

Nags Head Local Business Ad Hoc Committee Meeting

January 28, 2016 Minutes

Nags Head Town Hall; Conference Room

Committee Members Present: Annette Ratzenberger, Anne Farmer, Gayle Drummond, Garry Oliver, Jody Crosswhite, Gus Zinovis, Bob Sanders, Carole Sykes, Ralph Buxton, Commissioner Renee Cahoon, Deputy Town Manager Andy Garman and Deputy Planning Director Kelly Wyatt.

Public Present: No members of the public present.

Commissioner Renee Cahoon opened the meeting, welcomed the committee members and thanked them all for returning in 2016.

Adoption of Minutes: October 15, 2015. Jody Crosswhite made a motion to approve the minutes as written. Annette Ratzenberger seconded the motion and the minutes were approved unanimously.

Staff member, Kelly Wyatt briefly updated the committee on the status of the Landscape and Buffering Ordinance which the committee first identified as a potential obstacle and then became instrumental in helping guide and draft the ordinance amendment. The Public Hearing for this ordinance amendment is scheduled for the Board of Commissioners February 3, 2016 meeting.

Commissioner Renee Cahoon opened discussion of outdoor displays of merchandise and inventory. Deputy Town Manager, Andy Garman noted that staff gave a brief presentation of this item to the Board of Commissioners at their January 2016 retreat at which time they requested the Local Business Committee discuss the issues and concerns and begin developing potential regulations. Staff quickly went through a slideshow, previously shown to the committee, of the commercial properties within the Town where the outdoor displays are most prevalent. Mr. Garman noted that it was his understanding from speaking with others that at one point the Town only allowed outdoor displays under the porch or awning of a storefront but overtime we had apparently gotten away from this policy/interpretation. Annette Ratzenberger commented that ACE Hardware demonstrated that they were able to pull their display and inventory in prior to Hurricane Joaquin. It was noted that ACE Hardware was constructed prior to the Town's landscaping and buffering codes which require a row of plantings between parking areas adjacent to a right-of-way. It was also noted that ACE had been denied the use of an adjoining vacant lot the west of the store property for storage purposes due to its residential zoning designation. Garry Oliver commented that he felt the height of the displays may need regulation and he felt that a requirement that any outdoor displays be taken inside at the end of the day would significantly reduce the amount of displays. Having the responsibility to take it all inside would be time consuming and therefore store managers would be less likely to place a lot of merchandise outside. Gus Zinovis inquired that, if that were to be imposed, where would the merchandise be moved to overnight? Could it be placed under the porch, awning or eave of the store? Annette Ratzenberger felt that if the merchandise could be taken inside/stored during the hurricane it could readily be done at any given

time. Jody Crosswhite stated that the Town of Kill Devil Hills had been considering regulating outdoor displays and had recently adopted an ordinance. Jody shared this ordinance with the committee members. Jody noted that the ordinance spoke to the removal or replacement of torn, tattered flags and the number of display items allowed per location within an approved display area. Several committee members inquired on whether this type of regulation, number and height, would pertain to the kites at Kitty Hawk Kites or at Jockeys Ridge Crossing? Staff felt as though it would not. Bob Sanders inquired about the types of flags the Town permits – flag signs vs. flags. Staff confirmed only one flag sign is permitted per site while flags with no messages are allowed at one flag per 20 ft. of road frontage. Annette Ratzenberger noted that a sign could be made of plastic, however it would likely not last long or hold up well. Gus Zinovis noted that he had tried to use a plastic flag once and it did not hold up for any amount of time. The committee recommended that the ordinance be revised to remove “plastic” from allowable materials for flags signs. Gus asked if there was a size or area limit for flag signs; staff noted that there is a 24 square foot limit. Ralph Buxton asked if this pertained to banners; staff noted that banners could be up to 36 square feet in area. Garry Oliver noted that while there currently is a height limit for flag signs, the 24 square foot limit on the area of sign actually limits the height of the flag sign. Mr. Garman stated that at their retreat the Board of Commissioners discussed a possible 12 foot height limit. Gus Zinovis noted that these flags and flag signs are usually 2 ft. off the ground so a height limit of 14 or 15 feet for the pole might be better. Committee members noted that these types of flag signs and pole structures did not require engineering because they were not on permanent structures. Gus Zinovis commented that while not all commercial businesses have outdoor displays it only takes two or three displays in consecutive locations to create visual clutter. Gus asked if staff had approached any of the businesses that currently have these displays to discuss the concerns. Staff noted that this was just in the discussion phase and the store managers and owners had not been contacted. The committee unanimously felt that there should be some communication with the store managers and owners and that we could pull them into the next meeting for discussion. It was the consensus of the committee that they obtain feedback from the affected properties. Commissioner Cahoon noted that ACE Hardware did have history with their outdoor display in that they had approached the Town many years ago to utilize an adjoining property in same ownership for storage and the Town denied the request because it was zoned residentially and not commercially. Carole Sykes commented that she personally felt that the display at ACE Hardware is orderly, kept clean and there are no damaged or unsightly materials on site. Jody Crosswhite noted that properties with outdoor displays had to be treated equally, whether we found the display aesthetically pleasing or not. Jody expressed that there is potential for these displays to grow and we should address it before it becomes a larger problem. Commissioner Cahoon agreed that there had to be equal treatment of all businesses. Ralph Buxton stated that the issue seems to primarily be the displays along US Highway 158 and maybe there is some way of regulating them through road frontage. Anne Farmer noted that if the Town were to consider imposing a requirement that displays meet the 130mph wind requirement that would eliminate most if not all of the current displays. Carole Sykes felt that the displays do help to attract people in that it gives passerby’s an idea of the availability of the product. Would a minimalistic approach affect this? Commissioner Cahoon commented that the Town’s desire is to improve the appearance and character of the Town, that regulation might be towards minimizing the effects of these displays, not eliminating them in their entirety. Ralph Buxton told the committee of his experience in

Kitty Hawk where the Town insisted he limit the number of kayaks displayed at his commercial location however Wal-Mart was permitted to have a large display of kayak, canoes, etc. in their parking area. In wrapping up discussions on this item the committee came to a consensus that it was important to talk to the store managers and business owners that had a stake in any proposed revisions and that they would like the businesses to be invited to the next meeting to have a discussion and give the committee feedback.

Commissioner Cahoon introduced the next item for discussion, proposed revisions to the Town's sign ordinance in light of a Supreme Court ruling on content neutrality. Commissioner Cahoon briefly discussed the status of freestanding residential signage in light of their previous recommendation and current discussions with the Planning Board. She noted that Planning Board Chairman, Mark Cornwell, had requested the Local Business Committee discuss this item again in light of a recommended area for freestanding residential signage and maximum height of the signs. Staff had prepared a visual to convey the 6 square foot signage currently allowed and how 1.5 square feet and 3 square feet appeared in comparison. The committee discussed the current signage noting that the point of the signage is to locate the home and to find the house number however the house number is not usually the most visually prominent part of the sign. To accomplish what the property managers feel is most important the house number should be highlighted and everything else should be minimized. Annette Ratzenberger noted that the height of the current signage is concerning, that considering a lower profile sign would be beneficial while still getting the necessary information out. It was noted that nowadays with GPS in phones and programmed into cars finding a house is not as difficult it used to be. Annette Ratzenberger and Carole Skyes both commented on the use of phone apps by the rental companies to help patrons find their rental homes. Garry Oliver noted that it often appears the majority of the sign area is used as advertising and marketing, not to simply convey house information. Staff member Andy Garman reminded the committee that these freestanding signs are only allowed when the home itself is setback at or more than 100 feet from the right of way. Mr. Garman noted that he had received complaints about these freestanding signs from realtors who wanted to stay anonymous. These realtors noted that the Town's appearance is key in keeping and maintaining visitors, not cluttered roadways. Gus Zinovis inquired about what type of input the Planning Board was seeking and what were they considering. Commissioner Cahoon stated that the Planning Board is interested in getting feedback from the Local Business Committee on the height and area of the freestanding signage. Garry Oliver stated that the signage on the house itself was not concerning but the proliferation of freestanding rental signs along the road is and therefore he would recommend the size of the freestanding signage be reduced to 1.5 square feet to accommodate the pertinent rental information such as house number, and that 2 feet in height would be appropriate. Staff noted that the property managers had attended the last Planning Board and did not feel that 1.5 square feet would be adequate. Garry Oliver noted that he had spoken with Dan Hardy and was aware of their position however he maintained the adequacy of 1.5 square feet. Annette Ratzenberger noted that, if the purpose of the signage is help visitors find their home, than 1.5 square feet dedicated to the house number should be adequate. Staff re-iterated that the new regulations prohibit governing any signage based on content. Anne Farmer noted that South Nags Head seems to be the worst visually when it comes to these signs. Staff member Andy Garman pulled a photograph of a Village Realty sign measuring 12" x 20" where the house number was the

smallest print on the sign and barely visible. Ralph Buxton noted that these signs appear to serve as off-site signage with the majority of the area of the sign devoted to logo's and branding. The committee was in agreement. Bob Sanders and Gus Zinovis commented that a 2 square foot sign including the border/frame as opposed to the previously recommended 1.5 square feet would be more appropriate. It was the consensus of the committee to proceed with a recommendation to the Planning Board of 2 square feet in area and 2 feet in height from grade to the top of the sign. Andy Garman noted that there was also consideration being given to an amortization period to bring these signs into compliance. Carole Sykes commented that many property managers re-use their signs; Andy Garman replied that several managers had indicated they just apply stickers over the revised information. Mr. Garman commented that the Planning Board had been considering a 1 year amortization period. The committee felt as though placing a date of January 1, 2018 for compliance would be best as it would allow companies two rental cycles (seasons) before compliance. It was unanimous among the Local Business Committee that the recommendation to the Planning Board regarding freestanding residential signage be to lower the area of the sign from 6 square feet to 2 square feet including the frame, to place a maximum height of 2 feet from grade to the top of the sign and to include an amortization period extending through the January 1, 2018.

It was asked if the committee had other items they would like to discuss before adjourning. Ralph Buxton said he did have a question regarding the bypass and the various media outlets indicating a long range plan for a boulevard, 4 lanes with a median versus 6 lanes. Staff member Andy Garman stated that there had been some confusion with regard to this and he believed that this information was from an older Transportation Improvement Program that had not been updated. Commissioner Renee Cahoon noted that it would be beneficial to have fellow Commissioner John Ratzenberger attend the next meeting; he is the Town representative on the Albemarle Rural Planning Organization (ARPO) and was very familiar with current transportation initiatives and funding and scoring of projects. Jody Crosswhite inquired if there had been a recent Comprehensive Transportation Plan adopted by the County, Mr. Garman noted that yes, there was.

Commissioner Cahoon informed the committee that NCDOT is still reviewing the request to have the speed limit reduced to 45 mph on US 158.

Anne Farmer asked if, due to the town wide recycling program, the Town would be eliminating the small recycling centers located throughout the Town. Mr. Garman noted that the recycling containers at Town Hall would remain but was unsure about the other locations.

With no other items for discussion Commissioner Cahoon thanked all the committee members for their participation and the next meeting was scheduled for Thursday, March 24, 2016 at 2:30 pm.

The meeting adjourned at 3:45 pm.