

Scenic Watch

Citizens for a Scenic Florida



November 29, 2011

Arizona Court Case of Nationwide Importance: Judge Rules That Digital Billboards are Illegal

Signs are a violation of ban on intermittent lights under almost every state-federal agreement

In a USA Today article, Cameron Artigue, the attorney who argued the case for Scenic Arizona, said the unanimous ruling was a "clean sweep" for opponents of digital boards.

"As of today, these structures are not legal," he said.

[Read USA Today Article Here>](#)

The Arizona Court of Appeals has ruled that digital billboards along state and federal highways are illegal because they violate the state's ban on intermittent lights.

The case pitted Scenic Arizona and the Neighborhood Coalition of Greater Phoenix, Inc. against American Outdoor Advertising, Inc. (AOA) and the City of Phoenix Board of Adjustment over permits issued for electronic billboards. Scenic America and Sierra Club filed an amicus brief in the case.

Because of the importance of this case, Clear Channel Outdoor, the world's largest billboard company, also filed an amicus brief.

The ruling is significant because the Court affirms the common definition of what intermittent lighting is. The argument for whether digital billboards are legal hinges on the fact that billboards with intermittent lights are prohibited in most state-federal agreements that implement the provisions of the Federal Highway Beautification Act and state laws implementing the act.

American Outdoor argued that the lighting on the signs is constant and that the change of message constitutes a change in "copy." However, the Court



Video: Scenic America

Cities Begin to Put Digital Billboard Plans on Hold

"...Glendale (AZ) officials said they have suspended plans to take a proposed ordinance to the city's Planning Commission and eventually the full City Council.

Peoria's(AZ) top economic development official said the court ruling has forced the city to re-evaluate its plans.

Glendale was exploring how to regulate digital billboards along a 3-mile stretch of Loop 101 in the city's sports and entertainment district. Peoria was considering erecting its own digital billboards along its stretch of Loop 101 to help pay for a redevelopment project....

Mark Mayer, a board member of Scenic Arizona, said Arizona's longstanding ban on the billboards was maintained until about four years ago, when they began sprouting in Tempe and Phoenix. He said cities such as Peoria and Glendale would do well to think of other ways to generate revenue.

'It's not right to sacrifice a longstanding public policy that has tremendous support from the community,' Mayer said.

said "What American Outdoor calls a change of 'copy' is actually a transition from one lighted image to the next lighted image."

"Because the combination of LEDs used to display each brightly lit image on the billboard changes every eight seconds, the billboard's lighting necessarily is intermittent," the ruling said.

-- Edited from Scenic America and additional sources

[Scenic America Website with Backgrounder and Amicus Briefs>](#)

Mayer had one message for those communities that want digital billboards.

"Put it on the ballot and let the people decide," Mayer said."

-- The Arizona Republic

[Read Arizona Republic Article>](#)

Nov-Dec



Fun Festivals and Events

Central Florida

Nov 18-Dec 4

7th Annual Festival of Trees,
Daytona Beach

Nov 19-Jan 1

Festival of Lights, Punta Gorda

Nov 26-Dec 31

Now Snowing Nightly, Celebration

Dec 2-4

Sarasota Craft Show, Sarasota

Dec 3

Santa Fest 2011, Tampa

Dec 2-3

Sanford Historic Trust Tour of
Homes, Sanford

Dec 9-10

Florida's Creative Coast Weekend,
Pine Island

Dec 9-10

Candlelight Tours of Fort Foster,
Tampa

Dec 10-11

A Classic Christmas, Winter Park

Dec 11

2011 Holiday Tour of Homes,
Ormond Beach

Dec 15



Photo: Blightfighters

New Blightfighters Documentary:

The battle in St. Petersburg highlighted in "Just Say No to Clear Channel"

Veterin media producers Ossian Or and Sandra Valee visited Florida recently as part of their ongoing documentary project, "Chronicle of the Billboard Wars". They traveled extensively throughout Florida, met with activists and filmed at hundreds of locations in order to document the efforts of local groups in the ongoing battle to prevent the spread of digital billboards in our state.

This segment is the ninth chapter of their documentary and it focuses primarily on the story of the "epic victory" in St. Petersburg, FL against Clear Channel. Scenic Florida's own Bill Brinton is featured in this segment along with many other active participants in the movement here in Florida.

[Visit Blightfighters.org Here>](#)

**Lamar's New App:
RoadNinja**

Dinner and Music at The Spirit of the Woods Café, Hillsborough River State Park, Thonotosassa

Nov 19-Dec 31

Festival of Lights at Fishermen's Village, Punta Gorda

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South Florida

Nov 24-Dec 4

Pirates in Paradise Festival, Key West

Dec 1-5

Merrick Festival's 2010 Caroling Competition, Coral Gables

Nov 29-Dec 4

Sculpt Miami, Miami

Nov 30-Dec 4

Red Dot Fair, Miami

Nov 29-Dec 4

Scope International Contemporary Art Fair, Miami

Dec 2

Art and Jazz on the Avenue, Delray Beach

Nov 24-Dec 4

Pirates in Paradise Festival at Fort Zachary Taylor, Key West

Nov 24-Dec 31

Key West "Bight" Before Christmans, Islamorada

Dec 2-3

Christmas Luminary Trail and Open House, Sanibel and Captiva Islands

Dec 10

Big Pine Island Art Festival, Big Pine



Photo: Appolicious, Yahoo! News

iPhone app "makes interstate driving more fun"

"RoadNinja is a free app that helps drivers and travelers when they're on a road trip. By tapping into a huge database of services like restaurants, lodging and gas stations located near to interstate exits, RoadNinja combines new technology with old-school billboards and signs to bring users the best of both worlds.

In this edition of Meet the Makers, Tommy Teepell, Chief Marketing Officer of Lamar Advertising, discusses the inspiration behind the RoadNinja app, how billboards influenced its development and the challenges and learning experiences the team encountered along the way...

We wanted to find a way to connect traditional media (our directional billboard inventory) with new technology. Directional billboards along the interstate make up a significant part of Lamar's product offering. Our target audience is the driving public. RoadNinja is designed for interstate travel and complements our interstate logo and directional billboard business. It combines old and new media to engage consumers and create the ultimate advertising experience.

For the U.S. road traveller, directional billboards have always served as a helpful guide. With RoadNinja, Lamar is bringing online technology directly to the driving public. RoadNinja gives the consumer an opportunity to plan ahead with an interstate directory and choose among the various options presented to consumers as they travel down the highway (food, gas, retail, lodging, and so on).

We are offering our clients added value in the form of mobile promotions and logo placement in the app. The digital promotions give Lamar's local and national clients the opportunity to make fresh contact with consumers at no extra charge. Whether a client is using billboards for directional or branding purposes, RoadNinja can take their campaign a step further and initiate a call

Key

Dec 7

Pearl Harbor Day Ceremony, Punta Gorda

Dec 9

Barnacle Under Moonlight, Coconut Grove

Dec 9-10, 16-17

Historic Lighted Inn Tours, Key West

Dec 2-31

Holiday Nights at Edison and Ford Winter Estates, Fort Myers

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North Florida

Nov 20-Jan 31

Nights of Lights Festival and Celebration, St. Augustine

Dec 2

Camellia Christmas 2011, Tallahassee

Dec 10

Holiday Magic by Tallahassee Symphony, Tallahassee

Dec 3

25th Annual Winter Festival, Tallahassee

Dec 3

Sugar Cane Grinding, Newberry

Dec 9-10

Southern Pines Blues and BBQ Festival, Perry

Dec 10

Annual Holiday Parade and Lawn Mower Contest, Havana

Dec 10

Caroling the Ravines, Palatka

[Read More >](#)

to action with promotions. We now have another channel of media distribution to offer advertisers considering adding billboards to their campaign strategy..." --Brad Spirrisson, Appolicious, Yahoo! News

[Read Article Here>](#)



Photo: Scenic Florida

Apalachicola to Progress Energy: Bury the lines, not our town!

"A David-vs.-Goliath battle is unfolding in a small artsy fishing village in Florida's Panhandle, where residents and business owners say if they lose, it will mean the death of quaint and historic Apalachicola's downtown district.

To call attention to its struggle against Progress Energy and the power company's plan to install 100-foot power poles through the downtown area, Apalachicola will stage a mock funeral for itself on Saturday, November 19th – in what is considered an eerie look into the town's immediate future. Located 75 miles southwest of Tallahassee on Florida's Gulf Coast, the popular tourist town, known for oysters, fishing and the arts, is fighting an 11th-hour battle against Progress Energy, whose power pole installation plan through the tree-lined city is now approaching the heart of downtown.

Local residents and businesses continue to issue pleas to the utility giant to simply pause in order to give the town time to raise money to run the lines underground.

Citizens here are so certain that Progress Energy's mammoth poles will kill the character of their beloved city that the Saturday funeral will be complete with a horse-drawn caisson, a flag-draped coffin and a processional line. Those planning the event say the town's historical nature and charm will be forever eclipsed by the fatal scars that Progress Energy is inflicting.

Supporters say Apalachicola's downtown is worth saving because of its unique history.

The town is famous for its world-class oysters. Apalachicola Bay produces 90 percent of Florida's oysters and 10 percent of the nation's supply. But long before oysters put the town on the map, Apalachicola was the capital of another important industry: cotton.

In the 1820s and 1830s, Apalachicola was the third-largest cotton port on the Gulf Coast, behind New Orleans and Mobile. Later, the town would play important roles in the lumber trade as well as the harvesting of sponges off the Florida coast.

Today, tourists flock to the downtown district to soak up this rich history and to savor the absence of big-box stores, strip malls and fast-food chains that make most U.S. cities so indistinguishable from each other. Residents and business owners say the placement of Progress Energy's giant power poles will ruin that.

The power company, based in Raleigh, N.C., is pushing to finalize its merger

Tiny Florida Town Declares Its Own Death In Battle With Utility Giant's Massive Poles



Note from the Editor

Suggestions for improvement are always welcome.

with Charlotte, N.C.-based Duke Energy, a deal valued at \$26 billion. The companies need approval from the Federal Energy Regulatory Commission, and officials are doubtful that the end-of-year timeline for the merger will be met. The deal would create the largest utility in the United States.

Residents in Apalachicola, which is serviced by Progress Energy, are appalled at the company's hubris regarding the towers, saying many other historic areas – including nearby Port St. Joe, Fla., and Beaufort, S.C. – already have power lines buried underground or are in the process of doing so.

'Progress Energy may have the right to do this, but it's not the right thing to do,' said Robert Lindsley, who owns and operates an art gallery near the planned location of one of the towers.

The Apalachicola Area Historical Society has been battling Progress Energy over its scheduled placement of the 30,000-pound concrete poles through the downtown waterfront for more than a year.

The historical society has retained the services of a prominent Florida attorney to help in the fight. A decade ago, Arthur "Buddy" Jacobs successfully battled Wal-Mart and kept the corporate giant from building a Supercenter in Fernandina Beach, Fla. Residents and officials of the tiny coastal town near Jacksonville expressed the same fears that those in Apalachicola have today: Drastic transformation will bring about the deaths of small businesses and the character of the community.

Tom Daly, president of Apalachicola's historical society, said citizens' concerns weren't being heard, so the nonprofit group ramped up the message. The group has created a website, run newspaper and radio advertising, and flown two aerial banners at well-attended events – all in the span of about 10 days. Visitors to the website www.saveapalach.com are encouraged to contact Bill Johnson, chairman and chief executive of Progress Energy, and Vincent Dolan, chief executive of Progress Energy in Florida, to request that the power lines in the city be run underground.

'This is about pride in our community,' Daly said, noting that Apalachicola's existence predates the state of Florida. 'We are a unique location, and we have an international reputation with visitors. These industrial poles do not have a place in our community.'

Please contact B.J. Terhune, bjterhune@gmail.com, 850-566-8118, if you would like more information or can help the citizens in their fight to retain the historic character of their town.

-- Press Release, B.J. Terhune



**Visual Blight:
Yet another example of how
spot zoning is still illegal**

Illustration: Evan M. Lopez, in
Philadelphia City Paper

Development delayed while debate rages in Philly

"In June, City Council passed a law introduced by Councilman Frank DiCicco — to the rejoicing of one developer and the grouching of many nearby neighbors — to repeal, for one city block, a zoning overlay that had been put in place in 2002 to protect Fishtown and Port Richmond from the northward spread of the rowdy Delaware Avenue nightclub scene. On Oct. 6, DiCicco quietly introduced a second bill to repeal the repeal, reinstating the zoning protections that neighbors had fought for a decade ago.

What's up with the revolving-door legislation?

It turns out, the developer's plans — for a massive music venue (capacity: 2,700) on Richmond Street — have hit a roadblock. 'We're redesigning: We have to move the venue to a different location on the site because of technical issues, and that means some delays,' explains David Grasso, the developer behind the venue, in partnership with concert promoter Live Nation. '[DiCicco] didn't want to leave the community with the zoning in place if we didn't do our project. He told us that he was not going to move forward with the bill ... but he wanted to be careful.'

This may be business as usual in the Philadelphia development world, but there's also another name for zoning a specific area to benefit a specific property owner: spot zoning. And that's illegal.

'Spot zoning is where you take a parcel of land and enact conditions on it without regard to the community around it; it's unrelated to the uses that are adjacent to it,' explains Stephanie Kindt, staff attorney at SCRUB: Public Voice for Public Space, a local anti-blight group. 'There's no rhyme or reason to it, and it's specifically for the benefit of one property owner. Clearly, creating a law that would allow a nightclub at this area to benefit this one property owner is spot zoning'..."

-- Samantha Melamed, City Paper

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