

Planning Advisory Board  
September 13, 2012, 5:30 PM  
Ocracoke Community Center

Board members present: Jennifer Esham, Tom Pahl, Chairman Bill Rich, Keith Parker-Lowe, BJ Oelschlegel

Members Absent: Amy Srail,

Also Present: County Manager Mazie Smith, Inspector Hardison, Fire Marshal Carter, Admin Asst. Jamie Carter

Public: Corky Pentz

Minutes from July 12 meeting reviewed. Motion to approve by Esham, Second by Rich, approved unanimously. There are no minutes from August meeting since there was no quorum.

Some discussion at last meeting was to get draft of kiosk to county attorney. Motion by Pahl to pass draft of outdoor sales along to county manager for review and then on to attorney for review if appropriate. Document reviewed at July meeting.

#### **Public Comments**

County Manager asked what discussion was about enforcement. BJ talked about at July meeting that through gossip chain, word was that county wouldn't have money to file suits, so enforcement is not a threat to do the right thing. Until public stands up and asks for more enforcement and that this is very important to residents, it won't get done.

Fees are in place for violations, but are they collected? That makes a difference in tax base and in public perception. It's hard to enforce and it's hard to understand. Inspector is enforcing what he sees, but Parker-Lowe feels that there are probably more construction projects without permits than with.

Pahl replied that he has seen improvements since living here in the documents, in the regularity of inspections and that's what we are working for. If there is improvement, then we are not wasting our time.

This ordinance is a work in progress and all the sections need cleanup where we have found conflict.

Hardison explained the scenario with local business with outdoor ice cream machine. There was nothing in development ordinance to prevent them from operating, but in the county ordinance, there was something on prohibited noise. They were presented with written notices since if fire marshal deems unsafe, then it can't be run. It hasn't been run since. It does have a plexiglass border now for safety, but with noise problem, they are not running the machine.

Corky asked about how old rules are re: noise violation.

The county manager said that the county government has been reorganized. Inspector Hardison is under the Planning Department now which will give him more resources.

Ocracoke is under ODO in addition to the Hyde County Development Ordinance, not instead of. This is a common misconception but there are some sections of Hyde Co Development Ordinance that do not apply to Ocracoke (i.e. trailer parks).

Intention of group is to look at document, look at legalities, look at penalties and keep improving, said Oelschlegel.

Does ODO call for one business per property? Can that be enforced?

Chairman Rich called meeting back to order and asked for any discussion on the draft document to present to the manager. There was a difference in setbacks for signs and displays for outdoor sales before in a paved road and a rock road, and there was discussion at last meeting to make that the same setback for both. It was inconsistent to use the state boundaries and so becomes the state's problem if it is within their ROW.

One of the questions to ask the attorney was to make sure that wording would apply to ALL outdoor sales, in existence now and future.

The idea of a business license came up again to track businesses and sales tax. This will require administration, but would help track businesses and bring in revenues. This would be under the county, not this board.

Fire Marshal Carter brought to the board a copy of the NFPA glossary of terms which defines structure in a few different ways. It may be pieced together to help ODO.

Pentz said the whole document boils down to public safety and that should be focus.

Motion is to make the setback 8 feet for paved and unpaved roads for signs and displays for outdoor sales from the edge of road/sidewalk. Discussion was to make it 10 feet from side of road pavement regardless of whether sidewalk is there or not. Pahl moved to leave it as written which says that it will have minimum setback from public street or public sidewalk of 8 feet and from unpaved street of 4 feet. Rich seconded the motion. Oelschlegel and Parker-Lowe opposed. Motion died.

Pahl motioned to send draft in current form to county manager. Oelschlegel seconded. Motion passed unanimously and Pahl will send on to county manager.

Parker Lowe motioned to adjourn. All in favor.

The next meeting is October 11 at 5:30 PM.

