

Mr. Donaldson, Oct 26, 2007

I had my remarks
on rate cards for con-
servation but want
these concerns to be
a part of the record.

In addition, a
comment I failed to
make is as follows:
"I do not believe those
that are to be regulated,
should write the regulations"

Please let us know
if there are other public
dates other than Nov 15
and Dec. 13th for public
input. Thank you,

Jan Harter

Comments from Public Meeting MPC on Oct 25th
Digital Billboards

Ann Warter, 6004 Grove Park Rd. Knoxville, TN 37918.

First thank you for the opportunity for the public to speak about digital billboard concerns. Since Mr Donaldson told me there will be more public meetings, I hope the next ones will be better publicized so the public will know.

Common sense tells us that digital technology does not belong on billboards or highways. By their very nature billboards are designed to distract drivers to their message. Can you imagine changing messages and pictures every few seconds using a series of extremely bright, intermittent colored light images? This is certainly a major distraction for any motorist!

Over the years (since 1984) that my husband and I have been involved in scenic conservation issues, we have experienced a wide variety of billboard industry tactics used to weaken our city and county sign ordinances to fit their needs. (their need for more billboards and more money). This is not unique to Knoxville. It is happening in many localities and states. These attempts are a dangerous threat to our community as this latest

attempt for digital billboards is a definite safety hazard. That is one reason ordinance missions include safety and aesthetics and the public welfare as part of a local comprehensive plan.

So can our local government prohibit digital billboards and create stricter standards than the state or federal standards? The answer is YES!

I believe we must stand firm as a community against being "snowed" or intimidated or asked to "just go along." Let's strengthen not weaken our standards. This is more than just a battle against blight. There is much more at stake than ever because it is a strong public safety issue.

Already Lamon's lawyer was quoted in the Sentinel article on Sept 14th that applying our code to this technology is "an unreasonable restraint on commercial speech" that violates the First Amendment right to free speech. This is NOT true!

Localities may ban billboards outright or may restrict the size and type of billboards that are allowed.

The only thing they cannot restrict is what they say.

I did not know until recently that the state of Kentucky prohibits both digital billboards (L.E.D.'s) and Tri-Vision. Their state lawmakers stood firm!

Let us not be fooled in Knoxville by promises such as "Amber Alerts" or "Let's trade" or "we're just modernizing" or "they are an improvement". We all know that when they are adding digital technology to a regular board they are creating a new sign. We know there are alternatives already available for Amber Alert signs and other government signs and messages.

Let's understand that if the digital billboards were allowed they are more expensive to remove and we will be unable to afford ever getting them down.

The industry representatives were a part of this appointed committee but surely our own law dept. will not be intimidated by them and can do any clarification and that they will protect the public welfare.

we have many good business men in Knoxville who have realized the definite link between how a community looks and how having high standards pay off economically. They will need to speak out

we have good tourism leaders who know tourists don't come to our region or city to see digital displays along our streets and highways. They should speak out.

We have ^{an} excellent AAA that puts safety as a priority. They must "just say NO"!

As you see I am very concerned and passionate about this issue. And I know that I am not alone. Nine Counties / One Vision showed us that so many really care - not only for a vibrant downtown but their next concern was about billboards, sign clutter and loss of scenic beauty.

I know if we, as a city, keep accepting what I call "the lowest common denominator", that is exactly what we will get.

*NICHOLAS A. DELLA VOLPE
5216 CRESTWOOD DRIVE
KNOXVILLE, TENNESSEE 37914
(865) 525-2880 (H)
(865) 525-4600 (W)*



October 24, 2007

Mayor Bill Haslam
City Council Members
Metropolitan Planning Commission
City-County Building
Knoxville, Tennessee 37901

Re: Digital Display Billboard Committee Report/Recommendation

Ladies and Gentlemen:

I am writing to you about the latest assault on our City's shrinking natural beauty, via proposed changes to the billboard regulations of this community. I understand the mayor has empowered a Task Force to "study" possible regulations for "controlling" or converting regular flat sign billboards into multi-changing digital display billboards. No doubt there is pressure from the powerful billboard lobby. Perhaps it is naïve for a citizen to even attempt to voice concerns in the face of such moneyed interests.

You got to hand it to 'em. The Outdoor Advertising giants are clever in their new approach. This entire campaign has been waged under the guise of promoting regulation and control of electronic signs. That is little more than a subterfuge to get what they want, i.e., more signs, more advertising bucks per sign, more glimpses at our dollar-spending eyeballs. Don't get me wrong, commerce in general is a good thing. But there are significant community tradeoffs and hidden costs here, including human safety and aesthetics. We the people lose something every time another one of these monoliths perches on our east Tennessee landscape. Billboards are visually ugly. They create driver distractions that can lead to more accidents and deaths. By their nature, they harvest eyeballs placed and paid for by our billions of tax dollars invested in building the roadways they wish to perch on or near, in order to swoop down on passing prey...

Several years ago, we the people spoke—after much thought and debate—and said: "Enough is Enough." We voted in an ordinance proclaiming: "No New Billboards." We meant that. As a community, we have enough signs to advertise our wares. Perhaps too many. We need to keep and foster some natural beauty for ourselves and make visitors truly welcome in our East Tennessee home. Blink too long and we may become Pigeon Forge. May the good Lord spare us from that!

Back to the current campaign, nicely camouflaged by the Sign Guys as a regulatory proposal. They've gotten pretty far. They've eased past the feds and our gullible state legislators. Now they are seeking to slide into our home base. Knoxville, we need to stop and reflect. I submit that we need to say NO in forceful terms. We at least need to rethink the effect of this proposal.

History. How do we get there? A bit of recent history bears recounting:

- 1) The FHWA recently ruled that these electronic signs were not “intermittent or flashing light emission sources” (a regulated activity) and, so, were not prohibited by the highway beautification laws and regulations, and, thus, states can regulate them, if they care to. Curiously, a federal highway safety study about such signs “should be available” in 2009 ... well after the fact. Let the camel’s nose in under the tent, then there is no stopping him. Hard to control, Grandfathered Signs, will be well ensconced by then.
- 2) Our state legislature “amended” the billboard act this spring (Public Chapter 76, effective May 5, 2007)—and allowed the “regulation” of intermittent display signs as an alleged “reform,” thereby opening the state door to make such signs permissible.
- 3) Several years ago, Knoxville adopted a No New Billboard ordinance, but the industry now suggests a way around that: Turn every Interstate and Major Artery “conforming” sign (where else would you spend the big \$, but on the high daily traffic sites provided by such major roadways??) into an infinite number of signs. These will change the face display every 10 seconds. (Their report uses a regulatory approach: punish those non-conforming signs).
- 4) The FHWA says these signs can change every 8 seconds, with a 1-2 second transition. The Knoxville study committee “got tough” and will only change them every 10 seconds. (Gee, there are 86,400 seconds in a day. That means each sign can now show 8600 displays!!!). No New Billboards ... just convert each one to many flashing signs. Smart.
- 5) They will be bright (although FHWA says should not be “not unreasonably bright” and the local study committee says give the enforcement guys light measuring devices to protect us), and a changing visual images. These are yet another distraction to drivers who are already distracted on their cell phones or (God help us) texting their friends instead of watching the road. How many lives is this worth?
- 6) Our community and its leaders need to examine their real priorities:
 - Should our roads be safe?

- Is this a driver distraction? An attractive nuisance?
- Is it more visual pollution?
- Does the almighty dollar/opportunity trump common sense?
- Why are our roads and communities uglier than say Charlotte's? or Vermont's? or England's?
- Isn't enough enough?

Money. The conversation could stop here. We don't need more billboards or changing sign faces. But I must ask a question: *Is this even good business from our end?* Given the large dollars generated by the sign advertising industry—it is a business after all—we need to ask a pertinent question: If we the taxpayers are spending billions of dollars to build these highways—to aggregate the cars and thus captive eyeballs these guys want to sell to—why don't we the taxpayers get a share of the ad revenues to offset some of our taxes? I'm not talking about income taxes that everyone pays for dollars they earn or take home. We are selling the opportunity to advertise in our "newspaper," i.e., our highways. Shouldn't these businesses be paying us to place ads in our "paper"? If this is valuable (definitely), why aren't we selling our tax-created opportunity?

Quid-Pro-Quo. Finally, if even in the face of real safety concerns and negative visuals, you remain determined to give the Moneyed Sign Boys some of what they want—valuable electronic signs capable of pitching 8600 different ads/day for every old, flat sign face replaced, then we should extract a fair communal purchase price. Q. "Want a valuable face-changing sign?" Then tear down say 4 other billboards and restore some natural beauty to part of our community. If you must play this game, then they should at least pay a fair price.

Please vote no to such signs for Knoxville.

Thanks for listening.


Nick Della Volpe

December 12, 2007

Metropolitan Planning Commission
City-County Building 400 Main Street
Knoxville, TN 37901

Dear MPC and Commissioners:

At the last board meeting of Fountain City Town Hall, Inc., we discussed digital billboards, and the board voted unanimously to speak out regarding this issue.

We are asking ^{MPC} ~~City Council~~ to prohibit the use of digital billboards rather than consider regulations governing them for the following reasons:

- 1) The Federal Highway Administration has agreed to conduct research into safety issues associated with digital billboards that will not be completed until 2009. The safety of these billboards regarding distraction of drivers is a very real issue. A 2006 National Highway Safety Administration study showed that anything that distracts drivers for more than two seconds significantly increases the chances of accidents.
- 2) These billboards would cause additional visual degradation across our city.
- 3) Knoxville is trying to be a "greener" city. At a time when the public is being encouraged to conserve energy, we do not need to be using electricity for these billboards. Each billboard consumes 4,800 watts of electricity per square yard per hour and is powerful enough to be seen one-half mile away!
- 4) Once this law is changed, it is forever. There is no turning back.

Brochures for economic development have scenic photos of our beautiful dogwood trees, our lovely parks, picturesque mountains and lakes, or our magnificently refurbished downtown buildings. Wouldn't it be a shame to be recognized and remembered for the visual blight of our digital billboards?

We ask you to protect our city from this hazardous distraction to drivers and the visual blight of digital billboards.

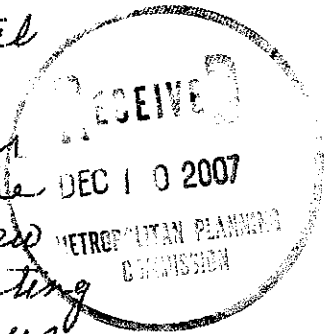
Thank you for your consideration.

Sincerely,

Mark C. Campen
Chairman
Fountain City Town Hall

Note: My husband and I have been able to attend and convey our concerns about digital billboards at the MPC public presentation and the City Council workshop. However, Mr. Narter is just out of the hospital and we are unable to come to your agenda review workshop Tues. as the regular MPC meeting this Thurs. Therefore, we are sending our written comments. In addition we hope our comments from the first two meetings have been included in your packets.

Jan G. Narter



6004 Grove Park Rd
 Knoxville, TN 37918
 Dec 8, 2007

RECEIVED

DEC 10 2007

METROPOLITAN PLANNING
 COMMISSION

To: MPC Planners and Commissioners
 From: Ann and Jim Harter
 re: Digital Billboards.

We are very concerned that the committee appointed by Mayor Haslam is recommending that we must simply regulate digital billboards for the city of Knoxville. It is as if we have no other choice. Our ordinance rightfully has limited the size of digital technology advertising where it is appropriate.

First, it is not an issue of digital technology or no digital technology. We, of course know there is a place for this technology but certainly not on our Interstates or arterials as yet another distraction for motorists.
Second, this is not an issue of developers or advertisers against citizens or neighborhoods.
Third, even if there are no accepted studies whether they are safe or unsafe, common sense tells us they are a definite distraction by design.

We contend it is a quality of life issue for our community. You as professional planners and appointed commissioners who serve without pay have a unique opportunity to set a higher standard than either the federal or state governments accept.

There are other legal concerns as well. How would allowing this additional technology not violate the "customary maintenance"

clause of our ordinance? How does this not become essentially a "new" billboard? How can "non-conforming billboards" be enforced since at this point no determination has been made of what is non-conforming. In 1984 none were declared as required by ordinance. Why are we being asked to accept the recommendations of an obviously industry dominated committee that concluded their deliberations last June but are just now being pushed? Why were there no minutes to review from their meetings?

We respectfully ask that you recommend to City Council that digital technology on billboards is not in the best interest of the public welfare, safety or aesthetic protection.

Thank you,

Ann and Jim Haster

January 8, 2008



MPC Executive Director Mark Donaldson
Suite 403, City County Building
400 Main Street
Knoxville, TN 37902

Dear Mr. Donaldson:

RE: City of Knoxville Digital Display Outdoor Advertising Structures

As you are aware, the City of Knoxville has been analyzing the issues of digital display devices for nearly one year. Most large metropolitan areas in Tennessee, including Memphis, Nashville, Chattanooga, The Tri-Cities, Cookeville, and Knox County allow digital displays. This technology presents a more aesthetic outdoor advertising device and, contrary to a vocal minority, is less luminescent than a traditional outdoor advertising device. Significantly the Tennessee Legislature in HB 0750/SB 0593 amended the state law to define outdoor advertising structures to include a digital display. It appears certain that digital displays will have the exact same legal rights as billboards.

Lamar is attempting to work with the City to develop a regulatory scheme with more structure than is currently permitted by state law and Knox County. During this process do not be swayed by the vocal minority that has opposed any and all kinds of commercial speech involving billboards for nearly 30 years. Simply put this group would oppose any form of commercial speech whether digital, vinyl, or existing wooden structures.

I am enclosing a copy of the Knoxville News Sentinel article regarding the value of digital displays as it relates to "Amber Alerts" and other law enforcement endeavors such as capturing fugitives. Local law enforcement has stated that the amber system and digital displays are significant for our community.

Last, there have been some significant misunderstandings regarding the studies that confirm or deny whether digital displays are distracting to drivers. The information referenced by the MPC is not representative of scientifically based studies in this field. Simply put, there is not a scintilla of evidence that digital displays cause any increased distraction to the safety of drivers.

I would like to encourage everyone to visit the digital display structures located in Knox County to form your own opinion regarding this issue. The structures are located at the following locations:

- a. Turkey Creek – Southbound on Lovell Road;
- b. Clinton Highway at Old Callahan Road; and,
- c. Southbound on Pellissippi Parkway at Solway Bridge.

It is Lamar's sincere desire to work with the City to formulate proper regulations. This is an opportunity to reasonably regulate this issue without the downside of litigation or unregulated proliferation. Should you have any questions, please do not hesitate to contact me personally at 865-546-5011.

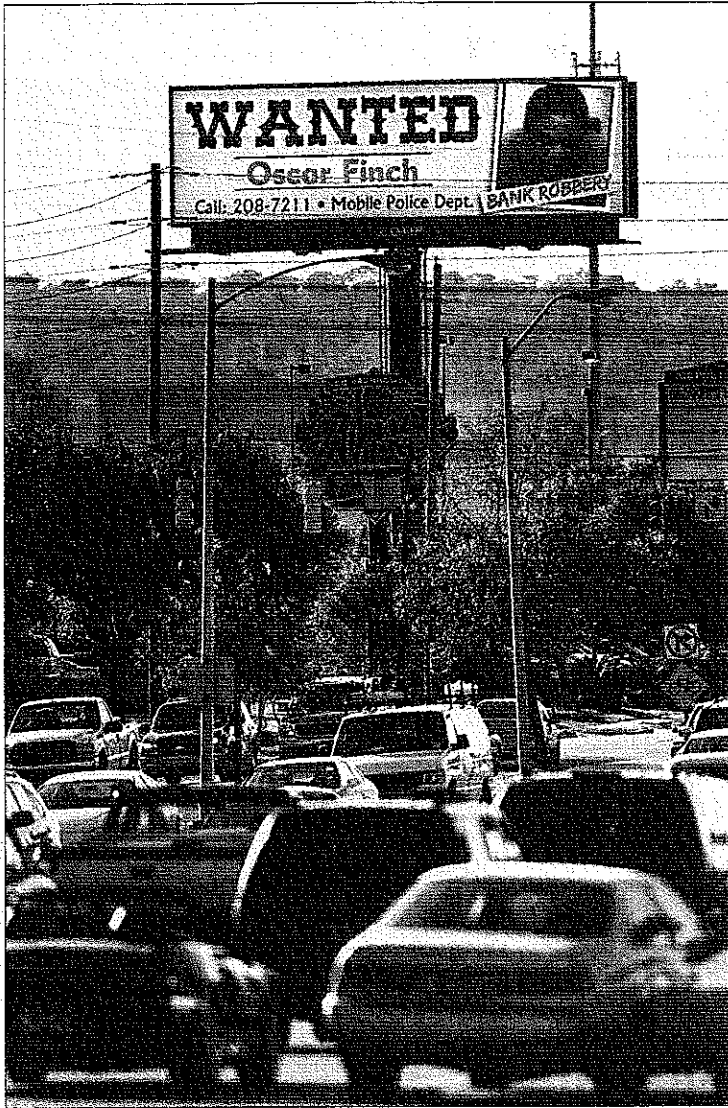
Sincerely,

A handwritten signature in cursive script that reads "David Jernigan".

J. David Jernigan
General Manager/Vice President

Attachment

3009 W. Industrial Parkway, Knoxville, TN 37921
Ph. (865) 546-5011 / 1-800-283-5011
Fax (865) 637-4603 / www.lamar.com



BILL STARLING/ASSOCIATED PRESS

A billboard in Mobile, Ala., shows a wanted poster on Oscar Finch, who was being sought for bank robbery. It only took one day for Finch to be brought into custody.

It's digital answer to Wild West posters

BY GARRY MITCHELL
Associated Press

MOBILE, Ala. — Between ads for hamburgers and liposuction, the giant digital billboards flashed an image of Oscar Finch's face taken by a surveillance camera. The young man wasn't selling anything. He was running from police.

Finch, a suspect in a bank robbery, was in custody just a day later, and police say his swift capture is an example of how the eye-catching electronic signs can be used as a 21st century version of the Wild West wanted poster.

"We had been looking for this individual for 10 days and turned it around in 24 hours," said Mobile police spokeswoman Nancy Johnson. "So we're thinking it's going to be highly effective. I think it's a great asset for us."

Authorities across the country are also using the technology to search for missing children and to warn the public in emergencies.

Twelve billboards showed a grainy mugshot of Finch taken during the Nov. 20 heist.

The image, which was mixed in with commercial ads, included his name, his alleged offense and a phone number to contact police.

The 21-year-old Finch, who was the first suspect featured on an electronic billboard in Mobile, turned himself in on Dec. 1, just a day after his photo was posted. He apparently surrendered after seeing news coverage of the billboards, Johnson said.

With digital billboards, police can now display a suspect's face to thousands of people, sometimes almost immediately after a crime is reported.

"We can be up in 15 minutes" of getting a suspect's photo, said Troy Tatum, general manager of Lamar Advertising, the Baton Rouge, La.-based company that provided free use of the billboards in Mobile as a public service.

When the electronic boards aren't showing suspects, they display regular advertising in moving, full-color images that stand 14 feet tall and 48 feet wide.

They can also be used for Amber Alerts for missing children and to deliver weather bulletins.

"We have a special slot set up for local emergencies," Tatum said.

Mobile Police Chief Phillip M. Garrett doesn't want to give such prominent display to "every lawnmower thief" wanted by police.

He said the billboards will be used only in high-profile cases or in searches for missing people.

Only a fraction of U.S. billboards are digital — 500-plus out of an estimated 450,000 total signs, according to the industry.

But production of electronic boards is expected to grow.

Police in other parts of the country are also beginning to use the billboards.

In September, Florida authorities arrested a drug suspect two weeks after his photo was displayed on a billboard in Daytona Beach.

A tipster who saw the suspect's picture found him sitting in a McDonald's.

The billboards have also been useful in disasters. When an interstate bridge collapsed in August in Minneapolis, billboards displayed an emergency message within 15 minutes.

The signs also have critics. Mobile City Council member Connie Hudson has proposed a temporary moratorium on any new billboards, saying the city needs safety regulations to control the number and spacing of the signs because they may distract drivers.

The full council has not acted on Hudson's concerns.

Ken Klein, vice president of the Outdoor Advertising Association of America Inc., in Washington, D.C., said billboard wanted posters became more common after a young woman was slain in 2002 in Leawood, Kan.

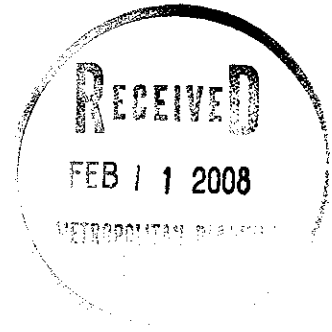
The victim's father, Roger Kemp, approached Lamar Advertising for help, and the company posted a composite sketch of the suspect on a conventional billboard. A tipster who saw the sketch led authorities to Benjamin Appleby, 31.

Appleby was convicted in 2006 and sentenced to life in prison for killing 19-year-old Ali Kemp.

Bad guys' photos on billboards help police corral them

Home: (865) 553-1507
Cell: (865) 389-4717
Fax: (865) 573-9003


James G. de Ropp
4126 Maloney Rd.
Knoxville, TN 37920



February 9, 2008

To: Mark Donaldson
Executive Director, Metropolitan Planning Commission
Suite 403 City County Building
400 Main St.
Knoxville, TN 37902

CC: MPC Commissioners

From: James de Ropp 

RE: Dynamic Digital Billboards

At the last MPC workshop (January 31) on the subject of billboards, Commissioner Dick Graf asked MPC staff the operative question, "*with all the negative attributes assigned to digital billboards, what possible benefit do these billboards provide to the general public?*" The answer was that the public could get their billboard advertising in a quicker and more focused fashion (i.e. McDonald's could advertise cheap coffee in the morning and burger specials in the afternoon). Given all the other high speed communication options available, do we really need to add this one?

Staff also made a point that the city would request the removal of two standard billboards for every digital one. This second point, somehow, assumes that one ugly digital is better than two ugly standards, or conversely, one ugly standard is better than one ugly digital. Who knows what the ratio should be, 2:1, 1:2, 10:1, etc. What I do know, from 24 years in the planning profession, is that I never met an urban planner that thought that any type of billboard is a good thing.

Let's face it, it only takes one water tower to ruin a ridge line, and it only takes one digital billboard on Cherokee Farm to ruin two miles of Alcoa Highway.

I hope that MPC staff will realize that Option C is Pandora's Box, and Option A is the only sensible choice in Knoxville.

From: "J. C. Tumblin, OD, DOS" <jctchs44@nxs.net>
To: <contactknoxmpc.org>, <Mark.Donaldson@knoxmpc.org>
Date: 2/12/2008 12:48:37 PM
Subject: Corrected Copy, Please Substitute: Agenda Item 12-B-07-OA(Amendments to the City of Knoxville Zoning Ordinance, Article 5.10: Signs, Billboards, and other Advertising Structures and related sections regarding regulation of dynamic displays on signs and billboards in Knoxville)

Dear Commissioners:

Agenda Item 12-B-07-OA (Amendments to the City of Knoxville Zoning Ordinance, Article 5.10: Signs, Billboards, and other Advertising Structures and related sections regarding regulation of dynamic displays on signs and billboards in Knoxville)

Fountain City Town Hall, Inc. requests that you do not alter this ordinance to permit dynamic displays on signs and billboards in Knoxville.

We feel there are far too many negative aspects to dynamic displays on signs and billboards in Knoxville as opposed to any positive aspects. Our feeling is that to permit such displays is to give in to the billboard industry rather than consideration of the negative aspects as related to the general public as they drive as well as the environmental blight.

Thank you for your consideration of not altering this ordinance.

Sincerely,

Mark Campen, Chair
Fountain City Town Hall

CC: "Michael Kane" <makane1@bellsouth.net>, ombroligo@aol.com
<jhitch08@comcast.net>