



STAFF PHOTOS BY BILL MCGOWAN

SUNSET BEACH resident and attorney Mason Anderson, right, informed the planning board Friday night that it could not legally consider the developer's plans for the land in voting on proposed zoning changes. Planning board member Mary Allen, front, listens to Anderson's interpretation of the law along with Ed and Dina Gore, rear.

Sunset Council Sets Public Hearings On Zoning Changes

BY BILL MCGOWAN

Sunset Beach Town Council will hear arguments for and against three requested zoning changes at one public hearing, its members decided Monday night.

Citizens will have the opportunity to air their views Wednesday, Jan. 23, beginning at 7:30 p.m. at the town hall.

The three areas to receive consideration include two tracts of land located along N.C. 179; a tract of Seaside land referred to as the "Brooks estate;" and the Landing I subdivision. All three of the rezoning requests were recommended to council following Friday night's meeting of the town planning board.

According to Town Manager Wallace Martin, the request to rezone the two tracts of land along N.C. 179 from MR-2 (Mainland Residential) to MB-1 (Mainland Business) came from Sea Trail Corp., Island Development Corp. and Oceanside Corp., all companies holding interest in the land which would be affected by the change.

Council approval would clear the way for construction of commercial buildings, as well as multi-family housing, on approximately 13.2 acres of land where the old Magnolia Motel once stood and along N.C. 179 next to the Intracoastal Waterway.

In addition, a tract along N.C. 179, owned by David Stanaland and bordering the Calabash River, may be rezoned for commercial use.

Also to be considered at the public hearing will be the rezoning of 2½ acres of land, owned by Joe Brooks Sr. of Seaside, from MH-1 (Mobile Homes) to MB-1 (Mainland Business). The request was made by Stuart Cooke of Cooke Developers. Cooke told members of the Sunset Beach Planning Board Jan. 4 he plans to build a development on the property, combining multi-family residences and businesses.

Council members and the general public will also inspect a proposal to change the zoning classification of Landing I subdivision from MR-2 (Mainland Residential, requiring 10,000-foot lot size) to MR-3 (Mainland Residential, multi-

family). Martin said developer Mike Brazeal of Calabash requested the change after recently purchasing the subdivision.

Revisions Allowed

In other business Tuesday night, council approved a planning board recommendation calling for the realignment of Waterway Estates. Members authorized Col. Jim Gordon, planning board chairman, to sign a certified map of the property so it may be recorded.

Revisions included combination of lots and alteration of a road to provide for a cul-de-sac. The realignment did not require a change in the zoning classification now governing the subdivision.

Land Donated

Also at their monthly meeting, council members learned of the donation of .8 of an acre to the town by Sea Trail Corp.

The donation will allow the town to shore up the triangular-shaped lot on which the town hall is located. According to Martin, the gift will enable the town to meet parking needs at that site for years to come.

Council members agreed unanimously to honor Sea Trail Corp. with a plaque, noting the civic-minded attitude the company has shown.

Attorney To Remain

Council voted unanimously to request its attorney, Michael Isenberg, to continue serving in that capacity.

Martin advised council members that Isenberg has withdrawn from Murchison, Taylor & Shell, the law

firm presently contracted by the town. He said the attorney, who will continue to reside in Southport, has indicated a desire to remain as the town's legal counsel.

Martin was directed to notify both Isenberg and Murchison, Taylor & Shell of the decision.

Other Business

In other business, council did the following:

•Agreed unanimously to submit the name of Holden Beach Realtor Alan Holden for nomination for a slot on the advisory panel of the Coastal Area Management Executive Committee.

•Endorsed a proposal by way of resolution to Cardinal Health Agency requesting that any such nursing home facility be constructed within a mile radius of Brunswick County Hospital. The proposal, according to Councilman Ed Gore, was initiated by local rescue squads concerned about the amount of time and expense which may be involved in transferring the facility's patients to and from the hospital.

•Heard that the Sunset Beach Police Department during December handled four breaking and entering calls, wrote 12 town citations, noted three state citations, responded to one fire call, investigated two disturbances, delivered five messages, and trapped eight cats. Police vehicles consumed 455 gallons of gasoline, compared with 69 gallons by the sanitation department and 46 gallons by the water department.

Area Falls Under Grandfather Clause

(Continued From Page 1-A)

around me to remain mobile home." Steve Gore, who operates the waterfront restaurant now on the property, asked if the area wasn't already zoned for commercial use since there are businesses on the land.

"There's never been a question, no nothing, up to this point," Gore said. Town Manager Martin said the

area fell under the "grandfather clause" since the businesses were there before the town adopted zoning laws.

"I'm not kicking Steve's restaurant. All I have asked for is to show us more of what you plan to put there," Taylor said.

Getting zoning changes is the first step to drawing up those plans, Cooke said. He added the company does not

have the cash flow to spend \$100,000 on plans before the land is rezoned.

"We've built reputable projects for the last eight years," Cooke said. "This type of situation, I don't see how it could do anything but improve the area."

The recommendation was sent to the town council for action at its Monday night meeting.

County Defense Motions Assert Meares Settlement Not Binding

BY SUSAN USHER

Brunswick County contends a key ruling by a state official regarding former Department of Social Services employee Aindia Meares was in error, and that a settlement based on it is therefore not binding upon the county.

That theory is the basis of four motions filed Dec. 28 by County Attorney David Clegg in response to a suit brought against the county earlier last month as part of Ms. Meares' three-year effort to regain her former position as administrative secretary in the Brunswick County Department of Social Services.

Her Dec. 4 suit asks the court to enforce a settlement agreement reached between Ms. Meares and the social services board August 24, 1984.

The agreement was based on a July 27 declaratory ruling by Harold W. Webb, director of the Office of State Personnel, that the board had the authority to enter into a binding settlement with her. State Personnel Commission members routinely approved the settlement on October 16, 1984.

Brunswick County intends to show the ruling was incorrect and that therefore the settlement agreement is not binding, Clegg indicated in a motion filed in Brunswick County Superior Court.

The motion filed by Clegg and Alan R. Gitter seeks a change of venue, or transfer, to Wake County Superior Court, or, in the alternative, an order suspending proceedings in Brunswick County court until Wake County Superior Court reviews Webb's ruling.

Clegg has filed a motion in Wake County Superior Court seeking a review that ruling, saying the matter is within Wake County's jurisdiction under state law.

A fourth motion asks the court to "stay the operation of an agency ruling" pending the outcome of the judicial review.

The motions were filed on behalf of the county, not the Department of Social Services, which was also named as defendant in the Meares complaint.

While noting it was "more properly

the subject of an Attorney General's opinion," Webb ruled that the board of social services had the authority, in his opinion, to enter into a binding settlement agreement relating to a personnel action pending before the State Personnel Commission.

He said Commission records indicated boards had been parties to personnel cases before and had entered into binding agreements with opposing parties.

In his ruling he also noted there was no existing case law on whether the social services board, in the absence of a full-time director, qualifies as the "local appointing authority" for social services employees as regards decisions of the State Personnel Commission.

Under normal circumstances the director is the local appointing authority. Since the director is selected by the board and the board consults with him or her on departmental matters, Webb wrote, it "appears logical" that the board would qualify as the local appointing authority in the absence of a permanent, full-time director. At that time the late Larry Bell was acting director following the dismissal of Jamie Orrock, the director.

County commissioners have chosen not to act on the settlement proposed by the social services board, which provides that Ms. Meares be reinstated to her former position with certain benefits restored as well as back pay and payment of legal expenses.

The administrative secretarial position from which she was fired in September 1981 no longer exists within the social services department. It would be up to commissioners to allocate the necessary funds and then either create a new position or upgrade an existing one.

Carolina Shores May Poil Property Owners On Town

BY SUSAN USHER

A proposal that supports incorporation of Carolina Shores as a town will be presented later this month to directors of the community's Property Owners Association.

Under the proposal, all of the approximately 300 members of the association—both resident and non-resident—would be provided a copy of the supporting brief and polled on the subject of incorporation, indicated Warren (Bud) Knapp Sr., a member of the six-man committee studying the pros and cons of becoming a town. The proposal has the unanimous support of the committee, he said.

Property owners would be given three weeks in which to read the material and respond. No answer will be taken as a positive response, Knapp said.

If the response of the majority is positive, he continued, the committee recommends that the board of directors petition Rep. David Redwine to file a local bill for incorporation.

Redwine told The Brunswick Beacon that if asked to do so, he would submit a bill during the 1985 session, but that it would provide for a referendum of those who would be affected, just as he did for the Shallotte Point area last year.

A meeting of the property owners association board of directors has been requested for the last week in January so that the proposal may be

presented, according to Knapp.

"The brief explains why we think we should incorporate," said Knapp. "It discusses cost, the advantages of incorporation, the future and the responsibilities related to incorporation."

Committee members have studied the question of incorporation for more than a year, calling upon Wallace Martin, manager of nearby Sunset Beach, and Rep. David Redwine for some of their information.

Committee chairman Wesley Reynolds, the immediate past president of the property owners association, could not be reached for comment Monday. Serving with him and Knapp on the committee are Robert C. Woodbury, association vice-president; Bob Coburn, Guy Williams and Georgia (Ruck) Wiley, all of Carolina Shores.

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Cold, Rainy Week Ahead

Below normal temperatures and above normal precipitation could create wintry conditions for the area by the end of the week, said local meteorologist Jackson Canady.

A storm system moving across the state is expected to interact with colder air to produce icy conditions for the more inland sections of the state, Canady said.

"Right now, it's too early to tell about our area," Canady said. "By Thursday we should know more."

The outlook calls for daytime highs in the lower 50s with nightly lows in the lower 30s. Three-fourths inch of precipitation is also expected for the period.

For the period Jan. 1-7, a maximum high of 79 degrees was recorded on the 2nd while a minimum low of 23 degrees was recorded on the 6th.

An average daily high of 62 degrees combined with an average nightly low of 41 degrees for a daytime average of 52 degrees, or about five degrees above normal for this time of year.

Also for the period, Canady recorded .89 inch of rain in his gauge at Shallotte Point.

Sunset Beach Resolution Aimed At Closing Streets

Sunset Beach residents and tourists may do well to steer clear of certain roads on the island soon if a preliminary resolution passed by town council members receives final approval.

The resolution calls for the abandonment of nine avenues and streets in the community. By abandoning the roads, council would be turning public property into private property.

Monday night's action by council amounted to a resolution of "intent to close" the roads.

According to Sunset Beach officials, the town has owned the streets for years. But if the abandonment proposal survives a final resolution and a public hearing, the land on which the roads are located will all revert to adjacent property owners.

The preliminary resolution calls for the town to close portions of North Shore Drive, Canal Avenue and Hickory Avenue, as well as portions of the following streets: Cobia, Sailfish, Dolphin, Marlin, Main and Dune.

Town Clerk Linda Fleugel said the town proposed abandoning the roads "so that septic tank permits can be issued." All of the streets in question, she explained, are abutted by water. Lots on the water must be 100 feet deep before septic tank permits may be issued. Presently, she said, lots at the end of the roads set for abandonment are 90 feet deep. By

abandoning the roads and allowing the land to revert to adjacent property owners, the town is making certain that all of the lots issued septic tank permits fit the legal requirements.

Fleugel said all of the lots have been issued permits in the past, "but this makes it legal."

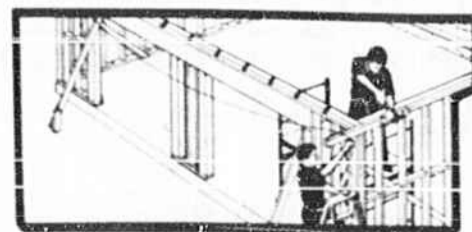
She added that the town has been "under the assumption" that paperwork for the change had been done in 1978. The maps and resolutions were thought to have been recorded," she said. Town Council must next approve its resolution "to close" the roads. Then, following a public hearing on the issue, a majority vote is necessary before the abandonment may be considered legal.

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