

Local Shellfishermen To Test Lockwood Folly For Pollution

BY DOUG RUTTER

Local fishermen, suspicious of the state's closing of 153 acres of shellfishing waters last week in Lockwood Folly River, plan to have the waters tested for themselves.

Carson Varnam, a shellfish dealer in Varnamtown, said Tuesday that local shellfishermen and members of the Brunswick County Fishing Club at Sunset Harbor are taking donations to pay a biologist to test three areas in the river.

"We are going to have some work done to make sure that what we're being told is the truth," he said. "If there's anything that's not right, we will know."

The shellfishing areas shut down last Wednesday were part of an N.C. Division of Marine Fisheries proclamation which also included 51 acres in the Atlantic Intracoastal Waterway near Davis Creek. The oyster and clam beds lost in Lockwood Folly represented about one-third of the shellfish areas which had been

open in that river, which accounts for 40 percent of the county's shellfish harvest.

In addition to prime clam beds and an area where shellfishermen relocated oysters earlier this year during the "red tide" infestation, the waters closed last week include an area where construction of a marina has been proposed.

Channel Side Corporation, developers of the 500-acre Lockwood Folly golf and water community, have applied for a major CAMA permit which would allow construction of a 50-slip marina on the river.

A decision on the permit application had been expected by Sept. 1, but an oversight in the application process not discovered until recently will delay the decision.

John Parker, major permits coordinator with the state Division of Coastal Management, said Tuesday that review of the application is on hold until the

developers submit a sewage treatment plan which was omitted in the original application. That plan will have to be reviewed by the state Division of Environmental Management before Coastal Management can rule on the permit application, he said.

Shellfishermen have opposed the marina project, claiming that it will cause the closure of more oyster and clam beds in the river. The state Division of Marine Fisheries, however, is the only one of 14 state and federal agencies to offer comments opposing the project.

"In my personal opinion, I think politics is behind a lot of it," said Annie Smigiel of Varnamtown, who earlier campaigned for a public hearing on the marina project. "I don't think it's as polluted as they say it is."

Varnam also said politics may have played a part in the decision to close the waters. He said it seems very strange that the waters were closed shortly before a decision was expected on the marina permit.

Depending on the results of the tests, Varnam said the donated monies may also be used to hire an attorney to fight the closures. He refused to disclose the specific areas where the testing would be done or who would conduct the tests, but said the results should be available in about a week.

In the meantime, he said local shellfishermen have taken the closure very hard. He said the mood in Varnamtown is the worst he has seen in 30 years as a dealer, even worse than when the "red tide" shut down shellfish beds earlier this year.

Mrs. Smigiel added, however, that the shellfishermen she has spoken with on the river are fully supportive of the testing.

"I don't believe this river's as polluted as they claim it is and we want to find out once and for all," she said. "The people are really angry, they're upset, and they're really ready to get behind this and clean it up."

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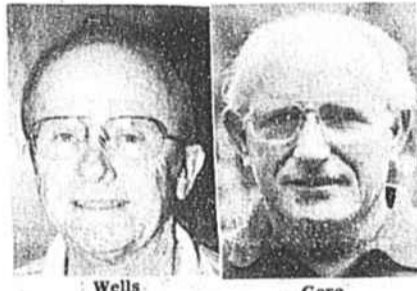
Sunset Beach Lot Is Public Right-Of-Way, Judge Rules

BY RAHN ADAMS

Nine months after testimony was heard, Judge Bruce Briggs ruled last week that an oceanfront lot at Sunset Beach is a public right-of-way for beach access and not private property owned by a local development company.

"There's no end in sight for many years as to what the outcome will be."

—Ed Gore
Sunset Beach Developer



While Sunset Beach Taxpayers' Association President Albert Wells called the ruling an affirmation of public rights, Sunset Beach developer Ed Gore charged that Briggs' handling of the case was improper and promised to continue the legal fight.

The case involves the ownership and use of "Lot 1-A," which is located near the intersection of Main Street and Sunset Boulevard. The lawsuit was filed in 1985 by the Sunset Beach Taxpayers' Association (SBTA) against Gore's firm, Sunset Beach and Twin Lakes, Inc.

Testimony in the non-jury trial was heard by Briggs last November in Brunswick County Superior Court. Durham attorney James Maxwell represented the SBTA and individual plaintiffs Wells, Charles L. Smith, Whaley P. Hunt and Frank M. Nesmith. Roy Trest of Shalotte represented Sunset Beach and Twin Lakes, Inc.

"The rights of the public have been affirmed, and Sunset Beach will in the future be a better place," Wells told the Beacon in a brief prepared statement Monday. "I believe the public interest has been served."

Trest, of course, disagreed with the SBTA's viewpoint. "This is simply a matter where a group of individuals has tried to usurp private property and to counteract an official action of a municipal government," the attorney said Monday, noting that Sunset Beach Town Council "rejected" the use of Lot 1-A as a public street in 1970.

Trest added that he intended to file legal motions this week asking for a new trial due to procedural questions about Briggs' handling of the case. Trest would not reveal the details of his planned motions.

Gore said Monday that if the motions are dismissed, Trest will appeal Briggs' decision to the N.C. Court of Appeals. "There's no end in sight for many years as to what the outcome will be," Gore said, adding that he would continue appealing the case all the way to the U.S. Supreme Court, if necessary.

Gore said the market value of the undeveloped lot is approximately \$500,000. He noted that his plans to someday build a resort hotel on or adjacent to the property have not changed.

Sunset Beach Mayor Mason Barber, who also is a member and former president of the taxpayers' association, said Monday that if the case finally is resolved in the SBTA's

favor, the lot would be considered for use as a parking area.

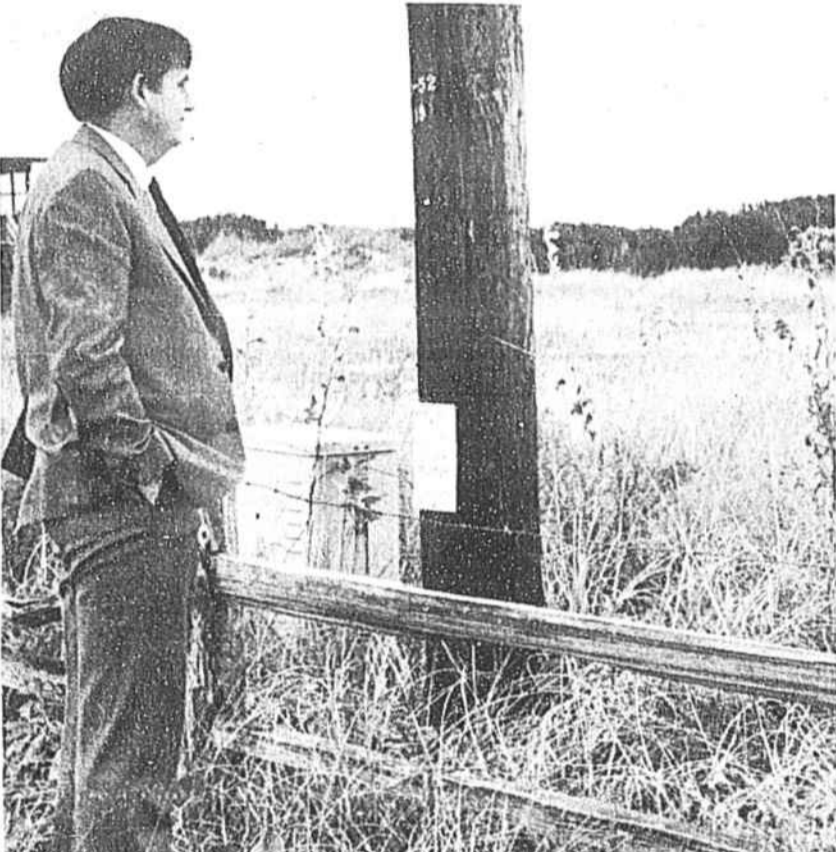
According to the town's beach access plan, an estimated 450 to 600 parking spaces will be needed on the island by the year 2000, Barber said. He estimated that Lot 1-A could supply at least 150 of those spaces.

But Gore, who also serves as a Sunset Beach town councilman, said he would fight any effort to use the lot for parking, if Briggs' ruling is upheld.

"If ultimately we (Sunset Beach and Twin Lakes) cannot prevail, it (Lot 1-A) will not be parking; it will be a street," Gore said. "If it's a street, the street will be going through property that Sunset Beach and Twin Lakes owns, as well as other legal entities." He contended that property owners with frontage on the street would have to be allowed access to it at any point.

The SBTA's suit claimed that the public has the right to use the lot, which Gore's father platted in 1955 and 1958 as an extension of Sunset Boulevard to the Atlantic Ocean. In 1970, Gore reclaimed the lot after the town council passed a resolution which purportedly allowed dedication of the right-of-way to be withdrawn.

(See JUDGE, Page 2-A)



JUDGE BRUCE BRIGGS visited Lot 1-A at Sunset Beach during last November's trial in Brunswick County Superior Court.

Local Mosquito Problems Will Depend On Rainfall

BY RAHN ADAMS

Rick Hickman hates mosquitoes with a passion—but then he has to, since he works as Brunswick County's mosquito control supervisor.

"The only animal on the face of this Earth that I'd like to see die is the mosquito," Hickman said. "I love to kill them."

According to Hickman, the county on the whole was enjoying a relatively mosquito-free season until July when rainy weather turned especially northern sections of the county into breeding grounds for the pests.

"The biggest problems we have right now are in Leland, Woodburn and Northwest, but we're getting them under control," the supervisor said last Thursday.

He added that most areas north of Bolivia have seen mosquito populations increase over the past couple of months, while southern sections haven't experienced any major problems yet.

"The reason for the mosquito pro-

blem up there is the massive amounts of rain," he said. "I've been here 13 years, and I haven't seen anything like it."

In July, northern Brunswick County residents saw approximately 17 inches of rain fall in less than a three-week period, with six inches of rainfall coming in one day, Hickman said. "I've talked to people near Leland who haven't seen it that wet in 80 years," he added.

As far as the coming months are concerned, Hickman said, "It all depends on the weather. If heavy rains don't come until November, we'll be okay. But (if heavy rains come) in September, it (the mosquito problem) will be as bad as last year."

He explained that the 33 species of mosquitoes he has identified in Brunswick County are divided into two classes: those that lay eggs in floodwater areas such as marshes and those that lay eggs in standing water. The salt-marsh mosquito is

(See MOSQUITO, Page 2-A)

RESTITUTION ORDERED

Paine Gets Three-Year Active Term

BY SUSAN USHER

A former Shalotte physician convicted in June of 76 counts of Medicare, Medicaid and mail fraud was sentenced Monday to three years in federal prison, followed by five years of supervised probation.

During the sentencing hearing in U.S. Federal Court in Raleigh, Judge W. Earl Britt also ordered as a term of probation that Dr. Karen N. Paine pay restitution and special assessments totaling \$10,770.

Paine, in her early 40s, was originally indicted on 89 counts of fraud last Oct. 13 by a federal grand

jury in Fayetteville. Eleven of those counts were dismissed during the trial in June in Wilmington.

The three-year active sentence handed down by Britt Monday was for the first count of Paine's 76-count conviction only. The supervised probation was the sentence for the remaining 75 counts, which were consolidated for judgement.

Based on commentary during the sentencing hearing Monday, Michael Carpenter, special deputy attorney general for the N.C. Medicaid Investigations Unit, said Paine is expected to serve at least one year of

the three-year sentence before she would become eligible for parole.

In addition to the usual terms, Britt specifically ordered that while under probation Paine is:

- Neither to consume any controlled substance nor have such substances in her possession;
- To submit to urinalysis testing at any time;
- Consent to search of her person or premises without a warrant;
- To submit to substance abuse counseling;
- Pay \$7,470.82 in restitution under the supervision of her probation of-

ficer as follows: \$3,843.52 to the Medicare program; \$3,564.30 to the Medicaid program; \$876 to the Prudential Life Insurance Co.; and \$187 to the N.C. Crippled Children's Program.

She must also pay \$50 per count, or \$3,300, on the 66 counts dating later than November 1984.

Each count had a maximum sentence of five years in prison. Fines could have totaled nearly \$2 million.

In lengthy sentencing memoranda filed last week, the defense requested

(See PAINE, Page 2-A)

Williamson Takes Lead In Mediating Airport Dispute

BY RAHN ADAMS

Standing on his reputation as a "can do" businessman, Ocean Isle Beach developer Odell Williamson last week began negotiating a merger between opposing factions of the divided Brunswick County Airport Commission.

Minutes after being sworn in as the airport board's newest commissioner last Wednesday, Williamson was elected chairman of the seven-member panel. Over the next two hours, he laid the groundwork toward resolving the dispute over the airport's lease—a controversy has embroiled the board since last December when the contract initially was approved.

"I hope to be able to keep a unified board," Williamson said after being

elected chairman on a split vote. "I promised you earlier that I don't have an ax to grind with any member."

Commissioners John Walters, Harold Hartwig and Lavern Tagge—who have criticized the lease with fixed-base operator Airport Enterprises—supported Williamson's selection as chairman, while Commissioners Richard Conrad and Burton Myers voted for the board's current vice chairman, Commissioner George Lanier. Conrad, Myers and Lanier have opposed changes in the lease.

In two unanimous votes, Tagge was chosen as the board's treasurer, and Hartwig was named secretary. Election of new officers was necessitated last month when former

chairman Johnny Vereen was not reappointed to the commission and former secretary Albert Parker Jr. resigned. Walters stepped down from the treasurer's post last Wednesday without explanation.

Last month, the Town of Long Beach appointed Tagge as Vereen's replacement. Brunswick County Commissioners named Williamson, who also is manager of the Ocean Isle Beach Airport, to replace Parker two weeks ago. Other county appointees include Conrad, Hartwig and Myers. Walters represents Southport, and Lanier represents Boiling Spring Lakes.

The airport commission has until Aug. 29 to take action on its lease with Airport Enterprises or else face being declared ineligible for future

federal funding.

The Federal Aviation Administration completed a review of the lease in May and indicated that the commission was leasing too much land to Airport Enterprises. Federal law requires that sufficient space be left available for more than one fixed-base operator.

While Williamson said he wasn't prepared to vote on changes in the lease at last week's meeting, he stated that the contract must be revised. "I will say that there are certain things in there that need to be renegotiated," he said, adding that the amount of land leased to Airport Enterprises wasn't his only concern.

The new chairman said he wanted a "quiet, happy relationship" with

(See AIRPORT, Page 10-A)



OCEAN ISLE BEACH DEVELOPER Odell Williamson (left) is sworn in last Wednesday night as the newest member of the Brunswick County Airport Commission by Magistrate Marion Hilliard, minutes before Williamson was elected chairman of the seven-member board.