forecasted traffic volumes for the roadways within the project limits. Four-lane undivided roadways with AADT \leq 20,000 are typically good candidates for a lane reduction (e.g., converting to a two-lane, two-way road with a TWLTL). However, projects are evaluated for lane repurposing feasibility on a case-by-case basis. The best method for applicants to collect this data is through the FDOT Traffic Online, traffic count studies, and turning movement count studies. For bicycle and pedestrian count data, applicants can conduct field studies or utilize the FDOT Non-Motorized Traffic Monitoring Program resources. It is also important for applicants to review the Project Traffic Forecasting Handbook (See [Table 3-1](#) for more information).

3.1.4.9 Signalized Intersections

Another factor that needs to be reviewed are the locations of signalized intersections within the project limits. These roadway elements have a significant impact on the safety and traffic analyses to be conducted as part of the concept report. For example, to fully understand potential impacts of the proposed modifications within the concept report, and as part of the safety analysis, operational impacts are reviewed. Impacts which increase the delay of traffic moving through a signalized intersection affect the safety of roadway users and how it operates. It is important that applicants collect relevant information for signalized intersections for their projects.

3.1.4.10 Existing Level Of Service (LOS)

LOS is one way to represent how well transportation facilities are operating for all users and is expressed through a scale of the letter A-F with A representing free-flow conditions and F representing operation at or above the roadway's capacity. The Department has adopted Level of Service targets for the State Highway System during peak travel hours. [Policy 000-525-006 Level of Service Targets for the SHS](#) sets these targets. FDOT's Quality/Level of Service (Q/LOS) Handbook provides guidance for roadway capacity and quality/level of service for planning-level analysis. It is important to understand the existing LOS because by repurposing a lane the vehicular LOS can worsen, leading to possible congestion. It is important to have an accurate representation of existing LOS because lane repurposing can increase congestion, resulting in declining LOS values. Conversely, the LOS for other modes may improve as a result of the repurposing. In order to evaluate the effects of the project, an existing conditions LOS analysis is needed. The extent of this analysis will be discussed in the Initial Meeting.

3.1.4.11 Local Agency Maintenance Needs

Lane repurposing applicants may also have maintenance considerations within their project limits. Depending on the project and the proposed modifications by the applicant, considerations such as right-of-way for maintenance access and specifications for signal/pedestrian equipment may be required. The best method for collecting this information is to conduct field investigations and review any relevant documentation from any agencies that service this infrastructure.

3.1.4.12 Utilities

It is important that applicants collect data on any existing and planned utility infrastructure throughout their project limits where available. If a roadway were reconstructed, and a pipeline would require maintenance soon after that, it would be inefficient and potentially lead to unnecessary costs. The best methods for collecting this information is to review existing utility plans and [Sunshine811](#).



Worth Avenue, Palm Beach, Florida

3.2 Proposed Modifications

As part of the concept report, applicants must provide a detailed review of the proposed modifications to the roadway that is being studied. A conceptual design of the roadway including a typical section and intersection designs are necessary, as well as any proposed changes to the design speed limits or posted speed limits. Also, these proposed modifications must be consistent with statewide and local planning documents. If there are any inconsistencies which require design variations or exceptions, then those must be detailed as well.

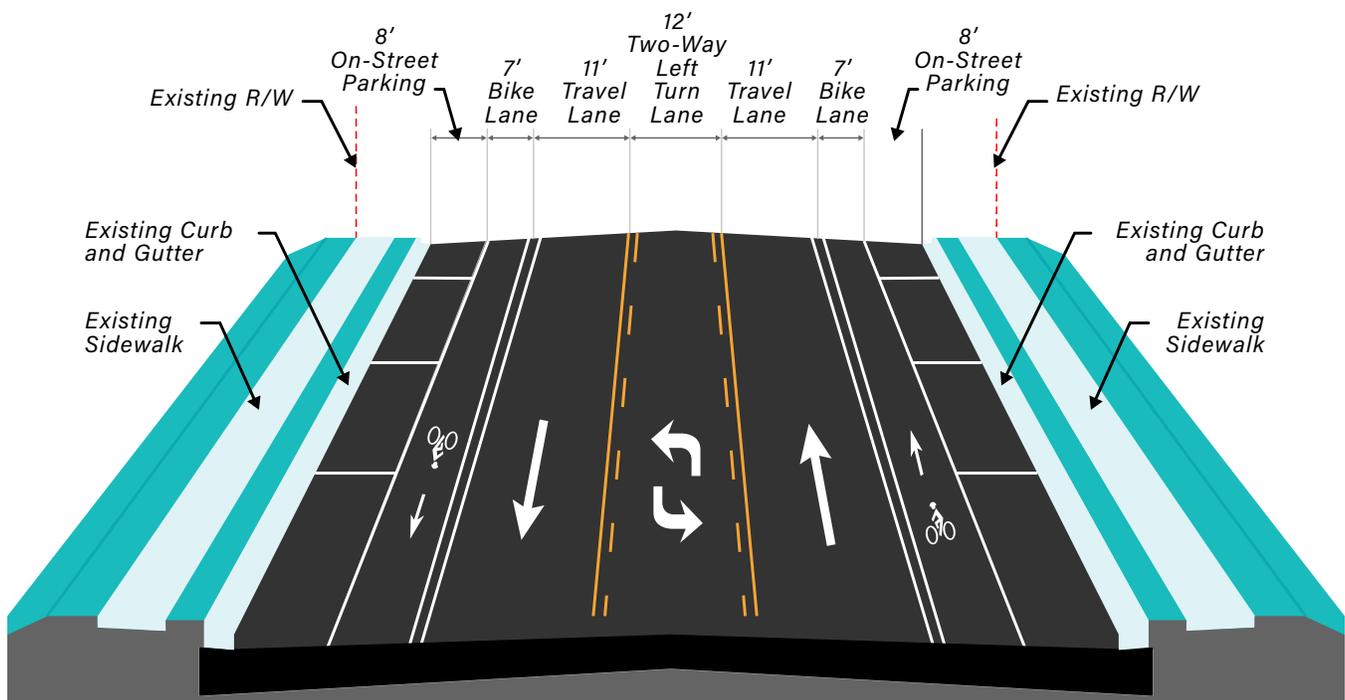
3.2.1 Conceptual Design

Within the concept report, applicants must lay out the proposed modifications to the roadway with a Conceptual Design. This includes at least two components: the typical section of the roadway and any changes that would be recommended for the intersections.

3.2.1.1 Typical Section

As discussed in [Section 2](#), typical sections are meant to convey specific roadway design elements for FDOT staff. A concept report should include typical sections of the roadway that are designated within the project limits. These typical sections should include the existing conditions as well as the proposed typical sections based on the analyses that are conducted for the concept report.

FIGURE 3-2 Typical Section Example



Source: SR 10 Lane Elimination Request FPID 439729-1

3.2.1.2 Intersection Design

Any changes to intersections, such as reduced widths, shorter crossing distances, improved sight distances, parking removal, special bicycle and pedestrian phasing, corner clearance, or other roadway design elements, should be notated within this section of the concept report.

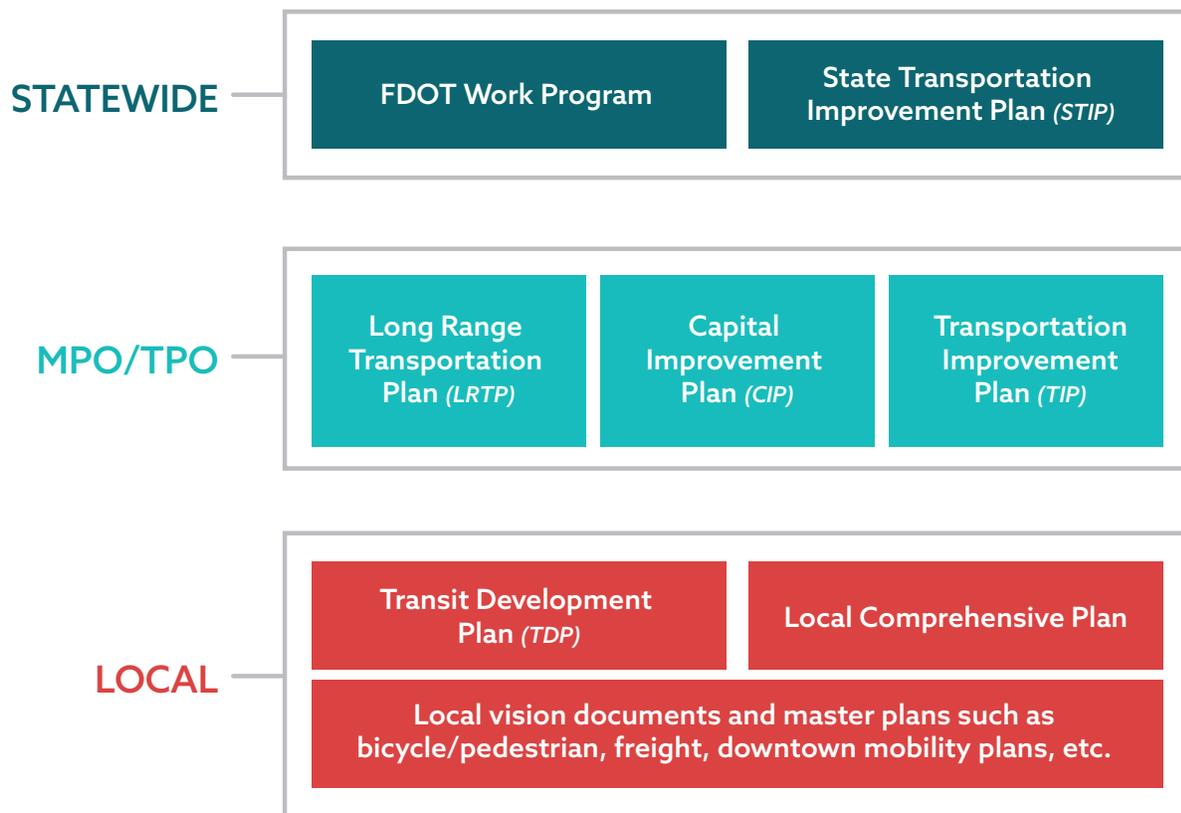
3.2.2 Changes in Design and Posted Speed Limits

Based on the traffic and safety analyses that are conducted, it may be necessary to reduce the design and/or posted speed limits of the roadways. These reductions in speed should be noted within the concept report. There is also a potential need for spot-speed studies to justify these changes because of frequent violations of the posted speed.

3.2.3 Consistency with Local Plans

Consistency with the FDOT planning process is crucial to project implementation. Lane repurposing projects typically begin with the identification of a need or issue to be addressed, such as improving safety and pedestrian/bicyclist access or promoting community redevelopment. Proposed lane repurposing projects should be consistent with adopted plans and programs. These plans and programs vary based on the level of government, as well as scope. See [Figure 3-3](#) for more information.

FIGURE 3-3 Relevant Programs and Plans for Lane Repurposing Projects



Source: FDOT

A proposed new cross-section for a given roadway should be consistent with: (a) the cross-section upon which the analyses that informed the above listed plans and programs are based and (b) any planned and programmed projects affecting that roadway. If the travel demand model underlying the long-range transportation plan (LRTP) assumed that a roadway for which lane repurposing is proposed would have a six-lane cross-section in the long term, reducing the cross-section to four lanes is not consistent with the LRTP.

If the Work Program shows that funding has been obtained to widen a given roadway from four lanes to six lanes, lane repurposing is not consistent with the Work Program. If the Transit Development Plan (TDP) shows that a given roadway is planned to have dedicated bus lanes in the future, eliminating through lanes may make it infeasible to implement the dedicated bus lanes, so lane repurposing is not consistent with the TDP.

Applicants may use the annual public comment for the new FDOT Tentative Five-Year Work Program as an opportunity to inform the Department of possible lane repurposing opportunities that coincide with proposed projects. If a proposed lane repurposing project is not consistent with an adopted plan or program, the lane repurposing may be infeasible or the adopted plan or program must be amended or modified. The amendment processes for the above listed plans and programs involve the following:

WORK PROGRAM – Amendments must occur in accordance with Section [F.S. 339.135](#) of the Florida Statutes (F.S.). See Part III, Chapter 3, of the [Work Program Instructions](#) for detailed information about the process, the types of amendments that are possible, and the conditions under which amendments are allowed.

STIP – Amendments must occur in accordance with [23 CFR 450](#). Chapter 5 of FDOT’s [Metropolitan Planning Organization Program Management Handbook](#) notes that each MPO/TPO’s TIP is incorporated into the STIP and includes a section on TIP and STIP amendments. Chapter 5 describes conditions under which a STIP amendment is required and the amendment process. Additional information about STIP amendments and administrative modifications is available from the [FDOT Office of Work Program and Budget](#).

LRTP – Amendments must occur in accordance with the [Code of Federal Regulations \(CFR\) Title 23 Part 450](#) and [F.S. 339.175](#). FDOT’s Office of Policy Planning has also prepared a document that specifies thresholds at which proposed changes to LRTP projects require an amendment to the LRTP; amendments may be required based on changes in project cost, changes in the project schedule, changes in project scope, and deletion of a cost feasible project from the LRTP. Also available from the Office of Policy Planning in Chapter 4 of FDOT’s [Metropolitan Planning Organization Program Management Handbook](#), which includes a section on LRTP administrative modifications and amendments. An “administrative modification” is a change that is less significant than an amendment.

TIP – Amendments must occur in accordance with [23 CFR 450](#) and [F.S. 339.175](#). Chapter 5 of FDOT’s [Metropolitan Planning Organization Program Management Handbook](#) includes a section on TIP amendments. Chapter 5 describes conditions under which a TIP amendment is required and the amendment process. Administrative TIP amendments do not require the approval of the full MPO/TPO board.

TDP – TDPs undergo major updates every five years and minor updates annually. Both types of updates provide an opportunity to maintain consistency between TDP projects and proposed lane repurposing projects. TDP updates occur according to Florida Administrative Code ([F.A.C.\) Rule 14-73.001](#) and are required to be consistent with the LRTP and the local comprehensive plan.

COMPREHENSIVE PLAN – Local government comprehensive plans may be amended at any time. The timing of amendment submittals will vary by jurisdiction. The Florida Department of Economic Opportunity (DEO) provides information about amendment review processes and time frames. [F.S. 163.3177](#), states the requirements that comprehensive plans are to meet. [F.S. 163.3184](#), provides information about FDOT’s role in reviewing comprehensive plan amendments.

VISIONS AND MASTER PLANS – Amendment processes will vary by jurisdiction.

Lane repurposing projects may have to go through an environmental analysis depending on the improvements made to the corridor. During the Initial Meeting, the District and applicant will determine if the NEPA process needs to be followed. If a project is required to follow the NEPA process, the [FDOT PD&E Manual](#) should be referenced as a key resource. This document includes an understanding, determination and project development process from planning to design to construction. A proposed lane repurposing project may be determined to be infeasible if it is not consistent with one or more plans and programs. There are several other key items that should be considered by the stakeholders:

- The amendment processes may require public involvement, participation and approval of multiple agencies, revised fiscal analyses, and revised environmental analyses (in non-attainment and maintenance areas).
- Amending one of the above-listed plans and programs may require amending others (e.g., local comprehensive plans should be consistent with the applicable LRTP).
- A project that utilizes federal funding must be included in the TIP and STIP. Amendments to the TIP and STIP associated with such projects must be transmitted to FHWA.
- Environmental document approvals require consistency with the LRTP, TIP, and STIP.
- The amendment process can take several months.

3.2.3.1 Funding Types

There are several funding opportunities that are available to applicants for planning, designing, and constructing lane repurposing projects. Federal, state, local and private funds may be available. Applicants should document all forms of anticipated funding in their Concept Reports. Applicants should review any related adopted budgets, work programs, funding commitments, and right-of-way maps to ensure this information is collected and incorporated into their documentation.

Below are several examples of funding sources and how they are applicable.

- Programmed funds
 - Five Year Work Program, Capital Improvement Program (CIP), Transportation Improvement Program (TIP)
 - Funding commitments – any established funding priorities
- Lane repurposing projects can be incorporated into other programmed project types to achieve cost and time savings such as:
 - Resurfacing, Restoration, and Rehabilitation (RRR)
 - Reconstruction
 - Restriping (signage and pavement markings)
 - New or widened sidewalk
 - Addition of transit accommodations
- Other potential funding sources for lane repurposing projects include Federal Transit Administration (FTA), other transit funding sources, grants, local option sales tax revenue, tax increment funding, etc.

3.2.4 Design Variations and Exceptions

Potential design exceptions and design variations will be required for cross-section elements that do not meet design criteria to ensure the safety of proposed improvements. There may also be a need to request a design variation or exception along the roadway(s) due to changes in standards over the years or roadway limitations. If the lane repurposing project is within the planning phase and not the design phase, then list the anticipated design variation or exception within the concept report.

3.3 Traffic Analysis

Lane repurposing projects will affect traffic by altering the capacity of the roadway via removal of one or more lanes. This effect may impact the study corridor only or it may ripple to adjacent roadways. The purpose of the project will influence how traffic impacts are prioritized when evaluating performance. Since traffic analysis can require a substantial amount of time and resources, it is important to develop an analysis approach. This section describes attributes of traffic analysis for lane repurposing projects in order to help streamline the analysis.

3.3.1 Traffic Forecasting Methodology

In order to determine the impacts of repurposing lanes it is important to first understand the traffic patterns and potential growth of traffic in the study area. Preparing a traffic forecast allows for a comparison between the Build and No-Build scenarios for existing and future conditions. [FDOT's Project Traffic Forecasting Handbook](#) is a useful tool in this process. It provides a guide to forecasting traffic with and without a travel demand model; different methods for collecting, estimating, and adjusting traffic data; and, methods for estimating turning movements. Applicants should account for background traffic growth from planned development if this is not captured in the long-range travel demand model.

Two important considerations are the size of the area under study and the level of accuracy needed. These two elements will determine the intensity of the data collection and processing. The area size will be somewhat apparent based on the limits of the proposed alternative, but consideration should also be made to potential impacts to traffic patterns by determining alternative travel routes that may also need to be analyzed. The level of accuracy needed will be determined by how the impact to traffic is prioritized. For example, if the traffic impact is a critical component in decision-making, then traffic forecasting may need to be to the level of turning movements at intersections, which affords greater opportunity for the evaluation of traffic operations and safety, requiring more data and effort to perform the analysis. If traffic impact is less critical, then simple capacity estimates at the AADT level may suffice. Vehicle-miles-traveled (VMT) is another metric by which the traffic can be analyzed by an applicant. It is recommended that if an applicant wishes to focus on VMT reduction in lieu of, or to supplement a LOS analysis, that they discuss this with their DLRC in the beginning stages of the project to determine its feasibility.

3.3.2 LOS Analysis of Build Alternative vs. No-Build Alternative

The Project Traffic Forecasting Handbook states that: "The Level-of-service (LOS) analysis should be performed in accordance with the most recent versions of the [FDOT Quality/Level-of-Service \(QLOS\) Handbook](#) and [Highway Capacity Manual](#) (HCM) methodology."

LOS analysis is a common measure of system performance that prioritizes the user experience as a metric for how well a roadway is performing, sometimes penalizing bicycles, pedestrians, and transit as impediments to automobiles. The latest editions of the HCM and QLOS Handbooks provide methods for measuring the performance of these modes as well. Lane repurposing projects that include an impact to public transit should incorporate person throughput as a performance measure because it places a more direct relationship

between the capacity of the roadway and the mode best capable of getting people from origin to destination. This is particularly important for new Bus Rapid Transit (BRT) and other premium transit corridors because premium transit service provides opportunities to more people than automobiles or traditional bus service and improving BRT service can substantially increase corridor capacity, improve transit time reliability, and reduce the average per-person trip time. Evaluating person throughput requires a different set of data than other methods, but this data should be possible to collect from travel demand models and other ridership and forecasting sources. When person throughput cannot be fully evaluated based upon data, comparative data demonstrating differences between travel times for different modes, such as automobile and transit travel times, may also provide beneficial information to support lane repurposing applications. FDOT's [Traffic Methodologies for Bus Rapid Transit Corridors: Recommended Guidance](#) contains more information related to the application of BRT to lane repurposing projects.

In developing LOS analyses, both existing base year data and future year volumes are both important in decision-making processes. Initial coordination efforts on lane repurposing between agencies and FDOT District staff should determine the appropriate base and future year, or years, to utilize. These determinations should be made based not only on the Build Year of the project but may also consider long-range planning goals and objectives depending on the project. An additional or alternate analysis could examine the impacts of the project on VMT reduction rather than just LOS. The regional models that calculate LOS will also calculate VMT, in many or most cases. VMT reduction can capture the transition to different modes as well as the use of shorter trips (such as those that take place off the SHS.)

Traditionally LOS analysis has focused on maintaining vehicular LOS targets alone. Projects that improve overall person throughput and capacity of a corridor, and serve regional and local long-range planning goals, should be considered for congested corridors where further roadway widening is not possible to address continued LOS target degradation. In these cases, comparative analysis of LOS results as well as person throughput, overall transportation capacity, and travel time changes between modes should be considered rather than strict adherence to maintaining established LOS thresholds. For instance, while LOS D may be an established threshold for performance, in congested corridors where there is little ability to improve LOS targets in the future, allowing for some further degradation of LOS targets may be appropriate to provide overall corridor system capacity and performance. These congested corridors are also where benefits from offering alternative transportation options are often most successful. District staff reviewing LOS, and other person throughput and comparative modal analysis, should consider these factors in evaluating the feasibility of proposed lane repurposing projects. In these cases, other factors such as maintaining multimodal operations and safety become more important in evaluating lane repurposing than simply maintaining established LOS thresholds.

3.3.3 Delays, Volumes, Queues Analysis

The process of developing the LOS analysis will require the estimation of traffic volumes and result in calculations of delay and vehicle queuing at intersections. Methods for collecting traffic volumes and estimating delay and queuing are discussed in FDOT's [Traffic Analysis Handbook](#) and can be done manually or through automated processes depending on the scope of the project.

Delays, volumes, and queues are methods of evaluating traffic impact from different perspectives or for different priorities: volumes are used to measure congestion and estimate traffic flow; delay is the criteria used to categorize LOS and is oriented to the driver experience; queuing is the result of the interaction of traffic delay and volume and is another way to express the impact to the traffic system while also highlighting the secondary impact to connectivity, i.e. blocking driveway and median openings. The extent to which these factors are a priority should be agreed upon at the beginning of the project in order to determine the appropriate means of data collection and analysis.

3.3.4 Transportation Network/Corridor Impacts

Lane repurposing projects may alter the capacity of a corridor by reducing the number of lanes, which can reduce the number of vehicles that can traverse the corridor. While the intent of the project may be non-traffic related and the corridor may not be experiencing congestion prior to repurposing, reduction in capacity reduces the LOS thresholds, meaning a smaller volume of traffic is now required to cross the threshold. This is why traffic forecasting is important as it helps gain an idea about the potential for future traffic to meet these reduced thresholds.

In some corridors, the impact of lane repurposing may have a minimal impact to adjacent roadways and alternative parallel routes may not exist. In these cases, limited or more simplified methods of estimating transportation network impacts may be deemed appropriate. These analyses and desired methodologies should be discussed in the Initial Meeting and based on the specific conditions of the proposed lane repurposing project and context of the transportation network.

In some cases, the effects of lane repurposing may also have an effect on the transportation network by rerouting traffic to parallel corridors where similar destinations are served. For example, lanes on congested corridors may be repurposed for transit projects due to their higher person throughput. While the intent may be to capture more ridership on the corridor, traffic volumes will not immediately be replaced by transit vehicles and drivers will find new routes to their destination if they perceive the LOS on the existing route to be intolerable. This can mean an increase in congestion on parallel corridors and highlights why it is important to have a good understanding of existing conditions and traffic patterns on potential alternative routes in the network. It's critical to understand the network itself and the available capacity to all modes. For example, if a lane repurposing is implemented and intersections are made smaller throughout the corridor, there may not be an overall capacity reduction if walking and bicycling increases due to the shortened crossing distances, bicycle lanes or other infrastructure. Verifying this change in capacity would likely be a key component of any before/after studies that are conducted by the applicant.

Estimating the corridor impact can be a simple process of evaluating corridor capacity using methods outlined in the HCM or QLOS Handbook, or it can be a more complicated process of reassigning traffic across the network or developing microsimulation models to evaluate complex congestion conditions. Refer to FDOT's [Traffic Analysis Handbook](#) for a more thorough discussion of the effort required for HCM and microsimulation methods to better assess the potential needs of the project's traffic analysis. The level of microsimulation needed, whether corridor wide or at specific areas and intersections within a corridor under evaluation, should be determined as part of project initiation meetings and based on specific project concerns and conditions. While corridor-wide microsimulation can be a valuable and more in-depth tool to evaluate an entire corridor, it is also a more costly level of analysis and should be based on the needs for assessment of the project under evaluation.

3.3.4.1 Pedestrians/Bicyclists – Bike Lanes, Sidewalks and Multimodal Connectivity

While previous discussion has centered on the effect of lane repurposing on existing and future vehicular traffic, it is necessary to measure and evaluate the effect of the lane repurposing on pedestrians and bicyclists. In most cases the purpose of a proposed project includes reallocating roadway space for improvements to bicycle, pedestrian, and transit modes. The analysis should consider existing and proposed pedestrian circulation, mid-block and signalized intersection crossings, transit connectivity and crash data. The need for dedicated bicycle facilities and/or shared use paths should be determined based on bicycle volumes and circulation data, network connectivity, and crash data. Data on existing, nearby and future on-street parking should be included in this analysis as warranted. The multimodal network analysis should consider mobility service providers such as e-scooter, dockless bicycles and other modes that lend themselves to first/last mile service. Successful public involvement efforts should lead toward community accepted proposed treatments for these modes. The traffic analysis in the concept report should demonstrate that these treatments will achieve the desired purpose of the project. For example, if there are trip generation points for non-motorists (beaches, park, boardwalks, plazas), then those should be included within the analysis as well.

As with the vehicular traffic analysis, the level of detail, precision, and complexity of the analysis should be scaled to the scope of the project. FHWA has recently published the [Guidebook for Developing Pedestrian and Bicycle Performance Measures](#) which includes a matrix of 30 measures which are tied to many potential projects goals such as:



FDOT also provides multimodal quality/level of service measurement tools and the [Statewide Non-Motorized Traffic Monitoring Program](#). In addition, many local governments have pedestrian and bicycle plans which establish milestones for measuring progress. Lane repurposing projects should be consistent with these plans.

Though proposed projects should meet the design standards in [FDM 222](#) Pedestrian Facilities and [FDM 223](#) Bicycle Facilities, these are minimum standards. If the goal of project is to create a vibrant walkable environment to encourage economic development and exercise, minimum standards may not be optimum standards.

The details of the multimodal analysis and evaluation criteria for existing and future conditions will be decided at the Initial Meeting with the District Review Team.

In the rare case that no bicycle facilities can be accommodated on the proposed corridor, evaluation of bicycle facilities on alternate routes should be investigated and a design exception must be proposed. Additional coordination with stakeholders is essential.

3.3.4.2 Transit Routes and Bus Rapid Transit

Transit is often a key component of a lane repurposing project. The focus can range from improving pedestrian safety while accessing a bus stop to dedicating a lane for bus rapid transit use exclusively. If transit is present or proposed on a lane repurposing project, it is important to have the transit agency represented in the project planning process. If the lane repurposing is being championed by a transit agency to accommodate BRT or other premium transit service, then it is important for the lane repurposing process and the transit planning process to be connected. FDOT has produced [Traffic Methodologies for Bus Rapid Transit Corridors: Recommended Guidance](#) which should be referred to when developing traffic analysis procedures for BRT-driven lane repurposing projects. Any transit related projects will also receive CO Public Transportation Office review. It is essential that District Modal Development or Public Transportation staff be part of the DLRC for these projects.

BRT is a cost-effective transit solution which improves transit travel times and reliability while utilizing existing roadway infrastructure. It also provides design flexibility to adapt to specific roadway conditions and user needs. It provides an array of transit running way solutions – from exclusive busways to dedicated lanes to mixed flow bus with general traffic operations. Other major elements of BRT corridors may include traffic signal priority, off-board fare collection, elevated platforms, and enhanced stations. Implementation of these features can provide a faster and more reliable transit service that allows buses to avoid typical causes of delay for regular bus services, such as delays due to general traffic congestion and long dwelling times at stops as passengers wait to pay for their trip on board.

Since BRT projects propose to operate on existing roadways, a key area of analysis in the planning and environmental processes for these projects is an assessment of transportation and other corridor-level issues and impacts, including an analysis of traffic impacts.

Current FDOT [Transit Concept and Alternatives Review](#) processes and NEPA (for FTA funded projects) and the FDOT Project Development & Evaluation (PD&E) Manual (for state and locally funded projects) provide guidance on these planning processes from early planning and Transit Concept and Alternatives Review (TCAR) to environmental review under NEPA and/or PD&E planning phases.

FDOT'S [Traffic Methodologies for Bus Rapid Transit Corridors: Recommended Guidance](#) provides traffic analysis methods and agency coordination processes for planning-level analyses of BRT projects on arterial roadways in Florida. Its intent is to facilitate streamlined and consistent approaches for traffic analysis methods and coordination. The [FDOT Accessing Transit Handbook](#) provides applicants guidance on locating, designing and accessing transit stops and infrastructure facilities, in addition to the guidance within this guidebook.

Traffic analysis methods can become disjointed with lane repurposing projects due to differences in funding sources and methods. This can result in unintended consequences, duplicative analyses, increased cost, and delay. By following FDOT's recommended guidance it is possible to align the two planning processes.

3.3.4.3 Freight Routes

The Florida Statutes task FDOT with several different responsibilities regarding freight movement. FDOT must conduct studies and provide coordination to assess needs associated with landside ingress and egress to port facilities. FDOT must also assist with local governmental entity coordination to ensure port facility access routes are properly integrated with other transportation facilities. Finally, FDOT must emphasize freight issues and needs in all appropriate transportation plans, including the FTP and the SIS Plan.

Freight activity is a critical consideration with regards to lane repurposing projects because these projects impact roadway geometry and access to intermodal centers and businesses. Freight organizations and carriers may be concerned about increased congestion leading to increased truck delay and decreased truck reliability associated with lane repurposing projects on truck routes. While the effect of lane repurposing on freight delay should be closely considered before lanes are eliminated, additional coordination should be undertaken with the freight community even if the lane repurposing project is not expected to increase the delay.

In Florida and other states, truck routes can be officially designated by local authorities, with routes being identified using a combination of engineering and community input. The simplest way to avoid a conflict between truck routes and a lane repurposing project is to design for the design vehicle, but this may not always be possible given the goals of the lane repurposing project. If trucks can no longer be accommodated safely or efficiently on a truck route after a lane repurposing project is implemented, then any truck route designation should be moved to an alternative route and the section where lanes have been eliminated be signed with truck prohibitions or restrictions.

Improvements may be needed to accommodate trucks on alternate routes. Delivery zones and loading areas may need to be modified or relocated. The [ITE Curbside Management Practitioners Guide](#) provides current guidance and best practice examples. Future land use plans may include projects that will generate a high level of truck traffic. All of these potential changes and affects must be reviewed when proposing lane repurposing projects.

3.3.4.4 Nearby Jurisdictions and Local Roadways

The impacts of a lane repurposing project can manifest outside of the corridor in which the lane repurposing project is located. These impacts may also extend into adjacent communities and jurisdictions. These include impact on traffic operations in adjacent jurisdictions such as increased congestion due to diverted traffic and transportation safety of all modes.

It is necessary to establish a methodology to measure these impacts in the Initial Meeting and document these factors in the concept report. The scale of the project will dictate the level of detail for this analysis. Experience has shown that successful lane repurposing projects which impact adjacent jurisdictions include these jurisdictions in the planning and public outreach efforts.

The analysis typically will be to measure the effect of lane repurposing on planned and programmed transportation projects in an adjacent jurisdiction and, conversely, the effects of adjacent jurisdictions planned and programmed transportation projects on the segment where through lanes are to be repurposed. The analysis should include both near and long-term assessments, adjacent jurisdictions' LOS standards and associated comprehensive plan amendments which require extra-jurisdictional coordination. The results of this analysis could determine if mitigation may be needed in the future to address the significant adverse impact on roads in this area of influence.

Experience has shown that successful lane repurposing projects which impact adjacent jurisdictions include these jurisdictions in the planning and public outreach efforts.

The first step of the analysis is to agree on the impact area. After this, agreement on the methodology for predicting changes in traffic patterns needs to be set.

If using a validated regional travel demand model, the purpose of the analysis should be stated. Typical uses of the analysis would be to identify existing and future regional and corridor-level travel patterns and volumes, identify key congestion points system-wide that need to be considered in further corridor-level analysis, and to understand existing and anticipated modal shift and travel growth given existing and anticipated land use assumptions.

Though the model should have been validated in the most recent LRTP, there will likely be a need for consensus on whether the model be further calibrated to match corridor or local area conditions. More information on this calibration can be found in FDOT's [Model Calibration and Validation Standards Report](#) and [Project Forecasting Handbook](#). This can relate to assumptions regarding the use of model outputs, variations in growth patterns based on local knowledge, or planned projects not incorporated into the area wide model. Note that the scenario evaluations should be fully related to the proposed lane repurposing project, not general evaluations of traffic improvements for more efficient operation.

Scenario evaluations should be fully related to the proposed lane repurposing project, not general evaluations of traffic improvements for more efficient operation.

Where a detailed assessment of the proposed project on adjacent roadways and local streets is needed, it could be necessary to perform a diversion analysis with a regional or sub-area travel demand model, through agency knowledge of travel patterns, additional in-field data assumptions, and often a combination of these methods. Anticipating changes based upon agency experience can be an effective method where the roadways have been built within a strong grid system, making it easier to identify alternative routes. Because methods employed may vary from project to project and rely, at least in part, on local knowledge for inputs, the assumptions to be used for this type of analysis should be agreed on in advance between FDOT, jurisdictional agency (the applicant), the transit agency, and consultant teams.

3.4 Safety Analysis

Lane repurposing projects, in general, have been demonstrated to reduce crashes, including fatalities by all users, while slowing average speeds and reducing traffic exposure. Projects are typically proposed on corridors which demonstrate some of the following characteristics related to safety:

- High crash numbers and rates;
- High crash locations by type;
- Rear-end crashes from left-turning vehicles;
- Left-turning vehicles stopped in the inside travel lane;
- Sideswipe and angle crashes due to lane changes;
- Pedestrian and bicycle crashes;
- Wide crossing distances for pedestrians and bicyclists; and
- High differential in speeds in travel lanes.

3.4.1 Safety and Operational Impacts

Safety and operational considerations and evaluation metrics will be agreed upon between the district Review Team and the applicant in the Initial Meeting. These may be key considerations in identifying the goals for a lane repurposing project.

According to studies by FHWA, under most AADT conditions, lane repurposing (of one through lane per direction) seems to have minimal effects on vehicle capacity because left-turning vehicles were moved into a common two-way left-turn lane (TWLTL). Four-lane roadways with AADT of up to 20,000 (or up to 1,750 vehicles per peak hour) have been shown to be good candidates for a road diet (lane repurposing). Four-lane roads with AADTs higher than 20,000 should be evaluated for feasibility on a case-by-case basis.¹ Similarly, of the before-and-after studies conducted, little to no changes in vehicle LOS were seen for roadway segments and intersections, while achieving the desired effects of slower vehicle speeds and fewer crashes. When a street is converted to two lanes, this helps to calm traffic, in part by eliminating the opportunity for passing and in part because the slower drivers set the speed.

3.4.2 Crash Data Analysis

Applicants should conduct a 5-year crash analysis of the corridor to determine the specific types of crashes. This due diligence is performed to minimize the potential for significant issues with the proposed modification. The district will want the applicant to identify the high crash segment/intersection locations by crash type and check to see if the project is on or close to an identified high crash location. These are the segments and locations on the SHS with the highest number of crashes by district. Part of the Initial Meeting and Methodology Checklist is for the applicant to estimate the anticipated safety benefits/impacts, using the Highway Safety Manual (HSM) and [Crash Modification Factors Clearing House](#) to determine the safety benefits of lane re-purposing projects. If needed, the district can provide assistance with the analysis methodology.

3.5 Concept Report Appendix

The applicant should include any relevant documentation to support the analysis of the lane repurposing project such as traffic counts, traffic analysis information including transit analysis, crash data, software traffic analysis, proposed conceptual plans and typical sections, Initial Meeting minutes and methodology checklist, public workshop information, and any other related information.

¹ Tan, C.H. *Going on a Road Diet. FHWA-HRT-11-006. FHWA, Washington, D.C., September-October 2011*

4 Public Involvement

Support by the local community is crucial to the long-term success of a lane repurposing project. The process to build consensus for the reconfiguration of a roadway in a community can involve some misperceptions. For example, lane repurposing projects can initially be perceived as increasing delay, but at the same time improve safety and accessibility for multiple users. Therefore, community engagement requires a commitment to a strong partnership and public involvement process between the local government, FDOT, and the community throughout the process. To assist with understanding the public involvement and decision-making process for FDOT projects on the SHS, the [FDOT Public Involvement Handbook](#) should be referenced throughout the project process.

4.1 Public Involvement, Applicants & FDOT

Ensuring public acceptance for lane repurposing projects as early as possible is important but can also be challenging. A study by Vergis and Niemeier³ reports that public support for a lane repurposing project is linked to perceived safety, perceived comfort, volume of bicyclists, and expected cross-street congestion. Public participation is often coordinated with outreach to elected officials.

One important aspect of the public involvement for these lane repurposing projects is that they have been conducted properly and thoroughly. This is so all potential stakeholders understand the potential changes and impacts of these projects. FDOT DLRC have noted that public involvement is a key component of a successful lane repurposing project. It is important to balance the needs of the local residents of the project corridor, as well as those who utilize it for commuting or other purposes. It is not enough for applicants to get buy-in from those who live there; they must also conduct public involvement to provide opportunities for all users to get input.

Documenting public involvement for lane repurposing projects is not only a best practice but is required in the concept report. Getting the traveling public and the neighborhood in the project vicinity included in public involvement early can help prevent problems later. Some of the public may be supportive of a project because it will make their area nicer in the long-term, but the public who may travel through the project area on the roadway corridor may not feel the same way. Working together with all stakeholders early in the process may make it possible to find solutions which satisfy both groups.

It is the responsibility of the applicant to ensure that all parts of the application are completed based on FDOT standards and procedures. When FDOT is the applicant and the proposed project will divide a state highway, erect median barriers modifying currently available turning movements, or have the effect of closing or modifying an existing access to an abutting property owner, then the requirements of [F.S.335.199](#) should be followed.

Resurfacing, restoration and rehabilitation (RRR) projects that include the Lane Repurposing with FDOT funding that will divide a state highway, erect median barriers modifying currently available turning movements, or have the effect of closing or modifying an existing access to an abutting property owner, then the requirements of [F.S.335.199](#) should be followed. If the local government is proposing with FDOT funding, they should follow section [F.S.335.199](#).

If FDOT participates financially in the funding of any Lane Repurposing project on a State Highway requested by the local Government, that will divide a state highway, erect median barriers modifying currently available turning movements, or have the effect of closing or modifying an existing access to an abutting property owner, then the requirements of [F.S.335.199](#) should be followed.

Any Lane Repurposing project on a State Highway funded solely by the local government, that does not: divide a state highway, erect median barriers modifying currently available turning movements, or have the effect of closing or modifying an existing access to an abutting property owner, the Department recommends that the local government provide notice and an opportunity for public meeting and public comment. Applicants must lead all public involvement during the planning phases of a lane repurposing projects. Once a project involves design or construction, then FDOT will become involved.

In addition to the resources here and listed above are those within [FDM 104](#), Public Involvement as well as the FDOT Access Management Guidebook.

4.2 Public Involvement Methods and Tools

There are multiple tools available to assess and/or build community support for a lane repurposing project. These include the following:



POLL – A citizens’ poll or vote is another tool for assessing public support. Combined with a trial period (e.g., conducting the poll or vote before and after the trial) it is even more effective. In general, poll and votes should be conducted in a manner that results in a statistically sound representation of all community members. In addition, the structure and context of poll questions should be considered carefully so the public feels their input will be taken into consideration, rather than used to justify the project, which can impact overall consensus.



MEDIA – Creating a web page for the project is a way to reach the public. Interactive blogs enable public participation. Social media can be used to keep the community up to date on the project. Webinars are a means of providing access to information. Educating the public about the potential impacts of the lane repurposing project is essential.



WORKSHOP – Workshops are a more engaged form of public participation and educational outreach. These can be presented both in-person and virtually, in person workshops should be held throughout the community and at times of the day to allow all community members to attend.

FIGURE 4-1 Virtual Public Meetings



Source: CDM Smith

5 Florida Lane Repurposing Projects Examples

This section is meant as a review of several Florida lane repurposing projects that are at various stages of their project lifecycle, as well as summarizing several funding options for applicants for constructing these projects. Finally, a list of best practices is given to help ensure applicants that their projects succeed.

5.1 Project Examples

The concept of lane repurposing is not a new one, especially in Florida. There have been numerous efforts at all levels of government to repurpose elements of their transportation network to be more efficient and meet the needs of its populace. Several examples of lane repurposing projects will be discussed within this section.

While there have been numerous lane repurposing projects over the years, they seem to fall within two main categories: those that are completed within a resurfacing, restoration and rehabilitation (RRR) project and those that are part of an overall larger corridor redesign effort. The lane repurposing projects that are part of an RRR project are typically simpler from a planning perspective, as well as considerably less expensive. A RRR project can be described as a project that consists of “the placement of additional surface materials and other work necessary to return an existing roadway to a condition of structural and functional adequacy” per [FDM 114](#).

The projects discussed in this document provide an overview of common lane repurposing projects submitted to FDOT. [Table 5-1](#) below shows the five projects that were reviewed and the aspects each project contained.

TABLE 5-1 Florida Lane Repurposing Project Examples

Project No.	Road Segment	Bike Lanes	Sidewalk Enhancements	Mid-Block Crosswalks	Street Lighting	On-Street Parking	Landscaping	Median Enhancement	Access Management	Bus Rapid Transit
1	SR 810 (Hillsboro Boulevard) from NE/SE 2 Avenue to SR 5 (US 1)	X	X		X		X	X	X	
2	SR 693 (Pasadena Avenue)	X								X
3	SR A1A (North Fort Lauderdale Beach Boulevard) from SR 838 to NE 18 Street	X	X	X	X		X	X		
4	SR 10 (US 90)	X				X				
5	SR 430 (Oakridge Boulevard)	X								

Source: FDOT

5.1.1 Project 1 – SR 810 (Hillsboro Boulevard)

SR 810 (Hillsboro Boulevard), located in Deerfield Beach, Broward County is a major thoroughfare in the City used by visitors and locals to access the beach. The SR 810 (Hillsboro Boulevard) corridor for the repurposing project is 0.7 miles long and the limits of the project extend between NE/SE 2nd Avenue to SR 5 (US 1). This project has undergone construction and was completed in 2017.

The typical section of the corridor before the lane repurposing consisted of six lanes (three in each direction) with a TWLTL as shown in [Figure 5-1](#). The new typical section is four lanes (two in each direction) with exclusive right and left turn lanes as shown in [Figure 5-2](#). The goal of the project as demonstrated through the public involvement process was to improve safety and improve access for all modes of travel by reducing potential conflicts. As shown in [Table 5-1](#), the project included buffered bike lanes, sidewalks on both sides, median enhancements with landscaping, improved lighting and access management solutions.

To date, there has not been an after study performed on the corridor limits; however, there is a portion of the corridor that is west of I-95 that is experiencing higher crash rates than the improved eastern portion. As this project has been constructed, updated costs are available for the lane repurposing process. Local (\$758,822) and state funds (\$8,780,846) were used to build the project.

FIGURE 5-1 SR 810 (Hillsboro Boulevard) Before Lane Repurposing



Source: SR 810 (Hillsboro Boulevard) Lane Elimination Report

FIGURE 5-2 SR 810 (Hillsboro Boulevard) After Lane Repurposing



Source: SR 810 (Hillsboro Boulevard) Lane Elimination Report

5.1.2 Project 2 – SR 693 (Pasadena Avenue)²

This lane repurposing project evaluated SR 693 (Pasadena Avenue) for implementing Business Access and Transit (BAT) lanes. BAT lanes are designated lanes that help move bus riders and others more efficiently and improve access to businesses and residences along the route by reserving outside curb lanes for right-turning vehicles and buses. The project corridor is 1.4 miles long and extends from Matthews Road/Shore Drive to Central Avenue. It is a part of a larger BRT Design Project that extends from Downtown St. Petersburg to St. Pete Beach. Transit projects can also be included in the lane repurposing procedures as demonstrated from this review. This project has not started construction but is scheduled for completion in 2021.

“The existing typical section for SR 693 (Pasadena Avenue) from Matthews Road/Shore Drive to Central Avenue is a six-lane divided corridor with 10 to 12-foot lanes, a 12 to 18-foot median, curb and gutter, 7-foot sidewalks, 100-feet of right of way, and “sharrows” south of Park Street. The proposed typical section repurposes the outside travel lanes in the northbound and southbound directions into BAT lanes, with the shared lane or “sharrow” designation from Matthews Road/Shore Drive to Central Avenue.”³ These typical sections are shown in [Figures 5-3](#) and [5-4](#). The purpose of adding the BAT lanes is to allow transit priority treatments for buses using the corridor. This is part of a larger BRT project, which will use transit signal prioritization if the buses fall behind in schedule over 5 minutes and other transit related priority strategies.

Implementing the BAT lanes will have minimal effect of traffic operations within the corridor. To evaluate the existing conditions and operations of the corridor, Synchro was used. It was determined that all the intersections in the study area were operating at Level of Service D or better, except for Gulfport Boulevard/Sunset Drive. The future operational impacts, 2040 design year, were determined using a combination of Synchro and VISSIM.

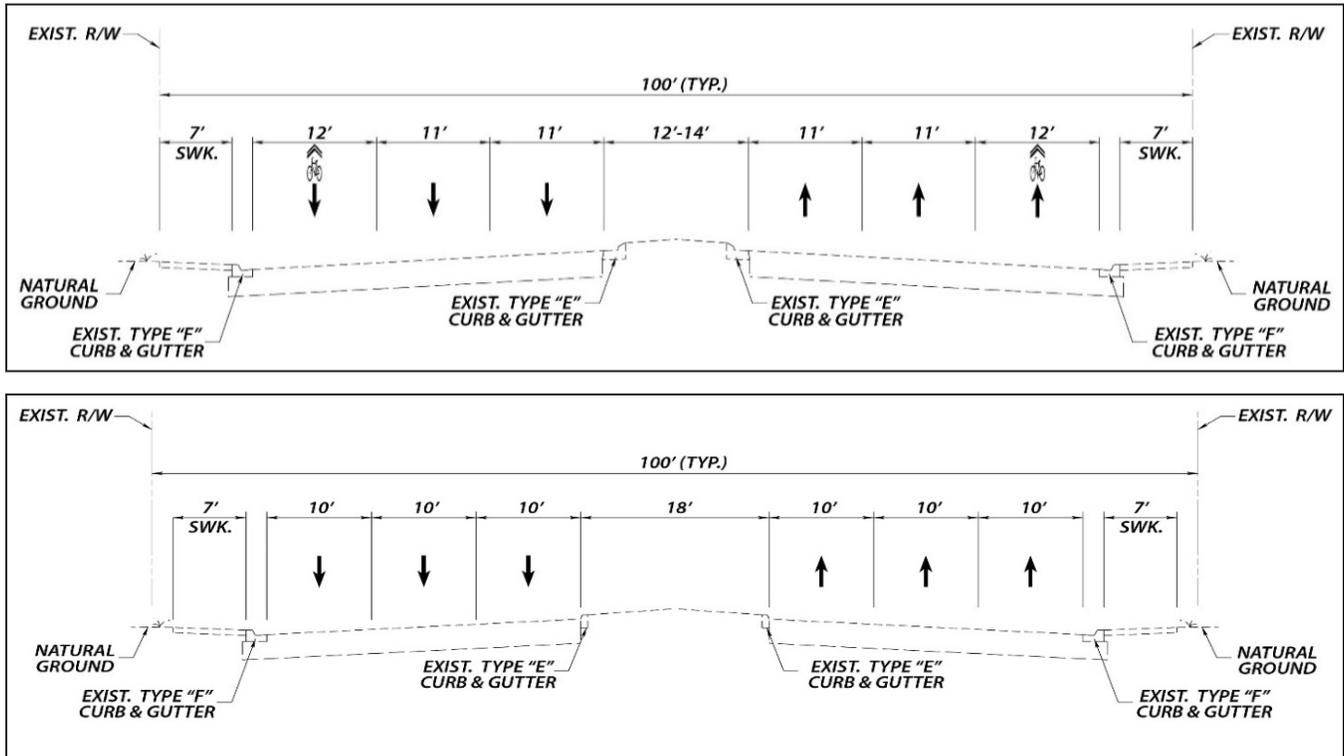
² While this project involves BAT lanes, these are not a typical justification for lane repurposing projects and thus are not built often. Due to this, it is recommended that any applicant that is seeking to repurpose a vehicular lane for BRT or BAT should discuss this in greater detail with their FDOT DLRC.

³ Lane Elimination Report for the Central Ave Bus Rapid Transit Project, Pinellas Suncoast Transit Authority

While the overall intersection delays did increase, the intersections maintained a LOS D operation, except for Gulfport Boulevard/Sunset Drive. "According to the VISSIM analysis, all arterial segments of the corridor are expected to operate at an acceptable LOS D in the design year (2040) under the Build condition."

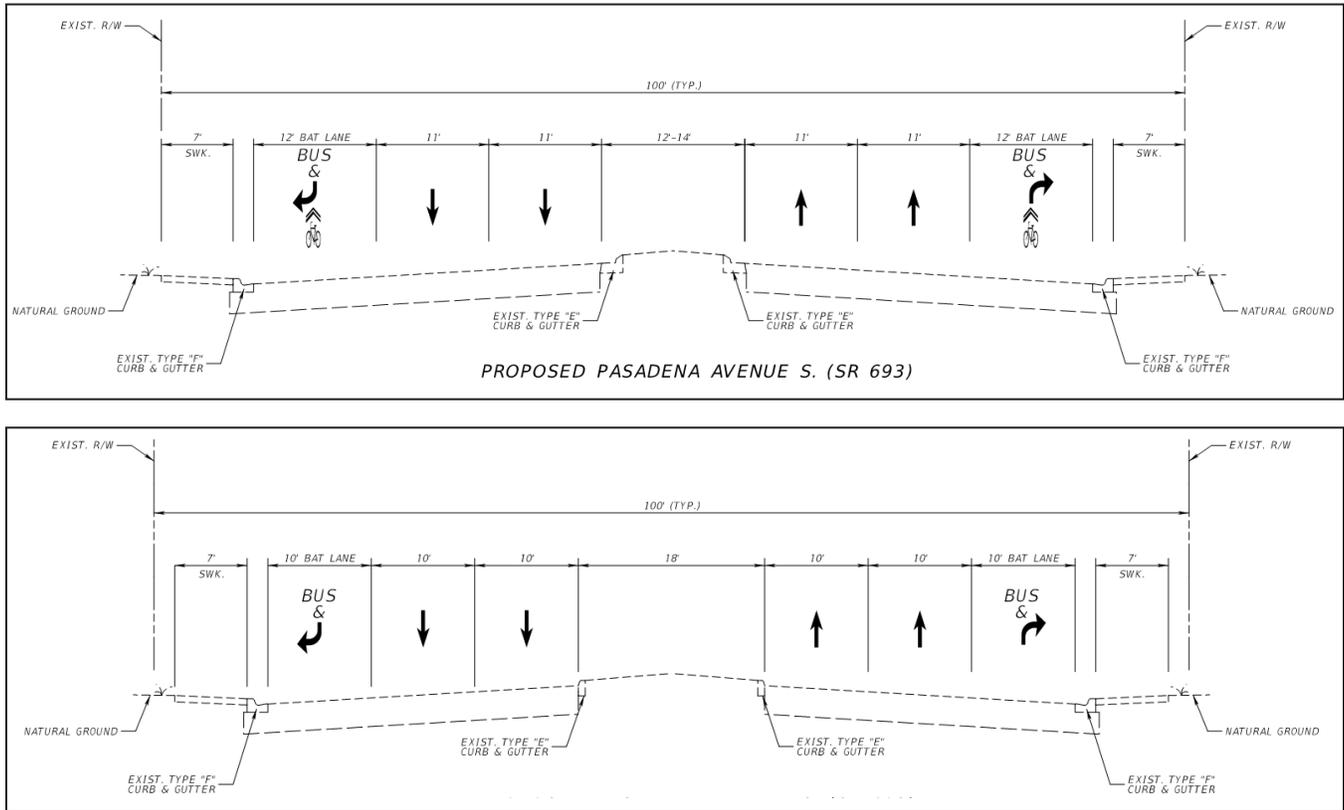
The repurposing project also evaluated the multimodal connectivity throughout the corridor. The existing condition for the corridor includes seven-foot continuous sidewalks on each side and will not change with the proposed improvements. To address the bicyclists infrastructure concerns, the outermost lanes will be used to allow bicyclist to share the roadway with buses and right turning vehicles only.

FIGURE 5-3 SR 693 (Pasadena Avenue) Existing Typical Sections



Source: SR 693 (Pasadena Avenue) Lane Elimination Report

FIGURE 5-4 SR 693 (Pasadena Avenue) Proposed Typical Sections



Source: SR 693 (Pasadena Avenue) Lane Elimination Report

5.1.3 Project 3 – SR A1A (North Fort Lauderdale Beach Boulevard)

This project is located in Fort Lauderdale, Broward County and is on SR A1A (North Fort Lauderdale Beach Boulevard). This corridor is extremely popular with beach visitors with on-street parking and access points to the beach. The SR A1A corridor for the repurposing project is 1.0 mile long and the limits of the project extend between East Sunrise Boulevard and NE 18 Street. This project has undergone construction and was completed in 2015.

SR A1A is an example of a four-lane facility being reduced to two lanes. Due to Hurricane Sandy, this corridor needed to be repaired and in order to increase the safety and resilience of the road they transitioned it to two lanes. The purpose of the project was to create a safer environment for pedestrians and bicyclist by reducing the vehicular speeds and improving the roadway features. In order to do this, wider sidewalks were created, bike lanes were added, the median was landscaped, pedestrian lighting was installed, and two signalized mid-block pedestrian crossings were added. [Figures 5-5](#) and [5-6](#) show this project before and after lane repurposing.

As this project is already constructed, updated costs are available for the lane repurposing process. The construction was funded with state funds and cost \$13,838,479.

FIGURE 5-5 SR A1A (North Fort Lauderdale Beach Boulevard) Before Lane Repurposing



Source: SR A1A (North Fort Lauderdale Beach Boulevard) Lane Elimination Report

FIGURE 5-6 SR A1A (North Fort Lauderdale Beach Boulevard) After Lane Repurposing



Source: SR A1A (North Fort Lauderdale Beach Boulevard) Lane Elimination Report

5.1.4 Project 4 – SR 10 (US 90)

This project example is in Monticello, Jefferson County and is on SR 10 (US 90). When US 90 was being submitted for resurfacing from Willow St to the Madison County Line through the RRR process, the lane repurposing application started for part of the corridor. The lane repurposing project is 0.65 miles long and extends from just West of Martin Luther King Jr Ave to West of St. Margaret’s Church Road. The project is in the process of construction and should be completed by 2021.

SR 10 is an example of a project that occurs within the existing asphalt footprint. Therefore, the only costs associated with the lane repurposing are signing and striping and will be paid for through the resurfacing project. The city requested that the on-street parking be maintained through the corridor and mobility options be added heading toward downtown. The purpose of the project is to increase safety by providing a refuge for vehicles making left turns, as well as separating bicyclists from vehicular traffic. The existing typical section is a four-lane corridor with sidewalks on each side with curb and gutter. The proposed typical section will be three lanes with one travel lane in each direction and a two-way center left turn lane and include bicycle lanes and on street parking in both directions. These typical sections are shown in [Figures 5-7](#) and [5-8](#).

The project study area was classified as urban transitioning area due to the corridor characteristics and how the corridor functioned. It was concluded that “while the elimination of lanes in this area will slightly reduce level of service for the roadway segment, this reduction is still within an acceptable range for this sort of facility.”⁴ The results of the Level of Service analysis using Highway Capacity Software (HCS) determined US 90 is experiencing LOS A with the existing typical section and would experience LOS B after the lane repurposing is implemented.

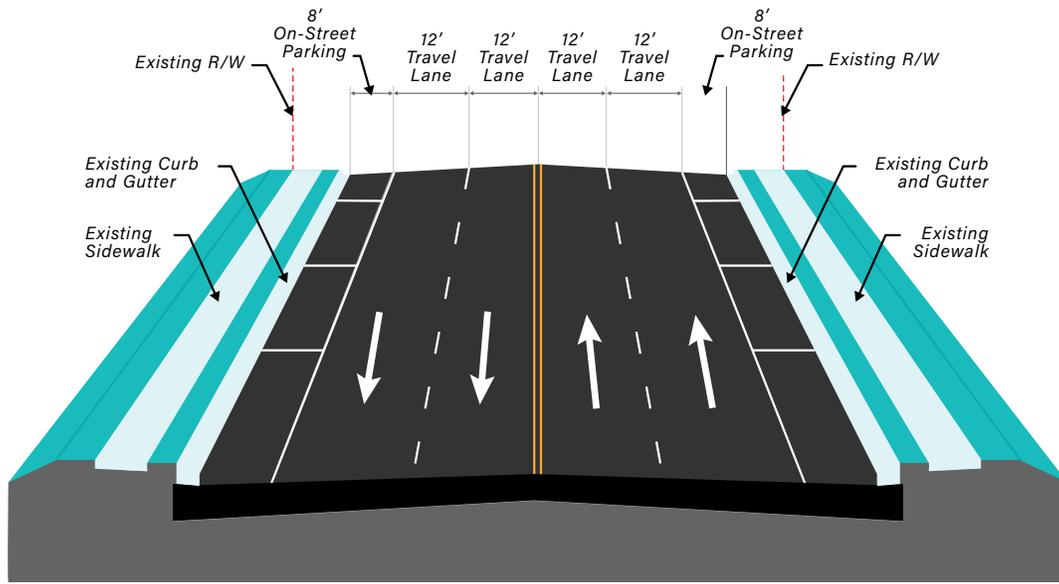
The greatest number of crashes that occurred through this corridor were rear end collisions. These crashes should be reduced by providing a lane reduction to enhance safety for bicyclists and left-turning vehicles. This is accomplished by providing dedicated bike lanes and staging areas for left-turners to separate them from through-moving traffic.



A1A, Oakland Park, Florida

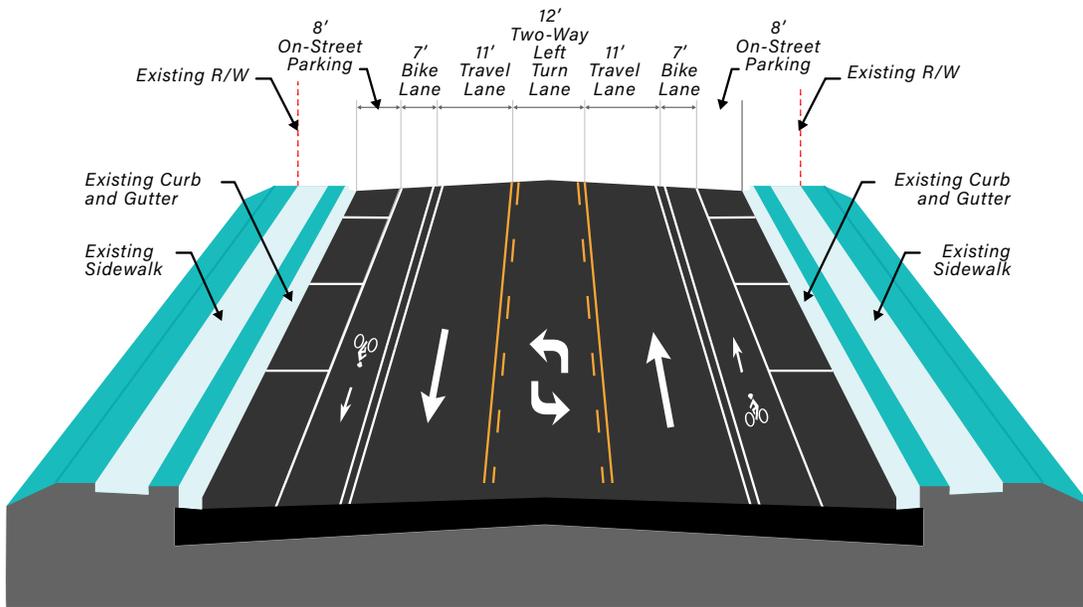
⁴ Lane Elimination Request FPID 439729-1 SR 10 (US90) From Willow Street to the Madison County Line

FIGURE 5-7 SR 10 (US 90) Existing Typical Section



Source: SR 10 (US 90) Lane Elimination Request FPID 439729-1

FIGURE 5-8 SR 10 (US 90) Proposed Typical Section



Source: SR 10 (US 90) Lane Elimination Request FPID 439729-1

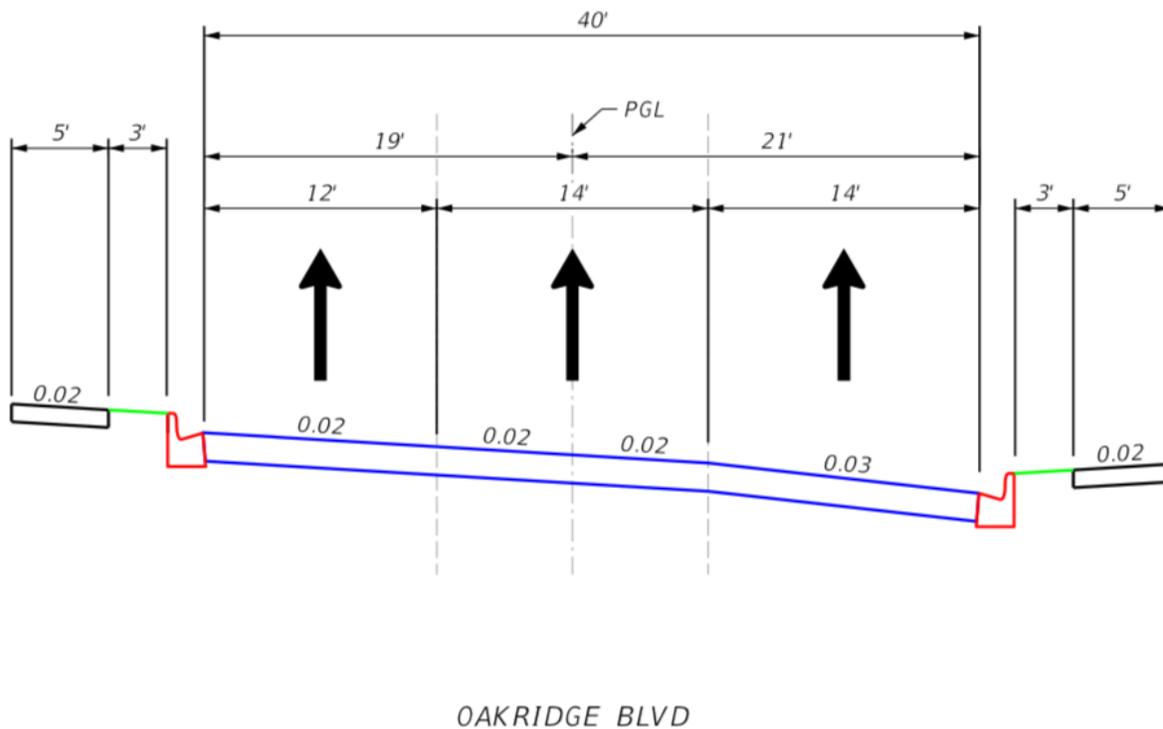
5.1.5 Project 5 – SR 430 (Oakridge Boulevard)

The final project evaluated in this guidebook is SR 430 (Oakridge Boulevard) in Daytona Beach, Volusia County. This project also went through the RRR process and proceeded with submitting a lane repurposing application. No variations or design exceptions are anticipated for this project at this time. The lane repurposing project is 0.43 miles and extends from North Halifax Avenue to State Road A1A. The project is in the process of construction and scheduled for completion in 2021.

The purpose of the project was to convert the existing typical section of three eastbound lanes to a two-lane urban roadway with designated bicycle lanes. These typical sections are shown in [Figures 5-9](#) and [5-10](#). The goal of the project is to reduce the travel speed, decrease crossing distances and enhance mobility through the corridor. The bicycle lane will be seven-foot-wide which will help enhance mobility in the area since there are currently no bicycle facilities along the corridor. From 2012-2016, there were a total of 87 crashes that occurred within the project limits and by removing the third lane there is a potential to provide improved traffic operations to help improve the safety on this segment. The speed limit will be reduced from 40 mph to 35 mph. The project would also increase safety throughout the corridor by reducing the exposure for pedestrians and bicyclists to oncoming traffic by reducing the crossing distances.

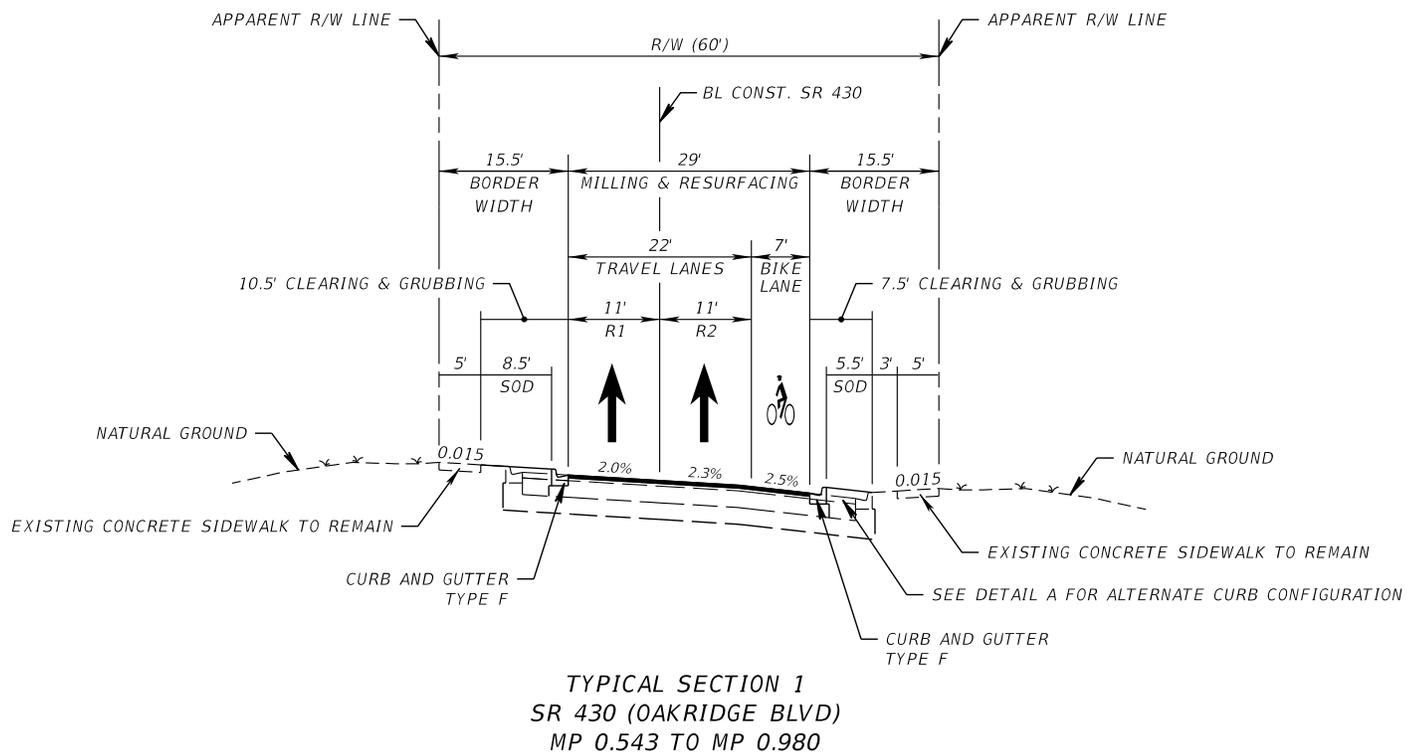
Evaluating the segment and intersection LOS for the corridor being converted to two-eastbound lanes resulted in the roadway maintaining a LOS C, even when using the projected 2035 traffic volumes into the analysis. Due to these results, implementing the lane repurposing will have minimal effect of traffic operations within the corridor.

FIGURE 5-9 SR 430 (Oakridge Boulevard) Existing Typical Section



Source: SR 430 (Oakridge Boulevard) Lane Elimination Request

FIGURE 5-10 SR 430 (Oakridge Boulevard) Proposed Typical Section



Source: SR 430 (Oakridge Boulevard) Lane Elimination Request

5.2 Project Funding (Federal, State, Local) and Costs

While a lane repurposing project can result in significant changes to roadway design, lane repurposing projects are typically relatively low-cost projects. If a repaving or reconstruction project is ongoing or programmed, elements of the lane repurposing project (e.g., restriping) can be implemented as part of that repaving or reconstruction project to save costs.

Although lane repurposing projects may be perceived as adding “expensive” multimodal features to an existing corridor, the incremental cost of features such as bicycle lanes and sidewalks is relatively low in comparison to other project cost elements (e.g., variable costs of labor and materials). Also, if the lane repurposing project leads to the implementation of a complete street, the needs of multiple users can be integrated into the project early, minimizing calls for future retrofits in the corridor.

Although lane reduction projects have real construction/implementation costs, they can be viewed as long-term investments in the community rather than short-term projects. A cost-benefit ratio calculated in 2004 for a lane repurposing project in Evansville, IN, indicated that that project’s benefits would exceed its costs by a factor of 5.24 after 20 years.

Facilities for multimodal users in a corridor can create opportunities to access new funding sources. Potential funding sources for lane repurposing projects include the Federal Transit Administration Capital Investment Grant program, Federal Transportation Alternatives Program (into which the Safe Routes to School Program was absorbed), the Transportation Investment Generating Economic Recovery (TIGER) program, the Sustainable Communities Challenge grants program, Main Street programs, Community Development Block Grants, and various competitive grant opportunities and local sources.

5.3 Best Practices

While every lane repurposing project is different, either due to the underlying existing conditions or other factors, there are several important steps that applicants should take to be sure that their lane repurposing project can be approved and built successfully in their area. Some of these best practices focus on public involvement while others focus on the application process itself, but they are based upon input from the FDOT staff both in the Central Office, as well as District staff.

5.3.1 Local Project Champion and Support

An important best practice for lane repurposing projects is for there to be a local project champion, as well as support from elected officials. In the most successful projects, both levels of support are present and can help to efficiently implement desired corridor improvements. There are several reasons why having a local project champion and support from local elected officials is important.

Having a local champion is important because lane repurposing projects have the potential to become contentious due to the removal of vehicular travel lanes for another transportation mode. Some may not see all the potential benefits that could occur from these projects and instead see it taking longer for people to get to work, which means angry and frustrated constituents.

Several more urbanized Districts expect applicants to provide detailed documentation of public support for a project in their initial application. This includes resolutions from elected bodies, records of public meetings including attendance and presentation slides along with letters of support from surrounding jurisdictions. These materials provide important information on the goals and objectives of the project and are useful in informing decision-making from both a technical and community vision perspective.

In addition, some districts and local governments hold public meetings for all projects during the planning and design phases. These types of meetings can provide important insight into the issues that the public cares about in a project and can help inform the technical focus areas of analysis for a proposed lane repurposing project.

5.3.2 Early Coordination with FDOT

It is critical that any lane repurposing projects are coordinated early with FDOT to avoid any potential pitfalls or issues. Due to potential contentiousness that may arise from lane repurposing projects as well as the ability to leverage funding sources efficiently for improvements proposed, it is recommended that applicants talk with FDOT early in the process to make them aware of the potential for a proposed lane repurposing project.

Because roadway resurfacing, restoration and rehabilitation (RRR) projects often present an opportunity to perform a repurposing project, it is helpful for the FDOT district and local governments to maintain open channels of communication. It can take time to get these projects added to their plans and go through the entire process, so it helps local governments plan better to know these local conditions and schedules in planning and implementing lane repurposing improvements. Coordinating project schedules early on can help to leverage funding to make needed improvements to the roadway and minimize overlapping or conflicting schedules during final design and implementation/construction.

Early coordination with FDOT may also provide potential cost sharing opportunities or an ability to offset or apply innovative funding to make desired improvements. On one project a developer wanted a highly walkable environment and was willing to fund the improvements. The District staff worked with the local municipality and the developer to coordinate the development project being completed.

5.3.2.1 *Bus Rapid Transit Considerations*

For BRT or other premium transit projects which involve transit signal priority systems, it is helpful to get FDOT Traffic Engineering and Public Transportation/Modal Development Office involved early in the process for troubleshooting, buy in, and problem solving. The entity that operates the signals, which may be a county, should also be at the table. The state of signal equipment often varies across the corridor, and a field validation of the equipment with the signal operator can identify needed upgrades early in the process. This early coordination can help to establish overall signal system needs and project goals and result in more comprehensive solutions being developed for better multimodal operations.

Developing signal system solutions that provide transit signal priority can help to improve transit travel times and reliability. Early coordination with FDOT and applicants on these types of improvements can assist in developing more comprehensive network solutions that move people, not just vehicles, more efficiently throughout a corridor. Making premium transit projects most successful requires providing not just savings in travel time or reliability, but also greater comparative travel time with automobiles. If the goals in the region or locality are to improve overall multimodal capacity and use of transit as a viable alternative mode, these comparisons in travel time between modes should be an important consideration in developing signal plans.

5.3.3 **Traffic Monitoring Best Practices**

Because lane repurposing projects can raise concerns about resulting traffic congestion, parking loss or the need for improved multimodal facilities and services, it is important to have good data to support decisions. The following suggestions and examples illustrate some effective and non-traditional data collection techniques which also save time and potentially costs.

Applicants may find it helpful to use data from emerging sources such as traffic data using Bluetooth data. Bluetooth-enabled devices can gather travel times within lane elimination segments; before, during, and after the implementation. In addition to Bluetooth are other crowd-sourced data, as well as HERE and StreetLight data. All of this can be used for traffic data as part of the Lane Repurposing application. The "before" data can be used as a benchmark, the "during" data can help with identifying bottlenecks, and the "after" data can be used for effectiveness evaluation.

Another suggestion was made to locate a traffic count station within lane repurposing segments if a traffic count station currently does not exist there. This can help with monitoring traffic volumes after implementation, including to assess traffic diversions due to lane elimination.

One city used video cameras to identify bicycle usage and parking utilization to justify what level of proposed bicycle facilities improvements were needed and if on-street parking spaces could be reduced to create space for multimodal improvements. They also used the video to help determine if additional safety or other treatments would be needed with multimodal interactions. For parking, they were proposing to eliminate some on-street parking. The video helped demonstrate that the removal would still provide the level of parking needed alongside other off-corridor parking options and allay local concerns.

6 Appendix

This appendix has several resources which may prove useful for lane repurposing applicants. The forms which are required by FDOT are located here, as well as the recommended template for lane repurposing applications.

6.1 Forms

There are several forms which are required for lane repurposing project applicants, which come from [FDM 103](#). Examples of these forms can be found in [Figure 6-1](#), [Figure 6-2](#), and [Figure 6-3](#) and each of these detail [Forms 126-A](#), [126-B](#) and [126-C](#), respectively. The latest version of these forms though can be found online in the FDM.

Form 126-A

INITIAL MEETING AND METHODOLOGY CHECKLIST

This is a list of items that the Applicant should prepare to discuss at the initial meeting and the District Review Team may require the Applicant to address these items in the Concept Report, as needed.

Project Information

<ul style="list-style-type: none"> <input type="checkbox"/> Project Location <input type="checkbox"/> Project Limits <input type="checkbox"/> Project Length <input type="checkbox"/> Project Purpose 	<ul style="list-style-type: none"> <input type="checkbox"/> Jurisdiction(s) in which the Project is Located <input type="checkbox"/> Proposed Change in Lane Configuration <input type="checkbox"/> Project Schedule <input type="checkbox"/> Context Classification
---	--

<ul style="list-style-type: none"> <input type="checkbox"/> Conceptual plan (including transitions to and from the lane repurposing section) that meet FDOT Design Standards for all modes <input type="checkbox"/> Existing and long-range future AADT (the latter based on historical growth and the regional travel demand model) <input type="checkbox"/> Consistency of the proposed project with the applicable Long-Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Transit Development Plan (TDP), comprehensive plan, master plans, visions, and Complete Streets initiatives <input type="checkbox"/> Status of the roadway as an Evacuation Route, freight route, and part of the Strategic Intermodal System (SIS) <input type="checkbox"/> Status of the roadway as a major transit corridor per the LRTP or TDP <input type="checkbox"/> Proposed use(s) for the right-of-way after lanes are eliminated (e.g., widened sidewalks, bicycle lanes, landscaping, on-street parking, transit lanes) <input type="checkbox"/> Impact on bicycle/pedestrian infrastructure and connectivity <input type="checkbox"/> Impact on parking <input type="checkbox"/> Impact on transit routes, stop locations (including appropriateness of turn radii and lane widths), include total number of stops and routes in the area. <input type="checkbox"/> Existing right-of-way width and any proposed changes to the right-of-way width <input type="checkbox"/> Anticipated changes in jurisdictional responsibility for ownership or maintenance of the roadway <input type="checkbox"/> Anticipated changes in functional classification, context classification, and/or access management classification 	<ul style="list-style-type: none"> <input type="checkbox"/> Public Involvement, agency outreach and endorsement. <input type="checkbox"/> Existing design and posted speeds <input type="checkbox"/> Existing and future typical section <input type="checkbox"/> Target speed with anticipated changes in posted speed limits and design speeds <input type="checkbox"/> Need for design variations or design exceptions <input type="checkbox"/> Plan for obtaining input and review from businesses, residents, and other stakeholders <input type="checkbox"/> Plan for receiving endorsement from elected officials <input type="checkbox"/> Funding source and cost estimates <input type="checkbox"/> Size of impact area-parallel and cross streets <input type="checkbox"/> Potential implementation strategy and partner commitments <input type="checkbox"/> Impact on School crossing locations and midblock crossing <input type="checkbox"/> Need to add, remove, or modify traffic signals <input type="checkbox"/> Near and long range multimodal level of service (LOS) and queuing analysis for intersections and segments in the impact area under build and no-build scenario. <input type="checkbox"/> Mitigation to address the significant adverse impact on state roads and regional transportation system <input type="checkbox"/> Crash data summary and analysis for the segment and intersections in the project limit <input type="checkbox"/> Case-specific special considerations to be determined (e.g., railroad crossing improvements)
---	--

Source: FDM 103 – Form 126-A

FIGURE 6-2 Form 126-B

Form 126-B

LANE REPURPOSING INITIAL NOTICE TO CENTRAL OFFICE

To: _____ From: _____ Date: _____
Systems Management Administrator District Lane Repurposing Coordinator

The intent of this notice is to inform Central Office that District _____ has received a request for lane repurposing on the State Highway System.

PROJECT INFORMATION

State Road and Project Location: _____

Roadway ID: _____ Project Limits (MP) from _____ to _____

Roadway ID: _____ Project Limits (MP) from _____ to _____

Context Classification: _____

Applicant: _____

Project Description: _____

Proposed Change in Cross Section: From _____ lanes to _____ lanes

SIS NHS

ACTIONS AND OUTCOMES TO DATE

District staff participated in a meeting with _____ on _____ to formally commence the lane repurposing review process. At that meeting, District staff provided an overview of the lane repurposing review process and the Applicant shared initial information about the lane repurposing project. The District determined the specific review process and analysis methodology for the lane repurposing request.

NEXT STEPS: The Applicant will submit a Draft Concept Report (containing proposed typical sections and plan views) as the lane repurposing review process proceeds. If the District reviewers find the Draft Concept Report acceptable, the Applicant submits a formal Application Package (including the Final Concept Report) to the District. If the Application Package is complete and acceptable, the lane repurposing request will be approved at District level. The final Application Package along with signed Form C will be sent to Central Office for final approval.

Concurrences:

District Planning and Environmental Administrator Date: _____

District Design Engineer Date: _____

District Traffic Operations Engineer Date: _____

Source: FDM 103 – Form 126-B

FIGURE 6-3 Form 126-C

Form 126-C

Lane Repurposing Final Review and Approval Notice to Central Office

The intent of this notice is to inform Central Office that District _____ has completed review for the following lane repurposing project on the State Highway System.

PROJECT INFORMATION

State Road and Project Location: _____

Roadway ID: _____ Project Limits (MP): from _____ to _____

Roadway ID: _____ Project Limits (MP) from _____ to _____

Context Classification: _____ Access Management Classification: _____

Target Speed: _____ Design Speed: _____ Posted Speed: _____

Transit facilities (stops and routes): Yes No

Applicant: _____

Project Description: _____

Proposed Change in Cross Section: From _____ lanes to _____ lanes

SIS NHS

Attachments: Concept Report Plan views Typical sections

District Concurrences:

District Planning and Environmental Administrator Date: _____

District Design Engineer Date: _____

District Traffic Operations Engineer Date: _____

Central Office Concurrence:

Chief Planner Date: _____

Final Approval:

Chief Engineer Date: _____

Source: FDM 103 - Form 126-C

6.2 Concept Report Template

As part of the lane repurposing application, a "Concept Report" is required to be developed by the applicant, which is then reviewed by the District Review Team and Central Office Review Team. The recommended template is shown in [Figure 2-1](#). Detailed information related to this template can be found in [Section 3](#) of this guidebook. It should be noted that this is the "recommended," not the required, template. Not being able to complete one aspect of this concept report will not inherently cause an application to be rejected. It is critical that applicants speak with FDOT District Staff if there is an issue with completing any portions of this recommended template.

FIGURE 6-4 Concept Report Template

<p>I. Project Description</p> <ul style="list-style-type: none">A. PurposeB. Project LocationC. Area of InfluenceD. Existing Conditions<ul style="list-style-type: none">1. Typical Section2. Roadway Functional, Access Management, and Context Classification3. Evacuation Route4. SIS Designation5. Posted Speed and Average Speed6. Traffic Data Collection7. Signalized Intersections8. Existing Level of Service
<p>II. Proposed Modifications</p> <ul style="list-style-type: none">A. Conceptual Design<ul style="list-style-type: none">1. Typical Section2. Intersection DesignB. Changes in Design and Posted SpeedC. Consistency with Local PlansD. Funding SourcesE. Design Variations and Exceptions (If Applicable)
<p>III. Traffic Analysis</p> <ul style="list-style-type: none">A. Traffic Forecasting MethodologyB. Level of Service Analysis of Build Alternative vs No-Build AlternativeC. Include Delays, Volumes, Queues AnalysisD. Impacts on the Corridor or Network<ul style="list-style-type: none">1. Environmental2. Pedestrian and Bicyclist Activity3. Transit and Freight Routes
<p>IV. Safety Analysis</p> <ul style="list-style-type: none">A. Crash Data AnalysisB. Project Safety Impacts
<p>V. Appendix</p>

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Systems Implementation Office
605 Suwannee Street, MS 19 | Tallahassee, FL 32399

www.fdot.gov



VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 12.a

TO: Honorable Mayor & Members of the Biscayne Park Village Commission

FROM: MacDonald Kennedy, Vice Mayor

DATE: September 1, 2020

TITLE: Halloween Decoration Award

Background

Biscayne Park boasts a rich and enviable history among South Florida communities for the way we embrace the Halloween holiday, including a popular community event at the rec center in lieu of traditional trick-or-treating. But, *grizzly ghouls emerge from village tombs* and *creatures crawl in search of blood* in early October when residents pull out all the stops to decorate their homes and yards for Halloween. Ghosts dance in trees, skeletons party on front lawns, and jack-o-lanterns beckon passersby from front porches with their toothy grins. In 2020, perhaps more than ever, while the world battles a pandemic, our nation grapples with unrest and a volatile election, and village residents have been cooped up for months, **Halloween decorations will brighten our neighborhood and our spirits when we need it the most.** (*Nod to the master of the macabre, Vincent Price, and Michael Jackson for the "Thriller" lyrics.*)

Recommendation

I am requesting that my fellow zombies on the commission **formalize a Halloween decorating contest for the month of October.** If successful, this contest could be a recurring event in future years.

Halloween decorating awards in three categories:

- Scariest House
- Best Decorations for Kids
- Best Hand-Carved Jack-o-Lantern

Proposed action plan:

Sept. 28	Village announces contest via eblast, Nextdoor, website Nominations open immediately Three (3) yard signs ordered (one for each category)
Oct. 25	Nominations end (ends Sunday for weekend decorating)
Oct. 26	Village selects and announces winners for each category
Oct. 27	Public Works installs signs in each yard (for Halloween week) Village announces winners via eblast, Nextdoor, website
Nov. 2	Public Works picks up signs for 2021 contest (if re-usable)
Nov. 10	Winners recognized at commission meeting*

The devil's in the details:

- Announcement to include all information about nominations, categories, deadlines, etc.
- Mac is happy to help write the announcements at Roseann's request.
- Residents may nominate themselves, neighbors may nominate each other, and village staff may also make nominations (Public Works and Police, in particular).
- All nominations made by category.
- Interim village manager and staff of her choosing consider all nominations and select the winners (based in part by number of nominations for each home). That could be a fun team-building event for all village staff over a smoking cauldron of Halloween punch and lunch on Monday, Oct. 26.

Resource Impact

TBD for yard signs, minimal. Office Halloween lunch, possibly.

Attachment(s)

- Happy ghosts

*At the November 10 commission meeting, this same format could be formalized for a Holiday decorating contest with multiple categories to include Christmas, Hanukkah, Kids, Lights, etc.

Prepared/Sponsored by: MacDonald Kennedy, Vice Mayor





VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report

Item # 12.b

REGULAR MEETING

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Barbara Kuhl, Chair - Parks & Parkway Advisory Board

DATE: September 01, 2020

TITLE: Tree Grant Program 2021

Dear Mayor & Commissioners,

I wanted to provide you with an update on the current Street Tree Matching Grant. The future tree sites have been staked and marked with a white circle, the utilities have been located and the contractor, Country Bill's, will probably start installing the new trees in the next week. David Raymond and I have been working closely with the owner, John, and we've been extremely impressed with him. He's on top of every detail, responds immediately and has offered to help us with details needed to close out the project. It's been a pleasure working with him.

David has been in contact with our Interim Manager coordinating a virtual Arbor Day and press release that are requirements for this grant. He has also been in touch with the grant coordinator making sure all the requirements are met.

As you probably know the Miami-Dade County Street Tree Matching Grant 2020/2021 is now asking for applications. The deadline is Oct. 1, 2020, so that means if the Village is going to apply, the Commission should give its approval at the Sept. 1st meeting. The grant was discussed at our last Parks & Parkways meeting and we passed a motion recommending the Village applies for the 2020/2021 grant. I've included the grant if you'd like to view it. It's almost the same as last year's but they've expanded some of the categories. We won't know the details until we attend their webinar on Sept. 1st.

There is 20K in the budget for tree planting plus another 10K for trees and endcapping. We feel we could plant another 50 - 60 trees if you agree to a maximum match of 15K. Last year we were working with 12K and we were a little short. After going through the process this year we feel very confident we'll be able to budget for the trees better and we won't go over the 15K.

The grant awards will be announced in December and I think we can start the bidding process and planting after Jan. We're very excited about the 60 new trees for our Village. The grant was very time consuming for our board. All of our board members stepped up and used their many talents, however, there were parts of this grant that should have been handled by the administration and our attorney, for example, procurement. We all know that things were changing quickly in a way that no one could have anticipated and we're not blaming anyone but rather asking for the Village to accept their responsibility next year if we proceed with the grant.

Most of the trees being installed will be flowering trees and we're really excited. We think this is a great opportunity to enhance our Village.

I'm hoping you will be discussing this at the next Commission meeting but I'm not sure when so I might not be available. I thought this explanation might help you and I'll be happy to answer any other specific questions you might have before the meeting.

https://www.miamidade.gov/global/service.page?Mduid_service=ser1540844322968915

Thanks,

Barbara Kuhl

Parks & Parkways Chair

Calendar for 2021 Tree Grant Program:

- Grant announcement: Monday, August 17, 2020
 - Grant info webinar*: Tuesday, September 1, 2020 at 10 a.m.
 - Application deadline: Friday, October 2, 2020
 - Anticipated award announcements: Friday, December 18, 2020
 - Planting deadline: Friday, June 25, 2021
 - Final report deadline: Friday, July 9, 2021
-

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Street Tree Matching Grant

Apply today for Neat Streets Miami's Street Tree Matching Grant (STMG) to support a green recovery in Miami-Dade County and help Million Trees Miami reach its goal of achieving a 30 percent tree canopy County-wide. Funded by Miami-Dade County, this grant engages municipalities, agencies, non-profits foundations, and community groups in planting native or [Florida-friendly trees \(https://ffl.ifas.ufl.edu/plants\)](https://ffl.ifas.ufl.edu/plants) on streets, including corridors, gateways, bus stops, and connections to school and parks. The COVID-19 pandemic has created conditions that have led to environmental benefits such as cleaner air, lower carbon emissions, and opportunities for wildlife to thrive. STMG plantings can be a response to canopy loss from previous natural disasters, or part of an action plan to promote a green recovery from the pandemic.

The goal of this program is to leverage the County's street tree program by encouraging investments on County or local streets.

Grants of \$5,000 to \$50,000 will be awarded to applicants that can demonstrate the greatest benefits for residents, employers, and visitors, and are able to provide a stewardship plan to help secure our joint investment.

Grant applications will be judged using the following criteria:

- Existing Tree Canopy and Income Level
- Project Enhancements
- Resiliency/Impact
- Community Outreach

Timeline:

- Grant announcement: Monday, August 17, 2020
- Grant info webinar*: Tuesday, September 1, 2020 at 10 a.m.
- Application deadline: Friday, October 2, 2020
- Anticipated award announcements: Friday, December 18, 2020

➤ [Planting deadline: Friday, June 25, 2021](#)

➤ [Final report deadline: Friday, July 9, 2021](#)

*On Tuesday, September 1, 2020, we will be hosting an informational webinar at 10 a.m. via Zoom. For more information, questions, or to request to join the webinar, please email Nikki.Anderson@miamidade.gov (<mailto:Nikki.Anderson@miamidade.gov>).

Documents:

➤ [Street Tree Matching Grant flyer](#)

➤ [Street Tree Matching Grant Procedures](#)

➤ [Grant Selection Criteria \(https://www.miamidade.gov/parks/library/2021-grant-selection-criteria.xlsx\)](https://www.miamidade.gov/parks/library/2021-grant-selection-criteria.xlsx)

➤ [Budget & In-kind Services Timesheet Templates \(https://www.miamidade.gov/parks/library/2021-budget-in-kind-services-timesheet.xlsx\)](https://www.miamidade.gov/parks/library/2021-budget-in-kind-services-timesheet.xlsx)

➤ [Growing Green Bus Stops – Guidelines](#)

➤ [Google Live Planting Plan Tutorial](#)

➤ [Amendment Change Form](#)

Was this page helpful?

ONLINE OPTIONS

[GRANT APPLICATION \(HTTPS://FORM.JOTFORM.COM/201275695016152\)](https://form.jotform.com/201275695016152)

[PARKS, RECREATION AND OPEN SPACES \(/GLOBAL/RECREATION/HOME.PAGE\)](#)
[Maria I. Nardj, Director \(/global/government/biographies/parks-recreation-open-spaces.page\)](/global/government/biographies/parks-recreation-open-spaces.page)

Hickman Building

275 NW 2nd Street, Miami, FL 33128
305-755-7800

[Contact Us \(https://www.miamidade.gov/global/recreation/contact-parks.page\)](https://www.miamidade.gov/global/recreation/contact-parks.page) | [About Us \(https://www.miamidade.gov/global/recreation/about-parks.page\)](https://www.miamidade.gov/global/recreation/about-parks.page)

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VILLAGE OF BISCAYNE PARK
Village Commission Agenda Report
REGULAR MEETING

Item # 12.b

TO: Honorable Mayor & Members of the
Biscayne Park Village Commission

FROM: Roseann Prado, Village Clerk

DATE: September 01, 2020

TITLE: Interlocal Agreement with Miami-Dade County regarding Neat Streets Miami
for periodic reports of tree plantings

Background

The Village applied and was approved for a Tree Grant Program with Miami-Dade County Neat Streets Miami.

Recommendation

The Village must provide periodic reports to the County (no less than annually) regarding the number of trees planted in its municipality.

Attachment

- Interlocal Agreement for Periodic Reporting of Tree Plantings

Prepared by: Roseann Prado, Village Clerk

**Miami- Dade County
Parks, Recreation, and Open Spaces Department**

TREE PLANTING REPORTING AGREEMENT

This Interlocal Agreement (the “Agreement”) is made and entered into this ____ day of _____, 20____, between _____ (the “Municipality”) and Miami-Dade County (the “County”), hereinafter called the “County.”

Recitals

WHEREAS, the Board of County Commissioners of Miami-Dade County, through Resolution No. R-475-18, directed the County Mayor or County Mayor’s Designee to develop an interlocal agreement, to be entered into between the County and municipalities located within Miami-Dade County, for municipalities engaged in tree planting to provide periodic reports to the County regarding their tree plantings; and

WHEREAS, the purpose of the Resolution and this Agreement is to encourage municipalities located within Miami-Dade County to provide periodic reports to the County (no less than annually) regarding the number of trees planted within their municipality; and

WHEREAS, Neat Streets Miami is desirous of receiving accurate and timely data regarding tree plantings from municipalities; and

WHEREAS, this Board desires to assist Neat Streets Miami in obtaining accurate and timely data from municipalities; and

WHEREAS, the County and the Municipality desire to undertake such activities,

NOW THEREFORE, the County and Municipality agree as follows:

Terms and Conditions of Agreement

Municipality’s Responsibilities. The Municipality shall be responsible for providing periodic reports to the County (no less than annually) regarding the number of trees planted within the municipality to include the number of trees planted and the species of the trees planted.

County’s Responsibilities. The County shall be responsible for compiling and maintaining a listing of the number and species of trees planted by the Municipality, based upon the information provided by the Municipality, and will provide the Municipalities that participate in the reporting program an annual report on the number and species of trees planted in Miami-Dade County by the program participants.

(1) **Indemnification.** The Municipality shall indemnify and hold harmless the County its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the Municipality or its employees, agents, servants, partners principal or subcontractors. The Municipality shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon.

The County shall indemnify and hold harmless the Municipality and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the Municipality may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of the Agreement by the County. Provided, however, this indemnification shall only be to the extent and within the limitations of Section 768.28 Florida Statutes.

(2) **Term and Termination.** The Agreement shall remain in effect for a three-year period. The County or Municipality may terminate this Agreement for any reason, including for its own convenience, by written notice, without any liability to either party. The County and Municipality may renew the Agreement for additional three-year periods upon mutual agreement of the parties.

(3) **Assignment.** This Agreement is non-transferrable and non-assignable in whole or in part without the written consent of the County and the Municipality.

(4) **Compliance with Laws.** The County and Municipality agree that each party shall, at all times, comply with all applicable local, state, and federal laws, ordinances, codes, statutes, and rules and regulations.

(5) **Authority of Signatories.** The undersigned executing this Agreement on behalf of the Municipality represents and warrants that he/she has authority to bind the Municipality under this Agreement.

[EXECUTION PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused these present to be executed on the day and year first written above.

NAME OF MUNICIPALITY: _____

BY: _____
Municipality Representative's Signature

DATE: _____

PRINT NAME _____

TITLE: _____

MIAMI-DADE COUNTY, FLORIDA

BY: _____
Mayor
Miami-Dade County

DATE: _____

LEGAL SUFFICIENCY: _____
County Attorney

DATE: _____