

Indiana Borough pulls the plug on electronic Mindsight signs

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Published: Thursday, February 19, 2009 12:51 PM EST

Mindsight's two electronic message boards in downtown Indiana are turned off - but maybe just for now.

After granting nearly four months of leeway following the defeat of Mindsight's appeal before Commonwealth Court, Indiana Borough is enforcing a court order and requiring Mindsight to turn off its two 4-foot-by-8-foot electronic message panels on the north and east sides of the building at 700 Philadelphia St. The order also requires removal of the message centers within 30 days.

The borough's existing sign ordinance has no provision for "off-premise advertising." Signs must advertise only the business where the sign is physically located. The Mindsight signs display five-second advertisements for paying sponsors located elsewhere, as well as community service announcements.

"We weren't adamant about bringing it into compliance (immediately after the court ruling) because new sign legislation was being presented to council," said David Kirk, director of Indiana's Code and Zoning Department.

The borough's planning commission in January presented some ideas for a new sign ordinance to council, but the commission members felt after that session that they still did not have the input and direction they needed for drafting new sign legislation for the borough.

With the status of any new sign legislation uncertain - the commission may introduce another piece of proposed sign legislation in March - Kirk said it was decided to adhere to the existing sign ordinance and enforce the court order against Mindsight.

But while the message panels in downtown Indiana have gone dark, the issue isn't settled.

Doug Varner, the active business partner in Mindsight, said Wednesday he has leased business space in the building at 700 Philadelphia St. and has established a Mindsight office there.

"My record with following the borough is pristine. I've done everything according with what they asked me to do," Varner said. "I've just taken up a legitimate office with a legitimate lease."

And now that Mindsight occupies office space in the building where the signs are located, Varner has applied for a new permit to keep the signs where they are.

"We're reviewing that application" and a decision may be reached by the end of the week, Kirk said.

If the Code and Zoning Department grants a permit for the signs to remain, it may still interpret the ordinance to mean that the electronic message boards on the sides of the building at 700 Philadelphia St. can only advertise for the businesses located within the building and not for all the other businesses located elsewhere who want to buy advertising space on the panels.

Varner said if that is the Code and Zoning Department's ruling, he will appeal it to the Zoning Hearing Board.

Mindsight installed the message boards in downtown Indiana in October 2006. Six other message panels in White Township that are part of the Mindsight network are still functioning.



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