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Shallotte Voters To Decide Beer And Wine Questions

BY SUSAN USHER

Shallotte voters will decide later this year whether to expand the sale of beer and wine within the town limits. No date has been set, but aldermen voted unanimously last Wednesday night to put the issue before the voters. Their decision was prompted, in part, by the discovery last fall that the board could not prevent the sale of fortified wines—considered the least desirable—within the town and that the town ABC board could no longer sell the more popular unfortified wines. Fortified wines have the highest alcohol content. Also, the town had been approached earlier by businesses interested in a beer-wine referendum. Before the status of wine sales in the town was discovered, a petition calling for such an election failed for lack of signatures.

"All I'm asking is whether you want to hold a referendum," Mayor Beamon Hewett told the aldermen. Alderman David Gause said he didn't want more ABC sales and that he didn't think it would pass. "But if that's

what they want, I don't have anything against a referendum."

Alderman Bobby Russ agreed, "Let them have the election. That will clear it up."

After discussing ABC laws at length, with repeated complaints about how difficult it is to understand the language, intent or reasoning behind them, they voted unanimously for the referendum, pinpointing two options to be placed on the ballot.

They asked Hewett to consult with Brunswick County ABC Board Supervisor Lynda Britt for a date when the referendum could be held. The town has contracted with the county board to conduct its elections.

At least these two issues will appear on the ballot: Whether to allow the sale of unfortified wine for on-premises consumption in restaurants, hotels and motels and for off-premises consumption by other permittees such as grocery and other retail stores; and whether to allow the sale of malt beverages such as beer for on-premises consumption in retail businesses.

The board is expected to consider placing additional questions on the ballot at its next meeting, probably relating to the sale of unfortified wines, Town Clerk Cynthia Long indicated Tuesday.

Presently the sale of malt beverages for off-premises consumption is permitted, along with the sale of fortified wines for both on-premises and off-premises consumption.

State ABC laws allow the town to offer voters one or more of all the questions regarding a type of beverage on a single ballot, said Ann Fulton, a legal specialist with the state, Alcoholic Beverage Control Board. And votes can be cast for more than one question. For instance, if voters have two unfortified wine questions on the ballot, the option that garners the highest number of votes is the one decided.

There are four options available for beer and three for unfortified wine. For beer they include:

- To allow on-premises sale, which would allow basically any retail establishment to sell beer for on-premises

consumption whether the place is a tavern or a service station as long as it is properly zoned and a safe building with restrooms in operating order;

- To allow off-premises sale;
- To permit both on- and off-premises sales; and lastly,
- To allow the sale for on-premises consumption in Class hotels, motels and restaurants only; and off-premises sales by other permittees. State ABC laws do not define a "Class A" establishment.

The unfortified wine questions include: to permit on-premises sale; to permit off-premises sale; to permit both. Unlike malt beverages, no provision is available to restrict wine sales to Class A hotels, motels and restaurants, Ms. Fulton said.

However, the permittee has to be an eating place, a business that regularly prepares and serves food. These could include grills, delicatessens (including those located in grocery stores), sandwich shops or convenience stores that also serve grill-type food.

Jury Begins Deliberations Wednesday

BY TERRY POPE

A Brunswick County jury was to begin deliberations Wednesday morning in the trial of a Southport driver charged with fatally injuring a teenager in an auto accident that occurred one year ago.

Although a second-degree murder charge was dismissed Tuesday afternoon, Bryan Ashley Jackson, 27, left the courtroom for the afternoon still facing charges of involuntary manslaughter, felony death by vehicle, driving while impaired and driving left of center. Jackson had been indicted by the Brunswick County Grand Jury in October on a second-degree murder charge in the death of Melissa Wilson, 16, of Southport.

Last February, Jackson's truck collided head-on with a car on N.C. 133 near Yaupon Beach, injuring four teenagers. Miss Wilson, one of those passengers, later died in August.

According to State Trooper B.C. Jones' report, a blood sample showed Jackson's blood-alcohol level to be .14 percent following the accident. Blood samples were sealed and sent to the state SBI lab in Raleigh for testing. Jones testified in court Tuesday.

Superior Court Judge B. Craig Ellis ruled Tuesday against submitting charges of second-degree murder to the jury. Judge Ellis allowed defense attorney Michael Ramos' motion asking that the second-degree charge be dismissed. Ramos argued that the state had not proved that Jackson "acted with intentional malice" or in a "depraved, wanton" manner when the accident occurred.

Assistant District Attorney Wanda Bryant, citing a ruling in State vs. Snyder, a recent court case dealing with similar charges, said the indictment against Jackson was obtained by showing that ruling to the Brunswick County Grand Jury. Ms. Bryant argued Jackson had driven his vehicle "in a reckless manner in disregard for others on the highway" the night the accident occurred.

In his closing arguments Tuesday, Ramos pointed out Jackson's testimony that it had been raining the

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MARINE FISHERIES BIOLOGIST Festress "Red" among state officials who met with Varnumtown shellfishermen Monday at Robinson's fish house. State Marine Fisheries Director Robert Mahood were

Oyster Relay Program Will Expand; State Fields Shellfish Questions

BY SUSAN USHER

Participants in a successful hand-relayed oyster planting project will get a pay increase this spring and the program will be extended to include the Shallotte River as well as Lockwood Folly River if workers can be recruited, state officials told a group of oyster harvesters Monday morning at Varnumtown.

State Rep. David Redwine, N.C. Division of Marine Resources Director Robert Mahood and seven other division employees met with the group of 25 to 30 local oyster harvesters to discuss the relay program and to talk about fisheries concerns one-to-one.

This year's program could begin as early as the first week in March if a local crew for each river can be organized. The state also asked for a volunteer local coordinator, but no one was named Monday. Those planting will earn 75 cents a bushel, 25 cents more than last year.

Last spring approximately 15 to 17 workers planted 2,700 bushels of seed oysters mainly in the Galloway Flats area of Lockwood Folly River.

"More than that went out of there in one day," J.P. Varnam volunteered.

When the flats opened to harvest at 9 a.m. Jan. 16, a fleet consisting of about 500 small boats swarmed the area, baring the rock in less than a week.

"Few chose to participate in the planting last year, but when the time came to harvest, everybody was there," said Festress H. "Red" Munden, a Division of Marine Fisheries biologist. "That's one problem with the hand relay program."

But the advantages apparently outweigh the disadvantages.

Munden said that the bushel basket system used last year gave the state the most accurate measure of seed oysters it has ever had. And because of the quality of the stock selected for planting and the volume harvested, Mahood said the relay method was ultimately more cost effective than using the hydraulic dredge.

Arcelia (Annie) Smigiel said the relay program was good, but that the state "just didn't carry it far enough. We need to plant the Shallotte and

Calabash rivers also and open them all up at the same time so there won't be 500 people on the same rock."

Munden said the state doesn't expect to expand the program to the Calabash River because of its continuing pollution problem.

"It wouldn't be worthwhile to relocate oysters from one polluted area to another area that is polluted and there is no guarantee that area will open."

Those at the meeting agreed with one man's suggestion to set a daily harvest limit during the season of no more than 10 bushels of oysters per person per day.

Mrs. Smigiel liked the idea of a daily limit, so that the effort in hand-relaying stock would pay off over a longer period of time and to keep "those Calabash people from coming up here and getting 50 or 60 bushels of oysters and selling them for \$5 a bushel."

"If you don't start limiting it," said J.P. Varnam, "you aren't going to have anything to work on."

Roy Varnum suggested a similar

(See OYSTER, Page 2-A)

Winter Storm Causes Erosion, Road Damage

Emergency workers began repairs on a 400-foot section of the Caswell Beach Road that was washed out by a winter storm Tuesday, not knowing if an early Wednesday morning high tide would wipe out their progress.

About 400-feet of the causeway that joins Fort Caswell with Oak Island was washed out by excessive high tides during a winter storm Monday night, said Brunswick County Emergency Management Coordinator Cecil Logan.

N.C. Department of Transportation officials spent all day Tuesday filling in the huge gap that claimed three-fourths of the highway lanes, Logan said. A single lane of traffic, restricted to property owners and emergency vehicles, was allowed to pass over the section that lies about 400-feet south of the Carolina Power and Light Company's underground discharge canal.

A threat of more erosion was expected to linger in the area throughout Tuesday night, with winds predicted around 25 to 35 mph and a high tide expected around 2:30 a.m., Logan said.

"It looks like we're going to have at least 18 more hours of it," Logan said Tuesday night.

Other beaches experienced erosion problems due to the storm, including the west end of Long Beach and the

east end of Holden Beach, Logan said. However, Caswell Beach experienced the most severe damage, he added.

In addition to repairing the beach road, DOT officials also began constructing an emergency road to bypass the washed out area over the dunes, Logan said. Owners of a condominium project, who own the adjacent property, gave DOT permission to build the road, called Caswell Dunes, that was passable by four-wheel drive vehicles Tuesday night.

About a dozen school children living beyond the washed out area were instructed Tuesday to meet their school buses at the Oak Island Golf and Country Club Wednesday morning, said School Superintendent Gene Yarbrough.

Residents living beyond the washed out area were advised Tuesday morning to evacuate on a voluntary basis until the road was repaired, Logan said. Only a few people left to stay with friends in Southport, he added.

The Long Beach Volunteer Rescue Squad and Yaupon Beach Volunteer Fire Department stationed emergency vehicles at the Oak Island Coast Guard Station in case of emergencies, Logan said.

A sheriff's deputy and DOT officials were to monitor the roadway throughout the night.

More Cold, Wet Days Ahead

Brunswick County can expect more of what its been getting in terms of weather during the coming week—below normal temperatures and above average precipitation.

Shallotte Point meteorologist Jackson Canady said the area can expect lows in the low 30s at night and highs in the low 50s during the daytime. "It's basically the same menu as we've had during the past week," he said. About three-quarters of an inch of rain is expected.

For the period Feb. 5-11, the maximum high reading of 65 degrees occurred on the 11th and the minimum low of 14 degrees occurred on the 9th. An average daily high of 52 degrees combined with an average daily low of 27 degrees for a daily average of 40 degrees, which Canady said is about six degrees below normal.

Canady said he recorded 2.75 inches of rain on his backyard gauge, a heavy fall that brought the groundwater table up.

Moratorium Lifted; Ordinance Will Regulate Moving Of Homes

BY TERRY POPE

A temporary moratorium on moving houses at Ocean Isle Beach has been lifted, but a temporary ordinance passed by town commissioners Monday will regulate the moving of homes until a permanent amendment to the building code is adopted.

By an unanimous vote, the board lifted the week-long moratorium that was enacted at a special meeting of the town commissioners and planning board last Monday afternoon. Town Attorney Elva Jess presented a temporary ordinance to the board that will require home owners to bring the appearance of the structures up to neighborhood standards before the homes are moved.

According to the guidelines adopted Monday, the town building inspector, T.D. Roberson, may issue permits to anyone applying to move

his or her house provided: 1) the structure is brought into compliance with current N.C. Building Codes prior to the time it is moved, 2) the structure, once it is moved to its new location, must be properly anchored and secured, and all utilities must be functional within a 60-day period following the move. Additionally, all attached porches must be reattached and the structure be competed externally, and 3) an ordinance regarding house moving be drafted following the terms and conditions above and that its effective date shall be Feb. 11, 1985 and shall fall under Title 7, building codes, of the town zoning ordinance.

Mayor LaDane Bullington said those seeking moving permits "could be getting they're work done on the houses" now that the moratorium has been lifted. She asked the town board Monday to lift the moratorium,

but to keep intact the guidelines until a retroactive ordinance change has been adopted.

The town will advertise the ordinance change for a public hearing at its Tuesday, March 12 meeting at 4 p.m. Commissioners voted Monday to hold all town meetings the second Tuesday of each month rather than the second Monday of each month at 4 p.m. Commissioners plan to adopt the ordinance change immediately following the hearing, Ms. Bullington said.

A section of the ordinance that will require homes to be anchored, secured and have functional utilities within 60 days will eliminate anyone from "stockpiling" houses until they can be moved off the island across the highrise bridge now under construction. It will also prevent moving "dangerous" homes into another neighborhood, said Roberson.

With guidelines in place, the town would avoid threat of taking "someone to court to put a safe building between two houses," Roberson said. Without properly renovating the older homes to withstand strong winds, the homes' older siding "can become a danger to everybody in the neighborhood," he added.

Relocation of older homes on the island to inland or subdivision lots off the oceanfront has increased in popularity at both Holden and Ocean Isle in recent months. Property owners in those neighborhoods have also complained about the houses lowering the property values of their own lots. At Holden Beach, a moratorium has not been lifted on the moving of homes on the island.

"Any person who builds a new home in a developed area deserves to have a house with the same structure standards placed next to them," Ms.

Bullington said.

Last month, 14 building permits were issued, creating \$8,328 in fees for a property value of more than \$566,000, Roberson said.

Sewer Assessment
Commissioners also agreed Monday to send property owners a letter notifying them of the town's plans for issuing sewer construction contracts and a notice of their sewer assessment roll due dates.

Such letters would act as "a notice, saying we anticipate this being our schedule," Ms. Bullington said. "It would be a filler between now and a final bill, to keep them abreast."

Ms. Bullington said she has been in constant contact with state officials who are reviewing the town's sewer system designs. She feels there will be no problems in getting approval from the state.

Once approval is granted, the town

will advertise for construction bids for 45 days and will award bids within 60 days after opening the bids. The sewer assessment roll will be mailed within 30 days after the bids are first advertised, giving a 75-day notice, Ms. Bullington said.

Already, \$210,000 has been received in voluntary assessment collections, she added.

Parking Ordinance
By an unanimous vote, commissioners also agreed to hold a public hearing on a parking ordinance change that will require two parking lots for all living units over 700 square feet.

Under the present ordinance, a minimum of 1 1/2 parking spaces was required for the same size unit. Ms. Bullington said the old ordinance encourages the building of larger units since the parking requirements are

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