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June 1, 2012

BY HAND

The Honorable Carlos A. Gimenez
Mayor, Miami-Dade County
Stephen P. Clark Center, 29th Floor
111 NW First Street
Miami, FL 33128

Re: Miami City Commission - Once Again - Ridicules Governing Sign Code

Dear Mayor Gimenez:

Thank you again for meeting with me on May 23 to discuss the challenges of enforcing the Miami-Dade Sign Code in a county as large as ours, and in particular within the jurisdictions of municipalities morally and legally charged with honoring and applying the Sign Code's requirements on their own. I remain hopeful that improved enforcement, in many areas, can be achieved in the near term.

As we anticipated during our discussion, last Thursday the Miami City Commission voted 4-1 to allow programmable, LED signs to be installed on the exterior of buildings at three City-owned properties. Having previously cut profit-sharing deals with outdoor advertising companies -- for so many years, and in so many places -- by "authorizing" the unlawful erection of a variety of manifestly illegal signs, the Miami City Commission last week once again thumbed its collective nose at you and at the Miami-Dade Sign Code by "approving" the installation of those three programmable signs, none of which meets all 10 of the Sign Code's explicit requirements for such signage.

Remarkably, one of the strongest justifications articulated on the Commission dais was the County's failure to enforce its own Sign Code against the unlawfully operated

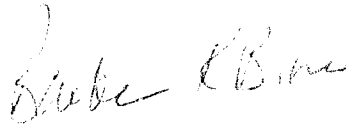
media mesh on the County-owned American Airlines Arena. The County does not respect its own Sign Code when it comes to its own programmable signs, so why should the City give a hoot about the Sign Code, either . . . so went the perverse "logic."

A majority of the City Commission (notwithstanding The Miami Herald's attached article, Commissioner Frank Carollo voted no) showed utter disdain for County Attorney Robert Cuevas's formal April 17 opinion which, at Page 3, made clear to the world that those three City-owned properties do not qualify for legal installation of a programmable sign. As we discussed, the Miami City Attorney consistently has declined to acknowledge the very clear wording of the Sign Code, its 10 requirements for legal programmable signs and the Sign Code's applicability to signs within the City of Miami, including the ones "authorized" on May 24. Confronted (by enlarged exhibit during the public hearing) by Mr. Cuevas's exacting, written explanation of those 10 requirements in specific reference to those three City properties, the City Attorney suggested that a violation of the County Sign Code would not occur until a permit were issued for one or more of those three signs! She hoped the matter would be resolved before that might occur. Oh, my.

So it seems likely indeed that YET MORE illegal signs soon may be adorning three buildings, with City leaders gleefully banking upwards of \$1 million a year in illicit profits. (Can you imagine what the sign companies are making, illegally, by comparison?)

Mayor Gimenez, now is the time for you to take a stand and publicly state that those three signs are illegal under countywide law and that the ordinance enacted by the Miami City Commission last week is illegal on its face. Given the prospect of resolving issues regarding the media mesh at the American Airlines Arena and relying on improved code enforcement against The Miami Herald and others for illegal murals, a sensible public statement by you would set the right tone for the future in favor of preserving our county's subtropical beauty and against more visual pollution by LED billboards and other illegal outdoor advertising.

Sincerely,



Barbara K. Bisno, Esq.

Attachment

cc: The Hon. Joe A. Martinez, Chairman, Board of County Commissioners
The Hon. Audrey Edmonson, Vice Chair, Board of County Commissioners
The Hon. Barbara J. Jordan, Member, Board of County Commissioners

The Hon. Jean Monestime, Member, Board of County Commissioners
The Hon. Sally A. Heyman, Member, Board of County Commissioners
The Hon. Bruno A. Barreiro, Member, Board of County Commissioners
The Hon. Rebeca Sosa, Member, Board of County Commissioners
The Hon. Xavier L. Suarez, Member, Board of County Commissioners
The Hon. Lynda Bell, Member, Board of County Commissioners
The Hon. Dennis C. Moss, Member, Board of County Commissioners
The Hon. Senator Javier D. Souto, Member, Board of County Commissioners
The Hon. Jose "Pepe" Diaz, Member, Board of County Commissioners
The Hon. Esteban L. Bovo, Jr., Member, Board of County Commissioners
Mr. Jack Osterholt, County Deputy Mayor
Ms. Inson Kim, County Director of Policy and Legislative Affairs
Mr. Charles Danger, P.E., Director,
 Construction, Permitting and Building Code Division
Ms. Lourdes Gomez, Assistant to Deputy Mayor Jack Osterholt
Robert A. Cuevas, Jr., Esq., County Attorney
Craig Collier, Esq., Assistant County Attorney
Thomas Robertson, Esq., Assistant County Attorney
The Hon. Tomas P. Regalado, Mayor, City of Miami
The Hon. Francis Suarez, Chairman, Miami City Commission
The Hon. Marc D. Sarnoff, Vice Chairman, Miami City Commission
The Hon. Frank Carollo, Member, Miami City Commission
The Hon. Michelle Spence-Jones, Member, Miami City Commission
The Hon. Wifredo "Willy" Gort, Member, Miami City Commission
Mr. Johnny Martinez, P.E., City Manager
Julie O. Bru, Esq., City Attorney
Ms. Myriam Marquez, Editorial Page Editor, The Miami Herald
Ms. Patricia Mazzei, Staff Writer, The Miami Herald
Ms. Kathleen McGrory, Staff Writer, The Miami Herald
Mr. Charles Rabin, Staff Writer, The Miami Herald
Mr. Andres Viglucci, Staff Writer, The Miami Herald
Mr. Michael Lewis, Publisher, Miami Today
Ms. Jacquelyn Weiner, Staff Writer, Miami Today
Mr. Tim Elfrink, Managing Editor, New Times
Mr. Michael Putney, Political Reporter, WPLG Television
Ms. Beatriz Baldan
William D. Brinton, Esq.
Murray H. Dubbin, Esq.
Mr. Adam Dunshee
Mr. Peter R. Ehrlich, Jr.
Ms. Barbara Falsey
Mr. Herb Frank
Ms. Sallye Jude

Mr. Nathan Kurland
Mr. Ernest Martin
William S. Pollak, Esq.
Ms. Grace Solares

MIAMI

LED billboards approved for 3 sites

■ Illuminated billboards on three city-owned properties could net Miami about \$1 million a year, city officials said.

BY KATHLEEN MCGRORY
kmcgrory@miamiherald.com

The Miami City Commission on Thursday unanimously approved an ordinance allowing illuminated signs on three city-owned properties.

Miami stands to generate about \$1 million a year, mostly through permitting fees, for the brightly lit billboards, Assistant City Manager Alice Bravo said. That figure is nearly double previous estimates.

"This is \$1 million in recurring revenue that we're

going to bring into the city that wasn't there before," Commissioner Michelle Spence-Jones said. "More money into our coffers represents more [firefighters], more police, more parks programs, more essential services."

The Miami Children's Museum, James L. Knight Center and Gusman theater — where the LED signs will be hung — will get varying infusions of cash, too.

"We need those funds desperately to redo the exhibits," said Jeffrey Berkowitz, chairman of the Miami Children's Museum. "We need those funds to bring the Miami Children's Museum back into the top 10 children's museums in the United States."

The outdoor advertisements can be up to 750 square feet, according to the ordinance.

They won't be allowed in city parks, as Spence-Jones proposed last month. She struck that part of the measure Thursday, saying she was confused when she suggested the amendment.

"My intention was not to slap billboards in every regional park," she said.

Still, community activists spoke out against the potential for "visual pollution"

The signs will be hung at the Miami Children's Museum, James L. Knight Center and Gusman theater.

and "ugly, offensive and tacky" signs, which the measure allows to be sold for city-owned properties that can hold at least 1,000 people.

"Do we really want the facade of the Gusman to sell a Lexus or show how tasty a Whopper is?" asked Adam Dunshee, president of Miami Neighborhoods United.

Speakers also raised questions about the legality of the LED signs. Last month, Miami-Dade County Attorney Robert Cuevas opined that the illuminated

signs in Miami would violate the county's sign ordinance.

Miami City Attorney Julie Bru repeated her stance that she disagrees with the county opinion. She recommended the city and the county reach a consensus.

Either way, Commission Vice Chairman Marc Sarnoff said he isn't concerned about the county enforcing its rules.

"The biggest violator [of the sign ordinance] is the county of Miami-Dade," he said.

Sarnoff's reason for supporting the LED billboards on the three properties?

"I want to ensure that these great institutions are viable," he said.

CORRECTIONS & CLARIFICATIONS

• An article on Page 2B on Friday incorrectly stated the Miami City Commission vote to allow illuminated billboards on certain city-owned properties. The vote was 4-1, with Commissioner Frank Carollo voting against the ordinance.