



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Add-On

J.3.

5/27/2021

Subject:

On Street Media, Inc.

Fiscal Impact:

Cost: lost revenues of \$44,000 per year

Dept/Office:

County Attorney at the request of the District 4 Commission Office

Requested Action:

Authorize the County Attorney's Office to provide immediate notice of termination for convenience to On Street Media, Inc. and follow up notice for shorter termination periods, if available.

Summary Explanation and Background:

The County entered into a 5 year agreement with On Street Media to allow use of traffic control boxes for media rental on September 15, 2020. The County has been inundated with complaints in District 4 and District 1. The company was offered an opportunity to amend the agreement to remove certain locations from the contract with reduced payment schedules due to reduced traffic box availability; however, the company did not accept an amendment to the contract. The contract allows termination for convenience with a 365 day notice. Several other clauses may allow termination in a shorter time frame and the staff will seek to pursue those remedies if the Board directs such action.

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

May 28, 2021

M E M O R A N D U M

TO: Eden Bentley, County Attorney

RE: Item J.3., On Street Media, Inc.

The Board of County Commissioners, in regular session on May 27, 2021, approved to exclude District 2 from On Street Media payments to the County, unless the District 2 Commissioner agrees to approve Media Frames in District 2; approved the First Amendment to the Agreement to Install Media Frames on Traffic Signal Control Cabinets for On Street Media, to reduce the minimum fee from \$44,000 to \$23,050, waive payments due to the County during the 2021 calendar year, and authorize On Street Media to remove a selection of Media Frames in Districts 1 and 4 by June 15, 2021; and requested On Street Media, Inc. to work with individual Districts to solve conflicts with future sign placements. Enclosed are the fully-executed Amendments.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/cld

Encls. (2)

cc: Each Commissioner
Finance
Budget

**FIRST AMENDMENT TO THE AGREEMENT TO
INSTALL MEDIA FRAMES ON TRAFFIC SIGNAL CONTROL CABINETS**

This First Amendment is entered into on the date of last signature below, by and between **Brevard County, Florida**, a charter county and political subdivision of the State of Florida (the "County"), and **On Street Media Florida, Inc.**, a Florida corporation ("On Street Media").

WHEREAS, the Parties hereto agree to amend that certain agreement entered into between the County and On Street Media regarding the installation of media frames on traffic signal control cabinets approved by the Brevard County Board of County Commissioners on September 15, 2020 ("Original Agreement").

NOW, THEREFORE, upon the mutual promises and covenants herein, and for good and valuable consideration, the Parties agree as follows:

1. RECITALS. The above recitals are true and correct in all respects and are incorporated herein by reference as if set forth herein.

2. VIERA COMPANY EXCLUSION. Section 2.b. of the Original Agreement is hereby amended to include the following language:

No Media Frames shall be located within the Viera Development of Regional Impact boundaries of District 4. Any Media Frames already placed in the Viera Development of Regional Impact area shall be removed by June 15, 2021.

3. MINIMUM FEE. The minimum Fee amount referenced throughout the Original Agreement (\$44,000.00) is hereby reduced to \$23,056.00. The Percentage Fee calculation shall remain the same.

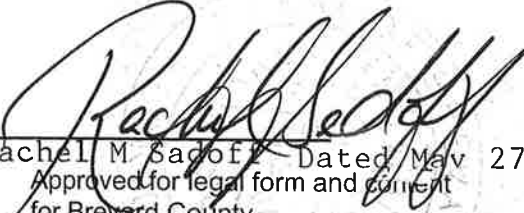

4. PAYMENTS TO THE COUNTY. The First Percentage Fee period during which the Percentage Fees shall be calculated shall commence on January 1, 2022 and will be paid pursuant to the Agreement within thirty (30) days following the end of the First Percentage Period.

5. CABINET LOCATIONS. The list of cabinet locations in the Original Agreement are hereby amended in accordance with the new **Exhibit A** attached hereto and incorporated herein by this reference.


6. COUNTERPARTS. This First Amendment may be executed by the Parties hereto individually or in combination or in one or more counterparts, each of which shall be an original, and all of which shall constitute one and the same instrument.

7. CONFLICT. All terms and conditions of the Original Agreement, not inconsistent with the provisions of this First Amendment, are incorporated herein by this reference and shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto, by their duly authorized representatives, execute this Agreement effective the date of last signature below.


Rachel M. Sadoff Dated May 27, 2021
Approved for legal form and content
for Brevard County

Assistant County Attorney

BREVARD COUNTY, FLORIDA

By:  May 27, 2021
Frank Abbate, County Manager Date
RITA PRITCHETT, CHAIR

On Street Media Florida, Inc.

By: 

Print: BRIAN E. MILLER

Title: VICE PRESIDENT

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was executed before me this 27th day of May, 2021, by Brian E. Miller as Vice President of On Street Media of Florida, Inc., who personally swore or affirmed that he/she is authorized to execute this Agreement and thereby bind the Corporation, and who is personally known to me OR has produced _____ as identification.


NOTARY PUBLIC, State of Florida

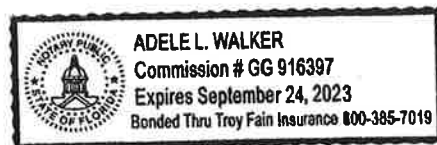


EXHIBIT "A"

Pre-Selected List of County and FDOT rights-of-way where Media Frames can be placed on Traffic Signal Control Cabinets and their current eligibility. Cabinets shall not be located within the District 2 Commission District boundaries, unless agreed to in writing by the sitting District 2 Commissioner.

Signalized intersections owned/maintained by Brevard County:

1. Fay Boulevard & Adams Place
2. Fay Boulevard & Carole Avenue
3. Fay Boulevard & Grissom Parkway (not currently eligible)
4. Fay Boulevard & Homestead Avenue (not currently eligible)
5. Grissom Parkway & Canaveral Groves Boulevard
6. Grissom Parkway & Curtis Boulevard (not currently eligible)
7. Grissom Parkway & Falcon Boulevard (not currently eligible)
8. Grissom Parkway & Kings Highway
9. Grissom Parkway & Port St. John Parkway
10. Judge Fran Jamieson Way & Lake Andrew Drive (not currently eligible)
11. Lake Andrew Drive & Colonnade Drive (not currently eligible)
12. Lake Andrew Drive & Napolo Drive (not currently eligible)
13. Lake Andrew Drive & Town Center Avenue (not currently eligible)
14. Merritt Avenue & Sykes Creek Parkway (not currently eligible)
15. Murrell Road & Clubhouse Drive (not currently eligible)
16. Murrell Road & Old Glory Boulevard (not currently eligible)
17. Murrell Road & Spyglass Hill Road (not currently eligible)
18. Murrell Road & Viera Boulevard (not currently eligible)
19. North Banana River Drive & Audubon School Entrance (not currently eligible)
20. North Banana River Drive & Bayside Street (not currently eligible)
21. North Banana River Drive & Central Avenue (not currently eligible)
22. North Banana River Drive & Martin Boulevard (not currently eligible)
23. North Banana River Drive & Morningside Drive (not currently eligible)
24. Plumosa Street & Fortenberry Drive (not currently eligible)
25. Plumosa Street & Merritt Avenue (not currently eligible)
26. Range Drive & Lake Drive (not currently eligible)
27. South Courtenay Parkway & Cone Road (not currently eligible)
28. South Courtenay Parkway & Fortenberry Road (not currently eligible)
29. South Courtenay Parkway & Magnolia Avenue (not currently eligible)
30. Pineda Causeway & Estuary Drive/ St Andrews Drive
31. Pineda Boulevard & Lake Andrew Drive (new signal, not currently eligible)
32. Stadium Parkway & Judge Fran Jamieson Way (not currently eligible)
33. Stadium Parkway & Rosemount Drive (not currently eligible)
34. Stadium Parkway & Tavistock Drive/ Sonoma Way (not currently eligible)
35. Stadium Parkway & Viera Boulevard (not currently eligible)
36. Stadium Parkway & Porada Drive (new signal, not currently eligible)
37. Viera Boulevard & Lake Andrew Drive (new signal, not currently eligible)

38. Viera Boulevard & Star Rush Drive (new signal, not currently eligible)
39. Viera Boulevard & Holiday Springs Road
40. Wickham Road & Baytree Drive
41. Wickham Road & Forest Lake Avenue/Golden Eagle Court
42. Wickham Road & Interlachen Drive
43. Wickham Road & Jordan Blass Road
44. Wickham Road & Murrell Road (not currently eligible)
45. Wickham Road & Sheriff Drive (not currently eligible)
46. Wickham Road & Shoppes Drive (not currently eligible)
47. Wickham Road & St. Andrews Boulevard
48. Wickham Road & Stadium Parkway (not currently eligible)
49. Wickham Road & Suntree Boulevard
50. Wickham Road & Waelti Drive

Signalized intersections owned by FDOT, maintained by Brevard County (pending updated FDOT agreement):

51. SR3/South Courtenay Parkway & Catalina Isles Drive (not currently eligible)
52. SR3/South Courtenay Parkway & Crockett Boulevard/Diana Boulevard (not currently eligible)
53. SR3/South Courtenay Parkway & Divine Mercy (not currently eligible)
54. SR3/South Courtenay Parkway & Florida Avenue/ Meadows Boulevard (not currently eligible)
55. SR3/South Courtenay Parkway & Grant Road/Smith Road (not currently eligible)
56. SR3/South Courtenay Parkway & Grove Boulevard (not currently eligible)
57. SR3/South Courtenay Parkway & Hall Road (not currently eligible)
58. SR3/South Courtenay Parkway & Lucas/Mustang Way (not currently eligible)
59. SR3/South Courtenay Parkway & Merritt Avenue (not currently eligible)
60. SR3/South Courtenay Parkway & Pioneer Road (not currently eligible)
61. SR3/South Courtenay Parkway & Richland Avenue (not currently eligible)
62. SR3/South Courtenay Parkway & SR520/ Merritt Island Causeway (not currently eligible)
63. SR3/South Courtenay Parkway & SR528 Northside (not currently eligible)
64. SR3/South Courtenay Parkway & SR528 Southside (not currently eligible)
65. SR3/South Courtenay Parkway & U Turn (not currently eligible)
66. SR3/South Courtenay Parkway & Needle/Hurwood (not currently eligible)
67. SR404/Pineda Causeway & I-95 Northbound Ramps (not currently eligible)
68. SR404/Pineda Causeway & I-95 Southbound Ramps (not currently eligible)
69. SR46 & Holder Road/Pine Avenue
70. SR46 & I-95 Northbound Ramp
71. SR46 & US 1/SR5
72. SR501/ Clearlake Road & Lake Drive (not currently eligible)
73. SR 513/ South Patrick Drive & Berkeley Street/St George Court
74. SR 513/ South Patrick Drive & Ocean Boulevard
75. SR 513/ South Patrick Drive & SR404/Pineda Causeway
76. SR 520 & Friday Road/ Lake Poinsett Road (not currently eligible)

77. SR 520 & South Banana River Drive/ Milford Point (not currently eligible)
78. SR 520/ King Street & Burnett Road
79. SR 520/ King Street & Range Road
80. SR 520/ King Street & SR501/Clearlake Road (not currently eligible)
81. SR 520/ Merritt Island Causeway & Holiday Plaza (not currently eligible)
82. SR 520/ Merritt Island Causeway & Kiwanis Island Park (not currently eligible)
83. SR 520/ Merritt Island Causeway & Merritt Square Mall Entrance (not currently eligible)
84. SR 520/ Merritt Island Causeway & North Banana River Drive (not currently eligible)
85. SR 520/ Merritt Island Causeway & Newfound Harbor Drive (not currently eligible)
86. SR 520/ Merritt Island Causeway & Plumosa Street (not currently eligible)
87. SR 520/ Merritt Island Causeway & South Tropical Trail (not currently eligible)
88. SR 520/ Merritt Island Causeway & Sykes Creek Parkway (not currently eligible)
89. SR A1A & Berkeley Street
90. SR A1A & Ocean Boulevard
91. SR A1A & SR 404/Pineda Causeway (not currently eligible)
92. US 1 & Cidco Road (not currently eligible)
93. US 1/SR 5 & Canaveral Groves Boulevard
94. US 1/SR 5 & Barefoot Boulevard
95. US 1/SR 5 & Brockett Road
96. US 1/SR 5 & Camp Road
97. US 1/SR 5 & Fay Boulevard
98. US 1/SR 5 & Kings Highway
99. US 1/SR 5 & Port St. John Plaza
100. US 1/SR 5 & Viera Boulevard
101. US 1/SR 5 & Micco Road
102. Viera Boulevard & I-95 Northbound (not currently eligible)
103. Viera Boulevard & I-95 Southbound (not currently eligible)
104. Wickham Road & I-95 Northbound Ramp (not currently eligible)
105. Wickham Road & I-95 Southbound Ramp (not currently eligible)