

# Holden Beach To Drop Suit Over Controversial Duplex

BY BILL MCGOWAN

In what has been called a "face-saving" effort, Holden Beach commissioners Monday night agreed to drop legal action against a local developer over construction of a "unique duplex" at 152 Ocean Boulevard, East.

The action, which calls for town attorney Doug Ledgett to meet with attorneys representing developer Alan Holden "to reach a mutual agreement," may end a two-year confrontation over vague wording in zoning ordinances regulating duplex construction.

The unusual structure first came under the gun of commissioners in an executive session during a Jan. 30, 1984 meeting. Construction at that time was complete.

The town's Board of Adjustment had determined that the structure "is not a single attached dwelling unit and does not follow what the town had in mind when duplexes were allowed."

At the same meeting, commissioners determined that Holden had illegally subdivided the lot on which the duplex stands between its two co-owners. Holden then redivided the subdivided lot into one lot again. Under N.C. General Statute 47-A, unit ownership over common

land shared by two independently owned living quarters (duplexes) is allowed.

Soon after, in June 1984, commissioners voted to give Holden 10 days to come up with a suitable plan to correct what they construed to be a violation of the zoning ordinance. The June 1984 vote also gave Holden 60 days to alter the construction after his plan was approved by council.

At its July 1984 meeting, the commission agreed further that Holden would have to build a common wall to unite what they felt were two residences on the lot. The result, they said, would be creation of a duplex. Plans for the wall were to have been submitted within 10 days. Council also said the wall must be solid, not a lattice panel. A "common wall" was defined at that time as one that is of common use to two separate living units and that has an enclosed roof area, that is, four walls.

As built, the structure did not share a common roof, but was connected with porches and walkways.

Then, in early August 1984, the town filed suit in Brunswick County Superior Court seeking an injunction to force the renovation of the disputed construction.

Monday night's action seeks an end to that legal course of action.

Commissioner Hal Stanley took an apologetic tone in making a motion to drop the suit against Holden.

"I do not think that by any stretch of the imagination that's a duplex out there" Stanley said. "I feel Mr. Holden has tried to correct what he felt was a correct move."

"I move that we drop legal action on the part of the town and that we remind ourselves to be quite a bit more diligent in the future to stop these things from occurring in the future."

Stanley's motion was amended by Commissioner Graham King, who asked that the town attorney meet with Holdens' attorneys "to reach a mutual agreement."

The motion was approved with Commissioner Lyn Holden, Alan Holden's brother, asking to be excused from the vote. Commissioner Jim Griffin was absent from the meeting.

Action on the town's suit was prompted by a letter from Holden requesting that town officials contact him regarding disposition of the case.

Holden noted that "time is of the essence in trying to salvage the sale of 152A." One of the two buyers, he wrote, was tired of waiting for the suit to be settled and was making other arrangements. "The other buyer is restless but may be salvaged if we can get this thing resolved."

Also in the letter, Holden said work on the structure "has been completed for several days as agreed."

When questioned Tuesday morning about what work had been done to alter the structure, Holden commented that he had lattice work done to connect the two units. "It's face-saving work," he said, adding that council's action to end litigation is "a face-saving thing for them."

Asked what changes were requested by the commission, Holden laughed. "I'm kind of interested, too," he said. "But until I see something in writing, I don't know what's going to come out of it."

"I don't want to do anything to upset the apple cart right now, but I definitely will talk to you about it next week."

Attorney Ledgett will report back to the commission after meeting with Holden's attorneys.

# Holden Beach Officer Commended For Ocean Rescue Efforts

BY BILL MCGOWAN

A Holden Beach police officer has been commended and applauded by commissioners for his efforts in saving a young swimmer from the surf Sunday, July 28.

Officer George M. Adkins received a letter of commendation from Mayor Kenner Amos at the regular August meeting of the town commission Monday night.

Also at Monday's meeting, commissioners approved with no discussion a revised pet ordinance for the

beach community, and quickly cleared a full agenda of routine business items.

### Police Officer Commended

To begin the August meeting, Mayor Amos informed commissioners about the "brave and selfless actions" of Officer Adkins in rescuing a young girl from the surf at Holden Beach Fishing Pier.

He called Adkins' actions "in keeping with the finest standards of police performance."

"It is deserving of the special ap-

preciation of our community and of course, the young girl who, unfortunately, left the scene without identifying herself," the mayor wrote.

According to reports of the incident, the young swimmer got in trouble with the undertow, which began to pull her out to sea. She was able to grab onto one of the pilings about halfway down Holden Beach Fishing Pier. Assisted by two surfers, Officer Adkins used an innertube and a tow line to bring the girl safely back to shore.

"Your unselfish action in entering the water and bringing the girl to safety at some risk to yourself," Amos wrote in the letter, "is in keeping with the finest standards of police performance."

Adkins, who appeared at the meeting to accept his commendation, said only he wished to "thank those people who helped."

The police officer received an ovation from commissioners and local residents attending the meeting.

**Pet Ordinance Zooms Through**  
Commissioners acted unanimously to approve a revised pet ordinance requested by the board last year.

The action came despite a question from Commissioner Gloria Barrett as to whether a public hearing must proceed adoption of the revised ordinance. No one present was able to answer the question.

The ordinance was approved following a motion by Commissioner Hal Stanley and second by Commissioner Graham King.

Also questioning the ordinance was Holden Beach resident John Clarke, who had submitted a list of questions pertaining to the proposed ordinance.

"Does this mean you are ignoring my suggestions?" Clarke asked immediately following the vote.

"John," Stanley replied, "quite frankly the problem of passing a pet control ordinance is secondary to how you are going to enforce it. When you get to pets, that's the biggest bag of worms I know of."

Answering Clarke's repeated question was Mayor Amos, who said, "At any rate, John, the ordinance has been passed."

"I can swallow," Clark replied. "I've been swallowing a long time," Stanley told him.

Clarke's questions largely dealt with definition in the newly enacted ordinance. He questioned the use of the term "at large;" when a pet becomes a nuisance; how a police officer on duty is expected to determine "to what extent" a pet becomes a nuisance; and why restrictions are limited primarily to the strand.

Tuesday morning following the meeting, Mayor Amos questioned the speed with which the ordinance was approved. He told the Beacon he felt more discussion should have been of-

fered to the measure before it was enacted.

"When you start playing around with someone's dog," he said, "it's kind of like playing around with someone's children."

Clarke and other beach residents are concerned that the ordinance is too vague in definition to enforce properly.

The revised ordinance includes definitions for the following terms: at large, dog, head of household, impounded, owner, nuisance, pet, pound, stray, and vicious or dangerous pet.

The ordinance dedicates discussion to the following sectional headings: unlawful to be a nuisance; pet on strand; molestation of other animals and wildlife; confinement of female pets in heat; abandonment of pets; vaccination; muzzling; impoundment; procedure in lieu of impoundment; disposition of dangerous, fierce or vicious pets; teasing or molesting pets; pet care; responsibility of owners; and penalties.

**Other Business**  
In other business, commissioners did the following:

- Approved a recommendation to begin paving Tuna Drive and to construct a bulkhead at the north end of the street. The vote was taken following a public hearing on a preliminary assessment resolution for the project.

- Agreed to set a public hearing for Monday, Sept. 9 for an estimated \$10,080 worth of improvements to Sunshine Lane. The measure allows Administrator Buck to prepare a preliminary assessment role for the project.

- Agreed to forego the appointment of Mrs. Patricia Poulos to the Board of Elections, at her request, and to appoint Mrs. Ruth Athey, who will serve as chairman. The move was made because none of the three present members of the Board of Elections is able to accept the position as chairman.

- Approved a recommendation to set the filing fee for town elections at \$5, the same amount as last year.

- Awarded a contract for preparation of specifications for the painting of the town's water tank to Lewis and Associates of Shallotte for \$400.

- Approved a request from the

Holden Beach Property Owners Association to use the rear of the town hall for a pig picking to be held August 31. Restrooms in the town hall will not be used, but commissioners authorized the group to use the garage area in case of bad weather.

- Authorized expenditure of an additional \$403 to purchase a 5-kilowatt, liquid-cooled generator for which funds were approved at the July meeting. The total cost is now \$1,750.

- Authorized purchase of 27 hardhats and 20 set of rainwear for the hurricane evacuation team and commissioners. The board, which approved the purchase at its last meeting, denied Buck's request Monday night to purchase heavier, more durable rainwear. Cost of the gear is estimated at \$411. The heavier gear would have cost the town an additional \$339.

- Authorized an additional expenditure on a copier for which funding also was approved last month. A semi-automatic document handler, which Buck says will save the town time and money, will cost an additional \$595, upping the total price of the copier to \$3,790. The total figure is still less than the \$4,000 allocated for the purchase at the July meeting.

- Heard from Police Commissioner Barrett that the town's police depart-

ment during July answered 195 service calls, initiated 18 investigations, made two arrests, issued 24 citations (most of which were local, not state), and issued 43 warnings. Barrett said the department drove 7,774 miles during the month on 532 gallons of gas at a cost of \$647.89.

- Learned of the town's request that the state Department of Transportation observe high density lights around the pier and miniature golf course, where two pedestrian-related accidents have occurred this summer. Commissioner Barrett said business owners would be asked to cooperate by adjusting lights should recommendations be made.

- Heard the Holden Beach Community Watch group will conduct its next meeting at the town hall Tuesday, Aug. 20 at 10 a.m.

- Heard town building inspector Dwight Carroll report that during July, 29 repair and bulkhead permits were issued for construction valued at \$54,806; two permits were issued for new house construction, valued at \$131,857, which is down from seven permits issued during July 1984; fees collected for building permits totaled \$977; 51 houses and one condominium unit were actively under construction at the end of the month; there were 18 applications for CAMA permits.

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Couples Special 7-11 p.m.—\$5

**SUNDAY**  
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