

Minutes of the April 10, 1995 Kill Devil Hills Board of Commissioners meeting held at 9:00 o'clock a.m. in the Meeting Room of the Administration Building, 102 Town Hall Drive, off West Ocean Bay Boulevard.

Members Present: Mayor Terence L. Gray; Commissioners Lurana J. Cowan, E. M. "Coy" Harbeson, William R. Morris

Members Absent: Mayor Pro Tem F. Duncan Wright (out of town, attending National Hurricane Conference)

Others Present: Debora P. Diaz, Town Manager; Wallace H. McCown, Town Attorney; Greg Loy, Planning Director; Mary E. Quidley, Town Clerk

Call to Order

At 9:00 a.m. Mayor Gray called this meeting of the Kill Devil Hills Board of Commissioners to order and welcomed all present.

Pledge of Allegiance and Silent Prayer

Agenda Approval

On motion by Commissioner Cowan, and seconded by Commissioner Harbeson, the agenda was approved as presented by unanimous, 4-0, vote.

Approval of the Minutes of the March 6, 1995 Budget Worksession and the March 13, 1995 Regular Board of Commissioners Meeting

Commissioner Harbeson made a motion to approve the minutes of the March 6, 1995 budget worksession and the March 13, 1995 regular meeting as presented. That motion was seconded by Commissioner Morris, and approval was unanimous, 4-0.

Public Comment on Agenda Items

Joe Adams, attorney for Peppertree Resorts: He asked for a clarification from the Board of Commissioners. He stated that he and Mr. Kinser had attended the meeting this morning to make public comment on the negotiations between the town and Peppertree Resorts on providing sewage services to Ocean Acres. He stated that it appeared that this item may be on this meeting's agenda.

Mayor Gray stopped Mr. Adams and explained that if the comments Mr. Adams desired to make related specifically to that subject that he would need to wait until the Public Comment portion of the agenda was reached at the end of the meeting unless he wanted to address a particular item on the agenda.

Mr. Adams stated that he had noticed that, under New Business, an item for discussion referred to the Ocean Acres Advisory Committee Update and had assumed that this item would be about the Peppertree negotiations but that not being the case would reserve his comments

until later in the meeting.

Mrs. Helen Johnson, KDH resident and taxpayer: Mrs. Johnson spoke regarding the Boundary Street issue, Old Business #1, and explained that her husband, Mr. Luther Johnson, was unable to attend this meeting due to illness. Mrs. Johnson expressed her desire, and her husband's, to have the Boundary Street issue cleared up and added that it has been going on for six years. Mrs. Johnson stated that they would like to sell part of the land they own but cannot due to the litigatory status of the location of Boundary Street.

Mrs. Johnson offered the Board of Commissioners copies of deeds, surveys, and maps which depict, in her opinion, ownership of the land that may be in question. She stated that she and her husband felt like someone is trying to take their property.

Mrs. Johnson stated that her husband had requested appointments, has written letters, made telephone calls, both with and to town officials, with no results. She also related comments about the attitudes of people at the Town Hall with whom Mr. Johnson has spoken, and added that someone at the town had directed the engineer to not survey the land in question. She stated that she and Mr. Johnson have been paying taxes on the property in question for sixteen years and further that Mr. Johnson maintained that property. Something, she stated, should be done to clear the title so it can be sold.

Mayor Gray explained to Mrs. Johnson that this will be the first item of Old Business and the Board will be discussing it at this time.

Public Hearing

1. **Chapter 21, Zoning - Section 21-8.4.1 Permitted Uses. to add "tattoo services" (Attached PH-1)**

Mayor Gray called on the town clerk to conduct this public hearing.

The town clerk read aloud the rules of procedure that would be followed during this public hearing and at the conclusion of this reading called upon the first speaker, Mr. Matthew B. Shifflett.

Matthew B. Shifflett, vice-president of East End Demographics, Inc.: Mr. Shifflett explained that Mary Shifflett is president of East End Demographics and that Marvin Shifflett is the studio supervisor for the company. He asked for the opportunity to dispel the inaccurate rumors about tattoos and reviewed the standards of operation for East End Demographics: no alcoholic beverages are allowed on the premises, recipients must be eighteen years or older, the latest methods of sterilization and sanitation are used, instruction sheets are provided to recipients on how to care for the new tattoo. The company also participates in organ donor programs for which recipients may register. Additionally, the company also uses apprentices, and currently employees a high school age apprentice who is also an eagle scout. Mr. Shifflett reviewed his own educational background, as well, and included a statement that advised that he is a qualified Emergency Medical Technician.

Mr. Shifflett stated that approving this request to amend Chapter 21 would bring additional revenue to the town, county and state and also provide additional jobs.

Mr. Shifflett reviewed the location of the East End Demographics, Inc. Virginia business and added that they have never had any complaints about their business operation. He concluded by introducing Marvin Shifflett to explain the procedures involved in applying and

receiving a tattoo.

Marvin Shifflett, studio supervisor, East End Demographics, Inc. : Mr. Shifflett reviewed his qualifications for administering tattoos, including that he has been a tattoo artist for many years, have learned the art in 1968. He added that he is an assistant scout master for Boy Scout Troop 570, located in Virginia. He stated that he regularly added classes on the spread of blood-borne pathogens. Mr. Shifflett stated that his medical records are all current, and maintains current shot records.

Mr. Shifflett stated that work mainly now by appointment, specializing in the area of "cover-ups" which involves placing a more pleasing tattoo over a poor-quality piece which were mainly done under dangerous conditions. Poorly, or dangerously, done tattoos leave scarring and damage to the skin.

Procedures followed by his company are: a conference is held between the artist and the recipient on the type of tattoo desired and where it is to be placed. They discourage suggestive tattoos, such as swastikas, marijuana leaves, and profanity. Work will not be done above the neck, below the wrist and ankles and in the genital areas. Tattoos may be selected from in-stock designs, or custom-designed tattoos are available. A medical history is obtained from the customer, including diseases, current pregnancies, blood and heart problems, and any other conditions of which the tattoo artist must be made aware. The skin is prepared by shaving and disinfecting it with green surgical soap. New, sterile needles are used, which have been autoclaved. Ink caps are selected, which are single-use only. Inks are non-toxic and of a high quality. A clean bandage is applied after completion and the needle is destroyed. Customers are provided with an instructional sheet and may call the studio any time with questions.

He offered to answer any questions.

Matthew B. Shifflett: Mr. Shifflett stated that East End Demographics will offer Kill Devil Hills an alternative to the out-of-studio tattoo work that is presently being done. He thanked the Board for their time and consideration.

The town clerk read into the record of this public hearing a letter from Sandra W. Seelman, 2390 New Market Road, Richmond, Virginia 23231, who owns a home at 100 Pinehurst Avenue. In her letter, Ms. Seelman stated: "I own a home at 100 Pinehurst Avenue in Kill Devil Hills, N.C. and I am writing regarding the public hearing to be held Monday, April 10, 1995 regarding allowing a tattoo parlor in Kill Devil Hills.

"My husband and I personally know Mary Ann Shifflett and her husband, the people who wish to open this shop. Their business will help increase tax revenue for the town. These people run a tattoo shop here in the Richmond area and have not had any opposition.

"I would like to go on record as not opposing their operation."

Mayor Gray thanked the Shiffletts for their presentation and called on the town manager for her comments and recommendation. The town manager indicated that staff's comments are the same as those contained in the March 13 packet and further, that staff agrees with the Planning Board to not recommend this ordinance amendment.

Commissioner Harbeson stated that he had spoken to several people in town who indicated that they would rather not have the town open to tattoo businesses.

Commissioner Morris asked if this would be a year-round business and Mr. Shifflett stated that it will be operated year-round. Commissioner Morris asked why Kill Devil Hills was

chosen as the location for this business and Mr. Shifflett replied that they liked this area.

Commissioner Cowan asked if this type of business could destroy the family-type atmosphere Kill Devil Hills currently enjoys. She added that she is not really in favor of this ordinance amendment, but felt that the Shifflett's deserve credit for wanting to operate this business in the right way.

Mayor Gray stated that the comments he has heard from citizens and property owners are in opposition to this amendment. He pointed out that the amendment has gone through a citizens review when it was discussed by the Planning Board.

Mayor Gray identified the options open to the Board of Commissioners on this item. He stated that he would be in favor of tabling the amendment if any of the Board members have any specific questions about it.

Commissioner Morris stated that he would like to take action and Commissioner Harbeson agreed.

Commissioner Morris made a motion to disapprove this requested amendment to Chapter 21, Zoning, to add "tattoo services" as a permitted use in Section 21-8.4.1. Commissioner Harbeson seconded that motion. Approval was unanimous, 4-0.

Commissioner Cowan stated that she voted against this request due to the Planning Board's recommendation.

Introductions and Presentations

1. Project Blue Sky - Presentation by Southern Shores Town Manager Cay Cross (Attached IP-1)

Mayor Gray explained that some time ago he had memo'ed the Board of Commissioners on this issue and hoped the Board members had taken the opportunity to review this information. Mayor Gray called on Southern Shores Town Manager Cay Cross to provide the Board with a brief presentation on *Project Blue Sky*.

Ms. Cross stated that the purpose of this project is to provide the safest kind of single family construction possible through commitment, education, and seminars. It is the only national project of its kind.

Southern Shores is trying to track statistics on homeowners that are experiencing wind damage and homeowners insurance policy cancellations. Ms. Cross asked affected property owners to call Southern Shores to register this information.

Southern Shores, Ms. Cross stated, hopes to lead by example. Funding for this project is secured and it will be conducted through Clemson University where the training curriculum is now being developed.

Ms. Cross asked the Board of Commissioners for a letter of support on this issue, and also asked them to advise property owners to call the Southern Shores town hall with information about insurance cancellations.

Ms. Cross offered to answer any questions on this item.

Mayor Gray explained that he and the town manager recently participated in a presentation on this issue in Southern Shores.

Commissioner Morris stated that he felt this was a very good idea and Commissioner Cowan agreed.

Commissioner Harbeson expressed his support of *Project Blue Sky* and thanked Ms. Cross for attending today's meeting and making this presentation.