

## Board of County Commissioners Agenda Request 23

Date of Meeting: May 14, 2002  
 Date Submitted: May 9, 2002

To: Honorable Chairman and Members of the Board  
 From: Parwez Alam, County Administrator  
 Michael C. Willett, Director of Public Works  
 Subject: Extension of Agreement with Child Safety Shelters, Inc. for School Bus Stop Shelters in Leon County

### **Statement of Issue:**

The Agreement (Attachment #1) dated September 8, 1992 between the Board and Child Safety Shelters, Inc. for the placement and maintenance of school bus shelters on the public right-of-way of Leon County expires September 7, 2002 and will automatically renew unless cancelled or renegotiated by Board action.

### **Background:**

In the late 1980's, Child Safety Shelters, Inc. (CSS), of Bonifay, Florida, approached the School Board, individual County Commissioners and staff with a proposal to place school bus stop shelters at regular stops along bus routes for County schools. The proposal contemplated placing shelters on public right-of-way outside of the City Limits along County and State roads and that the shelters would be self supporting financially by placing advertising on the roofs of the shelters. During these preliminary discussions, a primary concern was that the proposed shelters be in compliance with County Zoning Codes in effect at the time as they met the definition for a "sign" per that code.

On September 24, 1991 the Leon County School Board accepted, in concept, a proposal for Child Safety Shelters to be installed by CSS in Leon County. In October 1991, this information was conveyed to the Board with a request for Leon County approval (Attachment #2).

On January 21, 1992 the Board approved the concept of entering into an agreement with CSS to place shelters in Leon County and directed staff to develop a plan for that implementation (Attachment #3).

On September 8, 1992 staff presented the Board with recommendations for a form of contract between the County and CSS for the placement of the shelters in the unincorporated part of the County (Attachment #4). In the review of that proposed form, the Board determined that provisions requiring that CSS pay the County a fee for being allowed to place the shelters would not be required. Further, the Board directed that signs on the shelters should not be offensive or include advertising for cigarettes or liquor. As modified, the agreement format was approved and the Chairman authorized to sign.

On March 16, 1993 the Board authorized the Chairman to sign and affix the County Seal to permit applications to FDOT to allow the placement of shelters on State rights-of-way (Attachment #5). FDOT regulations allowed the shelters, but only upon the request of the local County, thereby requiring the County to sign the permit applications. Procedurally, CSS developed the permit applications and submitted them to County staff for review and processing. County staff then determined that the applications were appropriate before submission to the Board Chairman for execution.

During the life of this agreement, Public Works staff have coordinated with CSS for the placement and removal of a number of shelters. The typical process for placement of a shelter has been as follows: School officials provide information regarding bus routes. CSS staff follow the routes and identify potential sites for shelters. CSS staff contact

neighboring property owners to gain approval of the siting of a shelter. CSS establishes an account with a "sponsor" (advertiser) for a shelter. CSS then submits this information to Public Works staff for approval. Once approved, CSS installs the shelter. Where FDOT rights-of-way are involved, the process includes the permitting of the shelter per FDOT regulations.

During the life of this agreement, there have been several objections raised to the signs by citizens and Board members. In May, 1994 David Moynahan and Susan Peacock, residents of Lake Bradford Road, issued objections (Attachment #6). In May, 1995 several shelters were removed after objections raised by homeowners in the Lenox Mills subdivision, Greenwood Hills subdivision and in the Bradfordville Road area. As recently as September 12, 1997, Mr. Jack Cory of the Sombra Del Lago Drive area issued objections (Attachment #7). During Board Meetings on May 17, 1994, April 11, 1995, May 9, 1995, May 23, 1995, June 26, 1995 and September 12, 1995 the Board discussed citizen complaints and other issues associated with the shelters.

As of this date, there are a total of 17 school bus shelters in Leon County. The attached map and photographs of those shelters is included for Board reference (Attachment #8).

**Analysis:**

The concept of providing bus shelters for school children is predicated upon several factors including: need, location, functionality, maintenance, conformance with adjoining land uses and cost related issues. These factors provide the basis for staff analysis, as follows:

Need

The need for the bus shelters was established in September 1991 when the School Board determined that the shelters would be beneficial to school children waiting for buses to pick them up and take them to schools. During the development of the existing bus shelter locations, School Board officials were consulted as sites were being determined. However, there has been no official confirmation from the School Board since 1991 that the shelters they approved in concept actually provide the service that the School Board envisioned at the time of that approval.

Public Works staff has discussed the issue with the School Boards Transportation Division and they took the position that they are not involved with the school bus shelters and that it is a County decision. The Board may wish to confer further with School Board officials or direct staff to solicit comments from the School Board regarding the shelters. It would not be inappropriate for the Board to ask the School Board to reconsider the issue at an official meeting and re-issue it's approval.

Absent, or regardless of, the School Board's determination that the shelters are necessary, the Board may make its own determination concerning the necessity of these shelters. A critical factor in determining the need for these facilities is that the need be defined by specific criteria, and in all cases where that need is met, a shelter should be provided. To date, no such definition or identification of criteria has been established. In essence, shelters are installed by the provider on the basis of: topography of the site; availability of an advertiser to pay for the shelter by placing ads on the shelter; and verification that the site is a bus stop at the time of installation. Based on this criteria, shelters may be placed where there is no need for one, and places where shelters would actually be necessary may not receive one. It is staff's observation that due to the above selection process, shelters are not fairly and uniformly distributed throughout the County based on need.

Location

As discussed above under Need, it is staff's conclusion that many shelters have been placed in locations that do not serve the needs of the school bus riders. It is further noted that there is no system in place to relocate shelters when school bus routes and schedules change. As a result, these shelters are, in some cases, left in locations where buses have not stopped in years.

It is further noted that shelters are located on the basis of visibility by the public for the viewing of advertisements rather than for the comfort and convenience of the children. On the other hand, the use of advertising on the shelters also results in people not wanting the shelters to be located in residential areas - the places where shelters would expect to be needed

the most. County records, as described in the Background above, document many objections to the shelters on the basis of advertising.

If the Board determines to renegotiate and continue this contract, the Board may wish to consider requiring the provider to install shelters at all locations that meet a prescribed criteria and that some signs may not be allowed in other locations.

#### Functionality

The shelters consist of an inverted vee roof, sloping to the sides of the shelter. The remainder of the shelter consists of poles that support the roof and the bench seat for children waiting for buses. The floor is native earth or grass. In this configuration, the shelter would only shelter the occupants from rain and sunlight coming to the shelter from near vertical directions. Occupants would not be sheltered from early morning and late afternoon sunshine or blowing rain and wind. Although it is acknowledged that the design of the shelter intentionally provides for visibility of children for their protection from negative influences when they are inside the shelter, it also leaves the shelter questionable in its functionality.

If the Board determines to renegotiate and continue this contract, the Board may wish to review the design of the shelters and make modifications that will enhance occupant protection while maintaining safety afforded by visibility.

#### Maintenance

The provider of the shelters is responsible for their maintenance. In general the shelters have been maintained from a minimally acceptable level or better. There have been occasions where staff have had to call upon the vendor to provide improved maintenance, and the vendor has been prompt in response. However, many of the shelters, as maintained and observed by staff, do not offer desirable protection to children. Staff has also noted that shelters with advertising signs on them are better maintained than shelters without advertising.

If the Board determines to renegotiate and continue this contract, the Board may wish to add language into the contract more clearly defining maintenance levels and criteria.

#### Conformance with Adjoining Land Uses

For this program to be successful, the shelters must be minimally compatible with adjoining land uses. At most of the locations in use currently, the shelters are minimally compatible as the adjoining land uses are major roadways. However, even where currently located, many nearby residents have objected to their placement there, as noted by file records.

The shelters would otherwise be prohibited by current County Code, which states: "Sec. 10-1804. Prohibited Signs. (a) No person shall erect any signs which: ... (10) Are bench signs and other signs on bus stop facilities, except for existing public school bus shelter signs which have been authorized for placement through the county's contract(s) for bus shelters." By ordinance, the Board has declared this type of advertising to be unacceptable except where provided for by the Contract which is the subject of this consideration. Further, by ordinance, the Board has forbidden the installation of any new bus shelters under this contract.

If the Board determines to renegotiate and continue this contract, the Board may wish to consider changes to County Code that will allow the provider to install additional shelters.

#### Cost Related Issues

The placement of the shelters under the current program is to be at no cost to the County or the public. On that basis, the Board determined that no fees or other charges were to be levied against Child Safety Shelters, Inc. as a part of the existing agreement. It is to be noted, however, that the County has incurred significant costs to date related to this activity. Costs have been incurred relative to monitoring the condition of the shelters, processing the permits and other documents necessary for the installation of shelters, administering the contract and responding to citizen objections to the shelters.

If the Board determines to renegotiate and continue this contract, the Board may wish to reconsider the provisions of an extended contract and include fees or other charges.

View Agenda

Staff is not insensitive to the fact that one or two bus shelters properly located and serving the needs of a local geographical area is a benefit that would not otherwise exist without this agreement with Child Safety Shelters, Inc.

Overall, staff has observed little use of the bus shelters by the students. It has cost the County staff time to monitor, process the permits for present locations, and respond to complaints. As such, staff recommends termination of the contract.

**Options:**

1. Terminate Agreement with Child Safety Shelters, Inc. and authorize Board Chairman to sign written notice to cancel.
2. Renegotiate Agreement with specific criteria outlined by staff.
3. No Action - Allow Agreement to Automatically Renew.
4. Board Direction.

**Recommendation:**

Option #1.

**Attachments:**

1. Agreement Between Leon County and Child Safety Shelters, Inc., September 8, 1992
2. Leon County School Board Letter dated October 14, 1991
3. Board Agenda Item, January 21, 1992
4. Board Agenda Item, September 8, 1992
5. Board Agenda Item, March 6, 1993
5. Moynahan / Peacock Letter, May 4, 1994
7. Jack Cory letter, September 12, 1997
3. Maps and Photos

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