

Timeline for Scenic Jacksonville and related events:

May 1984: By executive order, Mayor Jake Godbold establishes the Task Force on Growth Management. The Blue-Ribbon Task Force later released a report consisting of seven chapters, with Chapter 7 dedicated to “Aesthetics and Growth Management.”

A task force committee reported that the control of signs and landscaping practices are considered essential to preserving the quality of residential areas and to maintaining a positive design atmosphere in the downtown, commercial and industrial areas of Jacksonville. The committee expressed its wish to “maintain Jacksonville’s scenic beauty in undeveloped and developing areas, with special attention to views along major roadscares.”

In a summary of its major findings, the 1984 report stated, “Unsightly sign proliferation, and unnecessary destruction of trees and natural areas, are occurring in many sections of the City. Inadequate staffing exists to properly enforce zoning and other regulatory provisions.”

1984: Jacksonville Community Council, Inc. (JCCI) selects visual pollution, a subject championed by local businessman Stafford Campbell, as a study topic. Local attorney and civic leader Douglas J. Milne is selected to chair the Visual Pollution Study. Meetings begin in the fall of 1985. The JCCI Study focuses on “visual pollution such as sign proliferation and clutter, unscreened junkyards, inadequate landscaping, overhead wires and other eyesores that diminish the quality of life and the natural beauty of the community.”

Summer 1985: JCCI releases its much-heralded Visual Pollution Study. Tracey Arpen, Jr. is selected as the Implementation Chair.

1986: The Jacksonville City Council considers amendments to the sign ordinance.

August 1986: The Jacksonville City Council votes on the proposed amendments to the sign ordinance, but the proposed ordinance fails to pass. Councilmember Forrest Boone was quoted in the Florida Times-Union/Jacksonville Journal on August 17, 1986: “You got to see just how intensely professional lobbying can sway an issue . . . I’ve never seen such intense lobbying pressure. These people [sign company representatives] went to every length to do *anything* to influence this bill.” (Italics in the original article) Other City Council members supporting stronger sign regulation included local businessman Bob Schellenberg and noted civic leader Tillie Fowler.

December 18, 1986: A former City Councilman (who voted against the proposed ordinance in August) is indicted by a grand jury on 14 criminal counts, including allegations of attempts to obtain advertising from Naegele Outdoor Advertising, Inc. through extortion or fear. The following day, the local newspaper reports that Naegele’s president Richard Marlowe planned to make an immediate investigation.

December 20, 1986: The Florida Times-Union reports that Mr. Marlowe fired his general manager at the Jacksonville plant for violating company policy. The newspaper also discloses that Naegele’s parent company owns The Florida Times-Union and the Jacksonville Journal.

The newspapers fail to report that in September of 1985, the very same Mr. Marlowe received a suspended prison sentence and a four-year probation for his involvement in a scheme to use corporate funds to funnel political contributions disguised as employee bonuses. *United States of America v. Richard R. Marlowe*, Case No. Cr-85-115-0120.

In a subsequent trial in the summer of 1987, a jury failed to convict the former councilman of any criminal offense tied to the sign ordinance vote. Naegele's former manager was given immunity from prosecution in return for his testimony against the former councilman, but the jury appeared unconvinced by the billboard company manager's testimony. To some local critics, the wrong person was given immunity from prosecution on the billboard scandal.

February 1987: The City Council passes a revised sign ordinance containing weak provisions as to billboard regulation.

April 1987: CAPSigns, Inc. (an acronym for Citizens Against the Proliferation of Signs) is formed as a Florida nonprofit corporation. Thereafter, it serves as a sponsor of a citizens' initiative to place on the election ballot a proposed Charter Amendment prohibiting further construction of billboards and requiring removal of billboards along local roadways. Tens of thousands of sign petitions are validated by the Supervisor of Elections.

May 1987: The outdoor advertising industry establishes two political action committees, PACs, one of which is named Citizens Against Charter Amendment. Perhaps the advertising executives were not the sharpest tools in the shed given that the acronym for this PAC was "CACA." CACA finances three pieces of direct mail, filled with outrageous lies, which were sent to residents across the county. The outdoor advertising industry also employs radio advertising, push-polling, and full page ads in local newspapers to hamper the citizens' initiative. On the day of the vote, the outdoor advertising industry brought in hundreds of employees from out of state offices to work the polls, prompting a reported series of complaints of strong-arm tactics to the Supervisor of Elections.

On May 26, 1987, voters approve the Charter Amendment by a reported 59% of the vote. New billboards were prohibited, and billboards existing along all local roads are required to be removed by June 2, 1992.

Spring 1989: The outdoor advertising industry's efforts to blunt impact of the Charter Amendment fail in to pass in the Florida Legislature, despite intense lobbying. Mayor Tommy Hazouri and state legislator Ander Crenshaw are instrumental in spearheading the opposition.

Meanwhile, the alleged underpayment by the billboard industry of tangible personal property taxes in the millions of dollars makes the local headlines.

May 1989: Ann Baker, Jack Diamond and John Welch, local civic leaders and members of Greenscape, Inc., sign the articles of incorporation for JaxPride: A Coalition for Visual Enhancement, Inc. (JaxPride).

June 1989: The Florida Legislature ends session without adopting the billboard lobby's radical legislation targeting local governments' efforts to regulate billboards.

August 1989: JaxPride files its articles of incorporation and becomes an established 501(c)(3) organization. JaxPride begins advocacy for enhancing Jacksonville's visual environment.

Spring 1990: The billboard industry resumes its pursuit of legislation targeting local regulation of billboards again during the Florida Legislative Session. These efforts, however, to overturn local regulation of billboards are defeated for the second year in a row.

May 1991: Capsigns is selected to receive the National Environmental Achievement Award for Beautification in recognition of the organization's achievement of the Charter Amendment. The award is presented in Washington, D.C. in May, 1991 during a dinner in the Senate Caucus Room. Co-founder Bill Gassett accepts the award on behalf of Capsigns, Inc. and a video documenting the group's grassroots efforts is one of the highlights of the evening.

During the same month, Naegele Outdoor Advertising Inc. sells its billboard assets in Jacksonville and three other markets to Naegele Outdoor Advertising Co. The new Naegele Outdoor files lawsuits in state and federal court against the City of Jacksonville seeking to strike down the local sign regulations and the 1987 Charter Amendment prohibiting new billboards and requiring the removal of those already in existence. *Naegele Outdoor Advertising Co., et al. v. City of Jacksonville*, Case No. 91-07793-CA, in the Circuit Court in and for Duval County, Florida; and *Naegele Outdoor Advertising Co., et al. v. City of Jacksonville*, Case No. 91-406-Civ-J-12, in the United States District Court, Middle District of Florida.

1992: National Advertising Co., then a Chicago-based subsidiary of 3M (Minnesota Mining & Manufacturing) files state and federal lawsuits against the City of Jacksonville to strike down sign and billboard regulations. *National Advertising Co., et al. v. City of Jacksonville*, Case No. 92-4640-CA, in the Circuit Court in and for Duval County, Florida; and *National Advertising Co., et al. v. City of Jacksonville*, Case No. 92-312-Civ-J-10, in the United States District Court, Middle District of Florida.

During the same year, four additional lawsuits are filed in state and federal court by ten other billboard companies and/or owner-operators. *Universal Outdoor, Inc., L.I. Gefen d/b/a SLG Investments, Anastasia Advertising Art, Inc., Walter Brazil d/b/a B&B Outdoor Advertising, Ed Yates d/b/a Billboard Consultants, Dare Hawkins, Wil Wes Rapport, and Tracy Rappaport d/b/a Classic Outdoor Advertising, First Coast Outdoor Advertising, Inc., Whiteco Metrocom, a division of Whiteco Industries, Inc., James M. Wynn, and Tri-State Systems, Inc. v. City of Jacksonville*, Case No. 92-07516-CA, in the Circuit Court in and for Duval County, Florida; *Universal Outdoor, Inc., L.I. Gefen d/b/a SLG Investments, Anastasia Advertising Art, Inc., Walter Brazil d/b/a B&B Outdoor Advertising, Ed Yates d/b/a Billboard Consultants, Dare Hawkins, Wil Wes Rapport, and Tracy Rappaport d/b/a Classic Outdoor Advertising, First Coast Outdoor Advertising, Inc., Whiteco Metrocom, a division of Whiteco Industries, Inc., James M. Wynn, and Tri-State Systems, Inc. v. City of Jacksonville*, Case No. 92-472-Civ-J-10, in the United States District Court, Middle District of Florida; *Junior Posters of North Florida, Inc. v. City of Jacksonville*, Case No. 92-07515-CA, in the Circuit Court in and for Duval

County, Florida; *Junior Posters of North Florida, Inc. v. City of Jacksonville*, Case No. 92-473-Civ-J-10, in the United States District Court, Middle District of Florida.

All four state court lawsuits are procedurally consolidated into the first filed action, Case No. 91-07793-CA.

June 1992: Effective June 30, 1992, the Jacksonville City Charter is re-adopted by the Florida Legislature. Chapter 92-341, Laws of Florida.

November 1992: Capsigns intervenes in the consolidated state court lawsuits. The state trial court holds a preliminary injunction hearing in the consolidated state court cases against the City of Jacksonville. A temporary injunction is subsequently issued, but then quashed on appeal at the Florida First District Court of Appeal in March 1994.

1993: Settlement discussions take place with some of the billboard plaintiffs while the City of Jacksonville and Capsigns appeal the preliminary injunction entered by the state trial court in late 1992.

February 1994: B&B Outdoor Advertising reaches a settlement with Capsigns and the City of Jacksonville, providing for the removal of selected billboards over time. Settlement Agreement No. 1. This settlement agreement is subsequently breached by successor billboard owner (see below), resulting in the negotiation of a new settlement agreement (which would also be breached) (see below).

March 1994: National Advertising Co., Minnesota Mining and Manufacturing Co. and the 3M Company reach settlement with Capsigns and the City of Jacksonville, providing for the removal of selected billboards over time. Settlement Agreement No. 2 This agreement is subsequently breached by National Advertising Co. leading to new litigation in 1998 (see below).

Also in March 1994, Lois I. Gefen d/b/a SLG Investments reaches a settlement with Capsigns and the City of Jacksonville, providing for, among other things, the removal of selected billboards over a twenty-five year period. Settlement Agreement No. 3. The SLG obligations are related to those set forth in the settlement agreement with National Advertising Co.

During the same month, the Florida First District Court of Appeal quashes the preliminary injunction previously entered by the state trial court. *City of Jacksonville v. Naegele Outdoor Advertising Co.*, 634 So.2d 750 (Fla. 1st DCA 1994), *approved* 659 So.2d 1046 (Fla. 1995).

November 1994: Junior Posters of North Florida, Inc. reaches settlement with Capsigns and the City of Jacksonville, providing for the removal of 170 billboard faces and any accompanying freestanding structures over a four year period. Settlement Agreement No. 4. This settlement agreement is subsequently breached by Junior Posters of North Florida, Inc., and a lawsuit is filed in 1997 to compel compliance with settlement agreement (see below).

During the same month, Tri-State Systems, Inc. reaches settlement with Capsigns and the City of Jacksonville, providing for, among other things, the removal of two billboard faces and the accompanying structure. Settlement Agreement No. 5.

Also in November 1994, Anastasia Advertising Art, Inc. reaches a settlement with Capsigns. and the City of Jacksonville, providing for, among other things, the removal of two billboard faces and the accompanying structure. Settlement Agreement No. 6. Anastasia Advertising Art, Inc. subsequently breaches this settlement agreement when it constructs a brand new billboard. A lawsuit is filed in 2005 to enforce settlement agreement (see below).

Classic Outdoor, Inc. also reaches a settlement with Capsigns and the City of Jacksonville, providing for the removal of a number of billboard faces and their accompanying structures by 2018. Settlement Agreement No. 7. Classic Outdoor's inventory is subsequently acquired by Clear Channel Outdoor, Inc.

First Coast Outdoor Advertising, Inc. also reaches a settlement with Capsigns and the City of Jacksonville, providing for the removal of its billboard structure. Settlement Agreement No. 8. First Coast's inventory is subsequently acquired by Clear Channel Outdoor, Inc.

Also during November 1994, a busy month, Ed Yates d/b/a Billboard Consultants reaches a settlement with Capsigns and the City of Jacksonville, providing for the removal of six billboard faces and their accompanying structures over a four year period. Settlement Agreement No. 9.

December 1994: B&B Outdoor and National Advertising Co. remove six billboard faces by year end. Billboard removals continue in subsequent years, but the original settlement agreement is breached by 1999 (see below) and a new modified settlement agreement is then breached in 2005 (see below).

March 1995: Naegele Outdoor Advertising Co. reaches an historic settlement agreement with Capsigns and the City of Jacksonville providing a schedule for the takedown of selected billboards over a twenty (20) year period. The negotiations resulting in this agreement spanned three years. Settlement Agreement No. 10.

The same month, Universal Outdoor, Inc. f/k/a Atlantic Outdoor Advertising, Inc. reaches a settlement with Capsigns and the City of Jacksonville, to settle litigation concurrently with the Naegele Outdoor settlement. The settlement agreement notes that Universal Outdoor's inventory was acquired prior to the settlement by Naegele Outdoor Advertising Co. Settlement Agreement No. 11.

December 1995: Naegele Outdoor removes 165 billboard faces and their accompanying structures by year end.

July 1996: Whiteco Industries, Inc. d/b/a Whiteco Outdoor Advertising f/k/a Whiteco Metrocom reaches a settlement with Capsigns and the City of Jacksonville, providing, among other things, for the removal of eleven billboard faces and their accompanying structures within five months, and for downsizing of inventory to 378 square feet over a period of time.

Settlement Agreement No. 12. This is the last of twelve settlement agreements negotiated over a three year period, 1993-1996. Whiteco Industries, Inc.'s inventory is later sold to another billboard company that is then merged into Lamar Central Florida, Inc. The settlement agreement subsequently breached (see below), leading to new litigation in 2001, and another settlement agreement is reached in 2002.

December 1996: Capsigns files suit against Neelag, Inc. to enforce the provisions of the City Charter after an illegal billboard structure is erected alongside the Matthews Bridge. *Capsigns, Inc. v. Neelag, Inc.*, in the Circuit Court, in and for Duval County, Florida, Case No. 96-06120. Capsigns also intervenes in a pending lawsuit to compel enforcement of Charter. Order dated 12-10-1996 in *City of Jacksonville v. Bryan et al.*, Case No. 92-04187. The billboard structure is removed in early 1997.

Also during December 1996, Naegele Outdoor removes 160 billboard faces and their accompanying structures. At this point, the billboard industry has removed in excess of 500 billboard faces and accompanying structures from the Jacksonville market.

December 1997: Capsigns files suit against Junior Posters of North Florida, Inc. for a breach of its 1994 settlement agreement as a result of its failure to remove certain billboard faces and accompanying structures as per the settlement schedule. *Capsigns, Inc. v. Junior Posters of North Florida, Inc.*, Case No. 16-1997-CA-006604-XXXX-MA, Division CV-H, in the Circuit Court in and for Duval County, Florida. Subsequently, Junior Posters of North Florida removes a total of 170 billboards faces and accompanying freestanding structures by early 1998.

At this point, the billboard industry has removed in excess of 630 billboard faces and accompanying structures from the Jacksonville market.

March 2, 1998: Capsigns, Inc. changes its name to Scenic Jacksonville, Inc. The original corporate name Capsigns, Inc. is kept as a lawfully registered fictitious name.

March 3, 1998: Capsigns files suit against National Advertising Co. for multiple breaches of the 1994 settlement agreement. *Capsigns, Inc. v. National Advertising Co.*, Case No. 98-01229-CA, in the Circuit Court in and for Duval County, Florida. This litigation is settled in June 2001.

December 1998: At this point, the billboard industry has removed in excess of 780 billboard faces and accompanying structures from the Jacksonville market.

February 26, 1999: The City of Jacksonville files suit against National Advertising Co. for multiple breaches of the 1994 settlement agreement. *City of Jacksonville v. National Advertising Co.*, Case No. 99-1252-CA, in the Circuit Court in and for Duval County, Florida. The suit is consolidated with Capsigns' 1998 lawsuit against National Advertising Co.

December 1999: At this point, the billboard industry has removed in excess of 820 billboard faces and accompanying structures from the Jacksonville market.

August 18, 2000: L.I. Gefen d/b/a SLG Investments files suit against the City of Jacksonville and Capsigns n/k/a Scenic Jacksonville, Inc. in connection with the two then-pending lawsuits against National Advertising Co. *L.I. Gefen d/b/a SLG Investments v. City of Jacksonville and Capsigns, Inc.*, Case No. 00-05380-CA, in the Circuit Court in and for Duval County, Florida. The suit is consolidated with Capsigns' 1998 lawsuit against National Advertising Co.

November 2000: The second historic environmental amendment to the Jacksonville City Charter, known as the Tree Amendment, is adopted through the initiative process with an average of 75% of voter approval across all precincts. The Tree Amendment provides minimum standards for the mitigation of tree removal and for the conservation of trees during development. This effort is endorsed by Scenic Jacksonville along with many other groups.

December 2000: At this point, the billboard industry has removed in excess of 850 billboard faces and accompanying structures from the Jacksonville market.

June 2001: National Advertising Co. and L.I. Gefen d/b/a SLG Investments reach a confidential mediated settlement with Scenic Jacksonville and the City of Jacksonville, in connection with breaches of the 1994 settlement agreement.

Also in June 2001, Scenic Jacksonville, Inc. files suit against Lamar Central Florida, Inc. for a breach of the Whiteco settlement agreement as it pertains to required downsizing of billboards along federal roadways. *Scenic Jacksonville, Inc. v Lamar Central Florida, Inc.*, Case No. 01-4175, in the Circuit Court in and for Duval County, Florida. The breach litigation is settled in July 2002.

December 2001: At this point, the billboard industry has removed in excess of 890 billboard faces and accompanying structures from the Jacksonville market.

July 2002: Lamar Central Florida reaches a settlement with Scenic Jacksonville, Inc. and agrees to downsize its inventory as per the previous settlement agreement reached with Whiteco Industries in 1996.

October 2002: Following a breach of the earlier settlement agreement, a modified settlement agreement is reached among B&B Outdoor Advertising Company, Scenic Jacksonville, Inc. and the City of Jacksonville, and approved by city ordinance 2002-1031-E. B&B Outdoor agrees to remove four billboard faces and their accompanying structures by no later than June 30, 2005 in exchange for other concessions. This agreement is subsequently breached, with new litigation initiated in December 2005 to compel compliance and to seek other relief (see below).

December 2002: At this point, the billboard industry has removed in excess of 920 billboard faces and accompanying structures from the Jacksonville market.

December 2003: At this point, the billboard industry has removed in excess of 940 billboard faces and accompanying structures from the Jacksonville market.

December 2004: At this point, the billboard industry has removed in excess of 970 billboard faces and accompanying structures from the Jacksonville market.

December 2005: Following a breach of the settlement agreement, Scenic Jacksonville brings suit against Anastasia Advertising Art, Inc. *Scenic Jacksonville, Inc. v. Anastasia Advertising Art, Inc.*, Case No. 15-2005-CA-000354. An unlawfully erected billboard structure is subsequently removed per settlement reached in 2006.

During the same month, and following a breach of the 2002 modified settlement agreement, Scenic Jacksonville brings suit against B&B Outdoor Advertising Company in connection with its failure to remove two billboard structures. *Scenic Jacksonville, Inc. v. B&B Outdoor Advertising Co.*, Case No. 16-2005-CA-8355-XXXX-MA, in the Circuit Court in and for Duval County, Florida.

December 2005: At this point, the billboard industry has removed in excess of 1,010 billboard faces and accompanying structures from the Jacksonville market.

December 2006: At this point, the billboard industry has removed in excess of 1,040 billboard faces and accompanying structures from the Jacksonville market.

December 2007: At this point, the billboard industry has removed in excess of 1,070 billboard faces and accompanying structures from the Jacksonville market.

December 2008: At this point, the billboard industry has removed in excess of 1,090 billboard faces and accompanying structures from the Jacksonville market.

December 2009: At this point, the billboard industry has removed in excess of 1,100 billboard faces and accompanying structures from the Jacksonville market.