



City Commission Work Session

Agenda

September 12, 2024 @ 1:00 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/meetings/ and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

1. Meeting Called to Order**2. Discussion Item (s)**

- a. Billboard request for Nort Northam and Clear Channel. 30 minutes

3. Adjournment

**item type**

Discussion Item (s)

meeting date

September 12, 2024

prepared by

Jeffrey Briggs

approved by

Randy Knight, City Manager

subject

Billboard request for Nort Northam and Clear Channel.

motion | recommendation

Direct the applicants to hold a community meeting with the adjacent neighbors and property owners to determine if this is a viable billboard location prior to further negotiations on terms for a swap or exchange with the City for such a prospective approval.

background

Back prior to Hurricane Charley in 2004, there was an old wood telephone pole billboard owned by Clear Channel on the property owned by Nort Northam at 2600 Fairbanks Avenue. (See map and aerial attached) The hurricane took down the billboard, which was a non-conforming use on the property, and as the City's Code prohibits billboards, the structure could not be replaced. Presumably, the insurance coverage of Clear Channel at the time, would have compensated the company for that loss.

The City's Comprehensive Plan and Sign Code allows for negotiated swaps or exchanges that would allow for billboards to be removed in the City in return for the establishment of a new billboard along the I-4 corridor. The City has undertaken three such negotiated swaps or exchanges in the past 25 years that have eliminated billboards on Orange Avenue, Orlando Avenue, Fairbanks Avenue and Lee Road in return for new billboards on I-4. The economic benefit of a location along I-4 with 65,000 cars a day versus a city arterial with 25,000 cars, makes such swaps attractive to the billboard companies. The creation of the new digital billboards that flash a different advertisement every 7 seconds, 24 hours a day, is also an enhanced revenue benefit for such swaps or exchanges, especially when the existing billboards to be removed are static messages.

To that end, the most recent swap or exchange was negotiated with Outfront Media, which traded three existing static billboards for a new two-sided digital billboard on the west side of I-4 at 600 Lee Road. The City staff has since heard much criticism that this swap or exchange was a 'giveaway' considering the significant increase in value of a two-sided digital billboard on I-4. Of course, what we hear from the billboard companies is a totally different take on the

economics. However, the city staff believe that the terms were a precedent and that staff would not recommend another swap or exchange on less favorable terms.

There have been many such negotiation meetings with Clear Channel regarding the North Northam site at 2600 Lee Road. The City staff has not been able to negotiate a swap or exchange that the staff feels represents adequate terms for a swap or exchange. There are many complications to reaching a deal as desired by Clear Channel and Mr. Northam, which are to include one or two sides of digital advertising. One complication is Clear Channel's ownership (not lease) of an exchange location on West Fairbanks Avenue that Clear Channel corporate values highly, since there are no annual lease payments and the site can continue indefinitely. Another complication is Clear Channel's non-interest in a two-sided static message billboard.

Another complication is the nature and operation of a digital billboard with advertisements changing every 7 seconds. Each time a message changes, there is a flash (much like seeing lightning in the distance for an instant). The City has received complaints from residents on Lake Killarney about the nuisance factor of these lightning flashes every 7 seconds from the digital billboard on the east side of W. Fairbanks Avenue at I-4. Former Mayor Anderson tells us of his sister who lives in Atlanta, a half mile from the Interstate, who had to buy black-out curtains for one side of her home due to a digital billboard being erected a half-mile away. This is relevant because the proposed location at 2600 W. Fairbanks is within 150 feet of the single family neighborhood to the south on Baffie and Overspin Avenues.

The billboard proposed will be 65 feet above I-4 and with the existing site being 20 feet below the roadway. As a result, this would be an 85-foot tall structure within 150 feet of single family homes. The staff has presented a consistent message for years to Mr. Northam that the neighborhood to the south would receive notices about any formal approval decision to be made at a public hearing. The message was to meet with the neighborhood. To our knowledge, no outreach has happened. The applicants have requested this work session to see if a swap or exchange deal can be reached. At a minimum, the staff recommendation is for the applicants to hold a 'community meeting' to gauge the nature of the neighborhood. Also, since the City would need any approval to include amending the Zoning Code to allow an 85-foot tall structure in a zoning district with a 55-foot height limit, that becomes another factor in the approval process.

The City Commission also needs to be aware that the property owners of 600/602 Baffie Avenue, some 75 feet south of the proposed location, also believe that they have a viable billboard location and would wish to negotiate terms. Their attorneys have made city staff aware of their interest as recently as within the past six months.

There have been different proposals made during the staff negotiations. The latest proposal from Clear Channel is for the City to grant permission for a new billboard at the North Northam property at 2600 W. Fairbanks that would have a digital side facing north and a static side facing south (given the flash issue for the neighborhood to the south). Clear Channel has four billboards in the city. One is at 601 N. Orlando Avenue, opposite the Winter Park Village, which is digital facing south and static facing north, that has not been offered for removal. Clear Channel has three other static face billboards in the city, at 2095 W. Fairbanks Avenue; 1873

W. Fairbanks Avenue and at 2522 Aloma Avenue (Jimmy Hula's). The latest offer is to remove the two static billboards on W. Fairbanks Avenue.

It is important for the City Commission to know that this is the very last potential location along the I-4 corridor for the City to negotiate a swap or exchange. There are minimum spacing or distance requirements between billboards along the Interstates and this is the only location left to negotiate. As a result, it is very important for the City to get the very best terms. For that reason, the staff has not supported the two for one swap or exchange, since it does not match the previous three for one swap or exchange done with Outfront Media. The City Commission recently expressed concern about the image along Aloma Avenue entrance into the City and removal of the billboard at Jimmy Hula's would be a positive action in that regard. The difficulty in negotiations such as this, just as the faces when negotiating about development projects, is that the financial details are never shared with the City,

alternatives | other considerations

fiscal impact

attachments

1. Billboard map and aerial



