



*The Council of Neighborhood Associations of South Pinellas County  
P.O. Box 13693, St. Petersburg, Florida 33733*

## **Digital Billboards**

### **Summary of the Ordinance**

The City's current sign code prohibits changeable message signs. Thus, in order to allow digital billboards the City will have to modify its Land Development Regulations and the associated city sign code. This would be the first significant change to the sign code since it was adopted in 1992.

The proposed ordinance and agreement would allow the conversion by Clear Channel Outdoor and CBS Outdoor of nine 14' x 48' billboards located along the Interstate and Interstate feeders and major highway corridors (Roosevelt, Gandy, 34<sup>th</sup> Street, and Tyrone Blvd.) within the city limits of St. Petersburg to digital (changeable) billboards, in return for the removal of ninety smaller static sign faces located elsewhere in the city.

The CONA Board has given due consideration to this proposal, receiving presentations from CONA's Land Development and Historic Preservation Committee and Clear Channel.

After hearing from both parties and allowing for Q&A and discussion the CONA Board recommended **AGAINST** the city's adoption of the digital billboard ordinance.

### **Talking Points:**

*One Positive: Removal of existing billboards*

The proposed agreement would result in a net decrease of ninety sign faces within the city limits. The majority of these sign faces are located along neighborhood corridors and thus their removal would reduce visual clutter along those thoroughfares. However, the signs to be removed are low, unobtrusive, and at the end of their useful and permitted life. Many are obscured by trees and cannot be seen by passing motorists.

It is also noted that there will be a reduction in 90 sign "faces," not locations. In many places as many as four sign faces are located on a single site.

*One Neutral: Use of Signs for Public Safety Alerts*

Clear Channel has proposed using their sign inventory for public safety messages such as Amber Alerts, Silver Alerts, and Hurricane Evacuations. Our tax dollars have already been used to put just such a system in place: the Variable Message Signs already located on the Interstate Highway System. Agreements are in place with FDOT to use these signs for public service messages; in fact, that is frequently being done. The addition of eight additional alert locations would be of limited value.

## *Many Negatives: Safety, Aesthetics and City Image, Environmental Concerns, Legal Risks*

### *Safety*

Due to their distracting nature there remains a grave concern about the impact of these electronic signs on traffic safety. While the Federal Highway safety study currently underway won't have specific recommendations regarding regulation, it may establish that the distracting nature of these signs is significant enough that they need to be Federally regulated. Regardless, by design and by virtue of their continually changing messages, digital billboards are more distracting and intrusive than static billboards.

### *Aesthetics and City Image*

Digital billboards become the brightest objects in the landscape, and thus they become the dominant visual element. This changes the fundamental character of the cityscape. They distract from other visual and scenic qualities of the environment, and clash with established architectural elements. This would have a negative impact on the scenic appearance of the City of St. Petersburg.

Digital billboards can be brighter than the sun during daylight hours, and even with the city's proposed limits they will be brighter than surrounding objects at night. When combined with their height and size, 500' – or even 1000' - separation may not be enough to prevent light pollution and spill over onto adjacent residential, park, or historic properties.

### *Environmental Concerns*

These signs consume large amounts of energy and would add significant pollution to our environment. One digital billboard can consume more than 300 megawatts / year. A study by a chapter of the U.S. Green Building Council in San Antonio, Texas, found that the yearly carbon consumption of one digital billboard was equivalent to that of 13 average homes.

### *Legal Risks*

The billboard industry is noted for its use of litigation to overturn municipal sign ordinances. Local examples include litigation resulting in settlements in Tampa, Pinellas County and the City of Clearwater, as well as lawsuits that were later dismissed against Manatee County, Pinellas Park, Pinellas County, and New Port Richey. If the City allows installation of these signs and later wants them moved, removed or otherwise limited, the cost to the city could be substantial and unaffordable.

The proposed ordinance was originally drafted by Clear Channel and provided to the city staff for editing. Clear Channel has objected to many of the protective elements added to the draft ordinance by the city's legal department.

As drafted, the proposed 'swap deal' would provide a benefit to two companies that have existing static billboards to trade. There is no basis to conclude that an ordinance that blocks new entrants from installing digital signs would be held constitutional. Should the draft ordinance be overturned by the courts – in whole or in part – it is possible that the city could be left without any sign ordinance at all, leaving us at risk of unregulated signs of all types.

### *Other Comments*

Other than permit fees, the City and public would receive no revenue from these signs. Allowing the installation of digital billboards would create a situation where the city is giving special treatment to one or two companies within an industry, which will be using public airspace for their own gain. The public's interest in maintaining a scenic community would be encroached upon without compensation.

Tampa Bay municipalities vary widely in their regulation of digital billboards. For example, while the city of Tampa is debating the appropriateness of such signs and the extent to which they should be regulated, Clearwater bans all new billboards, digital or otherwise. In Tampa the city has no choice; a 2008 settlement agreement between Clear Channel, CBS, and the city requires that the city make a provision for these signs.

Pinellas County currently has a one-year moratorium on new billboards; the county's existing digital sign ordinance provides for 60 second message intervals. A revised ordinance now in development would permit digital billboards with 15 second change intervals and lower heights than those being considered for St. Petersburg.

Cities throughout the country have banned or otherwise limited billboards and/or digital signs. A few examples include Austin, Denver, and Knoxville. Florida examples include the cities of Coral Springs, Boca Raton, and Clearwater. Clearwater banned all new billboards in 1992 over concerns about the visual pollution created by proliferating signs and the resulting detrimental effect on the city's appearance.

### *Is this the best deal we can get?*

Clear Channel says that the St. Petersburg proposal is the "best deal they've ever done". That may be true from their perspective, but St. Petersburg appears to be leaving money, or perhaps billboards, on the table. Among other examples, the City of Oakland, California recently adopted an revised sign ordinance and agreement that permits the installation of one (1) new digital billboard and the conversion of two (2) existing billboards to digital, in exchange for the payment of \$1,000,000 up front, payment of 30% of the annual revenue from the digital billboards, AND the removal of thirty-seven (37) static billboards elsewhere in the city.

While CONA does not support selling our city's safety or image for any price, it does appear that we have leverage to insist on a better deal – more signs to be removed, for example, should that be the direction that the City Council decides to take.

### **Recommendation**

In a meeting with CONA representatives on February 16<sup>th</sup>, 2010 Mayor Foster supported a review of our sign ordinance in order to protect our residents and visitors from inappropriate signage that is out of keeping with the character of our community.

As our sign code currently stands the City of St. Petersburg has a 'de-facto ban' on new billboards, digital or otherwise. CONA asks that Council maintain our existing sign ordinance for now, while simultaneously undertaking a comprehensive review of both on and off-premise sign regulations.

## Digital Billboards, Diversions Drivers Can't Escape



*Fabrizio Costantini for The New York Times*

A digital billboard, the first one in the series shown above, is located along I-75 in Detroit and can be seen from great distances. Safety advocates say the signs can distract motorists, much like cellphones and P.D.A.'s, and possibly contribute to traffic accidents.

By [MATT RICHTEL](#)

Safety advocates who worry about the dangers of distracted driving have a new concern beyond cellphones and gadget-laden dashboards: digital roadside billboards.

These high-tech billboards marry the glow of Times Square with the immediacy of the Internet. Images change every six to eight seconds, so advertisers can flash timely messages — like the latest headlines, coffee deals at dawn, a cheeseburger at lunchtime or even the song playing on a radio station at that moment.

The billboard industry asserts there is no research indicating they cause crashes, and notes that the signs do not use video or animation.

But to critics, these ever-changing, bright billboards are “television on a stick” and give drivers, many of them already calling and texting, yet another reason to take their eyes off the road.

Abby Dart, executive director of Scenic Michigan, a nonprofit group trying to block construction of new digital billboards in the state, calls the signs “weapons of mass distraction” and says they can be more dangerous than phones.

“You can turn off your phone,” she said. “The billboard gets your attention whether you want to give it or not.”

Last Thursday, Michigan lawmakers held hearings on legislation, the first of its kind, that would impose a two-year moratorium on the construction of new billboards. Minnesota’s legislature is scheduled to hold hearings this month on a similar moratorium. As digital billboards begin to pop up around the country, questions about whether to regulate the emerging technology are being asked in other states as well, and by federal officials.

The Federal Highway Administration has been conducting a study, which it says will be completed this summer, that uses eye-trackers inside cars to see whether drivers who have volunteered for the study look at the digital billboards, and for how long. The agency also has organized a tour this spring to take researchers to various cities around the world to study how other nations are regulating digital billboards.

In the United States, only about 2,000 of the nation’s 450,000 billboards are digitized, but the industry expects there to be tens of thousands of them, as many as 15 percent of its overall inventory.

The signs are typically used in busy traffic areas, where advertisers are willing to pay a premium for them. A digital billboard costs \$250,000 to \$300,000, roughly half what it did five years ago, but much more than the \$5,000 to \$50,000 for a traditional billboard.

Space on the digital signs fetches a premium in part because up to six advertisers can share a single location. Traditional billboards fetch a wide range of monthly rents (from \$1,000 to \$5,000 depending on location and audience) and the digital versions cost the same or a bit more, but the industry benefits by selling that space at that price to more than one advertiser.

Rather than settling the matter, existing research about digital billboards leaves room for debate on the danger.

One 2007 study, from the [Virginia Tech](#) Transportation Institute, which used in-car cameras to study motorists, found that digital billboards did not change driver behavior more than ordinary billboards.

But critics note that the study was financed by the billboard industry and that it was found to be biased by reviewers who rejected it for publication in 2008 by the Transportation Research Board, a Congressionally chartered agency.

Even the researcher who led the Virginia Tech institute project, Suzanne Lee, while defending her science as sound, said that the potential for drivers to be distracted by the new billboards — and digital signs that use video and animation — should be investigated further.

“If we don’t study this, and get on top of it right now while the capabilities are expanding, every roadway will be filled with flashing lights and video,” said Ms. Lee.

For decades, the Federal Highway Administration has provided regulations to states governing free-standing billboards that prohibit them from having “flashing, intermittent or moving light or lights.”

But in 2007, the agency ruled that the free-standing digital billboards did not violate the rule and recommended, among other guidelines, that ads on those billboards stay in place at least four seconds and that they not be “unreasonably bright.”

Last week, the Georgetown Institute for Public Representation, a public interest law group, filed a petition with the highway administration asking it to reverse the earlier decision, which would have the effect of banning new digital billboards that include flashing, intermittent or moving lights, and requiring the dismantling of existing ones.

The billboard industry argues that the new signs are part of a larger technological and economic shift to a paperless society (no more crews hoisting and removing ads from billboards) and that they give advertisers more flexibility.

Marketing materials published last year by [Clear Channel](#), one of the nation’s biggest billboard companies, say the digital billboards are, among other things, ideal for posting game scores by advertisers like radio stations and sports bars. News organizations can also use them — “as the Web site headline changes, so does the digital billboard,” the materials say.

”It’s a very flexible, very responsible medium and very impactful,” said Ron Cooper, chief executive of Clear Channel Outdoor, which has 450 digital billboards and plans to add 150 more this year. Big corporations that have used them include ABC, [AT&T](#), [Coca-Cola](#), [McDonald’s](#), [General Mills](#), [Ford](#) and [Verizon](#). “Consumers report seeing it, remembering the brand, remembering the advertisers.”

He and others in the industry say they have been careful to make the signs memorable but not distracting. They say the “television on a stick” label is an exaggeration.

“It’s a slide projector — it shows one image after the next,” said Bill Ripp, a vice president who oversees digital billboards for [Lamar Advertising](#), another large billboard company. “We were as concerned as anybody. We wouldn’t want to cause danger.”

The industry has found an ally in some crime-fighting groups and agencies, including the [Federal Bureau of Investigation](#) and the National Center for Missing and Exploited Children, which use the new signs to broadcast images of fugitives or of abducted children.

“We’ve had moms grab their sons by the ear and drag them right down to the sheriff’s office because they were embarrassed to see the son on the billboard,” said Bart Dexter, coordinator of the Michigan Crime Stoppers organization, who opposes the Michigan moratorium.

Ms. Dart, from Scenic Michigan, said the potential driver distraction outweighs any help the signs may provide in catching fugitives.

Rebekah Warren, a Democratic state representative from Ann Arbor, who proposed the moratorium, said the bill reflected broader concerns that legislators around the country had about distracted driving. In December, the Michigan House of Representatives passed legislation banning motorists from texting, something its Senate now is considering.

“We are moving so quickly into this digital age,” said Ms. Warren. “We are being cautious in state legislatures around the country on how we keep drivers focused on the road.”

<http://www.indyweek.com/indyweek/durham-city-council-votes-unanimously-to-keep-current-ordinance-banning-them/Content?oid=1578308>

## Durham City Council votes unanimously to keep current ordinance banning digital billboards

by [Lisa Sorg](#)



*Photo by Jeremy M. Lange*

Dixie's name will not be in lights: Durham City Council nixed an ordinance change that would have permitted digital billboards in the city limits.

It wasn't the dozen pairs of blinking plastic sunglasses or the parade of nonprofit groups praising the generosity of Fairway Outdoor Advertising but a photo of the R. Kelly Bryant Jr. Pedestrian Bridge that may have made the biggest impact on the Durham City Council's vote on digital billboards.

The newly erected pedestrian bridge, which gracefully spans N.C. 147 at Alston Avenue, serves as the eastern gateway to Durham and joins northern and southern neighborhoods fractured by the highway. Posted near one of the bridge's ends is a black and yellow billboard advertising the Dixie Gun and Knife Show happening this weekend in Raleigh.

The clash of these two landmarks—a digital billboard would outshine the bridge at night and dwarf it by day—underscored public and council concerns about the impact of these billboards on aesthetics and property values, without any proven benefits to offset the social, environmental and financial costs.

Council members had received more than 1,000 e-mails from the public in support of keeping the current ordinance to prohibit digital billboards, and fewer than 10 e-mails supporting the change and digital billboards. The City-County Planning Commission also voted 12-0 in opposition to the change.

"This issue has united Durham like no other," said Councilman Mike Woodard.

One of the 1,000 e-mails was from the bridge's namesake, a respected African-American community leader who asked that council keep the existing ordinance.

"What are we going to do about that billboard?" asked Councilman Howard Clement, who was deeply perturbed by the billboard's message touting the gun show.

Lewis Cheek, attorney for K&L Gates, the firm representing Fairway Outdoor Advertising, replied erroneously that only by changing the ordinance could that billboard come down.

In fact, Fairway can choose what advertisements appear on its billboards. Like newspaper, radio or TV, outdoor media can reject or position advertising as they wish. And as Councilwoman Diane Catotti noted, the billboard could indeed be dismantled under the current ordinance—it just couldn't be replaced.

"Durham has nothing to gain from [the ordinance change]," Catotti added.

After more than three hours of public hearing and discussion, Durham City Council voted unanimously, 7-0, to keep the existing ordinance, which prohibits digital billboards in the city limits.

The city's billboard battle had been festering for two years. In the most recent flare-up, Fairway enlisted the help of nonprofits that receive free billboard space to advocate for the company's position—even providing a sample letter to the groups for them to send to elected officials.

And in the days leading up to Monday night's vote, political observers, like bettors at the racetrack, kept scorecards on how City Council members might break on the ordinance. Four votes would constitute the simple majority needed for a measure to pass.

During council discussion, Woodard and Catotti, who had been openly critical of digital billboards, reaffirmed their support for the current ordinance.

Eugene Brown, thought to be leaning the same way, but who was not considered a shoo-in, joined Woodard and Catotti. That was three.

When Cora Cole-McFadden, who had grilled Fairway on its contention that digital billboards would add local jobs (there is no evidence that they would), said she would support the existing ordinance, a small gasp leaked from the audience. That was four, enough to thwart the ordinance change.

The stances of Cole-McFadden, Clement, Farad Ali and Bill Bell had been a mystery—"Don't play poker with Bill Bell," one political insider jokingly told the *Indy*—and it was conceivable that any or all of them might vote for the ordinance change.

But in the end, the unanimous vote signaled to Fairway that Durham would not join other North Carolina cities that had bitten on the industry's vague promises of economic development, the alleged crime-fighting power of digital billboards and the dubious rewards of partnerships between nonprofits and the billboard company.

The nonprofit angle was key to Fairway's strategy. Although Fairway has routinely given free billboard space to nonprofits, it now hoped for a favor in return. At Monday night's meeting, representatives from many nonprofits lauded their relationship with Fairway and stated digital billboards would only help the groups attract new members and contributions.

Ernie Mills Jr. of the Durham Rescue Mission, a nonprofit that helps the homeless and former substance abusers find employment, said new billboards could create jobs in landscaping and construction for the mission's clients. The mission is less than a mile north of Alston Avenue and N.C. 147, a nexus of billboards that have advertised Crown Royal and, yes, the Dixie Gun and Knife Show.

"It would pull traffic off the interstate for local businesses that employ our clientele," Mills said. "Fairway has been tremendous partners with the Durham Rescue Mission."

However, Mills' contentions were speculative. Fairway General Manager Paul Hickman told Cole-McFadden that of the 25 people employed by the company in the Triangle, none were homeless—none even lived in Durham. (Fairway's regional office is in Raleigh.)

Woodard said he had spoken with several nonprofits that had free billboards, and none could link an increase in donations or membership to these outdoor ads. And many other nonprofits, including the Eno River Association, opposed digital billboards. Association President Milo Pyne told council that "we see no benefit in changing ordinance. The benefits to nonprofits are oversold."

However, in June, many Durham nonprofits that received free billboard space from Fairway tried to sell Mayor Bell on the benefits of digital billboards for their groups. City Council members received the same letters, but these were sent in envelopes addressed from the billboard

company. And it appears Fairway coached the nonprofits on the letter's talking points by providing them with a sample letter.

A June 8 letter from the Museum of Life and Science and signed by Julie Ketner Rigby, the museum's vice president for external relations, noted that "Fairway was a valued partner" in helping the museum publicize its new Dinosaur Trail exhibit. "The Museum and other nonprofits will benefit from the proposed digital billboard opportunity," the letter said.

Nonprofits receive free space but pay for the printing of the billboard message. With digital billboards, "this cost is eliminated and resources are available for our mission," the letter reads.

Hickman told the *Indy* nonprofits supported the ordinance change because Fairway would donate one 8-second spot each minute to public service announcements, including messages from nonprofits. "They know it benefits their business," Hickman said.

(However, as city staff explained Monday night, government cannot regulate those public service announcements or their content. In fact, Fairway can't be compelled to offer those slots at all.)

Hickman told the *Indy* the nonprofits took the lead on sending the pro-billboard letter: "Every nonprofit that wrote a letter contacted Fairway and said 'Can we help you?' And we said, 'You can make a phone call or write a letter, if you want. It's up to you.'"

Yet the museum letter went beyond its personal interest in publicizing its exhibits. It echoed Fairway's previous pitch to community groups and city commissions about the effectiveness of billboards in publicizing Amber and Silver alerts: "The opportunities for Amber and Silver alerts are all important considerations for this proposal," the letter read.

Asked why the Museum of Life and Science would be concerned about Amber and Silver alerts, Hickman replied that nonprofits could have obtained that information from many sources, including the company's website. "I don't know why they wrote what they wrote," he said.

Fairway should know: Rigby said the company provided the museum with information about digital billboards and that she "picked and chose" from the points listed in that template. She said she has seen other nonprofits' letters. "They are all a little bit different."

Rigby said the letter was intended to "point out information" about the value of its partnership with Fairway, adding that the museum board had not taken a position on the billboard ordinance. Yet after the *Indy* reported the contents of the letter last week, a backlash against the museum prompted its president and CEO, Barry Van Deman, to send a letter Monday to City Council re-emphasizing that the board was staying out of the fray.

It was after 11 Monday night when council put the kibosh on digital billboards in the city limits. Given the unpredictability of the Durham County Board of Commissioners—and the perceived

coziness between some of the commissioners and K&L Gates—it's unclear if county leaders will follow the city's lead next week.

After the vote, K&L Gates, Fairway and several billboard proponents gathered in a circle, heads lowered, as if burying a loved one.

Billboard opponents filed out, buoyed by their victory.

"[Fairway] had two years to get community support," John Schelp, an outspoken billboard opponent told council earlier in the evening. "That support failed."