



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



**Date:** May 9, 2013

**To:** Thomas J. Bonfield, City Manager  
**Through:** Keith Chadwell, Deputy City Manager  
Steven L. Medlin, AICP, Planning Director *SLM*  
**From:** Patrick O. Young, AICP, Assistant Planning Director *POY*  
**Subject:** Request to Appear at Work Session- Mike Corbitt, Inkwell Tattoo Parlor

**Summary.** Mike Corbitt, owner of Inkwell Tattoo Parlor at 309 South Alston Avenue, has requested to appear before Council at its May 9, 2013 Work Session. Mr. Corbitt recently (March 14, 2013) received a Notice of Violation (NOV) from the Planning Department, due to his display of numerous, portable commercial signs prohibited by the Durham Unified Development Ordinance (UDO).

Mr. Corbitt has repeatedly violated the signage provisions of the UDO over the past four (4) years. Planning staff have worked repeatedly with Mr. Corbitt to obtain voluntary compliance on this matter during this time. Mr. Corbitt has a large, legal on-site sign and Planning staff has worked with Mr. Corbitt to identify legal means of advertising his business activities.

Mr. Corbitt has not contacted the Planning Director, Assistant Planning Director or Planning Supervisor regarding this matter, as indicated on his Request to Appear Before Council form. Planning staff has left several telephone messages regarding this matter with Mr. Corbitt and has not received a return call.

**Recommendation.** Receive this report and comment from Mr. Corbitt.

**Background.** Mr. Corbitt was issued a NOV for the display of prohibited, portable commercial signs in May, 2009. Additional violations of the same nature have occurred in 2010, 2011, and 2012. Each time, compliance would occur and then (shortly thereafter), additional violations would be noted.

The current display of prohibited, portable commercial signs was noted on March 5, 2013, by Zoning Enforcement Office Ralphele Reels. Mr. Reels went by on March 5, 2013 to discuss the sign issue with Mr. Corbett, and to attempt to achieve voluntary compliance. Mr. Reels asked Mr. Corbett to remove the signs because they were a violation Durham's UDO. He indicated that he was a small business operator and he needed those signs to advertise. Mr. Reels told him that the ordinance applies to all Durham citizens. Mr. Corbett asked who approved the ordinance. Mr. Reels informed him that the elected officials adopt ordinances. He wanted to talk to the Council so he called the clerk's office while Ralphele was there but Ralphele left prior to the end of the conversation.

On March 11, 2013, Mr. Reels observed the signs were still displayed (did not talk to anyone on that site visit but did take pictures). On March 14, 2013, an NOV was issued for displaying portable signs in the public right of way (the signs are prohibited even if on private property). On April 5, 2013, Mr. Reels got a call from Mr. Corbett while out in the field. He left a message asking him to call Mr. Corbett. On April 8, 2013, Mr. Reels called Mr. Corbett and left a message but he did not return the call. On April 14, the signs were removed but were re-installed on Friday, April 15, 2013.

**Issues.** Portable commercial signs are prohibited on private property and within street right-of ways per Unified Development Ordinance Section 11.3.4. Mr. Corbett has other, legal, means to advertise his business activities, including special event signage and changeable copy signs (see Article 11 of the UDO, attached). Additionally, Mr. Corbett has a large, legal, display sign on his site to advertise his business.

Mr. Corbett may initiate a request to change the UDO provisions on signs. Such a request would not be supported by the Durham Planning Department, as we believe current UDO signage provisions protect public safety and welfare. If Mr. Corbett wishes to challenge the pending NOV, he may appeal it to the Board of Adjustment.

**Fiscal Impact.** No known fiscal impacts.

**SDBE Impact.** No known SDBE impacts.

#### **Attachments**

**Attachment 1,** Unified Development Ordinance, Article 11

**Attachment 2,** Photo of the Violation

**Attachment 3,** March 14, 2013, Notice of Violation Issued to Mr. Mike Corbett