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# CITY COUNCIL REGULAR SESSION

## CITY OF LAKE CITY

July 03, 2023 at 6:00 PM

Venue: City Hall

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## AGENDA

This meeting will be held in the City Council Chambers on the second floor of City Hall located at 205 North Marion Avenue, Lake City, FL 32055. Members of the public may also view the meeting on our YouTube channel. YouTube channel information is located at the end of this agenda.

**Events Prior to Meeting** - 5:30 PM City Council Workshop - Group Photo Session

**Pledge of Allegiance**

**Invocation** - Mayor Stephen Witt

**Roll Call**

***Ladies and Gentlemen; The Lake City Council has opened its public meeting. Since 1968, the City Code has prohibited any person from making personal, impertinent, or slanderous remarks or becoming boisterous while addressing the City Council. Yelling or making audible comments from the audience constitutes boisterous conduct. Such conduct will not be tolerated. There is only one approved manner of addressing the City Council. That is, to be recognized and then speak from the podium.***

***As a reminder, persons are not to openly carry a handgun or carry a concealed weapon or firearm while the governing body is meeting.***

**Proclamations** - None

**Introduction** - Human Resource Director BillieJo Bible (City Manager Paul Dyal)

**Minutes**

[1.](#) June 20, 2023 Regular Session

**Approval of Agenda**

**Public Participation - Persons Wishing to Address Council**

*Citizens are encouraged to participate in City of Lake City meetings. The City of Lake City encourages civility in public discourse and requests that speakers direct their comments*

*to the Chair. Those attendees wishing to share a document and or comments in writing for inclusion into the public record must email the item to [submissions@lcfla.com](mailto:submissions@lcfla.com) no later than noon on the day of the meeting. Citizens may also provide input to individual council members via office visits, phone calls, letters and e-mail that will become public record.*

## **Approval of Consent Agenda - None**

### **Presentations**

- [2.](#) Brooke Frye and Travis George - Tobacco-Free Columbia Partnership (Council Member Ricky Jernigan)

### **Old Business - None**

### **New Business**

#### Ordinances - None

#### Resolutions

- [3.](#) City Council Resolution No. 2023-070 - A resolution of the City Council of the City of Lake City, Florida, rescinding the acceptance of the financial assistance award from the Florida Department of Economic Opportunity for approval of the Lake City Community Development Block Grant for fire suppression improvements at the Lake City Gateway Airport.
- [4.](#) City Council Resolution No. 2023-074 - A resolution of the City Council of the City of Lake City, Florida, authorizing the execution of an Amendment to Traffic Signal Maintenance and Compensation Agreement with the State of Florida, Department of Transportation; and providing for an effective date.
- [5.](#) City Council Resolution No. 2023-075 - A resolution of the City Council of the City of Lake City, Florida, authorizing the City and the Lake City Police Department, to enter into a Memorandum of Understanding with the Columbia County Sheriff's Office, and the Columbia County Board of County Commissioners for the purposes of providing Criminal Justice Information Technology Services, Information Exchange, Dispatch Services, and Criminal Justice Agency Oversight.

Note: The Memorandum of Understanding (MOU) is forth coming

#### Other Items

- [6.](#) Discussion and Possible Action – Allocate additional funds in the amount of \$40,000.00 for demolition/clean-up of abandoned property or hazardous structures (Council Member Chevella Young)

7. Discussion and Possible Action - City to host the Northeast Florida League Dinner Meeting on Thursday, December 7, 2023 (Council Member Jake Hill)

**Departmental Administration - None**

**Comments by Council Members**

**Adjournment**

**YouTube Information**

Members of the public may also view the meeting on our YouTube channel at:  
<https://www.youtube.com/c/CityofLakeCity>

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**Pursuant to 286.0105, Florida Statutes**, *the City hereby advises the public if a person decides to appeal any decision made by the City with respect to any matter considered at its meetings or hearings, he or she will need a record of the proceedings, and that, for such purpose, he or she may 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.*

**SPECIAL REQUIREMENTS:** *Pursuant to 286.26, Florida Statutes, persons needing special accommodations to participate in these meetings should contact the **City Manager's Office at (386) 719-5768.***

**File Attachments for Item:**

1. June 20, 2023 Regular Session

The City Council in and for the citizens of the City of Lake City, Florida, met in Regular Session, on June 20, 2023 beginning at 6:00 PM, in the City Council Chambers, located at City Hall 205 North Marion Avenue, Lake City, Florida. Members of the public also viewed the meeting on our YouTube Channel.

## PLEDGE OF ALLEGIANCE

INVOCATION – Council Member Jake Hill, Jr.

## ROLL CALL

Mayor/Council Member  
City Council

Stephen M. Witt  
Jake Hill, Jr.  
C. Todd Sampson  
Chevella Young  
Ricky Jernigan  
Todd Kennon  
Paul Dyal  
Chief Gerald Butler  
Audrey Sikes

City Attorney  
City Manager  
Sergeant-at-Arms  
City Clerk

PROCLAMATIONS – None

## MINUTES

1. June 5, 2023 Regular Session

**Mr. Jernigan made a motion to approve the June 5, 2023 Regular Session minutes as presented. Mr. Hill seconded the motion and the motion carried unanimously on a voice vote.**

## APPROVAL OF AGENDA

**Mr. Hill made a motion to approve the agenda as presented. Mr. Jernigan seconded the motion and the motion carried unanimously on a voice vote.**

## PUBLIC PARTICIPATION – PERSONS WISHING TO ADDRESS COUNCIL

- Sylvester Warren

## APPROVAL OF CONSENT AGENDA

2. Approval to award Bid No. ITB-011-2023 Purchase of Ground Power Unit (GPU) to Mark C. Pope Associates, Inc., lowest bidder, for \$49,995.00. Funding sources are \$45,000.00 from the Public Transportation Grant Agreement from Florida Department of

Transportation and the remainder of \$4,995.00 from the Airport's Operating Expense/Operating Supplies Account.

**Mr. Sampson made a motion to approve the consent agenda as presented. Mr. Jernigan seconded the motion and the motion carried unanimously on a voice vote.**

PRESENTATIONS – None

OLD BUSINESS

Ordinances

**At this time Mayor Witt closed the regular session and opened a public hearing for the purpose of hearing comments on City Council Ordinance No. 2023-2250. City Council Ordinance No. 2023-2250 was read by title. Mayor Witt asked if anyone wanted to be heard regarding City Council Ordinance No. 2023-2250. No one asked to speak on City Council Ordinance No. 2023-2250, therefore Mayor Witt closed the public hearing.**

3. City Council Ordinance No. 2023-2250 (final reading) - An ordinance of the City Council of the City of Lake City, Florida, amending the City Code to add a new Section Number 86-110.20 to Article III, Chapter 86, which provides for the partial abandonment of a 20.00 foot water and sewer utility easement as a portion of Parcel 1 of Official Records Book 776, Page 1724, of the Public Records of Columbia County, Florida; providing for conflicts; providing for severability; providing for codification; and providing an effective date. (U-Haul) **Mr. Sampson made a motion to approve City Council Ordinance No. 2023-2250 on final reading, amending the City Code to add a new Section Number 86-110.20 to Article III, Chapter 86, which provides for the partial abandonment of a 20.00 foot water and sewer utility easement as a portion of Parcel 1 of Official Records Book 776, Page 1724, of the Public Records of Columbia County, Florida. Mr. Jernigan seconded the motion. A roll call vote was taken and the motion carried.**

|                     |            |
|---------------------|------------|
| <b>Mr. Sampson</b>  | <b>Aye</b> |
| <b>Mr. Jernigan</b> | <b>Aye</b> |
| <b>Mr. Hill</b>     | <b>Aye</b> |
| <b>Ms. Young</b>    | <b>Aye</b> |
| <b>Mayor Witt</b>   | <b>Aye</b> |

**At this time Mayor Witt closed the regular session and opened a public hearing for the purpose of hearing comments on City Council Ordinance No. 2023-2251. City Council Ordinance No. 2023-2251 was read by title. Mayor Witt asked if anyone wanted to be heard regarding City Council Ordinance No. 2023-2251. No one asked to speak on City Council Ordinance No. 2023-2251, therefore Mayor Witt closed the public hearing.**

4. City Council Ordinance No. 2023-2251 (final reading) - An ordinance of the City Council of the City of Lake City, Florida, amending the City Code to add a new Section Number 86.110.21 to Article III, Chapter 86, which provides for the permanent closing of all that portion of Waldron street lying wholly in Section 33, Township 3 South, Range 17 East, Columbia County, Florida; providing for conflicts; providing for severability; providing for codification; and providing an effective date. (Tractor Supply) **Mr. Sampson made a motion to approve City Council Ordinance No. 2023-2251 on final reading, amending the City Code to add a new Section Number 86.110.21 to Article III, Chapter 86, which provides for the permanent closing of all that portion of Waldron street lying wholly in Section 33, Township 3 South, Range 17 East, Columbia County, Florida. Mr. Jernigan seconded the motion. A roll call vote was taken and the motion carried.**

|                     |            |
|---------------------|------------|
| <b>Mr. Sampson</b>  | <b>Aye</b> |
| <b>Mr. Jernigan</b> | <b>Aye</b> |
| <b>Mr. Hill</b>     | <b>Aye</b> |
| <b>Ms. Young</b>    | <b>Aye</b> |
| <b>Mayor Witt</b>   | <b>Aye</b> |

**At this time Mayor Witt closed the regular session and opened a public hearing for the purpose of hearing comments on City Council Ordinance No. 2023-2252. City Council Ordinance No. 2023-2252 was read by title. Mayor Witt asked if anyone wanted to be heard regarding City Council Ordinance No. 2023-2252. No one asked to speak on City Council Ordinance No. 2023-2252, therefore Mayor Witt closed the public hearing.**

5. City Council Ordinance No. 2023-2252 (final reading) - An ordinance of the City Council of the City of Lake City, Florida, revising the boundaries of the four (4) separate Election Districts, consisting of Districts 10, 12, 13, and 14, created by and described in Section 301(C) of Article III of the City Charter, as authorized and required by Section 301(E) of Article III of the City Charter; redefining the boundaries, pursuant to State Law and the Voting Rights Act, of each District 10, 12, 13, and 14 to insure that each separate District has approximately the same number of residents in accordance to 2020 Census Data, by population; providing that the General law of the State of Florida on the subject of Elections shall apply to all City Elections in the absence of conflicts with the City Code and City Charter; providing for the repeal of ordinances in conflict with any of the provisions of this ordinance; providing for severability; providing for codification; and providing for an effective date. **Mr. Hill made a motion to approve City Council Ordinance No. 2023-2252 on final reading, revising the boundaries of the four (4) separate Election Districts, consisting of Districts 10, 12, 13, and 14, created by and described in Section 301(C) of Article III of the City Charter, as authorized and required by Section 301(E) of Article III of the City Charter; redefining the boundaries, pursuant to State Law and the Voting Rights Act, of each District 10, 12, 13, and 14 to insure that each separate District has approximately the same number of residents in accordance to 2020 Census Data, by population; providing that the General**

law of the State of Florida on the subject of Elections shall apply to all City Elections in the absence of conflicts with the City Code and City Charter, and providing for the repeal of ordinances in conflict with any of the provisions of this ordinance. Mr. Sampson seconded the motion. A roll call vote was taken and the motion carried.

Mr. Hill                   Aye  
Mr. Sampson            Aye  
Ms. Young               Aye  
Mr. Jernigan            Aye  
Mayor Witt              Aye

Resolutions – None

Other Items – None

NEW BUSINESS

Ordinances – None

Resolutions

- 6. City Council Resolution No. 2023-068 - A resolution of the City Council of the City of Lake City, Florida, authorizing the execution of Amendment Number One to the contract between the City and Anderson Columbia Co., Inc., for annual asphalt services; providing for additional costs; and providing for an effective date. **Mr. Sampson made a motion to approve City Council Resolution No. 2023-068 authorizing the execution of Amendment Number One to the contract between the City and Anderson Columbia Co., Inc., for annual asphalt services, and providing for additional costs. Mr. Hill seconded the motion. A roll call vote was taken and the motion carried.**

Mr. Sampson            Aye  
Mr. Hill                 Aye  
Ms. Young               Aye  
Mr. Jernigan            Aye  
Mayor Witt              Aye

- 7. City Council Resolution No. 2023-069 - A resolution of the City Council of the City of Lake City, Florida, amending the Grant Agreement between the City of Lake City, Florida, and Annie Mattox Recreation Center, Inc. dated June 21,2022; providing for conflicts; providing for severability; and providing for an effective date.

PUBLIC COMMENT: Befaihtful Coker; Susan Adel; Ben Douglass; Sylvester Warren



Mr. Sampson expressed concerns with removing background checks from anyone being around children and cited Florida Statute Chapter 435.

Mayor Witt suggested background checks across the board for every park, and any employee that would be around children.

**Mr. Hill made a motion to approve City Council Resolution No. 2023-069, amending the Grant Agreement between the City of Lake City, Florida, and Annie Mattox Recreation Center, Inc. dated June 21,2022. Mr. Jernigan seconded the motion. A roll call vote was taken and the motion carried.**

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|---------------------|------------|
| <b>Mr. Hill</b>     | <b>Aye</b> |
| <b>Mr. Jernigan</b> | <b>Aye</b> |
| <b>Mr. Sampson</b>  | <b>Nay</b> |
| <b>Ms. Young</b>    | <b>Aye</b> |
| <b>Mayor Witt</b>   | <b>Nay</b> |

8. City Council Resolution No. 2023-071 - A resolution of the City Council of the City of Lake City, Florida, authorizing the Lake City Police Department to accept the Edward Byrne Memorial Justice Assistance Grant in the amount of \$113,942.00; providing for the procurement of equipment for the use and benefit of the Police Department; and providing for an effective date.

PUBLIC COMMENT: Sylvester Warren

Chief Butler provided a brief update on the grant and what the funds would be used for.

**Mr. Sampson made a motion to approve City Council Resolution No. 2023-071, authorizing the Lake City Police Department to accept the Edward Byrne Memorial Justice Assistance Grant in the amount of \$113,942.00, and providing for the procurement of equipment for the use and benefit of the Police Department. Mr. Jernigan seconded the motion. A roll call vote was taken and the motion carried.**

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|---------------------|------------|
| <b>Mr. Sampson</b>  | <b>Aye</b> |
| <b>Mr. Jernigan</b> | <b>Aye</b> |
| <b>Mr. Hill</b>     | <b>Aye</b> |
| <b>Ms. Young</b>    | <b>Aye</b> |
| <b>Mayor Witt</b>   | <b>Aye</b> |

9. City Council Resolution No. 2023-072 - A resolution of the City Council of the City of Lake City, Florida, authorizing the acceptance and execution of a Grant Agreement with the Federal Aviation Administration; providing for improvements to the South airfield drainage study at the Lake City Gateway Airport; providing for the receipt of up to \$148,500.00 in allowable costs; and providing an effective date.

Airport Manager Ed Bunnell provided a brief update on this grant.

**Mr. Sampson made a motion to approve City Council Resolution No. 2023-072, authorizing the acceptance and execution of a Grant Agreement with the Federal Aviation Administration; providing for improvements to the South airfield drainage study at the Lake City Gateway Airport, and providing for the receipt of up to \$148,500.00 in allowable costs. Mr. Hill seconded the motion. A roll call vote was taken and the motion carried.**

|                     |            |
|---------------------|------------|
| <b>Mr. Sampson</b>  | <b>Aye</b> |
| <b>Mr. Hill</b>     | <b>Aye</b> |
| <b>Ms. Young</b>    | <b>Aye</b> |
| <b>Mr. Jernigan</b> | <b>Aye</b> |
| <b>Mayor Witt</b>   | <b>Aye</b> |

10. City Council Resolution No. 2023-073 - A resolution of the City Council of the City of Lake City, Florida, authorizing the execution of a lease agreement with Jayviation, Inc. for the leasing of a parking lot located at the Lake City Gateway Airport for a month-to-month term. **Mr. Hill made a motion to approve City Council Resolution No. 2023-073, authorizing the execution of a lease agreement with Jayviation, Inc. for the leasing of a parking lot located at the Lake City Gateway Airport for a month-to-month term. Mr. Jernigan seconded the motion. A roll call vote was taken and the motion carried.**

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|---------------------|------------|
| <b>Mr. Hill</b>     | <b>Aye</b> |
| <b>Mr. Jernigan</b> | <b>Aye</b> |
| <b>Mr. Sampson</b>  | <b>Aye</b> |
| <b>Ms. Young</b>    | <b>Aye</b> |
| <b>Mayor Witt</b>   | <b>Aye</b> |

#### Other Items

11. Discussion and Possible Action: Designation of Florida League of Cities Voting Delegate (Mayor Witt)

The Florida League of Cities' Annual Conference will be held in Orlando, Florida from August 10-12, 2023. It is important for each municipality to designate one official as "voting delegate" to participate in voting for League leadership and adoption of resolutions that determine the direction of the League.

**Mr. Sampson made a motion to designate Mr. Hill as the Florida League of Cities Voting Delegate. Ms. Young seconded the motion. A roll call vote was taken and the motion carried.**

|                     |            |
|---------------------|------------|
| <b>Mr. Sampson</b>  | <b>Aye</b> |
| <b>Ms. Young</b>    | <b>Aye</b> |
| <b>Mr. Hill</b>     | <b>Aye</b> |
| <b>Mr. Jernigan</b> | <b>Aye</b> |
| <b>Mayor Witt</b>   | <b>Aye</b> |

12. Discussion and Possible Action: Authorize the City Attorney to obtain an opinion from the Attorney General in regards to the constitutional requirement of clemency in the recent appointment of Sylvester Warren to the Planning & Zoning Board/Board of Adjustments/Historic Preservation Agency. (Council Member Todd Sampson)

Mr. Sampson would like to authorize the City Attorney to obtain an opinion from the Attorney General to insure the City is following the law for the state.

PUBLIC COMMENT: Mr. Robinson; Befaitful Coker; Ben Douglass; Glenel Bowden

Ms. Young spoke in support of obtaining an opinion from the Attorney General.

Mr. Sampson suggested vetting future applicants up front.

**Mr. Sampson made a motion to authorize the City Attorney to obtain an opinion from the Attorney General in regards to the constitutional requirement of clemency in the recent appointment of Sylvester Warren to the Planning & Zoning Board/Board of Adjustments/Historic Preservation Agency. Ms. Young seconded the motion. A roll call vote was taken and the motion carried.**

|                     |            |
|---------------------|------------|
| <b>Mr. Sampson</b>  | <b>Aye</b> |
| <b>Ms. Young</b>    | <b>Aye</b> |
| <b>Mr. Hill</b>     | <b>Aye</b> |
| <b>Mr. Jernigan</b> | <b>Aye</b> |
| <b>Mayor Witt</b>   | <b>Aye</b> |

13. Discussion and Possible Action: Interaction between City Clerk and City Attorney; Interaction between City Clerk, City Attorney, and the City Council (Council Member Chevella Young)

Ms. Young expressed concerns with interactions between the City Clerk, City Attorney and City Council in regards to the process of items being placed on the agenda.

Ms. Sikes read from a prepared statement as to the timeline of events and the instruction that her office received from the City Attorney.

Mr. Kennon reported his timeline of events and the conclusion his office came to regarding a clemency issue with an appointment to the Planning and Zoning Board.

PUBLIC COMMENT: Sylvester Warren; Susan Adel; Dennielle Decker; Glenel Bowden; Stew Lilker; Befaihtful Coker

Mayor Witt expressed support for Ms. Sikes and Mr. Kennon.

PUBLIC COMMENT: Ben Lofstrom

Mr. Hill addressed scheduling conflicts with the City Attorney.

Mr. Jernigan expressed support for Ms. Sikes, and not Mr. Kennon.

Mr. Hill expressed support for Ms. Sikes.

Mr. Sampson expressed support for Ms. Sikes and requested the City Attorney bills be on every agenda for approval.

Ms. Young and Ms. Sikes mutually agreed to meet and discuss any concerns.

14. Discussion and Possible Action: Attorney Bills (Council Member Chevella Young)

Ms. Young agreed with Mr. Sampson's recommendation of reviewing the attorney bills every month.

Mr. Jernigan suggested reviewing the bills after all actions on topics that are itemized on the bills are completed.

PUBLIC COMMENT: Sylvester Warren - Mayor Witt accepted Sylvester Warren's resignation of the Planning & Zoning Board, Board of Adjustments, and the Historic Preservation Agency; Glenel Bowden

Ms. Sikes confirmed with Mr. Dyal, placement for the attorney bills would be in the section of other items on the agenda.

## DEPARTMENTAL ADMINISTRATION

15. Discussion and Possible Action: Consider implementing a 3.5% convenience fee for all payments on Invoice Cloud and over the counter transactions using a credit/debit card (Customer Service Director Katrina Medearis)

Mrs. Medearis reported the City was spending \$77,000.00 in credit card fees and presented members with options on implementing conveniences fees.

**Mr. Sampson made a motion to implement a 3.5% convenience fee for credit and debit card transactions at the \$2.50 minimum, and continue to have the e-check and ACH fee be paid by the biller. Mr. Jernigan seconded the motion. A roll call vote was taken and the motion carried.**

|                     |            |
|---------------------|------------|
| <b>Mr. Sampson</b>  | <b>Aye</b> |
| <b>Mr. Jernigan</b> | <b>Aye</b> |
| <b>Mr. Hill</b>     | <b>Aye</b> |
| <b>Ms. Young</b>    | <b>Aye</b> |
| <b>Mayor Witt</b>   | <b>Aye</b> |

#### COMMENTS BY COUNCIL

Mayor Witt inquired as to whether members would want to reschedule the upcoming July 3, 2023 Regular Session meeting due to the July 4<sup>th</sup> Holiday. Members concurred to meet on July 3, 2023.

Ms. Sikes read from a prepared statement thanking staff and the Council for their support.

Mayor Witt reminded members of the upcoming June 29, 2023 Workshop.

#### ADJOURNMENT

**Mr. Sampson made a motion to adjourn the meeting at 8:00 P.M. Mr. Jernigan seconded the motion and the motion carried unanimously on a voice vote.**

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Stephen M. Witt, Mayor/Council Member

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Audrey Sikes, City Clerk

**File Attachments for Item:**

2. Brooke Frye and Travis George - Tobacco-Free Columbia Partnership (Council Member Ricky Jernigan)



**Our Vision:** Every person in Columbia County can enjoy the great outdoors – free from toxic smoke and litter.

Tobacco Free spaces set a positive example and provide fewer opportunities for youth to start smoking and they support people who want to quit and help them succeed.

- Two-thirds of youth in Columbia County are exposed to secondhand smoke
  - Children exposed to secondhand smoke have an increased risk of sudden infant death syndrome, asthma, and cancer.
  - Both cigarettes & electronic vapor products (vape) contain nicotine, lead, and formaldehyde.
- Cigarettes are the most littered item
- U.S. poison control centers reported 9500+ cases (2020) involving children who consumed or were exposed to tobacco or nicotine products

### **A healthy environment and economy**

Tobacco products are toxic to the planet

- Lead, arsenic, and other chemicals in cigarettes & vape products cause pollution
- Cigarette filters & vape products are not biodegradable
- The tobacco industry cuts down 600 million trees every year
- Litter hurts tourism, our pristine natural springs are core to the economic health of Florida

### **Florida Clean Air Act**

In July 2022, The Florida Clean Air Act was updated

- Counties & municipalities can now restrict smoking & vaping in public parks (unfiltered cigars are excluded from regulation)
- Smoking is currently prohibited in state parks

### **Model Ordinance**

The Public Health Law Center created model ordinances for Florida counties & municipalities that would:

- Prohibit smoking & vaping at public parks
- Require signage
- Allow for enforcement
  - Encourage equitable enforcement – use signage as enforcement and deterrent, discourage criminal penalties as punishment, and limit law enforcement involvement.

Smoke-free policies can support and drive the local economy and improve our environment. It can also change social norms and acceptance of tobacco use and reduce youth exposure to tobacco and nicotine products.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

March 27, 2023

Caroline Harris  
Columbia County Board of County Commissioners  
Post Office Box 1529  
Lake City, FL 32056-1529

Attention: Ellen Snyder

Dear Caroline Harris:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Columbia County Ordinance No. 2023-04, which was filed in this office on March 27, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh



## ORDINANCE NO. 2023-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS WITHIN THE UNINCORPORATED COUNTY, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the following:

1. The World Health Organization (WHO) estimates that tobacco kills up to half of its users, amounting to more than 8 million deaths each year worldwide, including nearly half a million people who die prematurely from smoking in the United States alone<sup>1</sup>;
2. Tobacco use causes disease in nearly all organ systems and is responsible for an estimated 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all chronic obstructive pulmonary disease deaths in the United States<sup>2</sup>;
3. The estimated economic damage attributable to smoking and exposure to secondhand smoke in the United States is nearly \$300 billion annually<sup>3</sup>;
4. Despite significant progress, tobacco use remains the leading cause of preventable death and disease in the United States<sup>4</sup>;
5. Specifically, in Florida, 29.4% of cancer related deaths are attributable to smoking<sup>5</sup>.
6. Electronic vapor products have been found to contain nicotine, lead, formaldehyde, and thousands of other chemicals. These products damage DNA and harm parts of the brain responsible for learning and mental health<sup>6</sup>.

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<sup>1</sup> U.S. Department of Health and Human Services. The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: [https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf\\_NBK179276.pdf](https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf_NBK179276.pdf)

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> State proportion of cancer deaths attributable to smoking from Lortet-Tieulent, J, et al., "State-Level Cancer Mortality Attributable to Cigarette Smoking in the United States," *JAMA Internal Medicine*, published online October 24, 2016.

<sup>6</sup> Tehrani et al., 2021; Williams, et al., 2019; Romberg et al., 2019; Ogunwale et al., 2017; Latvala et al., 2014;

**WHEREAS**, secondhand smoke exposure is harmful and widespread, as evidenced by the following:

1. Children exposed to secondhand tobacco smoke have an increased risk of sudden infant death syndrome, asthma, physical and cognitive developmental abnormalities, and cancer;
2. The 2006 U.S. Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," concluded that there is no safe level of exposure to secondhand smoke;
3. The World Health Organization in 2007 declared that there is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke;
4. In Florida, 59% of children between ages 11 and 17 report being exposed to secondhand smoke from cigarettes or electronic vapor products;

**WHEREAS**, there is emerging evidence that exposure to the aerosol produced by a vapor-generating electronic device may be harmful, as evidenced by the following:

1. E-cigarettes produce an aerosol that contains at least ten chemicals known to cause cancer, birth defects, or other reproductive harm.<sup>7</sup>
2. Bystanders exposed to e-cigarette aerosol can also absorb its nicotine.<sup>8</sup>
3. The aerosol is made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.<sup>9</sup>
4. Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma and constrict arteries which could trigger a heart attack.<sup>10</sup>

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National Institute on Drug Abuse, 2020.

<sup>7</sup> California Tobacco Control Program, California Department of Public Health. State Health Officer's Report on E-Cigarettes: A Community Health Threat. Sacramento, CA. 2015. Available at: <https://www.cdph.ca.gov/Programs/CCDC/DCDC/CTCB/CDPH%20Document%20Library/Policy/ElectronicSmokingDevices/StateHealthEcigReport.pdf>.

<sup>8</sup> Ballbé M, Martínez-Sánchez JM. Cigarettes vs. E-Cigarettes: Passive Exposure at Home Measured by Means of Airborne Marker and Biomarkers. *Environmental Research* 2014;135:76–80 [accessed 2015 Jun 2].

<sup>9</sup> Fuoco, F.C.; Buonanno, G.; Stabile, L.; Vigo, P., "Influential parameters on particle concentration and size distribution in the mainstream of e-cigarettes," *Environmental Pollution* 184: 523-529, January 2014.

<sup>10</sup> Grana, R; Benowitz, N; Glantz, S. "Background Paper on E-cigarettes," Center for Tobacco Control Research and Education, University of California, San Francisco and WHO Collaborating Center on Tobacco Control. December 2013.

**WHEREAS**, tobacco waste is a major, consequential, and persistent source of litter, as evidenced by the following:

1. The roughly 6.3 trillion cigarettes smoked globally each year result in 300 billion packs that produce almost 2 million tons of wastepaper, cellophane, foil, and glue as well as trillions of butts littered across roadways, sidewalks, parks, and other green spaces<sup>11,12</sup>
2. Both tobacco industry and peer-reviewed research found that most smokers admit littering their cigarette butts<sup>13,53,54</sup> for example, one study found 74.1% of smokers admitted littering cigarette butts at least once in their life and 55.7% admitted to littering them in the past month<sup>14</sup>;
3. In an observational study of nearly 10,000 individuals, 65% of smokers disposed of their cigarette butts as litter<sup>15</sup>;
4. Cigarette butts are perennially the most common form of litter collected during cleanup programs worldwide. For example, in 2018, cigarette butts made up nearly 16% of all litter collected through cleanup programs in the U.S. (809,538 out of 5,106,515 items)
5. Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean<sup>16</sup>;
6. As of August 2019, the U.S. Environmental Protection Agency recognizes nicotine- containing electronic smoking devices as acute hazardous waste when disposed properly<sup>17</sup>;

**WHEREAS**, cigarette butts, smokeless tobacco, and electronic smoking devices pose a health threat of poisoning to young children, as evidenced by the following:

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<sup>11</sup> Novotny TE, Lum K, Smith E, Wang V, Barends R. Cigarettes Butts and the Case for an Environmental Policy on Hazardous Cigarette Waste. *Int J Environ Res Public Health*. 2009;6(5):1691-1705. doi: 10.3390/ijerph6051691.

<sup>12</sup> Novotny TE, Aguinaga Bialous S, Burt L, et al. The environmental and health impacts of tobacco agriculture, cigarette manufacture and consumption. *Bull World Health Organ*. 2015;93(12):877-880. doi: 10.2471/BLT.15.152744.

<sup>13</sup> Smith EA, Novotny TE. Whose Butt Is It? Tobacco Industry Research About Smokers and Cigarette Butt Waste. *Tob Control*. 2011;20(Suppl 1):i2-9. doi: 10.1136/tc.2010.040105.

<sup>14</sup> Rath JM, Rubenstein R a, Curry LE, Shank SE, Cartwright JC. Cigarette litter: Smokers' attitudes and behaviors. *Int J Environ Res Public Health*. 2012;9(6):2189-203. doi:10.3390/ijerph9062189.

<sup>15</sup> *Id.*

<sup>16</sup> Novotny TE, Lum K, Smith E, Wang V, Barends R. Cigarettes Butts and the Case for an Environmental Policy on Hazardous Cigarette Waste. *Int J Environ Res Public Health*. 2009;6(5):1691-1705. doi: 10.3390/ijerph6051691

<sup>17</sup> Resource Conservation and Recovery Act; EPA Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, 84 Fed. Reg. § 5816 (August 21, 2019) (to be codified at 40 C.F.R. pt. 266(p)).

1. In 2018, American poison control centers logged nearly 13,000 cases involving exposure to cigarettes, cigarette butts, electronic smoking devices, or other tobacco products, and of these, more than 10,000 (79.0%) occurred in children aged 5 years and younger<sup>18</sup>;
2. Among the 10,266 cases of nicotine and tobacco product exposure recorded in 2018 among children 5 years of age and younger by American poison control centers, 50.3% involved cigarettes, 18.4% involved electronic smoking devices, and 8.0% involved other tobacco products<sup>19</sup>;
3. The annual number of electronic cigarette exposure cases among children less than 5 years of age reported to American poison control centers increased from 10 in 2010 to 1,835 in 2018, a 14,015% increase<sup>20</sup>; and
4. Children who ingest tobacco products can experience vomiting, nausea, lethargy, and gagging, with e-liquids potentially posing a greater risk of toxicity or fatality through either ingestion or transdermal absorption<sup>21</sup>;

**WHEREAS**, Florida cities and counties have the legal authority to adopt local laws that prohibit smoking in public parks.

**NOW THEREFORE**, in order to provide for the public health, safety, and welfare, reduce unwanted and unwelcome exposure to secondhand smoke, assure cleaner and more hygienic parks for Columbia County, its residents, and visitors, it is the intent of the County Commission, in enacting this ordinance, to prohibit smoking and vaping in parks which are used by or open to the public and to prohibit smoking and vaping waste in those areas thereby affirming and promoting a healthy environment in the County.

**Section 1. RECITALS INCORPORATED.** The above recitals are incorporated herein.

**Section 2. DEFINITIONS.** The following words and phrases, whenever used in

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<sup>18</sup>Gummin DD, Mowry JB, Spyker DA, et al. 2018 Annual Report of the American Association of Poison Control Centers' National Poison Data System (NPDS): 36th Annual Report. *Clin Toxicol.* 2019;57(12):1220-1413. doi: 10.1080/15563650.2019.1677022.

<sup>19</sup> *Id.*

<sup>20</sup> Wang B, Liu S, Peroškie A. Poisoning Exposure Cases Involving E-Cigarettes and E-Liquid in the United States, 2010- 2018. *Clin Toxicol.* 2020;58(6):488-494. doi: 10.1080/15563650.2019.

<sup>21</sup> Chang JT, Rostron BL. Electronic Nicotine Delivery System (ENDS) Liquid Nicotine Exposure in Young Children Present- ing to US Emergency Departments, 2018. *Inj Epidemiol.* 2019;6:43. doi: 10.1186/s40621-019-0219-6.

this part shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) “Electronic Smoking Device” means an electronic device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.
- (b) “Park” means all public property specifically designated as being used for outdoor recreational or park purposes and where children regularly congregate. “Outdoor recreational or park purposes” includes, but is not limited to, boating, golfing, camping, swimming, horseback riding, and archaeological, scenic, or scientific sites and applies only to land which is open to the general public.
- (c) “Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, filtered cigars, pipe tobacco, and any other lighted tobacco product whether natural or synthetic. “Smoking” also means using an electronic smoking device or any other plant product intended for inhalation, including hookah and marijuana. For the purposes of this policy only, smoking does not include the use of unfiltered cigars (pursuant to Florida Statute 386.209).
- (d) “Tobacco Product” means:
  - (1) any product containing, made, or derived from tobacco, nicotine or nicotine analogues that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
  - (2) any electronic smoking device as defined in this [article/chapter] and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
  - (3) any component, part, accessory, of (1) or (2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.“Tobacco Product” does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.
- (e) “Tobacco Product Waste” means any material that is left over and regularly intended to be discarded after the use or consumption of a tobacco product. Tobacco Product Waste includes, but is not limited to, discarded cigarette butt filters, cigar or cigarillo tips, cigarette packs, cigar or cigarillo wrappers, electronic smoking devices of all types, electronic smoking device cartridges

or refill containers, plastic packaging, foil, or other disposable tobacco product remnants or tobacco product packaging in any form.

- (f) "Vaping" means the inhaling, exhaling, or holding of an activated electronic smoking device.

### **Section 3. PROHIBITION OF TOBACCO USE IN RECREATIONAL AREAS.**

Smoking and the use of all other tobacco products is prohibited in all parks within the incorporated limits of Columbia County, Florida. Unfiltered cigars are exempted under 386.209, Florida Statutes.

### **Section 4. OTHER REQUIREMENTS AND PROHIBITIONS.**

- (a) No person shall dispose of tobacco product waste in any park.
- (b) The County Manager or their designee shall post at least one clear, conspicuous and unambiguous "No Smoking or Vaping" sign at each point of ingress to the area, and in at least one other conspicuous location where individuals congregate (such as restrooms, playgrounds, or buildings) within each recreational area. For purposes of this section, the County Manager or their designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the County. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this ordinance.

**Section 5. COMPLIANCE AND ENFORCEMENT.** The success of this policy depends on the consideration and cooperation of both tobacco-users and non-users. Individuals acting in violation of this policy will be reminded and asked to comply. Individuals who violate this policy may be asked to leave the park. Enforcement and fines for violation of this section shall be in accordance with general law.

**Section 6. STATUTORY CONSTRUCTION & SEVERABILITY.** If any section, subsection or provision of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections or provisions of this ordinance or its application to any other person or circumstance. The Board of County Commissioners for Columbia County, Florida, hereby declares that it would have adopted each section,

subsection or provision hereof independently, irrespective of the fact that any one or more other sections, subsections or provisions hereof be declared invalid or unenforceable.

**Section 7. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its adoption by Columbia County, Florida in accordance with the provisions of Florida Statutes.

**DULY ADOPTED** by the Board of County Commissioners of Columbia County, Florida, this 23rd day of March 2023

**BOARD OF COUNTY COMMISSIONERS  
COLUMBIA COUNTY, FLORIDA**

By: Rocky Ford  
**ROCKY FORD, Chair**

ATTEST: James M. Swisher, Jr., Clerk of Court

James M. Swisher, Jr.  
Deputy Clerk

Effective Date: 3/27/23

Approved as to form and legality:

Joel F. Foreman  
Joel F. Foreman, County Attorney



## MODEL FLORIDA TOBACCO-FREE OUTDOOR ORDINANCE

In June 2022, Governor DeSantis signed legislation that grants city and county governments the ability to ban smoking at public parks and beaches. This new law could potentially impact Florida's 67 county park systems and more than 400 city park systems. This model ordinance includes a number of provisions a local government may choose to adopt in order to ban smoking at public parks and beaches and to further advance public health.

A city or county planning to adopt this model ordinance, in whole or in part, should review it with its attorney beforehand to determine suitability. While the model ordinance language can be modified by adding or omitting content concerning activities that a city or county does or does not seek to regulate, doing so may result in an ordinance that does not conform to state law, federal law, and best public health policy practices.

Because provisions within this model ordinance are controlled by statute and rule, the city or county attorney should review any modifications to ensure they conform to state and federal law. The Public Health Law Center provides legal technical assistance to help communities that wish to adopt commercial tobacco control ordinances. We encourage communities to contact us for assistance when considering this model language.

### Notice

In order to properly adopt an ordinance, cities and counties in Florida must follow specific processes set out in state statute. [Section 125.66](#) sets out the process for counties; [Section 166.041](#) sets out the process for other municipalities. These statutes include requirements for notice, publication, and form.

### Tips for Using This Model Ordinance

The best possible world is one without the death and health harms associated with commercial tobacco use. Communities differ on their readiness and willingness to adopt certain commercial tobacco control policies that are intended to help make that world a reality. As such, this model ordinance represents a balance between state minimum standards, best public health policy practices, and practicality for local governments in Florida. This model ordinance contains several policy components that go beyond state minimum requirements and communities may or may not choose to adopt at this time

While the Public Health Law Center does not lobby, advocate, or directly represent communities, adopting effective commercial tobacco control policies starts early with education, stakeholder and community engagement, and a strong advocacy plan. If a community is unaware of the resources available to them for engaging the community and developing an advocacy plan, or if a city or county is considering adopting an ordinance and is interested in learning about the range of resources available, the Public Health Law Center can provide assistance through our publications and referrals to experts in the field. In certain, limited



circumstances, Public Health Law Center staff may be able to speak at public hearings or work sessions to provide education about particular policy options.

**[Disclaimer]**

*The Public Health Law Center provides information and legal technical assistance on issues related to public health. The Center does not lobby nor does it provide direct legal representation or advice. This document should not be considered legal advice.*

Section 1. FINDINGS.

Section 2. DEFINITIONS.

Section 3. PROHIBITION OF TOBACCO USE IN RECREATIONAL AREAS.

Section 4. OTHER REQUIREMENTS AND PROHIBITIONS.

Section 5. PENALTIES AND ENFORCEMENT.

Section 6. STATUTORY CONSTRUCTION & SEVERABILITY.

**ORDINANCE NO. [ \_\_\_\_\_ ]**

**AN ORDINANCE OF THE [BOARD OF COUNTY COMMISSIONERS OF \_\_\_\_\_ COUNTY, FLORIDA / CITY COUNCIL OF \_\_\_\_\_, FLORIDA], PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS AND BEACHES WITHIN THE [CITY/COUNTY]**

**SECTION 1. FINDINGS**

**WHEREAS**, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the following:

- The World Health Organization (WHO) estimates that tobacco kills up to half of its users, amounting to more than 8 million deaths each year worldwide, including nearly half a million people who die prematurely from smoking in the United States alone<sup>1</sup>;
- Tobacco use causes disease in nearly all organ systems and is responsible for an estimated 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all chronic obstructive pulmonary disease deaths in the United States<sup>2</sup>;

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<sup>1</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: [https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf\\_NBK179276.pdf](https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf_NBK179276.pdf)

<sup>2</sup> *Id.*

- The estimated economic damage attributable to smoking and exposure to secondhand smoke in the United States is nearly \$300 billion annually<sup>3</sup>;
- Despite significant progress, tobacco use remains the leading cause of preventable death and disease in the United States<sup>4</sup>,
- Specifically, in Florida, 29.4% of cancer related deaths are attributable to smoking.<sup>5</sup>
- Electronic vapor products have been found to contain nicotine, lead, formaldehyde, and thousands of other chemicals. These products damage DNA and harm parts of the brain responsible for learning and mental health.<sup>6</sup>

**WHEREAS**, secondhand smoke exposure is harmful and widespread, as evidenced by the following:

- Children exposed to secondhand tobacco smoke have an increased risk of sudden infant death syndrome, asthma, physical and cognitive developmental abnormalities, and cancer;
- The 2006 U.S. Surgeon General’s report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," concluded that there is no safe level of exposure to secondhand smoke;
- The World Health Organization in 2007 declared that there is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke;
- In Florida, 59% of children between ages 11 and 17 report being exposed to secondhand smoke from cigarettes or electronic vapor products;

**WHEREAS**, there is emerging evidence that exposure to the aerosol produced by a vapor-generating electronic device may be harmful, as evidenced by the following:

- E-cigarettes produce an aerosol that contains at least ten chemicals known to cause cancer, birth defects, or other reproductive harm.<sup>7</sup>
- Bystanders exposed to e-cigarette aerosol can also absorb its nicotine.<sup>8</sup>
- The aerosol is made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.<sup>9</sup>

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> State proportion of cancer deaths attributable to smoking from Lortet-Tieulent, J, et al., “State-Level Cancer Mortality Attributable to Cigarette Smoking in the United States,” *JAMA Internal Medicine*, published online October 24, 2016.

<sup>6</sup> Tehrani et al., 2021; Williams, et al., 2019; Romberg et al., 2019; Ogunwale et al., 2017; Latvala et al., 2014; National Institute on Drug Abuse, 2020.

<sup>7</sup> California Tobacco Control Program, California Department of Public Health. State Health Officer’s Report on E-Cigarettes: A Community Health Threat. Sacramento, CA. 2015. Available at: <https://www.cdph.ca.gov/Programs/CCDC/DCDC/CTCB/CDPH%20Document%20Library/Policy/ElectronicSmokingDevices/StateHealthEcigReport.pdf>.

<sup>8</sup> Ballbé M, Martínez-Sánchez JM. Cigarettes vs. E-Cigarettes: Passive Exposure at Home Measured by Means of Airborne Marker and Biomarkers. *Environmental Research* 2014;135:76–80 [accessed 2015 Jun 2].

<sup>9</sup> Fuoco, F.C.; Buonanno, G.; Stabile, L.; Vigo, P., “Influential parameters on particle concentration and size distribution in the mainstream of e-cigarettes,” *Environmental Pollution* 184: 523-529, January 2014.

- Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma, and constrict arteries which could trigger a heart attack.<sup>10</sup>

**WHEREAS**, tobacco waste is a major, consequential, and persistent source of litter, as evidenced by the following:

- The roughly 6.3 trillion cigarettes smoked globally each year result in 300 billion packs that produce almost 2 million tons of wastepaper, cellophane, foil, and glue as well as trillions of butts littered across roadways, sidewalks, parks, and other green spaces<sup>11,12</sup>
- Both tobacco industry and peer-reviewed research found that most smokers admit littering their cigarette butts<sup>13,53,54</sup> for example, one study found 74.1% of smokers admitted littering cigarette butts at least once in their life and 55.7% admitted to littering them in the past month<sup>14</sup>;
- In an observational study of nearly 10,000 individuals, 65% of smokers disposed of their cigarette butts as litter<sup>15</sup>;
- Cigarette butts are perennially the most common form of litter collected during cleanup programs worldwide. For example, in 2018, cigarette butts made up nearly 16% of all litter collected through cleanup programs in the U.S. (809,538 out of 5,106,515 items)
- Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean<sup>16</sup>;
- As of August 2019, the U.S. Environmental Protection Agency recognizes nicotine-containing electronic smoking devices as acute hazardous waste when disposed properly<sup>17</sup>;

**WHEREAS**, cigarette butts, smokeless tobacco, and electronic smoking devices pose a health threat of poisoning to young children, as evidenced by the following:

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<sup>10</sup> Grana, R; Benowitz, N; Glantz, S. "Background Paper on E-cigarettes," Center for Tobacco Control Research and Education, University of California, San Francisco and WHO Collaborating Center on Tobacco Control. December 2013.

<sup>11</sup> Novotny TE, Lum K, Smith E, Wang V, Barends R. Cigarettes Butts and the Case for an Environmental Policy on Hazardous Cigarette Waste. *Int J Environ Res Public Health*. 2009;6(5):1691-1705. doi: 10.3390/ijerph6051691.

<sup>12</sup> Novotny TE, Aguinaga Bialous S, Burt L, et al. The environmental and health impacts of tobacco agriculture, cigarette manufacture and consumption. *Bull World Health Organ*. 2015;93(12):877-880. doi: 10.2471/BLT.15.152744.

<sup>13</sup> Smith EA, Novotny TE. Whose Butt Is It? Tobacco Industry Research About Smokers and Cigarette Butt Waste. *Tob Control*. 2011;20(Suppl 1):i2-9. doi: 10.1136/tc.2010.040105.

<sup>14</sup> Rath JM, Rubenstein R a, Curry LE, Shank SE, Cartwright JC. Cigarette litter: Smokers' attitudes and behaviors. *Int J Environ Res Public Health*. 2012;9(6):2189-203. doi:10.3390/ijerph9062189.

<sup>15</sup> *Id.*

<sup>16</sup> Novotny TE, Lum K, Smith E, Wang V, Barends R. Cigarettes Butts and the Case for an Environmental Policy on Hazardous Cigarette Waste. *Int J Environ Res Public Health*. 2009;6(5):1691-1705. doi: 10.3390/ijerph6051691

<sup>17</sup> Resource Conservation and Recovery Act; EPA Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, 84 Fed. Reg. § 5816 (August 21, 2019) (to be codified at 40 C.F.R. pt. 266(p)).

- In 2018, American poison control centers logged nearly 13,000 cases involving exposure to cigarettes, cigarette butts, electronic smoking devices, or other tobacco products, and of these, more than 10,000 (79.0%) occurred in children aged 5 years and younger<sup>18</sup>;
- Among the 10,266 cases of nicotine and tobacco product exposure recorded in 2018 among children 5 years of age and younger by American poison control centers, 50.3% involved cigarettes, 18.4% involved electronic smoking devices, and 8.0% involved other tobacco products<sup>19</sup>;
- The annual number of electronic cigarette exposure cases among children less than 5 years of age reported to American poison control centers increased from 10 in 2010 to 1,835 in 2018, a 14,015% increase<sup>20</sup>; and
- Children who ingest tobacco products can experience vomiting, nausea, lethargy, and gagging, with e-liquids potentially posing a greater risk of toxicity or fatality through either ingestion or transdermal absorption<sup>21</sup>;

**WHEREAS**, Florida cities and counties have the legal authority to adopt local laws that prohibit smoking in public parks and beaches.

**NOW THEREFORE**, in order to provide for the public health, safety, and welfare, reduce unwanted and unwelcome exposure to secondhand smoke, assure cleaner and more hygienic parks and beaches for [county/city] its residents and visitors, it is the intent of the [County Board of Supervisors/City Council] , in enacting this ordinance, to prohibit smoking in parks and beaches which are used by or open to the public and to prohibit smoking waste in those areas thereby affirming and promoting a healthy environment in [county/city].

**Sec. [ \_\_\_\_ (\*2) ]. DEFINITIONS.** The following words and phrases, whenever used in this [ article / chapter ] shall have the meanings defined in this section unless the context clearly requires otherwise:

(a) “Beach” means the publicly owned zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. “Beach” includes a shore of a body of water covered by sand, gravel, or larger rock fragments.

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<sup>18</sup>Gummin DD, Mowry JB, Spyker DA, et al. 2018 Annual Report of the American Association of Poison Control Centers’ National Poison Data System (NPDS): 36th Annual Report. *Clin Toxicol.* 2019;57(12):1220-1413. doi: 10.1080/15563650.2019.1677022.

<sup>19</sup>

*Id.*

<sup>20</sup> Wang B, Liu S, Peroskie A. Poisoning Exposure Cases Involving E-Cigarettes and E-Liquid in the United States, 2010- 2018. *Clin Toxicol.* 2020;58(6):488-494. doi: 10.1080/15563650.2019.

<sup>21</sup> Chang JT, Rostron BL. Electronic Nicotine Delivery System (ENDS) Liquid Nicotine Exposure in Young Children Present- ing to US Emergency Departments, 2018. *Inj Epidemiol.* 2019;6:43. doi: 10.1186/s40621-019-0219-6.

(b) “Electronic Smoking Device” means an electronic device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

(c) “Park” means all public property specifically designated as being used for outdoor recreational or park purposes and where children regularly congregate. “Outdoor recreational or park purposes” includes, but is not limited to, boating, golfing, camping, swimming, horseback riding, and archaeological, scenic, or scientific sites and applies only to land which is open to the general public.

(d) “Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, filtered cigars, pipe tobacco, and any other lighted tobacco product whether natural or synthetic. “Smoking” also means using an electronic smoking device or any other plant product intended for inhalation, including hookah and marijuana. For the purposes of this policy only, smoking does not include the use of unfiltered cigars (pursuant to Florida Statute 386.209).

(e) “Tobacco Product” means:

(1) any product containing, made, or derived from tobacco, nicotine or nicotine analogues that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

(2) any electronic smoking device as defined in this [article/chapter] and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

(3) any component, part, accessory, of (1) or (2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

“Tobacco Product” does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(f) “Tobacco Product Waste” means any material that is left over and regularly intended to be discarded after the use or consumption of a tobacco product. Tobacco Product Waste includes, but is not limited to, discarded cigarette butt filters, cigar or cigarillo tips, cigarette packs, cigar or cigarillo wrappers, electronic smoking devices of all types, electronic smoking device cartridges or refill containers, plastic packaging, foil, or other disposable tobacco product remnants or tobacco product packaging in any form.

(g) “Vaping” means the inhaling, exhaling, or holding of an activated electronic smoking device.

**Sec. [ \_\_\_\_ (\*3) ]. PROHIBITION OF TOBACCO USE IN RECREATIONAL AREAS.**

(a) Smoking and the use of all other tobacco products is prohibited in all parks and beaches within [County/City]. Unfiltered cigars are exempted under 386.209, Florida Statutes.

**Sec. [ \_\_\_\_ (\*4) ]. OTHER REQUIREMENTS AND PROHIBITIONS.**

(a) No person shall dispose of tobacco product waste in any park or beach.

(b) [The County/City manager or their designee] shall post at least one clear, conspicuous and unambiguous “No Smoking or Vaping” sign at each point of ingress to the area, and in at least one other conspicuous location where individuals congregate (such as restrooms, playgrounds, or buildings) within each recreational area. For purposes of this section, the [County/City Manager or their designee] shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the [County/City]. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of smoking in violation of any other provision of this ordinance.

**Sec. [ \_\_\_\_ (\*5) ]. COMPLIANCE AND ENFORCEMENT.**

The success of this policy depends on the consideration and cooperation of both tobacco-users and non-users. Individuals acting in violation of this policy will be reminded and asked to comply. Individuals who violate this policy may be asked to leave the park or beach. Enforcement and fines for violation of this section shall be in accordance with ordinance #XXX.\*

**Sec. [ \_\_\_\_ (\*6) ]. STATUTORY CONSTRUCTION & SEVERABILITY.**

If any section, subsection or provision of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections or provisions of this ordinance or its application to any other person or circumstance. [The Board of County Commissioners/City Council] hereby declares that it would have adopted each section, subsection or provision hereof independently, irrespective of the fact that any one or more other sections, subsections or provisions hereof be declared invalid or unenforceable.

**EFFECTIVE DATE**

This policy shall take effect on \_\_\_\_\_

**\*TIPS FOR EQUITABLE ENFORCEMENT**

Clear and accessible signage is a key to a successful enforcement strategy. Posting signs throughout parks and beaches will serve as a reminder to visitors, and a deterrent. Additionally, Criminal penalties as punishment for violation of this ordinance are strongly discouraged. Limiting law enforcement involvement with enforcement may be an equity measure for communities that are historically overpoliced. Lastly, if there are any fine structures or community service penalties in place, those accused of violating the ordinance should have Due Process rights and communities may consider a graduated enforcement scheme where fines are minimal (i.e warning first, removal from park or beach second, minimal fine imposed as a last resort).

**File Attachments for Item:**

3. City Council Resolution No. 2023-070 - A resolution of the City Council of the City of Lake City, Florida, rescinding the acceptance of the financial assistance award from the Florida Department of Economic Opportunity for approval of the Lake City Community Development Block Grant for fire suppression improvements at the Lake City Gateway Airport.

**CITY COUNCIL RESOLUTION NO. 2023-070**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, RESCINDING THE ACCEPTANCE OF THE FINANCIAL ASSISTANCE AWARD FROM THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR APPROVAL OF THE LAKE CITY COMMUNITY DEVELOPMENT BLOCK GRANT FOR FIRE SUPPRESSION IMPROVEMENTS AT THE LAKE CITY GATEWAY AIRPORT.**

**WHEREAS**, the City of Lake City, Florida (hereinafter the “City”), accepted a grant from the State of Florida, Department of Economic Opportunity (hereinafter “DEO”), associated with the fire suppression improvements of Hangar 3 and Hangar 5 at the Lake City Gateway Airport (hereinafter the “Airport”); and

**WHEREAS**, the City and Columbia County, Florida (hereinafter the “County”) agreed to cooperate on a Community Development Block Grant (hereinafter “CDBG”) application through DEO; and

**WHEREAS**, the City and County entered into a Community Development Block Grant (CDBG) Interlocal Agreement Between Columbia County, Florida and the City of Lake City Florida dated May 17, 2021 (hereinafter the “Interlocal Agreement”) to fulfill the requirements of the CDBG applications and the administration of the improvements of the fire suppression systems at the Airport; and

**WHEREAS**, the City Administration, contingent upon the County’s rescission of the acceptance of the grant funds and termination of the Interlocal Agreement, desires to rescind the acceptance of the grant and terminate the Interlocal Agreement; and

**WHEREAS**, the City Council, based on the recommendation of the City Administration, finds that it is in the best interest of the City to rescind the acceptance of the grant and terminate the Interlocal Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**



**Section 1.** The above recitals are all true and accurate and are incorporated herein and made a part of this Resolution.

**Section 2.** The acceptance of the grant from DEO and the Interlocal Agreement are hereby rescinded and terminated upon passage of this resolution, contingent upon the County's rescission of the grant from DEO and termination of the Interlocal Agreement.

**PASSED AND ADOPTED** at a meeting of the City Council this \_\_\_\_ day of July 2023.

**CITY OF LAKE CITY, FLORIDA**

By: \_\_\_\_\_  
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Audrey E. Sikes, City Clerk

By: \_\_\_\_\_  
Thomas J. Kennon, III,  
City Attorney

**File Attachments for Item:**

4. City Council Resolution No. 2023-074 - A resolution of the City Council of the City of Lake City, Florida, authorizing the execution of an Amendment to Traffic Signal Maintenance and Compensation Agreement with the State of Florida, Department of Transportation; and providing for an effective date.

**CITY COUNCIL RESOLUTION NO. 2023-074**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake City, Florida, (hereinafter the "City") and the State of Florida, Department of Transportation (hereinafter "FDOT"), entered into a *Traffic Signal Maintenance and Compensation Agreement* (hereinafter the "Agreement"); and

**WHEREAS**, the City Council and FDOT desire to modify the Agreement pursuant to the terms and conditions contained in the *Amendment to Traffic Signal Maintenance and Compensation Agreement* (hereinafter the "Amendment"), a copy of which is attached hereto as "Exhibit A"; and

**WHEREAS**, the City finds that it is in the best interest of the public and its citizens to enter into the Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are all true and accurate and are hereby made a part of this resolution.

**Section 2.** The City is hereby authorized to enter into the Amendment with FDOT and the Mayor is authorized to execute the Amendment for, and on behalf of, the City.

**Section 3.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** at a meeting of the City Council this \_\_\_\_ day of July 2023.

**CITY OF LAKE CITY, FLORIDA**

By: \_\_\_\_\_  
Stephen M. Witt, Mayor

ATTEST

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Audrey E. Sikes, City Clerk

By: \_\_\_\_\_  
Thomas J. Kennon, III,  
City Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**AMENDMENT TO TRAFFIC SIGNAL  
MAINTENANCE AND COMPENSATION AGREEMENT**

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CONTRACT NO. ARV20  
FINANCIAL PROJECT NO. 41352018809  
F.E.I.D. NO. F596000352018  
AMENDMENT NO. \_\_\_\_\_

**THIS AMENDMENT TO THE TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT** ("Amendment"), is entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ between the Florida Department of Transportation, an agency of the State of Florida, herein called the "Department", and the City of Lake City, Florida ("Maintaining Agency").

**RECITALS:**

**WHEREAS**, the Department and the Maintaining Agency on \_\_\_\_\_ entered into a Traffic Signal Maintenance and Compensation Agreement ("Agreement"); and

**WHEREAS**, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

**NOW THEREFORE**, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

1. Agreement paragraphs 1, 3, 6, 12, 31, and 35 are amended, superseded, and replaced in their entirety with the new paragraphs 1, 3, 6, 12, 31, and 35 attached hereto to this Amendment.
2. Agreement exhibits A, B, and C are amended, superseded, and replaced in their entirety with new Exhibits A, B, and C attached hereto to this Amendment.
3. Except as modified in this Amendment, all terms and conditions of the Agreement and any amendments or modifications thereto remain in full force and effect.

**IN WITNESS WHEREOF**, the undersigned parties have executed this Amendment on the day, month, and year set forth above.

City of Lake City, Florida  
(Maintaining Agency)

By: \_\_\_\_\_  
(Authorized Signature)

Print/Type Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attorney: \_\_\_\_\_ Date: \_\_\_\_\_

**STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
(Authorized Signature)

Print/Type Name: James Hannigan

Title: District Traffic Operations  
Engineer

Legal Review: \_\_\_\_\_

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**AMENDMENT TO TRAFFIC SIGNAL  
MAINTENANCE AND COMPENSATION AGREEMENT**

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1. The Maintaining Agency shall be responsible for the "Project," defined as the maintenance and continuous operation of the following, located on the State Highway System:
  - a. Traffic signals ("TS"),
  - b. Interconnected and monitored traffic signals ("IMTS") - defined as signals that are interconnected with telecommunications and are monitored at a central location,
  - c. Traffic signal systems - defined as central computer; traffic monitoring cameras ("TrMC"; must fulfill District purpose and need and be accessible from Department's Video Aggregation System); arterial dynamic message signs ("ADMS"); communications devices; interconnect / network; vehicle, bicycle & pedestrian detection devices [including passive pedestrian detection ("PPD") and accessible pedestrian detection]; traffic signal hardware and software; preemption devices; probe data detection system ("PDDS"); and uninterruptible power supplies ("UPS"),
  - d. Control devices - defined as intersection control beacons ("ICB"), traffic warning beacons ("TWB"; including LED highlighted signs), illuminated street name signs ("ISNS"), and pedestrian flashing beacons ("PFB"; i.e., school zone flashing beacons, pedestrian crossing beacons, and Rectangular Rapid Flashing Beacons),
  - e. Emergency/fire department signals ("FDS"),
  - f. Speed activated warning displays ("SAWD"; including curve warning feedback signs),
  - g. Blank out signs ("BOS"; including Lane Control Signs),
  - h. Pedestrian hybrid beacons ("PHB"),
  - i. Connected Automated Vehicle Devices ("CAVD"; i.e., roadside units and roadside equipment), and
  - j. In-roadway warning lights ("IRWL") system (specific to mid-block crossing and unsignalized intersection applications, as defined in the FDOT Traffic Engineering Manual)

All traffic signals and control devices mentioned in the above paragraph 1.a-j are referred to in this Agreement as "Traffic Signals and Devices". The Maintaining Agency shall be responsible for the payment of electricity and electrical charges incurred in connection with operations of such Traffic Signals and Devices upon final acceptance by the Department of the installation of each signal or device.

3. If Traffic Signals and Devices are damaged and the Maintaining Agency or its contractors did not cause the damage, then the Department shall reimburse the Maintaining Agency for the actual costs incurred by the Maintaining Agency for repairs and/or replacement of Traffic Signals and Devices, once the following occurs:
  - a. The Department has approved a properly completed invoice for reimbursement that was provided to the Department outlining the details of the requested reimbursements; and
  - b. Evidence of the costs incurred were included as an attachment to the invoice.

Exhibit C sets forth additional conditions that apply when the Maintaining Agency seeks to obtain reimbursement for costs incurred for repair and/or replacement and associated contract documentation of damaged Traffic Signals and Devices. Exhibit C also serves as a form invoice that can be used by the Maintaining Agency. The Maintaining Agency shall obtain written approval from the Department regarding the appropriate method of repair and/or replacement of damaged Traffic Signals and Devices prior to performing the emergency and/or permanent repair and/or replacement work. If there is an immediate risk to public safety due to damaged Traffic Signals and Devices and the Maintaining Agency is unable to immediately obtain the Department's written approval regarding the method of repair and/or replacement, then the Maintaining Agency shall immediately repair and/or replace the Traffic Signals and Devices. The Maintaining Agency shall notify the Department within thirty (30) calendar days of becoming aware of any damage to Traffic Signals and Devices caused by third parties or Force Majeure event. The Department shall be responsible for pursuing reimbursement from individuals and/or the third parties who cause damages and are liable for replacement and/or repair costs to Traffic Signals and Devices. If the Maintaining Agency or its contractors causes damages to the Traffic Signals and Devices, then the Maintaining Agency shall repair and/or replace the Traffic Signals and Devices, and the Maintaining Agency shall be fully responsible for the cost of repair and/or replacement to the extent the damages were caused by the Maintaining Agency. Governor declared emergencies (i.e., hurricanes) are handled outside the framework of this Agreement through a combination of Federal and State Emergency Management mechanisms. An emergency contract may be used after a Governor's declaration of emergency has been signed to cover for reimbursement for storm recovery efforts.

**AMENDMENT TO TRAFFIC SIGNAL  
MAINTENANCE AND COMPENSATION AGREEMENT**

6. Neither the Maintaining Agency nor the Department shall be liable to the other for any failure to perform under this Agreement to the extent such performance is prevented by a Force Majeure Event and provided that the party claiming the excuse from performance has (a) promptly notified the other party of the occurrence and its estimated duration, (b) promptly remedied or mitigated the effect of the occurrence to the extent possible, and (c) resumed performance as soon as possible. These events shall be documented with detailed damage inspection report forms completed and submitted to the Department within twelve (12) weeks of the end of the Force Majeure event.

A "Force Majeure Event" means the occurrence of:

- (a) an act of war, hostilities, invasion, act of foreign enemies, riot, terrorism or civil disorder;
- (b) act of God (such as, but not limited to, fires, explosions, earthquakes, drought, hurricanes, storms, lightning, tornados, tidal waves, floods, extreme weather or environmental conditions, and other natural calamities);
- (c) or another event beyond the control of the non-performing party and which could not have been avoided or overcome by the exercise of due diligence.

12. The Maintaining Agency and the Department shall update Exhibit A on an annual basis through an amendment of this Agreement. The Maintaining Agency designates \_\_\_\_\_ as its authorized representative(s), who is delegated the authority to execute all amendments to Exhibit A of this Agreement on behalf of the Maintaining Agency. Exhibit A will contain all Traffic Signals and Devices on the State Highway System which are within the jurisdiction of the Maintaining Agency and are operated and maintained by the Maintaining Agency. No changes or modifications may be made to Exhibit A during the Department's fiscal year for compensation. New Traffic Signals and Devices added by the Department during its fiscal year must be maintained and operated by the Maintaining Agency upon the Department's final acceptance. The Maintaining Agency and the Department shall amend Exhibit A preceding the Department's new fiscal year, which will include all new Traffic Signals and Devices added to the State Highway System during the Department's current fiscal year and delete those removed during the same period. The Maintaining Agency will begin receiving compensation for new Traffic Signals and Devices that were added to Exhibit A by amendment of this Agreement in the Department's fiscal year occurring after the Traffic Signals and Devices are installed and final acceptance of such installation is given by the Department. In the event that no change has been made to the current year's Exhibit A, a certification from the Maintaining Agency shall be provided to the Department certifying that no change has been made to Exhibit A in the Department's current fiscal year. The annual compensation will be a lump sum payment (***minus any retainage or forfeiture***) as set forth in Exhibit B. Future payments will be based on the information provided in Exhibit A, in accordance with the provisions as set forth in Exhibit B, attached to and incorporated in this Agreement.

31. The Department shall monitor the performance of the Maintaining Agency in the fulfillment of its responsibilities under the Agreement. The Maintaining Agency shall submit an annual Report prior to July 15 of each year detailing the following:

- a. All detection device malfunctions: Detection devices include, without limitation, all vehicle presence detectors and all pedestrian/bicycle detectors. Traffic devices supported by detection devices ("TDSDD") include, without limitation, traffic signals, PHBs, and warning devices. Repairs to all vehicle presence detectors shall be made within ninety (90) days with a goal of thirty (30) days if feasible. Repairs to all pedestrian/bicycle detectors shall be made within seventy-two (72) hours of discovery. If repair to vehicle presence detection device is expected to progress beyond thirty (30) days, by the 31<sup>st</sup> day, the Maintaining Agency shall have a plan available to reestablish detection prior to day 90. The Maintaining Agency shall ensure that 90% of all TDSDD on the State Highway System are operating without detection failures. Discovery and repair dates for each malfunctioning detection device shall be logged in the annual report. If the repairs cannot be performed within the stipulated time, the Maintaining Agency shall document the reason(s) why in the annual report. If more than 10% of the TDSDD are experiencing detection failure(s) by the end of the stipulated time, unless a longer period is approved by the Department due to extraordinary circumstances, each of these TDSDD may only be compensated at 90% of the unit compensation rate stated in Exhibit B for each day (i.e., the annual unit compensation rate is reduced by 1/3650 daily) that more than 10% of the TDSDD are experiencing detection failure(s).
- b. Traffic signal and pedestrian hybrid beacon ("PHB") preventive maintenance inspections: Traffic signals and PHBs shall receive a comprehensive preventive maintenance inspection on at least 50% of all traffic signals and PHBs annually, alternating the remaining 50% the following year. Preventive maintenance inspection shall include verification that all detection is working, the traffic signal or PHB is cycling properly, the ventilation system is functioning, and filters are clean. Basic traffic cabinet maintenance shall also verify power feed voltages, verify that the vehicle and pedestrian indications are functioning properly, test the effective functioning of pedestrian push buttons, and check hinges and door locks. At least one (1) conflict monitor test shall be performed on 50% of traffic signals and PHBs annually, alternating the remaining 50% the following year. Each test is to be documented and included in the annual report to the Department. The inspection report shall note the location, date of inspection, and any actions taken. If 50% of the traffic signals and PHBs do not receive at least one (1) comprehensive preventive maintenance inspection during a twelve (12) month period, there shall be a 20% retainage of the annual compensation amount for the affected traffic signal and PHB locations until the preventive

**AMENDMENT TO TRAFFIC SIGNAL  
MAINTENANCE AND COMPENSATION AGREEMENT**

maintenance inspection is made. If the requirements of this paragraph 31.b are not performed within the state's next fiscal year, the 20% retainage of the annual compensation amount for the affected traffic signal and PHB locations will be forfeited.

- c. For any traffic signals that are interconnected with telecommunications and their real-time operation is electronically monitored via software by personnel at a central location and are therefore receiving the higher compensation amount as described in Exhibit B, the name(s) and title(s) of those monitoring those intersections, and the location of the central monitoring facility(ies), are to be documented and contained in the annual report submitted to the Department. The Maintaining Agency shall be responsible for maintaining current licenses and support agreements for all computer applications necessary for IMTS including, but not limited to, central computer systems, TrMC applications, detection software, and data collection programs, unless other arrangements are made between the Department and the Maintaining Agency for specific applications or systems.
35. At no additional cost to the Department, the Maintaining Agency shall provide the Department with, at minimum, read-only access to all traffic signal data available from the firmware of the traffic signal controllers and other devices covered under this Agreement. The Maintaining Agency shall include the Department as a party to all traffic signal firmware/software related agreements that the Maintaining Agency enters into with other parties.



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

**EXHIBIT A**  
**Reimbursement for Maintenance and Operation FY 2024**

| CITY OF LAKE CITY                                  |                      |  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  |   |
|--|----------------------|--|-----------------------------------|----------------------------------|-----------------------------------|--|--------------------------------------|----------------------|------------------------------|------------------------------------|--------------------------------------|--|--------------------------------|--------------------------------------|------------------------------------|----------------------------------|----------------------------------|---|
| Intersection Location                              | Traffic Signals (TS) | Traffic Signal - Interconnected & monitored (IMTS) | Intersection Control Beacon (ICB) | Pedestrian Flashing Beacon (PFB) | Emergency Fire Dept. Signal (FDS) | Speed Activated Warning Display (SAWD) | Illuminated Street Name Signs (ISNS) | Blank Out Sign (BOS) | Traffic Warning Beacon (TWB) | Probe Data Detection System (PDDS) | Uninterruptible Power Supplies (UPS) | Connected Automated Vehicle Devices (CAVD) | Pedestrian Hybrid Beacon (PHB) | Arterial Dynamic Message Sign (ADMS) | Passive Pedestrian Detection (PPD) | Traffic Monitoring Camera (TrMC) | In-Roadway Warning Lights (IRWL) | Compensation Amount (using Unit Rates from Exhibit B) |
| SR10, (US90) at BROOKSIDE DR.                      |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10, (US90) at NW RIDGEWOOD DR.                   |                      | \$5,558  |                                   |                                  |                                   |  | \$391.00                             |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,949   |
| SR10, (US90) at SR247, BRANDFORD HWY.              |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10, (US90) at LAKE CITY MALL ENT.                |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10, (US90) at SR93, (I-75) SB RAMP               |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10, (US90) at COMMERCE BLVD.                     |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10, (US90) at HOLIDAY INN/FLA. GATEWAY           |                      | \$5,558  |                                   |                                  |                                   |  | \$391.00                             |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,949   |
| SR10, (US90) at REAL ROAD                          |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10, (US90) at BASCOM NORRIS DRIVE                |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10, (US90) at NE COMMONS BLVD/FAITH RD. (PUBLIX) |                      | \$5,558  |                                   |                                  |                                   |  | \$391.00                             |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,949   |

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

**EXHIBIT A**  
**Reimbursement for Maintenance and Operation FY 2024**

| CITY OF LAKE CITY                                       |                      |  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  |   |
|---|----------------------|--|-----------------------------------|----------------------------------|-----------------------------------|--|--------------------------------------|----------------------|------------------------------|------------------------------------|--------------------------------------|--|--------------------------------|--------------------------------------|------------------------------------|----------------------------------|----------------------------------|---|
| Intersection Location                                   | Traffic Signals (TS) | Traffic Signal - Interconnected & monitored (IMTS) | Intersection Control Beacon (ICB) | Pedestrian Flashing Beacon (PFB) | Emergency Fire Dept. Signal (FDS) | Speed Activated Warning Display (SAWD) | Illuminated Street Name Signs (ISNS) | Blank Out Sign (BOS) | Traffic Warning Beacon (TWB) | Probe Data Detection System (PDDS) | Uninterruptible Power Supplies (UPS) | Connected Automated Vehicle Devices (CAVD) | Pedestrian Hybrid Beacon (PHB) | Arterial Dynamic Message Sign (ADMS) | Passive Pedestrian Detection (PPD) | Traffic Monitoring Camera (TrMC) | In-Roadway Warning Lights (IRWL) | Compensation Amount (using Unit Rates from Exhibit B) |
| SR10, (US90) at SR93, (I-75) NB RAMP                    |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10, (US90) DUVAL ST. at SR47/25A, (US441) MARION AVE. |                      | \$5,558  |                                   |                                  |                                   |  | \$391.00                             |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,949   |
| SR10, (US90) DUVAL ST. at SR25, (US41) MAIN BLVD.       |                      | \$5,558  |                                   |                                  |                                   |  | \$391.00                             |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,949   |
| SR10, (US90) DUVAL ST. at SW LAKE JEFFREY RD.(CR250/N.) |                      | \$5,558  |                                   |                                  |                                   |  | \$391.00                             |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,949   |
| SR10, (US90) DUVAL ST. at SE ERMINE ST.                 |                      |  |                                   | \$758                            |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$758   |
| SR10A, (US90A) BAYA DR. at ERMINE ST.                   |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10A, (US90A) BAYA DR. at SR25A, MARION AVE.           |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10A, (US90A) BAYA DR. at SR25, (US41) MAIN BLVD.      |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10A, (US90A) BAYA DR. at EB LAKE MONTGOMERY ENT.      |                      |  |                                   |                                  |                                   |  |                                      |                      | \$381                        |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$381   |
| SR10A, (US90A) BAYA DR. at ERMINE ST.                   |                      |  |                                   | \$758                            |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$758   |

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

**EXHIBIT A**  
**Reimbursement for Maintenance and Operation FY 2024**

| CITY OF LAKE CITY                                       |                      |  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  |   |
|---|----------------------|--|-----------------------------------|----------------------------------|-----------------------------------|--|--------------------------------------|----------------------|------------------------------|------------------------------------|--------------------------------------|--|--------------------------------|--------------------------------------|------------------------------------|----------------------------------|----------------------------------|---|
| Intersection Location                                   | Traffic Signals (TS) | Traffic Signal - Interconnected & monitored (IMTS) | Intersection Control Beacon (ICB) | Pedestrian Flashing Beacon (PFB) | Emergency Fire Dept. Signal (FDS) | Speed Activated Warning Display (SAWD) | Illuminated Street Name Signs (ISNS) | Blank Out Sign (BOS) | Traffic Warning Beacon (TWB) | Probe Data Detection System (PDDS) | Uninterruptible Power Supplies (UPS) | Connected Automated Vehicle Devices (CAVD) | Pedestrian Hybrid Beacon (PHB) | Arterial Dynamic Message Sign (ADMS) | Passive Pedestrian Detection (PPD) | Traffic Monitoring Camera (TrMC) | In-Roadway Warning Lights (IRWL) | Compensation Amount (using Unit Rates from Exhibit B) |
| SR10A, (US90A) BAYA DR. at MC FARLAND AVE.              |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR10A, (US90A) BAYA DR. at SR10, (US90) WEST            |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR247 at SW REAL TERRACE                                |                      |  |                                   |                                  |                                   |  |                                      |                      | \$381                        |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$381   |
| SR25, (US41) MAIN BLVD. at ST. MARGARETS RD.            | \$3,910              |  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$3,910   |
| SR25, (US41) MAIN BLVD. at MALONE ST./BASCOM NORRIS DR. |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR25, (US41) MAIN BLVD. at SR47                         |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR25/100, (US41) MAIN BLVD. at NW LONG ST.              |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR25A, (US41) MAIN BLVD. at NW MADISON ST.              |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |
| SR25A/47, (US441) MARION AVE. at CR100A                 |                      | \$5,558  |                                   |                                  |                                   |  | \$391.00                             |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,949   |
| SR47 at SW BASCOM NORRIS DR.                            |                      | \$5,558  |                                   |                                  |                                   |  |                                      |                      |                              |                                    |                                      |  |                                |                                      |                                    |                                  |                                  | \$5,558   |

Total Lump Sum Amount\*

**\$147,871**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

**EXHIBIT A**  
**Reimbursement for Maintenance and Operation FY 2024**

\* Amount paid shall be the Total Lump Sum (*minus any retainage or forfeiture*).

I certify that the above Traffic Signals and Devices will be maintained and operated in accordance with the requirements of the Traffic Signal Maintenance and Compensation Agreement. For satisfactory completion of all services detailed in this Agreement for this time period, the Department will pay the Maintaining Agency a Total Lump Sum (minus any retainage or forfeiture) of \$147,875.00

\_\_\_\_\_ Date  
Maintaining Agency

\_\_\_\_\_ Date  
District Traffic Operations Engineer

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**AMENDMENT TO TRAFFIC SIGNAL  
 MAINTENANCE AND COMPENSATION AGREEMENT**

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**EXHIBIT B  
 TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

**1.0 PURPOSE**

This exhibit defines the method and limits of compensation to be made to the Maintaining Agency for the services described in this Agreement and in Exhibit A and method by which payments will be made.

**2.0 COMPENSATION FOR MAINTENANCE AND OPERATION**

For the satisfactory completion of all services related to maintenance and operation detailed in this Agreement and Exhibit A of this Agreement, the Department will pay the Maintaining Agency the Total Lump Sum (**minus any retainage or forfeiture**) in Exhibit A. The Maintaining Agency will receive one lump sum payment (**minus any retainage or forfeiture**) at the end of each fiscal year for satisfactory completion of service.

Total Lump Sum (**minus any retainage or forfeiture**) Amount for each fiscal year is calculated by adding all the individual Traffic Signal and Device unit amounts.

Pedestrian Flashing Beacon: includes school zone beacons, pedestrian crossing beacons, and rectangular rapid flashing beacons (RRFB). Systems shall be paid at a unit rate per controller regardless of the number of individual devices or poles.

Connected and Automated Vehicles Devices (CAVD): includes roadside units and roadside equipment.

| <b>Unit Compensation Rates per Unit on the State Highway System</b> |  |   |  |   |  |   |   |                                       |   |   |   |   |   |   |   |   |   |
|---|--|---|--|---|--|---|---|---------------------------------------|---|---|---|---|---|---|---|---|---|
| FY  | Traffic Signals (TS)<br><i>Intersection</i>  | Traffic Signal - Interconnected & monitored (IMTS)<br><i>Intersection</i> | Intersection Control Beacon (ICB)<br><i>Intersection</i> | Pedestrian Flashing Beacon (PFB)<br><i>System</i> | Emergency Fire Dept. Signal (FDS)<br><i>System</i> | Speed Activated Warning Display (SAWD)<br><i>System</i> | Illuminated Street Name Signs (ISNS)<br><i>Intersection</i> | Blank Out Sign (BOS)<br><i>Device</i> | Traffic Warning Beacon (TWB)<br><i>System</i> | Probe Data Detection System (PDDS)<br><i>Device</i> | Uninterruptible Power Supply (UPS)<br><i>Device</i> | Connected Automated Vehicle Devices (CAVD)<br><i>Device</i> | Pedestrian Hybrid Beacon (PHB)<br><i>System</i> | Arterial Dynamic Message Sign (ADMS)<br><i>Device</i> | Passive Pedestrian Detection (PPD)<br><i>System</i> | Traffic Monitoring Camera (TrMC)<br><i>Device</i> | In-Roadway Warning Lights (IRWL)<br><i>System</i> |
| 2021-22   | \$ 3,573   | \$ 5,134  | \$ 896   | \$ 717  | \$ 1,252   | \$ 360  |   | \$ 360                                | \$ 360  | \$ 115  | \$ 115  | \$ 514  |   |   |   |   |   |
| 22-23   | \$3,670  | \$5,273   | \$921  | \$737   | \$1,286  | \$370   |   | \$370                                 | \$370   | \$119   | \$119   | \$527   |   |   |   |   |   |
| 23-24   | \$ 3,910   | \$ 5,558  | \$ 947   | \$ 758  | \$ 1,323   | \$ 381  | \$ 391  | \$ 419                                | \$ 381  | \$ 123  | \$ 123  | \$542   | \$ 2,645  | \$ 2,027  | \$ 1,644  | \$ 688  | \$ 658  |
| 2024-25   | Based on the Consumer Price Index (CPI), the compensation amounts will be revised. |   |  |   |  |   |   |                                       |   |   |   |   |   |   |   |   |   |
| 2025-26   | Based on the CPI, the compensation amounts will be revised.                        |   |  |   |  |   |   |                                       |   |   |   |   |   |   |   |   |   |

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**AMENDMENT TO TRAFFIC SIGNAL  
MAINTENANCE AND COMPENSATION AGREEMENT**

750-010-24b  
TRAFFIC  
OPERATIONS  
04/23  
Exhibit B Page 2 of 2

Based on the Consumer Price Index (CPI), the Unit Rate for the following fiscal year will be adjusted accordingly, unless otherwise specified in an amendment to this Agreement. However, if CPI is negative, there shall be no reduction from the previous year's compensation.

**3.0 COMPENSATION FOR REPAIR AND/OR REPLACEMENT OF DAMAGED TRAFFIC SIGNALS AND DEVICES**

For the satisfactory completion of all services related to repair and/or replacement of damaged Traffic Signals and Devices detailed in this Agreement, the Department will pay the Maintaining Agency a Lump Sum amount of the actual costs incurred for the replacement and/or repair of the damaged Traffic Signals and Devices as set forth in the invoice submitted to the Department. The invoice for the costs incurred for the replacement and/or repair of damaged Traffic Signals and Devices shall contain the information required in Exhibit C and any other additional information requested by the Department to justify the costs incurred. The reimbursement amount is subject to approval by the Department.

**4.0 PAYMENT PROCESSING**

For regular maintenance costs, the Maintaining Agency shall invoice the Department in a format acceptable to the District Traffic Operations Engineer, on an annual basis for the reimbursement costs incurred by the Maintaining Agency for the previous year prior to 5:00 p.m. on July 15<sup>th</sup> of each year. For example, the Maintaining Agency shall submit its invoice for the fiscal year beginning July 1, 2022 through June 30, 2023 no later than July 15, 2023.

For costs incurred for repair and/or replacement of damaged Traffic Signals and Devices, applicable reimbursements will be processed after the Department receives a properly completed and supported invoice from the Maintaining Agency. The Maintaining Agency shall submit invoices for repair and/or replacement costs due to damaged Traffic Signals and Devices within 60 days of the work completed date for which the Maintaining Agency is invoicing

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**AMENDMENT TO TRAFFIC SIGNAL  
 MAINTENANCE AND COMPENSATION AGREEMENT**

750-010-24b  
 TRAFFIC  
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 Exhibit C Page 1 of 1

**EXHIBIT C  
 Reimbursement for Replacement and/or Repair of  
 Damaged Traffic Signals and Devices**

Subject to the terms and conditions of the Agreement, the Department will reimburse the Maintaining Agency a Lump Sum amount for costs incurred for the replacement and/or repair and associated contract documentation of Traffic Signals and Devices damaged as a result of third parties or as a result of other causes that were not caused by the Maintaining Agency or its contractors. Agreement paragraph 3 provides administrative procedures on how third party and Force Majeure events are handled for reimbursement. Force Majeure events shall be documented with detailed damage inspection report forms within twelve (12) weeks following the end of the Force Majeure event. Costs related to Governor declared emergencies are not reimbursable under this Agreement.

The Department follows the Traffic Signal Maintenance and Compensation Agreement Manual (Topic No. 750-010-022) for submitting damage claims. In submitting this Exhibit C to the Department, the Maintaining Agency is required to adhere to Chapter 2 of the Traffic Signal Maintenance and Compensation Agreement Manual, dated March 31, 2023, available at: [Traffic Signal Maintenance and Compensation Agreement Manual](#).

The Maintaining Agency is not required to provide a police report in situations where damage is caused to Traffic Signals and Devices by a Force Majeure Event or as a result of other causes beyond the control of the Maintaining Agency that do not necessarily prevent performance, which includes but is not limited to: storms, winds, lightning, flooding and other natural and weather related causes. The Maintaining Agency must provide a police report in all situations where a traffic accident, theft, or vandalism causes damage to Traffic Signals and Devices to the extent the Maintaining Agency has the ability and opportunity to obtain a police report.

Applicable reimbursements will be processed after the Department receives a properly completed and supported invoice from the Maintaining Agency. The following information shall be provided by the Maintaining Agency to be eligible for the reimbursement payment:

|   |           |
|---|-----------|
| Date and Time of Accident/Incident:   |           |
| Location of Accident/Incident:  |           |
| Provide Police Report (if applicable) and the Following Information:  |           |
| <ol style="list-style-type: none"> <li>1. Attach pictures of damaged traffic signals and devices, as well as completed work.</li> <li>2. Attach invoices or receipt of equipment purchased to replace damaged components.</li> <li>3. Attach detailed documentation of labor costs associated with replacing and/or repairing damaged components, including dates of performance and completion of the work.</li> </ol> |           |
| Contract No.: _____   |           |
| Project No.: _____  |           |
| <b>Total Lump Sum Reimbursement Amount</b>  | <b>\$</b> |

The Maintaining Agency hereby certifies that it has replaced and repaired all the Traffic Signals and Devices at the location or signalized intersection referenced above. Henceforth, this document is the Maintaining Agency's request for reimbursement to the Department for the services of restoring the Traffic Signals and Devices to their original operating condition.

The Parties agree to the Total Lump Sum Reimbursement Amount set forth above.

\_\_\_\_\_  
 Maintaining Agency                      Date

\_\_\_\_\_  
 District Traffic Operations Engineer      Date

**File Attachments for Item:**

5. City Council Resolution No. 2023-075 - A resolution of the City Council of the City of Lake City, Florida, authorizing the City and the Lake City Police Department, to enter into a Memorandum of Understanding with the Columbia County Sheriff's Office, and the Columbia County Board of County Commissioners for the purposes of providing Criminal Justice Information Technology Services, Information Exchange, Dispatch Services, and Criminal Justice Agency Oversight.

Note: The Memorandum of Understanding (MOU) is forth coming



**CITY COUNCIL RESOLUTION NO. 2023-075**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA AUTHORIZING THE CITY AND THE LAKE CITY POLICE DEPARTMENT, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE COLUMBIA COUNTY SHERIFF'S OFFICE, AND THE COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE PURPOSES OF PROVIDING CRIMINAL JUSTICE INFORMATION TECHNOLOGY SERVICES, INFORMATION EXCHANGE, DISPATCH SERVICES, AND CRIMINAL JUSTICE AGENCY OVERSITE.**

**WHEREAS**, the City of Lake City, Florida (hereinafter the "City"), and Lake City Police Department (hereinafter the "LCPD"), have determined it is in its interest and the interest of its citizens to enter into a Memorandum of Understanding and Management Control Agreement with the Columbia County Sheriff's Office (hereinafter "CCSO"), the Columbia County Board of County Commissioners (hereinafter "BOCC"), the City, and the LCPD (hereinafter collectively the "Parties") for the purposes as described in the attached Memorandum of Understanding and Management Control Agreement, incorporated and made a part of this resolution (hereinafter the "MOU").

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recital is true and accurate and is hereby incorporated herein and made a part of this resolution.

**Section 2.** The City and the LCPD, are hereby authorized to execute and enter the attached MOU with the Parties.

**Section 3.** The Mayor and Chief of Police are authorized to execute the attached MOU for and on behalf of the City and the LCPD.

**PASSED AND ADOPTED** at a meeting of the City Council this \_\_\_\_ day of July 2023.

**CITY OF LAKE CITY, FLORIDA**

By: \_\_\_\_\_  
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Audrey Sikes, City Clerk

By: \_\_\_\_\_  
Thomas J. Kennon, III,  
City Attorney

**File Attachments for Item:**

6. Discussion and Possible Action – Allocate additional funds in the amount of \$40,000.00 for demolition/clean-up of abandoned property or hazardous structures (Council Member Chevella Young)

|              |
|--------------|
| Meeting Date |
| July 3, 2023 |
|              |

# CITY OF LAKE CITY

## Report To Council

| AGENDA   |  |
|----------|--|
| Section  |  |
| Item No. |  |

**SUBJECT:** Funding for Demolition of Hazardous Structures

**DEPT. / OFFICE:**

|  |                            |         |
|--|----------------------------|---------|
| <b>Originator:</b><br>Chevella Young, Council Member District 10 |                            |         |
| <b>City Manager</b><br>Paul Dyal                                 | <b>Department Director</b> | 6/27/23 |

**Recommended Action:**  
Amend the budget to reallocate \$40,000 from the Growth Management Salary Account (001.55.524-010.12) to Operating Expense Contractual Services Account (001.55.524-030.34) for demolition/clean-up of abandoned property or hazardous structures.

**Summary Explanation & Background:**  
Currently there is \$10,000 in the Operating Expense Contractual Services budget for Growth Management for the purposes of demolition of hazardous structures. It is my recommendation to increase the FY23 amount by \$40,000 for a total of \$50,000 for demolition/clean-up of abandoned property or hazardous structures.

**Alternatives:**  
Deny request.

**Source of Funds:**  
Growth Management Salary Account (Finance will perform a budget amendment moving funds to Contractual Services)

**Financial Impact:**  
\$40,000 (funds available in Growth Management Salary Account)

**Exhibits Attached:**  
Growth Management FY2023 Budget

## GROWTH MANAGEMENT

### Expenditures

| ACCOUNT           | DESCRIPTION                      | FY 2023<br>BUDGET        | FY 2022<br>BUDGET        |
|-------------------|----------------------------------|--------------------------|--------------------------|
| 001.55.524-010.12 | Salary                           | \$ 230,788               | \$ 237,888               |
| 001.55.524-010.21 | FICA                             | \$ 17,683                | \$ 18,684                |
| 001.55.524-010.22 | Retirement Contributions         | \$ 29,370                | \$ 65,044                |
| 001.55.524-010.23 | Life, Health & Disability        | \$ 87,794                | \$ 32,768                |
| 001.55.524-010.24 | Workers Compensation             | \$ 5,033                 | \$ 5,600                 |
|                   | <b>TOTAL PERSONNEL SERVICES</b>  | <b><u>\$ 370,668</u></b> | <b><u>\$ 359,984</u></b> |
| 001.55.524-030.31 | Professional Services            | \$ 43,000                | \$ 43,000                |
| 001.55.524-030.34 | Contractual Services             | \$ 55,522                | \$ 63,467                |
| 001.55.524-030.40 | Travel                           | \$ 5,500                 | \$ 3,000                 |
| 001.55.524-030.41 | Communication Services           | \$ 15,850                | \$ 9,923                 |
| 001.55.524-030.42 | Postage                          | \$ 7,700                 | \$ 7,700                 |
| 001.55.524-030.44 | Rental & Leases                  | \$ 9,416                 | \$ 12,100                |
| 001.55.524-030.46 | Repair & Maintenance             | \$ 2,000                 | \$ 7,500                 |
| 001.55.524-030.47 | Printing & Binding               | \$ 11,000                | \$ 11,000                |
| 001.55.524-030.49 | Other Current Charges            | \$ 53,000                | \$ 53,000                |
| 001.55.524-030.51 | Office Supplies                  | \$ 2,000                 | \$ 4,000                 |
| 001.55.524-030.52 | Operating Supplies               | \$ 2,000                 | \$ 6,000                 |
| 001.55.524-030.54 | Books, Subscription & Membership | \$ 5,324                 | \$ 4,654                 |
| 001.55.524-030.55 | Training                         | \$ 4,500                 | \$ 4,000                 |
|                   | <b>TOTAL OPERATING</b>           | <b><u>\$ 216,812</u></b> | <b><u>\$ 229,344</u></b> |
|                   | <b>TOTAL GROWTH MANAGEMENT</b>   | <b><u>\$ 587,480</u></b> | <b><u>\$ 589,328</u></b> |

**CITY OF LAKE CITY**

**GROWTH MANAGEMENT**

EXPENSES

**Account 030.31 - Operating Expense Professional Services**

|   |   |                  |
|---|---|------------------|
| 001.55.524-030.31   | Attorney Fees for Foreclosures                  | 8,000.00         |
| 001.55.524-030.31   | North Central Florida Regional Planning Council | 25,000.00        |
| 001.55.524-030.31   | Surveying of parcels                            | <u>10,000.00</u> |
| Account 030.31 - Operating Expense Professional Services Totals |   | \$43,000.00      |

**Account 030.34 - Operating Expense Contractual Services**

|  |                                     |                  |
|--|-------------------------------------|------------------|
| 001.55.524-030.34  | Clean up of overgrown parcels       | 8,000.00         |
| 001.55.524-030.34  | Code Enforcement Special Magistrate | 20,000.00        |
| 001.55.524-030.34  | Demolition of hazardous structures  | 10,000.00        |
| 001.55.524-030.34  | New World Software Maintenance      | 2,522.00         |
| 001.55.524-030.34  | Planning and Zoning Board Attorney  | <u>15,000.00</u> |
| Account 030.34 - Operating Expense Contractual Services Totals |                                     | \$55,522.00      |

**Account 030.40 - Operating Expense Travel**

|  |   |                 |
|--|---|-----------------|
| 001.55.524-030.40                                | APA Conference Association                | 1,500.00        |
| 001.55.524-030.40                                | Building Officials Association of Florida | 1,000.00        |
| 001.55.524-030.40                                | Florida Association of Building Officials | 1,500.00        |
| 001.55.524-030.40                                | Florida Association of Code Enforcement   | <u>1,500.00</u> |
| Account 030.40 - Operating Expense Travel Totals |   | \$5,500.00      |

**Account 030.41 - Operating Expense Communication Services**

|  |                                      |                 |
|--|--------------------------------------|-----------------|
| 001.55.524-030.41  | AT&T Pro Cabs                        | 300.00          |
| 001.55.524-030.41  | Cell phones and iPads for department | 3,000.00        |
| 001.55.524-030.41  | Comcast Busniess                     | 5,160.00        |
| 001.55.524-030.41  | Dept of Management Services          | 740.00          |
| 001.55.524-030.41  | iPads for P&Z board members          | 4,000.00        |
| 001.55.524-030.41  | Verizon                              | <u>2,650.00</u> |
| Account 030.41 - Operating Expense Communication Services Totals |                                      | \$15,850.00     |

**Account 030.42 - Operating Expense Postage**

|   |                               |                 |
|---|-------------------------------|-----------------|
| 001.55.524-030.42                                 | Business Tax Receipt mailings | 2,500.00        |
| 001.55.524-030.42                                 | Code Enforcement mailings     | 3,000.00        |
| 001.55.524-030.42                                 | Planning and Zoning mailings  | <u>2,200.00</u> |
| Account 030.42 - Operating Expense Postage Totals |                               | \$7,700.00      |

**Account 030.44 - Operating Expense Rental & Leases**

|   |                     |                 |
|---|---------------------|-----------------|
| 001.55.524-030.44   | Copier Rental       | 3,300.00        |
| 001.55.524-030.44   | Enterprise Vehicles | <u>6,116.00</u> |
| Account 030.44 - Operating Expense Rental & Leases Totals |                     | \$9,416.00      |

**Account 030.46 - Operating Expense Repair & Maintenance**

|  |                     |                 |
|--|---------------------|-----------------|
| 001.55.524-030.46  | Vehicle Maintenance | <u>2,000.00</u> |
| Account 030.46 - Operating Expense Repair & Maintenance Totals |                     | \$2,000.00      |

|  |   |                  |
|--|---|------------------|
| <b>Account 030.47 - Operating Expense Printing &amp; Binding</b>               |   |                  |
| 001.55.524-030.47  | Code Enforcement  | 5,000.00         |
| 001.55.524-030.47  | Permitting  | 3,000.00         |
| 001.55.524-030.47  | Planning and Zoning   | <u>3,000.00</u>  |
|  | Account <b>030.47 - Operating Expense Printing &amp; Binding</b> Totals | \$11,000.00      |
| <br>   |   |                  |
| <b>Account 030.49 - Operating Expense Other Current Charges</b>                |   |                  |
| 001.55.524-030.49  | Lake City Reporter - Annexation/Planning & Zoning                       | <u>53,000.00</u> |
|  | Account <b>030.49 - Operating Expense Other Current Charges</b> Totals  | \$53,000.00      |
| <br>   |   |                  |
| <b>Account 030.51 - Operating Expense Office Supplies</b>                      |   |                  |
| 001.55.524-030.51  | Office Supplies   | <u>2,000.00</u>  |
|  | Account <b>030.51 - Operating Expense Office Supplies</b> Totals        | \$2,000.00       |
| <br>   |   |                  |
| <b>Account 030.52 - Operating Expense Operating Supplies</b>                   |   |                  |
| 001.55.524-030.52  | Supplies  | <u>2,000.00</u>  |
|  | Account <b>030.52 - Operating Expense Operating Supplies</b> Totals     | \$2,000.00       |
| <br>   |   |                  |
| <b>Account 030.54 - Operating Expense Books, Subscription &amp; Membership</b> |   |                  |
| 001.55.524-030.54  | American Planning Association   | 129.00           |
| 001.55.524-030.54  | Building Official Association of Florida Dues                           | 550.00           |
| 001.55.524-030.54  | Florida Code Enforcement  | 300.00           |
| 001.55.524-030.54  | ICC Dues  | 200.00           |
| 001.55.524-030.54  | North Central Florida Planning Council membership                       | <u>4,145.00</u>  |
|  | Account <b>030.54 - Operating Expense Books, Subscription &amp;</b>     | \$5,324.00       |
| <br>   |   |                  |
| <b>Account 030.55 - Operating Expense Training</b>                             |   |                  |
| 001.55.524-030.55  | Continuing Education for code enforcement, inspections                  | <u>4,500.00</u>  |
|  | Account <b>030.55 - Operating Expense Training</b> Totals               | \$4,500.00       |

# **GROWTH MANAGEMENT**

## **Position Schedule**

| <b>ACCOUNT</b> | <b>POSITION</b>               | <b>FY 2023<br/>BUDGET</b> | <b>FY 2022<br/>BUDGET</b> |
|----------------|-------------------------------|---------------------------|---------------------------|
| 001.55.524     |                               |                           |                           |
|                | ADMINISTRATIVE ASSISTANT      | 0                         | 1                         |
|                | BUILDING INSPECTOR INTERNSHIP | 1                         | 0                         |
|                | CODE ENFORCEMENT OFFICER      | 1                         | 1                         |
|                | DIRECTOR OF GROWTH MANAGEMENT | 1                         | 1                         |
|                | PERMITS TECHNICIAN            | 1                         | 1                         |
|                | PLANNING TECHNICIAN           | 1                         | 1                         |
|                | <b>TOTAL</b>                  | <b>5</b>                  | <b>5</b>                  |