

Zoning Issue 'Failed Of Adoption'

Mayor Roy L. Harrell's refusal to break a 3-3 vote of Town Council on an application to rezone a portion of the Ward Property on Highway 32 for a shopping center in effect resulted in denial.

This is brought out in legal opinions rendered by attorneys at the Institute of Government in Chapel Hill and the N.C. League of Municipalities.

Mayor Harrell told councilmen he wanted to wait until the N.C. Supreme Court ruled on questions surrounding another parcel across the highway. He said he would call a meeting of the council and cast his vote at a later date.

Both opinions are that this

cannot be done and the owners must now wait six months before applying for a change in the zone. Attempts have already been made to get it rezoned.

The zoning was rezoned at one time but the N.C. Court of Appeals held that the application had not been properly advertised within the requirements of the town ordinance.

J. S. Ferrell, assistant director at the Institute of Government, said no legislative body with which he is familiar allows a member to delay his vote until a later date. The Town of Edenton charter allows the mayor to vote only in the case of a tie.

Ferrell said in his opinion that the courts would hold such a rule (of allowing a delayed vote) to be in violation of "generally accepted principles of parliamentary procedure," and thus beyond the power of a city or town to adopt such a rule.

In view of this, he added that it is his opinion that the zoning ordinance amendment "failed of adoption; that the mayor may not vote on the amendment at a future time; and that any further consideration of the subject would require that the full procedure for adoption or amendment of zoning ordinance be followed anew."

Francis Raspberry, staff at-

torney for the N.C. League of Municipalities, expressed the opinion that the mayor is not required to vote in the event of a tie, but "is simply given the opportunity, in his discretion, to vote if he so desires."

"...in the particular situation confronting the council, the failure of the mayor to vote and thus break the tie would result in the disapproval of the application for rezoning."

He added: "Consequently, the practical effect of the 3-3 deadlock would be exactly the same as if the measure had been voted upon and turned down by a majority of the

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Delay Is 'No' Vote

Mayor Roy L. Harrell won't have the opportunity, after all, to cast the tie-breaker on a rezoning application which was before the Town Council on May 12. We bet he isn't disappointed.

Two authorities on municipal law have expressed separate opinions that the mayor's decision to delay his vote, following a 3-3 deadlock among councilman, is in effect a denial.

Mayor Harrell further delayed development of prime commercial property adjacent to U.S. 17 by-pass at Highway 32 without a recorded vote. This is an exercise in practical politics for which he is famous.

The "literal language" of the General Statutes of North Carolina do not require the mayor to vote, but as Francis Raspberry, staff attorney for the N.C. League of Municipalities, states: "simply (gives) the opportunity, in his discretion, to vote if he so desires."

The mayor's decision to delay his vote, knowing that in effect it would be considered a negative vote, is out of character. During his tenure he has fielded matters of equal difficulty with finesse. But not this time!

In the past when the going got tough the mayor got tougher. If he is accused of his action equaling a "cop out" on this rezoning matter then only he can defend his action. For, it is difficult to conceive that he didn't do his homework and go into it without blinders.

Involve Older People

This is Senior Citizens Week along the Public Parade and it is a good time to reflect on those who blazed the trail for those who enjoy a better life.

Renewed emphasis is being placed on activities for those who are considered Senior Citizens. Well, it should be. We have closeted them, taken them for granted, and failed to adequately express heartfelt appreciation for their contribution to society, for far too long.

As research, science, education, etc., contribute to extended longevity; the same is attempting to curb our population; the American people need to not only respect but activate the talents of our elderly people.

This country has put so many "automatics" on the citizenry that regulations have replaced good horse sense. Only when we recognize our Senior Citizens as an asset rather than a liability will they be judged and treated in a manner in which they deserve, not have to demand.

Senior Citizens are rapidly becoming a group not to be ignored. They need to be consulted, for they can draw on the school of hard knocks which could prove to be the salvation of this country.

"The Graying of America" was the subject of a feature article in a news magazine not long ago. While there are some "kids" among the elderly, most of us could benefit from their experiences. The "youngsters of

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Dr. J. Edwin Byrum, Jr.

Dr. Byrum Is Promoted

WINSTON-SALEM — Dr. J. Edwin Byrum Jr., formerly of Edenton, has been promoted to assistant professor of emergency medicine and assistant professor of medicine at the Bowman Gray School of Medicine.

His promotion, effective July 1, was announced by Dr. Richard Janeway, dean of the medical school.

Dr. Byrum is the son of Mr. and Mrs. J.E. Byrum, West Queen Street Extended, Edenton.

He was appointed to the Bowman Gray faculty in 1974 after completing residency training at N.C. Baptist Hospital.

A graduate of Wake Forest University, he received the M.D. degree from the Bowman Gray School of Medicine.

Most Businesses Open Monday

It will be business as usual for most people in Edenton and Chowan County on Memorial Day, which is Monday.

Memorial Day is not one of the business holidays recommended by the Merchants Committee of Edenton Chamber of Commerce. However, Peoples Bank & Trust Company, Bank of North Carolina, N.A., and Edenton Savings & Loan Association will be closed.

Also, the U.S. Post Office and the Chowan County Courthouse will be closed for the holiday. Town offices will remain open.

But, for many it will be a long weekend and 17 persons could lose their lives in traffic accidents in the state, according to the N.C. State Motor Club.

The state will count its toll over a 78-hour period from 6 P.M. Friday until midnight Monday. Last year 19 persons were killed in mishaps on Tar Heel highways.

"We want to remind all drivers that the speed limit is 55 miles per hour," stated a motor club official. "Persons who exceed that limit are asking for trouble."

Date Change

Due to graduation exercises being held at Chowan High School on Monday, June 6, the Edenton-Chowan Board of Education will change its regular meeting to June 9.

Chairman Eugene Jordan will preside.

Judge Exum To Address Graduating Seniors

N.C. Supreme Court Justice James G. Exum, Jr., of Raleigh, will be keynote speaker at graduation exercises at Chowan Academy on June 2. The exercises begin at 4 P.M.

Judge Exum will be introduced

by Cyndi Phillips, class secretary. The baccalaureate service will be at 8 P.M. Sunday at St. Mary's Episcopal Church in Gatesville. Ven. Webster L. Simons, Jr., will be the preacher. Mr. Simons is director of the Coalition 16 Project



Judge James G. Exum, Jr.



Ven. Webster L. Simons, Jr.



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PRESENTED DECA AWARDS — Melvin Lane, center, president of the Holmes DECA chapter, is shown with Bob Partin, Janet Harrell and John Dowd following last week's Bosses' Night banquet at National Guard Armory. The other picture shows



John A. Mitchener, Jr., with Joyce Belch after he was named recipient of the first Boss of the Year award presented by the local chapter.

350 Attend Sports Banquet

Approximately 350 people filled the Jaycee Community Building Monday night for Aces Athletic Association Spring Sports Award Banquet honoring athletes from John A. Holmes High School who participated in baseball, basketball, wrestling, tennis, track, and girls' softball.

Guest speaker for the banquet was Albert Long, Jr., of Happenings, Inc., in Durham, a comic, rapid-fire speaker who said his philosophy was to "tell it like it is, shoot from the hip, don't be a phony and be honest."

He challenged the attending athletes to resist apathy, immorality, and self-centeredness; to appreciate life and do everything to be the best but remember that no man is indispensable.

Some 18 athletes were presented trophies for outstanding participation in a number of sports.

Johnnie White was recipient of the varsity basketball Most Valuable Player Award and the Efficiency Award. Daryl Joyner was named Most Improved.

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DECA Awards Presented

Janet Harrell, Bob Partin and John A. Mitchener, Jr., were recipients of top awards presented last Wednesday night by the Holmes Chapter of Distributive Education Clubs of America.

Steady Rainfall

A steady, soaking rain began falling in Edenton and Chowan County about 6:30 A.M. Tuesday. It was the first general rain for the area in several weeks and farmers were becoming concerned about their crops.

Pete Thompson, county extension chairman, said Monday the local area is not as dry as many other sections of the state. "We are not hurting as bad as some other communities but we could use a good, soaking rain," he said.

For Better Roads

The development of a strong highway program for the Albemarle Area, which might result in promotion of road improvements west of the Chowan River, moved a step closer Tuesday night during a meeting at Angler's Cove Restaurant in Perquimans County.

While emphasis in the past has been placed on U.S. 17, it was agreed that regardless of what county a highway is located in it is important for Northeastern North Carolina residents to push for a better road into Raleigh.

J. Gilliam Wood of Edenton, Chowan County's representative on the 10-county Albemarle Area Highway Committee, said regardless of how much "we love 17 we need to get behind a better road to Raleigh, even if it begins in Williamston."

Wood was one of seven county representatives at the meeting. He is a former State Highway Commissioner.

L. F. Amburn, Jr., also of Edenton and past president of the sponsoring Albemarle Area Development Association, urged the committee to present a "united front" to the State Department of Transportation, with more emphasis on need than

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Addison Returns To Coach Here

Jimmy Addison, former head football coach of the Edenton Aces, will be returning to Edenton succeeding Dave Holton who recently resigned to take a head coach position at Pinecrest High School in Southern Pines — Pinehurst.

The announcement was made Monday by Holmes High School Principal Bruce McGraw.

Addison, who left Edenton prior to the 1976 season for a head coaching job at 4-A West Forsyth High School, led the Aces to three consecutive winning seasons including a conference title and two shots in the state playoffs. He compiled a 28-4 record here.

Supt. John Dunn commented, "We are pleased to have Jimmy returning. He did an outstanding job during the three years he was at the helm of our football program."

Bond Reduced

Judge John T. Chaffin reduced the bond of Robert Biggs, Route 1, Edenton, but found probable cause in the case where the defendant is charged with felonious assault on Thurman Harris.

Sitting in Chowan County District Court on Tuesday, Judge Chaffin reduced the bond for Biggs. Also, probable cause was found in several cases where Spencer Ray Autry and Stephen Bruce Goldsberry were charged with breaking, entering and larceny.

Aquarium Could Re-Open

Rep. Walter B. Jones of the First Congressional District is working to get the marine aquarium at Edenton Fish Hatchery reactivated. The U.S. Fish and Wildlife Service has estimated that it will cost \$30,000 to do necessary maintenance work and staff the aquarium.

Rep. Jones this week informed The Chowan Herald that while he was not successful in getting the item in the report of the Interior Subcommittee on Appropriations, the language of the appropriation would be modified to direct the U.S. Fish and Wildlife Service to

allocate necessary money from appropriated funds to be used in reactivating and operating the Edenton aquarium.

"It is my hope that this language will remain in the appropriations bill as it follows the usual legislative procedures," he added.

The Edenton aquarium was closed several years ago due to the lack of funds. Since that time several aquariums have reopened and Rep. Jones has been spearheading a program to reactivate the one at Edenton Fish Hatchery.