

Minutes of the Monday, August 10, 1998 meeting of the Kill Devil Hills Board of Commissioners held at 7:00 o'clock p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Mayor Sherry Rollason; Commissioners James D. Hanks, Bill Pitt, and Jeffrey D. Shields

Members Absent: Commissioner Bill Morris

Others Present: Debora P. Diaz, Town Manager; Robert L. Outten, Town Attorney; Greg Loy, Director of Planning and Development; Mary E. Quidley, Town Clerk

Call to Order

At 7:00 p.m. Mayor Rollason called this meeting of the Kill Devil Hills Board of Commissioners to order and welcomed all present.

Pledge of Allegiance and Moment of Silence

During the Moment of Silence Mayor Rollason called for remembrance of those killed and wounded in the recent Kenya United States Embassy bombing, and for those who have suffered the loss of loved ones here at home.

Agenda Approval

Mayor Rollason added a ten-minute recess after Introductions and Presentations and moved for approval of the agenda as amended. Commissioner Pitt seconded that motion and approval was unanimous, 4-0.

Approval of the Minutes of July 13, 1998

Commissioner Hanks made a motion to approve the minutes of the July 13, 1998 meeting as presented. That motion was seconded by Commissioner Pitt and approved unanimously, 4-0.

Public Hearing

1. **Requested Amendment to Chapter 21, Zoning, Section 21-8.6.2. Conditional Uses in the Light Industrial 1 Zone - to include tattooing and body piercing (Attached PH-1)**

This requested amendment to Chapter 21, Zoning, was scheduled for public hearing this evening by the Board of Commissioners at the July 13, 1998 meeting.

This amendment, as recommended by the Planning Board, would amend the Light Industrial 1 zoning district to include tattooing and body piercing as a conditional use.

At the conclusion of the public hearing action by the Board of Commissioners would be appropriate. Such action might include authorizing the Kill Devil Hills Planning Board to proceed with development of regulations for this type of use in the Light Industrial 1 zoning district, or denying the request, or tabling the request for further study.

Mayor Rollason called upon the Town Clerk to conduct this public hearing and the Town Clerk proceeded to read aloud the rules of procedure that would govern the hearing. She explained that speakers would be called upon in the order in which they submitted their sign up forms.

1. **Donald Hammett, Elder, Son Rise Church of Christ, 1309 Goldie Street, Kill Devil Hills** - Mr. Hammett spoke in opposition to the amendment and urged the Board of Commissioners to not approve the ordinance language and keep the ordinances of the Town as they are currently written.
2. **Don Wayne Marlowe, P.O. Box 639, Manteo** - Mr. Marlowe spoke in support of the amendment. He indicated that he has tattoos and has had to go out of Dare County, and sometimes out of North Carolina in order to get tattooed. Mr. Marlowe asked that this activity be kept within the Dare County community and that it be kept clean, safe and sterile. He called for the Board of Commissioners' support of the amendment.
3. **Lisa Penosky, 1022 George Daniels Road, Manteo** - Ms. Penosky explained that she is a nurse, mother, volunteer, etc., and she spoke in support of the amendment and stated that she felt a professional tattoo studio would be of benefit to Dare County. Ms. Penosky spoke against the typical negative stereotyping placed on tattooists by society. She also stated that a legitimate tattooing business would add revenue to the Town of Kill Devil Hills.
4. **Robert Mervine, P.O. Box 2722, Kill Devil Hills** - Mr. Mervine, applicant Brian Mervine's father, spoke in support of the amendment language. He stated that he believed that approval of the proposed amendment would allow tattooing and body piercing business to be kept in Dare County and not taken elsewhere. Mr. Mervine also spoke to the loss of revenue issue since people currently must go elsewhere for tattoos. He spoke in support of a sterile environment that can be controlled within a professional, business-environment and stated that he felt his son and Mr. Bein would operate a good business.
5. **Patsy Costas, 1802 South Virginia Dare Trail, Kill Devil Hills** - Ms. Costas is a Kill Devil Hills business owner/operator. She presented a petition of 277 names of Kill Devil Hills property owners, business owners and operators, and employees who are in opposition to the requested ordinance amendment. Ms. Costas spoke against the negative aspects of tattooing and body piercing establishments and felt that if they were allowed that it would take away from the family atmosphere of Kill Devil Hills. She asked the Board of Commissioners to keep in mind the problems that such establishments might bring into Kill Devil Hills and to not approve the

requested amendment to Chapter 21. (Town Clerk's note: The petition submitted by Ms. Costas is hereby attached to and made a part of the minutes of this meeting.)

6. **Porcius Crank, officer of the Son Rise Church of Christ, 1309 Goldie Street, Kill Devil Hills** - Mr. Crank spoke on behalf of the Son Rise Church of Christ against the requested ordinance amendment because he felt it would be detrimental to the Town of Kill Devil Hills. He stated that he felt the ordinances in place at this time are responsible for the type of community we have now, and that they should not be changed.

7. **Homer Styons, Minister, Son Rise Church of Christ, 1309 Goldie Street, Kill Devil Hills** - Rev. Styons spoke in opposition to the requested ordinance amendment. He also presented a petition signed by 41 members of the Son Rise Church of Christ in opposition to the amendment. Rev. Styons encouraged the Board of Commissioners to maintain the family atmosphere and vote against the amendment. He stated that he felt Kill Devil Hills is served well by the ordinances currently in effect. (Town Clerk's note: A copy of Rev. Styons written statement and the petition he submitted are hereby attached to and made a part of the minutes of this meeting.)

8. **Arlene D'Agosto, 1507 Captains Lane, Kill Devil Hills** - Ms. D'Agosto spoke in strong opposition to the requested ordinance amendment and asked the Board of Commissioners to maintain the nice atmosphere in Kill Devil Hills.

9. **Loraine Eastwood, Old Dominion University, Norfolk, Virginia** - Ms. Eastwood is a registered nurse and previous resident of Kill Devil Hills. She encouraged the Board of Commissioners to approve the ordinance amendment which would allow for tattooing and body piercing to be controlled in a safe, clean, sterile atmosphere. She cited some of the diseases, Hepatitis B and HIV, that can be transmitted by poor sanitary conditions in non-professional tattoo parlors. Tattooing and body piercing, she stated, have become a part of main-stream America, and Ms. Eastwood asked that the Board of Commissioners to let those who desire it have the right to get these procedures done in a controlled environment in Kill Devil Hills.

10. **Brian Mervine, 1721 Wyendotte Street, Kill Devil Hills** - Mr. Mervine is one of the co-applicants for this request and he thanked those who came out in support of this request. He spoke in support of the ordinance language and stated that he is particularly in favor of and supports the idea of people being able to be tattooed or pierced in a controlled, sterile environment which his business would provide. He stated that he is in favor of offering people a clean, sterile environment to get tattooed. Mr. Mervine also stated that there are some 20-30 tattooists performing their art in non-sterile environments in Dare County.

Mr. Mervine also stated that he had submitted a petition in support of this ordinance amendment to the Kill Devil Hills Planning Board's May 6, 1998 public hearing which contained approximately 1,500 signatures.

11. **David Bein, 913 South Virginia Dare Trail, Kill Devil Hills** - Mr. Bein is one of the

be regulated rather than leaving is an uncontrolled, unregulated environment.

17. **Janis Farmer, 804 South Virginia Dare Trail, Kill Devil Hills** - Ms. Farmer spoke in support of the requested ordinance language and stated that she knew of teenagers who are administering their own tattoos and body piercing at great risk of injury and infection. Allowing a professional establishment to open would reduce the risk of unsanitary environments and poor sterile conditions, and allow those who desire to be tattooed and pierced to have the procedures done by professionals. She stated that she hoped the Board of Commissioners could find their way to vote in support of the amendment.

18. **Bob Gabriel, 301 East Clark Street, Kill Devil Hills** - Mr. Gabriel stated that he has no prejudices against tattooing and body piercing. However, he called upon the Board of Commissioners to vote in accordance with their stated positions to maintain a family atmosphere in Kill Devil Hills and to vote against the requested amendment. Mr. Gabriel also cited some of the diseases that can be transmitted due to poor sanitary conditions. He stated that he felt tattooing to be a personal choice and one that is inappropriate to burden the citizens of Kill Devil Hills with.

19. **Daryl Lee Hood, 601 Colington Road, Kill Devil Hills** - Mr. Hood is a Colington resident. He spoke in support of the requested amendment and stated that he felt he and his family should have the right to take advantage of any service they choose. He stated that he did not agree that such an establishment that will be operated in the daytime would take away from the family beach atmosphere in Kill Devil Hills.

20. **Casandra Hoff, 913 South Virginia Dare Trail, Kill Devil Hills** - Ms. Hoff spoke in support of the requested amendment and in support of tattooing and body piercing. She stated that the nightlife on the Outer Banks to be a worse influence than tattooing. Ms. Hoff stated that she is fully tattooed, yet comes from a religious family and family-oriented and is not a shady or undesirable person. She asked the Board: You have head shops here but you're not going to allow tattoo shops?

21. **Jeffrey Liebno, 1714 Sea Swept Road, Kill Devil Hills** - Mr. Liebno spoke in support of the requested amendment and stated that he did not agree that allowing tattooing establishments would take anything away from the beach as it is now. Mr. Liebno stated that the beach has changed a great deal since he came here in the late 1970's and will continue to change in the future. He added his complete support for Mr. Mervine and Mr. Bein.

22. **Chris Lyster, 4118 South Virginia Dare Trail, Nags Head** - Mr. Lyster spoke in support of the amendment and stated that he could see no problems with families and tattoos. He added that he did not want his daughter getting tattooed in someone's garage. Mr. Lyster posed the question, "If I'm judged for my tattoos then it's not America, is it?"

23. **David Wright, 106 East Dean Street, Kill Devil Hills** - Mr. Wright stated his support

of the requested ordinance amendment. He stated that would probably live in Kill Devil Hills the rest of his life and added that he hoped the Board of Commissioners could help the applicant's with their request.

24. **Donald T. Fontane, 1728 Sunset Avenue, Kill Devil Hills** - Mr. Fontane spoke in support of the amendment and in support of Mr. Mervine and Mr. Bein. He stated that he felt the activities were going to be conducted anyway, and that the Board of Commissioners' approval of the amendment would make conducting the procedures safe and clean for those who desire to have them done. He related his personal observations that involved at least one teenager that had been home tattooed. When the child grows up, Mr. Fontane stated, he will likely wish those unprofessional designs were not there.

25. **Annette Rowell, 1728 Sunset Avenue, Kill Devil Hills** - Ms. Rowell spoke in support of the amendment. She stated that she teaches in Dare County and expressed her opinion that if the activity were regulated then it could be made more safe for everyone. Providing a professional establishment would take away the need for behind-the-door establishments that risk the health of our children and students.

26. **Ricky Sauls, 210 West Lost Colony Drive, Nags Head** - Mr. Sauls explained that he had been stationed at Ft. Bragg, in Fayetteville, NC during his military service career and that he had been witness to the negative aspects of tattoo establishments. After he got out of the Army and went back, after a number of years, to Fayetteville, the same area that had so many tattoo establishments had been cleaned upon and was a much more pleasant area. Mr. Sauls stated that he felt approval of a tattoo parlor would give establish a precedent for other types of similar businesses and more tattoo establishments. This, he said, could create the wrong kind of environment for families and children. He spoke in opposition to the amendment.

27. **Kenneth Simpson, 1001 Dean Street, Kill Devil Hills** - Mr. Simpson spoke in opposition to the amendment and added his pleasure at seeing so many people present at a Board of Commissioners meeting.

28. **John Haynes, 114 East Sportsman Drive, Kill Devil Hills** - Mr. Haynes spoke in support of the amendment and stated that he felt it to be an issue whereby people who desire tattoos are being denied the rights provided to them by the United States Constitution.

29. **Dalvin Ambrose, 602 Ocean Acres Drive, Kill Devil Hills** - Mr. Ambrose stated that he felt changes in society are inevitable and that these changes would support the concept of tattoo establishments. He encouraged the Board of Commissioners to embrace that attitude. Mr. Ambrose added that he felt a tattoo parlor would not change the beach unfavorably.

As had been done during the public hearing, the Town Clerk called for additional speakers on this public hearing issue and there being no others to come forward the public hearing was closed.

Mayor Rollason stated that in considering the issue of tattooing and tattoos parlors, and after hearing the comments this evening, that she felt a tattoo parlor and body piercing establishment would not support the Board of Commissioners' established goals and objectives for Kill Devil Hills. She stated her opposition to this requested amendment. Mayor Rollason also called for investigation of home tattooing establishments.

Commissioner Shields agreed with Mayor Rollason and added that tattooing and body piercing has acquired an unfavorable stigma that does not agree with the image that the Board of Commissioners has established for Kill Devil Hills. Commissioner Shields also explained that he must make a decision based on the entire issue, not a decision based on the exception. He stated his opposition to the requested amendment and thanked all participants in tonight's hearing.

Commissioner Pitt stated that he had no opposition to this request for a tattooing establishment, but that permitting one tattooing establishment in Kill Devil Hills would mean permitting any other tattoo parlor request. Commissioner Pitt stated his intention to vote against the requested amendment.

Commissioner Hanks also stated his opposition to the requested amendment and pointed out that approval would be in contradiction to the Board's stated goals and objectives.

Mayor Rollason called for a vote on the requested ordinance amendment and Commissioner Hanks made a motion to deny the request to amend Chapter 21, Zoning, Section 21-8.6.2, Conditional uses in the Light Industrial 1 Zone to include tattooing and body piercing. That motion was seconded by Commissioner Pitt and approval was unanimous 4-0.

Mayor Rollason recognized and welcomed former member of the Board of Commissioners E. M. "Coy" Harbeson.

Public Comment

Introductions and Presentations

1. Lifeguard Beach Services, Inc. - Presentation of Lifeguard of the Year, and Most Improved Lifeguard

Mr. Bob Gabriel, President of Lifeguard Beach Services, Inc., presented the Lifeguard Beach Services Lifeguard of the Year, and Most Improved Lifeguard.

Three guards were selected for the Lifeguard of the Year award based on their quality of work, ability to work with the public, etc. - Finny Acres, Joseph M. Harris, and Jonathan Holiday.

Lifeguard Clay Buck was also recognized as one of three lifeguard, including Sandy Grimes and Joseph M. LeBlanc, to receive the Most Improved Lifeguard Award.

Mr. Gabriel stated that he was very proud of these lifeguards and he called upon Mayor Rollason to assist him with presenting these gentlemen with appropriate awards.

Mayor Rollason stated that Kill Devil Hills was very fortunate to have such an outstanding lifeguard service, and in particular, she added, the past couple of weeks have been very difficult with the hazardous surf conditions. She called for a round of applause for service provided by the members of Lifeguard Beach Services, Inc.