

Letter from Clear Channel Attorney to Tampa

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City of Tampa City Council
c/o Julia Mandell Cole
Senior Assistant City Attorney
315 East Kennedy Blvd.
5th Floor
Tampa, FL 33602

Re: *Digital Sign Ordinance Workshop Scheduled for December 3, 2009*

Dear Chairman Scott and Council Members:

Thank you for the opportunity to participate in tomorrow's Digital Sign Ordinance Workshop. We greatly appreciate the Council's continued work on this matter and look forward to a productive Workshop.

As you know, on November 18, 2009, Clear Channel had the opportunity to meet with Julia Mandell Cole, Senior Assistant City Attorney, and members of the public to discuss the proposed Digital Sign Ordinance. Clear Channel believes that the meeting was a success as they had the opportunity to receive some positive, constructive feedback on the proposed ordinance from those in attendance.

As a result of the November 18th meeting, and a review of other recent dealings with nearby municipalities, Clear Channel is amenable to incorporating certain additional operational standards within the body of the proposed ordinance. We believe that these new standards affirmatively address several of the comments raised during the meeting. More specifically, we would propose a new subsection 20.5-11(d)(5) be added to the draft ordinance to read as follows:

(5) Operational Standards.

a. Spacing. Electronic Billboard Signs shall be spaced a minimum of 2500 feet from another Electronic Billboard Sign which is facing in the same direction.

b. The dwell time, defined as the interval of change between each individual message, shall be at least 8 seconds. Any change of message shall be completed in two seconds. The dwell time shall not include the time required to change a message. There shall be no special effects between messages.

c. Message sequencing is prohibited (message sequencing means related messages such as successive narratives conveyed over two or more successive screens). No message shall be personalized or interactive.

d. The message shall be static. There shall be no flashing or varying light intensity or movement during the message. Messages shall not scroll and shall not give any appearance of moving.

e. Each Electronic Billboard Sign's operating system shall contain a light sensing device to adjust brightness as ambient light conditions change in order to insure that the message meets the following brightness standards. The maximum brightness shall be .3 foot candles above the ambient light measured 150 feet perpendicular from the face of the sign.

f. No Electronic Billboard Sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device.

g. The Electronic Billboard Sign shall have a default mechanism or setting that will cause the sign to turn off or freeze in one position at a brightness no brighter than normal operation if a malfunction or failure (meaning any unintended interruption in message sequencing) occurs.

h. The Electronic Billboard Sign shall not be configured to resemble a warning or danger signal nor shall there be any configuration which may cause a driver to mistake the sign for a warning or danger sign. The sign shall not resemble or simulate any lights or official signage used to control traffic.

i. Owners of Electronic Billboard Signs shall discourage advertisers on such signs from utilizing small or hard to read type faces or excessive or redundant addresses, phone numbers or web-site addresses within the same advertisement.

j. The Electronic Billboard Sign sign operator shall, at no cost to the City, provide the City with advertising space on the digital or electronic off-premise sign on a space-available basis for public service announcements, including Amber Alerts, hurricane evacuations, and messages related to City-sponsored or co-sponsored events. The minimum amount of space made available to the City per digital sign face shall be 500 ten-second advertising spots.

Of course, in addition to the above, Clear Channel remains committed to continuing discussions with Council and the various stakeholders to review potential revisions to the ordinance.

this subsection of the City Code shall become void and repealed upon the expiration of the appeal period for such court order.

1. Locations. Digital or electronic off-premise signs shall only be allowed within 100 feet of the right-of-way of the interstate, including the downtown feeders, Tyrone Boulevard, Roosevelt Boulevard, Gandy Boulevard, and 34th Street. Signs are prohibited on the same site as an historic structure or within an historic district and are prohibited within 500 feet of an historic structure.

2. Spacing. Digital or electronic off-premise signs shall be spaced so that a driver cannot see more than one digital or electronic off-premise sign face at the same time.

3. Size. The message face of each sign shall not exceed 14 feet in height and 48 feet in width.

4. Height. Signs shall not exceed 65 feet in height above the crown of the paved surface of the adjacent street or highway to which the digital sign is oriented. When the view of the sign face is partially or totally obstructed, this height may be increased to the lowest height possible which permits an unobstructed view of the entire sign face from the adjacent street or highway from a distance of one thousand feet.

5. The dwell time, defined as the interval of change between each individual message, shall be at least 10 seconds. Any change of message shall be completed in two seconds. The dwell time shall not include the time required to change a message. There shall be no special effects between messages.

6. Message sequencing is prohibited (message sequencing means related messages such as successive narratives conveyed over two or more successive screens). No message shall be personalized or interactive.

7. The message shall be static. There shall be no flashing or varying light intensity or movement during the message. Messages shall not scroll and shall not give any appearance of moving.

8. Each sign shall have a light sensing device to adjust brightness as ambient light conditions change in order to insure that the message meets the following brightness standards. The maximum brightness shall be .3 foot candles above the ambient light measured 150 feet perpendicular from the face of the sign.

9. Notwithstanding the foregoing subsection, the message shall not display light which is brighter than necessary for clear and adequate visibility and the message shall not display light which is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver or which results in a nuisance to a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device. The maximum brightness shall be reduced if the Zoning Official determines that the sign violates any provision of this subsection thereby causing a possible safety hazard.

10. The sign shall have a default mechanism or setting that will cause the sign to turn off or freeze in one position at a brightness no brighter than normal operation if a malfunction or failure (meaning any unintended interruption in message sequencing) occurs.

11. The sign shall not be configured to resemble a warning or danger signal nor shall there be any configuration which may cause a driver to mistake the sign for a warning or danger sign. The sign shall not resemble or simulate any lights or official signage used to control traffic.

12. Every line of text in the primary message of the digital sign shall meet the following minimum height requirements: not less than 15 inches for signs oriented toward the interstate and feeders, and not less than 9 inches for signs oriented toward all other roadways. The message on a digital sign shall not contain any addresses, phone numbers, website addresses, email numbers or like information.

13. Prior to the issuance of a permit for construction of the digital or electronic off-premise sign, the operator of the sign shall enter into an agreement with the City to provide for public service announcements on a regular basis. Such announcements shall be provided regularly throughout the day and year and shall include messages of significant public interest related to safety and traffic matters (e.g. Amber Alerts, traffic hazards and congestion, hurricane evacuation notices and traffic alerts or advisories) and messages related to City-sponsored and co-sponsored events. Messages shall be posted upon receipt of notice from the City and shall continue to be posted throughout the duration of the event in a manner designed to provide reasonable and effective notice of the event (such posting shall not be exclusive of other messages).

14. Prior to the issuance of a permit for a sign, the applicant shall provide a letter or other written documentation from the State of Florida stating that the proposed sign is not subject to State regulation or complies with applicable State regulations.

Section Four. Section 16.41.120.15.F.3 of the St. Petersburg Code is hereby amended to read as follows:

3. Location. Off-premises signs shall be allowed only on sites in the Corridor Commercial Traditional (CCT), Corridor Commercial Suburban (CCS), Employment Center (EC), Retail Center (RC), Institutional Center (IC), Industrial Suburban (IS) and Industrial Traditional (IT) zoning districts which are abutting the interstate or interstate feeders ~~federal-aid-primary designated roads~~.

Section Five. Except for Sections one and three of this ordinance which are new, additions to the St. Petersburg City Code are shown with underlines and deletions from the St. Petersburg City Code are shown with ~~strikethroughs~~.

Section Six. Severability. The provisions of this ordinance shall be deemed to

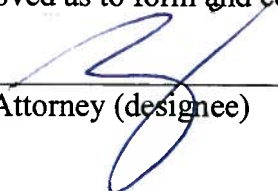
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be severable. If any provision of this ordinance is judicially determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

Section Seven. The codifier of the City Code is authorized to correct typographical errors and to index, format and number paragraphs to conform to the existing City Code.

Section Eight. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:



City Attorney (designee)