

Trespass Charges Dismissed Against West End Protesters

BY SUSAN USHER

Criminal trespass charges have been dismissed by the state against individuals who motorcaded past a barricade on the west end of Holden Beach last August.

Meanwhile, spokesman Raymond Cope said members of the Concerned Citizens of Brunswick County Taxpayers Association are following the advice of their attorney and not crossing the barricade.

In entering the dismissals, Assistant District Attorney Wanda Bryant said there was "insufficient evidence to warrant prosecution."

The entries on 21 warrants taken out against members of the group continue, "a civil issue yet to be resolved will determine whether the defendant has any right to use the property in question."

While such claim of right exists, she wrote, no criminal trespass charge can be prosecuted.

To prosecute a criminal case successfully, one must be able to prove the case "beyond the shadow of a doubt,"

while a preponderance of evidence is all that is required in a civil case.

The charges were brought by Holden Beach Enterprises after participants in an Aug. 25 motorcade drove past a barricade barring public access to a road leading to the western tip of Holden Beach and to a private subdivision called Holden Beach West. The defendants were released on \$200 bond each.

The developers say the road is private property, while the citizens' group says it is public. Both groups cite the same attorney general's ruling.

On Nov. 13, Durham attorney James B. Maxwell filed a complaint on behalf of the citizens group and two of its members, Holden Beach resident Royal Williams and Lexington resident Raymond Cope, seeking temporary and permanent injunctions against erection of barricades across the road.

The suit names as defendants Holden Beach Realty Inc., Holden Beach Enterprises Inc., the Town of Holden

Beach and developer James Griffin (James D. Griffin Jr.).

In their effort to obtain access to and parking at the west end, the group also asks that the extension of Ocean Boulevard West be declared a public right-of-way.

At a meeting of the Holden Beach Commissioners last Thursday morning, Commissioner Hal Stanley told Department of Transportation officials, "I think there's a good chance that road will become yours."

Griffith said Tuesday that the development company is in the process of compiling a lengthy answer to the civil complaint and will most likely request an extension of time for filing.

"We still reserve the right to prosecute depending on the outcome of the case. That doesn't necessarily mean that we will," he said.

Griffith said he "welcomed" the civil action. "I hope we can get this behind us and go on with our lives."

Cope said Monday that the group will continue its efforts to obtain an injunction.

"It seems like it took a long time," he said of the time between the issuance of an attorney general's opinion in the case in September and the district attorney's action Friday. Cope is an officer of the citizens' group and one of approximately 32 persons charged with trespass.

The group plans to meet Saturday, Dec. 14, at 10 a.m. at the home of Neil Stephenson near Holden Beach.

Twenty-one of the trespass cases, docketed to be heard in Brunswick County District Court on Friday, Dec. 13, were dismissed as follows: Carol A. Callahan, Howard B. Rose, Pat Williams and Royal Williams of Holden Beach; Billy Canup, Peggy C. Canup, Georgia Hoffman, James C. Hoffman, Betty Paroda, Edward Paroda, Edward J. Paroda Jr., Mary Paroda, Charles Snyder, Billy F. Wiles Sr., all of Supply; Ennis Cope and Eugene R. Cope and Noah R. Miller Jr. of Lexington; and Butch Kiker, Patricia Kiker, Ethel Tarlton and Howard Tarlton of Monroe. Also on the docket were the cases of Neil J. Stephenson of Supply and Joy S. DeReyna.

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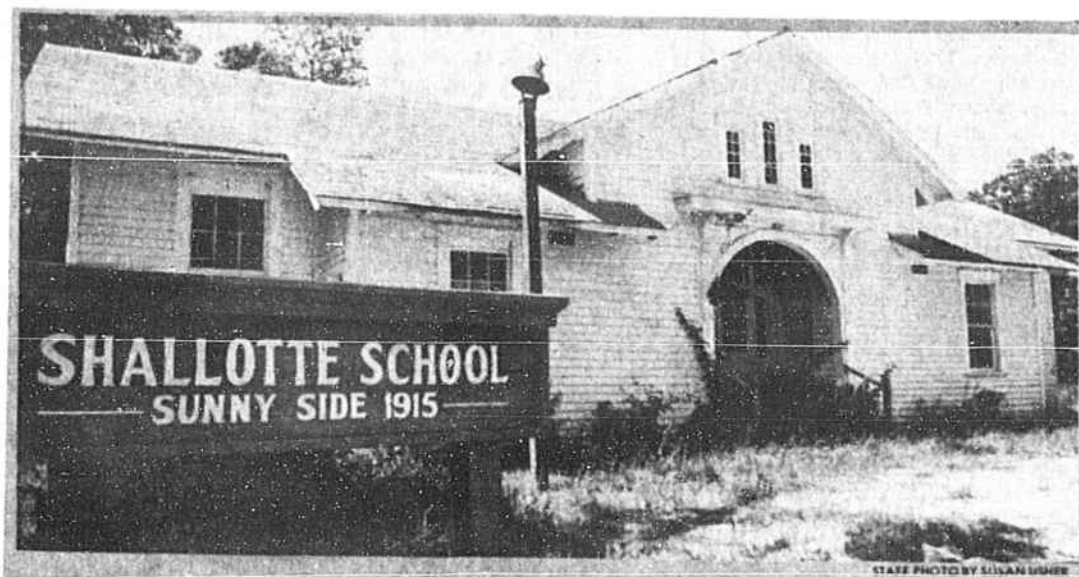
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CHRISTMAS CAROLERS will gather at the old Sunnyside School building Wednesday night to sing in the season, light the town Christmas tree—and spark interest in restoring the school.

Carolers Will Gather At Sunnyside School

Do you miss the sounds of Christmases past? There's no need.

The South Brunswick Islands Chamber of Commerce is sponsoring an "old-fashioned" Christmas caroling party for the public at Sunnyside School Wednesday, Dec. 18, from 7 p.m. to 9 p.m. in the Shallotte Park.

Not remembering the words to your favorite carols is no excuse—the chamber will distribute songbooks.

Co-sponsoring the event are Junior Girl Scout Troop No. 603 and Brownie Scout Troop No. 724 of Shallotte. Troop leaders are Peggie Heron and Judy Holden respectively.

Shallotte Mayor Jerry Jones will kick off the evening by lighting the town's official Christmas tree, a living tree donated by the Brunswick County Agricultural Extension Service, said Anne Marie Schettini, co-director of the chamber.

The Scouts will decorate the tree as part of their work on a joint International Year of the Youth badge.

Ms. Schettini said that civic or church choral groups are invited to participate and, if they contact the chamber in advance, will be recognized. The chamber's number is 754-6844.

Spouses of directors of the chamber are contributing their favorite Christmas cookies, she said,

which will be served with hot chocolate and coffee for a modest donation.

Ms. Schettini said sponsors of the event are hopeful the holiday festivities at Sunnyside School will spark renewed community interest in the restoration of the historic building, which dates from the early 1900s.

Sunnyside served at least three generations of Shallotte area schoolchildren before its service ended in the early 1970s. Through a community drive, the school was moved from the site of the Shallotte Middle School to its present location at Shallotte Park, at the intersection of U.S. 17 and N.C. 130 West. Since then the Shallotte Junior Woman's Club has held several fundraising events on behalf of the restoration.

Donations toward the restoration, both from individuals and businesses, are being encouraged in conjunction with the caroling party, said Ms. Schettini. Checks for tax-deductible contributions should be written payable to the Town of Shallotte, designated for the Sunnyside School Project.

The Town of Shallotte allocated \$1,000 toward the project in its 1985-86 budget and Rep. David Redwine allocated a similar sum from his legislative discretionary funds.

"I hope we can get something started," said Mayor Jones. "I'm all for it. I hope the town can be of some assistance."

Beach Towns, DOT Seek Compromise On Parking

BY SUSAN USHER

Two Brunswick County beach towns will work closely with the N.C. Department of Transportation to solve some of their parking problems through compromise.

The governing boards of both towns met separately Thursday morning with DOT representatives, but discussed similar concerns: how to balance the rights of beachfront property owners with those of visitors to the state-owned beaches as they relate to parking.

At Sunset Beach, a new committee will be formed to develop short- and long-range parking recommendations, while at Holden Beach, the town will work with a DOT engineer to see where parking can safely be allowed along Ocean Boulevard and where no parking signs or speed zones are needed.

Holden Beach and Sunset Beach are unique among the state's coastal communities: This year both prohibited parking along state road rights-of-way on the islands.

A new Sunset Beach council lifted the ban there on Dec. 2, but Mayor Pro tem Ed Gore, who opposed the rescission, said that doesn't mean the town's parking problem is solved.

Sunset first allowed property owners to bar parking on their property by erecting signs at their own expense, then a short while later enacted the no parking ordinance. The town erected 75 no parking signs, most of which came down on Dec. 3, said Town Administrator Wallace Martin. Excluded are those on town-owned streets, such as the east end extension, and for safety reasons, the area near the causeway intersection.

Holden Beach banned right-of-way parking, but hasn't enforced the ordinance during the fall fishing season or erected many signs.

"Since we enacted the ordinance, I don't think there's a single person that has been inconvenienced," said Commissioner Hal Stanley.

Mayor John Tandy set the tone of the Holden Beach meeting, saying the town had not planned adequately for parking in the past and that the problem needed to be addressed immediately, especially since much heavier traffic is expected next year when a new bridge to the island is completed.

"It's going to take all of us," he continued. "This is a reasonable bunch of people here at this table. I think we can come up with a compromise, something right down the middle."

Stanley said complaints about parking appear to be a spin-off of the controversy over the closing of the privately owned west end extension of Ocean Boulevard to the public.

Visitors to both beaches have complained to the N.C. Department of Transportation that the parking bans restrict access to all but a small portion of the beachfront because of where the remaining parking is located.

"A prohibition of parking at access points and a reasonable distance on each side is acceptable to the state," said J. M. (Jimmy) Lynch, traffic engineering branch manager for DOT.

"But we also feel that putting a total ban on parking is going a little too far the other way."

Coastal towns are in a unique position because they are the access points for the state's public beaches. Most people who buy property in this area, for instance, said Hardesty, do it with the expectation of having access to the beach "forever."

"It's not just parking, it's access to the beach too," Lynch noted in a

similar statement at the Holden Beach meeting. "It's not just the total number of spaces, it's the distance. That's a factor, too."

He specifically asked why one end of the beach had accessways and the other did not.

At Sunset, his advice was similar: "You need some good, convenient, close off-street parking."

Mayor Jim Gordon said he thought a renter who pays \$600 a week to come to the beach has more of a right to parking near the oceanfront than inland day visitors, but he agreed a compromise was in order.

Sunset Beach Councilwoman Kathy Hill said she would like to see a committee formed with representatives from the beach, the mainland and the extraterritorial area of the town to look at all alternatives—including the possibility of parallel parking on one side of the street and a sidewalk and/or bike trail on the other.

"We understand you've got a problem," Lynch told the town boards in separate meetings Thursday morning, as commissioners and council members described blocked driveways, indiscriminate trampling of dunes, reduced visibility for pedestrians and motorists, and increased litter.

"What we've done is open our community to 6,000 outsiders to park in the rear yards," said Gore at the Sunset Beach meeting, noting the growing number of subdivisions outside the town whose residents use the beach.

Both towns have possibilities in mind for long-range parking, but no complete solutions. At most coastal towns, the DOT officials said, undeveloped street ends are used for

(See PARKING, Page 2-A)

Zoning Will Replace Septic Tank Limits In Controlling Ocean Isle Density

BY SUSAN USHER

Ocean Isle Beach Commissioners adopted on a 4 to 1 vote Tuesday afternoon regulations that will govern the density of the town's single-family canal-front residential areas.

Presently the main limit on density is a health department cap on the number of bedrooms allowed in a single-family home served by a septic tank. That limit won't apply when the town's sewer system becomes operational.

Dissenting Commissioner Debbie Fox said she thought it "a big mistake" for the town to restrict the size of houses. She said it was the wrong means of limiting density and would discourage property buyers.

The rules adopted were a watered-down version of those presented one week earlier at a joint public hearing of the commissioners and the town planning board. They are intended to

help preserve the single-family identity of the beach and to control density.

Planning board members worked out their compromise package at a meeting Monday morning. Chairman Bill Bullington said the amendments met with the approval of the developers present at that meeting and all planning board members.

Voting for the measures were incumbents Betty Williamson and Virginia Gibson and new members William Benton and Terry Barbee, who succeed Connor Cox and Marvin Stanley on the board.

Developer Odell Williamson said he didn't like the regulations either, but unlike Fox, he thought they weren't strict enough.

"I would have preferred a 30% footprint," he said. "If I don't sell another lot I'd rather keep what I have now than be a part of something that will help to destroy its quality."

"Let's be the first beach—possibly on the coast—that controls the floor space they can build on one lot. I've always liked for Ocean Isle Beach to be the forerunner, to set the example."

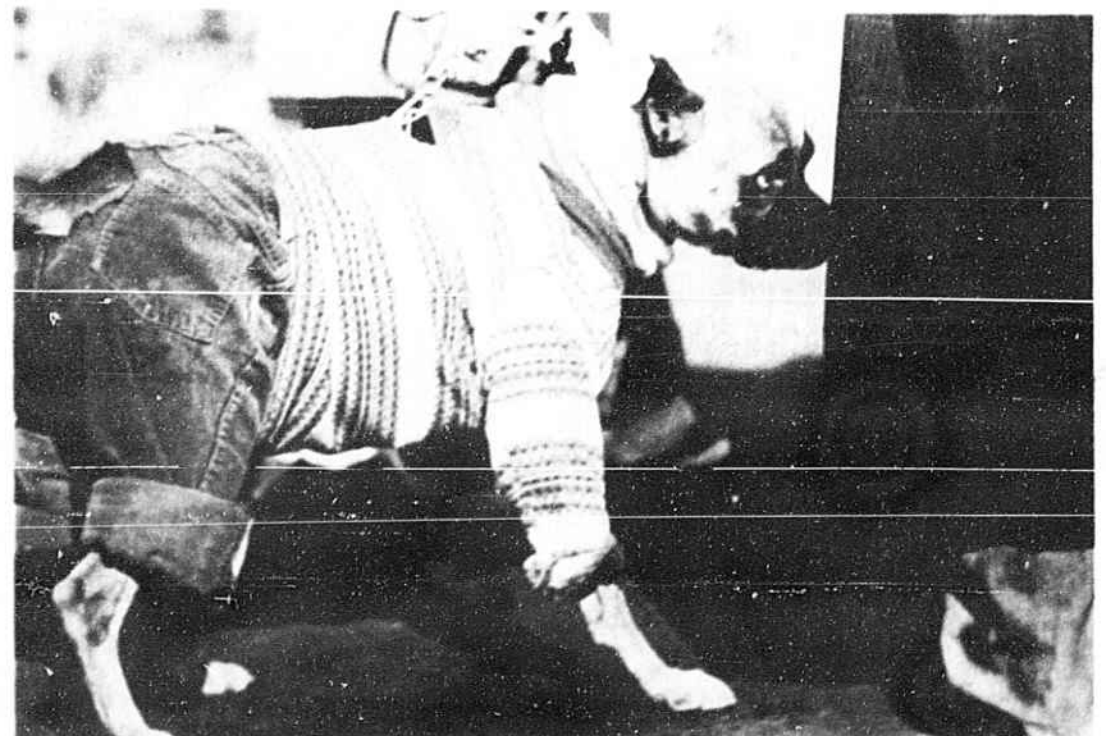
With the two-thirds majority required for adoption on first reading, the zoning ordinance amendments went into effect immediately.

They allow development to continue at approximately the same density level now allowed in single-family areas.

Without some regulations in place, the mayor said, the areas designated single-family would become multi-family in actual usage.

The new regulations affect canal lots. They require a 30-foot setback from the mean high water mark, rather than 25 feet, on all lots where the rear yard is in contact with water. Excluded are lots located on

(See ZONING, Page 2-A)



Shallotte Parade Going To The Dogs?

No, the Shallotte Christmas Parade hasn't gone to the dogs, but this little fellow was one of a number of canines participating, including some shown off by the Animal Welfare League. This year's parade, held under

clear skies and cooler-than-usual temperatures, was one of the best according to spectators. More pictures of Saturday's parade are on pages 1-B and 2-B of this issue.