

January 24, 2012

BY HAND

The Honorable Tomas P. Regalado
Mayor
City of Miami
3500 Pan American Drive
Coconut Grove, FL 33133

Re: Miami City Commission Agenda Item FR.2 on January 26, 2012

Dear Mayor Regalado:

First, all the best to you, your family and City colleagues in this New Year and well beyond.

Second, I write with grave concerns regarding the above-referenced ordinance, which is scheduled for first reading during this Thursday's City Commission meeting. I have attached a copy (marked "A") for your convenience. Given the City's persistent history of "authorizing" the unlawful erection/installation and operation of signs (in exchange for payment of significant sums of money to the City by a litany of sign companies) that manifestly violate the governing regulations of our community - contained in the Sign Code of Miami-Dade County - I hope that you fully understand and appreciate my concerns:

1. The ordinance as drafted is remarkably vague. It "authorizes" permits for signs at certain, unnamed City-owned venues. But there is no reference to, or acknowledgment of, the very many rules and regulations already existing for all kinds of signs; as in, height, spacing, setback, hours of illumination, programmability, and so forth. As constructed, this very broad "authorization" creates enormous opportunity for mischief and further violations of the Sign Code.

2. The Agenda Item Summary Form, a copy of which I have attached (marked "B") for your convenience, offers a rationale for this ordinance: "To mitigate the effects of the dire economic situation, and assist City-owned venues..." This is as scary as it is plainspoken. Once again, it appears the City wishes to convert public lands and buildings into money-making ventures by partnering with sign companies. (See, for example, prior approvals for companies to install billboards in City parks.)

I am reminded of a front-page Miami Today article last September 15, a copy of which I have attached (marked "C") for your convenience, regarding the proposed installation

of a programmable sign on the venerable Gusman Theater in downtown Miami, similar to the media mesh already illegally installed on the County-owned American Airlines Arena.

It would seem that Thursday's ordinance and last September's Miami Today article are absolutely aligned with one another. I also have attached (marked "D") a cogent letter to Miami Today's editor, published last September 22, explaining why the programmable sign proposed for the Gusman Theater would violate at least two provisions of the governing Sign Code.

3. For your further convenience, I have attached a copy (marked "E") of the 10 minimum criteria for a programmable sign to be legal anywhere in Miami-Dade County, including the City of Miami. These regulations were adopted in 1994 by ordinance amendment to the County Sign Code, and these regulations continue to be the governing law for programmable signs everywhere in the County. I have highlighted the two provisions referenced in last September's letter to Miami Today's editor.

4. Because opportunities for the public to be heard during Miami City Commission meetings, regarding sign regulations and the rampant violations, are so severely restricted, let me take this opportunity to be clear about the applicability of the County Sign Code to the City of Miami. There seems to be more than a little confusion at your end, with many of your City colleagues insisting that County sign regulations no longer apply to the City of Miami. Nothing could be further from the truth.

The County Sign Code applies countywide pursuant to the County's Home Rule Charter powers. It contains seven divisions. Division 5 prohibits commercial signage (such as billboards and murals) in proximity to expressways. In June 2007, the County Commission amended the Sign Code to allow municipalities to opt out only from Division 5. The City of Miami did so in September 2009. All of the other six divisions of the Sign Code continued in full force and effect within the City of Miami, as well as in every other municipality in the County.

For your convenience, I have attached a copy of a letter (marked "F") written to me on February 17, 2011 - after the City of Miami opted out of Division 5 - by the director of the County's Planning and Zoning Department, the final arbiter of the Sign Code and its application. I have highlighted portions of the text most contrary to those who wrongly assert that the City of Miami is fully liberated from the County Sign Code and/or assert that the many programmable LED billboard faces "authorized" by the City Commission in recent years are legal - they most certainly are not.

5. More recently, County Commissioner Bruno Barreiro introduced an ordinance seeking to amend the County Sign Code to allow - in the future - municipalities to shed virtually all County sign rules . . . a concept that many of your City colleagues wrongly

assert is already the law today. Commissioner Barreiro's ordinance, a copy of the relevant portion of which (marked "G") is attached for your convenience, would have mandated only the protections of Division 6 (Metrorail transit zone) and Division 7 (South Miami-Dade Busway) be continued within municipalities; otherwise, cities could opt out of all of the requirements of Divisions 1, 2, 3 and 4 – just as they already can opt out of Division 5. Remarkably, the ordinance died a stunning and public death last July 13 when not a single one of his commissioner colleagues on the Infrastructure and Land Use Committee (INLUC) would second Commissioner Barreiro's motion for approval.

For your further convenience, I have attached a copy (marked "H") of an email issued by the Office of County Mayor Carlos Gimenez, in response to constituent inquiries regarding the effect of the rare lack of a second to Commissioner Barreiro's motion at INLUC. That email communication accurately reported that Divisions 1, 2, 3, 4, 6 and 7 continue to apply – fully and completely – to every city within the County. The Miami Herald's coverage of that INLUC meeting, a copy of which is attached (marked "I") for your convenience, also got it right . . . and, yet again, sadly ticked off the many ways that the City of Miami's chronic bad behavior regarding outdoor advertising has raised the ire of local, state and even federal officials.

Mr. Mayor, you may not make legal by municipal action on Thursday that which is illegal by the still-governing Sign Code of Miami-Dade County. Please stop the foolishness.

My best regards.

Sincerely,

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Attachments

cc: 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
The Hon. Carlos A. Gimenez, Mayor, Miami-Dade County
Mr. Jack Osterholt, Deputy County Mayor
Mr. Charles Danger, Director, County Permitting, Environment
and Regulatory Affairs Department
Robert A. Cuevas, Jr., Esq., County Attorney
Craig Coller, Esq. Assistant County Attorney
Thomas Robertson, Esq., Assistant County Attorney
Ms. Myriam Marquez, Editorial Page Editor, The Miami Herald
Ms. Martha Brannigan, Staff Writer, The Miami Herald
Ms. Patricia Mazzei, 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
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