

Calabash Board OKs Blythe Plant Buy In Split Vote

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 town Calabash. The committee's report on the condition of the sewer system concludes that "the entire character of the complex in reflection of Mr. Burnett's business philosophy—a commitment to create and maintain the finest privately owned utility in the state. We believe he has succeeded!"

The report doesn't mention the town's ongoing effort to build a regional sewer system in conjunction with Sunset Beach. Calabash has spent about \$200,000 and has committed another \$150,000 for engineering studies and design work on the system.

Residents of Carolina Shores, who are already served by Carolina Blythe, have voiced strong opposition to the plan. But a majority of the town board, including Schaack, has voted in the past to continue work on the regional sewage system.

A Good Deal?
 After listening to the report, Commissioner Leisey asked about

the company's profitability. Committee Chairman Gere Dale said Carolina Blythe has lost money for at least the past five years "mostly because it didn't go for a rate increase" and because of escalating costs.

"He hasn't been sitting there taking a loss all those years to be nice to Carolina Shores," said Hardee.

"No. He's been doing it to be good to Billy Burnett," Dale said. "Because he has a great deal of pride in the operation."

"Then why has he set this deadline?" asked King. "Why is he trying to rush us? He's arm-twisting."

"Because he is thoroughly ticked off," Dale said. "He feels that for a number of years he's made a bona fide effort to sell to the town and the town has failed to take advantage of it."

Discussion of Burnett's asking price came up again after Altreuter made a motion to purchase Carolina Blythe for \$4.5 million at 5 percent interest for 30 years "with the proviso that we get all our ducks in a

row." Her motion was later refined to make the purchase contingent on the board's acceptance of all legal considerations and contractual arrangements.

"I think that is a very naive motion. It's not the way to do business," Leisey said. "Just because everybody says it's a good deal doesn't mean we shouldn't negotiate. You can't tell us it's worth 4.5 million bucks just because he says its worth that much. Are we really going to give him 4.5 million bucks without talking turkey?"

"We have jerked this guy around for so long," said Altreuter, who opposed allowing the board to vote on the purchase a second time.

Town Attorney Michael Ramos advised that the board would have to vote again on whether to sign a formal contract. He said "the prudent thing to do would be to wait for a report from an auditor" before making a final decision.

Future Expansion
 Hardee asked about expanding the system and how much down-

town residents and businesses would have to pay to tap on to Carolina Blythe. He noted that the original reason for developing a Calabash sewer system was to provide wastewater treatment for the downtown restaurant district, which currently treats its waste with septic tanks.

Dale said the committee is convinced that Carolina Blythe has enough treatment capacity to serve the downtown area. However, cost estimates for expanding service were not included in the report. He said he "assumes" the cost of expansion would be paid for through impact fees and rates.

"Expansion of the system beyond existing main water/sewer lines (i.e. downtown Calabash commercial) would have to stand on its own economic merits," the report said. "However, there is no immediate indication that such system expansion could not be practicably accomplished."

When the vote to purchase Carolina Blythe resulted in a tie, Mayor Anderson expressed some

reservations before agreeing to support it.

"Two elected boards have voted on the (South Brunswick) Water and Sewer Authority and a majority of those two boards have decided that a regional sewer system is the correct way to go," Anderson said. "Now, because Billy Burnett has given us an ultimatum, we're going to ignore that."

A member of the audience, Jack Hannoway from Carolina Shores, said that 652 residents of the community signed a petition asking the board to explore the purchase of Carolina Blythe.

"You've got voters in the town of Calabash that want you to buy Carolina Blythe," Hannoway said.

Ray Card, a former Calabash commissioner, said he believed that many of those who endorsed the petition did not know what they were signing.

"All you are voting on is an emotional plea from a person to buy his utility for \$4.5 million. Nothing else," Card said. "If it falls flat, that

money will come out of taxes.

Leisey said the mention of a petition created "an inference that I don't like." He said he resented the question of sewer service becoming a political issue.

"If I have to vote it's way 652 people said I should vote, I'll give you my resignation tonight," Leisey said. "But before I vote to give anybody 4.5 million bucks, I want to know why I can't get it for less. That's the way I buy a house, my car, my groceries."

In the end, Anderson noted that he was left alone to decide the question. "You have a tie vote. The buck stops here," Anderson said. "I will vote in favor of that motion."

There was a second motion by Altreuter to prohibit the South Brunswick Water and Sewer Authority from incurring any financial obligation pending a study of the feasibility "of downtown Calabash joining Carolina Blythe."

The motion failed by a 4-to-2 margin with Noe supporting the measure.



DAVID GILLEY (right), on trial for the murder of Juan Hernandez, listens as defense attorney James Payne cross-examines a witness.

Gilley Murder Case Goes To Jury

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 me in this language I couldn't understand" and made him feel uneasy, after which Gilley said he headed for "a neutral corner" of the bar.

Gilley said Hernandez kept looking over his shoulder at him and cursing while shooting pool. At one point, he said Hernandez bumped him with his arm and cursed him again.

Soon afterwards, Gilley said he saw Hernandez come toward him with a "little shiny tip of something in his hand." He said the object "appeared to me to be a pocket knife."

Gilley said he pulled his pistol in hopes of scaring Hernandez off. A scuffle ensued during which Hernandez and his wife both had a hand on the pistol, Gilley testified. He said the gun went off as he lost his grip and felt it slip away.

Others who testified last week told a decidedly different story. Witnesses at a nearby store in Ash said they heard Gilley remark that he was going to the lounge to "kill a Mexican" shortly before the incident occurred.

Sylvia Hernandez said she and her husband confronted Gilley in the bar after he began harassing their daughter. She said things seemed to have calmed down when Gilley came up from behind her husband, put his arm around Juan's neck and pulled out his pistol. She said a fight ensued, during which Gilley shot her husband in the chest.

Other patrons at the bar, many of them speaking through a Spanish interpreter, said after the shot, Juan Hernandez stumbled out the front door of the lounge and fell to the ground bleeding from the mouth and nose. Witnesses said they quickly loaded him into the bed of a pickup truck and drove to the hospital.

Jose Rivera, a friend of Juan Hernandez, hung his head and



INTERPRETER Paul Hernandez (right) helps Assistant District Attorney Lee Bollinger question Jose Rivera, an eye witness in the first-degree murder trial of David Gilley last week.

sobbed quietly from the witness stand Wednesday as he described holding Hernandez in his lap and watching him slip away. He said his friend was wearing the folding knife he often carried on his belt. He said the snap on the case was still closed.

The defendant grew increasingly defensive as Assistant District Attorney Rick Green questioned him about his previous testimony.

Asked about the knife, Gilley said he saw something "shiny and brass coming out of his (Hernandez's) pocket." He said he did not see a blade and admitted that the victim "never did get time to open" the knife when Gilley drew his pistol.

"You pulled a pistol on a man with a knife that wasn't even open?" Green asked. The question went unanswered.

Attacking the defendant's credibility, Green asked Gilley why he did not flag down one of the police cars that were searching for him as he fled through roadside brush to get away from the Junction Lounge? Gilley said he thought the cars were bar patrons who were out to kill him.

Green asked why after making it to a friend's house in Ash Gilley didn't ask to be taken home or to the sheriff instead of going to a fish house in Grisetown where one of his companions was staying.

"I just didn't," Gilley replied.

The prosecutor also asked Gilley why on the morning after the shooting he took an employer's truck, drove to Florence, S.C., then rented another truck and drove to Houston, Texas. Gilley said he went to Texas to talk to his cousin about selling a car and an engine Gilley owned so he could raise \$1,600 "to pay some bills."

"Couldn't you have simply called your cousin?" Green asked.

"If I could have taken the time to get the number I could have," Gilley replied.

"How long did it take you to drive to Texas?" asked Green. "You said your cousin called your uncle twice a week. All you had to do was get the number from him and call your cousin."

"I could have, but I didn't," Gilley said. "I figured I'd do it myself and I would have time to figure out what happened."

Gilley and Leonard Faircloth, one of his companions at the Junction Lounge on the night of the killing, were arrested at a routine traffic stop in Baton Rouge, La. Gilley testified Monday that the two were returning to North Carolina when they were apprehended.

Faircloth has been charged with being an accessory after the fact to a felony and did not testify in the case.

Holden Beach Commissioners Begin Annual Budget Review

Holden Beach Commissioners will meet Friday morning to continue review of the proposed town budget for the 1994-95 fiscal year.

Town Manager Gus Ulrich said board members discussed general fund expenses during a four-hour workshop meeting Tuesday morning.

Ulrich said commissioners talked about expenses related to governing body, administration, elections, planning and zoning, building and grounds, police and inspections.

Board members met with Police Chief Robert Cook and Jim Lowell, president of the Greater Holden Beach Merchants Association,

Ulrich said. Commissioners will reconvene the meeting Friday at 8 a.m. and work until noon. Ulrich said board members plan to discuss personnel matters in executive session starting at 11 a.m.

"The emphasis Friday will be to meet with the groups that have requested contributions," Ulrich noted.

Among the groups asking for donations are the Holden Beach Beautification Club, Brunswick County Volunteer and Information Center, South Brunswick Islands Chamber of Commerce, Coastline Volunteer Rescue Squad, Tri-Beach

Volunteer Fire Department, Hope Harbor Home, Brunswick County Literacy Council and Lower Cape Fear Hospice.

Ulrich has proposed a \$1.86 million budget that features a two-cent decrease in the current tax rate of 15 cents per \$100 of property.

The town manager said the tax cut is possible because of new construction and county revaluation, which have added \$60 million to the island's tax base in the past year.

All budget workshops are open to the public. A formal hearing on the budget is scheduled June 22.

Bird Island Reserve Fund Proposal Goes To Committee

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 activities increase on other beaches," the report stated.

Initially, Price talked of building a small family compound. Since then she and family agents Glenn Dunn, a Raleigh attorney, and John P. Ryder, of Century/von Oesen consulting engineers in Wilmington, have sought provisions that would allow more intensive development. If that type development were made possible, it would make development of the island more economically feasible and increase the island's marketable value whether it is developed or sold for conservation purposes.

Earlier this month, Ryder asked Suncoast Beach Town Council to reconsider its zoning of the 133.4-acre island and surrounding marshes as "conservation reserve," saying they "seem arbitrarily restrictive" compared to Sunset Beach island zoning and could result in development being "not economically viable."

The zoning allows detached six-bedroom, single-family homes, with lots that contain at least one-half acre of non-wetland area, and an overall density cap of one single-family dwelling per acre of non-wetland area for the entire island. A community center and recreational amenities could be constructed with issuance of a special use permit from the town.

Dunn reiterated the same requests made last fall prior to the zoning of the island after a six-month study by the town planning and zoning board. Price would like the town to ease lot size, bedroom and setback limits.

Specifically sought are a two dwelling units per net buildable area

density cap for more flexibility in development of approximately 66 lots on 31 acres of uplands; minimum lot size of 10,000 square feet with a maximum of six bedrooms or 15,000-square-foot lots with up to eight bedrooms; and an oceanfront setback 25 feet landward of the CAMA setback line instead of 65 feet landward.

Price also wants the special use provisions of the ordinance to allow for the possibility of a hotel or inn. That, wrote Dunn in another letter last September, "would leave open the option of concentrating development in a suitable area, making it feasible to leave more open, natural areas of Bird Island."

The town council has taken no action on the latest request, and has tentatively included \$50,000 in its 1994-95 budget to defend the zoning decision should Price sue.

"If they (planning board members) had done it haphazardly, that would be one thing," said Town Administrator Linda Fluogel. "But it would be senseless for them to start over."

The Bird Island legislation is one of a handful of bills Redwine is prepared to introduce this week. Others include a beaver management program refunding funds to clean up the debris from an offshore fishing reef off Long Beach, a commercial fishing license moratorium and a request for \$1 million toward construction of a recreational grounds management/aquaculture building for Brunswick Community College. The money would help match an anticipated federal economic development grant.

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