

D-27302

Summary of Minutes

May 7, 2007

Regular Meeting of the Winston-Salem City Council was held on Monday, May 7, 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: Renée P. Henderson, City Secretary and Melanie Johnson, Recording Secretary

Pledge of Allegiance

Sergeant at Arms: Lieutenant David L. Kiger

Invocation: Ms. Doris Feree, Chaplain of the Winston-Salem Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

Mayor Joines thanked the many representatives of the Delta Sigma Theta Sorority for their presence and he recognized that it is May Week, a celebration of the many accomplishments of the Sorority.

RESOLUTION HONORING DONALD LAIL FOR HIS HEROISM

Council Member Johnson: Motion for approval.

Council Member Malloy: Second. Unanimous.

Mayor Joines recognized Mr. Lail, along with Ms. Pittman-Couch, Principal of Paisley Middle School,, and many of the students that were rescued who were in attendance. He presented Mr. Lail with the Resolution and thanked him for his valiant efforts.

Mr. Lail thanked the Council and invited everyone to visit Paisley International Baccalaureate School. He thanked the Principal, parents and students for their support.

Council Member Burke recognized Ms. Kathy McKenzie-Mitiku, a City employee and parent of a student that was rescued.

RESOLUTION DECLARING MAY, 2007 AS HISTORIC PRESERVATION MONTH IN WINSTON-SALEM

Council Member Johnson: Motion for approval.

Council Member Merschel: Second. Unanimous.

Council Member Terry presented the resolution to Mr. Victor Harllee, Chair of the Historic Resources Commission, and Michelle McCullough from the City/County Planning Department.

Mr. Harllee thanked the Mayor and Council for their recognition and wished everyone a happy May. He noted that the Historic Preservation display of "Windows of Forsyth County," as well as famous brickmaker, Mr. George Black, would be on display for the entire month of May at the Central Library located at 660 West Fifth Street. He invited everyone to attend the George Black House and Brick Yard Historic Marker unveiling at 1:00 p.m. on May 20, 2007, located at 111 Dellabrook Road in Winston-Salem.

Council Member Burke pointed out that Mr. George Black was Council Member Terry's grandfather and indicated that she is also a member of the Delta Sigma Theta Sorority.

RESOLUTION RECOGNIZING MAY 12-20, 2007 AS NATIONAL TOURISM WEEK

Council Member Burke: Motion for approval.

Council Member Merschel: Second. Unanimous.

Council Member Burke indicated that the Tourism Development Authority (TDA) makes a positive impact on the community and she presented the resolution to Mr. Hobie Cawood, Chairman of the TDA, and Mr. Robert McCoy, President of the Convention and Visitors Bureau.

Mr. Cawood thanked the Mayor and Council for their recognition of National Tourism Week and noted the TDA works hard to maximize the travel and tourism industries within Winston-Salem. He noted that the economic impact of the Davis Cup event on the city had been in excess of \$6 million. Mr. Cawood also pointed out that the City Council is well-represented by Council Member Burke through her membership on the TDA.

RESOLUTION RECOGNIZING THE 90th ANNIVERSARY OF THE NORTHWEST NORTH CAROLINA CHAPTER OF THE AMERICAN RED CROSS

Council Member Burke: Motion for approval.

Council Member Malloy: Second. Unanimous.

Mayor Joines indicated that Mr. Hugh Quinn and Mr. Paul Barnes were supposed to be in attendance to accept the resolution; however, no one came forward to accept the resolution.

Mayor Joines pointed out that tonight is the 18th Anniversary of televised broadcasting of Winston-Salem City Council meetings.

1. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF BETTY S. PHILLIPS FROM AG AND RS-9 TO RS-9-S (Residential Building, Single Family; and PRD): Property located on the north and south sides of Willard Road, northwest of Union Cross Road - Containing approximately 40.75 acres located in the SOUTHEAST WARD (Council Member Terry) - Zoning Docket W-2894. [Planning Board recommends approval of petition and site plan with staff recommendations. The public hearing on this item was continued from the March 5, 2007 City Council meeting.]

Council Member Terry indicated that a request for withdrawal was received from the petitioner and she made a motion to approve withdrawal of the petition.

Council Member Clark: Second. Unanimous.

2. PUBLIC HEARING ON ZONING PETITION OF SOUTHEAST GATEWAY VENTURES, LLC, STEPHEN KOPPENHAVER, LISA WELLER, AND JOAN YOW, ET AL FROM RS-9 AND MU-S TO MU-S (RESIDENTIAL BUILDING, MULTI-FAMILY) AND SITE PLAN AMENDMENT: Property located on the west side of Broad Street on the north and south sides of Salem Creek - Containing approximately 20.34 acres located in the SOUTH WARD (Council Member Leight) - Zoning Docket W-2919. [Planning Board recommends approval of petition and site plan with staff recommendations.]

COUNCIL MEMBER LEIGHT INTENDS TO PROPOSE A ONE MONTH CONTINUATION OF THE CASE TO JUNE 4, 2007 IN ORDER TO ALLOW FOR FURTHER INFORMATION AND DISCUSSION

Council Member Leight indicated that many residents have expressed concern over this proposal and recognized that a large number of individuals were in attendance regarding the item. She noted that the developers have offered a tour of a similar

development and she made a motion to continue the item to the June 4th meeting to allow time for additional consideration and negotiations.

Council Member Burke: Second.

Council Member Leight indicated that the field trip to Raleigh would be on Saturday, May 12th and she would obtain additional information for everyone when available.

The motion to continue the public hearing to the June 4th meeting was unanimously carried.

6. PUBLIC HEARING ON ZONING PETITION OF BRANCO CORPORATION FROM GI TO LI: Property located on the east side of Glenn Avenue, south of Akron Drive - Containing approximately 4.79 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-2916. [Planning Board recommends approval of petition.]

Council Member Burke made a motion to continue consideration of this item to the June 4th meeting.

Council Member Clark: Second. Unanimous.

3. CONSIDERATION OF ITEMS RELATING TO A PETITION FOR ANNEXATION OF 0.24 ACRES LOCATED AT 1891 DENISE LANE - Petition of Anna L. Nelson. [Recommended by Public Works Committee.]
 - a. PUBLIC HEARING AND ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM BY ANNEXING THERETO CERTAIN CONTIGUOUS TERRITORY.
 - b. RESOLUTION AMENDING OFFICIAL CITY MAP DESIGNATING CORPORATE LIMITS AND SOUTH WARD BOUNDARIES.

No one heard.

Council Member Leight: Motion for approval.

Council Member Johnson: Second. Unanimous.

4. CONSIDERATION OF ITEMS RELATING TO A PETITION FOR ANNEXATION OF 33.74 ACRES LOCATED OFF OF ROBINHOOD ROAD FOR DEVELOPMENT TO BE KNOWN AS ROBINHOOD VILLAGE - Petition of Scott C. Bortz. [Recommended by Public Works Committee.]
 - a. PUBLIC HEARING AND ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM BY ANNEXING THERETO CERTAIN CONTIGUOUS TERRITORY.
 - b. RESOLUTION AMENDING OFFICIAL CITY MAP DESIGNATING CORPORATE LIMITS AND WEST WARD BOUNDARIES.

No one heard.

Council Member Clark: Motion for approval.

Council Member Burke: Second. Unanimous.

5. PUBLIC HEARING ON ZONING PETITION OF CITY OF WINSTON-SALEM FOR PROPERTY OWNED BY CENTER 166, LLC FROM COUNTY ZONING JURISDICTION TO CITY ZONING JURISDICTION FOR MU-S ZONED PROPERTY: Property located on the north side of Robinhood Road between Olivet Church Road and Attanook Road - Containing approximately 34.0 acres located in the WEST WARD (Council Member Clark) - Zoning Docket W-2913. [Planning Board recommends approval of petition.]

Mr. Bobby Hill, 5260 Fleetwood Circle, Winston-Salem, expressed opposition to the rezoning indicating that if the property is changed to City zoning, the street in front of his house will be closed by the developer and he will be forced to use the shopping center to access his property. He requested that the petition be denied so that he can retain his outlet to Robinhood Road.

Council Member Burke asked staff to comment about the access issues for Mr. Hill to his property.

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

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING
ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF
WINSTON-SALEM

Mr. Paul Norby, City/County Planning Director, presented the staff report, indicating that plans for the development were first considered by Forsyth County Commissioners in 2005. He stated that the public road access had been rerouted from Fleetwood Circle through the development and noted that Mr. Hill had not attended the County Commissioners meetings to voice his opposition. Mr. Norby also explained that the developers have grading permits and a vested right for grading the property, although a public hearing will need to be conducted by the City Council for the proposed street closure.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, clarified that a portion of the road is not currently in the City's jurisdiction and the decision to close that right-of-way will be up to the North Carolina Department of Transportation. In response to Council Member Burke's question, he stated that Mr. Hill will continue to have access to the street from the rear of his property.

Council Member Clark inquired if the City would have any control over the road without annexing it into its jurisdiction.

Mr. Turner indicated that a small portion was annexed into the City as a result of action on the previous item and the City will control that portion of the street.

Council Member Clark explained that tonight's action would merely change the zoning from County to City jurisdiction and he noted that in order for the road to be closed, the action would be taken up by the Public Works Committee prior to it being heard by the full Council. He recommended that if the street closure proposal is made,

Mr. Hill should plan to voice his opposition at that time. Council Member Clark made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Merschel: Second. Unanimous.

7. PUBLIC HEARING ON ZONING PETITION OF CITY OF WINSTON-SALEM FOR PROPERTY OWNED BY OLD TOWNE, LLC AND EASTWOOD CONSTRUCTION CO. INC. FROM COUNTY ZONING JURISDICTION TO CITY ZONING JURISDICTION FOR RS-9 ZONED PROPERTY: Property located between Reynolda Road and Bethania Road, across from Lakeview Drive - Containing approximately 32.19 acres located in the NORTH WARD (Council Member Malloy) - Zoning Docket W-2917. [Planning Board recommends approval of petition.]

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

Council Member Malloy made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Merschel: Second. Unanimous.

8. PUBLIC HEARING ON ZONING PETITION OF JOHN E. FORD, JR. FROM HB-S TO RS-7: Property located on the south side of McCreary Street, west of Glenn Avenue - Containing approximately 0.21 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-2920. [Planning Board recommends approval of petition.]

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

Council Member Burke made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Malloy: Second. Unanimous.

9. PUBLIC HEARING ON ZONING PETITION OF HOUSING AUTHORITY OF THE CITY OF WINSTON-SALEM FROM IP AND RMU TO GO: Property located on the east side of Cleveland Avenue between Tenth Street and Martin Luther King Jr. Drive - Containing approximately 2.13 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket W-2921. [Planning Board recommends approval of petition.]

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

Council Member Johnson made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Malloy: Second. Unanimous.

10. PUBLIC HEARING ON ZONING PETITION OF HILLCREST PROPERTY DEVELOPMENT, LLC AND CONDOMINIUM INVESTMENT GROUP, LLC FROM MU-S TO SITE PLAN AMENDMENT: Property located on the west side of Stratford Road, south of Burlwood Drive and west of Birchway Lane - Containing approximately 4.03 acres located in the SOUTHWEST WARD (Council Member Besse) - Zoning Docket W-2922. [Planning Board recommends approval of petition and site plan with staff recommendations.]

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Besse made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Burke: Second. Unanimous.

11. PUBLIC HEARING ON ZONING PETITION OF ROBERT AND EULA LONG AND CONSIDERATION OF FOUR FINDINGS OF FACT FOR A SPECIAL

USE PERMIT FOR THE ESTABLISHMENT OF AN ASPHALT OR CONCRETE PLANT IN THE GI ZONING DISTRICT: Property located on the north side of Lowery Street, east of Hicks Street - Containing approximately 4.11 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket W-2924. [Planning Board determined that this proposal addresses all applicable findings of fact and recommends approval of permit.]

Mayor Joines noted that there were individuals who wished to speak. He indicated that this is a quasi-judicial matter and asked the Deputy City Secretary to swear in the speakers.

After being sworn in, Mr. Charles Long, P.O. Box 117, Bethania, stated that he has been in business with other companies in the area for 30 years and noted that he feels there is a need for a concrete plant in this area of Winston-Salem.

Mr. Terry Titus, 105 Woodland Drive, Yadkinville, indicated that he is the contractor for Mr. Long.

Mr. Gene Johnson, 1421 Pinecroft Drive, stated that he is the engineer for the project and had designed the site plan.

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

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE PERMIT

Mr. Norby presented a brief overview of the staff report. In response to Council Member Leight's question, he indicated that the stream is to the west of the planned development area and would be protected by a Type I buffer.

Council Member Besse inquired if the facility will have a wastewater discharge permit and how that discharge would be handled.

Mr. Johnson indicated that a stormwater permit is required for the development, as well as a federally required wastewater permit.

Mr. Long explained that the wastewater would be recycled and there actually would be no discharge from the plant.

Council Member Burke inquired about the presence of dust and odor pollution.

Mr. Long explained that there is a dust-control hood that lowers over the trucks during the unloading process and he stated that there should be no visible dust or odor. In response to Council Member Burke's question, he stated that operation times depend upon the customer and noted that during operations for the Wachovia Building, work began as early as 1:00 a.m.

Council Member Malloy inquired about the distance of plant from residences on Hicks Street.

Mr. Norby indicated that the distance is approximately 500 feet.

Mr. Long responded to Council Member Malloy's inquiry, stating that although this plant will be slightly smaller than the current plant located in Winston-Salem, but will conduct similar operations.

In response to Council Member Johnson, Mr. Turner explained that existing safeguards put in place due to the topography of the area will be adequate to address the traffic and safety expectations of this development. He noted that upon review of the driveway placement of the facility, the developer also agreed to improve the safety for vehicles exiting the facility.

Council Member Johnson expressed concern regarding the speed of the trucks accessing the development and asked the petitioner to monitor their trucks for safety. She noted there is a lot of development and investment in the area, and she proceeded to make a motion 1) that the City Council affirm the four findings as required by Section 6-1.5(F) of the Unified Development Ordinance, and detailed on the first page of the ordinance in the agenda packet; 2) that the City Council approve the site plan that is included with this special use permit request, along with the conditions included in the special use permit and staff report; and 3) that the City Council issue a special use permit to Robert and Eula Long, to allow an Asphalt or Concrete Plant in the General Industrial Zoning District on Tax Lot 48H of Block 3268.

Council Member Malloy: Second. Unanimous.

Council Member Malloy inquired about the route of the trucks accessing the plant.

Council Member Johnson indicated that it would be difficult for the trucks to maneuver through the residential areas of the neighborhood.

12. PUBLIC HEARING ON ZONING PETITION OF WILLIAM B. HAIRSTON, JR. AND VANESSA F. HAIRSTON FROM RS-9 TO NB-S (SERVICES, PERSONAL): Property located on the north side of Old Greensboro Road between Waterworks Road and Chandler Drive - Containing approximately 0.31 acres located in the EAST WARD (Council Member Johnson) - Zoning Docket W-2925. [Planning Board recommends approval of petition and site plan with staff recommendations.]

Mr. William Hairston, 541 Linville Road, indicated that intentions for the property located at 3323 Old Greensboro Road are for use as a neighborhood beauty salon with one employee and he stated it is a needed service in the area.

Ms. Stacey Manter with Jimmy Norwood, Jr. Architects, indicated that her firm had drawn up the site plan and although the property is currently zoned for residential use, it was used as a restaurant in the past, and Mr. Hairston is interested in having the property correctly zoned.

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

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING
ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF
WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Johnson made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Malloy: Second. Unanimous.

13. PUBLIC HEARING ON ZONING PETITION OF SAM C. OGBURN, JR. AND CONSIDERATION OF FOUR FINDINGS OF FACT FOR A SPECIAL USE PERMIT TO CHANGE THE USE OF A NONRESIDENTIAL STRUCTURE EXISTING PRIOR TO SEPTEMBER 16, 1968 TO A RESTAURANT (WITHOUT DRIVE-THROUGH) USE IN A PB ZONING DISTRICT WITHOUT ANY REQUIREMENT TO INCREASE EXISTING OFF-STREET PARKING ON THE ZONING LOT: Property located on the east side of Spring Street, between Pilot View Street and Fifth Street - Containing approximately 0.46 acres located in the NORTHWEST WARD (Council Member Merschel) - Zoning Docket W-2918. [Planning Board determined that this proposal addresses all applicable findings of fact and recommends approval of permit.]

Mayor Joines indicated that individuals had signed up to speak and he noted that this is a quasi-judicial matter. He asked the Deputy City Secretary to swear in the speakers.

After being sworn in, Mr. Sam Ogburn, Jr., 1056 Burke Street, indicated that marketing of the property began several months ago and he was immediately approached by two restaurants. He explained that a parking variance is needed to meet the UDO requirements. Nine additional spaces are required and he is requesting a waiver.

Council Member Clark inquired if the building would be remodeled or torn down and rebuilt.

Mr. Ogburn indicated it will be an adaptive reuse project and the building will be remodeled.

Mr. William Conrad explained that his family has lived in the area since 1759 and owned many large farms in Forsyth County. He expressed his opposition to having a restaurant next to his home, noting that it would devalue his property and create issues with littering. Mr. Conrad also stated that there is already a lot of traffic in the area and this project will only increase car and pedestrian traffic and cause a dangerous situation. He indicated that his home has historical significance and should not be subjected to this type of business nearby.

Mr. Mike Heath, Stokesdale, NC, expressed his concern that the proposed operation may create traffic issues on the street behind it due to operation hours, and noted that many near accidents have are currently happening in the area. He also stated that there would be a problem with loitering and trash if the restaurants begin business in the area.

In rebuttal remarks, Mr. Ogburn stated that he researched issues with Mr. Conrad's house and discovered 85 complaints had been placed with the Police Department as a result of its use as a rooming house, and he noted that Mr. Conrad lives

on Oaklawn Avenue in Buena Vista. He stated that the intended use of his building will not be as intense as others in the area and most traffic will hopefully be pedestrian. In response to the Mayor's request, he indicated that the operating hours of the business will be customer-driven.

Mr. Conrad stated that he resides at both locations and his son will live at the Fifth Street location, and he indicated that he calls the Police to get loitering issues taken care of in his neighborhood. He asked for a postponement of this item to allow additional research time for the historical findings on his home.

Mayor Joines asked if anyone else wished to be heard in the matter. Seeing no one, he declared the public hearing closed and asked for a brief staff report.

Mr. Norby presented the Planning Board's findings. He stated that the building was constructed in 1960 and had historically been used as an auto repair facility. The proposal is for retail use including one or more restaurants, and the UDO requires 34 parking spaces. Mr. Norby indicated that 25 spaces are provided now through a site plan. He noted that additional off-street and on-street parking will also be made available.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING
ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF
WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE PERMIT

In response to Council Member Merschel's question, Mr. Norby indicated that barring the parking variance, a restaurant is permitted on this site.

Council Member Merschel stated that although she appreciates Mr. Conrad's concerns, as this lot is currently zoned, a restaurant is allowed. She made a motion 1)

that the City Council affirm the four findings as required by Section 6-1.5(F) of the Unified Development Ordinance, and detailed on the first page of the ordinance in the agenda packet; 2) that the City Council approve the site plan that is included with this special use permit request, along with the conditions included in the special use permit and staff report; and 3) that the City Council issue a special use permit to Sam C. Ogburn, Jr., to allow a parking variance for a Restaurant without Drive-Through Service used in a Pedestrian Business Zoning District on Tax Lots 113, 114, 115 and 116 of Lot 0086.

Council Member Terry: Second. Unanimous.

14. PUBLIC HEARING ON ZONING PETITION OF CITY OF WINSTON-SALEM FOR PROPERTY OWNED BY PIERCE HOMES OF CAROLINA, INC. FROM COUNTY ZONING JURISDICTION TO CITY ZONING JURISDICTION FOR RS-9 ZONED PROPERTY: Property located on the north side of Shore Road, east of Bethania-Rural Hall Road - Containing approximately 153.07 acres located in the NORTH WARD (Council Member Malloy) - Zoning Docket W-2926. [Planning Board recommends approval of petition.]

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

Council Member Malloy made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Merschel: Second. Unanimous.

15. PUBLIC HEARING ON ZONING PETITION OF THE KENNETH M. CHILTON TRUST, SUSAN E. THOMAS AND MOIR CHILTON, TRUSTEES FROM HB TO GI-S (MOTOR VEHICLE DISMANTLING AND WRECKING YARD; AND MOTOR VEHICLE STORAGE YARD): Property located on the east side of Patterson Avenue, north of Motor Road - Containing approximately 20.00 acres located in the NORTHEAST WARD (Council Member Burke) - Zoning Docket W-2927. [Planning Board recommends approval of petition and site plan with staff recommendations.]

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Council Member Burke made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Malloy: Second.

Council Member Burke stated that she spoke with the owners and their attorney and visited one of their other sites. She indicated they have an interesting business and this site should look very nice.

The motion for approval was unanimously carried.

16. PUBLIC HEARING AND 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.]

The Mayor stated that this was now a public hearing and asked if anyone wished to be heard on the matter.

Ms. Gayle Anderson, 601 West Fourth Street, spoke on behalf of the Chamber of Commerce and indicated that 1,700 members have expressed reluctant support of the changes to the sign ordinance. She stated that although the proposal is workable, most of the business community would not be in favor of it since it will not grandfather those signs in existence.

Mr. Robert Egleston, 4139 Gladstonbury Drive, President and CEO of Datamax and Economic Foundation, stated that although their Board of Directors had approved funds to fight the ordinance as previously written, they do support it as it is currently written.

Mr. Robert Vorsteg, 3620 Marlowe Avenue, Winston-Salem Neighborhood Alliance, stated that two changes had been made making the ordinance unacceptable and he stated that there is an online petition in opposition to it as written. He stated that the ordinance with an amortization period at 10 years and electronic message board allowance of 30 minutes between changes is the more acceptable version and noted that the Council must address the needs of the larger community of interest.

Ms. Melynda Dunigan, 1875 Mallard Lakes Drive, Winston-Salem Neighborhood Alliance, expressed her opposition to the proposed electronic sign rate of change. She pointed out that it would be a significant source of distraction for drivers and citizens do not want to see the creation of a "Las Vegas Strip" effect as electronically changing signs will become more commonly used. She noted that Raleigh, Durham and Charlotte limit changes to a few times per day.

Mr. Barnes Daniels, 2728 Winslow Lane, expressed support for the ordinance as long as it is progressive, which is not the case as written. He read a letter he sent to the Winston-Salem Journal, which was never printed, which indicated that the City cannot compromise with the eight second rule, which would result in a Las Vegas Strip look. He pointed out that the signs primarily benefit businesses and sign companies and the fact that many other states have banned items such as electronic signs that can lead to distracted drivers.

Ms. Sarah Johnson, 4372 Morningside Drive, Oldtown Neighborhood Association, stated that the residents of Winston-Salem are responsible for maintaining the natural beauty of the city, but noted that the streets have become a jungle of cluttered signs making it difficult to find many destinations. She stated that she could support the ordinance if the electronic sign change and unduly extended amortization period could be changed.

Mr. Jack Perkins, 3120 Critania Road, thanked Council for his time to speak and stated that he owns Ad Sign Corporation. He stated that many business owners would not want to limit signage and pointed out that the largest message center is the State of North Carolina. He noted that the State uses less than eight seconds for their message center signs.

Mayor Joines asked if anyone else wished to be heard. Seeing no one, he declared the public hearing closed and asked for a staff report.

Mr. Norby presented a brief overview of the staff report, noting that the Planning Board took a field trip to other cities as well as around Forsyth County to study the use of electronic signage. He indicated that Planning Board recommends approval of the ordinance and if City Council approves it tonight, the effective date will be June 4, 2007.

Mr. Glenn Simmons, Planning Department, showed a slide presentation that had been presented to the Public Works Committee, explaining the history of development of the sign ordinance proposal. In response to Council Member Leight, Mr. Simmons indicated that the Planning Board was presented with a video and information about electronic sign change rates, using Peters Creek Parkway as a backdrop and with proposed change time examples.

Council Member Clark made a motion to approve the ordinance as approved by the Planning Board.

Council Member Merschel: Second.

Council Member Clark expressed concern about attempting to make additional changes to the ordinance since an immense amount of time has already been put into the effort. He noted that small businesses will be adversely affected by the need to change their signs and expressed support for the amortization period. He also noted that most signs in town are changing every two to three seconds now and stated that the State's usage of eight seconds has safety relativity. The business community has expressed reluctant support and Council Member Clark noted the need to proceed with the change and pointed out that there would be no perfect solution to the problem.

Council Member Leight stated that although the ordinance is a compromise, it will have to be tolerated since this is not a perfect world. She expressed her support for a five year amortization period, but noted that ten years is a fair compromise. She expressed her belief that electronic message boards are unsightly and noted that 30 minutes to an hour change delay would be more sensible.

Council Member Johnson stated that the proposed 15-year amortization period is fair and she expressed support for an amendment to change the electronic message board interval to 30 minutes.

Council Member Besse noted the importance of traffic safety and stated that the message change mock up presented was not a true indication of reality. He stated that a real video of signs would be more accurate, and noted that State Department of Transportation signs are not a fair indicator for signs within a town. He made a substitute

motion to amend the change time for electronic signs from once per eight seconds to once per 30 minutes.

Council Member Johnson: Second.

Council Member Besse pointed out this time interval would still allow businesses the opportunity to advertise specials but would lessen the distraction to drivers.

Mayor Joines expressed concern about the effect of this time interval on signs such as the one purchased for the Coliseum.

Mr. Garrity noted that the City had invested approximately \$250,000 in electronic messaging marquee signs for the Convention Center and Coliseum, and although he is unaware of technical issues, timing greater than eight seconds obsolesces the purpose of the signs because advertising multiple events would be difficult if the signs change no more than once every 30 minutes.

Council Member Merschel suggested sending the item back to Committee for further discussion and noted that representatives from the Public Assembly Facilities Commission and citizens should be allowed to provide input.

At the suggestion of Council Member Clark, Council Member Besse amended the substitute motion to allow for a two minute change interval.

Council Member Johnson seconded the amended motion in the interest of timing and functionality of the Public Assembly Facility signs.

In response to Council Member Burke's question, Mrs. Martha Wheelock, Assistant City Manager, explained that the primary purpose of the Public Assembly signs is to advertise events for the community. She noted there are existing contractual

obligations for advertisers' use of the signs and anything less than eight seconds would not allow for adequate event advertising.

Council Member Malloy inquired if the two-minute time interval would negate any contracts with advertisers.

Mrs. Wheelock indicated that most advertisers would not be satisfied with that interval.

Council Member Merschel suggested the possibility of an exception for Public Assembly Facilities signs.

Mayor Joines suggested pulling that portion of the ordinance for discussion by Committees.

Council Member Besse stated he would prefer to handle the entire ordinance at one time and noted he is not convinced of sufficient justification for a Public Assemblies exception. He pointed out that there are no studies to suggest a substantial advertising impact for events at the Coliseum.

Council Member Clark pointed out that the ordinance would not become effective until July 1st, giving six weeks to study contractual issues and the possibility for damage to signs. He stated that the Council could vote to change the ordinance if needed after that time.

Mrs. Wheelock explained that the sign is manufactured to change on a regular basis and the interval could affect bulb replacement needs. She pointed out that staff could also provide information on a naming rights study which valued the visibility of the signs on Deacon Boulevard and University Parkway.

Council Member Terry expressed concern over length of the amortization period and the allowance of any electronic signs, noting the need to address visual pollution in the community as soon as possible. She inquired if future amendments could be made to the ordinance if City Council approves it as is tonight.

Mr. Norby stated that changes could be made in the form of another text amendment going to the Planning Board, and then to the City Council. He presented a chart demonstrating sign size relative to development density and suggested the possibility of time interval standards based on those factors.

Council Member Leight expressed concern over allowing for separate categories based on sign size and development density.

Council Member Merschel noted that City Council has a responsibility to citizens as well as a fiduciary responsibility to City investments. She called for "No Consideration" of the item and asked that the Public Works Committee consider discussing the issue. She also suggested that the Finance Committee discuss the ordinance and asked staff to provide financial information for review.

Council Member Burke indicated that the Public Safety Committee would also review the ordinance for safety issues.

Mayor Joines thanked everyone for their interest and hard work on development of the ordinance.

17. PUBLIC HEARING AND ORDINANCE DESIGNATING CERTAIN PROPERTY AS A HISTORIC LANDMARK - P.H. HANES KNITTING COMPANY, KNITTING BUILDING, 675 NORTH MAIN STREET. [Recommended by Finance and Community Development/Housing/General Government Committees.]

Ms. LeAnn Pegram, Historic Resource Officer, presented the staff report, pointing out the industrial and architectural significance of the building.

(Mayor Joines briefly exited the meeting and asked Mayor Pro Tempore Burke to preside in his absence.)

Mayor Pro Tempore Burke asked if anyone wished to be heard. Seeing no one, she declared the public hearing closed and asked for a motion on the item.

Council Member Johnson: Motion for approval.

Council Member Clark expressed his support for the designation and proposed reuse of the structure, and seconded the motion for approval.

Council Member Johnson asked the developer to make a brief presentation regarding plans for the property.

Mr. Hugh Shytle, Clachan Properties, LLC, indicated that his company would begin construction in July on converting the building into 85 market rate apartments, ranging from one to three-bedroom units. He noted that the building would have a pool on the ground floor and a deck on the roof.

Council Member Johnson indicated that a significant amount of the history of the building would be incorporated and public art would be worked into the project as well.

In response to Council Member Merschel's question, Mr. Shytle indicated that although there is no exit strategy for the building, since federal funds are being used for the project, Clachan Properties, LLC would be required to keep the building for five years, after which time it could be converted into condominiums.

The motion for approval was unanimously carried.

18. CONSIDERATION OF ITEMS RELATING TO AN ECONOMIC DEVELOPMENT PROJECT: [Continued from the April 16, 2007 City Council meeting, pending additional information.]
 - a. RESOLUTION APPROVING ECONOMIC DEVELOPMENT LOAN TO BANKS CHANNEL, LLC.
 - b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM FOR FY 2006-2007.

Council Member Clark: Motion for approval.

Council Member Burke: Second.

Mr. John Allen, Development Office, responded to Council Member Besse's question, stating that although no additional security is being provided, staff has reviewed the personal financial statements of the owners and the loan would be well collateralized through personal guarantee.

Council Member Besse expressed concern over security of the loan because of issues with other economic development loans made by the City.

Mr. Allen noted that the loan would be additionally collateralized via a second deed of trust and he stated that the post renovation value of the building will be approximately \$600,000. In response to Council Member Clark's question, he stated that the owner will purchase the building and the City's loan will finance the renovation.

The motion for approval was carried on a vote of six in favor and two opposed. Voting in favor of the motion were Council Members Leight, Clark, Johnson, Burke, Malloy and Terry, with Council Members Besse and Merschel voting in opposition.

19. APPROVAL OF SUMMARY OF MINUTES - April 2, 2007.

Council Member Burke: Motion for approval.

Council Member Merschel: Second. Unanimous.

At this time, Mayor Joines recognized Council Member Malloy for a motion.

Council Member Malloy made a motion for the Council to enter into Closed Session to pursue the location or expansion of an industry and/or business pursuant to N.C.G.S. 143-318.11(a)(4).

Council Member Merschel: Second. Unanimous.

The Council entered into Closed Session at 10:04 p.m.

At 10:19 p.m., Council Member Terry made a motion to end the Closed Session and resume Regular Session.

Council Member Leight: Second. Unanimous.

ADJOURNMENT: 10:20 p.m.

CITY COUNCIL MEETING

VERBATIM MINUTES OF ITEM 16

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

COUNCIL CHAMBER

ROOM 230, CITY HALL

16. PUBLIC HEARING AND 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.]*

MAYOR JOINES: Thank you. We'll have a public hearing on this. Beginning for the proponents, Gayle Anderson please. We are, limit the comments to three minutes if you would.

MS. ANDERSON: I'll try to be much briefer than that. Mayor and members of the Council, I'm Gayle Anderson. 601 West 4th Street, 27101. And I'm here today to represent the Greater Winston-Salem Chamber of Commerce and our 1700 members. And I'm here to speak in support, albeit reluctant support, but in support of the proposed changes to the sign ordinance. As you know, we have been working for several years, a great number of folks have been involved in trying to come up with something that addresses some of the concerns of appearance but also helps serve the needs of our business community and we think that we have something that we can live with. It is certainly not what the business community, if it, you know would be most in favor of and the main reason for that is the fact that existing signs which are legal today are not going to be grandfathered under this proposal. So even though a business may have spent six, anywhere from \$6,000 to \$200,000 on a sign, in 15 years they are going to have to take that sign down, whether it's still useful to them or not. So, if we were in a perfect world, we would ask for a grandfathering of existing signs and a new ordinance to go forward. However, in the spirit of compromise and understanding that we all need to try to come together with something that we could all agree upon, we are willing to support the ordinance as it is currently recommended. And it did come recommended unanimously from the Planning Board. Thank you.

MAYOR: Thank you Ms. Anderson. Robert Egleston please.

MR. EGLESTON: Thank you Mayor and Council. Robert Egleston, 4129 Gladstonbury Road, Winston-Salem, 27104. Actually I'm speaking to you and coming as the new president and CEO of Datamax and also the Datamax Economic Development Foundation. Our board of directors felt strongly enough about what we felt like the existing businesses were going to be hampered or saddled with on this ordinance that two months ago, our board approved \$50,000 if needed, to fight the ordinance in terms of trying to bring to the Council, and to the Planning Board, some of the facts and figures

and issues that involve things like, for instance, quick example. Jonestown Road, BB&T signage is too high, too tall, would have to come, be lowered. Wachovia sign is too large, Goodwill sign is much too large and I think that one, height may be ok, but too much square footage. So, so many local businesses that have legitimate signs now that meet the current ordinance but wouldn't meet the new ordinance. But we, as with the Chamber of Commerce, and we've been involved in that ad hoc committee, reluctantly would like you to approve the ordinance as currently written, as currently proposed and unanimously coming to you from the Planning Board. But we felt so strongly that some of this was headed in the wrong direction that our board has approved \$50,000 to, in effect, mount a campaign for current businesses. So we are concerned with what's going to be coming their way, but at this point, would agree to what the Planning Board has unanimously approved. Thanks.

MAYOR: Thank you Mr. Egleston. Anyone else for the proponents? Ok, thank you. For the opponents, Robert Vorsteg and I realize you're not opposing the sign orders per se, but a couple of provisions, I believe.

MR. VORSTEG: That's correct Mayor Joines. I'm Robert Vorsteg, 3620 Marlowe Avenue. I'm speaking for the Winston-Salem Neighborhood Alliance. We have strongly supported the ordinance as it developed and moved through a citizen's steering committee which we were represented on and but we have difficulty because it now comes to you with two changes, which we have, which we feel are unreasonable and we would like to present our objections to it. I want to mention, we have an online petition. We've had 576 signatures on that and at the Earth Day Fair, about 53 people picked up our petition and signed it. That gives us a total of about 629 signatures and I can leave that with you. And I think that's not much less from what the Chamber of Commerce presented at the Planning Board. But we're just an all volunteer association with no paid staff and very few resources. We have here a respectable number of signatures gathered from a very small sample of the larger constituency we are attempting to represent. A constituency of many thousands of individuals who live in residential neighborhoods across Winston-Salem. If we had the resources comparable to those of the Chamber of Commerce, there is no doubt in my mind, we would be presenting you with a total number of signatures that vastly exceeded whatever the Chamber might have garnered. All these signatures are in support of UDO-164, written when the amortization period was written for 10 years and the electronic message signs were required to allow 30 minutes between changes. These two provisions already represent a significant compromise to accommodate the business community. But the Chamber persuaded the Planning Board to extend amortization to 15 years while contracting the time between messages to only eight seconds. Now the Chamber represents the business community and since they have resources of talented staff and very ample funding, they do their job very well. But the business community, however important, remains only a part of a larger community of interest that the City Council must take into account. The task of the Council is to address the needs of this larger community interest and that is what it means, at a local level to talk about the common good. And when the private interests represented by the Chamber are in conflict with the common good, they have no incentive to concern themselves with that public interest.

MAYOR: Mr. Vorsteg, I realize that you've got some more points but the three minutes that we allocate, could you, I know that, kind of get to the two points that you are objecting to if you could please? I'll extend you an extra minute.

MR. VORSTEG: Ok, the reason for amortizing signs out of compliance are to attempt to provide a level playing field by keeping those signs that are out of compliance and those that are in. That includes many. Over half of them which will have been in compliance already and those that will be setting up new signs. This is a fairness issue or equity. If you had no time frame, one side would complain rightly so. If you extend the time frame too long, it becomes unfair to the other side. Where's the proper balance? Let's recall the larger issue of fairness and ask how is it working elsewhere? The Chamber presented various reasons to support their changes but not one of them demonstrated any undue hardship comparing Winston-Salem with others that have accepted a 10 year amortization. We did not hear any arguments that address the issue of fairness to others with signs in compliance, so we're asking you to extend the amortization provision to the more reasonable compromise of 10 years. And another speaker will address that.

MAYOR: Thank you Mr. Vorsteg. Melynda Dunigan please.

MS. DUNIGAN: Melynda Dunigan, 1875 Mallard Lakes Drive, Winston-Salem, 27106. Mayor Joines and members of the Council, I'm here to relate the concerns of the Winston-Salem Neighborhood Alliance regarding certain provisions of the sign ordinance, relating to electronic signs. These signs with the capacity for flashing lights and scrolling copy are expressly designed to attract attention to the greatest extent possible. As such, they are a significant source of distraction for drivers. The National Highway Traffic Safety Administration estimates that driver distraction contributes to 25% to 30 % of all traffic collisions. Thus distracting signs can pose a significant danger to public safety. Electronic signs also present a particular form of sign clutter that degrades the ambience of our roadways with a constant bombardment of messages shouting for attention. We are just beginning to see a proliferation of signs and we don't yet have a sufficient number to create a Las Vegas strip effect, but that is the future that we are facing if we fail to properly regulate them. As you know, the ordinance you're considering would disallow continuously scrolling and flashing designs as well as video signs, and we believe that this is a great step forward. However, we also believe that stronger restrictions on copy changes are needed. The ordinance you are considering restricts changes to once every 8 seconds which is barely distinguishable from the current average rate of change. If electronic signs become more common as we believe that they will, the cumulative affect of multiple signs changing at the 8 second rate will be the same kind of continuous flashing we are disallowing for individual signs. If you believe, as the Planning Board did that continuously changing signs should be disallowed, you should restrict copy changes for individual signs at a rate that accomplishes this at a more global level, so that the cumulative effect will be closer to static rather than to continuous change. Raleigh, Durham and Charlotte restrict copy changes to a few times per day and we believe that this best accomplishes this goal. An early draft of our ordinance also limited changes to a few times per day. When that was subsequently changed to once every 30 minutes, the Neighborhood Alliance felt that we could support this as a compromise, even though our preference is for something closer to a limit of 4 to 6 changes per day. The 8 second standard is wholly unacceptable in our view, and doesn't

seem to be based on any clearly articulated rationale. The attempt to use the DOT 8 second standard for its highway safety signs is irrelevant for on-premises business signs whose sole purpose is advertising. The DOT standard applies to highways, not to streets...

MAYOR: Melynda, could you summarize please?

MS. DUNIGAN: Ok, and is designed for highway drivers to comprehend information relevant to their immediate safety. There is really absolutely no need for on-premise business signs to have the same standard. So, in conclusion, we ask that you consider amending the ordinance to provide for greater limitation of copy changes on electronic signs. The citizen's steering committee recommended the city totally ban electronic signs as many communities across the country do. We are proposing some middle ground between a total ban and the 8 second proposal, and as I stated, we would support the 30 minute standard that was previously considered. This to us, appears to be a reasonable compromise on the issue.

MAYOR: Thank you very much. Barnes Daniels.

MR. DANIELS: My name is Barnes Daniels and I live at 2728 Winslow Lane. Mr. Mayor and Council Members, I am for this sign ordinance providing it is progressive and as it is, I don't think it is. I would like to read a letter that I sent to the *Journal*, who promised that it would show up in Sunday's paper, but it wasn't. This has been in the works for some four years and the Planning Board passed on this hot potato with some members apologizing to the audience for some of the provisions. One lady said that she felt like she was selling her soul, that's its been 4 years and she wanted to get on with it. I'm sure that's alluded to in your notes. Our competition, Raleigh, Durham, etcetera, only allow message changes some 4 to 6 times per day. But our Chamber of Commerce and prominent members will not compromise from 8 seconds. Every 8 seconds. If there's 8 signs out there, one of them could change every second, so it's flash, flash, flash, flash. They will have our retail shopping strips looking like Las Vegas or a circus midway. Have you seen the shocking and distracting electronic signs on Stratford Road and Silas Creek Parkway? Here, I also have an article from the *Winston-Salem Journal* dated Friday, February the 9th, 2007. States may ban a variety of driving distractions. Supporters say problem isn't limited to cell phones. Vermont legislators are considering a bill to ban eating, drinking, smoking, reading, writing, personal grooming, playing an instrument, interacting with pets or cargo, talking on a cell phone, or using any other personal communication device while driving, the punishment a fine of up to \$600. Maryland, Texas and Connecticut have passed one that generically bans any activity that could interfere with the safe operation of a motor vehicle. Matt Sended, a transportation analyst for the National Conference of State Legislature says now that people are more focused on distracted driving issues, beginning to talk about the broader range of distractions, and these electronic signs are definitely distractions. Distracted drivers were involved in nearly 8 out of the 10 collision or near wrecks in a study by the Virginia Tech Transportation Institute that was released last year by the National Highway Traffic Safety...

MAYOR: Barnes, could you summarize please?

MR. DANIELS: Ok, we feel that restraining the use of rapidly changing electronic message boards will actually help the many start up and struggling retail shops. They won't be compelled to invest in these message boards. Electronic signs will primarily benefit the sign companies and affluent progressive businesses. Raleigh and Durham have thriving economies without rapidly changing signs. Why do we have to diminish our attractiveness? Raleigh and Durham handle the details. I'm sure that our professional staff can...

MAYOR: Thank you very much Mr. Daniels. Sarah Johnson. Is someone going to refer to this? If not, we need to cut it off. No sir, if someone's not going to refer to it, we'll cut it off. Ok Ms. Johnson, three minutes please.

MS. JOHNSON: Ok, I'm Sarah Johnson, 4372 Morningside Drive, Winston-Salem, 27106, with Historic Old Town neighborhood Association. Mayor Joines and City Council Members, I care about the community that we have, what we have been and what we are becoming. I care very much about the natural beauty of this city, we are truly blessed to live and work in. And I believe it is very important that we be constantly vigilant in taking every step possible to keep this beauty from being overshadowed by distracting visual clutter. Visual cluttering whose reason for existence is to attract our attention toward it and away from the natural beauty here. Like all of you, I see and drive the streets of our city daily to go to work, to run errands, sometimes shop. I drive along Reynolds Road, Stratford Road, Robinhood Road and even Peters Creek Parkway and Hanes Mall Boulevard when absolutely necessary. These streets have become a jungle of cluttered signs and the irony is they're so cluttered that I sometimes can't even find what I'm looking for. For too long, we have lived with an overly permissive sign ordinance, and that has resulted in vigorous competition among businesses to advertise bigger, taller, better, flashier signs. The new sign ordinance that comes before you is intended to remedy some of these excesses. I want to support it and I could support it if the two issues of allowing unnecessarily frequent changes on the electronic message boards and the unduly extended amortization period were corrected. What I love about our city is projected in the virtual tour provided by Winston-Salem Business Inc. on its website which is linked to the city's home page. These images project views of our downtown, Trade Street, 4th Street, the cityscape, all of our parks, Old Salem, Bethabara Park, Salem Lake, not one of these shows any of these signs. This tacitly acknowledges there is nothing attractive or appealing about these signs. Let's have a sign ordinance that really says we care about the appearance of this city. I'll leave you now with this borrowed principle. Progress is inevitable, ugliness is not. Thank you.

MAYOR: Thank you Ms. Johnson. Anyone else who wished to be heard? Yes sir. If you would give your name and address for the record please.

MR. PERKINS: My name is Jack Perkins, I live at 3120 Critania Road, 27106. I own AdSign Corporation, excuse me, thank you Council and Mr. Mayor for letting me speak to you, I apologize. There's an old cliché in the signage, as I said, I own AdSign Corporation, identification of product and a reason for these people to come in there. We all know basically where all of the business areas are in Winston-Salem and if you had family or owned a business and had family and you wanted some of your children or one

of your child, to inherit your business, you would not want to limit him as to the signage that he can have out front. Be that as it may, we now are under the Winston-Salem sign ordinance and we're living with that and it's a fair situation. The big thing that I wanted to say is the largest message center, distributors, owners, is the state of North Carolina. And I've got to tell you Mayor and Council, I don't think the state of North Carolina would have message centers out there and they flash pretty often, that's true. But they're directional and one of the opponents said that we were having video cameras. That's not allowed in Winston-Salem. Video is not allowed. There's no pictures or anything. It's all script. So I just wanted to make you aware of this. What the current law is now for the message centers, it is 8 seconds. The state of North Carolina is less than that. They are the largest owners throughout the state of North Carolina and if you have any questions, I'd be glad to try to answer them for you. I realize I'm a little late, but when they said some of these things about the video, I just wanted to correct that and make you aware of that. Video is used for identification of product and in the state of North Carolina, they use it for directional. I'm not going to go into a big to do, but without these directional signs in the state of North Carolina, we'd be in trouble going down the road. So, I just wanted to bring that up and if you have any questions, I'll be delighted to answer them.

MAYOR: Thank you very much. Anyone else? I'll declare the public hearing closed and Mr. Glen Simmons I believe is going to give the report or Paul is going to give the report.

MR. NORBY: I'll just give a couple comments before we get started. Mr. Mayor, members of the Council, as you know this is a overhaul of the on-premise signage to improve appearance of our major and minor thoroughfares. It was called for as an action item in Legacy and was also an item in the City Council's 2002 Strategic Plan. There's been a 4 year effort to get to this point. Glen, in a minute is going to go through a slide presentation and that summarizes the proposal. I think 4 of you were at the Public Works Committee Meeting on April 10 to see a lot of this. There was additional information requested at the April 10 Public Works Committee Meeting. We've included the answers to those questions and request for additional information in that report that's inserted in your agenda packet. What is before the Council is the Planning Board's recommendation, which was arrived at after a 6 month process on your part of studying the ordinance and getting additional information and even taking a field trip to other triad cities, including within Forsyth County. The proposed ordinance that's in front of you shows the Planning Board recommendation plus, at the Council's request last fall, we also show by additional notation where there is a difference with the original staff recommendation. Unless otherwise noted, a motion to approve the ordinance would be for the Planning Board's recommendation. I want to note that there is a proposed effective date of July 1st in this proposed ordinance to allow inspections time to get ready for the new permit procedures and review. And I also want to note that the Planning Board recommendation was unanimous and I'll have Glen go through a brief summary of the ordinance itself.

MAYOR: Mr. Simmons.

MR. SIMMONS: Thank you Paul. Mr. Mayor, members of the Council, it's a pleasure to be here this evening. Since a lot of the points have already been brought out in one form or another at the discussion already, I'll try to move quickly through the main points. Where did this come from? First of all, Legacy Action Plan adopted in 2001 had a recommendation to make signs less dominant and more in scale with their context. The City Council Strategic Plan adopted in 2002 called for preparing changes to on-premises sign regulations and improve the appearance of streets and gateways. There is also a consideration to reduce the need for special use conditions for signage. Many of you are quite aware of the sign conditions often company's special use districts don't even request. By having a more uniform sign ordinance, it would minimize the need for having those kinds of conditions placed on many special use district zonings. Also, there is a need to simplify and clarify interpretation of the permitting and field enforcement. Signage regulations by their nature are very complex. There's a lot of grey area sometimes in issues of measurement and enforcement of those kinds of things. We've met quite a bit with the inspections folks and looked at a lot of signs to really try to come to some agreement and minimization of that grey area that would require some interpretation about how some of those things are dealt with. So, on those aspects, I think we have a very good way of dealing with those aspects of measurement and the issues of enforcement. There was an advisory committee set up with the preparation for the sign ordinance review. There was representation of various community groups, and they met from 2003 to 2004, and developed a number of recommendations. The major committee recommendations included a maximum free-standing sign height of 12 feet and 54 square feet. That's just for run of the mill, highway business type commercial signs. The committee recommended against electronic message boards. They recommended that there be only one temporary special event banner per year for commercial establishments and the committee also recommended a maximum 7 year amortization period for free-standing signs. The staff reviewed the committee's recommendations and suggested some changes based on our discussions with the City Attorney's office and also the Inspections division. Staff presented the revised draft ordinance to the Chamber local issues committee in the fall of 2005. Subsequent to that meeting, there were additional modifications made whereby a second round of meetings were held with the Chamber and other interested folks in the community. A total of 4 meetings in March and May of 2006. During that summer, after those meetings, there were additional refinements made to the ordinance. The final staff recommendations were presented for public comment and were heard at the September 2006 public hearing of the Planning Board. The primary areas of discussion at that public hearing was the maximum height and area of free-standing signs. There were some that felt the signs were too tall, too big, some felt like they weren't tall enough or big enough. Regulations of attached signs was discussed. Currently, there are no requirements for building signs with regard to attached signs. The temporary and abandoned signs was also an issue where signs are taken out and it leaves the bare frame of the sign structure left. Electronic signs were discussed, along with amortization. Several issues were researched further in response to comments heard at the meeting. In January 2007, the Planning Board went on a field trip. We took the Planning Board over to Kernersville and over to High Point to look at the sign regulations and the effect there. We also went over to the Village of Clemmons where we met with the Village Manager and looked at their sign ordinance which is 6.5 years into a 10 year amortization period to discuss how they were dealing with that process. The board responded to issues presented at the September public hearing and further refined a draft

ordinance at their January 25th work session. At that time, the board agreed to hold a public hearing, second public hearing in March and tentatively agreed on the main points of the final draft recommendation to go to that second public hearing. The draft presented at the March 2007 public hearing included changes in response to issues identified by the board and a work session. Specifically changes from the September 2006 recommendation to the March second public hearing, considered issues of construction, development and real estate signs, basically allowing for some larger signs for these type of situations where a building is under construction to show what the artist rendering of what the building might look like, as well as the names of the contractors and so forth. Additional signage for certain office districts whereby you might have multiple buildings in a single ownership piece of property, whereby additional signage, some limited signage might be appropriate. Electronic message boards, as has been mentioned quite a bit, was a major topic of discussion at the second public hearing, and also the amortization period. Just looking through some of the main commercial corridors in Winston-Salem, the amount of signage on roads varies, but in each of the wards and each of the main commercial corridors in Winston-Salem, there are examples of both good and bad signage, or signage that meets the ordinance and signage that does not meet the proposed sign ordinance. You can see University Parkway, Peters Creek Parkway, Stratford Road. Those are some of the main commercial corridors. Reynolda Road, but also on Waughtown Street, Germanton Road, New Walkertown Road, University Parkway all have examples of good and bad signage. Bad meaning it doesn't meet the proposed new ordinance in terms of sign size and height. Akron Drive, Patterson Avenue, again additional signage on Waughtown Street and Robinhood Road. The run of the mill sign for highway commercial districts currently allows for a 35 foot high, 150 square foot size sign as illustrated on the graphic to the left. By contrast, the proposed ordinance for typical highway business type signs calls for a maximum height of 15 feet and a maximum area of 75 square feet. And I guess you can look at the gas prices there and see how long we've been working on this ordinance. What we did, is looked at a lot of other communities to try to see how our current sign ordinances fits in with theirs and also look at the proposed ordinance might be to be consistent with some of the major communities in NC that have signage more consistent with what the ordinance is calling for. Again, you'll notice the sign size for Winston-Salem existing is 150 square feet. This puts us in a general category with some other communities like Lumberton, Fayetteville, Jacksonville, North Wilkesboro. Whereas if you look at some of the other signs like in Raleigh and Durham, they are more consistent with what's been proposed. One specific thing that I'd like to point out is that this is somewhere in between the maximum height of signs that exist in some other communities but it's specifically not like Cary or even like Kernersville or Clemmons in terms of those sign sizes. As with most communities, there is not a single sign size for all situations and the Winston-Salem proposed ordinance also calls for sign sizes that correspond with the different zoning types and intensities of development. You'll notice here on the graphic to the left, that this is a typical sign size currently allowed for the limited business or office type districts where the sign size could be upwards of 30 feet high and maximum square footage of 75 square feet. The proposed ordinance calls for alternatively, signs to be more in the maximum 8 foot high range and the 50 square feet. Again, these are districts that are often times found closer to residential areas and are not part of the primary commercial corridors. On the other side of that continuum, there are sign sizes that are larger than the typical sign sizes for commercial corridors for uses that are large

scale regional serving type uses. Such signs may be for stadiums, the coliseum, exhibition halls and also for shopping centers and for movie theaters and so forth. Maximum height here ranges from 22 feet for seating capacity of these type of facilities less than 15,000 seats and 35 feet for those greater than 15,000 seats. Same thing for the sign area. 200 square feet for signs like these, Ernie Shore Field or for Bowman Gray Stadium, those types of places and larger for the coliseum, which has a lower seating capacity of Groves Stadium, and those kinds of large venues. Just by way of comparison again if you look at the signs on the left, you're looking at the lower-scale signs that are more consistent with pedestrian business, limited office type sign sizes, graduating to 50 square feet, 8 feet high, as I mentioned for limited business type operations. The 75 foot, 15 foot high sign is more the meat and potatoes sign that you will typically find in highway business districts and then graduating to shopping center, 100 square feet, 18 feet high, stadium, coliseum, exhibition building less than 15,000 square feet and also including movie theaters. Sign height of 22 feet, 200 square feet and for the coliseum, I mentioned 350 for the sign size and 35 high. You might also notice that the tallest sign that we have still exists along the major control of access highways where the sign height can be up to 50 feet high and still allow for the 1540 square foot sign. This is within a quarter mile of interchanges along highway and within 400 feet of the center line of these control of access highways. There's also, I think, kind of an interesting provision in this ordinance that really allows for and promotes creatively designed signs. In this instance, for example, we're not penalizing someone for the open space that's not part of this rectangle that measures the sign. Also we allow for sign measurement to include just the letters on the undefined backgrounds like the Miller Street Market. We think this is sort of an innovative approach that really promotes a quality sign, a more attractive sign and doesn't penalize for the open space that might be incorporated into a sign design of this type. I mentioned wall signs. Wall signs are not part of the amortization proposal. There is currently no size limit on wall signs. There are really very few signs that exceed the proposed 15% maximum wall sign area, but there are some signs we've seen on some places where the whole wall has been painted and made a sign. That's the kind of thing we'd like to minimize or not see more of in the future and this 15% maximum wall sign area would cover that aspect of some of the concern. Electronic message boards, talked a lot about that. Currently they are allowed in all non-residential districts. The new ordinance proposal allows them also in all non-residential districts, but the proposal for change is once per 8 seconds as opposed to staff recommended 30 second time change. They are allowed as free-standing or attached, but not both. Amortization, obviously a major part of this proposal, pertains only to on-premises free-standing signs. The Planning Board recommendation was 15 year amortization period. Staff recommendation was 10 years. Existing non-conforming signs may remain if they exceed new sign height requirements by 2 feet or less, and new sign area requirements by 25% or less. And what that means is, if a sign is close to meeting the proposed new ordinance and the existing sign is no taller than 2 feet. If a sign is 17 feet high as opposed to 15 feet, the proposed new sign and say it's 25% larger. Example would be a shopping center sign, maybe that's proposed to be 100 square feet in size. If there is an existing shopping center sign that is 125 square feet and is 20 feet high instead of the proposed 18 feet, then it can remain without amortization provisions. So there's some attempt to try to recognize a sign that's close to meeting the standard. Real quickly, a survey of 1200 signs we looked at along the primary and secondary corridors, the primary meaning like major corridors, Stratford Road, Peters Creek Parkway, minor

corridors like Lexington Road, Old Salisbury Road, some of those. 76% of the signs along these corridors conformed to the proposed area regulations for signs. But only about half the signs in these areas conform to both proposed height and area. So, theoretically, some signs may be able to be lowered to meet the requirement with the same sign, recognizing of course, there is expense involved in that process. Nonetheless, a significant portion of the signs, if they were simply lowered, would more closely meet these proposed ordinance requirements. About half of all the signs surveyed, if you look at them, including the secondary corridors, would meet both area and height. What this translates into, is about 227 signs along the primary corridors would need to be completely replaced, in that they do not meet both the size, nor the height standards in that amortization period. Lastly, what I'll do is just leave you with some examples of existing signs that are out there now that meet the proposed sign ordinance provisions. Again, I think most folks recognize these as signs we see. They're in our view, they're attractive, they meet the standard and this is the objective, this is the direction that this ordinance is intended to go towards in terms of providing more attractive signage in our community. That's it. I think Paul mentioned that the way this is presented, it would propose to be adopted and effective July 1st and that would give a couple of months for the inspections folks to get geared up and process any applications that are in process and give plenty of notification for folks who might wish to do new signage to prepare for that time frame.

MAYOR: Thank you Mr. Simmons, good presentations. Excuse me, I was just going to see if there were any questions of Mr. Simmons? Question Ms. Leight? I'm sorry, excuse me, go ahead.

COUNCIL MEMBER LEIGHT: I understood that there was a demonstration provided to the Planning Board, perhaps at that hearing, about electronic sign change times. Do you have that available?

MR. SIMMONS: Yes ma'am, we do. I'll try to bring it up here for you and let it run. What this is about, we just took a view down a corridor, I believe this is Robinhood Road, where we try to think, what would be the worst case scenario if all the signs were converted to electronic signs and in this scenario, they would change out at a rate of one per 8 seconds. So if you're looking down the road, the sign ordinance allowing for 8 second change was in place in all the signs that we see in this view should change at that rate, here's what they would look like. Once per 8 seconds. Some of them are in the background and may not be that obvious to you, but they're changing at a rate of once per 8 seconds.

MR. NORBY: I believe that's Peters Creek Parkway there.

MAYOR: Hard to see the changes there I guess. Ms. Leight, did you have other questions?

COUNCIL MEMBER LEIGHT: No, that's good. Thank you.

MAYOR: Alright. I would entertain a motion. Council Member Clark.

COUNCIL MEMBER CLARK: Mr. Mayor, I'd like to make a motion, in just a second, I'll comment. I'd like to make a motion that we approve the sign ordinance as presented tonight and approved by the Planning Board.

MAYOR: Is there a second?

COUNCIL MEMBER MERSCHEL: Second.

MAYOR: Motion is seconded. Mr. Clark.

COUNCIL MEMBER CLARK: Couple of comments. We've been working on this thing for 3 or 4 years, and a lot of people have stood up here tonight and said I support it but, everybody's got an exception to this that they would like to change. I have some myself. I do have a concern that if we go back to committee and start having everyone make their changes, 4 years later, we come back again. Often times when nobody likes something, I think that's an indication that you may have hit where you needed to be. The 4 key areas that I have seen are the height, the size, the timing of the electronics and the amortization. As far as the height, of the 5 major cities in NC and that's Greensboro, Raleigh, Durham, Charlotte and Winston-Salem, and I'm referring to the typical one, that HBV one, 15 feet is the lowest. There are some that are tied with us, but no one's lower than us. As far as the square footage of 75 feet, we're the smallest. There's nobody even tied with us. The closest is Durham at 80 feet. The amortization, we're probably a little bit ahead. Greensboro grandfathered them in. Charlotte had 8 years but made so many exceptions by their own words that they in essence grandfathered them in. Is 15 years too much or too little? All I can say is it's awfully easy to spend other people's money. I know of a small business that has spent \$100,000 on sign that will be obsolete, and that gentleman's going to have X number of years to recover that cost. I'm not worried about the big boys, the Wachovia's and the BB&T. Who knows what those banks will be named tomorrow, next week, or next year. But there are a lot of small businesses that I think would be impacted. As far as the timing, I don't know if 8 seconds is good or bad. I did calculate how far you travel at 35 miles an hour in 8 seconds. Its 52 feet a second. I did have the staff look. Most of the signs in town are changing every 2 to 3 seconds, that's the Walgreen's, the Convention Center, the coliseum. 8 seconds is 3 times longer than that, I think you saw from that demonstration. Again I have been looking at blinking signs and timing myself. You're going to be lucky to see, probably one change, if you drive anywhere from 35 to 45 miles per hour. Is 10, 12, 15, 30 seconds better? I don't know. The state of North Carolina says that for their signs on the highway, they do not want them changed anymore than every 8 seconds, so I think there is a safety issue in that number. There are some things I would like to change. If it was up to me, I would not have the historical signs. We're basically saying the oldest signs in town you can keep. I do eat every now and then at the Arby's at Thruway, but I do think that's an awfully big sign to keep around forever. And that to me, is a question of fairness. If it was up to me, I think I would bump that timing up a few seconds, but I don't have any study to tell me otherwise. But I'm not going to suggest those because I think if we open this thing up, we're going to be here next year, or the year after, or whatever. The business community, I will tell you, has very, very reluctantly supported this. There are a lot of small businesses out there that probably don't even realize that they are going to have to spend some money and the big thing I hear is the timing and the amortization. My

comment on amortization, 15 years may be a little bit too long, but if we spend another 3 or 4 years revisiting this whole thing again, where are we going to be? Time will take care of that issue, so that's why I'm proposing this. If anyone else wants to send it back to committee and start all over again, I will certainly bring my list of suggested changes then, but I think for the good of this community, we need to get on with this thing and get it done. No, it's not perfect, but the reason it's taken 3 to 4 years, however long it's taken, is that you're not going to come up with something that's perfect. That's my thoughts on it and that's why I made the motion. Thank you.

MAYOR: Thank you Mr. Clark. Ms. Leight.

COUNCIL MEMBER LEIGHT: I'll go next. My thought on this is that yes, this ordinance is a compromise. I believe that as Mr. Clark said, we just are going to have to put up with a compromise instead of the perfect world. However, I believe that the amortization period of 15 years is a matter of fairness that the people who are going to qualify for this 15 year delay, in fact, will have an advantage over the people who are having to put in new signs and that sort of thing. I would think it would be a much fairer situation. If I had my way, it would be 5 years, but I think 10 years is a good compromise in this situation. As far as the electronic boards, well first of all, I think they're tacky, secondly, I think they are, I cannot imagine why something needs to change every 8 seconds to advertise a business. I would suggest that something on the order of half an hour or an hour would make much more sense. In fact, that is as either Mr. Simmons or Mr. Norby pointed out, that is way more frequent change than most of the other cities allow. I would suggest that something like every 30 minutes or hour would be better so that you don't have people looking in their rearview mirrors to see what the end of that message was. My thoughts on this.

MAYOR: Thank you Council Member Leight. Council Member Johnson.

COUNCIL MEMBER JOHNSON: Mayor, members of the Council, the 15 year period I think, there again we talk about the fairness issue of a person going in, creating a new sign, would know what the challenges are. With the signage though, and the movement, to me it still creates a safety hazard and I could support amending Council Member Clark's motion to look at 30 minute change as opposed to the 8 second because I think that 8 second is a safety issue for people trying to actually visualize what's on the sign.

MAYOR: Thank you. Council Member Besse.

COUNCIL MEMBER BESSE: I think that we have 2 principle issues in the substance before us this evening, that are still hanging fire in the minds of a lot of people in the community and they're separable. One is the amortization period and its fairness and I will have some comments on that. The other is the electronic signage and the frequency, which I think is a separable issue. What we're really dealing with here is a question of traffic safety. I would suggest that the mock up that staff prepared for Planning Board is not truly representative of the visual effect that you will get on 8 second change because what you would see is a combination of changing graphics and colors and to a driver coming down the road, they are going to be much closer. I would be concerned that the earlier video that ran for us, that I drive by everyday and usually more than once a day

and still find myself staring at as I go down Silas Creek Parkway, is more representative of a problem we'll see if we go to a changing period as short as 8 seconds. The comparison to the state highway safety and directional signs is really not appropriate because those are for safety's sake, intended to catch the attention of the driver. What we don't want is electronic signage in strips along our thoroughfares that are catching the attention of the driver and taking them away from the road, and that is exactly what we will get, the more electronic signs we see that have rapidly changing messages. Therefore, at this point, I'd like to move one specific amendment to the proposal on the table dealing with the electronic message in that is found on Page 48 of the insert in the package. Right, it's F2B, thank you council member. On changes per day, in the line where it says once per 8 seconds, I would substitute once per 30 minutes...

MAYOR: Is there a second?

COUNCIL MEMBER JOHNSON: Second.

MAYOR: There is a second. Council Member Johnson seconds. Go ahead Council Member Besse.

COUNCIL MEMBER BESSE: The reason I would suggest that is if you were going to take it up higher than the period in which the changing graphics are intended to catch the attention of the driver, and anything in the minutes range I think is going to take it out of that category. Then for the opportunity to advertise specials or changing deals of the day, it doesn't matter whether its 10 minutes or 30 minutes or 90 minutes, you're going to get that opportunity to use those electronic boards to advertise the changing specials. But in this motion, they would be able to do so at a rate that does not distract the drivers coming down the road.

MAYOR: Mr. Manager, do I recall some concern at our coliseum, convention center signs that would potentially burn them out if they sat there for 30 minutes?

MR. GARRITY: Thank you Mayor. I'm not sure about the technical issue, the major issue is we have invested about \$250,000 in electronic messaging marquees at the coliseum, the coliseum annex and most recently, this last year at the convention center. If we go to any timing that's much greater than 8 seconds, the purpose of the signs will really be obsolete. What the signs are used for by the public assembly facilities commission is to advertise events at the buildings and since there are multiple events, it doesn't really work if you can only show one event every 30 minutes. So basically, they wouldn't be very functional at 30 minutes.

MAYOR: Thank you. Council Member Johnson.

COUNCIL MEMBER JOHNSON: I guess my response is they're not functional because people can't understand what they are saying. By the time they see part of the sign, they are gone. I don't know that there is an equal balance there.

MAYOR: Alright we have a motion. I'm sorry, Council Member Merschel.

COUNCIL MEMBER MERSCHEL: Thank you Mayor. I agree with Council Member Clark and 90% of what he said. Though I also understand the concerns raised about the electronic messaging board. But I also have concerns about, it is my understanding that they are very much like a computer. If they stay on one program long enough, they can almost burn that message into the screen. As much as I hate to do this, yes there would be some things I would tweak in this if we start tweaking it, so we've already had a suggestion on a fairly significant change in the electronic messaging board. I would just ask my fellow council members, is there any interest at this point, in putting it back into committee? We've made a fairly substantive change in the motion that's on the floor now without the benefit of hearing from, perhaps public assemblies folk and the community at large regarding a fairly significant change to even what the Planning Board recommended, would require if there's...

MAYOR: Ok. Of course we have the original motion and a substitute. Let me just ask Mr.Clark...

COUNCIL MEMBER CLARK: Mr. Besse and I have just done some quick negotiating. I would be willing to accept 2 minutes and he would also. I think that would certainly solve the issue of, well even a stoplight, you're not there more than about a minute. But I do have some concerns if there's 3 or 4 events going on at the convention center and somebody's going to the convention center and it never, they've got to stand there for 4 hours to see if they're at the right building, I don't think makes sense. But I think every 2 minutes would certainly solve the safety issue. You would rarely see it change but I think it would solve the issues. I'm just trying to get this thing put to bed and if Mr. Besse will take 2 minutes, then I'll take 2 minutes and he can either amend his or I can amend mine and we'll get going.

COUNCIL MEMBER BESSE: I would accept that as a substitute amendment because I think that would address the traffic safety if Council Member Johnson will accept that. I'm primarily concerned in this context of the traffic safety effect.

MAYOR: So Mr. Besse's actual proposed amendment is 2 minutes and Council Member Johnson, do you second that? Alright.

COUNCIL MEMBER JOHNSON: Mayor, let me just qualify that. It's because of the issues with the timing and the functional pieces. That's what I'm willing to...

MAYOR: Council Member Burke and then Council Member Malloy.

COUNCIL MEMBER BURKE: I guess Council Member Malloy and I have about the same thing. We were concerned about what the City Manager has said. How is that going to affect now, what they are saying?

MR. GARRITY: In fact, I'm going to ask the Assistant City Manager, Martha Wheelock to comment on that specifically.

MAYOR: Mrs. Wheelock.

MRS. WHEELOCK: Good evening. The primary purposes of the signs as mentioned at the Coliseum Complex, the Coliseum Annex, and the Benton Convention Center are to advertise events and in our perspective, that is a community purpose for using those signs to advertise those events to the public. We have also, we have existing contractual obligations with sponsors on those signs and it is often included in the contracts that we use to contract for events at the facilities that those events will be advertised on those signs. We accepted the 8 seconds as the standard that, the only known standard there is. The NCDOT standard of 8 seconds as a compromise from the 2 to 3 seconds that the sign does currently run. If you're driving down University Parkway, anything really less than 8 seconds, no event will be advertised at all in a full cycle.

MAYOR: Alright, Council Member Merschel.

COUNCIL MEMBER MERSCHEL: I guess I would ask...

MAYOR: I'm sorry, Mr. Malloy had a, and she asked a question for...

COUNCIL MEMBER MALLOY: I had the same question, but was it 2 minutes? Does the 2 minutes negate those contracts, if the 2 minutes passes?

MRS. WHEELOCK: I can't really answer that question. I believe the people that attend the events at the facility will not be satisfied with that level of advertising for their event.

MAYOR: Council Member Merschel.

COUNCIL MEMBER MERSCHEL: Martha, since there are different thresholds as far as the current zoning and size as it relates to the Coliseum, Convention Center, Ernie Shore Field, and this is the reason I thought it should go back to committee because I'm about to ask for an exception. We have fought so hard to increase the marketing for public assemblies, to try and get a better return on those facilities, that the citizens of this community own and subsidize significantly every year. Could we look at making an exception on those signs which half of me says ok, let's do that and the other half of me says it needs to be consistent with everybody else? I have a real concern on that genre of electronic messaging signage.

MAYOR: Certainly, that's a very salient question, I think. I'm wondering how the Council would feel about pulling that piece out of the ordinance and let it go back to the committee to work on that piece, in order to try to get that ordinance through, would pull that piece out, if that's the primary sticking point here.

COUNCIL MEMBER BESSE: Mr. Mayor, if you're asking, I would prefer to see it all handled at once and not risk an extended delay in dealing with electronic message signs that I think are starting to proliferate and we need to get a jump on those now. If we pull any of it, I prefer to send the whole thing back to committee with a strict report back date. But I would, I frankly think that this is a pretty straightforward question. I am not convinced that there is any sufficient justification for getting out of the what's good for the goose is what's good for the gander rule in this instance. I'm also not convinced that you are getting a substantial advertising impact at the Convention, at the Coliseum, of

people who are simply driving by and seeing that there is going to be X event there in 4 days and coming back. I've certainly not seen any studies supporting that contention and wonder if we've allowed for too much to be spent for that big fancy message flashing sign. The reason you have those message signs changing so often is simply to catch the attention of the drivers going down the road, and that is precisely the kind of traffic safety question that I think we need to address with a longer base change period.

MAYOR: Mr. Clark.

COUNCIL MEMBER CLARK: This is not effective until July 1st so if we were to vote tonight, that would give us 6 weeks to answer specific questions as far as contractual issues and also the issue of will it damage the sign. I have some concerns there. So, we can always change it, but I'm like Mr. Besse. I think if we can get something going, get the clock ticking, and if Mrs. Wheelock can convince us to change that to something other based on some information on what it will do to the signs or whatever, then I think we can deal with it then.

MRS. WHEELOCK: If I may, I could offer 2 points regarding the damage to the sign, if it's changed. The sign is definitely manufactured to change. It would affect the life of the light bulbs in the sign and ultimately cause them to possibly be replaced more often. As we worked with Dektronics who has developed our signs, to quantify that, they have not actually been able to quantify that for us, to an extent. So, I can't offer any more information on that. Regarding the visibility of the signs on both Deacon and University Boulevard, in our naming rights study that was done separately, they did value the exposure of both of those signs in that report. I don't have that with me, but we do have some information that we could provide you about the numbers of exposures to that time for your consideration.

MAYOR: Council Member Terry.

COUNCIL MEMBER TERRY: Thank you very much Mr. Mayor. There are 2 parts of this ordinance that I do not necessarily like as well. Amortization, I think is a little bit long. The electronic signs, I would remove completely, if I had my druthers. But it's my understanding that with the amount of work that has gone into this and with all of the compromise that has been reached, it is now time to do something about what I call visual pollution in our community. And this particular ordinance provides us with a beginning to do something about that. So I am inclined to, the one thing I'd like to know though, is if we were to pass as is, is there a period of time or a limitation placed on what we might come back to be able to alter, amend or recommend, based on some things that we find out? Let's say, within a period of 6 months or a year, particularly, as it relates to the electronic, because I certainly would like to know about the value, because in my view, there is no value. But I don't know that to be a fact, so I would like to have that...

MAYOR: Mr. Norby, could you comment on that?

MR. NORBY: Mr. Mayor, members of the Council, if you were to take action on the ordinance tonight, then it would be in place if you wish to revisit one or more issues in that and in subsequent discussions decide that you want to amend that provision that you

adopted. Then, what would happen is we would then create a text amendment that would then go back to the Planning Board, come back to you in public hearing for you to make that particular change in the ordinance. The other thing I just want to remind the Council about, if you're talking about different possibilities for electronic signs is, here's your spectrum of sign heights and sizes that are proposed in the proposed ordinance and you can see them going from the very small on up to the stadium, coliseum, exhibition building, the indoor theatres, the smaller capacity, larger capacity, and then the signs along the interstate interchanges. So, certainly, if you're thinking about different size standards as you are here, it's conceivable that you could think about different time standards as well. Certainly, you've got a, certainly this class of signs is a lot larger here, so that's something to keep in mind as you're thinking about...

MAYOR: So, you could have different times for the sizes?

MR. NORBY: Right.

MAYOR: It gets to be pretty complicated here. Council Member Leight asked to be heard and then I'll come back to Council Member Merschel.

COUNCIL MEMBER LEIGHT: In fact, that was what I was going to suggest that the stadium, coliseum, whatever, signs are in fact, in separate categories already. And so, if it should turn out that subsequent studies show that it would make the board blow up or whatever, then obviously, we could put an amendment in to the effect that these signs could change at a different rate. So, I don't see that as a problem with our going ahead with this tonight.

MAYOR: Ok, Council Member Merschel.

COUNCIL MEMEBR MERSCHEL: And I understand Paul, thank you for the alternatives, but I just think that's bad policy to be honest. In the alternative, if someone called a no consideration on this item tonight, since it is the first meeting of the month, we will have committee meetings next week and a no consideration, it's my understanding would require that it be on the agenda for the next meeting. So, I understand everybody here has got time invested in it, and my personal opinion is that not only do we have a responsibility to balance the needs of the small business, the neighborhoods, but we also have the fiduciary responsibility to look at the impact that we're going to have on the facilities that the good citizens of Winston-Salem own. So, unfortunately, we can't seem to come to a consensus, so I'm going to call a no consideration on the item.

MAYOR: Alright, Council Member Merschel has moved no consideration so this will come back for consideration at the second meeting in May.

COUNCIL MEMBER MERSCHEL: Could I add a caveat that I would appreciate the Public Works chair taking that as an issue for informational purposes...

COUNCIL MEMBER JOHNSON: Well, we have committees, excuse me Mayor...

MAYOR: Are you finished Council Member Merschel?

COUNCIL MEMBER MERSCHEL: I would certainly offer that Finance Committee could take that item because part of it is one of financial investment in the publicly owned facilities, so I would ask that Mrs. Wheelock and Mr. Garrity have financial information on the public assembly signs.

MAYOR: Ok. Council Member Johnson was asking whether or not we could actually discuss it from a no consideration and the Council can vote to have a discussion after an item has been no considered at the subsequent meetings, but it's subject to the Council. Go ahead.

COUNCIL MEMBER JOHNSON: Then, we have committees next week and I think we have the opportunity to do that since we can do things for information purposes in the no consideration mode. But I think all of us want to quickly get rid of, to take care of the matter at hand, but if we have discussions on whatever appropriate committees next week and then it would certainly be ready to come back to Council on the next, on the third meeting.

MAYOR: Ok. Council Member Burke.

COUNCIL MEMBER BURKE: Mayor, since we heard quite a lot of conversation about safety, make sure we put something on the Public Safety, so we all can have a conversation.

MAYOR: Anybody have any General Government ideas?

(Laughter)

COUNCIL MEMBER BURKE: With all this work that's been put in by staff, citizens, business people, we need to agree to bring it to closure. So, at this particular time, we've got all we need to talk about.

MAYOR: Certainly, I do thank everybody for their interest and hard work on this and it's a big decision, so I think taking an extra couple of weeks is fine there.

PUBLIC WORKS COMMITTEE

VERBATIM MINUTES OF ITEM 1

5:45 P.M., TUESDAY, APRIL 10, 2007

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Council Member Joycelyn V. Johnson, Chair
Council Member Dan Besse
Council Member Robert C. Clark

MEMBER ABSENT: Council Member Evelyn A. Terry, Vice Chair

OTHERS PRESENT: Council Member Molly Leight

1. 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.]*

MR. NORBY: Good afternoon.

CHAIR JOHNSON: Good afternoon.

MR. NORBY: I brought with me Kirk Ericson and Glenn Simmons from the Planning staff who have been working on this for quite a bit of time. And as I think you know, May 7th is the scheduled date for the public hearing but we thought there had been so much public interest in a number of issues involved with this so it might be helpful to bring this through the Committee system and brief the Council before you got to the, to the actual hearing itself. You also have this nice, large, blue book which we put together for your reference. It probably will be good if you could hang on to it through the process because that will give you a handy reference guide to a number of the issues that, or pieces of information about the process and the ordinance. I'm going to give a slideshow here that will summarize a lot of what is in the book. As long as the projection system works alright for us, I guess we can use that. If not, I've got my backup here which is a hard copy of this that I can give you as well.

Why a revision to the ordinance? Well, actually the genesis of this came in the adopted *Legacy* plan which this Council and the other elected bodies of the County adopted in 2001. And there was an action plan item in reference to the, in the plan to, revisiting the existing ordinance to make signs less dominant and more on scale with their surrounding environment. Also, in 2002, when the City Council began its first ever Strategic Plan, an item was put into the Plan by the Council to prepare changes to our on-premise sign regulations in order to improve the appearance of our streets and our gateways. Also, as Council may be aware, for at least the last fifteen years, we have been routinely including as part of special use district zoning, conditions relating to signage, which are actually more restrictive than what this proposed ordinance is. But when you look at the ordinance for general use zoning and what is allowed, there is this huge variance between what the general ordinance and what the special use sign conditions that we typically have been approving allow. So this will reduce the gap between those two and perhaps reduce the need in some cases, for special use district zoning. And then finally, in talking with our Inspections Department, they identified a need to simplify and clarify language in the ordinance that would help them in interpretation and field enforcement.

COUNCIL MEMBER BESSE: Excuse me, quick question, as we go along. This doesn't eliminate the existing special use conditions?

MR. NORBY: No, it does not. Those will remain in place and the Planning Board had some discussion about that as to whether the adoption of this would mean that we just would eliminate asking for sign conditions on special use zoning and what our answer to that was that it really depends on the corridor. If you're on a corridor that is dominated by the larger signs, then it probably doesn't make sense to have special use sign conditions that call for six foot high signs. But if instead you're on a corridor that has been characterized by lower signs and all that, then we certainly would want to have new signs in keeping with that and so those, those may be cases where that's particularly important. Or if it's a new commercial area that there may be concerns about commercial intrusion, having more restrictive sign conditions on that might be appropriate. The process for putting together this ordinance actually took place over a number of years and it actually got kicked off. Keeping in mind 2002 was the Council's Strategic Plan directive to do this, in 2003 and '04, we had a Citizens Advisory Committee that was assembled with representation from various different types of interest groups and they met with staff over 2003 and '04 and developed a number of recommendations. And those recommendations, the major parts of them included actually a maximum freestanding size of sign height of 12 feet high and 54 square feet in area. So certainly more restrictive than what is before you now. Also, one of their recommendations was to not allow electronic message boards at all and to have restrictions on temporary special event banners for commercial establishments where those have not been allowed before, and then a seven year proposed amortization period for any nonconforming freestanding signs. So those were the citizen committee recommendations. Those were not unanimous recommendations but those were majority recommendations. In many cases, many did all agree but particularly in the area of amortization. That was some place where there was some disagreement among people on the committee. The staff after that point reviewed the committee recommendations and sat down with the Attorney's office

and Inspections to try to screen through that to see if there were any legal issues; were there also administration and enforcement issues. And so through that discussion, an in depth analysis through those offices, we identified some changes to make that would help in those respects. The staff presented a revised draft ordinance through the Chamber of Commerce's Local Issues Committee in the fall of 2005 to inform them and we had asked the Chamber for their help in getting the word out to the business community about this. In light of those discussions, changes were made based on comments and then in early 2006, specifically in March and in May, we had four different presentations of the proposed ordinance. Actually, it was two rounds. We did two presentations in February, we got comments, made some adjustments, went back out to the public and had two more presentations in May of 2006 that were generally advertised. And the Chamber helped us in getting the word out among their membership about those meetings.

The final staff recommendations were presented and further comment was heard at the first formal public hearing that the Planning Board held in September of this last year. And the main points of the ordinance and the main points of discussion included the maximum height and area of the freestanding signs, how attached signage should be regulated, how do we deal with temporary or abandoned signs, how do we deal with electronic signs, and the issue of amortization. Several issues were looked at from that meeting and were identified and the Planning Board basically in every single meeting they had after that September public hearing from then through March, they discussed the sign ordinance and received information, asked for information and things like that. In January of 2007, the Board went on a field trip to portions of Greensboro, High Point, Kernersville, Winston-Salem and Clemmons to look at the different types of regulation of signs in the area and see what they look like. See what some of the issues were. And then they had a special work session on January 25th where they discussed all these issues and at the end of the meeting came up with a tentative agreement on a revised ordinance that they wanted to have a public hearing on in March. That meeting was, was scheduled, the hearing was scheduled and that revised draft included changes made in response to issues that the Board examined over those several months. And the changes from the September 2006 staff recommendations dealt mainly with the issue of construction, development and real estate signs. And since they're sort of temporary signs that are there, there was a desire for more flexibility with those kinds of signs. Also, the Planning Board discussed, particularly in office park areas, the idea of having additional freestanding signs allowed particularly when you have a lot of frontage along a main road and you have multiple buildings having the ability to have additional signs in front of those buildings. Electronic message boards – there were changes from that that the Planning Board dealt with particularly in regards to the rate of change that those electronic message boards can change. And then finally, amortization and what was the proper time period for amortization that the Planning Board wished to recommend. These next couple of slides are going to give you sort of a range of views around the community now about what our present ordinance allows and as you can see, it's a pretty wide variety of signs competing for attention and in many ways, those signs are the single most dominant feature of the landscape with the possible exception of some utility lines there. But the signs in many cases actually dominate the view even of buildings, of landscaping and things like that. So, and it occurs in corridors all over the city. The

current freestanding maximum height of sign regulations in the ordinance right now are a maximum height of 35 feet high, a maximum area depending on the zoning district of anywhere from seventy-five to 150 square feet in size. By contrast the proposed regulations would call for a maximum height of six to 15 feet, depending on what zoning district. But if you're a typical highway business along one of our major corridors, you'd like to be talking about Highway Business zoning, HB zoning and that would be, you'd be talking about 15 feet there. The maximum area again, depending on zoning district, would go from 36 to 75 square feet in area.

CHAIR JOHNSON: Paul, when did you take those pictures?

MR. NORBY: You saw the gas prices? *(LAUGHTER)* Well, keep in mind, this process has been going on since 2003.

COUNCIL MEMBER CLARK: Yeah, I'd like to know where that station is at.

MR. NORBY: Just about every presentation, someone's picked up on that. This little chart here, we did a more exhaustive survey of other North Carolina communities. This represents sort of three different tiers of cities if you will, in terms of their type of sign regulations. You can see on the left, Greensboro and existing sign regulations in Winston-Salem/Forsyth County and maybe to a lesser degree, Charlotte. Those are up among the highest and the biggest among, in the state. On the other extreme, you have Cary and you don't see it on the chart, but Chapel Hill, Kernersville, that in their regular regulations call for very low signs, 3½ foot high in the case of Cary, Kernersville 5 feet and Chapel Hill somewhere in that same range. So those are among the most restrictive in the state. What we're talking about in the proposed regulations is this area in the middle that covers cities like Raleigh and Durham. This proposed regulation is also very similar to Clemmons, to Matthews near Charlotte, Mooresville in Iredell County north of Charlotte, and a number of communities in the Triangle area. So that gives you an idea there. Our present regulations, not only is it similar to Greensboro but it's also, our current regulations are right in line with Thomasville, Lumberton, Burlington, North Wilkesboro, Rockingham, Fayetteville, Jacksonville, Wilmington and Statesville. So that's sort of that lower tier of cities in terms of the, actually higher tier of cities in terms of the size and height of signs. Our proposed regulations as I said are more like Raleigh, Durham, Garner, Clemmons, Morrisville. Not near as restrictive as Cary, Chapel Hill, Lewisville, Kernersville and a number of the smaller towns north of Charlotte and Mecklenburg.

COUNCIL MEMBER CLARK: Paul, are you going to tell us later how you measure those? For example, that irregular one is like the one over there off of Miller. How do you measure that? Move to your next slide, there. How do you measure that?

MR. NORBY: We've got an extra amount of height and extra amount of area that we allocate for a sign that has a lot of air in it.

COUNCIL MEMBER CLARK: Well, how tall is that one?

MR. NORBY: Help me out, how did we actually calculate that, that area? The irregular signs?

MR. ERICSON: That would actually be, it would be the outside dimension. Now in the case of where it says, "Miller Street Market", there would be channel letters which would be either raised or sized into the surface. And those, you would just draw a rectangle around the letters. It's kind of difficult to see what that that...

CHAIR JOHNSON: *(INAUDIBLE)*

COUNCIL MEMBER CLARK: This is my height?

MR. ERICSON: Right. That's correct for the height. And then also in area...

COUNCIL MEMBER CLARK: Do I make a box out of that, or do I make a triangle?

MR. ERICSON: Well, you make several smaller boxes. You draw boxes around the Miller Street Market letters and then...

COUNCIL MEMBER CLARK: And then I draw a box around that and come around...

MR. ERICSON: ...right. And then also around the white background that says, "Whole Foods", and then add those two together. And then again, as Paul said, you get a 30% bonus.

COUNCIL MEMBER CLARK: The green doesn't count?

MR. ERICSON: That's correct.

MR. NORBY: We give it a little extra height and a little extra area to make up for the fact that you've got some air in there and then that allows for the creativity of the sign.

COUNCIL MEMBER CLARK: Do you know specifically how tall and how many square feet this sign is?

MR. ERICSON: That's approximately 15 feet tall and 75 square feet.

COUNCIL MEMBER CLARK: It's hard and I'm trying to visualize as I'm driving down the road, how big things are.

MR. NORBY: And I think that's a fairly unique part of our ordinance, is we wanted to encourage creativity and to allow for those kinds of signs. So we wanted to recognize that when you've got a lot of air that you're seeing through, you ought to have a little bit more leeway. Getting to the, these are, oh, wall signs, wall signs, we did not see as being a significant problem. And so when you talk about amortization, we only proposed

applying amortization to freestanding signs, not to any nonconforming signs that might be found on walls of buildings. And like I said, we just didn't see that many problems at the committee. We are setting up a standard in this ordinance of a maximum of 15% of a wall area that can be devoted to a sign and that would keep it in sync with the scale of the building.

COUNCIL MEMBER CLARK: Did that Blockbuster meet that?

MR. NORBY: Yes.

COUNCIL MEMBER CLARK: And you just count the words and not the blue awning?

MR. NORBY: That's correct. And then moving ahead to electronic message boards, currently our regulations allow them, hand these out in case you have trouble seeing some of the slides here, currently they're allowed in all of the districts. Again, the citizens committee thought that they shouldn't be allowed anywhere. What we ended up doing is proposing allowing them in all the districts, they would have to be included as part of the sign height and size for a freestanding sign. You don't get an additional allocation for an electronic sign. And then there was a lot of discussion about the time period. We started off without our original draft ordinance back last year I believe with four hours maximum change time. Actually you have some other cities in North Carolina that have even longer. Raleigh, I believe has eight hours between changes, Charlotte has 24 hours between changes. Durham, I believe went to four hours. The, we started off with four hours. There was a lot of concern among the business community and with institutions in, certain institutions in the community that they wanted the ability to have these electronic signs and they wanted the ability to be able to change those messages. They thought it was very important to be able to do that. And of course one example is the Coliseum. They have a lot of rate of change for all the different events that they're trying to advertise and there was a lot of concern in the community that what was good for the Coliseum was good for everybody else. So there's a lot of debate about whether that, that should be the same standard. So the different variations of this, the, we had a 30 minute time period, I believe, at one time. Thirty seconds, and then the Planning Board ended up with eight seconds. The eight was based on the understanding that the NCDOT uses an eight second interval for its traffic information signs, electronically above roadways.

COUNCIL MEMBER LEIGHT: I was just going to ask, what would the "Walgreen's Opening" change to in eight seconds? "Walgreen's Closing" or what?

COUNCIL MEMBER CLARK: The price of milk.

MR. NORBY: It could be whatever special, and that's what a lot of businesses want the ability to do.

COUNCIL MEMBER CLARK: If you weren't going to change it you wouldn't want to pay because they're very expensive. (*INAUDIBLE*)...but milk, it's something they do advertise.

MR. NORBY: I think part of the concern about the electronic signs was it, to what degree would it get to the point where along a commercial corridor where you might have a little bit a "Vegas" effect if, if you project ahead of time. There's not that many of them now, but as the technology gets more affordable and more prevalent, looking ahead five or ten years down the road, are you going to have enough of these things that with the changes happening in all the signs as you're going down the road, you're going to, you're going to feel like you're kind of going down a more gaudy looking strip. So that was part of the debate, was to what degree is this going too far for what we're allowing. There was some question about whether they would be a distraction or a traffic hazard if people were paying more attention to that than to traffic as they're going down there. Would there be a traffic safety issue there? To my knowledge, there aren't any conclusive studies about that. The jury is still out as to how much there is but a lot of people have felt intuitively that if you're paying attention to those signs, you're not paying attention and you'll wreck.

COUNCIL MEMBER LEIGHT: And in fact, if I may, one of the people who spoke at the Planning Board hearing talked about driving down the road and watching his rear view mirror to see what the, like the sale item was that day. To my mind, that is dangerous.

MR. NORBY: We actually set up some computer animations for the Planning Board about two minute interval, one minute interval, 30 seconds and eight seconds, I believe, so they could kind of see what it looked like. And so they looked at those before they ended up making their decision. Okay, the, in terms of amortization, that was certainly another important issue. And of course, the concept on amortization is that at a certain point in time in the future, the expectation is that everybody has to play by the same rules. That if we didn't have amortization at all, people with older signs would have, would be able to have that advantage of the larger and bigger sign compared to folks who are having to abide by the rules. So is there a point in time where it's fair to everybody that everybody has to abide by the same rules. Most of the cities that we checked with in the state with amortization time periods, the shortest that we found was I believe 3½ years. The longest was ten years. And Clemmons actually has a ten year amortization that I believe they're six or seven years down the road on and Durham had a ten year amortization period. Raleigh had 5½ years. There are other cities with different times. Winston-Salem actually when they passed, when Winston-Salem passed the current ordinance back in the 80's, it set up a seven year amortization period for nonconforming signs beyond what currently is allowed. The Planning Board, ten years was the original staff recommendation. The citizens committee recommended seven. Recommended ten years there. The Planning Board really wrestled with that. There was a lot of concern from the business community that they felt that there were a number of signs that had a life that were considerably beyond 15 years. I think there was some request for even having 20 years or having one free grandfathered signed per site. There were lots of

things that were proposed. The Planning Board after really struggling with that issue ended up with a proposed 15 year amortization period. We also built in a feature that would assist a little bit with that amortization. And it gives signs that are close in terms of height but not quite there, or close in terms of area but not quite there. It gives them the ability to keep those signs even though they're just a little bit out of sync. So we gave a two-foot variance on the sign height, for example to 17 feet and an area variation of 25% beyond the basic requirement. We did a, one of the concerns of the Planning Board was how many folks are going to be affected by these changes. So in the fall after the September public hearing, we went out and did a survey of the primary and secondary corridors in town and in your book you'll see a map there that kind of shows the different areas. We felt like we have pretty good coverage to the whole city. We surveyed over 1,200 signs along those corridors. Seventy-six percent of the signs along the primary corridors conform to the area regulations. Forty-nine percent of the signs along the primary corridors conform to both the area regulations. But if you put both the primary and secondary corridors together, over half of the signs already conform to the proposed height and area regulations of this public ordinance. To give you some actual numbers, you saw 1,231 signs, 667 of them already conform to both height and area, so that's over half. Three hundred and twenty-one of them would only need to be lowered because they are already okay in terms of area. So you just lower the pole or the standard that they're on to get them into compliance and then 225 of them would actually need to be replaced because they are too big in area as well. So those, those signs would of course have the full amortization period to come into compliance.

COUNCIL MEMBER CLARK: Do you think, you surveyed 1,200, how many signs do you think there are out there?

MR. NORBY: Well, there's probably more than that because you have some smaller, local streets that have some businesses on them but those tend to not have the bigger signs on them. The bigger signs are going to tend to be on the major thoroughfares. So we think we've gotten the vast majority of any of the problem cases.

COUNCIL MEMBER CLARK: So roughly, I would round that to 54, half, so 600 in compliance and 600 are out, give or take.

MR. NORBY: Yes. And then more than half of those out of compliance can get into compliance by just lowering the sign. Here's some examples of existing, conforming signs and like I say, for the last 15 years, you've been having hundreds of cases of special use zoning where you have these conditions for essentially ground signs. But these pictures are not just special use district zoning. Okay, our regular general use zoning, where the owner has chosen to put up a sign that is smaller, not as costly and all that. But there's many, many examples of conforming signs in the community and he's scrolling through several of those right there. I guess, bottom line is, we're not proposing anything that is, it certainly is a significant change in the maximum allowed by the present ordinance. But when you consider the signs that have been routinely approved for special use district zoning, this is not at all out of the ordinary. In fact, it's much less restrictive on them. I've got a one page sort of a cheat sheet, as you're trying to wade

through the actual ordinance which is many pages long because it has strikeouts of existing language and additions in there, I was thinking that you might appreciate having sort of a little cheat sheet to kind of summarize this on the front and back of the, of the page. What are the key features of the ordinance and how it compares to the current ordinance? So I wanted to leave that for your information and then another note on the Planning Board's recommendation on the electronic sign rate of change as you know, they recommended eight seconds. They had a lot of discussion about how this relates to traffic safety, or whether there's an issue with traffic safety, and they really felt that for the future, that might be a subject of further study by our own City Department of Transportation to see if there is a safety issue. And if there is a desire to, in the future, change the rate of change, maybe that would best be handled in Section 70 of the City Code as opposed to in the UDO. And so that, they wanted to make that additional recommendation for the future that, instead of doing that. And with that, that's pretty much a walk-through of the basics of the ordinance. In your blue book there, I just wanted to point out that Tab 1 is some summary information on the ordinance which also includes the history of it, the process that we used, the different changes that had been made to the ordinance since the citizens committee had it, the chart comparing our present and proposed regulations to other communities in the state. Tab 2 is the actual formal staff report and the ordinance change. And the staff report includes all the discussion from the two different Planning Board hearings that were held on it. And then Tab 3 is your sign survey where you can actually see corridor-by-corridor what was the variation and the percentage of signs that were conforming. So you can see that by corridor. We've done a similar survey for the County jurisdiction as well but the vast majority of signs that would be affected by the ordinance are in the City jurisdiction. There was discussion both at the public hearing and with the Planning Board about what other cities do concerning amortization and so we actually contacted those cities and got e-mails and letters directly from them in their own words that said how they handle amortization and what their experience was with it.

COUNCIL MEMBER CLARK: Is this much different than what, the green one I got several months ago?

MR. NORBY: Very, I'd say about 90% the same. Tab 5 is communications received in favor which updates it up through the March Planning Board hearing. I think what you got in your book last fall was things that were received through September. And then Tab 6 is communications that were received throughout the history of this in opposition to it. So I think that pretty much covers what I, I was hoping to go over with you. If you have any questions, I'd be glad to answer them.

CHAIR JOHNSON: Are there any citizens that have questions or concerns regarding the ordinance. Okay. Paul, if you will, just stay there. If you would come and share the table with us?

COUNCIL MEMBER BESSE: I have a question for Paul while we're waiting. If we were to wish to consider as a part of Council action any of the recommendations to the Planning Board that were more stringent than the recommendations from the Planning

Board, would we be legally permitted to act on those at the hearing scheduled for May or would we have to add to the language of the public notice?

MR. NORBY: You may want to ask Chuck Green to confirm this, but what we wrote into the version that you have is both the Planning Board recommendation and the staff recommendation. So it's there in writing in the same ordinance. We put the staff, the original staff recommendations from September in italics, but it's appearing in print there with that, so I believe we've got both those bases covered.

COUNCIL MEMBER BESSE: And then, just a follow up, if there were to be a proposal to adopt an element that were more stringent than the recommendation of the Planning Board, that would require additional public notice or would it?

MR. GREEN: No it wouldn't.

CHAIR JOHNSON: No.

COUNCIL MEMBER CLARK: Just like any other public hearing, we could have it and then change anything that we want.

CHAIR JOHNSON: But I would think that if there was some kind of conversation, you would have an opportunity to continue it in Committee without a vote at the public hearing.

COUNCIL MEMBER BESSE: Just wanted to know what our legal parameters were in this context. Thank you.

CHAIR JOHNSON: Okay.

MR. ROBERT VORSTEG: Thank you for the opportunity to comment on this. There's been so many comments already, I don't know how ya'll have managed to keep them all straight. We basically, I'm with the, Melynda and I are with the Winston-Salem Neighborhood Alliance and we have been following this. And fundamentally, we support this ordinance. We think it's a good thing. It's headed in a good direction. Our major concerns were we believed it could be improved as it has to do with the amortization and also with the timeframe in the maximum timeframe allowed. And regarding the amortization, this has covered a range from seven years to ten years and now we're being presented with 15 years. We feel that ten years was already a significant compromise with the seven year thing which has, we've just been told, a number, several places where there, one place is as short as 5½ years. Ten years seems a reasonable stretch. Beyond that, we'd have a lot of difficulty. And I believe it connects up in a definite way with this notion of a level playing field that Mr. Norby was touching on. Why do we need amortization at all? Why not just extend it so far. I, I think I even heard at one point somebody wanted 20 years. In fact, if you are going to make these changes, do you want to give a substantial advantage to those who have been most aggressive in pushing the signs taller and bigger? That, I think is the question here and I

don't think that given the other related fact that concerning both height and area of signs, over one half the signs that were surveyed are already in compliance. And it seems to me you are kind of giving an unfair advantage to the, to the most aggressive pursuit of signage in this city and county. And it seems to me it would be more fair that most persons putting up signs have had some reasonable sense of the limitations that there ought to be in this community. And I think they should be taken into account. That's the suggestion I'd like to leave you with on that. With regard to changing the message, eight seconds. Now, I think there is a difference between the time rate for DOT when they, when I'm driving down the freeway and I see that message telling me about the different things. Those are important. They're not distractions, they keep me focused on my driving and sometimes advise me what I might need to be aware of. That's not a distraction in the proper sense. However, these signs, the electronic message boards, I think you could, as I see it, these boards, the very purpose of these boards is precisely to be a distractions. The less distraction they are, the less effective they are for the purpose they're put up for. They are intended to be distractions and they, they won't do the job unless they're distracting. I grant you, if I were someone, a merchant, to maximize my sales, perhaps I'd want to maximize the distraction effect and I would push as hard as I could. However, if I was concerned with people driving down the road, with the enormous amount of distractions we're already subjected to, most recently and dramatically perhaps are the cell phones that people can't resist using while driving, and we already know without a scientific study that that is a real distraction. And I don't think that we need a scientific study which the DOT would have to do before they could pronounce something to the public about whether or not these are a safety issue. And it would be good if somewhere down the road we had that kind of knowledge. But we can't afford, as in many other cases, we can't afford until we have a high, expensive or long time duration scientific study to tell us what I think common sense tells us. These signs exist in order to distract us so that we pay attention and maybe stop and go in a store. By definition that's what they are for. That's all I'll say. Thank you very much.

CHAIR JOHNSON: If you would, just for a matter of record, we know you're a frequent flyer with us, but give use your name and address.

MR. VORSGTEG: Oh, yes. Robert Vorsteg, that's V-O-R-S-T-E-G, 3620 Marlowe Avenue.

CHAIR JOHNSON: Thank you. Melynda?

MELYNDA DUNIGAN: Melynda Dunigan, 1875 Mallard Lakes Drive, and I just wanted to mention a couple of things about, it was my impression that the reason that eight seconds was arrived at was because from a point of view of the merchant, they would like to have their message seen by the customer. The customer drives down the road and they want it to change at least once. So they want to be able to present two messages instead of one. And I think for them, that's why they zeroed in on that eight seconds because that would give them the opportunity to do that. But in my opinion, that eight seconds is just too quick. Because you're going to get that continuous blinking effect if you look at signs, if there are many signs, as Mr. Norby referred to it, many signs

in a corridor. I just think that you have to look into the future. Right now they're not a problem. But it's, these are very much in demand. They're expensive now but they probably will go down in price and everybody wants them because they give you that opportunity to broadcast more than one message. And if we have lots and lots of them, not only is it going to be an aesthetic issue, it's going to be, in my opinion a safety issue. At the eight seconds that the DOT uses, for its messages on the highway, that is really based on how much your brain can absorb or process as you're driving 55 miles per hour in the daylight and seeing letters that are about 14 inches high. The scientific studies tell you that it takes about nine seconds to process that information. So it has nothing to do with safety. It has to do with processing time and my, the reason I don't think it's a good idea to have the DOT regulate this matter is that, as Mr. Vorsteg mentioned, the, the variables that go into this kind of situation in order to study it scientifically make it very difficult. And the FHA is looking at this really with respect to billboards and not on premise electronic signs. But what they have found is that, there have been a few anecdotal studies done that do show a problem but there are so many variables in this equation that it's really, really hard to come up with a solid determination on it. So they are doing a study with respect to billboards right now but we won't know the results of that for a while and how that generalizes the on-premise signs, nobody really knows. So if you turn it over to DOT, it's likely that they will do nothing because they won't be able to come up with a standard. On the other hand, I think if you use your common sense, if you just look at it and use your intuition, I think, viewing the fact, assuming there's going to be a lot of these in the future, I think there should be some regulation on them above eight seconds and the Neighborhood Alliance supports the 30 minute standard that was proposed.

CHAIR JOHNSON: Okay. Anyone else that wants to be heard? Any additional comments or questions from Council Members?

COUNCIL MEMBER CLARK: I have some questions but I was going to wait until... First of all, I did not get my Thursday packet until Friday, and, we had family in for Easter so I haven't had a chance to, to go over this in detail, so I may be asking questions that are obvious (*INAUDIBLE*). Can you comment a little bit about historic signs? I'm a little concerned that what's historical and what's not.

MR. NORBY: Well, bottom line is any proposed historic sign designation would have to go through the Historic Resources Commission for it to be looked at that way.

COUNCIL MEMBER CLARK: So if they say it's historic, it's historic.

MR. NORBY: Yes, there's, let's see, can ya'll help me out here, what page in the ordinance we're...

MR. ERICSON: It's on Page 52 in the ordinance and there's actually...

COUNCIL MEMBER CLARK: Give me a minute, bear with me.

MR. NORBY: Yeah, there's a section that has criteria for classification.

COUNCIL MEMBER CLARK: Okay. But, are these criteria it has to meet? Again, I haven't had a chance to read this in detail.

MR. NORBY: Yes. The Commission has to find that it has, that it has met at least three of the following criteria.

COUNCIL MEMBER CLARK: But again, fairly subjective?

MR. NORBY: Yes, but within those boundaries. Yes.

COUNCIL MEMBER CLARK: Is the Arby's sign at Thruway historical?

MR. SIMMONS: Could be.

COUNCIL MEMBER CLARK: Could be.

MR. NORBY: That actually, we...

COUNCIL MEMBER CLARK: The largest sign in town could be historical? Is the, what's the one on Peters Creek? The barbecue place that's got the chicken, what's that one called?

CHAIR JOHNSON: Mr. Barbecue.

COUNCIL MEMBER CLARK: Is it Mr. Barbecue? That one's somewhat unique. Is that historical.

MR. SIMMONS: Could be.

COUNCIL MEMBER CLARK: I don't know what my opinion is yet but I am concerned when we have an out that a group of non-elected folks can decide what stays and what doesn't stay. And someone made the point, and one thing I am concerned about is being fair to everybody, that if the McDonalds down the street has got to have a little sign, then I think Arby's needs to have a little sign too. My, my first inclination is that I have a real hard time with that.

MR. NORBY: So there might be a couple of ways of handling that. One is at the, at the most would be to delete that as a consideration...

COUNCIL MEMBER CLARK: Yeah, I have been in, and I can't think of a restaurant right now, but what many restaurants use as themes, old signs. Little Richard's out on Stratford Road, not Stratford, Country Club. Now they use smaller signs, but they have old tobacco signs and Esso signs, and some of those and yes, they're quaint and antiquated but I just think, I'm worried about the fairness issue there.

MR. NORBY: Another possibility would be to increase the number of the criteria that would need to be met. Or a third one might be to have Council be the approving body.

COUNCIL MEMBER CLARK: Well, yes, anyway, go ahead.

MR. SIMMONS: Can I just mention, the first test here, it has to be at least 25 years old and that number could be changed to a much older date. There are several criteria that could be modified short of maybe taking the whole thing out. Unless, well, you know, your point is well taken.

COUNCIL MEMBER CLARK: My concern, if you've got a sign that's real old, it could look really bad, you know, rust or whatever. I just have a general concern that, you know, the First Union sign might be historic now because they don't exist any more. Or the Wachovia sign might be historic if, whatever, so I, I'm not here to say yes or no, but whatever. Same issue on the, and I would like some information back on this, but on the Coliseum and Convention Center, I would like to know specifically how big those signs are. I have been told and I'm going to ask you, that the Coliseum and the Convention Center all are in compliance.

MR. SIMMONS: That's correct.

MR. NORBY: Right.

COUNCIL MEMBER CLARK: There is some concern in the business community that the City has written a great sign ordinance that applies to (*INAUDIBLE*).

MR. SIMMONS: There are special considerations for movie theaters and also other events type of operations that are maybe comparable to the Coliseum and other...

COUNCIL MEMBER CLARK: But we have written an ordinance that makes our signs in compliance. I am suspicious. I am suspicious. Because to me one of the largest signs in town is the one at the Coliseum.

MR. SIMMONS: I think part of the thinking also is that the sign is consistent with the scale of the building just like we have larger signs for shopping centers as well. So there is some proportional relationship between the sign and the nature of the operation to the size of the building.

COUNCIL MEMBER CLARK: I personally do not think its coincidental that we have exempted ourselves. I would like to know how big those signs are. And we put up a, well the Coliseum one blinks and the one at the Convention Center. I say blinks, changes, it's electronic.

MR. NORBY: Council Member Clark, could I, let me just emphasize that there is deliberate variation within the ordinance and you can look on this cheat sheet here, where

it says freestanding sign height, there is, there is a distinguishing of the height based on zoning district. So you've got certain zoning districts that it's six feet, others that it's eight, others that it's 15. You've got...

COUNCIL MEMBER CLARK: And does the Coliseum have its own zoning category?

MR. NORBY: Well it has its own, it's GB. But exceptions, there's exceptions written by use. There's exceptions for shopping centers, there's exceptions for stadiums, coliseums and exhibition uses and theaters, there's exceptions for interstate or freeway interchange areas where it allows it be 50 feet in height.

MR. TURNER: Why don't we get you the information...

COUNCIL MEMBER CLARK: Just get me the information.

MR. TURNER: ...all the sizes and under what conditions private signs of that same type...

COUNCIL MEMBER CLARK: Could the Coliseum sign sit anywhere else in town? Could it sit at a gas station and be in compliance or at Thruway Shopping Center or at...

MR. TURNER: We'll get you some information on a sign of that size.

COUNCIL MEMBER CLARK: It just looks suspicious that we think this is so great but please don't apply it to us because the Coliseum sign cost a half a million dollars and it's not that old. The Convention Center signs are brand new. But anyway and it may be appropriate because I realize the bigger the building, the bigger the sign can be and it looks okay.

MR. NORBY: It's also a one of a kind facility.

COUNCIL MEMBER CLARK: I understand. But again, if it's such a good deal, why are we exempting ourselves. This issue of how often electronic signs should change is an interesting issue. I was just wondering if we could find out what currently the Convention, the Coliseum changes or the Convention Center, for that matter. And I know there's, and I know of one electronic billboard. There may be others, there's one going to Greensboro.

MR. TURNER: There's one on 52.

COUNCIL MEMBER CLARK: I'd just be curious how often they change just to see what other people have, and I don't think we're asking DOT to set the standard. We simply used their standard, from what I understand. But it's up to us to set whatever standard we want and I would just be curious and I don't know what the answer is.

MR. SIMMONS: We measured some, some like the Walgreens sign that changed maybe once every three seconds, four seconds. The CVS sign out on University measured at eight seconds.

COUNCIL MEMBER CLARK: Maybe just some information, what, what have other people done. Tied to that, we're excluding billboards. Is that because there are separate laws concerning billboards?

MR. NORBY: That's a separate class of sign. That's off-premise signs versus on-premise signs.

COUNCIL MEMBER CLARK: Got ya. But, that's not, we don't even touch billboards?

MR. NORBY: Right.

COUNCIL MEMBER CLARK: And I know that probably two or three years ago the State passed a law concerning that if someone were to take down a billboard, as far as how they're compensated, etc., etc.?

MR. NORBY: They put a freeze on local governments using amortization on off-premise signs.

COUNCIL MEMBER CLARK: Okay. We have to pay them a percentage of sales or something like that. Okay. I would like some specific information on a couple of signs and you showed one, the Forsyth Hospital sign to me looks like a lot more than 75 square feet but I may be counting the perimeter. I'd just like to know how big it is. Hanes Mall has the, they're teal colored and they kind of have fancy writing that says, "Hanes Mall" on them. I thought the one near the Interstate on the backside looked bigger than the one on the front but they may all be the same size. I'd just be curious to know how big they are. I tried to get a feel for, in most cases, I thought those signs for the hospital and Hanes Mall were very appropriate for the buildings, so I just want to know how big they are so I can get a feel for that. Same thing at Thruway, they've got two or three signs. Right across from, it's where Lucky 32 used to be, I think that's called Stratford Plaza but I'm not sure what that little shopping center is called but they've got what I think is a very attractive sign that has each business on it. But it's got a, a fairly, a fancy thing on top and to me it looks a lot taller than 15 feet and a lot bigger than 75 but I'd be curious on that one. And then the last one on, Baptist Hospital, they've got, I guess, a brick wall that's got a sign on it. But then they've got signs up over the roads and things of that sort.

MR. SIMMONS: Right. Those types of signs that are in public rights-of-way have to be approved by the Public Works Department or the City Council. There are exceptions for situations like that where it's really part of the whole function of the City to get people into the Emergency Room, way finding and that sort of thing, so there are exceptions for anyone who ask for signs in special situations and that's available.

COUNCIL MEMBER CLARK: And I guess I'm just thinking of one other one, going into Whitaker Park, Reynolds has a sign on the right as you turn up the hill.

MR. SIMMONS: I'll just mention one thing about, it was really good, the folks from Reynolds came into us and had probably, I don't know, 15 or 16 photographs of signs. We went through each one of their signs and determined whether or not it was, how it fit into the ordinance. And that's the kind of dialogue we had with some folks from the community. It was very helpful for us.

COUNCIL MEMBER CLARK: Okay. I just, I guess one thing I'm having trouble with is what do you count and what do you not count?

MR. SIMMONS: In terms of measuring signs (*INAUDIBLE*)...

COUNCIL MEMBER CLARK: Yeah.

MR. SIMMONS: Well, one of the things, I'll put it, like the Forsyth Hospital sign, for example. The sign itself, the background is fairly big but the sign area is actually calculated by drawing a box around the letters that say, "Forsyth Hospital". Those letters are what we call channel letters and they set the letters on a background. The way those are measured is just the measurement of the letters themselves, not, not the background itself.

COUNCIL MEMBER CLARK: Well, does that defeat the purpose then? Okay, I want a big sign, so I'm going to put up a very elaborate brick façade, whatever, and, and if I'm only going to count the actual letters... Again, I thought that sign was appropriate for the building but if you come back and tell me that's a 50 square foot sign, I'm going to go, UMH...

MR. SIMMONS: It's bigger than 50 feet but surely it fits easily within the criteria that...

COUNCIL MEMBER CLARK: Okay, I'd like to know that list because, again, I'm trying to be fair. And by the way, let me say first off, in general, I support smaller signs. I'm just trying to feel for whatever we're doing here and if I'm saying, "Okay. As long as the letters aren't too big, you can put up a nice elaborate..."

MR. SIMMONS: The overall height is determined by the actual height of the sign. So there is a limit to the height of it. I will say that the method of measurement was probably one of the most significant areas of discussion we had with the Inspections Department and with the attorneys, and so forth. Being able to easily measure signs that are so diverse and in the way they are done was really an important part of this ordinance and really, one of the key things about making it simpler for Inspections to be able to measure signs. But I'll be glad to provide you...

COUNCIL MEMBER CLARK: I guess what I'm getting at, let me give you an analogy. I could have a small picture, but if I put a big picture frame around it, it draws attention

disproportionately and I want to be sure that, that if we really are going to put smaller signs, that we have smaller signs. And I think those are all the questions I have. Thank you.

CHAIR JOHNSON: Any other questions?

COUNCIL MEMBER BESSE: A follow up question. In terms of how you calculate the size of the sign, can you tell us how the method chosen compares to other cities? And, with regard to the frequency of changes, if you could, just prepare for us the rationale behind each of the recommended alternatives that were discussed. And I have my personal preferences but I'd be interested to see the rationales offered were.

COUNCIL MEMBER LEIGHT: Just as a follow up to that, if you could also ask what sort of change times other cities or if they have even encountered this. If they have an ordinance in place.

COUNCIL MEMBER BESSE: Yeah, I'm kind of worried about the "Vegas" effect. That's one example of what happens in Vegas ought to stay in Vegas.

COUNCIL MEMBER CLARK: But you're time is to 17? But see I waited three minutes and you time it and it's 30 seconds. Or vice versa. So that's just, some real examples would be helpful.

CHAIR JOHNSON: Okay.

COUNCIL MEMBER LEIGHT: I did want to ask about on Page 53, about the nonconforming on-premise signs advertising in nonconforming use. Could you explain that in English?

MR. SIMMONS: This is nonconforming uses. Basically, there are some businesses for example that, like the gas station out on, out on Polo Road near Wake Forest, is a, is a gas station. It's a business use and it's been in operation for a number of years but it's zoned residential, so it's a nonconforming use. And there are provisions here that allow for, that require that any existing sign be brought down and meet the 36 square feet and six foot height. That would be the amortization provision for a nonconforming use. They are, if they have a sign that's less than the size requirement in the UDO, they would be allowed a one-time, 25% expansion of the sign up to that size. But if it's bigger than what the new ordinance would allow, then it would have to be brought into conformance during the amortization period.

COUNCIL MEMBER LEIGHT: ...amortization period. Okay.

MR. SIMMONS: There's not a lot of that but there are a few examples of the nonconforming businesses that exist in districts that don't allow for that use.

COUNCIL MEMBER CLARK: Is that on Phillips 66?

(INAUDIBLE)

CHAIR JOHNSON: Any other questions or concerns? It sounds like there is enough information that we, that has been requested that we continue to have this in Committee or at least have some thought from public hearings. It sounds like there may be some other components, Dan? Are you thinking, or have some additional ideas of restructuring that you have in mind?

COUNCIL MEMBER BESSE: Nothing that I would suggest necessarily needed to come back for more discussion. It's going to be kind of a, a preference level of the Council. And items that have been discussed fairly exhaustively in the public deliberation process.

MR. NORBY: And, Madam Chairman, what we could do, given that you have a May 7th public hearing coming up is, in your agenda book for that meeting, we can put in memo form the answer to these questions in there so you have it at the time that you have the public hearing.

CHAIR JOHNSON: Exactly. And that was, that was the thought about trying to take any action on it for today. Questions? Concerns on this subject? Thanks, thanks to the citizens who are here and shared your concerns. Thank you.