

Holden Beach Commission Calls For Crackdown On Illegal, Nuisance Lights

BY DOUG RUTTER

Holden Beach Commissioners approved two minor changes in an ordinance regulating outside lights on Monday, but the impact could be significant.

Based on the recommendation of Town Attorney Elva Jess, the board voted to do away with a vague ban on "nuisance" lights and start requiring the shielding of yard lights in residential areas.

In making the changes, commissioners agreed town officials must enforce the entire ordinance. One board member said it has been largely ignored since it was passed in July 1992.

"If we're gonna ignore it let's don't go to the trouble (of making the changes)," Commissioner Jim Fournier said at Monday night's town meeting.

"The existing ordinance has been ignored," he said. "There's an ordinance that says commercial lights cannot shine off the property and that's not being enforced now."

Fournier asked fellow board members to make a commitment to enforce all provisions in the two-page ordinance, including those that could impact the lighting outside some businesses.

"I'd like that to be part of this action. If we're going to take aim at private property owners again let's make it all encompassing," Fournier said.

Jess suggested doing away with a section of the ordinance that prohibited outside lights installed or directed so they "constitute a nuisance to any person within a nearby dwelling."

The attorney said the ordinance does not include any objective criteria that can be used to determine if a light is a nuisance. The code leaves it up to the discretion of the town manager.

"That puts him out on a short limb and everyone else with a saw out in front of him," Jess said.

Holden To Meet Friday, Saturday

Holden Beach Commissioners have scheduled two special meetings this week, including a Friday morning session to review applications for town manager.

The board will meet at 8 a.m. Friday to look over resumes of applicants. Town Manager Gus Ulrich plans to retire at the end of the year.

Commissioners also will meet Saturday at 9 a.m. to discuss a definition of "ground level" and proposed lot coverage restrictions.

Town Attorney Elva Jess, Building Inspector Douglas Gillette and local builders are expected to attend the Saturday meeting.

The second amendment will require that all yard lights in R-1 and R-2 zoning districts "be shielded so that no direct lighting is outside the owner's property."

In addition to setting standards for security, flood, spot, yard, decorative, doorway and safety lights, the ordinance outlaws lights that "interfere with the vision of the operator of any motor vehicle on any street or waterway."

Turn Out The Lights

Five of the 10 street lights currently illuminating the 90-space parking lot under Holden Beach Bridge will be removed.

After months of debate, commissioners voted 4-1 Monday to take down half of the lights and leave the other half up. The town manager and police chief will decide which ones are removed.

Commissioners David Sandifer and Marlaime Thomas said they

wanted to keep the 10 lights, but board members Dwight Carroll and Fournier supported the removal of at least some of the lights.

"I just want to save the town money," Carroll said. "You can go in there at night and read a newspaper on any lot. It's not a library."

Fournier said he objected to spending \$1,800 per year to light up a parking lot that is seldom used after dark.

"We only have street lights every 500 feet where people live. It just flies in the face of logic and reason to spend \$1,800 to light up an empty space," Fournier said.

Calling for a compromise, Commissioner Sid Swarts made a motion to remove half of the lights. The move will save the town about \$900 per year.

Thomas cast the only vote against Swarts' motion. Sandifer said he would go along with the "compromise."

Prior to the board's action, two audience members urged the commission to keep all of the lights in the parking lot. They said lights deter crime, and if the lot was dark it could become a hangout.

Hearings Slated

Town board members have scheduled three public hearings for their Oct. 26 meeting on a pair of rezoning proposals and a possible amendment to the town zoning code.

The Holden Beach Planning and Zoning Board has recommended changing the zoning of the Davis Heniford subdivision, formerly Campground By The Sea, from R-2 to R-1.

The planning board also has suggested rezoning in the oceanfront property formerly known as Mace's Trailer Park from C-1 to R-1.

Another public hearing will be held on a proposed amendment to the regulations relating to fences in yards.

DIDN'T COMPLY WITH STATE DEMANDS

Net Fishermen Lose '93 Exemption

Fishermen who set their gill nets from the Holden Beach strand must play by the same rules as other Brunswick County anglers from now on.

A special exemption that allowed gill net fishermen at Holden Beach to leave anchors and ropes on the strand during the peak fishing season last year has been repealed.

A state fisheries proclamation that took effect Monday sets the same rules for all of Brunswick County concerning the use of gill nets.

From Labor Day through Memorial Day, it prohibits the use of unattended gill nets set or fished from the beach with or without the use of a boat.

Equipment such as ropes, anchors and buoys associated with any net set or fished from the beach must be removed immediately when the net is not employed in a fishing operation.

The proclamation also makes it illegal to use gill nets set from the beach, or use unattended nets set

from a boat within 300 yards of the beach, Memorial Day through Labor Day.

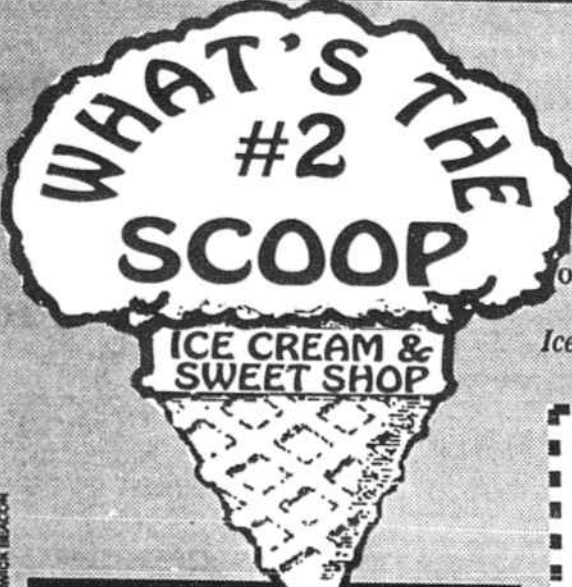
"This makes it the same throughout the county," said Rich Carpenter, district manager with the N.C. Division of Marine Fisheries. "Anything set from the beach they need to take their stuff up at the end of each day."

Carpenter said Tuesday that Holden Beach net fishermen lost the special exemption they enjoyed last year because they did not comply with state demands.

The division issued 39 permits last year to net fishermen at Holden Beach that allowed them to leave their anchors and other gear on the strand until the end of fishing season.

Carpenter said the permit required each fisherman to contact the Division of Marine Fisheries at the end of the season so state officials could ensure all gear was removed from the beach.

None of the fishermen who were issued permits contacted the division, Carpenter said.



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