

# Calabash May Ban 'Noisy' Construction On Sunday

**BY SUSAN USHER**  
Mayor Sonia Stevens would like to put an end to noisy construction work on Sundays in the town of Calabash. "It's rude and ill-mannered," she said at a town board meeting Monday morning, speaking as a citizen as well as mayor. "That's one day people ought to be able to rest and not hear all that."  
A year after adopting a town noise and nuisance ordinance, she said she sees a need to insert a paragraph that would limit outdoor construction activity to Mondays through Saturdays—a paragraph board members didn't at first think the town would need. At Councilman Robert Sim-

mons' suggestion it would allow construction "from sunrise to sunset" on those days.  
The amendment would also provide for "undue and emergency construction in the interest of public safety" through issuance of a special town permit good for up to three days while an emergency situation continues.  
"We're having building all over Calabash. It's next to people's houses and businesses. I feel Sunday's a day it should quieten down."  
Her family was disturbed recently, she said, and she has heard complaints within the extraterritorial zone as well.

Council members tentatively agreed with the idea of the ban, stressing they meant outdoor activity, not indoor work that doesn't disturb those living nearby.  
Asked about enforcement, Mayor Stevens said, "We hope to someday have a police department."  
In the interim, she added, the town would have to take out a complaint against any violator.  
They will review a draft of the proposed addition at their next meeting, along with a proposed revision in the sanitation ordinance.  
Presently the sanitation ordinance specifies what can and cannot be left in a trash can; board members want

to specify similar restrictions for dumpster containers because of a recent incident. Someone cleaning up around a restaurant put tree limbs in a green box. When sanitation worker Leroy Hill began dumping the material the limbs caused a back up in which, said Mayor Stevens, Hill could have been injured.  
Council members also met briefly in executive session to discuss a request by Hill to go to a weekly salary rather than hourly wages.  
Clerk Janet Thomas said the board took no action, wanting to make clear to Hill first that if he works on salary, substitute pay if he takes a day off would come from that salary.  
The sanitation job doesn't require a full 40-hour week during the winter, but requires more than 40 per week in summer.  
Following a public hearing at which no one spoke, the council voted to annex the Rappatch Row area at their April 22 meeting, allowing time for preparation of maps to be filed with the Register of Deeds office. Tom Jones had petitioned the town requesting the noncontiguous annexation.  
He also stopped by Monday's meeting to ask about the possibility of the town providing police protection. Council members decided to check on whether private security guards could be used until it made other arrangements.

**Other Business**  
In other business council also:  
•Adopted a mayor's proclamation declaring July 6 as Shingletree Festival Day and urging community-wide support and participation.  
"I hope its turns out to be a tremendous success," said the mayor as she announced plans for an organizational meeting that night.  
•Heard of efforts to reorganize the Calabash merchants association.  
•Received a request from Elneda Bottomley of Orange, N.J., to rezone Block 1, Lot 24 of River View Acres from residential to commercial so that she can build apartments or efficiencies. When she bought the property either residential or commercial development was allowed, but it has since been zoned residential, the mayor said.  
•Directed Ms. Thomas to contact planning board members Jody Nance, Johnny Johnson and Robert Weber to meet this week to elect a new chairman, consider Ms. Bottomley's request, and nominate members for two vacant seats. Chairman Jiggy High's term ended Sunday, she said.  
•Agreed to check on the terms of Robert Crocker, Herbert Mach and William Potter as extraterritorial zone representatives on the planning board to see when a vacancy might occur.

•Signed an agreement required by the N.C. Division of Archives and History regarding procedures and schedules for destruction and/or disposition of old public records. To date, Ms. Thomas said, the town has discarded no old records, any discards would be made only with consultation of the board.  
•Voted to have the town council serve as board of adjustments for zoning matters and decided to investigate the appointment of alternates so as to obtain a quorum more easily.  
•Ms. Thomas got the board's approval to order some books on zoning and planning, including information on how to deal with nonconforming property. While the zoning ordinance calls for a minimum lot size of 15,000 feet, many existing lots in town, such as those in River View Acres, are smaller. With existing setback requirements, she said, it would be almost impossible to build on some lots.  
•Confirmed appointment of Michael Isenberg of Southport as town attorney.  
Mayor Stevens and council members Robert Simmons, Susie Moore and Virgil Coleman attended the meeting. Marie Brown could not attend because of work.

## Policy Change Adopted For Planning Department

**BY TERRY POPE**  
A new policy approved by the Brunswick County Planning Board last Wednesday will change the steps an applicant must take in seeking preliminary plat approvals.  
Under the new policy drafted by County Attorney David Clegg, developers or land owners wishing to record new subdivisions or lots within the county must work more closely with the planning department

staff. Developers will be required to attend monthly planning board meetings if questions about their proposals are not answered five days prior to the meeting.  
In December, the board called for a change in policy that would require all applicants to attend the meetings before receiving plat approvals. Board members began deferring applications on a routine basis when the developers were not present to

answer questions about the proposals, thus creating a "subliminal policy," said Planning Director John Harvey.  
Under the new policy, applicants, or their designated representative, will not be required to appear before the board if questions about their plans are answered before the meetings. Harvey and the planning department staff will meet with applicants five days prior to the board meetings to determine if plats meet the provisions of the county subdivision ordinance.  
The planning director will then rule if "conformity problems" exist with a proposal and whether or not to require an applicant to appear before the board. Applicants who must attend the board meetings to explain their proposals will be notified by first class mail at least four days prior to the meeting, the policy states.  
If a representative of the applicant is sent to the meeting instead, they must "have the authority to make binding statements and decisions relating to all matters of subdivision amendment and definition," it reads.  
If the agent fails to attend the meetings, the application will be automatically deferred until the applicant is present.  
"No further notification by the planning director shall be necessary and it shall be the sole responsibility of the applicant to request consideration before the Brunswick County Planning Board," it states. The new policy took effect when signed by planning board Chairman Ed Gore last week.

## Suit Seeks Damages For Food Poisoning

A New Hanover County man has filed suit against a Leland restaurant and its owner claiming he received food poisoning from a meal he ate from there in November 1983.  
Sheldon A. Hinson filed suit in Brunswick County District Court on March 12 against Barry Jethwea and Shirley's Burger House in Leland for \$5,800 in medical expenses and punitive damages. Hinson claims he received food poisoning from a ham and cheese sandwich and barbecue plate he ate from the restaurant on Nov. 20, 1983.  
According to the suit, prior to eating the food, Hinson had "not eaten or consumed any foodstuffs or beverages" since 5 p.m. the previous afternoon. After eating the meal at 1 p.m. on Nov. 20, he "began to feel sleepy and laid down" about an hour later.

After lying down, he "began to feel ill," causing "pain and nausea and soon after began vomiting, including dry heaves and the passing of fluids," the suit reads.  
After consulting a physician, Hinson was admitted to New Hanover Memorial Hospital in Wilmington and was released on Nov. 22. He incurred medical bills in excess of \$700 and "experienced great pain and suffering," it states. Based on "information and belief," the plaintiff alleges he suffered from food poisoning caused by food prepared by the defendant and charges Jethwea with negligence in preparation of food.  
In addition to \$800 in medical bills, Hinson is asking a jury to award \$5,000 in punitive damages and any other relief the court may deem proper. He is represented by Wilmington attorney Ray Blackburn Jr.

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