

Sea Trail Residents Seek Control Of Stray Animals

BY SUSAN USHER

A group of Sea Trail residents appealed to Brunswick County Commissioners Monday for a leash law in "developed, unincorporated areas" of the county.

The remedy offered may be more specific and less comprehensive than a leash law, but it should also be more enforceable, indicated County Attorney David Clegg. He and Health Director Thomas Blum are to present a proposal by the board's July 1 meeting.

Commissioners stopped in the middle of a full day of budget deliberations to conduct business Monday night, returning to the budget about 10 p.m.

Commissioner Frankie Rabon, who lives in rural Winnabow, said he wanted the animal ordinance to stop short of allowing the county to pick up one of his deer dogs if it wanders into a yard.

"None of my dogs have steering wheels on them," he said. "I can't direct them where to go."

Ann Masline and other Sea Trail residents elaborated for about two hours Monday night on their harrowing experiences with strays.

Stray dogs and cats have destroyed her personal property, damaging the ductwork of her doublewide mobile home and digging large holes in her lawn; and kept her from entering her home, she said. As many as 10 strays have taken up residence in her yard.

Margie Merritt said a stray Doberman recently "mutilated" her poodle, hospitalizing it for three days. "He will never be right again," she said.

Residents also have not been immune from attack.

Irene Parker was bicycling when a dog that had not had its rabies shot bit her on the leg. The dog was impounded for observation; she had to undergo treatment.

"The dog problem has just continued to grow, almost to out-populate the rest of us," she said. "You can look at them and see they're not well fed or cared for properly."

Animal Control Supervisor Zelma Babson said a countywide survey by CETA employees six years ago found an average of five dogs per family, with some households claiming 15 to 25 animals. "It's grown since then," she added.

Whatever the situation, said Dick Good, "these stray animals have to be removed. Whether they (animal control) have enough personnel to do that is another question.

"They must be removed, impounded and a fee for reclaiming them established so that owners who fail to take responsibility for their animals will have to do so."

The county animal control program presently consists of three health department employees who provide 24-hour emergency coverage county wide, operate an animal pound at Supply and answer calls on a priority basis.

An ordinance to more tightly regulate strays has not been submitted previously, Blum told Chappell in response to a question, because the staff cannot take on any additional duties.

"We had a concern with generating demand without the staff to deal with it," he said.

"Our entire program is based on telephone calls," he said. "We don't have the staff to do anything more."

Last year, the staff investigated 143 dog bites and picked up 3,281 dogs, including 505 in the peak month of June.

However, the health board has submitted a budget proposal that includes a doubling of the animal control budget to cover items such as overtime pay (workers had been accumulating compensatory time off they could not take) and expansion of the shelter.

The request was submitted, Blum said, "not because of a commitment to protect dogs, but because we're committed to protecting the people."

The department has proposed implementation of a neighborhood survey approach, which tackles education, prevention and enforcement on a community by community basis.

As an area becomes more populated, he noted, the problems associated with stray animals get worse.

Sea Trail, with 500 to 600 homes near Sunset Beach, is one of the largest and most heavily developed areas in the south end of the county.

Increasing problems of an urban nature countywide are forcing Brunswick County into a "pioneering" role, Chappell pointed out.

Solutions

Attorney Clegg said the county must be specific in any law adopted because the more general it is, the harder it is to enforce.

A specific violation, he suggested, would be making it illegal for a dog to

attack a bicyclist when off the owner's property.

The county presently does not enter private property to pick up animals without the owner's permission. Except in specific circumstances, it will not pick up an animal that has a county tag and rabies tag.

"The mere fact your (vaccinated) dog is running loose doesn't constitute a violation of the law," Clegg said. "The dog must be running loose and doing something."

That "something" might be anything from damaging property to attacking a human.

"If I came home and a dog was on my porch, I'd take a warrant out on the owner," Clegg said. "I don't know how far I'd get, but I'd sure raise a stink."

But one Sea Trail property owner said residents of that area didn't want to have to "go to the trouble" of getting a lawyer and suing after the damage has been done; they want the county to pick up the animals before that point.

Also, said another, "What if you don't know who the owner is?"

As far as homegrown remedies are concerned, in answer to specific, written questions from the group Clegg said he wasn't advocating the shooting of strays.

"But if a dog were to die," he added, the owner would have difficulty prosecuting for damages if he had not listed the animal as property for county tax purposes.

However, setting out poison would create additional problems of liability, he said, because of having "inherently dangerous" toxic products where children and others might be affected.

And, in prosecuting a case in court, he said, "clear and convincing" evidence is required, as defined "by the court that day." Photographs in themselves cannot be introduced as photographs, but only to corroborate or explain testimony.

Supply Man Sues ATMC, Employee For Accident

A Supply man has filed a \$100,000 lawsuit against the Atlantic Telephone Membership Corporation and one of its employees to cover medical expenses caused by a January auto accident.

Ralph W. Cosby, of Route 3, Box 217, Supply, filed suit in Brunswick County District Court on May 13, seeking \$100,000 from ATMC and its employee, Gene Cox. According to the suit, Cox was driving an ATMC van on Jan. 28, 1985 when it struck the rear of a 1979 Ford Fiesta driven by Cosby at the intersection of N.C. 130 and RPR 1130 near Shallotte.

Cosby was stopped at a stop sign to allow a dump truck to pass when the ATMC van ran into the rear of his car, the suit states.

The operator of the van was negligent for driving his van into the rear of another car and for failing to reduce speed to the extent to avoid a collision, it states.

As a result of the collision, Cosby has suffered "serious, painful and permanent bodily injury causing

medical and other expenses" as well as damages to his vehicle, it reads.

Cosby has also sustained special damages due to ongoing medical expenses, it states. The suit is asking that a jury award \$100,000 in damages plus interest.

Cosby is represented by Southport attorney Glen Peterson.

Memorial Day Service Set On Battleship

Traditional Memorial Day ceremonies on board the USS North Carolina Battleship Memorial will be held in Wilmington at 5:45 p.m., May 27.

The public is invited.

There will be the customary meeting of the Battleship Commission prior to the ceremony. Miller Pope of Ocean Isle Beach is a member of the commission.

Tugboat Operator Nets Probationary Sentence

BY SUSAN USHER

The operator of a tugboat that rammed the Sunset Beach Bridge in January received one year's probation Friday in a Coast Guard sentencing hearing held Norfolk, Va.

Administrative Law Judge Peter A. Fitzpatrick cited operator James

R. Kelly Jr.'s "excellent record" as a pilot in handing down the probationary sentence.

Two weeks ago Fitzpatrick found the Virginia Beach, Va., man guilty of two of three specifications in a charge of negligent operation filed by

the U.S. Coast Guard.

He sentenced Kelly to a 12-month probation period. If Kelly violates any Coast Guard law or has another accident during that period, it would result in an "outright suspension," of his tugboat operator's license for six months, according to Lt. James Carter, the Coast Guard marine safety officer who investigated the Jan. 12 accident.

Kelly was found negligent when the tugboat *Angela M.*, pushing a 210-foot barge laden with dredge pipes, struck the Ocean Isle Beach fender system. Traveling west in what witnesses said was an erratic pattern, it then struck the Sunset Beach Bridge. The impact destroyed the fender and three 17-foot sections of the bridge and damaged a fourth section. Residents were without vehicular access to or from the island for 4½ days.

Kelly maintained that gusting winds had pushed the barge—on which he had posted a lookout—into the bridge.

Two weeks later, an Army landing craft unit struck the bridge in approximately the same location, forcing a temporary closure for repairs.

Child Abuse Charges Filed Following Fire

BY TERRY POPE

A Charlotte couple has been charged with felony child abuse following an early morning fire Sunday that threatened the lives of three children.

Sandra and Alexander King, of N.C. 130 two miles west of Shallotte, were charged Sunday morning with felony child abuse by Brunswick County Sheriff's Detective Lindsey Walton.

According to Chief Detective Phil Perry, around 4:30 a.m. Sunday Deputy Carl Pierson and Walton were called to the home on N.C. 130 to investigate a fire. When the officers arrived, the couple was spotted arguing in the front yard while smoke was seen coming from the home, Perry said.

"The fire in the house had been put out, but there was real heavy smoke in the home," Perry said. Fuel had been poured in the home to start the fire, he added.

Officers Pierson and Walton went inside the home and brought two young children outside. The smoke was "so thick that Det. Walton said you couldn't see inside the house," Perry reported.

After bringing two children to safety outside, Walton heard a third child crying inside the home, but he couldn't locate it. Walton then attempted to break up the argument, to

ask the mother what room the child was located in.

"She then broke loose and went back inside the house after the child," Perry said. Along the way, the child hit the floor for some unknown reason and Walton went back inside to get it. Another argument then erupted between the parents, he said.

"As a result of the house catching on fire," Perry said, "and the fact that the children were left in the house while the parents stood outside and argued, they have been charged with felony child abuse."

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