



SCENIC SYMPOSIUM

Thursday, April 10, 2008, Jacksonville, Florida

Hosted by Citizens for a Scenic Florida, Inc.



Presented In Part By:



ATTORNEYS AT LAW





SCENIC SYMPOSIUM
agenda

MORNING SESSION VENUE:

Jacksonville Public Library, 303 North Laura Street, Jacksonville, FL 32202

REGISTRATION FOR INVITED GUESTS 7:45 a.m. – 8:15 a.m.

INTRODUCTION AND WELCOME 8:15 a.m. – 8:30 a.m.

The Good, The Bad, and the Ugly in the Americas: 8:30 a.m. – 9:20 a.m.
Tales from Toronto, Canada, and an Update on Sao Paulo, Brazil.
Speaker: Rami Tabetto (Toronto, Canada)

**Code Enforcement Issues—Violating The Law, Getting Away With It,
and How To Stop It: A View from a Former Industry Insider.**

**What elected officials, code enforcement officers, neighborhood
leaders, and local government lawyers need to know.** 9:20 a.m. – 10:10 a.m.
Speaker: David Gilley, MPA
(Managing Partner, Tower Advisory Services, LLC, Atlanta, Ga.)

—BREAK— 10:10 a.m. – 10:20 a.m.

Corporate Franchise Design in America 10:20 a.m. – 11:00 a.m.
Speaker: Ronald Lee Fleming, AICP (Townscape Institute, Cambridge, MA)

Settlement Agreement Do's and Don'ts: 11:00 a.m. – 11:30 a.m.
Tips to Avoiding a Disastrous Settlement Agreement in Sign Code Litigation.
Speaker: Shauna Morris, Esq. (Frazer Hubbard Brandt Trask & Yacavone, Dunedin, FL)

—LUNCH— 11:30 a.m. – 1:00 p.m.

AFTERNOON SESSION VENUE:

Jacksonville Museum of Contemporary Art, 333 North Laura Street, Jacksonville, FL 32202

LEDs: Show Me The Money (Scenic Blight on Steroids) 1:00 p.m. – 1:50 p.m.
The New Litigation Threat to Communities across the Country.
Speakers: Kevin Fry (President, Scenic America, Inc., Washington, D.C.)
Dana Maine, Esquire (Partner, Freeman Mathis & Gary, LLP, Atlanta, GA)

Winning Against the Sign Code Shakedown: 1:50 p.m. – 2:40 p.m.
Use of Photo Simulations and Visual Aids in Litigation.
Speakers: Engelhardt Hammer & Associates (Tampa, FL)
Bentley Owens, Esq. (Partner, Starnes & Atchison, LLP, Birmingham, AL)

—BREAK— 2:40 p.m. – 2:50 p.m.



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Do Billboard Structures and Cell Towers Avoid Their Tax Obligations to Local Governments?: A Discussion of Solutions to Solve the Loss of Tens of Millions of Dollars to Local Governments and School Boards 2:50 p.m. - 3:40 p.m.

Speakers: Hon. Tommy Hazouri (Member, Duval County School Board and former Mayor of the Consolidated City of Jacksonville, FL)
William D. Brinton, Esq. (Jacksonville, FL)
Carlos Mucha, Esq. (Project Manager, Tower Advisory Services, LLC, Atlanta, Ga.)

“Stopping the Destruction of Public Trees along the Right-of-Way” or “Public Policy Gone Bad/Necessary Legislative Reform” 3:40 p.m. - 4:30 p.m.
(Issues to be Considered for an Open Writing Competition)

Speakers: Mr. Alex Graham (Jacksonville, FL)
Law Students from the Florida Coastal School of Law (Jacksonville, FL)

Success Stories from Texas: Keeping Advertising off Bus Shelters and Street Furniture—Advancing Visual Quality in a State without Zoning 4:30 p.m. - 5:00 p.m.

Speakers: Margaret Lloyd, Esq. (Houston, TX)
Carroll Shaddock, Esq. (Houston, TX)

SCENIC SYMPOSIUM
about our speakers and presenters:



Rami Tabello of Toronto, Canada:

While the City of Sao Paulo (pop. 10 million), Brazil, has taken action to remove 15,000 billboards from its streets, our friends to the north are tackling visual pollution through a citizen-led effort. Mr. Tabello has been instrumental in developing effective solutions to removing illegal signs in the City of Toronto. He is an inspiration to every community and neighborhood leader on both continents. Mr. Tabello will share his success stories and relate practices that citizens and elected officials can replicate here in this country.

David Gilley, MPA and Carlos Mucha, Esq. of Tower Advisory Services, LLC, Atlanta, Georgia:

Mr. Gilley a former industry insider, knows how the outdoor advertising industry plays games with local governments. He will address how local governments can better regulate building permit applications and site safety requirements. It is not just a matter of aesthetics; unlawfully or improperly designed structures have caused death and serious injury. Mr. Gilley is a past president of the Georgia Downtown Development Association and worked for nine years as a national property development manager with major outdoor advertising firms.

“Their shared passion for equipping local government with the most efficient and effective managements tools for protecting cities against the unnecessary proliferation and under taxation of billboards and cell towers is both dynamic and refreshing!”

– Testimonial from David Couch, CPA and former City Attorney.



SCENIC SYMPOSIUM *about our speakers and presenters:*

Mr. Mucha will address undervaluation in tax assessments including undervaluation following improper, unreported and/or unlawful site upgrades by billboard and cell tower owners. Mr. Mucha will demonstrate that there is an unmet need for local governments to undertake professional audits and thereby ensure that a sector of the corporate community pays their fair share of the tax base and does not contribute to an imbalance in the tax base. He will provide examples of what local officials often overlook and the opportunities that are available to ensure that tax revenue is not lost because of unequal enforcement.

Ronald Lee Fleming, AICP of *The Township Institute, Cambridge Massachusetts.*

Mr. Fleming is recognized as one of the leading experts in identifying how good signage can serve the business community and community character at the same time. Mr. Fleming has documented the very best practices in franchise design around the country, and has demonstrated time and again that the corporate community can be even more successful when considering good sign design practices. His book, *Saving Face - How Corporate Franchise Design Can Respect Community Character*, is a must read for every professional planner and elected official interested in improving community appearance, tourism, and a healthy business environment.

Shauna Morris, Esq. of *Frazer Hubbard Brandt Trask & Yacavone, Dunedin, Florida.*

Ms. Morris, while serving as a municipal government lawyer, obtained an outstanding published opinion from the Eleventh Circuit Court of Appeals while defending the City of St. Petersburg, Florida in what has been labeled the sign code shakedown scheme. While in private practice, Ms. Morris has continued to represent local governments in successfully defending First Amendment challenges and in updating sign codes. She serves on the Board of Citizens for a Scenic Florida, Inc.

Kevin Fry, *President, Scenic America, Inc., Washington, D.C.*

While president of Scenic America, Inc., Mr. Fry has, among other things, been active in addressing the threats to the nation's landscapes and communities fueled by the appearance of LED signs and billboards. Mr. Fry will provide an important update on documents recently obtained through the Freedom of Information Act that will shed light on how the federal government has ignored restraints on flashing and intermittent signs in its highly controversial guidance memorandum released last September.

Dana Maine, Esq. of *Freeman Mathis & Gary, LLP, Atlanta, Georgia.*

Ms. Maine has been active in defending local governments throughout Georgia in First Amendment challenges to the entirety of local sign codes, and recently has been tracking the rise in legal challenges arising from efforts to convert existing billboards into LED billboards, also known to some as "billboards on steroids". Recent successes in Georgia, Minnesota and Virginia will be discussed for those lawyers who will face similar challenges in the months ahead. Also, there will be a discussion as to how these problems may be addressed in advance by local elected officials, code enforcement officials, and concerned citizens.

Engelhardt Hammer & Associates of *Tampa, Florida.*

Representatives of EH&A will address the planning professionals' contributions to defending against the sign code shakedown scheme through photo simulations that make it clear as night and day what is at stake. Their work has proven to be an essential element in defending against First Amendment attacks in federal court, beginning with their initial work for the City of Clearwater in 2001 and continuing with other cities in Florida and elsewhere.



SCENIC SYMPOSIUM *about our speakers and presenters:*

Bentley Owens, Esq. *of Starnes & Atchison, LLP, Birmingham, Alabama.*

Mr. Owens will outline how visual aids and photo simulations are persuasive tools for local government attorneys and professional planners that will face First Amendment attacks in the future. Mr. Owens has successfully defended many local governments in Alabama, is a member of the Board of Scenic Alabama, Inc., and has co-authored a number of amicus briefs in support of local governments with cases before the U.S. Eleventh Circuit.

Hon. Tommy Hazouri *of Jacksonville, Florida.*

Mr. Hazouri made the news many years ago as Mayor of Jacksonville when he called for a review of the practices by the billboard industry. He raised awareness in connection with the obligation of billboard owners to file tangible personal tax returns that identified the true fair market value of their tangible personal property. Mr. Hazouri also appeared in The New York Times in connection with his steadfast support for a more beautiful Jacksonville and the substantial efforts that began in 1987 when he was first elected Mayor. Mr. Hazouri now serves on the Duval County School Board and has an interest in ensuring that there is fairness across the board on taxation issues so that public schools do not suffer from continuing loopholes in the law or enforcement.

William D. Brinton, Esq. *of Rogers Towers, P.A., Jacksonville, Florida.*

Mr. Brinton is a nationally recognized expert on land use and First Amendment issues involving signage. During the 2000 Florida Legislative Session, Mr. Brinton addressed the abuse readily apparent to several local governments when it came to the appraisal of billboards for tangible personal property taxes. The billboard industry was undervaluing their billboard structures by significant amounts, with their value on the tax rolls amounting to only a fraction (1% to 5%) of fair market value. Billboard industry lobbyists negatively influenced the wording of legislation meant to trigger a meaningful study of this abuse. As a result, the abuse was not directly confronted in the legislative study. He will address these issues together with former Mayor Tommy Hazouri and Carlos Mucha, Esq.

Mr. Alex Graham *of Jacksonville, Florida.*

Mr. Graham is a recent graduate of the Florida Coastal School of Law and recently authored a paper on the federal Highway Beautification Act. Mr. Graham has noted the destruction of nearly two hundred trees that once lined the interstate highway across from the Florida Coastal School of Law. He is working with Citizens for a Scenic Florida, Inc. and Scenic Jacksonville, Inc. in evaluating an open writing competition on whether public policy supports the destruction of public trees to improve the profitability of billboards on private property. He will moderate a question and answer session with members of the public as to the public policy issues and legislative solutions to support good public policy and repeal bad public policy.

Law Students at the Florida Coastal School of Law *of Jacksonville, Florida.*

In connection with the destruction of trees along the public rights-of-way and the creation of "view zones" for billboard advertising, law students will participate in a question and answer session with members of the public and attendees as to public policy issues and potential legislative solutions.



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about our speakers and presenters:

Margaret Lloyd, Esq. *Executive Director of Scenic Texas, Inc., based in Houston, Texas.*

Ms. Lloyd will discuss the successes in Houston and the State of Texas, and will address how the City of Houston has a successful transit system without opening up bus shelters and street furniture to advertising.

Carroll Shaddock, Esq. *is Of counsel with Locke Lord Bissell & Liddell LLP, Houston, Texas.*

Mr. Shaddock is a past Chair of Scenic America, Inc. and was Founding Chair of Scenic Texas, Inc. and Founding Chair of Trees for Houston, Inc.

SCENIC SYMPOSIUM
special thanks to:



The Jacksonville Public Library
The Jacksonville Museum of Contemporary Art
The Late Bloomers Garden Club
Hon. Lynette M. Self
Catering By Liz
and to all our Speakers