

# Testimony Is Heard As Rape Trial Continues

(Continued From Page 1-A)

At that time, Perry acknowledged to Fairley after referring to the transcript, the clerk said the name given her by the deliveryman and passed on to Sgt. Nance was "Linwood or Elwood Hill," not Pigott.

At a probable cause hearing in July and again Monday, she said the name given her by the deliveryman and passed on the Nance was "not Elwood Hill."

The clerk, while visibly distraught, remained poised under cross-examination intended to bring into question, among other things, her powers of observation. Except when answering questions she sat with her elbow on the counter before her and hand against her head, her face out of view much of the time. She dabbed only occasionally at her eyes.

Fairley raised questions about the credibility of a photo lineup from which the victim had selected a mug shot of Pigott, drawing testimony that indicated his photo was the only one of the group resembling the description the clerk provided investigators.

She had reported her assailant as a clean-shaven black male in his mid-20s, of medium build, about five feet, 10 inches tall and weighing about 190 pounds. She said he was wearing beige corduroy, ragged-edged Bermuda-length cutoffs with no shirt, belt or shoes. He also had "orange spots" in his hair, she said, probably on the right side, possibly on the center and left side also.

Gause testified that when he and two sheriff's officers first picked up the defendant for questioning on the 25th, Pigott had orange spots in his

hair, but later that day, when arrested at his place of work, his hair was shorter and the spots gone.

### Haircut 'Overdue'

Pigott's barber and neighbor since 1969, Cesar Hardy Jr., testified that between about 8 a.m. and 8:30 a.m. on the 25th, Pigott called him to arrange to have his nephew's hair cut that morning, arriving with the boy about 15 or 20 minutes later, in no apparent hurry.

Pigott also received a cut, which given his normal hair style, said Hardy, was "way overdue."

As he combed Pigott's hair, he added, a "yellowish dust-colored powder" just below the crown at the left side of the head "would flare right out and vanish."

During the grooming, the spots were completely removed, Hardy testified. Pigott was wearing long pants but no shirt, he said.

Later Lt. Gause and Patrol Officer Nellie Evans questioned Hardy and took clippings from Pigott's hair, he said.

### Lab Results

The hairs were sent to the SBI crime lab for testing and comparison with a sample of Pigott's hair. Also a single Negroid hair found in a combing of the victim's pubic hair at Brunswick Hospital was examined.

However, Pigott's hair sample and the clippings could not be compared, testified SBI Special Agent Troy Hamlin, because the clipping lacked a root and portion of the shaft needed for identification. Hamlin analyzes hair, glass and fractures.

The hair taken during the hospital examination proved to be a body hair, which unlike head and pubic hair cannot be matched to a specific

individual, he said. Rather, it could have come from any Negroid, male or female.

Similarly, blood and body fluid testing proved inconclusive.

Special Agent Jeb Taub, assistant supervisor for the crime lab's serology section, testified that semen was found on the victim's panties and in smears taken from swabs of her "vaginal pool."

The panty smear he said was "clearly consistent" with all Pigott's blood groupings. But with the mixing of body fluids in the vaginal pool and a masking effect by the dominant fluid present, however, swab results were less refined, he indicated.

On the basis of analysis of the swabs, he said, "Pigott cannot be eliminated from the group of possible originators."

Under cross-examination, he acknowledged that about three of every 10 persons would fit that same category.

Fingerprints taken behind the checkout counter area and the sink/storeroom area produced only one usable print, Lt. Gause testified, which proved to be of no value. To counter questioning of the fingerprinting methods raised during cross-examination of the victim, he said doors, video machines and other store locations were not dusted. There would be too many prints from normal usage and dating them would be difficult, while any usable prints taken in areas not typically used by store customers would be of more value.

On Monday afternoon, in less than three hours, defense and prosecution selected a jury of four men and eight women that included no blacks.

## Mayor Authorized To Seek Access Grant

(Continued From Page 1-A)

She stressed the town's interest in maintaining water quality and protecting natural resources.

"We have SA quality waters and we're definitely not polluting," she added.

### Public Accessways

Ocean Isle Beach will go with whichever of two alternatives poses the least legal problems in developing estuarine and ocean accessways off Shalotte Boulevard. Commissioners authorized Mayor Bullington to sign the appropriate application for an access grant from the N.C. Office of Coastal Management for the project.

The town is interested in developing both ends of the state-owned street for public access. Attorney Elva Jess has advised the town it will have fewer legal problems in dealing with the estuarine area overlooking the Intracoastal Waterway. On the oceanfront end, the town will decide after further investigation whether to try to obtain the property from the state or to ask the state for an easement or right to develop an accessway there.

While the cost might be a little high initially, Building Inspector T.D. Roberson said that if completed as planned, the sites "will be something the state and the town can be proud of."

In sketches for the commissioners, he illustrated the proposed layout for the estuarine accessway at the site of the old ferry crossing to the mainland. It would include 30 parking spaces, a small T-shaped dock, a security light, three picnic tables, trash receptacles, vehicle bumper and bulkhead, a sign and other amenities.

The smaller oceanfront site would be simpler, including an access stairway to the beach, parking for about 20 vehicles, trash receptacles, barricade and sign.

### Other Business

In other business, Ocean Isle commissioners:

- Amended the budget by deleting \$3.9 million in line items relating to construction of the town sewer system. The items have already been included a capital reserve fund for accounting purposes.

- Heard from Building Inspector T.D. Roberson that 14 building permits had been issued in August, with \$7,078 in fees collected for construction valued at \$431,050. Construction for the year to date has an estimated value of \$5.04 million.

- Learned that leases for the town's well sites, all owned by developer Odell Williamson, have expired. But Williamson has said the town may continue to use

the sites at no charge until the county can supply all the town's water needs, a date tentatively set by the county as October 1986.

- Advised by Henry von Oesen & Associates that "there does appear to be some potential problems" in coordinating proposed telephone cable construction by Atlantic Telephone Membership Corp. and sewer system installation by contractor R.H. Moore and Co., set a meeting Monday, Sept. 16, at 10 a.m. at the town hall for the mayor, representatives of the engineering firm and contractor, and Jackson Canady of the telephone company. They will work out what work is to be done and how it is to be coordinated.

- Hired Connie Johnston as permanent bookkeeper, following a standard six-months probation period.

- Approved a 30-day extension in which owners of vacant lots will be able to sign up for sewer system tap-ons at a \$100 discount of the base price of \$900. This will enable the contractors to install more laterals now, while laying the main sewer lines. A previous 30-day sign-up period drew good response, town officials said.

- Agreed to a proposal from the N.C. Department of Archives and History for sending copies of town records to the state for microfilming and permanent recording.

- Heard from Haskell Rhett, a land use planner with the N.C. Department of Natural Resources and Community Development, about the procedures to be followed in updating the town's land use plan. At least two public hearings will be required, along with state review of the plan, before it can be adopted by the town. Afterwards, the Coastal Resources Commission will hold a public hearing of its own before adopting a revised plan. A state planning grant will help finance the work, to be completed by a Wilmington engineering firm.

- Approved a revised soil sedimentation and control ordinance that reflects new state and federal requirements. Among other things, it adds a stormwater management plan requirement and requires the town to base its erosion and soil plans on a maximum peak rate of runoff for a 10-year category storm.

It also says that the local Soil and Water Conservation District will be allowed 20 days in which to comment on any permits the town proposes to issue, with the comments advisory only in nature.

The ordinance gives the town authority the right to require projects that involve more than one acre of land to submit a soil sedimentation and control plan for approval 30 days in advance. If the plan doesn't work in practice, the town has the authority to "make you make it work," Roberson said.

## Holden Commissioners Say No To Several Requests

BY CAROLYN SWEATT

Holden Beach commissioners said no to several requests and were less than enthusiastic on other matters at the Monday night meeting conducted by Mayor Pro Tem Lynn Holden, in the absence of Mayor Kenner Amos who was out of town.

A request from Dr. Bill Philbrick asking the town to share the cost of bulkheading the end of Durham Street was turned down. Philbrick, who owns the property at the east end of the street, said work is to begin Tuesday to bulkhead his property. He asked the board to pay for bulkheading a portion of the end of the street, citing the fact that the bulkhead needs to be continuous. Portions of an old, decayed bulkhead still exist, posing a danger for children who might drown in trapped water, Philbrick said.

Commissioner Jim Griffin said the town's participation in the matter would be a bad precedent to set based on cost. He pointed out that bulkheads at the ends of two other streets, High Point and Greensboro, were paid for by property owners. Bulkheads on Charlotte Street and the decayed one on Durham Street

were built before the town was incorporated. "It's a bad precedent to set," he said.

Commissioner Graham King sounded the only favorable note for Philbrick's request when he said the town should "grab the opportunity" when a property owner offers to pay part of the cost of bulkheading the end of a public street.

After more discussion of who would bear the cost of maintaining such a bulkhead, the board's vote resulted in a tie—Griffin and Stanley opposed, King and Barrett for. Mayor Pro Tem Holden voted no to break the tie and deny Philbrick's request.

### BOULEVARD PARKING BANNED

Commissioners formally banned parking on the shoulders of Ocean Boulevard by approving an ordinance to that effect. Commissioner King's was the only dissenting vote.

He asked if the board could delay vote on the matter until alternative parking could be worked out. Commissioner Hal Stanley noted that except for the approved parking area on the east end of the island, it is still illegal to park in front of someone's house or driveway.

### REZONING DENIED

In a unanimous vote Commissioners voted to deny rezoning property at 110 Ocean Boulevard East from R-1 (residential) to C-1 (commercial). The move followed receipt of six letters and additional comments at a previous public hearing, all in opposition.

### SKATE BOARDS BANNED

In another unanimous vote, Commissioners voted to ban skate boards on Ocean Boulevard. The action had been recommended by the police department for safety reasons.

### PUBLIC HEARINGS

Four public hearings held prior to the regular meeting produced a sizeable crowd of protesters for a request to rezone property at 113 and 142 Ocean Boulevard East from R-1 to C-1.

Bob Rankin, property owner at 114 Ocean Blvd. East, spoke first, citing spot zoning as a continuous problem. "There's no end to it, as I see it" he said, if this is allowed.

Jim Rigg of 134 Ocean Blvd. East was the next to speak. "I've been down here a long time. Mine was one of the original places. I'd like to keep this a family beach, the way it used to be."

A Tabor City property owner at 144 Ocean Blvd. East said that he chose a family beach for his two small children and is opposed to the rezoning. He had previously sent two letters to the board expressing his opposition.

As this was only a public hearing, no action on the matter was taken.

However it was noted that the Planning and Zoning Board's recommendation was to deny the request to rezone.

John Clarke spoke during the public hearing to amend the portion of the zoning ordinance which governs time allowed for action by the board following a public hearing. He said perhaps the Planning and Zoning Board's recommendation to limit the time to 90 days should be stated "within three regular meetings so as not to put the board in a bind." After further discussion and a recommendation by Town Administrator Bob Buck, Commissioner Barrett moved that the matter be returned to the Planning and Zoning Board.

Commissioner Griffin was the only person to comment on another public hearing matter to amend the zoning ordinance governing setback for commercial districts. "Speaking as a citizen as well as a board member, I see no reason to change the setback," he said. The Planning Board's recommendation is to maintain the same setback requirements for commercial and residential districts.

### OTHER BUSINESS

- Newly-hired police officer Dennis Pickard was introduced and welcomed to the town. The Graham native comes to the beach from seven years on the Mebane police force.

- Acting on a request from Ken Pemsmit, president of the Greater Holden Beach Merchants Association and a member of the Festival By

The Sea committee, the board promised the use of the town fire house on Starfish Drive for the marathon run held as part of festival events. The building may be used between the hours of 7 a.m. and noon on Saturday, Oct. 26. The committee's other request for a parking permit for Ocean Boulevard for that day to accommodate the extra traffic for the festival was deferred to the police department for recommendation. Since parking has been outlawed along the boulevard, the festival committee is requesting the special permit for the day's activities.

In discussion of the location for the festival activities, Commissioner Griffin offered property his company (Holden Beach Realty) owns at the end of Davis Street. He also offered to bring in equipment to level the area to make it more suitable for the events.

- Police Commissioner Gloria Barrett reported that officers made 197 service calls during August, conducted 18 investigations, made one arrest, issued 36 citations and 25 warrants.

Community Watch will sponsor a meeting Wed., Sept. 18 at Town Hall to hear a CAMA spokesman. The public is invited.

- Building Inspector Dwight Carroll reported that during August 24 repair and bulkhead permits were issued for construction valued at \$44,160. Two permits were issued for new house construction, valued at \$126,078. 48 houses and one condo unit are under construction.

- Daphne Fournier questioned whether the new pet ordinance was being enforced. She told of an incident involving a vicious attack of a large dog on a much smaller dog that was reported to the police with no action taken. "We do intend to enforce the ordinance and will look into the situation," Commissioner Barrett said.

- Twice weekly garbage pickup will last through September and then change to weekly.

- Bids will be opened on Sept. 17 for paving Sunshine Lane and painting the water tank. The board will hold a special meeting Sept. 18 at 9 a.m. to approve the bids.

## West End Protesters To Meet

Some of the individuals who participated in an Aug. 25 protest caravan objecting to a barricade blocking road access to Holden Beach's west end will meet Saturday at 10 a.m. to discuss additional action, said spokesman Raymond Cope.

The meeting will be held at Mariner's Village subdivision, across from Jane's Seafood Restaurant on the Holden Beach Road, in the third mobile home on the left.

"It's an open meeting. We invite any supporters to join us, including Holden Beach property owners," said Cope.

Cope said the informally organized group has started a legal fund, the West End Fund and retained a Durham law firm to pursue possible legal action.

Approximately 30 persons were served warrants for trespassing after they crossed the barricade on the 25th.

The barricade restricts access to a private road that serves a tract being developed by Holden Beach Enterprises Inc. The road, which once provided access to a popular beach area, is closed to all but property owners and their guests.

## Sunny Point Sets Scrap Lumber Sale

Sunny Point Military Ocean Terminal will hold a residue scrap lumber sale Thursday and Friday, Sept. 12 and 13, and Wednesday and Thursday, Sept. 18 and 19, from 8:30 a.m.-1 p.m.

The charge for both lumber residue and wood chips is \$1 per truckload. These sales are an addition to regular sales (\$18 per cord) held each Monday at the terminal.

Further information may be obtained by calling 341-8517 or 457-8517 between the hours of 7:30 a.m. and 4:30 p.m.

**THE BRUNSWICK BEACON**  
 Established Nov. 1, 1962  
 Telephone 754-6890  
 Published Every Thursday  
 At Main Street  
 Shallotte, N.C. 28459

**SUBSCRIPTION RATES IN BRUNSWICK COUNTY**

One Year	\$5.23
Six Months	\$3.14

**ELSEWHERE IN NORTH CAROLINA**

One Year	\$7.32
Six Months	\$4.18

**ELSEWHERE IN U.S.A.**

One Year	\$10.00
Six Months	\$6.00

Second class postage paid at the Post Office in Shallotte, N.C. 28459. USPS 777-780.

**'85 FORD CLOSEOUT**

**7.7% APR**

**OR CASH REBATE**

**Make A Choice!**

**Time Is Running Out!**

Call One Of Our Friendly Salesmen:

- Jim Arrington
- Terry Reed
- Lowell Bennett
- Garland Baxley

**RUSS FORD CHRYSLER PLYMOUTH DODGE**

754-4341 SHALLOTTE

*Our South Brunswick Islands team*

...always ready to serve you!

CALL 754-4488

**LOWE'S**

**Your Household Word**