

Ocracoke Planning Board Meeting
June 14, 2012
5:35 PM

Board members present: Keith Parker-Lowe, Tom Pahl, BJ Oelschlegel, Amy Srail, Jennifer Esham

Board members absent: Bill Rich

Also present: Jamie Carter, Admin Asst, Jerry Hardison, Hyde County Inspector, Commissioner Styron, Hyde County Fire Marshal Brian Carter

Public present: Corky Pentz, Marty, Norman Miller, Martha Garrish, Sean Death, David Johnson

Minutes from May meeting reviewed. Motion to approve minutes by Pahl. Second by Esham. Motion passed.

Public Comments

Martha Garrish – had question about realty signs in the yards of houses for sale; have to pay \$30?

Jerry Hardison – yes, according to ODO, there is a charge of \$30 for signs for products for sale and for businesses and has been in effect for many years. The only thing exempt is highway signs and house numbers.

Yes, every sign has \$30 fee. I consider the sign like at the Community Store as one sign and so it would be \$30 for the one sign.

Esham – I think this issue should be revisited and I see the signs as part of the property. These properties bring a lot of income and property tax into the county.

Hardison read definition of sign in ODO followed by section IIIc. (Section IIIc read by Pahl at meeting.)

The problem is that it is written in a way that you don't know what the definitions include.

Hardison – The biggest issue is that if they are too close to the road you can't see traffic safely.

Esham – If viewing traffic is the issue, then maybe it shouldn't include signs on buildings.

Parker-Lowe – There's no question that signs are an issue and it will be on the list at a certain time.

Oelschlegel - Talking about 2 different issues – safety and the \$30 fee.

Styron remembers going to the Water Dept to fill out a permit for her sign when she first started her business about 7 years ago. Maybe they would have more information about process.

Oelschlegel – If it is not a density issue or safety issue, I think it's too many details to process. I've been on this board for so many years, and I didn't know I needed signs for realty.

Miller – Asked about the sign that was for the Sandy Paws because that ended up going to the state. Might get some more knowledge about the process and the resolve.

Pahl – If we say you can't put a sign where it blocks view, and people move it to state right of way, then it would be the state's problem to enforce.

Miller – the language needs to be more exclusive.

Brian Carter – Fire Inspections has started on the island.

Discussion about private company doing fire extinguishers/signs/etc vs a true inspection by the county, discussed fines over occupancy load, safety issue,

Reviewed SUNY posters, will post on planning board page on county website

Kiosks

Past discussion talks about temporary kiosks, permitting, parking, safety issues

Garrish – If someone is paying full time year round taxes and permit and employing local people, I feel more inclined to support them.

Pahl – Relative to issue of kiosks, we have to explore definitions if we are going to amend anything in this ordinance.

Brian Carter talked about his jurisdiction as far as fire marshal. He pointed out that even open air tents have requirements but have not been enforced. If it has power coming to it, then yes, that falls under our jurisdiction.

Maybe a good line to draw would be if a business charges sales tax or not.

Garrish – Do mobile vs permanent kiosks have different rules for inspection?

Pahl – We had existing language in ordinance to deal with, but with kiosks with have language that applies to structures that we are trying to apply. Should we develop specific language that applies to the kiosks?

Oelschlegel – Or should we move kiosks into the structure section?

Discussion

Oelschlegel suggested that it become a subsection under the structure category in the ODO.

There was an article in the Coastland Times a few weeks ago and if there wasn't an ordinance that already covered kiosks/pop ups, then they were illegal and didn't exist.

Pahl – Should those kiosks have to abide by setbacks? Commercial or residential? According to size or location?

Pahl – Do we need a separate section called “outdoor sales” to cover this? Agreement among board members and public.

I don't think we want to discourage the outdoor sales businesses we just need it regulated.

Any signage/display would be subject to common sense where it doesn't block traffic etc. Also need to address setbacks, parking, how to regulate,

Garrish – Just a thought – If I were business owner reading this new business type without the regulations of the 30 foot setback that I have to follow, I would be upset.

Pahl – My response to that would be that when it was written in 1989, it wasn't written with the possibility of kiosk/pop up businesses. So now they are part of reality here and we have to address it.

Oelschlegel motioned to ask Pahl to draft language for kiosks based on discussion we just had to add to the ODO. Second by Esham. Motion passed.

Parker-Lowe motioned to adjourn the meeting. Esham seconded. All in favor.

Meeting adjourned at 7:30 PM.

Respectfully,
Jamie Carter