

Pinellas County Board of County Commissioners Meeting
July 7, 2009

Citizens to be heard

Chairman Harris: We will go to Citizens to be heard we will begin with Todd Pressman

Mr. Pressman: Mr. Chairman and Commissioners, my name is Todd Pressman, for the record, 4870 Brattle Court, Oldsmar, Florida. I appreciate the chance to have a few minutes with you. I am hear requesting the reenactment of a Commission order which was approved over a year ago which would allow your consideration and the public's consideration for the issue of digital billboards. That issue currently the County allows 60 seconds this would allow for consideration for six seconds which is the current the FDOT standard.

Not speaking for your outstanding staff, I believe their concerns have been a Federal Study that is currently underway in some regard. That study I have been told was originally to be done by the end of 2009 and now deferred to late 2010, and I suppose will be delayed until 2011. However there is a lot of safety information out there. There is third party information: AAA has looked at it. Many states or a great majority have looked at it and allowed it and looked at it. Engineering schools - Federal Highway Administration have looked and made some comments. As well as industry standard information. So there is a lot of safety information that we can bring you and will be happy to bring you.

We are talking about boards that are not scrolling or animated, but strictly and completely instantaneously change to a different face. I am sure that you have seen them throughout the Bay area. They are present throughout the Bay area. I suspect that the Commissioners have seen at least one or two and there are several up. So we are asking here, again for your reenactment of the order asking the staff to produce an ordinance and also secondly a specific date for that ordinance to come back to you. I take great liberty and I do mean great liberty in saying 60 days. I believe we can make you comfortable with that, but most importantly we believe it is a Commissioner decision to review that as the public and to have a vetting of the issue. Thank you very much.

Chairman Harris: Thank you very much, Commissioner Bostock.

Commissioner Bostock: This may not be the appropriate time for this but just being new at this, it sounds like history with this. Could somebody on the Commission give me a brief timeline on when this came to us previously?

Chairman Harris: Mr. Bennett could do that.

County Attorney Bennett: The billboards have a rich history in Pinellas County. And the regulation of them has been subject to a bit of controversy. The changing in technology associated with the digital billboards creates a unique set of circumstances. Number one,

our safety based time limitation on changeable messages which when we put in was very controversial to begin with has always been set at 60 seconds. I have had lengthy conversations with the billboard industry representatives who advise that that is not economically feasible from the standpoint of the investment that is involved with putting these billboards up. Hence the interest on the industry of reducing, I assume that is what you are asking is a reduction in that frequency from 60 seconds to [sic] one minute. That original one minute was brought forward for your tri-vision signs. We had a push by the industry to have tri-vision signs and responded with our 60 second limitation. The six second limitation is based on DOT rules that are specifically founded in the desire to attract attention. Attracting attention is problematic from a safety standpoint. All of our billboards are pretty much along fairly high-speed highways.

And so when this matter first came to us, I am trying to think, probably a year ago at that time there was a Federal Study that was being launched. The reason for that study was a host of information that Mr. Pressman is referring to that is out there that has been called into considerable concern about its validity in part because the bulk of it has been sponsored by the billboard industry itself and in conjunction with legislative changes in Tallahassee that put us in a position that if we allow these and then find out later that there is a safety issue and we have to have them taken down and pay for the privilege of doing that. So our suggestion was to wait and see what the Federal study has to say and then we can make a reasoned opinion not only on whether to allow them, but also at what frequency. If the Federal study comes out after we allow a six second change and it says that it needs to be 45 seconds. Then all of a sudden the industry has invested in a product that can not be economically viable under those criteria and we would be faced with a position of having to weigh their economic issues and safety issues. And I think that puts the Board in an untenable position.

Commissioner Bostock: So we have been waiting on the Federal Study?

County Attorney Bennett: We have been waiting on the Federal Study. I'll be honest with you. Pete and a lot of us have been pretty much involved with budget issues so we haven't been tracking how the Federal Study has been coming along. I will ask Pete to follow-up and find out when the arrival time is on that.

Commissioner Bostock: Can I ask Mr. Pressman: Has that been delayed?

Mr. Pressman: If I may, in regard to your first question, this is a copy of the order from the staff recommendation a year ago. My understanding is that the Federal Study currently now they are talking about late 2010, but probably 2011. But if I may with great liberty Mr. Chairman, with regard to Mr. Bennett, with great respect, our feeling is that the Commission should be the gatekeeper on the issue. You should be the arbitrators of the decision with the public. And again, I would only differ with one point with Mr. Bennett, there is a lot of safety information out there that is not all generated by the industry at all. I think we can bring that to you as well as Mr. Bennett. But we think that after a year we believe that we need to follow-up with that order with that order and have you make those decisions.

Chairman Harris: Mr. Bennett I want to get a clarification. Why would we be at risk if private companies at their own expense erect however many billboards and then they are told that they violate some Federal safety standard. Why are we involved with that at all? I mean if they are willing to risk their capital to do that knowing that this could happen, how does that affect us other than making sure, because I am sure that if the Federal Government did that they would say that they would say you have to meet some standard by a certain date. It appears to me that our only obligation would be to make sure that it is met by that time. Why would it be our responsibility to replace billboards that didn't meet some standard?

County Attorney Bennett: Well that assumes that there will be a Federal standard that will be developed that will be regulatory in nature. That probably will not be the case. Essentially any billboards that we allowed, or any of these digital billboards that we allowed to go up would be permitted under our code and they will be required to be taken down under modifications to our code. So we are squarely in the driver's seat in terms of getting impacts the billboard companies. We could certainly point to the Federal Standards if they indeed say that forms a basis that they be required to be removed, but that does not take us out of the liability picture. The Legislation that was passed that was specific to billboards and also under the Burt Harris Private Property Rights synario.

Chairman Harris: OK Commissioner Welch.

Commissioner Welch: Thank you Mr. Chairman. It was quite an understatement when our counselor said that there has been a bit of controversy.

Mr. Pressman: He said a rich history.

Commissioner Welch: A couple of questions and I think I was on the other side of that issue along with Commissioner Stewart during our debate on that. We have a settlement is that correct?

Unknown several voices: Correct.

Commissioner Welch: If we were to change that does that reopen the settlement parameters.

County Attorney Bennett: Not unless the parties agree that they want to reopen the settlement agreement.

Commissioner Welch: So we can change that without affecting the settlement.

County Attorney Bennett: Yea we could change the frequency and in fact the frequency issue is directly addressed in the settlement documents.

Commissioner Welch: How many billboards exist in our . . . is this just in our unincorporated area or is this County wide? Our jurisdiction over billboards?

County Attorney Bennett: Our regulatory jurisdiction would be in the unincorporated area of the County.

Commissioner Welch: And does the settlement prescribe a certain number of billboards – a limit.

County Attorney Bennett: In terms of digital billboards?

Commissioner Welch: Well all and then my question is could they all be digital?

Todd Pressman: There is a limit. Tom is here and he might have to answer to that number, but I think that what you are getting at is when you look at the jurisdictions in the Bay area. There is not a proliferation of these boards. The capital expenditure is extremely high. And they only look at the very very best locations. So in terms of the market there has not been a proliferation of these signs.

Commissioner Welch: So digital billboards are already authorized and we have seen a few. This doesn't change whether they exist in the county.

Mr. Pressman: They already exist in other jurisdictions. Yes Sir.

Commissioner Welch: What you are proposing would not change the number of digital billboards in the unincorporated area?

Mr. Pressman: Repeat that please?

Commissioner Welch: What you are proposing to change from 60 seconds to six seconds only affects the timing and does not affect the number?

Mr. Pressman: That is correct sir.

Commissioner Welch: And you don't know what that number is right now under the settlement?

Mr. Pressman: The number of total billboards that could have that change or the number billboards that potentially. . .

Commissioner Welch: Both

Pressman: If you were to consider changing the ordinance, I suppose it could apply to any billboard that you have jurisdiction under unless you place a restriction on it, which is fine. But I am also . . .

Commissioner Welch: But you don't have that number today. I am just trying to get the total number of billboards that exist under the settlement agreement. How many of those are digital?

County Attorney Bennett: There is not an absolute maximum number of billboards. There is a restriction on location and the number of billboards that will eventually wind up in Pinellas County as a result of annexations or as a result of take downs is a number that will change over time eventually you will settle in because of the distance restrictions to an ultimate number of billboards that will be allowed. I think one of the points that Mr. Pressman is making is that it is not like we had, lets say we had 100 billboards in the unincorporated part of the county. Not all one hundred would warrant the substantial investment of going digital. And so you would probably not get all billboards going digital you would only do digital in those areas that made economic sense to do so. But our concern is that we are not in a position without the safety information to draft you an ordinance that would do anything other than speculate on safety issues.

Commissioner Welch: Final question Mr. Chairman.

Chairman Harris: Yes Commissioner

Commissioner Welch: Do any cities allow the six second that you are requesting for the County?

Mr. Pressman: Pinellas Park does. South Pasadena Largo and St. Pete – I think they do. With great liberty if I may, for example Hillsborough County has allowed them for a number of years. Hillsborough County has four? How many does Hillsborough have ballpark – Tom is indicating about 10 in entire Hillsborough County jurisdiction and Hillsborough County is a big open place.

Chairman Harris: Commissioner Latvala

Commissioner Latvala: I would like to see us put this to bed once and for all. Let's do the ordinance and have a public hearing, get all the information out there and make a decision. It has been hanging for roughly a year and a half. It seems like a very long time. But let's get the facts and have a presentation from the Companies or whomever and make a final decision. It goes on all around us. You see them everyday when you are out driving. There is no proliferation of them certainly. I am sure that there is data to support that there aren't accidents where they do exist. We can do our own little study. But I would suggest that we move forward with it and make a decision one way or another.

Commissioner Harris: Commissioner Seel

Commissioner Seel: I now on my drive over when I go over to TBARTA, I pass by billboards such as this, at least a couple times a month. They are like watching a high-

definition TV. They are very, I mean you really notice them. So to that end would we be able to limit the number of them in Pinellas County and limit them by distance?

County Attorney Bennett: Well we would have to have some rational basis for the standards that we created.

Commissioner Seel: Which would have to be safety

County Attorney Bennett: Which would have to be safety, which would have to be based either on old studies or a weighted new study. Now I have asked Mr. Pressman if he could go ahead and give us his safety studies and we would take a look it and we will see if there is a way to craft an ordinance based on the studies. I don't know whether you are willing to do that or not? In my discussions with Pete, he was anxiously awaiting the arrival of the Federal Study so we can, as you say, put the matter to bed one way or another. Obviously it the safety issues can be ameliorated through a study set of standards. Those would be the ones that we would want to pay attention to. Right now you have a series of studies that I reviewed that have said: problem, no problem, no problem, big problem, they are all over the board. So from what I have seen anyway, I have not seen anything that would give us any definitive guidance on how to draft the standards that you are referring to.

Mr. Pressman: I can tell. . .

Chairman Harris: I think we are going to move on. Thank you for bringing this forward. I think we can make informed decision. I don't think it should take us another year to decide what safety standards we are going to follow. Why would we wait for the Federal Standards? What did we use when we made the original decisions? We can't always craft a home rule and then every time something controversial along, we want someone else to make the decision. We need to just decide what we want to do and then do it. But I will tell you this that sometimes it appears hypocritical when I drive over the state and see these billboards touting Pinellas County and our Beaches to other people and then we don't want to put them here. And that is all I will say on that.

Commissioner Seel: Well is there agreement to bring this back or not?

Chairman Harris: Yes.

Commissioner Welch: I have a comment. I think a picture of a beach doesn't really need to change Mr. Chairman. When this does come back and I wouldn't mind or oppose looking at it again, but I believe I voted against this last time. I still have my concerns about safety so when the reports come back I would like to see more than just industry sponsored safety reports. But I am willing to take another look at it.

Chairman Harris: That's right we should do our own, but I think we are talking about coming back and looking at the reason that we did this before. And then come back with

a policy that we would vote on rather than just have it in abeyance. We would make a decision.

Commissioner Seel: OK well fine, but I still think . . .as long as there can be some limitations on distance and on numbers, I am willing to look at it, but I mean if you have seen one of these, and they are brilliant, If you have one every . . . you are going to cause accidents.

Commissioner Bostock: I would want to look at all of those options and restrictions and then I would want to look at the whole package.

Chairman Harris: What we are saying is that we want to make a decision. We don't want to just not say something because we think and because, you know, they exist all over the country and that is not what they are attributing increased accidents to. There is a lot of accident data and we get it all the time but I have never seen billboards listed as a cause of accidents. Now that might be, but that is not some of the safety information that I have got.

County Administrator: Mr. Chairman do you want a workshop scheduled to review this?

Chairman Harris: We have already workshopped this several times.

Commissioner Morroni: Mr. Chairman excuse me because I wanted to be recognized before you. You have new people on this board that have not been privy to the history of what we have been through here especially when this was early when we were first elected. This has been quite a few years. They will have questions about a lot of stuff. I don't think you can just do this two weeks for now and put it all together. You know that we have budget stuff that we have to worry about right now. And while I understand Mr. Pressman's frustration, we shouldn't be waiting for everybody else to make a decision. But I think in the next sixty days while you are a little tied up with budget right now and all the other issues. Can we get it on a workshop scheduled, not necessarily to be happening next workshop or two workshops from now? In the big picture this is not a priority.

Commissioner Latvala: Jim when we have that workshop, have a draft ordinance that we can review at that time with a couple of blanks left in it that we would fill in. Here is what an ordinance would look like. It sounds like there is concurrence that you certainly would want spacial distance between them. And then let us have something to discuss.

Mr. Pressman: I haven't been to a Pinellas County workshop. So I want to be sure that we will be able to have a discourse with you and take public comment at your workshop.

Commissioner Latvala: I would want a presentation from somebody, the billboard companies need to talk about you reference how expensive they are. We need comfort that they will not be on every corner. Because that is not practicable and what ever reasons.

Chairman Harris: Our practice has been that after every workshop item we can have citizen comment.

Commissioner Latvala: I think that they should be a part of the presentation.

Several speakers: Yes

County Administrator: We understand the Board's Direction.

Chairman Harris: Thank you our next citizen to be heard

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