

COMMUNITY

CRIMEWATCH

Edenton Police

ARRESTS

• Jan. 21 — Alexis Lynnette Skinner, 45, of East Church Street, was arrested for shoplifting and possession of drug paraphernalia.
 • Jan. 20 — Shoniqua Shirlei Powell, 20, of Tyler Run 1, was issued a criminal summons for failure to return rental property to Rent A Center in Durham.
 • Jan. 20 — Jonathan Robin Welch, 27, of North Broad Street, was arrested based on a true bill of indictment originating in Pasquotank County.
 • Jan. 19 — Trequita Lenette Williams, 38, of East

Queen Street, was charged with communicating threats.

INCIDENTS

• Jan. 21 — Assault and injury to personal property at Crown Food Mart on North Oakum Street.
 • Jan. 21 — Larceny and assault on East Church Street.
 • Jan. 20 — Larceny at WilcoHess Station on Virginia Road.
 • Jan. 19 — Larceny on Hawthorne Road.
 • Jan. 19 — Larceny on Oakdale Drive.
 • Jan. 18 — Assault on Badham Road.
 • Jan. 18 — Injury to real

property on Badham Road.

• Jan. 17 — Injury to real property at Tyler Run 1.
 • Jan. 17 — Larceny at Dollar General on West Queen Street.
 • Jan. 12 — Shoplifting at Food Lion on North Broad Street.

Chowan Sheriff

ARRESTS

• Jan. 31 — Arturo Genoves-Gomes, 48, of Rocky Hock Road, was charged for having no operators license.
 • Jan. 30 — Cordareous Dashawn Pierce, 17, of Winborne Lane, was arrested for assaulting an officer.

• Jan. 28 — David Arthur Costa, 40, of Hobbsville, was arrested for assault on a female.
 • Jan. 27 — Thomas Adam Sutton, 28, of Virginia Road, was issued a criminal summons pertaining to a misdemeanor animal vaccination charge.
 • Jan. 27 — Tracie Diane Sanchez, 41, of Manteo Trail, was charged with communicating threats.
 • Jan. 27 — Stephanie Denise Elliott, 28, of Fork Road, was issued a criminal summons for injury to personal property.
 • Jan. 27 — Yashira Marie Robles-Diaz, 18, of Mexico Road, was arrested on an

outstanding fugitive warrant from Newport News, Va.
 • Jan. 24 — Larry Bernard Delancy, 19, of Mexico Road, was arrested for assault on a female. On Jan. 29 Delancy was arrested based on a fugitive warrant from Newport News, Va.
 • Jan. 23 — Kevin Corey McMullen, 25, of River Road, was arrested on four felony counts of obtaining money/property by false pretense (fraud), one felony count of identity theft and one felony count of statutory rape.
 • Jan. 21 — Joshua Winston Diggs, 18, of Oneida Trail, was charged with one felony count each for

breaking and entering, larceny after breaking and entering, possession of stolen goods/property and felony possession of a Schedule I controlled substance.

INCIDENTS

• Jan. 24 — Larceny of auto parts and accessories from O'Kelly's Auto Sales and Rentals in Edenton.
 • Jan. 23 — Larceny on Hawthorne Road.
 • Jan. 22 — Injury to personal property on County Line Road.
 • Jan. 21 — Burglary (non-forced entry), larceny from buildings and possession/concealing stolen property on Seminole Trail.

Planning Board mulls shopping center sign regs

BY REBECCA BUNCH
Staff Writer

The sign welcoming shoppers to the Chowan Crossing Shopping Center could soon change size and give more detailed information about its tenants.

The Edenton Planning Board gave its unanimous approval at its monthly meeting Monday night to a request from the Raleigh-based Carveron-Edenton Company, LLC, that the town's Unified Development Ordinance governing shopping center signs be amended to allow for the placement of a larger and more informative sign at Chowan Crossing. The request was filed with the town on Dec. 15, 2014.

The Planning Board's recommendation will now be sent to the town council for its consideration.

"The management company (Chowan Crossing) is attempting to improve occupancy and would like the opportunity to establish signage that identifies each tenant," Town of Edenton Planner Sam Barrow told the board at the start of a PowerPoint presentation he gave prior to the vote.

"Current tenants have long complained about the lack of signage for their businesses along Virginia Road/NC Hwy. 32, which they attribute to lower earnings," Barrow added.

He said that in the recent past, some businesses had

violated the town's sign ordinance by putting flags and banners along Virginia Road as a way to draw additional business.

"When approached by town staff about the violations, these tenants threatened to leave the already-distressed shopping center," Barrow said. "Potential tenants have voiced similar concerns, stating that they will not locate in Chowan Crossing without suitable signage along Virginia Road.

If approved, the UDO text amendment would allow Chowan Crossing to replace its current 35 square foot maximum sign's surface area with one at a maximum of 105 square feet. The text amendment would also remove the

current 6-foot height restriction on shopping center signs and replace it with a 20-foot height restriction.

Barrow said that under the Town of Edenton's UDO Section 282 that pertains to shopping center signs, shopping centers are currently allowed one freestanding sign at a maximum height of six feet and a maximum surface area of 35 square feet.

"In 1991, this language was amended to state that freestanding signage associated with shopping centers can only contain the name of the shopping center itself," Barrow said in a staff report provided to Planning Board members. "This has recently become an issue for one of the two shopping centers lo-

ated within the town."

Barrow noted that currently one of the two shopping centers located within Edenton's planning jurisdiction — Edenton Village, also known informally by local citizens as the Food Lion Shopping Center — has a freestanding sign with the individual stores within the shopping center listed.

"The other shopping center's (Chowan Crossing) signage was established under regulations in place prior to an amendment adopted in 2013 and therefore only provides the name of the overall establishment," Barrow said.

The planning board amended the sign ordinance in 2013 to remove that stipulation, Barrow said.

Other current UDO requirements with regard to shopping center signs include:

- Freestanding signage shall be located no closer than 10 feet from a property line or street right-of-way and shall be set back a minimum of 100 feet from a street intersection, measured along the street right-of-way.
- Vegetation (evergreen shrubbery) shall be required along the sides and front of the base of the freestanding sign(s).
- Shopping Center signage shall be of uniform design: double-sided box type shape, constructed with materials conducive to that used for the shopping center building(s).

LAWSUIT

Continued from 1A

Chowan and surrounding counties. The radio spot described the death of Bain's 11-month-old son, Gavin, in the aftermath of the tornado that destroyed the family's home.

Among the suit's allegations are "that Alliance Nissan did not have Bain's permission to use her name in the radio spot, that the ad stated the dealership was collecting money for the family and generously donating to the family, but the dealership actually gave

the family no money; that the frequent airing of the ad with its depiction of her son's death intruded upon Bain's peace and solitude; and that the radio spot inflicted severe emotional distress upon Bain.

Bain's attorney, Robert Jessup, said during the hearing that the company had obtained the air time for free on the premise that it was giving money to the Bain family — a premise Jessup called an "outright lie."

Jessup told the court that it was very difficult for Bain to be at the hearing but that she was not willing to let a business get away with the

deception and the harm that had been caused to her.

Rust told the court that he disagreed strongly with Jessup's characterization of the company's motives.

"This is not some evil conspiracy," Rust said.

Rust argued that the claim of intrusion upon peace and solitude requires a "physical breach of privacy" or prying into confidential records. None of the information used in the radio spot was wrongfully obtained, Rust said.

But Jessup countered that under state law the intrusion upon peace and solitude can be committed

"physically or otherwise." The physical nature of the intrusion is not an absolute requirement, Jessup said.

Rust argued that the legal standard for intentional infliction of emotional distress requires conduct that is "extreme and outrageous," and outside the bounds of what is usually tolerated by decent society.

Rust said that courts had found even false allegations of child abuse did not rise to the level of "extreme and outrageous" conduct for the purpose of proving a claim of intentional infliction of emotional distress. No one from the public would have

found the radio spot "extreme and outrageous," according to Rust.

Jessup cited case law that also noted "reckless disregard" for the likelihood of emotional distress as a basis for the claim.

Jessup said the radio spot "blatantly tells a mistruth" when it claims the company is generously donating to the family.

Rust said the claim of deceptive trade practices would require evidence that shows the company collected money in Bain's name and then kept it.

Jessup argued that it was also a deceptive trade prac-

tice to obtain the airtime for free on the premise that the company was donating to the family.

The company obtained the ads by fraud and the information in the ads was fraudulent, according to Jessup.

"It goes much deeper here than simply taking money from the public and keeping it," Jessup said.

Rust argued that the infliction of emotional distress claim should be dismissed because the claim does not cite any "clinical diagnosis." No specific mental or physical injury is alleged, Rust said.

TURBINES

Continued from 1A

Apex Clean Energy Inc. has proposed a large-scale wind energy facility along the Chowan Perquimans area.

The board has been thinking about the moratorium proposal for a couple of months.

The Planning Board's input in this matter is advisory to the Chowan County Board of Commissioners. If the Planning Board were to recommend the moratorium it would remain for the county commissioners to decide

whether or not a moratorium would be imposed.

Board of Commissioners Chairman Jeff Smith said this week that there are definite processes under state law for the establishment of any kind of moratorium. Those processes would have to be followed if any moratorium were considered, he said.

"We're certainly waiting to hear it," Smith said of the Planning Board's possible recommendation of a moratorium. "The Plan-

ning Board is an advisory board to our board."

Surratt said the reason for the moratorium proposal is to establish a specific time frame for gathering facts and information to use in recommending to the county commissioners for their consideration a revised wind energy ordinance that would better serve the public than the current ordinance does.

Any Planning Board recommendation for a new or amended wind energy

ordinance would be subject to final action by the county commissioners.

Surratt said the Planning Board wants the best ordinance possible to protect the citizens of Chowan County.

"We feel like we need to go back and look at it again," Surratt said.

Surratt said Planning Board members have a lot of questions about wind turbines and are concerned about the possible impact of large wind turbines on current and future residents.

The goal of a proposed moratorium, according to Surratt, would be to have a 90-day period during which there would be a public forum with both supporters and op-

ponents of wind energy projects able to speak in a discussion led by an independent moderator.

The public input process is very important in considering what might need to be included in the county's wind energy ordinance.

Surratt said Planning Board members believe there needs time to be at least one — and hopefully more than one — public forum with an independent moderator.

The meeting Feb. 17 will include a public hearing and an opportunity for the Planning Board to vote on whether to send to the Board of Commissioners a recommendation that a moratorium be imposed on wind turbine permit applications.

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CLARIFICATION
A story in last week's edition stated that state Rep. Bob Steinburg, R-Chowan, was named the chairman of the House Agriculture committee. In fact, House Speaker Tim Moore, R-Cleveland, announced the committee would have three other chairmen: state Rep. Mark Brody, R-Union; Rep. Jimmy Dixon, R-Duplin; and Rep. James Langdon, R-Johnston.

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chowanherald@ncweeklies.com