

# Health Board Examines Use Of Handguns On Animals

BY TERRY POPE

A policy authorizing Brunswick County Animal Control officers to carry guns for protection and for humane killing of animals was approved by the Brunswick County Board of Health Monday night.

During the budget hearings with the county commissioners last month, a question was raised over the carrying and use of firearms by the animal control staff. At a later

commissioners' meeting, the word "slain" was deleted from an amendment to the animal control ordinance upon Commissioner Grace Beasley's request.

However, the board voted unanimously Monday night to ask commissioners to replace the word "slain" in the ordinance. They also adopted a policy that outlines when and how firearms should be used by the animal control staff.

Under the new policy, there are three situations in which the handguns issued to animal control officers may be used: 1) to kill animals that are struck along the road and are beyond recovery; 2) while searching for animals which are marauding in packs and likely to attack; and 3) while searching for an animal that is suspected of having rabies.

Heath Director Thomas Blum said

it is not known when animal control officers were first issued guns, but a policy adopted in 1979 is "clearly written to reduce the use of the handgun to a minimum."

Since he became health director in 1983, Blum added one additional guideline to the policy, stating "In any situation where the animal control officer believes a weapon may be needed before embarking on the situation, the officer is to call the sheriff's department or a Wildlife Officer to accompany them." The board voted Monday to keep that as part of the existing policy.

Without a policy stating that animal control officers have authorization to use guns and to kill animals in a humane manner, "we are just begging for a lawsuit," Blum added.

Revisions in the policy approved by the health board Monday state an animal control officer may not "carry an armed handgun into the field without having received hand gun training in a formal education program. This provision is intended to have the hand gun used by persons properly trained."

Blum said the most common actual use of the handgun is to put an animal that has been struck on the road out of its misery. The department's experience last year of searching for a rabid fox near Southport was an example of when officers needed handguns for protection, he added.

"I can't think of any time since I've been in Brunswick County that firearms have been used on animals and brought to my attention," said board member Bill Rabon, a county veterinarian. "I think if it had happened, it would have brought a roar from the public."

Rabon said the use of guns to kill animals that are beyond help is the quickest, most humane manner. A policy outlining the use of firearms in destroying animals was adopted in October 1979, following methods ap-

proved by the American Humane Society.

"I think if we send people out into the field," Blum said, "we should send them fully equipped. No one has raised any problem since I've been here over the use of the gun."

Blum also said Monday that Long Beach officials plan to ask county commissioners if the county animal control department can take over the town's animal control services. A Long Beach animal control officer has resigned, he said.

In other business Monday, the health board approved a list of family planning fees as established by the state. The state's new sliding fee scale has changed due to federal poverty guideline adjustments, but the county's charges will remain the same, Blum said.

The board also approved a service contract between the health department and Brunswick Technical College that will provide health services for approximately 50 to 60 students in the college's Jobs Training Partnership Program.

The health department will provide a series of lab tests for the students while Dr. James Mulholland of Shallotte will provide other examinations under the new program.

The board also learned that funds to initiate a teenage pregnancy prevention program may be available from the state after all. It is not known how much money will be available to the county, but the state increased funding for the maternal child health program from \$2 million to \$6 million last month, Blum said.

Brunswick County's additional MCH allotment will be used to fund the teenage pregnancy program, Blum said.

The board also officially adopted the Robert's Rules of Order for health board meetings Monday night. Before, it was not known if there was an official parliamentary procedure for health board meetings.

# Judge Orders Property Owner To Clean Up Lot

BY TERRY POPE

A Leland property owner has been ordered to clean up his lot within 14 days after neighbors complained the dump site was infested with rats.

Ralph Gatlin Jr. of Wilmington was charged with unlawful dumping under the county's litter ordinance (Ordinance No. 40) at a lot on Graham Road in Leland, just off the old U.S. 74-76 highway near the Leland Volunteer Fire Department.

In court Monday, District Court Judge D. Jack Hooks Jr. of Whiteville issued a prayer for judgment in the case, but ordered Gatlin to have the lot cleared within 14 days or else face sentencing and fines. County Litter Control Officer Martha Britt charged Gatlin with the violation after complaints were filed by Joan Milligan and Nancy Barrow, who live near the lot that is scattered with roof shingles, tree limbs and other debris.

Assistant District Attorney Wanda Bryant said after complaints were filed, Gatlin was notified by both the county health department and the solid waste department that the lot

constituted a health hazard and must be cleaned.

"The court can take notice of the fact that rats constitute a health hazard," Ms. Bryant said. "Cats were there feeding on rats. That's the reason complaints were filed in the first place."

The case was the second brought into the Brunswick County courtroom since county officials began their get-tough policy on littering this year. Ms. Britt also won a conviction in May against a Long Beach man who pleaded guilty to illegal dumping on a Beach Road lot.

In court Monday, Gatlin told Judge Hooks he did not believe he was in violation of a county ordinance since "the only thing there was limbs and trees."

"I'm quite sure the cats can pick up rats in other areas," he added.

Gatlin supplied photographs of the lot to Judge Hooks and said he saw "at least 15 other spots that was worse than this," on his way to court Monday morning. But Judge Hooks replied that other dump sites were not the ones on trial.

The lot contained a "half house of shingles" that were torn off during Hurricane Diana, Gatlin said, along with tree limbs. He was ordered to dispose of the shingles at the Brunswick County Landfill in Supply within 14 days and to clean up the other debris, by burning or hauling it away, during the same period.

Both Ms. Milligan and Ms. Barrow said they were pleased with the judge's order to have the lot cleaned Monday. Ms. Barrow added that with the right backing, "maybe more people will do this," or carry the cases to court.

Under county ordinance No. 40, no owner or occupant of public or private property will be allowed to accumulate debris on the premises, "creating a health hazard."

When they first filed the complaints, Ms. Milligan said, they received "the run-around from every department at this (government) complex" until Ms. Britt took the case.

"I don't think they're getting the backing they need," she added.

# Sunset Condo Project Involved In Lawsuit

BY TERRY POPE

An Ocean Isle Beach developer has filed suit against the owners of a proposed condominium project near Sunset Beach, claiming he has not been paid the more than \$18,000 that is owed him.

Stuart Cooke, of Cooke Development Company, filed suit against Joe C. Brooks Sr., Joe C. Brooks Jr. and Marshside Enterprises Inc. last Friday in Brunswick County District Court seeking payment plus interest and attorney fees.

According to the lawsuit, Cooke was hired by the Brooks and Marshside Enterprises of Route 3, Box 2152, Shallotte, on Dec. 1, 1984 under

contract to help develop the property in the Seaside subdivision known as the "Brooks Estate."

Cooke was to perform certain services for the Brooks, the lawsuit states, including 1) locating prospective investors for the defendant's condominium project; 2) obtaining a zoning change for the development property; 3) obtaining options for additional development property; and 4) preparing various feasibility studies.

Cooke appeared before the Sunset Beach town council on several occasions representing the Brooks Estate before the site was rezoned by the board last February. The unanimous vote to rezone the MH-1 (mobile home) zone to MB-1 (mainland business) to accommodate multi-family development was approved despite an attempt by surrounding landowners to squelch the move by petition.

In the lawsuit filed by attorney Edmund Liles of Southport, Cooke states he also met on several occasions to "assist and advise the defendants in connection with the condominium development." Cooke "expended his personal funds on behalf of the defendants" and also worked in excess of 540 hours on the project, the lawsuit states.

Other expenses incurred included telephone expenses, document expenses and land option expenses. Cooke is seeking \$18,328 plus interest from April 15, 1985, costs of court and attorney fees.

Cooke states he had demanded payment of the expenses and has also provided the Brooks with an itemized account of the charges.

"Despite the plaintiff's repeated demands for payment, the defendants have failed and refused, and continue to fail and refuse to pay the plaintiff," the lawsuit states.

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