

D-27291

Summary of Minutes

May 21, 2007

A Regular Meeting of the Winston-Salem City Council was held on Monday, May 21, 2007 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Council Members:	Molly Leight	Vivian H. Burke
	Robert C. Clark	Nelson L. Malloy, Jr.
	Dan Besse	Wanda Merschel
	Joycelyn V. Johnson	Evelyn A. Terry

Secretaries: Melanie Johnson, Deputy City Secretary and Yolanda Taylor, Recording Secretary

Sergeant at Arms: Lieutenant David Kiger

Invocation: Reverend Charles Davis of Unitarian Universalist Fellowship

Pledge of Allegiance

PROCLAMATION RECOGNIZING MAY 20-26, 2007 AS NATIONAL PUBLIC WORKS WEEK

Council Member Johnson presented the proclamation to Mr. Gregory M. Turner, Assistant City Manager/Public Works. She stated that it is an honor when the City hosts visitors, it is clean and the transportation system works well. She also expressed her thanks to sanitation workers. She further requested that citizens thank City employees as they are working to make our city a better place.

RESOLUTION SUPPORTING THE TRIAD COMMUTER CHALLENGE

Council Member Besse: Motion for approval.

Council Member Johnson: Second.

Council Member Besse encouraged citizens to use alternate transportation methods in the initiative sponsored by Piedmont Authority for Regional Transportation and Winston-Salem Transit Authority. He invited Mr. Art Barnes, Director of the Winston-Salem Transit Authority and Ms. Lorelei Elkins, Regional Coordinator for Triad Air Awareness, to accept the resolution.

Mr. Barnes thanked the City Council for their recognition of WSTA. He stated that this is a collaborative effort between PART, WSTA, the Greensboro Transit Authority and High Point Transit Authority. He invited everyone to participate in public transit as it is a viable form of transportation.

Ms. Elkins reminded everyone of how much gas money they would be saving by taking the Triad Commuter Challenge this summer and if there are any questions, to please contact her at [triadair.org](http://triadair.org).

The Resolution Supporting the Triad Commuter Challenge was unanimously approved.

**RESOLUTION COMMEMORATING THE 30th ANNIVERSARY OF CONTRACT OFFICE FURNISHINGS, INC.**

Council Member Malloy: Motion for approval.

Council Member Merschel: Second. Unanimous.

Council Member Malloy presented the resolution to Mr. Trollinger and expressed his appreciation for keeping the business in a historically black neighborhood and for providing jobs to the community.

Mr. Trollinger accepted the resolution on behalf of his employees and family.

Council Member Clark stated that Mr. Trollinger brought a lot of honor and respect to the community and personally thanked him.

Mayor Joines recognized students from Reynolds and Mount Tabor High Schools as well as Boy Scout Troop 844.

Mayor Joines stated that City Council would now consider the Consent Agenda and noted that he would like to pull Item C-15 for discussion and asked if anyone wished to pull other items for discussion from the Consent Agenda.

Council Member Leight requested to pull Item C-6 and Council Member Malloy requested to pull Item C-14. No other items were removed for discussion.

Council Member Burke made a motion to approve the balance of the Consent Agenda.

Council Member Malloy: Second. Unanimous.

C-1. CONSIDERATION OF ITEMS RELATING TO THE ACQUISITION/SALE OF PROPERTY: [Recommended by Finance Committee.]

- a. RESOLUTION AUTHORIZING THE GRANTING OF A NEW EASEMENT TO BELLSOUTH TELECOMMUNICATIONS, INC. FOR THE CONSTRUCTION OF A TELECOMMUNICATIONS AREA AND TERMINATION AND ABANDONMENT OF AN EXISTING EASEMENT - Lot 032Z of Block 3901 on the south side of Atwood Road at its intersection with Stratford Road.
- b. RESOLUTION AUTHORIZING THE SUBLEASE OF A PORTION OF PROPERTY CURRENTLY LEASED TO THE OLD HICKORY COUNCIL OF THE BOY SCOUTS OF AMERICA - Located at 6600 Silas Creek Parkway.

C-2. RESOLUTION AUTHORIZING SUBMISSION OF GRANT APPLICATION, CE OF HOMELESS ASSISTANCE GRANT FUNDS, AND EXECUTION OF SUBGRANTEE AGREEMENTS. [Recommended by Finance and Community Development/Housing/General Government Committees.]

C-3. CONSIDERATION OF ITEMS RELATING TO SUBSTANDARD STRUCTURES: [Recommended by Community Development/Housing/General Government Committee.]

ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [Repairs less than 50% of value of structure (-50)] [Property Owner Location ]

- a. Charlie Pinkney 1222 E. 23rd Street
- b. Mazoe Augusta Anderson 903 W. 12th Street

ORDINANCE ORDERING THE HOUSING SERVICES DEPARTMENT OF THE CITY OF WINSTON-SALEM TO REMOVE OR DEMOLISH STRUCTURE UNFIT FOR HUMAN HABITATION AND, OTHERWISE, TO EFFECTUATE THE PURPOSE OF CHAPTER 10, ARTICLE V OF THE WINSTON-SALEM CITY CODE: [Repairs more than 65% of value of structure (+65)]

- c. Ms. Joe B. Nesby 4633 Baux Mountain Road
- d. Violet Eaton, heirs 4827 Old Rural Hall Road
- e. Jack Fisher 310 Wood Street (accessory bldg)

C-4. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - Townley Street, Verdun Street, and Devonshire Street. [Recommended by Public Safety Committee.]

C-5. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2006-2007 FOR VARIOUS ROAD CONSTRUCTION AND TRAFFIC SIGNAL PROJECTS. [Recommended by Finance Committee and reviewed by Public Works Committee.]

C-7. CONSIDERATION OF ITEMS RELATING TO CONTRACTS: [Recommended by Finance Committee.]

- a. RESOLUTION AWARDING CONTRACT FOR STREET SWEEPING SERVICE - Sweeping Corporation of America, Inc. - \$345,345.68.
- b. RESOLUTION AWARDING CONTRACTS FOR TRUCKS - Items 1, 3 and 4 - Parks Chevrolet, Inc. - \$815,637.16; Item 2 - Piedmont Truck Center, Inc. - \$133,180.
- c. RESOLUTION AUTHORIZING A CHANGE ORDER TO LARCO CONSTRUCTION COMPANY, INC. FOR WORK ASSOCIATED WITH THE WIDENING OF WATERWORKS ROAD IN THE ESTIMATED AMOUNT OF \$247,000. [Reviewed by Public Works Committee.]

C-8. RESOLUTION APPROVING AGREEMENT WITH OLD RICHMOND VOLUNTEER FIRE DEPARTMENT, INC. FOR PAYMENT OF DEBT AND APPROVING SUBMISSION OF THE PAYMENT SCHEDULE TO THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR APPROVAL. [Recommended by Finance Committee.]

- C-9. CONSIDERATION OF AMENDMENTS TO THE ANNUAL AND PROJECT BUDGET ORDINANCES (BOWMAN GRAY STADIUM FIELD HOUSE): [Recommended by Finance Committee.]
  - a. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2006-2007.
  - b. ORDINANCE AMENDING THE ANNUAL APPROPRIATION AND TAX LEVY ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2006-2007.
- C-10. RESOLUTION APPROVING THE FISCAL YEAR 2007-2008 OPERATING MEMORANDUM BETWEEN THE CITY OF WINSTON-SALEM AND THE RISK ACCEPTANCE MANAGEMENT CORPORATION. [Recommended by Finance Committee.]
- C-11. RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE REHABILITATION LOAN COMMITTEE APPROVAL TO EXCEED ESTABLISHED PROGRAM LIMITS. [Recommended by Finance and Community Development/Housing/General Government Committees.]
- C-12. RESOLUTION OF SUPPORT TO OBTAIN GRANT FUNDING FROM THE CLEAN WATER MANAGEMENT TRUST FUND IN ORDER TO RESTORE DEGRADED SECTIONS OF BATH BRANCH AND INSTALL STORMWATER MANAGEMENT CONTROLS TO IMPROVE THE WATER QUALITY OF SALEM CREEK. [Recommended by Finance Committee and reviewed by Public Works Committee.]
- C-13. RESOLUTION APPROVING PROPOSED SETTLEMENT FOR REMEDIATION OF PHILIP SERVICES SUPERFUND SITE. [Reviewed by Public Works Committee.]
- C-16. CONSIDERATION OF REQUEST TO DISBAND THE CABLE REVIEW COMMITTEE. [Recommended by Community Development/Housing/General Government Committee.]
- C-17. RESOLUTION SUPPORTING THE ELIGIBILITY OF PROPERTY FOR THE NATIONAL REGISTER OF HISTORIC PLACES - S. J. NISSEN BUILDING, 310 EAST THIRD STREET. [Recommended by Community Development/Housing/General Government Committee.]
- C-18. CONSIDERATION OF CITY PARTICIPATION IN DRAINAGE PROJECTS: [Reviewed by Public Works Committee.]
  - a. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY - 432 Lawndale Drive.

- b. RESOLUTION APPROVING CITY PARTICIPATION IN A DRAINAGE PROJECT ACROSS PRIVATE PROPERTY - 1212 Watson Avenue.
- C-19. ORDINANCE AMENDING CHAPTER 74 OF THE CITY CODE RELATING TO "STREETS AND SIDEWALKS". [Reviewed by Public Works Committee.]
- C-20. APPROVAL OF SUMMARY OF MINUTES - April 16, 2007.
- C-6. RESOLUTION APPROVING THE BRITISH WOODS NEIGHBORHOOD ASSOCIATION TRAFFIC CALMING PLAN. [Recommended by Finance Committee and reviewed by Public Works Committee.]

Council Member Leight stated this resolution is a milestone and that the City has worked for a long time on traffic calming issues. She expressed her thanks to the British Woods Neighborhood Association and the Department of Transportation for their hard work and dedication. She made a motion for approval of the item.

Council Member Johnson: Second. Unanimous.

- C-14. RESOLUTION RENAMING REYNOLDS PARK RECREATION CENTER TO THE WILLIAM ROSCOE ANDERSON, JR. RECREATION CENTER. [Recommended by Community Development/Housing/General Government Committee.]

Council Member Malloy expressed his support of the resolution and asked Mrs. Geneva Brown, member of the Recreation and Parks Commission and Mr. Jim Conrad, Chairman, Recreation and Parks Commission, if they would like to share a few words.

Mrs. Brown thanked the Council for the opportunity and shared that she had known Mr. Anderson since their teen years. She stated that Mr. Anderson did a lot for the Parks and Recreation Department and would like to honor his memory by renaming the Recreation Center.

Mr. Conrad shared his appreciation for Mr. Anderson and all he had done for the City and Parks and Recreation Department.

Council Member Terry expressed concern for citizens of the community to understand the value of naming the facility after Mr. Anderson and to know his history.

Council Member Besse thanked Mrs. Brown and Mr. Conrad for initiating the renaming effort and introduced Mr. Anderson's family.

The family of Mr. Anderson stated that they would provide any information requested for an historical background piece to be created.

The resolution renaming the Reynolds Park Recreation Center was unanimously approved.

Council Member Johnson pointed out that the Anderson Center at Winston-Salem State University and the newly renamed William Roscoe Anderson, Jr. Recreation Center are in close proximity to each other. She requested that staff ensure adequate signage is installed to prevent confusion of visitors to the two facilities.

**C-15. RESOLUTION SUPPORTING THE U.S. CONFERENCE OF MAYORS CLIMATE PROTECTION AGREEMENT. [Recommended by Community Development/Housing/General Government Committee.]**

Mayor Joines recognized those individuals that were present in support of the resolution. He stated that Winston-Salem will join 500 cities nationwide and hopes to make a significant impact on global warming.

Council Member Besse thanked the Mayor for bringing this item to the attention of the City Council. He also stated that as a member of the North Carolina Climate Action Plan Advisory Group, he understands that cities play a critical role in global warming. The various cities involved can use more efficient cars, less fuel, promote their transit systems more and do a better job of urban planning to make the community more walkable.

Council Member Burke stated that she spoke with Mr. Turner, to see what the City was doing to be an example for the citizens of Winston-Salem.

Mr. Turner stated that there were green type amenities being utilized by the City, such as energy efficient lighting.

Council Member Burke requested that staff ensure energy efficient lighting is installed at City-owned parks.

The resolution supporting the U.S. Conference of Mayors Climate Protection Agreement was unanimously approved.

#### GENERAL AGENDA

G-1. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF AUTOSERVE STREET AND AN UNNAMED RIGHT-OF-WAY (NORTHEAST WARD) - Petition of Hilton and Minnie Coley. [Recommended by Public Works Committee.]

Mr. John Anderson, 413 Cascade Drive, High Point, architect for Mr. Hilton Coley, stated that there were several issues with the land and soil involved in this project. It would take a great deal of time, money and resources to improve the right-of-way, and he would like to be able to close this portion of Autoserve Street to allow for the finishing of the project at hand and to allow Mr. Coley to open his convenience store.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed and noted that a letter was received from Ms. Judy Huffman.

Council Member Burke stated that she had not heard opposition to the closing of the street. She made a motion for approval of the petition.

Council Member Terry: Second.

Council Member Johnson asked staff to contact Ms. Huffman in response to her letter, in particular the concerns regarding the frontage of her property.

Council Member Clark inquired if the closure would cause problems in accessing Ms. Huffman's property.

Mr. Turner indicated that Ms. Huffman's property would continue to be accessible from another street.

The motion for approval was unanimously carried.

G-2. PUBLIC HEARING AND RESOLUTION ORDERING THE CLOSING OF A PORTION OF AN ALLEY OFF OF MAIN STREET (EAST WARD) - Petition of Bradley Bennett. [Recommended by Public Works Committee.]

No one heard.

Council Member Johnson: Motion for approval.

Council Member Malloy: Second.

Council Member Johnson commented that Lot 113 is overgrown and requested staff address the problem.

The motion for approval was unanimously carried.

G-3. PUBLIC HEARING AND RESOLUTION APPROVING FINANCIAL ASSISTANCE TO HANES GEO COMPONENTS. [Recommended by Finance Committee.]

Mr. Derwick Paige, Deputy City Manager, explained the request from Hanes Geo Components is for \$117,370 over a ten year period. These funds would be used to upgrade a current facility to allow them to open a corporate headquarters and mass distribution facility. Over an 18 month period, 212 jobs will be created, and of those, 120 are currently employed by Hanes Dye and Finishing. These employees will be able to retain their jobs by transitioning out

to the new facility. In addition, 92 positions will be created for the citizens of Winston-Salem. The City will serve as a pass-through for any state funds received for this project.

Mayor Joines asked if anyone wished to be heard on the matter. Seeing no one, he declared the public hearing closed.

Council Member Clark: Motion for approval.

Council Member Merschel: Second.

Council Member Besse stated that this was an environmentally friendly project and would be good for the City as well as the taxpayers.

Council Member Malloy requested that staff provide demographics for the 120 employees that would be retrained.

Council Member Burke was encouraged that the property will be used in a positive manner.

The motion for approval was unanimously carried.

G-4. RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY ON NORTH LIBERTY STREET UNDER THE PROVISIONS OF N.C.G.S. 160A-269 - Lots 108 and 110 of Block 0013 located on N. Liberty Street. [This item was removed from the Consent Agenda on April 16th and action delayed until May 21 pending additional work by staff.]

Council Member Johnson made a motion to postpone consideration of the item until the June 18th City Council meeting.

Council Member Merschel: Second. Unanimous.

G-5. ORDINANCE AMENDING CHAPTER A AND CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE THE REGULATIONS FOR ON-PREMISES SIGNS - Proposal of City-County Planning Staff - UDO-164. [Recommended by Planning Board. This item was heard at the May 7th City Council meeting and received a motion of No Consideration. It was remanded to Finance and Public Safety Committees for further discussion. Finance Committee recommended approval of the ordinance with Planning Board recommendation for minimum time

change interval for electronic signs being eight seconds, with three in favor, none opposed, one abstaining. Public Safety Committee recommended the same, with two in favor and two opposed.]

Mayor Joines explained that the original motion made by Council Member Clark and seconded by Council Member Merschel was for approval of the text amendment as presented by the Planning Board. A substitute motion was then made by Council Member Besse with a friendly amendment to approve the item as presented, except allowing for a two minute change in electronic message boards. That motion was seconded by Council Member Johnson. Mayor Joines called for the vote on the substitute motion.

The motion was defeated, with all of the Council Members voting in opposition.

Council Member Merschel made a motion to approve the text amendment as prepared by the Planning Board with an eight second time change for electronic message boards, limited to Items B and C on Page 54, "Indoor or Drive-In Theater, or Recreational Services, Indoor..." and "Stadium, Coliseum or Exhibition Building", and allowing a two minute time change for all other signs.

Council Member Besse: Second. Unanimous.

#### G-6. PUBLIC COMMENT PERIOD.

Mayor Joines asked if anyone wished to speak. Seeing no one, he declared the Public Comment Period closed.

Mayor Joines recognized Council Member Merschel.

Council Member Merschel stated that since budget season is approaching, the Council will begin to review a new budget via Finance Committee Workshops, and encouraged citizens to attend.

Mr. Lee Garrity, City Manager, said that five budget workshops and a public hearing will be held.

Council Member Leight reminded citizens of the Talk of the Town meeting coming up in the South Ward on Tuesday at 6:30 p.m. at First Alliance Church.

Council Member Burke stated that a recognition ceremony was conducted in the Castle Heights neighborhood celebrating its historical significance, diversity and strengths as a community that has been long-standing in the city. She expressed her appreciation for citizens' commitment to building strong neighborhoods and shared that Assistant City Manager, Mr. Turner grew up in the neighborhood. She further stated that the Northwoods neighborhood is another example of a strong community.

ADJOURNMENT: 8:13 p.m.

## CITY COUNCIL MEETING

### VERBATIM MINUTES OF ITEM G-5

7:30 P.M., MONDAY, MAY 21, 2007

COUNCIL CHAMBER

ROOM 230, CITY HALL

G-5. ORDINANCE AMENDING CHAPTER A AND CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE THE REGULATIONS FOR ON-PREMISES SIGNS - Proposal of City-County Planning Staff - UDO-164. [Recommended by Planning Board. This item was heard at the May 7th City Council meeting and received a motion of No Consideration. It was remanded to Finance and Public Safety Committees for further discussion. Finance Committee recommended approval of the ordinance with Planning Board recommendation for minimum time change interval for electronic signs being eight seconds, with three in favor, none opposed, one abstaining. Public Safety Committee recommended the same, with two in favor and two opposed.]

MAYOR JOINES: Let me review the bidding with the Council. (Laughter). We had, we had a main motion that, by Mr. Clark, seconded by Council Member Merschel to approve the recommendations from the City/County Planning Board. We then had a substitute motion by Mr. Besse, seconded by Council Member Johnson with a friendly amendment to Mr. Besse's motion to approve the item coming from the Planning Board except to change the frequency for the interval of electronic signs to two minutes. So that is the current motion before us as Mr. Besse's substitute motion. I'd like to go ahead and vote on that one if we could. All in favor of that motion please say Aye. All opposed say no. Ok, that motion is defeated. We're now back to the main motion and I would recognize Council Member Merschel for another substitute motion.

COUNCIL MEMBER MERSCHEL: Thank you Mayor, members of the Council. I would move that Council approve the UDO as prepared by Planning Board with the eight second time change limited to Items B and C on Page 56 of the supplemental handout. Those are called indoor or drive-in theater, recreational services, stadium, coliseum or exhibition buildings and two minutes for all other signs.

MAYOR JOINES: Is there a second?

COUNCIL MEMBER BESSE: Second.

MAYOR JOINES: Motion is seconded. Any discussion of that motion? If not, all in favor of that motion, please say Aye.

COUNCIL MEMBERS: Aye.

MAYOR: Any opposed no. That's unanimous. Thank you very much.

**FINANCE COMMITTEE**

**VERBATIM MINUTES OF ITEM 5**

4:00 P.M., MONDAY, MAY 14, 2007

COMMITTEE ROOM

ROOM 239, CITY HALL

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*MEMBERS PRESENT:* Mayor Allen Joines  
Council Member Wanda Merschel, Chair  
Council Member Robert C. Clark, Vice Chair  
Council Member Vivian H. Burke  
Council Member Joycelyn V. Johnson

*OTHERS PRESENT:* Council Member Molly Leight  
Council Member Nelson L. Malloy, Jr.

5. *ORDINANCE AMENDING CHAPTER A AND CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE THE REGULATIONS FOR ON-PREMISES SIGNS – Proposal of City-County Planning Staff – UDO-164. [Recommended by Planning Board. This item was heard at the May 7<sup>th</sup> City Council meeting and received a motion of No Consideration. It was remanded to Finance and Public Safety Committees for further discussion.]*

CHAIR MERSCHEL: Mr. Norby, Mrs. Wheelock.

MR. NORBY: Thank you. Good afternoon. I was asked to, related to your question that you wanted to examine concerning the change rate of electronic signs. I wanted to hand out to you some information that we did some research on about other cities. And then on the flip side of that, I've got some more information for you. Looking around at the other cities in the state, we saw a variety of different approaches to handling the changes...

CHAIR MERSCHEL: Paul, I'm sorry. Can I interrupt you? Is there sufficient handouts, because I know that there are several folks here today, is there a way to display it? Thank you.

MR. NORBY: Going through this chart, there is a number of different approaches that are used by cities in this state. Generally speaking, in Charlotte, electronic signs can't change more than once per 24 hours. However, they have carved out within their urban mixed use district, which is in and around the downtown area and the place at which the new Charlotte Bobcats Stadium is, they have no limit on the rate of change for electronic message boards. In fact, it's a video. Durham, which would only have facilities that, places like Duke are sponsoring, there is no municipal ones other than the convention

center downtown. Their electronic message signs may not change more than 8 times per 24 hours. Raleigh may not change more than 4 times per 24 hour period, although for the RBC Center, they have an arrangement with the NCDOT for the sign that's out there on, used to be 40, I guess it would be Wade Boulevard there. Greensboro is, electronic signs are allowed in all zoning districts, no limitations on the change rate. High Point, electronic signs are prohibited except in their downtown district. Fayetteville is allowed in all zoning districts. Greenville is allowed with a 60 second change rate. Asheville is allowed as a marquee sign, messages can change every 3 seconds. So that's, we had a little bit, well you see below there for the coliseums, stadiums and exhibition building requirements, I've made mention of that provision in the Charlotte ordinance for the downtown area. On the flip side of that piece of paper, I just outlined, just some general approaches that if you feel that something other than the Planning Board's recommendation is something that should be examined, here's 3 kinds of general options under each of those bullets there. The first option would be to establish a single rate of change that would apply to all signs in the city and simply picking a number of seconds. And I think you were looking at different forms of that last Monday night. The second option would be to, for those categories of signs that you'll recall from that chart that we put up on the screen the other night where we had signs that were kind of regulated by different types of zoning districts and certain types of uses. Those uses that were over toward the right side of that chart, that had to do with stadiums, coliseums, exhibition buildings and theatre uses, having a faster rate of change for those types of uses. That would be another option. Then a third option would be to grandfather the rate of change for all existing electronic message boards. So, those would be some basic options. One other thing to consider is maybe once you adopt an ordinance, is just going back and kind of checking to see if there is an issue about that after a year or two years or whatever, to see if there's any adjustments that you would think are appropriate. A last thing I'll toss out is Council Member Terry asked the question, how quickly, how expeditiously could a change be made in the ordinance and I answered on the basis of it being a UDO amendment and any time you amend the UDO, from what you adopt, it has to go back through the Planning Board and then back to the elected body to do that. I forgot when I was answering that question to mention that the Planning Board had recommended when they sent the ordinance up to you that perhaps the rate of change of electronic signs, you may want to state in the ordinance that in the future, that would be regulated through Section 70 of the City Code, which would then not involve all of the procedural requirements of a UDO change. That would just be a change in the City Code. So that might be something else, if you anticipate that you would want to make adjustments in the future to do that so you don't have to go all the way through a UDO change. So, that's the information that I wanted to provide. I know Martha Wheelock had some other information that was very specific to public assembly facilities.

COUNCIL MEMBER JOHNSON: Martha, do we have any information on cities outside of North Carolina, i.e., other (*inaudible*) cities?

MR. NORBY: I don't think we looked beyond North Carolina to...we haven't done that to date.

COUNCIL MEMBER CLARK: I gather this does not apply to billboards?

MR. NORBY: That's correct. Billboards are a totally different kind of sign regulation and actually in 1996, there was UDO-19 that actually addressed billboards with some new regulations that had come through, so its not. You're changes and billboard regulations are a lot more recent than your on-premise sign regulations that were done in the 80's.

MRS. WHEELOCK: Contract staff also worked on obtaining some comparative information on signs similar to our public assembly facilities in addition to what Paul's has already mentioned. We spoke to the facility in Boone. They have no sign ordinance and they are allowed to flash as they adjust and as needed. And in Hickory, they were grandfathered in on city ordinance related to their electronic signs so that just complements what Paul determined for public assembly facilities. Staff also prepared some information related to the other specific questions that came up regarding public assembly facilities, that information related to the costs and the last time that we updated our signs. The Coliseum marquee structure was put up in 1988 at a cost of \$245,000. The technology was retrofitted in 2003 at an additional cost of \$181,000. The Annex sign was updated in 2004 with new LED technology at a cost of \$15,000. And the Convention Center sign, of course, is brand new in 2007 at a total cost of \$32,000. So close to half a million dollars of investment just in those three signs. We provided you with, what are car counts, the 2005 NCDOT car counts on three streets that are affected. For the Coliseum marquee, that's University Drive between Deacon Boulevard, Coliseum Drive and 27<sup>th</sup> Avenue. On the Annex sign, near Ernie Shore, but we looked at between Deacon Boulevard and Shorefair Avenue. And then at the Convention Center, at the corner of 5<sup>th</sup> and Cherry. The most driven is University Drive with 26,000 cars passing and that could be duplicate cars back and forth, and that's both north and south. Annex, Deacon Boulevard, 7,600. The Convention Center, about 18,500, and that would cover both Cherry to University and 5<sup>th</sup> Street, east and west. We were able to obtain through the Police Department a traffic accident history on those same three locations from 2002. 2002 would represent the year before we updated any technology in any of these locations through the current year. In the 187 accidents that have occurred, anywhere on those roads, only 2 indicated a driver was distracted and in neither of those accident reports, were they near the sign. In both cases, they were at one of the stoplight intersections. Regarding our sponsor, contractual commitments, we do have 2 complex sponsors, Wachovia and Pepsi. They receive similar exposure on the sign. It is in their contract that they will receive exposure on the sign. It is not specifically delineated a number of images or impressions, although in past contracts it was delineated at 4 per hour and that is what we have currently observed as an unwritten rule for both of those sponsors. Event promoters, it's a similar contractual. There is the expectation that we will market and advertise their event as much as possible. Often times, the event promoter is the one describing how it will appear, there's headline commitments, there's size commitments. Often it takes 2 images to fully advertise an event. Bucky Dame is here to more fully explain that if we need that and Ron Stevens is also here from the Convention Center regarding their following similar practices at the complex, but both may answer specific questions on that. And then, just our general usage, we typically are running 15 to 20 images in a 60 to 90 second cycle. That would advertise 8 to 10 to 12 events depending on how many panels are showing plus the sponsors. And just a reminder, especially on the university sign, we're not only marketing events that are in the complex, but in the Annex and in the fairgrounds, at Bowman Gray, at Ernie Shore,

and at Groves Stadium, so all of those are being shown on that sign. From a visibility perspective, although we've given you some extensions of time, really, staff at the complex actually drove and timed, and in no case does any of the signs available permit viewing for more than about 8 seconds, which would mean to someone passing by, they're going to only see one event rotation as it is at an 8 second interval now. 8 second interval is what the complex is following, although that would be for an event. So, if it's a 2 panel, each image is showing about 4 seconds. And we were not, as I mentioned on Monday, Daktronics who made all of these signs recommends that signs are made to alternate. There is no research or data available for how it affects the life of the sign or the bulbs. We provided you the safety information that addressed federal and state studies that had been done as well as in the other. The sign line article, it talks about some of the rulings and some of the guidelines that they have used to do those signs. Stan Polanis with the DOT is here and he's really our resident expert on traffic and safety issues and would also be able to answer any questions Council has on that issue.

COUNCIL MEMBER JOHNSON: Who made the decision to change the sign at the Coliseum in '03 to the current sign?

MRS. WHEELLOCK: I believe it was part of the Capital Improvement Plan.

MR. GARRITY: You mean to renovate the electronic sign at the Coliseum?

COUNCIL MEMBER JOHNSON: Yes.

MR. GARRITY: It was public assembly facilities commissioner. It was Lee's purchase and it was in the budget, but they approved the actual awarding of the contract.

COUNCIL MEMBER JOHNSON: After the Council said no?

MR. GARRITY: The next year.

MRS. WHEELLOCK: I was actually the Finance Director at the complex in 2003 and just from keeping our financial records, I can tell you we were spending in excess of \$25,000 to \$30,000 replacing bulbs annually at that point because the bulbs were burning out and then the message didn't show. That was likely one of the reasons that went into the decision to make that recommendation at that time.

COUNCIL MEMBER BURKE: I was just looking at the, this is just a question about the Convention Center. Are we still responsible for purchasing those things even though they...

MRS. WHEELLOCK: That was something that was included as a part of capital that the city approved, Council approved, and it was one of the items that has been paid for with that capital improvement money.

MR. GARRITY: Part of that arrangement was we were providing a certain amount of capital to upgrade the facility. With part of that, we renovated the old sign on Marshall and then we added a new sign on the corner there to promote.

COUNCIL MEMBER BURKE: The one that's sitting where we have it now, do we have more people looking at that one than who used to look at the other one?

MRS. WHEELOCK: Yes ma'am. Ron Stevens has indicated he has received very favorable response, and the clients using the facility are very pleased that they're getting some exposure that they didn't get on the old sign.

COUNCIL MEMBER BURKE: Well, when we changed the sign, some of the citizens were concerned because they felt they needed to have a sign up to tell them what's going on. They didn't just like seeing the name, so it is beneficial.

CHAIR MERSCHEL: Council Member Clark.

COUNCIL MEMBER CLARK: Mr. Polanis, Stan, in looking at the traffic accidents reports, it doesn't appear that the sign is making any difference, but it does look like in '06, we got a lot of bad drivers all of a sudden. You need to comment, did traffic in general have a bad year in '06? Because Coliseum jumped from roughly 20 up to 31 and the Convention Center averaged about 3 a year, jumped to 9. I know those are small numbers but...

MR. POLANIS: You can't look at one year's worth of accident data anywhere and make any sense out of it, because they are so variable. They're random events and they come and go in very unexpected patterns so, I don't remember 2006 being an especially bad year.

COUNCIL MEMBER CLARK: And this year, it's certainly too early to tell. Is this through April maybe?

MRS. WHEELOCK: It was through May 4<sup>th</sup> I believe.

COUNCIL MEMBER CLARK: So April would be a third of the year, so if I multiply it by 3, roughly, then I'm back down in the 30 range for this year, so, ok.

COUNCIL MEMBER JOHNSON: Those are accidents. It doesn't say anything about the near accidents.

COUNCIL MEMBER CLARK: I understand. I mean, the murder rate, at the rate we're going, we're going to set a world record. We're hoping it's going to slow down, but what are we up to? 12? And how many did we have all of last year?

CHAIR MERSCHEL: Ok, would, if it's agreeable, does anyone else have any questions regarding the information that Mr. Norby and Mrs. Wheelock explained? If not, I know that there are several members of the community that are here today that would like to address the committee. If the committee is agreeable to allow each person to speak for no more than 2 minutes and if again, if the committee is agreeable, we would ask that you limit your comments to the electronic board portion. The two motions that are still on the table, one is to approve as written and the other was with the change to the Planning

Board approval to the electronic sign board. So, we would ask that you limit your comments to those specific to the electronic message boards, if you would. Is that agreeable to the committee? Alright, since we don't have a sign up sheet, if we'll just start on this side and start in the front row and anyone that's here to speak to the item, if you would come to the podium, give us your name and address and out of respect to the other speakers, if you would limit your comments to 2 minutes. Rob I believe you may be the first on in that section, if you wanted to address the committee.

MR. SIMON: I'm Rob Simon. I own Windsor Jewelers on Stratford Road. I've been following the electronic message sign closely. We are in the middle of replacing our sign, it's in production now. We held off for quite some time while the Planning Board was going through all of its due diligence and it was disappointing to me to find out, to hold off all this time, see a unanimous decision with the Planning Board, who really did, I think immerse themselves in this issue, and all the details to come up with a decision, we went ahead and put it into production the following week. As a matter of fact, 2 days after I signed a contract, put a check in, so we're making a considerable investment on our sign going up on Stratford Road and we were counting on the 8 second change. I would never, in good conscience, do anything that I think would affect the public safety in this area. I feel that what we're doing is appropriate. Electronic message boards give, changing every 8 seconds, give a nice rhythm. I think when it changes abruptly over a period of time, where it's been still, I think that would become a distraction. Where people can choose to look at something when they know it's changing or not changing it's not as much of a distraction. We're also, from our point of view are planning on using our board for a certain number of cycles to put up messages for non-profits in the Winston-Salem area, and I'm just talking about my use and our intent. And we feel it's an excellent way to showcase the products that we have in our growing business and to capture traffic that's going up and down a business corridor. It has nothing to do with affecting a neighborhood or safety and I feel the expense we've gone to is to make an extremely attractive sign that improves the value and the usefulness of our property on Stratford Road. That's truly the point I wanted to make as I feel like there's 2 to 2.5 years of city time spent on this issue and you have very competent people that arrived at a great analysis and a great directional goal and I feel like in the compromise, a lot of people gave up what they really wanted from a business standpoint or from a neighborhood standpoint, but what was there. Thank you. I think what was arrived at was reasonable because Planning Board said 100% they were there. That was it and they were very kind just as you are to listen to everybody's views, but I don't feel like there's any indication that I've ever seen that it would really affect public safety, so I stand very clear that I would like to move forward with what we're already permitted to do back from November and hope that it works out best for everybody's interest in the business community, not just Windsor Jewelers.

CHAIR MERSCHEL: Rob, thank you. Any questions for Mr. Simon? Ok, thank you Rob. Next speaker and we will ask the City Secretary to raise a 30 second warning so we're fair to everyone. So the next speaker will be...no, we will not start your time until you (*inaudible – laughter/several speaking at once*).

MS. ANDERSON: Contrary to public belief, I did not kick somebody, I dropped something on my foot. Let me just comment on 2 statements that were made the other

night. One having to do with Stratford Road or Peters Creek Parkway becoming Las Vegas. Under the ordinance as it's recommended, there are no blinking, flashing or moving signs, so I hardly think that we're going to see that. But I think the main thing that we wanted to talk to you about was the safety issue and I have sent a letter to each of the Council members showing you that there have been numerous studies by the Federal Highway Administration over the last 20 years that show there is no correlation, whatsoever to electronic messages and highway safety. And in fact, they have found that there actually is a, signage deficiency is a greater cause of accidents. When people can't figure out where they are supposed to go, they often make unsafe traffic moves. Once they finally get there, oh my God, there's a business, and create more accidents from that perspective. And that's been true on a statewide level as well. NCDOT came up with the 8 second recommendation. That's where that number came from and it actually allows 2 or 3 message changes within that 8 seconds, so it's really allowing messages to change about every 2 seconds, but that's where the 8 seconds came from. It was the most objective number that we could find. This is really critical for small businesses. I have a letter from one small business person who has an electronic sign board that says that sign itself has resulted in a 20% increase in their business. And when they're comparing against national retailers, quite often, just being able to be seen and found is so important. And I would hope that, given all the city is doing with the small business liaison, that you might give that consideration. And finally, we don't think that it would be fair for the city to adopt one set of rules for its electronic message boards and ask the rest of the community to abide by another set of rules. Something just doesn't seem to be fair and equitable about that, so we worked hard on this ordinance. None of us is thrilled with it, but we can all live with it and we would hope that you would keep the ordinance as it came recommended from the Planning Board. Thank you.

CHAIR MERSCHEL: Gayle, for our record, can you just give your name and address?

MS. ANDERSON: Sorry, 601 West 4<sup>th</sup> Street. Gayle Anderson, Winston-Salem Chamber of Commerce.

CHAIR MERSCHEL: Alright, next speaker. Anyone else on this side? Alright, starting on this side, Melynda.

MS. DUNIGAN: Melynda Dunigan, 1875 Mallard Lakes Drive, 27106. I wanted to speak about this issue of the 8 seconds. I think there's been a lot of confusion about that. I called the traffic management department over at NCDOT, our local branch office, and asked them about the rationale for this supposed 8 second rule. What I heard was that there really is no 8 second rule. He said there is no maximum limit on message length. However, they allow signs to, most of the signs that they have their blinking messages on the side of the road, do not change. They are static signs and they want them to be static signs. They also have something called two-phase signs where they have to take a message and put it first on one sign and then on a second sign. They do not like to do that and they said they do not like to do that because of the safety issue. They recognize the safety issue and they discourage use of the two-phase signs. Safety is very much a concern and I think that there is ample evidence that safety is a problem with these signs. We sent you some information from Scenic America and it has references to all of the studies that have been done recently which are online. One that I think is kind of

important, is this Wisconsin study. The one that was done for the Milwaukee County Stadium where they had a sign. But I have information I'd like to pass out that shows the conclusions of that study and very simply, what was concluded was it is obvious that the variable message sign has had an effect on traffic, most notably in the increase of the side-swipe crash rate. The east-bound segment was impacted dramatically in both the short and long term. The reason for this is that the sign is oriented such that it is more readable to eastbound traffic than westbound traffic.

CHAIR MERSCHER: Let's see. Robert, I guess you would be...Mr. Vorsteg, you would be the next speaker.

MR. VORSTEG: Robert Vorsteg, 3620 Marlowe Avenue, 27106. I'd just like to comment briefly on two things. One is the question, why are these signs so compelling and so attractive for those who want them? I'm certainly sympathetic with any person's desire to increase the traffic into his or her business, business place and desire that they be found. However, we are not talking about any single sign that might increase the business traffic by 20%. We're looking at the very beginning of what is bound to become an avalanche of these new signs. And why are they so appealing? Because we all know the human brain is hardwired to pay attention to anything in motion. This is a biological fact that I read in graduate school and you can still find it in any textbook on the psychology of perception. The human brain, like all mammalian brains is hardwired. It cannot resist to look at something moving. We all know that. If we are trying to get attention, that's the most effective way devised (*inaudible*) technology, which will be, no doubt, more effective. However, it's effective, this is directly correlated with its ability to distract the driver from paying attention to what his primary, or her primary task is, to pay attention to the road and to the traffic circumstance. That's the fundamental feature of these signs and we don't need rocket science to draw the conclusion that the more effective they are made, even though they don't flash like Las Vegas, they can still be made very effective. The evidence for that is quite clear. But the real problem is that they function only if they are a distraction, and that's the fundamental objection that we believe many of these signs proliferate, the more that tendency to distract will become evident. It may be difficult to sort out all the many variables, but there's no question whatsoever, that they function only to distract. They are made in order to distract. They are sold and people find them appealing because we all know they are effective and they will distract our attention. That's the fundamental problem and that's the blunt reason why I think that the original advisory committee recommended that they be prohibited or reduced in some way. Thank you.

CHAIR MERSCHER: Thank you Robert. Mr. Daniels, will you be next?

MR. DANIELS: Do you need an address?

CHAIR MERSCHER: Please.

MR. DANIELS: 2728 Winslow Lane, Winston-Salem, North Carolina. The principle, repeating what Bob said, Robert, electronic signs are designed to catch attention. Catching attention is a driving distraction. I think all of us will agree on those. And it's a fact that 70% to 80% of accidents are caused by distractions. That's a fact. I think, over

a few years, as the cost of electronic signs drop and they are expected to be, just like your cell phones, clock, they're all LED's, and those costs are dropping. I think that the thriving businesses will have these signs. The small startup struggling businesses will not have them, so if anything, the very small businesses, struggling businesses are going to be put at a disadvantage. So I think the big gainer in all of this after 10 years from now, is going to be the sign companies, those that sell and manufacture the signs. And the big loser is going to be the public and the attractiveness of the city. Thank you.

CHAIR MERSCHEL: Is there anyone else that would like to speak to the electronic billboard portion of the ordinance? Alright, thank you. Committee members, Mayor, Council Member Leight, any questions to staff?

MAYOR: I just wanted to ask if I could, Stan, conflicting information here. I mean the Wisconsin study, Melynda, thank you for sending that. We've got one here from Oregon that says "these signs do not appear to compromise safety of the motoring public." So, is it just a, kind of a mixed bag of...

MR. POLANIS: The general thrust of the research is that we don't know for sure what they do, but there's no good evidence that they contribute to accidents or that kind of thing. You may get an individual study, I have not seen the Wisconsin study, you can get an individual study depending on the quality of the study that may show one thing at one location and one at another. For example, in our safety program, where we go out and do location after location, we may have 95 intersections that we do the same thing to. Some of them, the results are one way, some of them are another and it's only over time and a number of studies that you can finally make a deduction. But the general thrust of the research is right now that we don't have any relationship between those signs and traffic safety.

CHAIR MERSCHEL: Thank you Mayor. Council Member Burke.

COUNCIL MEMBER BURKE: Yes, I want to ask has there been a study made that will talk about distractions of people blowing their horns and driving up too fast and distract a lot of the people driving?

MR. POLANIS: Not specifically on that. There has been some research work on distracted drivers and more and more of it recently. Some of it at Virginia Tech and other places around the country and I don't have that fresh in my mind, but I'll be happy to get it for you. But not simply about blowing horns. The one that's been most talked about recently is the cell phones.

COUNCIL MEMBER BURKE: And also sirens...

MR. POLANIS: Yes, that, those are generally not classified as distractions in these studies. They're usually looking at things like people eating or cell phones or fiddling around with their radio or CD player, or those kinds of things, or some other kind of distraction.

COUNCIL MEMBER BURKE: Get me the one on the CD's and radios please.

MR. POLANIS: Pardon?

COUNCIL MEMBER BURKE: Get me a study on CD's, radios, because they blast those when you're driving and that distracts you.

MR. POLANIS: I'll get you that.

CHAIR MERSCHEL: Council Member Clark.

COUNCIL MEMBER CLARK: I'll direct to (inaudible). Bucky, I've asked, and I don't know if the data went back that far, just see what the accident was in front of the coliseum prior to the electronic sign. I believe, when I say electronic, in the old days, it had these little things that turned. But that's a kind of old fashioned electronics. Do we have data back that far?

MR. DAME: As far back as we went is 2002. And that was a year before the new marquee was installed.

COUNCIL MEMBER CLARK: But we had the swishies. I called them the swishies...

MR. DAME: There was what they call glo-cube or cube that rotated. It was the early form of electronic signs, before the LED came...

COUNCIL MEMBER CLARK: Could we go back no further than '02?

MR. DAME: We could, but the Police Department had to go back to different records because their system switched over.

COUNCIL MEMBER CLARK: All staff, please don't go tearing out the records to that, but I think if we wanted a study, that would probably be the best place we could go, but that might be quite an ordeal to go back that far. Thank you.

CHAIR MERSCHEL: Council Member Leight.

COUNCIL MEMBER LEIGHT: I think certainly some of the things that were in the handouts we got prove that there is in fact not good study for or against. And some of the recommendations that made the most sense to me is that you're taking a risk, because there is no data there. You're taking a risk on making electronic signs legal when in fact, down the road, they may prove to be very dangerous. Some of the new studies that look like that's where they are heading and I just wonder if a moratorium is not the answer on electronic signs?

CHAIR MERSCHEL: Council Member Burke.

COUNCIL MEMBER BURKE: I had one question from the Windsor owner.

CHAIR MERSCHEL: Mr. Simon.

COUNCIL MEMBER BURKE: You made a comment that you had already started, made a contract with your sign?

MR. SIMON: Yes, we have 6 figures invested in that.

COUNCIL MEMBER BURKE: That's what I was going to ask and based on what was recommended out of the...

MR. SIMON: Planning Board.

CHAIR MERSCHEL: Council Member Johnson then Council Member Leight.

COUNCIL MEMBER JOHNSON: I guess I just wanted to make a general comment about that. Just because, the Council does not have a responsibility to rubber stamp the recommendations from any advisory group or department. We've been known to totally support the department or the advisory council or totally, we've been known to totally go against the report from advisory councils or departments, and we've been known to come together, and bring them together. And I think in this situation, it was almost a misnomer that we were going to automatically rubber stamp what Planning had said, and not take on the concerns of some of the citizens that felt that they had been somewhat disenfranchised in the process, and some of their concerns have been heard. I'm not quite sure how we get that message out but the Planning or the Advisory Council is not the final step.

COUNCIL MEMBER BURKE: Well, I'll make this statement, madam if I may, so this is a good time you bring that up. In cases, we have had boards that we have for advisory, taking on certain responsibilities and have not been clearly, I think, to the City Manager, to the City/County Planning people, any of these people who work with boards and committees, I think that should be the statement that Ms. Johnson is making. That should be in the, in the beginning somewhere to make it known because some people have misunderstood and thought that was like, just a rubber stamp. So, that's a good point you bring up, and I'm sure that's what Mr. Windsor probably assumed, and that's been one of my concerns. Advisory boards stepping out a little too far and citizens believing, I was just thinking that this was the way it operated, so this would help to eliminate that.

CHAIR MERSCHEL: Thank you.

COUNCIL MEMBER JOHNSON: Just a follow up on that. One of the things I think planning has done quite effectively over the past year and a half, two years or so, is write into their comments, advising the petitioners that this is not the final say. We meet and encourage you to be a part of the Council meeting for decisions.

MR. NORBY: And with regard to this ordinance, the Planning Board also wanted to take care to make it very clear at the time they were passing their recommendation, that they were passing along recommendations to you. For example, about the Section 70 of the City Code and all that, so they mention City Council very prominently.

CHAIR MERSCHEL: Ok, Council Member Leight.

COUNCIL MEMBER LEIGHT: I was going to make virtually the same point that people need to realize that these are boards that make recommendations and if you spend 6 figures on a recommendation, you may be in trouble.

CHAIR MERSCHEL: Go ahead Robert. Well I do have a comment.

MR. SIMON: I just wanted to mention that I did (*inaudible*).

CHAIR MERSCHEL: Ok Rob, thank you. I have one comment that perched prominently in the dash of my car is a GPS system, which can find restaurants, it can find theatres, it can route 15 different ways and I can change it that the orientation is north, south, I can change it to recalculate my path. I can calculate it to scan my XM radio station and tell me who the artist is, what the name of the song is, line by line text I think. So, I think that we are both inside our vehicles and outside our vehicles, we have to take some responsibility in that basic tenet of driving and that is, you need to stay focused. I think we're perhaps weighting those external factors too much. Again, we are bombarded all the time, but the greatest defender in my environment if I let it be, will be the thing that was designed to be helpful and I view that as electronic signage particularly when it comes to entertainment venues. I would not be comfortable in designing or offering an ordinance that would exempt city-owned facilities, but we do have other entertainment venues and I've heard it said and I agree completely. When you're going to an entertainment venue, when you get within 2 blocks or 3 blocks, you expect some excitement and some advertising and some things that get you sort of caught up in the entertainment of it. Theatres, stadiums, you know, I saw in one of the presentations Wrigley Field, you know a classic of a baseball stadium that has now the updated sign which, you know, I would think, that would get you kind of excited whenever you see that. So, I guess I'd ask the committee, what are we comfortable with and are we, could we look at establishing an entertainment venue sign and then looking at the 8 seconds, are we just ruling the 8 second change out completely across the board? We need to get moving here.

COUNCIL MEMBER CLARK: I'm going to make some comments and then I'm going to make a motion. First off I want to thank staff and everyone else that sent us some information. I would caution anyone on this information as, from what I can tell, most of it talks about billboard signs and I can understand where, particularly the federal government is concerned about that because they have a lot of interstates, and what they're concerned about is the safety of their roads. So, I think we have to be a little careful to extrapolate that down to individual levels. As the Mayor said, what I struggle with is there seem to be a lot of conflicting data and I do not have the time, energy, or the folks here to talk in detail about the Wisconsin folks. Did something else change, did the traffic count change or whatever? In the other ones, you read in here in some places, and by the way, I did not see a date for this article, I don't know how old it was and maybe it was printed before the Wisconsin study, and this is from the SBA, Small Business Administration. And while it's the federal government, it might be a little biased, pro-business, so I'll recognize that as well, but it says time and time again that no study has, says anything to disagree with or to support the fact that signs cause accidents. So then I

think were struck with this issue of distracting the drivers. I take all of it with a bit of salt. If cell phones cause accidents, every road in this country would be in gridlock. In the last 15 years, we've gone from no one having a cell phone, to everyone has a cell phone, at least the people I know. They're on them all the time, and I haven't noticed a significant increase in the number of accidents. If blinking signs cause distractions, don't all signs cause distractions? Do we need any signs? Do we need to outlaw cell phones? Do we need to outlaw putting on makeup or eating in the car or whatever? I think at some point, we have to say it's not up to us to micro-manage everyone's life. It's up to you to drive your car safely, be it sober, pay attention or whatever. I'm getting a little off record here, but I think I made the point. My kids at 16 first started driving. For the first 2 weeks, they were not allowed to have a single person in the car and they couldn't cut the radio on. I was even concerned about them doing the dial. After 30 days, they could listen to the radio and after 60 days, they could have somebody in them, because I was concerned that they had not developed that maturity to understand all the distractions that could happen, particularly that age, while they may know where they're going, but they've never actually (*inaudible*). After having read all this, I am coming back to the original position I made last Monday night and that is this ordinance has been put together with a lot of blood, sweat and tears by everyone in the community. The data that we have, the overwhelming part of the data, not unanimous, but overwhelming says, and one of them says every 1 to 2 seconds, and he didn't consider that blinking. And I said well if 1 to 2 seconds isn't blinking, what is? But I think what has been presented unanimously by the Planning Board is worth consideration to approve it. We can always come back later, as someone said in a few years, as some more studies come in, and go from there. I'm just concerned, and all due respect to Mrs. Merschel, I have a fundamental problem if we exempt ourselves, even if we do it under the disguise of a, some type of venue. The federal government, all the time, passes laws that exempt themselves from it. The EEOC and all that stuff. But I won't get into that. So, I would like to make a motion that we send back to the full board, the recommendation that the Council adopt the sign ordinance as originally proposed. And I know that makes everybody unhappy but maybe by doing that, we've reached the right compromise.

CHAIR MERSCHEL: Is there a second?

COUNCIL MEMBER JOHNSON: I'll second for the purpose of discussion. My question is what kind of signage do we have proposed for the stadium?

MRS. WHEELOCK: Bowman Gray Stadium? The sign is actually going to fit into the roof of the field house structure but it will be facing the field.

COUNCIL MEMBER JOHNSON: That's on the field house but there's nothing out front? When do we get to have something on the marquee, pieces to recognize that on King Drive?

MR. DAME: At this time, there's no plans for anything on Martin Luther King Drive. I would say that down the road, that would be something we'd take into consideration as we move out of the field house construction and look at the overall stadium.

COUNCIL MEMBER JOHNSON: And why don't we have a plan, when we have marquee signs for all of our others?

MR. DAME: We're looking right now at an overall, master plan for the stadium, which would include probably a sign. We're looking at the ticket windows, the gates, all those areas. We're presently working on that.

COUNCIL MEMBER JOHNSON: And a timeline is?

MR. DAME: No timeline at this point.

COUNCIL MEMBER JOHNSON: We need to create a timeline, I mean all of our other facilities have, Lee, marquees.

CHAIR MERSCHEL: Council Member Burke.

COUNCIL MEMBER BURKE: I'll revisit about the signage. I am abstaining for this purpose, it's supposed to come before Public Safety, is that correct?

MR. GARRITY: Yes ma'am.

COUNCIL MEMBER BURKE: So I'll just wait until, to see what's going to be stated at that.

CHAIR MERSCHEL: I'll just comment that I agree wholeheartedly that if we can get it back to as it was presented, I don't like to exempt either through design or intent the publicly owned facilities, but I do have, as Council Member Johnson just pointed out, we are going to have another facility that, in all fairness to the campus and the folks at Winston-Salem State, we'll need that informational portion to compliment their new facility. I thank you for...

COUNCIL MEMBER CLARK: I can think of another stadium that's going to be coming to your ward. We've got to have a sign on there advertising games.

CHAIR MERSCHEL: Thank you for bringing that up. Sure we will. But we have a motion to recommend to the full Council coming out of finance the ordinance as it was approved by the Planning Board and we have a second. All those in favor say Aye. Any opposed? We have three in favor, one abstaining, and that will be coming to Public Safety next. Thank you, thank you very much.

**PUBLIC SAFETY COMMITTEE**

**VERBATIM MINUTES OF ITEM 2**

5:35 P.M., MONDAY, MAY 14, 2007

COMMITTEE ROOM

ROOM 239, CITY HALL

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*MEMBERS PRESENT:* Council Member Vivian H. Burke, Chair  
Council Member Molly Leight, Vice Chair  
Council Member Nelson L. Malloy, Jr.  
Council Member Wanda Merschel

*OTHERS PRESENT:* Council Member Joycelyn V. Johnson

2. **ORDINANCE AMENDING CHAPTER A AND CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO REVISE THE REGULATIONS FOR ON-PREMISES SIGNS – Proposal of City-County Planning Staff – UDO-164. [Recommended by Planning Board. This item was heard at the May 7<sup>th</sup> City Council meeting and received a motion of No Consideration. It was remanded to Finance and Public Safety Committees for further discussion.]**

CHAIR BURKE: Thank you. We will follow the same procedure that we followed in the Finance Committee meeting. And that is, we'll have a presentation and then we'll give the citizens participation. And how many, how long did you give them to speak?

COUNCIL MEMBER MERSCHEL: Two minutes with a thirty second warning before their time was up.

CHAIR BURKE: All right, thank you.

MR. NORBY: Thank you, Council Member Burke. I wanted to bring to your attention, I'm hoping everybody still has copies of the, I wanted to start with the handout that we put together. After last Monday's Council meeting, we had been asked to look at other communities in North Carolina and their regulations with regard to electronic signs. Electronic signs is the issue that we were focusing on after the Council's discussion and so this handout that is front and back. I wanted to kind of go over both sides of it. But this first side that you see entitled, "Electronic Message Boards in North Carolina". This kind of gives you a run through of a number of the cities in North Carolina and what their regulations are concerning electronic signs. Charlotte, for example, does not allow electronic signs to change more than once per 24 hours. However, they have an exception in their urban mixed business district which is mainly their downtown area that

has no minimum rate of change for electronic message boards. In other words, they can change as frequently as they would like to or need to and of course, downtown Charlotte is where the new Charlotte Bobcats arena is and the football stadium is. In Durham, electronic message signs may not change more than eight times per a 24 hour period, so an average of three times, or once per three hours, and can't comprise more than 50% of the sign area. Raleigh has a limitation of no more than four times per 24 hours change rate. Greensboro has no restrictions on electronic sign change rates and they allow them in all zoning districts. High Point, they prohibit electronic signs except in the downtown district. Fayetteville is allowed in all zoning districts. Greenville allows them but does not allow a change more than once every 60 seconds. Asheville allows them as a marquee sign and in that manner, the messages can change every three seconds. So that's sort of a run through of the other cities, a number of the other cities in the state.

The flip side of that handout there was asked to kind of outline some options for handling your regulations within the proposed ordinance if you determine that what the Planning Board has recommended is not the direction that you wish to go. So three broad options that I outlined with those bullet points, the first option would be for Council to establish a single rate of change that would apply to all signs in the city. So if eight seconds is not acceptable to the Council, some other time limit that would apply to, to all. Second option would be for the Council to establish a faster rate of change for stadiums, coliseums, exhibition buildings, theaters. You might recall the, the chart that we showed last Monday that had the different signs that are categorized by zoning district and sometimes by use. In this area in here where you have the different classifications of entertainment or public assembly type of uses, the idea there would be to have a different rate of change for those types of things given the nature of, of those uses. So that's the second option. The third option would be to grandfather the rate of change for all existing electronic message boards. One thing to keep in mind too, is that whatever decision the Council goes with, if you still would like to kind of have a couple of years of experience under that and kind of review the situation after a couple of years, on a number of text amendments in the past the Council has asked for a report to come back after a certain period of time. And the other thing that I want to mention is the, the Planning Board actually recommended when they sent their recommendation up to you, they did recommend the eight second interval but they also suggested that if you wanted to have that in a way that you could change it without going through an entire UDO text amendment process, you could, you could relegate your rate of change through Section 70 of the City Code which wouldn't require going all the way back to Planning Board every time you, every time you want to consider whether to change that or not. So that was just a side recommendation that they made to you on that. And that, so that kind of summarizes the additional information we put together. Martha Wheelock put together some information specific to Coliseum and Public Assembly uses.

MRS. WHEELOCK: Thank you, Paul. Complex staff did, did support the Planning Board's review of Public Assembly Facilities in some cities and added two. Boone, the arena in Boone, they don't have a sign ordinance. So they are able to adjust their message. And in Hickory, they were grandfathered into the city ordinance as related to

electronic signs. The hand, the other handout that Complex staff worked on was to address questions specifically related to those types of facilities, specifically related to the cost of the signs at the three facilities, approximately \$475,000. The most recent being the Convention Center sign that went up at the corner of Fifth and Cherry at a cost of \$32,350. The Complex sign on University Drive was, the structure was built in 1988 and the LED technology was retrofitted in 2003 for a total cost for that sign of \$426,000. And the sign that appears on Deacon Boulevard near the Annex was \$15,000 and that was done in 2004. We provided you some statistics on the number of cars that pass those signs on an average day. That data came from DOT based on 2005 daily car counts. On University Drive where the Coliseum marquee would be visible, there are 26,000 trips per day. The Deacon Boulevard Annex sign is 7,600 and at the corner of Fifth and Cherry where the new Convention Center sign is, 18,500 and that comprises both Cherry to University and on Fifth Street, east/west. We also were able, through Winston-Salem Police Department, to provide you with some traffic accident statistics since 2002 – 2002 represents the year before the technology and the marquee on University Drive was changed out and the other changes have been made since that time. A total of 187 accidents over the 5½ years, approximately 5½ years. Two of those accident reports cited a driver distraction. Neither was at the location of one of the signs at those facilities. Regarding commitments that the Complex has to sponsors and event promoters, the Complex does advertise Wachovia and Pepsi on the University sign. They receive equal exposure. The specific change rate is not delineated in the contract. In the past it has, at a minimum rate of four per hour and we have been observing that. And then with event promoters, it is, it is just a customary industry that they expect that their events will be advertised as much as possible on those signs. Often how it's advertised is determined by the promoter. It often takes two images to promote an event to give them all the information someone would need to know about the event or purchase a ticket. Our average usage on the signs is approximately 15 to 20 images in a 60 to 90 second cycle. The events themselves appear in eight second increments, so if there would be two panels, it would be more at a rotation rate of approximately four second. And in, on, especially on the University sign, all the facility events, Bowman Gray, Ernie Shore, Groves Stadium, Fairgrounds, Annex, are advertised. So it could be eight to ten to twelve events being shown in a rotation. The, the actual visibility of any of the signs, the Complex staff did physically test that. The signs are approximately visible seven to eight seconds on the high end and that is the University side from where you, and that includes where it's partially obstructed by the vegetation as you're going up University. We were not able to quantify for you any issues related to whether the sign is damaged or the life of the sign is affected by a change in the rotation rate. Complex staff is here to answer any specific questions as well as the Convention Center staff to represent the comments, the favorable comments they've heard from their customers and the sign. We did, prior to the meeting, send you the safety information specifically related to what we were able to determine where the federal and state issues, studies related to traffic safety. Stan Polanis, the DOT Director, is here to specifically address safety questions.

CHAIR BURKE: Thank you, We've heard this.

MRS. WHEELOCK: Yes, Ma'am.

CHAIR BURKE: Councilman Malloy, do you have any questions before we go into that and also, Council Member Leight, you heard it, but not sitting on the Committee. You may want to...

COUNCIL MEMBER MALLOY: I just want to ask Mr., ask Stan what it is his information showed in regards to traffic information.

MR. POLANIS: I'm sorry, Mr. Malloy, I couldn't hear your whole question.

COUNCIL MEMBER MALLOY: What, you said you looked into the phase of it in regards to traffic safety?

MR. POLANIS: We have looked at studies that have been done over time and, and on this matter and what we basically have concluded is there is no established tie-in between accidents and these type of signs. The only thing I guess I could add to that is I'm not aware of any major emphasis on the federal government's level to, to pursue this kind of research at this time. It's kind of low down on the totem pole, I would say. I think that's a fair assessment. Right now they don't see this as a major safety effort.

COUNCIL MEMBER MALLOY: Thank you.

CHAIR BURKE: Any other questions for the presenters? If not, we do have, I would like to know, how many of the people, new people came in concerning the signage? Do we have any new people? And so we'll add, you may come up and start giving your point of view. Who wants to start? Okay, we'll start on this side. Gail, do you want to start? Gail is the only one on this side and then we'll go to the next side.

MS. ANDERSON: Gail Anderson, 601 West Fourth Street, and I will not repeat the comments that I made at the previous Committee meeting. I simply want to make two statements to you about safety. And one is to quote Richard Trott who is a Federal, former Federal Highway Administration Manager for Research. And he says, "Traffic safety is not jeopardized by a sign itself or some sort of stimulus overload. Instead the culprit is inadequate sign size or lighting or inappropriate placement, or a combination of these factors." And I might remind you that under the ordinance as is proposed, signs are going to be half as large as they currently are. And then, this is from the Small Business Administration, it's a publication designed for small businesses about signs and it says, "Signs are critical to safe movement by the traveling public and are the primary way of finding, way-finding device deployed on streets, roads and highways. Traffic risks and accidents occur because people are not provided easy access to information necessary to their purpose. Drivers look for or expect to find signs telling them where to go and what is available once they get there. A sign that is too small, inadequately placed, poorly illuminated, inconspicuous or in disrepair will be frustrating to consumers who will often make unsafe traffic maneuvers to get where they want to go." This part got my attention,

“Furthermore, as the present driving population ages, the visual acuity of the average driver decreases and the need for signs to be more conspicuous and legible will correspondingly increase.” Thank you.

CHAIR BURKE: Any questions of Ms. Anderson? Thank you. We’ll come to this side.

MS. DUNIGAN: Melynda Dunigan, 1875 Mallard Lakes Drive, 27106. And I just have to take issue with the statements that have been made about safety. And I think what is confusing is that the problem is that there’s hardly ever once source of a crash and in order to definitively, scientifically draw a cause and effect conclusion, you have to be able to get rid of all the variables, control for the variables. You can’t control for the variables. All you can do is look at suggested evidence and if you read the studies and I really hope you will go to the original sources and don’t take information from the advertising billboard industry or the Small Business Association. Go and look at the original sources and the information we provided you showed you where you can get those links on many different websites. If you look at those original sources, you will see many, many statements that are suggestive of a safety problem. Just for example, a 1998 Federal Highway Administration memo noted that digital signs raise significant highway safety questions because of the potential to be extremely bright, rapidly changing and distracting to motorists. It’s the rapidly changing, extremely bright aspects of these signs that make them different from regular signs. People tend to tune out regular static signs because they’re part, they don’t move, they don’t change color, they’re just part of the landscape. When you look at these changeable signs, they grab your attention. I was driving down Wendover Avenue yesterday and there are two very large electronic billboards that have color in them. And they change color at an auto dealership. That is the future that we are looking at. We have to, we can’t just look at what we have now with some of the Walgreen’s signs. In the future, these things are going to get much more sophisticated and as they proliferate, they will raise significant safety concerns. Thank you.

CHAIR BURKE: Yes.

MR. VORSTEG: Robert Vorsteg, 3621 Marlowe Avenue. I have said, as I said before, I think it’s still with (*INAUDIBLE*) that there’s something about electronic signs which are fundamentally different from advertising we have so far seen and that is because they are more effective. Our human brains are hard-wired to notice change and these will be changing and the question at issue for us is not whether there will be such signs. We have not opposed the EMB’s or saying that there should be a consideration of a longer interval between the changes that are made in these signs. And that, I believe that you are seeing opposing points of view and opposing interpretations of studies that have not yet produced a definitive result. So you have a choice. We seem to have the risk that is safety factors that we cannot prove to your satisfaction. And the opposite risk is whether some businesses will lose the opportunity to compete with each other for the fastest, most up to date and attractive kind of signs that can compel the attention and therefore the distraction of drivers passing on the road. Which risk would you prefer to live with?

Seems to me that if you're taking a risk, the risk should not be to risk the increase of danger in driving, increase the safety, or decrease the safety of our driving. The risk should go the other way and, and we can at least minimize that to some extent by extending the time period beyond the eight seconds. Two minutes as Council Member Besse suggested would be a more satisfactory outcome. Thank you.

CHAIR BURKE: Thank you.

MR. DANIELS: Barnes Daniels, 2728 Winslow Lane, here in the city. I think this debate boils down to a high risk of property damage, human injury and death versus money, money, money. To go great lengths to justify our expenditure of a quarter of a million dollars, or half a million dollars for signs and sort of push aside the fact that there's a good probability there will be some property damage and injury and human lives lost. I, myself, I will confess have gone through High Point and looked in my rear view mirror to see what the price of milk was at the intersection, the busiest intersection in High Point. And I've heard a Council Member say that he has looked in his rear view mirror to see what the sign on Silas Creek was saying about pizza or the type of go-cart track that's open. So, yes, electronic signs will bring some added revenue to many aggressive, thriving businesses. But for the start up, the small start up, the struggling businesses, they won't have that advantage. So here, you're, you're giving something to the thriving business and, and disadvantaging the smaller businesses. I think this is going to result in considerable profits to the sign companies, so I'm sure... Okay. What I see as another disadvantage is we are compromising our standard of living and the attractiveness of the city.

CHAIR BURKE: Thank you, Mr. Daniels. Yes?

MR. BRYAN: I don't know if I can hook this up. Is this an easy process, Lee? I could pass the computer around if I needed to. If I disconnect that one. And maybe while we're struggling with that, I'll just make some comments. So, hopefully...

CHAIR BURKE: Technology...

MR. BRYAN: Is that possible, if I go ahead?

CHAIR BURKE: Oh, yes. I was just talking about something else that had been mentioned earlier with those technology kinds of things. Go ahead.

MR. BRYAN: I'm George Bryan. I'm at 1001 Reynolda Road. And certainly the issues of the inconclusiveness but yet the amount of knowledge about the distraction of these is an issue. I think that we've been through this issue before in this community and we did it with buildings. I remember the discussion. I'm certainly not adverse to signage and certainly I've used billboards. I'm a member of the Chamber. I believe that we need to have the right kind of directions to businesses to get the right kind of information. I think you can adequately see from the kinds of responses from other communities that they

have seen that this is an issue. And so we would hardly be the first community to address what kind of response we need to have to what we're going to increasingly see. Because what, what you're seeing up here now on this is the one at Upper Crust Pizza on Silas Creek. You can see the proportions of that based to the Upper Crust sign and you can see the rapidness of the changing of that. If you can superimpose that over the piece that was done I believe by the Planning Board of a number of these signs on Stratford Road or Reynolda Road, then you would see that it's going to be pretty busy. So, yes, is there an aesthetic issue there? Sure, there's an aesthetic issue there. Is there a safety issue? Very possibly there's a safety issue with it. We're going to have to not only live with the fact that we can have technology that is using points of light like this but the fact that a television is going to be as cheap to install as a sign as is this kind of technology in the future. So you folks are the ones that have to think into the future for this and make a decision about how we're going to do this in a very measured way for our community, wade into it slowly enough that you can guide the community through this while giving them at the same time adequate knowledge of how to get to, to the different retail and public businesses that they need to go to.

CHAIR BURKE: Thank you. Are there any questions? Yes, Council Member Merschel. A question please.

COUNCIL MEMBER MERSCHEL: First let me just thank the Neighborhood Alliance. George is the President of the Neighborhood Alliance along with the Chamber, and the Planning staff and Board for all the time that they have invested in this. And I guess I would ask, would a, an addition to the motion that would require a review of electronic signage, would that be beneficial to some of the concerns that you expressed?

MR. DANIELS: Well, certainly there were versions of this early on that made exceptions for City signs and, and controlled for a longer period of time others, but that was not what was passed by the Planning Board. If I'm understanding it correctly, there was a, an amortization period is essentially going to allow a long period of time for this to be occurring maybe, no new signs can come in during this period?

COUNCIL MEMBER MERSCHEL: Electronic signs, the change would be effective July 1.

MR. DANIELS: July 1. And so you have a few of these that are out right now. You know, I think some of the other cities have (*INAUDIBLE*) appropriate in certain areas and inappropriate in other areas. One of the things from a neighborhood perspective is, maybe a sign like this would work in some areas where people were viewing it and trying to get information but you wouldn't want that flashing outside your, your home if your home abutted one of those streets. Particularly, and I think this is just the beginning, the one at Upper Crust Pizza. So you begin, it's the juxtaposition of neighbors and homes to signs as well as the information you're getting on the street.

COUNCIL MEMBER MERSCHEL: So, is that a yes?

MR. DANIELS: Yes.

*(INAUDIBLE)*

CHAIR BURKE: Okay.

MS. ANDERSON: *(INAUDIBLE)*

CHAIR BURKE: Pardon me, Gail?

MS. ANDERSON: ...that sign would not be allowed under the ordinance, as it is written.

*(SEVERAL SPEAKING AT ONCE – INAUDIBLE)*

MR. GARRITY: ...flashing and scrolling. It's got to be static *(INAUDIBLE)*.

CHAIR BURKE: All right. That's been cleared up. Everything?

MR. DANIELS: Yes.

CHAIR BURKE: Thank you so much. Mr. Malloy and Ms. Leight, if ya'll want to start with some discussion, I believe you, alright.

COUNCIL MEMBER LEIGHT: I guess I look at a sign as something that tells me, "Hey, this is the grocery store I'm going to", this is "whatever" that I'm going to. I do not need to see that milk was \$1.50 or whatever it is. That to me is a whole different kind of advertising. It does not need to be flashed in your face as you're driving down the road. I think the name of a business or whatever is the information you need. Not how much something costs or all that stuff that was going on. So, I, I guess I see the purpose of a sign as, as you know, something that would not, you would not need this kind of a changeable sign. I firmly believe it has to be distracting because we've heard too many things about people who have been looking in their rear view mirror or turning around to see the rest of the message or whatever. So I think there's no doubt that it's going, research is going to prove that there is a distraction there and it's not just changeable signs. I mean, there are the cell phones, there's playing with your GPS, or whatever, so all of those are distracting things and I see some of these changeable signs as just simply another distraction that makes for a safety problem. I also see perfectly well one of the comments in the talking points of the Neighborhood Alliance that says if research which is going on now, because this is a new phenomena, if research proves these signs to be unsafe, governments could face significant liability and negligence issues if accidents occur in the vicinity of a sign. So, do we take a chance, and say, okay, put up all the electronic signs that you want to and then pay the price later on or do we accept a loss in the half a million dollars or whatever that we've put into signs and, you know, go back to

non-moving, non-electronic, electronic signs but non-changeable copy in a fast, fast manor. So I see the liability issue being there. I see that as these sorts of sign proliferate that the problem is going to be worse and worse, and so I would think that perhaps Council Member Besse's suggestion of change once every two hours is very, very liberal in comparison to Charlotte, once a day.

SEVERAL COUNCIL MEMBERS: Two minutes.

COUNCIL MEMBER LEIGHT: What did I say?

CHAIR BURKE: You said two hours.

COUNCIL MEMBER LEIGHT: Oh, I'm sorry. I did say that. But as I say, I think that is very, very liberal compared to the once a day, or three or four times a day that a lot of the big cities have adopted.

CHAIR BURKE: Thank you. Council Member Malloy, you wanted to give us some comments?

COUNCIL MEMBER MALLOY: This issue is, in my mind, somewhat complicated. I think that probably the horse is out of the barn and we've got to figure out a way to corral it, if you will. If that's possible, you know, I don't know. I'm still thinking. Like say, people are driving, I want to speak to this thing that Molly said, you've got distractions already – talking on the cell phone or if you've got that ear piece, you're talking. Now, you've, you've got already signs up, static signs. We're talking about electronic signs. It's just more distraction and how you minimize the distractions are, I'm not sure whether to slow down the repetitiveness of the message. Right now, anybody can have a sign, an electronic sign and the aesthetic part of it and how is it that we're going to avoid the "Las Vegas" effect. I mean, it's something we're going to have to decide and make a decision on and right now, I'm still, I think eight seconds is probably too rapid a change. I haven't heard a lot about that amortization but a 15 year amortization seems to be a bit long in my estimation. I think that one of the points that was made by Martha in terms of whatever we do, I think that we need to put something in the ordinance that will allow us to review this and come back and change it. I don't, as I sit here and think now, whatever we come up with, I think we need to have the ability to review it over a period of time and then be able to come back and change without having to go back through the whole process of the Planning Board and that type of thing. I certainly will support whatever we do, we do, we add that into, build it into the ordinance. I'm not in a position right now to offer any concrete suggestions today.

CHAIR BURKE: Let me have the, that, Miss Secretary read the motion that was made in the Finance Committee meeting and it, and tell how it, what was reached.

MRS. JOHNSON: A motion was made to approve the ordinance as prepared by the Planning Board with three in favor, one abstaining.

CHAIR BURKE: And that was the motion that was made in Finance. There was a lot of discussion and that's why I wanted you and Council Member Leight to do your discussion to get your input. And we only had one other person to speak. Everybody else was here and these were the comments that, presentation that was made.

COUNCIL MEMBER MALLOY: So, the motion that, as I understand it, the motion that was made essentially the same motion that came before the Council.

MR. NORBY: The main motion.

CHAIR BURKE: Just tell, excuse me...

COUNCIL MEMBER MERSCHER: To approve as presented by the Planning Board.

CHAIR BURKE: ...excuse me. Just say what the motion, what it was, what was presented from the Planning Board.

MR. NORBY: It was in regard to electronic signs, it was once every eight seconds.

CHAIR BURKE: And that's the complete, concerning electronics?

MR. NORBY: Yes, yes, Ma'am.

CHAIR BURKE: And that was what the motion was from the Finance Committee. So, now, are there any other comments? We're getting ready to put another, we're getting ready to ask for another motion and I am here. All right.

COUNCIL MEMBER MALLOY: Let me ask you one other question, so that motion just dealt with electronic signs. So I guess everybody was, am I to assume that everybody was comfortable with the amortization part?

CHAIR BURKE: We never did get to...

COUNCIL MEMBER MALLOY: You didn't get to that?

CHAIR BURKE: ...no, we only talked about electronic signs and that's, that was the discussion. And the reason I abstained, I was the one that abstained because I was waiting until I got here with this Committee. Any? Yes, Council Member, you wanted to say something?

COUNCIL MEMBER LEIGHT: I was going to make a motion if you're ready for that?

CHAIR BURKE: Yes. I'm ready.

COUNCIL MEMBER LEIGHT: I would move that we recommend to the full Council that the sign ordinance in terms of electronic signage be changed from the eight second changeable copy to two minute changeable copy.

CHAIR BURKE: Do I hear a second.

COUNCIL MEMBER MALLOY: I've got a question, if we're going to repeat ourselves back from Monday night...

CHAIR BURKE: Let me get, let me get the decision. We have to pass.

COUNCIL MEMBER JOHNSON: You can second it for the sake of discussion.

CHAIR BURKE: If you, if you want to second, we understand.

COUNCIL MEMBER MALLOY: For the sake, okay, for the sake of discussion...

CHAIR BURKE: But it doesn't mean you, it doesn't mean you're necessarily agreeing with it.

COUNCIL MEMBER MALLOY: Okay, I'll second it.

CHAIR BURKE: All right. It's been properly moved and seconded. Now.

COUNCIL MEMBER MALLOY: The question, okay, back to, I should have probably asked this question when Martha made her presentation. In terms of the Coliseum, Convention Center, and the Annex, eight seconds, would it affect those, our particular electronic signs?

MRS. WHEELOCK: Yes, Sir.

CHAIR BURKE: But before, in the Finance Committee, we were not going to exclude anybody. We'd all go by the same rules.

COUNCIL MEMBER MALLOY: Okay. But it would adversely affect what we're doing at the Coliseum, Annex and the Convention Centers?

MRS. WHEELOCK: Yes, Sir.

COUNCIL MEMBER MALLOY: I saw, was it in Charlotte, where we had the exceptions?

MR. NORBY: Yes.

COUNCIL MEMBER MALLOY: So I'm right back at my dilemma here. We want to try to be fair to everyone, but if we make it acceptable for ourselves, other folks okay. But what about me? So I'm right back where I started.

CHAIR BURKE: Okay. I'm not going to... Are we ready to, move, let's go. All in favor of the motion that was made by Council Member Leight and seconded by, for understanding, by Council Member Malloy, say "Aye".

COUNCIL MEMBER LEIGHT: Aye.

CHAIR BURKE: All, or do I have another one? All opposed?

COUNCIL MEMBERS BURKE AND MERSCHEL: Aye.

COUNCIL MEMBER MALLOY: I'm abstaining from that.

CHAIR BURKE: All right. Now, are we ready for the motion, another motion on the floor here?

COUNCIL MEMBER MERSCHEL: Madam Chairman, I would move that the Public Safety Committee recommend to the full Council approving as presented by Planning staff with the eight second rotation as recommended by Planning Board, I'm sorry, Planning Board.

CHAIR BURKE: And I can make this, I second that. All...

COUNCIL MEMBER MALLOY: I didn't say anything.

CHAIR BURKE: All right, it's been properly moved and seconded. Are there any questions? If not, all in favor say "Aye".

COUNCIL MEMBERS BURKE AND MERSCHEL: Aye.

CHAIR BURKE: All opposes?

COUNCIL MEMBERS LEIGHT AND MALLOY: Aye.

COUNCIL MEMBER MALLOY: I oppose that.

CHAIR BURKE: You oppose that. Thank you. Do you have it? Thank you.