

# APPROVED

## OAK RIDGE MUNICIPAL PLANNING COMMISSION

### MINUTES

**Meeting date:** April 25, 2013

**Call to order:** A special called meeting of the Oak Ridge Municipal Planning Commission (Planning Commission) was held in the Municipal Building, Oak Ridge, TN on April 25, 2013. The meeting convened at 5:30 p.m. with Mr. Domm presiding.

**Members in attendance:** Kelly Callison, Terry Domm, Charles Hensley, Austin Lance, Claudia Lever, Jane Shelton, Kathryn Baldwin – Staff Representative, and Monica Austin Carroll – Staff Representative

**Visitors/Others:** See attached sign in sheet

**Approval of agenda:** Item was removed by Chairperson Domm because there was only one (1) item on the agenda.

**Discussion of Sign Ordinance:** Motion by Ms. Lever to recommend the sign ordinance text amendments per the April 18, 2013 meeting as presented. Seconded by Shelton. Staff presented the changes in the memo provided plus gave two (2) additional handouts for Planning Commission's review. The memo and the handouts are attachments to the minutes.

The following is a summary of the comments from the citizens who addressed the Planning Commission:

Eddie Hair – representing Eddie Hair Tire – stated that he thinks the City will lose significant impact of revenues if sign ordinance moves forward as is; mentioned the Jackson Square study by University of Tennessee students; agrees with the comment about the capturing of the next generation's attention is via social media and that is how you will also capture their business; and EMCs are the way to move forward.

Response by Mr. Hensley that he agrees with the statement about EMCs are the way to move forward if they are located in the right place.

Martin McBride – 954 West Outer Drive – sent email to Planning Commission members to illustrate how he thinks the signs will benefit the City; he is a small business owner himself, operating an internet company, and realizes the effects of the recession and how it has affected the businesses; EMCs can be a valuable tool to display information about community events; Oak Ridge Historic Preservation Association's (ORHPS) current sign is a manual sign and only allows ORHPS to advertise two (2) – three (3) community messages per month but EMCs would significantly increase the number of messages; ORHPA's next message will be about Oak Ridge's greenways; and thinks the current sign ordinance as proposed is too restrictive.

Jonathan Hart – representing Karen's Jewelers – suggested looking at other communities' ordinances such as Columbia, Tennessee, which allows EMCs in business districts but not residential districts; concerned with sales tax revenues and would like more businesses instead of raising property taxes; against the 30% size limit because it would prohibit his sign as is; thinks the eight (8) second hold time is not reasonable and should either eliminate it or change it to four (4) seconds; media is difficult in Oak Ridge, but people driving through from surrounding areas, the EMCs could capture more people; does not think the "lightning bolts/flashing signs" are appropriate.

Jane Miller – 133 Capital Circle – would like for the Oak Ridge Chamber of Commerce and Planning Commission come to a compromise on the sign ordinance amendments; thinks it's important for the youth and also the elderly; doesn't think the EMCs take away from the community; would like the existing signs to be "grandfathered"; doesn't see the safety concerns with the EMCs; need to be business friendly and not move backwards.

Response was given by Chairperson Domm about whether or not the existing signs would be considered "grandfathered" but would like to see the existing signs to comply with the new regulations.

Motion made by Mr. Hensley to include the following language from the *United States Sign Council Model On-Premise Sign Code*:

The prohibition of EMC video display is intended to cover the display of videos, films, motion video clips, and streaming video images that are not a part of the standard EMC software. It is not intended to prohibit the use of standard effects that are a part of the EMC software capabilities, which sometimes can be confused with actual video. These permitted effects are generally shown in the background of a message (flag waving, leaves falling, clouds passing) and are not the primary EMC content or message, but merely a design element intended to compliment the primary communication.

Seconded by Mr. Lance followed by further discussion by the Planning Commission members. Mr. Hensley asked, "What is our goal?" and doesn't see the amendments passing as is with City Council because they are too restrictive. Mr. Lance responded by stating he thinks there are two (2) issues: whether or not the animation creates a traffic safety issue and the location to residential areas. Chairperson Domm stated that the amendment is not enforceable. Mr. Callison stated he thinks the missing piece is the "by zoning designation" to allow the EMCs and thinks the bad taste will affect the businesses, so let them have the video if they want. Staff responded by stating the current zoning districts that allow EMCs are UB-2, Unified General Business District, B-2, General Business Districts, and B-3, Roadside Business Districts. Ms. Lever asked about enforcing the amendment. Staff responded by stating that the staff is looking for something that does not require any interpretation. Chairperson Domm stated that live video could mean a live viewing of a University of Tennessee football game and you have to consider the worst possible scenarios if allowed. Mr. Lance suggested controlling the speed of the movement, prohibiting flashing, and changing in light intensity, but allow something to be flexible.

Eddie Hair stated that the amendment wouldn't allow him to promote community events, such as Oak Ridge football team running onto the field, Secret City Festival or the Lavender Festival; static images do not do anything for the businesses; video generates interest; and the restriction should apply to the placement of the signs.

Mr. Callison responded by asking about why the Special Called Meeting was today. He thinks that the Planning Commission does not have all the fact and suggested not voting tonight and postpone any action. Mr. Hensley agrees to postpone to further study it. Chairperson Domm stated he sees it as three (3) points: impact on residential areas; impact on the community; and the aesthetics. He disagrees with the language being too restrictive. Mr. Lance stated that if the amendment passes, then Planning Commission will have to readdress the first bullet point in staff's memo. Chairperson Domm stated that staff needs to enforce the current ordinance. The vote for the motion on the floor was called. The motion was denied by a vote of 0 – 7.

Mr. Callison made a motion to postpone taking any action until the next regularly scheduled meeting on May 16<sup>th</sup>. Seconded by Mr. Hensley followed by a vote of 7 – 0 to postpone any action. Mr. Callison requested that staff look into defining a "central city overlay" district for the EMCs.

**Adjournment:** The meeting was adjourned at 6:30 p.m.

Terry C. Domm  
Chairman  
Oak Ridge Municipal Planning Commission

May 9, 2013  
Date of Approval