

Date: Friday, May 8, 2009, 11:10 AM

Dear Chairman Desloge,

Hope all is well in your busy life.

Below we (the non-staff, non-billboard company citizens) list the five changes we are asking the Commission to make to the Staff Proposal at public hearing next Tuesday. Since our meeting with you is at 10:00 a.m. that morning, this will give you a chance to review them and the underlying reasons. We will be glad to discuss them with you further then.

The county staff, led by Mr. Biblo, have been courteous and open with us throughout and we appreciate their efforts. Their proposal closes, or at least lessens two glaring loopholes in the billboard ordinance and also contains other improvements. In several critical areas, however, the staff draft started out strong but over time, with Lamar opposition, faded.

As a result, the final Staff Proposal will do almost nothing to reduce the excessive number of billboards distracting drivers and negatively impacting the natural beauty of the community. It also is grossly inadequate in protecting residential neighborhoods from billboard incursions, maintains the weaker spacing limit between billboards on the same side of the road, and contains a special "Lamar provision" which gives non-conforming billboards a new life extension. (Lamar obtained a county permit in 2004 to install a billboard on Mahan, near the Walmart center, outside the nearby city limit. Instead, Lamar installed the billboard near the road just **inside** the city limit. This staff provision is intended to allow Lamar a way to relocate the billboard on the parcel outside city limits (where it was supposed to go in the first place) but, importantly, **inside** and in violation of what is now the protected Mahan Gateway Overlay.)

The five changes we are requested are meant to rectify these deficiencies. In most cases, they simply adopt city standards which have been in place since 2005 and proved effective and workable.

Finally, as for city swap ratios, Lamar will claim, as it did to staff, that they are not "economical" but never prove this with any facts. Moreover, its claim is belied by the facts. The ratios have been economic or provided it the needed economic incentive or it would not have erected digitals and tri-visions under them inside the city. (All three of the city's allotted digitals have now been utilized as have four of the allotted tri-visions.)

You and the other Commissioners are used to economic analysis and should draw your own conclusion here. Consider these facts: On April 29, 34 different advertisements were displayed on the Lamar digital at Market Street and Thomasville Road, which is 17 times the number of advertisements it can run on a standard billboard. Each add is a revenue stream. On April 7, 2008 an article on Lamar and its digital future by the Fortune editor and displayed on the CNNMoneycom website, stated that "Reilly (the

CEO of Lamar) says advertisers are paying triple the standard rate for digital billboards because they can update their ads at no additional cost." Although a digital costs more to construct, it dispenses with the need to lease or buy 17 separate billboard sites and the need to construct 17 billboard structures. These structures typically cost \$ 20-30,000 to construct and annual lease payments for each could be \$ 10,000 or more. Finally, the costs of operating the digital are much less since advertisements are installed and changed directly by computer connection, with no need to send workers to the structure. No wonder, in that same Fortune article, Mr. Reilly trumpets them, saying "(Digital billboards) are coming to a neighborhood near you."

The city swap ratios are, in fact, overly generous to the billboard companies and tilted in their favor when these facts are taken into account. Moreover, there can be no argument that application of the city swap ratios would negatively impact businesses which choose to advertise on billboards. For each additional digital billboard allowed there is a **net increase of 24** or more available advertising displays, applying the 5-1 ratio. If the staff proposal to triple the number of digitals were allowed (from two to six) this would result in a whopping **96 or more additional** advertising displays over those allowed now.

Here are the five requested changes which, according to your legal staff, have been sufficiently noticed so they are available for your consideration and action next Tuesday without the need to re-advertise:

FIVE REQUESTED CHANGES TO STAFF BILLBOARD PROPOSAL

1. **MINIMUM SPACING BETWEEN BILLBOARDS ON THE SAME SIDE OF THE STREET:** At Pg. 22(1): Adopt City Standards: 2000 feet between standard billboards instead of 1800 or 1500 feet and 4000 feet between variable message and digital billboards (instead of 2000 and 3,500 feet)

Explanation: Years of unlimited billboard proliferation have resulted in serious clutter which distracts drivers and impacts the natural beauty of the community. While the city's 2000-foot minimum spacing requirement is inadequate because it applies only to billboards on the same side of the street it would still be an improvement over the county's weaker distance requirements.

2. **MULTI-VISION SWAP RATIO:** At Pg. 24(a); Adopt City Tri-vision Swap Ratio: remove three existing billboards for each new multi-vision billboard instead of proposed removal of one multi-vision or two standard billboards with double credit for removal of non-conforming billboard as to location.

Explanation: Absent extending the Bradfordville billboard prohibition county-wide, the only way to reduce the number of billboards is to use the billboard companies' strong economic incentive to convert standard billboards to multi-vision or tri-vision billboards, which display three times the number of advertisements. Since 2005, the city has had a swap ratio which requires the removal of an additional two billboards (beyond the one-for-one required in any event) as a prerequisite to installing a new multi-vision. This

swap ratio has caused the removal of eight billboards and not proved onerous as the billboard companies have chosen to install four of the total of six allowed in the city.

In 2007, the county inexplicably adopted no swap requirement for multi-visions. As a result, seven multi-visions have now been installed without achieving any reduction in the excess number of billboards.

The staff now proposes a swap ratio which is weak and inadequate. Not only is it a weaker two-for-one ratio. It also grants an unjustified double credit for removing any of the eight currently non-conforming billboards as to location. So the number of multi-visions could be more than doubled without any reduction in the total number of billboards.

Adoption of the city's straight three-for-one swap ratio is far preferable to the staff's proposal and would allow modest progress in reducing the number of billboards.

3. **DIGITAL SWAP RATIO:** At Pg. 26(b); Adopt City Variable Message (Digital) Swap Ratio: remove five existing billboards for each new digital billboard instead of proposed removal of four existing billboards with double credits for non-conforming billboards as to location and for multi-visions, and double-double, i.e., four credits for non-conforming billboard as to gateway road overlay restrictions.

Explanation: Like its proposed multi-vision swap ratio, the staff's proposed four-for-one swap for the four additional digitals it would now allow is weak and inadequate.

The city's straight five-for-one swap has proven effective in removing 12 billboards without impacting the strong economic incentive to convert to digitals, which can reduce operating costs as well as display at least 17 times as many advertisements as standard billboards.

The staff's weak ratio would also allow four credits for removing any of the five currently non-conforming billboards as to the Gateway Overlay. So under it all of the four new digitals allowed by the staff proposal could be built with no reduction in the total number of billboards.

Adoption of the city's proven straight five-for-one swap ratio is far preferable.

4. **MINIMUM SETBACK FROM RESIDENTIAL NEIGHBORHOODS:** At Pg. 21(d),Pg. 25(b) and current Sec. 10-1833(d)5(a); Adopt Minimum Setback of 1000 feet from Residentially Zoned Property for All Billboards, standards, multi-visions and digitals instead of proposed 150 feet for standards, 200 feet for multi-visions and the existing 300 feet setback for digitals.

Explanation: The existing setbacks from residentially zoned property have proven patently inadequate to protect neighborhoods. The staff's proposal to slightly increase the setbacks does nothing to meaningfully reduce this increasing commercial intrusion

into residential areas.

A minimum setback of 1000 feet is the minimum distance required to prevent this serious day-and-night disruption of residential neighborhoods.

5. NON-CONFORMING BILLBOARDS: At Pg. 14(c); Delete Entire Provision, allowing non-conforming billboards as to location to be relocated elsewhere on the parcel yet remain non-conforming.

Explanation: This is an odd and unwarranted extension of new rights and privileges to non-conforming billboards, which are otherwise intended to be time-limited. The sole purpose of the provision is to grant relief to Lamar Outdoor Advertising, which constructed a billboard on Mahan in a location not authorized by its county permit.

Thank you for your efforts and leadership on this matter so important to the future of our community.

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