

Scenic Watch

Citizens for a Scenic Florida



June 18, 2011

Scenic Miami News

Giant Billboards On Vacant Hotel By I-95 Must Come Down, Court Says



Photo: Peter Andrew Bosch, The Miami Herald

"For years, a vacant 10-story hotel along Interstate 95 has served — in blatantly illegal fashion, according to the state of Florida and Miami-Dade County — as a colossal billboard, draped top-to-bottom with banners promoting beer, Caribbean tourism and, in recent weeks, county mayoral candidate Julio Robaina.

But the City Inn hotel's owner, Malibu Lodging Investments, has repeatedly fought off orders to take the signs down, instead waging a protracted legal battle while continuing to make money from the billboards.

Now an appeals court has handed the county a clear-cut victory that may put an end to the legal fracas, ruling that the signs must come down.

The decision by a three-judge panel of the 3rd District Court of Appeal, issued Wednesday, also represents a boost for billboard opponents mustering a campaign to stop the proliferation of ads along the city's expressways.

The ruling upheld the constitutionality of the county's sign ordinance, which for decades has sharply restricted the number and type of billboards along expressways, and reaffirmed its powers to regulate outdoor ads to protect public safety and aesthetics. A lower court judge, Circuit Judge Maxine Cohen Lando, had ruled that sections of the sign code — which applies in all Miami-Dade municipalities as well as unincorporated areas — were unconstitutional.

"This is a great decision for our community in our effort to secure and preserve a safe environment and our natural beauty," said Barbara Bisno, co-founder of Scenic Miami-Dade, the new local affiliate of a national anti-billboard organization. "The county sign ordinance is a major protection for all residents from visual pollution."

The case, which began in 2008, marked the first time the county had to go to court to enforce an order to remove illegal ads, said Assistant County Attorney Thomas Robertson.

"It will be a very useful tool for future cases," he said of the 13-page appellate decision...."

Andres Viglucci -- The Miami Herald

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May - June



Fun Festivals and Events

Central Florida

June 17-19

Harvest Festival, Clermont

June 17-19

Soccer on the Beach Tournament,
Daytona Beach

June 19

BYO Picnic Day, Lake Wales

June 25

Art Walk on Flagler Avenue, New
Smyrna Beach

June 25-26

Downtown Dunedin Craft Festival,
Dunedin

June 25-July 4

Suncoast Offshore Grand Prix
Festival, Sarasota

July 2

Daytona Coke Zero 400, Daytona
Beach

July 2

Red, White and Zoo, Sanford

July 14

Music on the Beach Concert, Tarpon
Springs

July 16

Snooty the Manatee's Birthday Bash
and Wildlife Awareness Festival,
Bradenton

July 22-24

25th Annual Mid-Summer Dollhouse
and Miniatures Show and Sale,
Lakeland

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Photo: Scenic Rapid City

Revolution in Rapid City Attracts Film Maker's Attention

[WATCH Youtube Film Trailer Here As a Preview >](#)

Rapid City Voters Pass Anti-Billboard Initiative on June 7

"Billboard opponents around the country will be looking to Rapid City for inspiration, a national anti-billboard official said, now that a group of citizens successfully fought for tighter restrictions on off-premise outdoor advertising.

'It presented a truly unique opportunity for the movement nationally to score a big hit in what I call the billboard wars,' said Ossian Or of St. Paul, Minn., a member of the board of directors of Scenic America.

Or was in Rapid City on Tuesday night filming a documentary about how members of the national group's local affiliate, Scenic Rapid City, pulled off a nearly 2-1 victory on two measures to ban new digital billboards and limit development of new static billboards.

Watching returns come in early in the evening, he said, 'Anything more than 60 percent is going to be so decisive it will be hard to ignore.'

Or said a growing number of communities around the country are restricting digital billboards but most are the result of a city council vote, not changes stemming directly from voter initiative.

That's because the campaigns can be grueling and expensive.

'It's hard to sustain the effort,' Or said. 'People get worn down. It takes an incredibly dedicated group to pull it off.'

Scenic Rapid City members gathered at the West Boulevard area home of Rod and Karen Pettigrew to await election results Tuesday, relaxing with drinks and cake after spending the early evening waving 'Vote Yes' signs along busy streets.

Group chairman Jim Petersen toasted the members' hard work and told them their efforts challenging billboard companies were a bold move.

'I was a leader of Marines in Vietnam,' he said, 'and I know what courage is. This is courage.'

South Florida

June 18

West Palm Beach Carnival, West Palm Beach

June 18-19

Downtown Venice Craft Festival, Venice

July 4

Old-Fashioned Fourth of July Picnic at The Barnacle Historic State Park, Coconut Grove

July 8

Center for the Arts Campus Open House, Bonita Springs

July 8

ArtsPark Movie Night, Hollywood

July 8, 13, 22, 27

Jupiter Lighthouse Sunset Tour, Jupiter

July 9

Underwater Music Festival, Big Pine Key

July 9-10

International Mango Festival, Coral Gables

July 17

Bluegrass Music at John D. MacArthur Beach State Park, North Palm Beach

July 19-24

Hemingway Days, Key West

July 29-Aug 7

Key Largo Wine and Food Festival, Key Largo

July 30-31

MangoMania Tropical Fruit Fair, Pine Island

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North Florida

June 16-18

Suwannee River Jubilee, Live Oak

June 24-25

Panhandle Watermelon Festival, Chipley

June 25

Battle of Bloody Mose 271st Anniversary Commemoration, Fort Mose Historic State Park

June 25

Scenic Rapid City formed this spring and circulated petitions to put the measures on the ballot, with members saying they were frustrated at a lack of city government progress to restrict billboards. Members said efforts to reduce billboards go back decades but only this spring did opponents 'find' each other and tap into what Petersen called 'pent-up demand for change.'...

'Modrick said Scenic Rapid City's next step is to stand up against any lawsuits filed by billboard companies, which have threatened to challenge the successful measures in court.

'We've got an ordinance that needs to get in place and stay in place,' she said...."

Barbara Soderlin -- The Rapid City Journal

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Scenic Florida Uncovers Withholding of Public Records During Requests

State Now Admits Wrongdoing in Panhandle Tree Cutting

"Permits to Clear Trees a Mistake, State Says"

"In January 2009, the Florida Department of Transportation began handing 2,094 state-owned trees over to a politically connected billboard company. It's spent a lot of time since making sure no one knows it happened.

Over five months and with the help of former transportation secretary Stephanie Kopelousos, now Clay County's manager, and former Rep. Greg Evers, who at the time was chairman of the House Transportation Committee, Panhandle-based Bill Salter Advertising was given approval to ax the trees to make room for billboards without paying costly mitigation fees, or up to \$2 million in fines that should have later been levied.

Contrary to established department policy, the company was also allowed to keep roughly \$4 million in billboards that a former department official says should have been taken down.

When environmental advocates and reporters began asking questions, the department withheld information from public records requests and denied holding meetings about the issue....

Internal emails, though, indicate that even before many of the Salter applications were approved, top-level officials handling the issue knew what was required when doling out the permits....

The McBroom email was one of 10 withheld from a September 2009 public records request sent by Citizens for a Scenic Florida asking for all emails pertaining to the Salter issue starting in January 2009. It filed the request after receiving an anonymous letter in June 2009.

Scenic Florida's request returned hundreds of emails, but only one from January 2009. That raised red flags because another email indicated that on Jan. 8, 2009, Salter officials 'spoke with' Evers and Kopelousos about the issue, which seemed to jump-start the process.

Low Tide Bike Ride, Anastasia State Park

July 6

The Bay Point Invitational Billfish Tournament, Panama City Beach

July 10

Summer Jazz Concert Series, Jacksonville Beach

July 18-23

Greater Jacksonville Kingfish Tournament, Jacksonville

July 22-24

Smokin' on the Suwannee BBQ Festival, Live Oak

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Note from the Editor

Suggestions for improvement are always welcome.

'It just didn't add up. We got this request and there were obvious pieces missing,' said Bill Jonson, president of Citizens for a Scenic Florida and a Clearwater City Council member. His group filed a second request in 2010, and got the additional emails in April.

Originally withheld emails show that officials knew vegetation management plans were needed, that Evers used his personal email to communicate with Kopelousos about the issue, and that some in the department were clearly opposed to the policies it was charged with enforcing but didn't in Salter's case....

'Other emails, which were not handed over as part of an initial records request, highlight how involved Evers and Kopelousos were from the beginning.

- Jan. 9: Rogers sent this email to Thibault: 'I looked at the viewing zone for Rep Evers. Everything looks OK. We will get with the representative's aide and try to work it out.'

- Jan. 16: Evers sent contact information for Dave McCurdy, Salter's general manager, from his personal email account to Kopelousos with this message: 'Thought you could use this. Just making it easy. Tx.'

- Jan. 23: Evers told Kopelousos that 'your time is way too important to spend following up' and said that Thibault could respond. She quickly replied that 'no matter' is too small for her to handle.

....The Times also asked Thibault if a meeting was held to discuss the permit issue earlier in the month; he said no. But calendars obtained as part of a public records request show that a Jan. 8, 2010, meeting was held in Garner's office a few weeks before the Times' interview. The topic was making sure the 'rule is uniformly interpreted and applied.'

Department officials said they can't recall what happened because Thibault is no longer with the department. When reached by email, Thibault said he has 'been requested by the Florida Department of Transportation to direct all inquiries' to the department.

Early last month, he joined the Parsons Corp., an engineering and construction firm. Parsons is a vendor with the transportation department."

Jim Ash-- News-Press.com

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Photo: Scenic Florida

"Billboard Brouhaha Spotlights Permit Processes"

"...'When the Florida Department of Transportation looked into the decision by District 3 to issue tree removal permits to the Salter Company, we found a number of inconsistencies,' Kopelousos wrote in a statement in response to written questions.

'Although the local district has the responsibility and authority to approve or deny tree and vegetation removal permits, it appeared that the district had used more discretion in interpreting the rules and policies compared to the rest of the districts.'

'It's the first time Kopelousos, who now works as Clay County Administrator, has commented publicly about the controversy since it started making headlines in the spring.

'Sen. Greg Evers, a Republican from Baker who then chaired a House transportation committee, intervened with the department to help Salter.

Evers later appeared prominently on a billboard in Northwest Florida in a promotional campaign for the National Rifle Association when he was running for the state Senate. A longtime gun-rights champion, Evers said he was asked to appear in the ads by the National Rifle Association and that the billboard was not payback from Salter or a contribution in kind to his campaign....

In the 2011 legislative session that just ended, Evers filed industry-friendly legislation that a Senate staff analysis said would have removed most of the requirements that outdoor advertising companies pay into a fund that compensates for the loss of trees, making the decision voluntary instead.... the bill died at the end of the session....

Removing the trees without a valid permit could subject the company to as much as \$2 million in fines.

But it's too late for the department to recover the money now for Florida taxpayers, said department spokesman Dick Kane. The permits were granted without vegetation-management plans, so there's little the department can do now, he said.

'The bottom line is, once we issue a permit, we can't go back and seek a penalty,' Kane said.

Environmentalists complained that Salter also should have been forced to tear down scores of old signs under a rule that requires the removal of two 'non-conforming' signs when new ones are permitted.

However, the Salter episode involved a request for only one new sign that required the removal of two older signs, and the company complied, Kane said.

Bill Brinton, an attorney with the group Scenic America, disagrees, saying Salter should have been forced to remove as many as 69 aging signs as a result of the permits.

The group has filed a complaint with the department and expects to continue pursuing the matter.

Lee Molloy -- Tallahassee Democrat

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