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TOWN, PROTESTERS CITE SAME OPINION

Holden Beach Stays Out Of West End Road Battle

BY SUSAN USHER

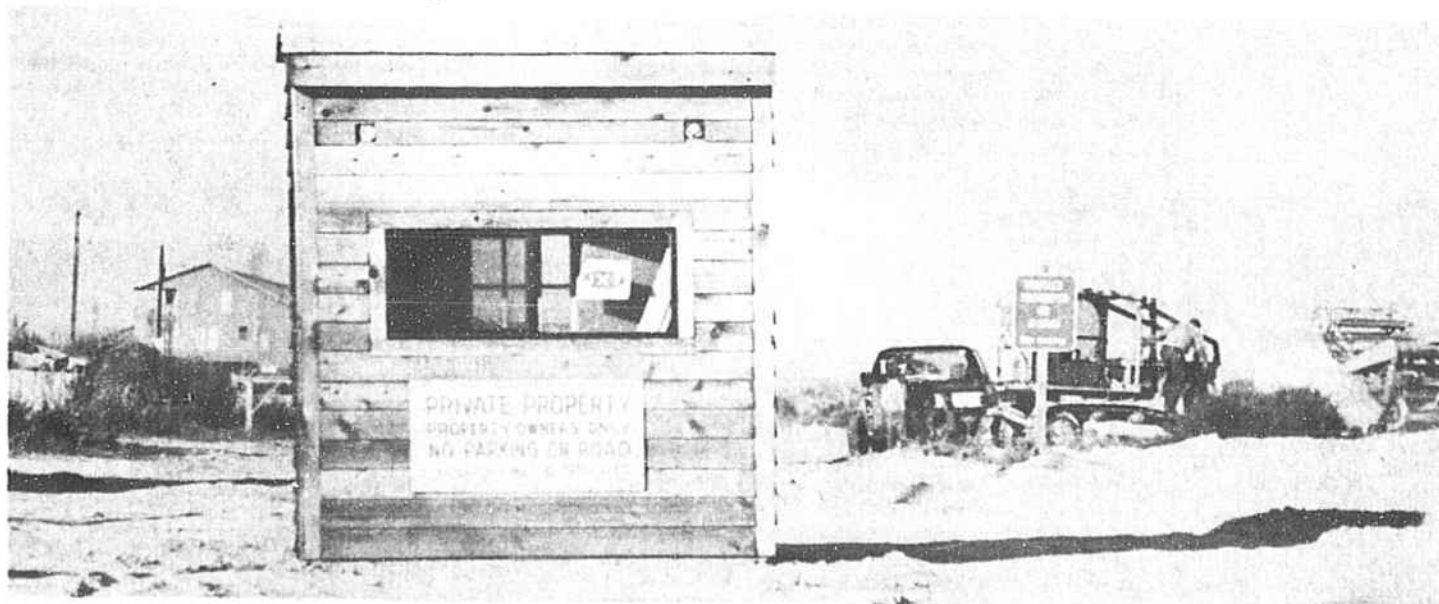
Holden Beach is taking a hands-off position in the ongoing controversy over whether a development company can legally keep people from using a road that leads to the west end.

Town Attorney Doug Ledgett advised commissioners Monday night that the "town is not involved. It's a question to be resolved between private parties."

Meanwhile interpretations of an opinion from the state Attorney General's office on the subject vary, forming the basis for Ledgett's advice to the town, and for moderate jubilation among members of the Concerned Citizens of Brunswick County.

News of the town's position prompted a number of citizens. The Brunswick Beacon was advised Tuesday but could not confirm—to repeat an earlier protest motorcade. They reportedly intended to attempt to pass a gatehouse erected at the entrance to Holden Beach West subdivision.

Concerned Citizens of Brunswick County is the group seeking to regain access to the road and the beach strand it leads to, as well as parking. Members expressed optimism at a meeting in Mariner's Village Saturday that the opinion was sufficient evidence to prompt the dismissal of trespass charges filed against 30 members. The charges were filed by Holden Beach Enterprises following a staged protest on Aug. 24 when the defendants drove past a barricade at the entrance to the subdivision. Jim Griffin, a principal in Holden Beach Enterprises, could not be reached Tuesday evening for comment.



DEVELOPERS OF HOLDEN BEACH WEST have erected a gatehouse barring public traffic through the west end subdivision. Meanwhile, a group called the "Concerned Citizens of Brunswick County" is continuing its effort

ment. The telephone line at his house was busy.

Not Trespassing?
The defendants obtained a postponement until Nov. 4 to allow time to obtain a legal opinion from the state before the case is heard in Brunswick County District Court.

In a Sept. 27 letter to Assistant District Attorney Wanda Bryant, Maxwell writes that if the street is dedicated to the public as the group contends, it would apparently not be possible for Jim Griffin, a principal in Holden Beach Enterprises, or any development company owning lots in

the subdivision, "to close the road and ultimately charge members of the public with trespass for driving or going upon the road."

Ms. Bryant is in court in Columbus County this week and has not finished her review of the case, a spokesman in the district attorney's office indicated, but she is said to be leaning strongly toward not prosecuting. A meeting of the group will be held at 10 a.m. Saturday at a residence in Holiday Ranches subdivision near Holden Beach.

The state's legal opinion was drafted by Special Deputy Attorney

General James Richmond and was the content of a Sept. 23 letter to the town attorney—nearly a month after Labor Day weekend, when Mayor Kenner Amos reportedly told members of the Holden Beach Property Owners Association the town had received a "ruling" from the Attorney General's office that the road was private.

Raymond Cope, secretary-treasurer of the Concerned Citizens group, said it's attorney, James B. Maxwell of Durham, has interpreted the opinion as favorable to their cause.

"That opinion is," he announced Saturday, "that the road on the west end is in fact a public road."

He cautioned, however, that he wasn't ready to call "victory" yet, until the barricade is removed and public traffic resumes on the west end.

"The key to the opinion, from our standpoint," wrote Maxwell to Cope on Sept. 27, "is the very first sentence in the fourth paragraph."

That paragraph begins, "...when an owner of property subdivides a tract of land into lots and streets and conveys lots with reference to such

plat, he thereby dedicates the streets to the purchasers of the lots and to the public."

It is Maxwell's position that the subdivision streets have been dedicated to the public, with no evidence of any attempt to withdraw the property or road from public use.

If so the town, at its discretion, could still accept the property owners' offer of dedication to the public.

If the town chose not to do so in that event, advised Richmond, "it may still be possible for members of the general public or the town to establish that a public road exists through the subdivision by prescription."

The most recent plat map of the subdivision was filed by James D. (Jim) Griffin on Jan. 6, 1981, and was prepared in December 1980 by a local surveyor.

Griffin certifies on the map that he does "dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted" (emphasis added).

Clearly marked as "private" are two five-foot beach accessways. The roads—"Ocean View Boulevard West," "Skimmer" and "Straw Flower" are not marked either public or private and are shown as all having 60 feet rights of way.

Griffin also dedicated "all sanitary sewer, storm sewer and water lines to the Town of Holden Beach."

A notation on the map by John F. Parker, then chairman of the Holden Beach Planning Board, also indicates that the plat of Holden Beach West is not subject to the jurisdiction of Holden Beach, having been grand-

(See GROUP, Page 2-A)

County To Decide On Screening Agency

BY DAWN ELLEN BOYD

Linda Bedo from the Cape Fear Council of Governments (COG) went before the Brunswick County Commissioners Monday night to ask them to decide between two local agencies to provide screening for a community alternative program.

The commissioners were to meet Wednesday, Oct. 9 to make their decision.

Elderly people who might otherwise have no alternative but to enter nursing homes when they leave a hospital would be served by the regional program. The program would coordinate all county services, such as home meal delivery, occupational and speech therapy, and home health aids, so these persons would have the opportunity to remain in their homes.

Both Comprehensive Home Health Care and the Brunswick County Health Department have applied for the screening position.

Bedo said the commissioners must make the decision before she can approach county boards of commissioners in Columbus and Pender counties.

She also cited the fact that the state had already deposited a \$25,000 grant into Brunswick County's budget and expected the project to be underway. County Manager Billy Carter wanted to know why the commissioners should have to make the decision since COG was the project's lead agency.

Bedo pointed out the project would have a large impact on Brunswick County, and she said since the proposals were so close, the county should make the final decision.

Executive Session

The board spent an hour and 15 minutes in executive session discussing "land acquisition and personnel matters."

Chairman Chris Chappell said no action was taken.

Audit Report

Larry Calwell of Coopers & Lybrand, who audited the county's 1984-85 fiscal year, said the audit showed the county "in a good financial situation."

He said certain items of non-compliance were found, "but nothing significant."

Dave Sherwood, manager of Coopers & Lybrand, mentioned several areas targeted for improvement.

Included were improved controls over cash and investments, a lock box system for tax revenue collections, a discovery process for tax revenues, and developing procedures for grant management, among others.

Sherwood told the commissioners, "Overall you're in good shape financially and from a controls standpoint."

Wallace Harding, county finance director, said, "We don't take the management letter as an affront to us. It's a workable document which helps us strengthen our controls."

Position Request

The commissioners created a half-time, temporary position in protective services at the request of Social Services Director Jamie Orrock.

Orrock explained the position would be funded by a grant for two years, requiring no money from the county. The grant specifies the position be in protective services for

abused and neglected children.

Orrock said the social services department has at least one reported case of child abuse or neglect daily. Each case must be investigated within a specified number of days.

Airport Commission

The commissioners appointed Elva Jess of Southport to the Brunswick County Airport Commission at the request of chairman Richard Conrad.

Conrad explained the commission needed a lawyer as a member. Jess is a partner in the Southport law firm of Walton, Fairley & Jess.

Conrad also report that on Sept. 12 the commission had received funds from the Federal Emergency Management Agency to build a new hanger, which is in the works.

He also expressed gratitude to Bob Wilson, who resigned from the commission. "He did more than anyone else to help us get the airport," Conrad said.

Tattoo Ordinance

Commissioner adopted unanimously a proposed tattoo ordinance presented by County Health Director Thomas Blum. The ordinance had earlier been approved by the health board.

The ordinance will require tattoo parlors to have a pre-inspection, as well as four additional inspections during the year and indoctrination in sterile techniques from the health department. They will be charged a \$100 annual fee to help defer the health department's costs.

Blum explained there was concern over the tattoo parlors because any time needles are used on skin there is a health risk, especially from hepatitis B and AIDS, acquired immune deficiency syndrome.

The ordinance will go into effect Dec. 1.

Bids Accepted

The commissioners voted to purchase several items for the county after reviewing bids.

They decided to purchase a Fiatallis dozer for the county construction department from E.F. Craven & Company at \$16,418, less trade, despite protests from Gregory Poole dealer Bill Poteat that his machine was a better buy at \$25,500, less trade, than the Italian machine.

The county construction department will also receive a new backhoe loader from North Carolina Equipment Company at \$30,570, less trade, and a Ford F700 dump truck from Russ Ford of Shallotte costing \$19,000.

The county engineering department will get its requested 4x4 truck from Russ Ford at a cost to the county of \$9,630.

The sheriff's department will receive 10 new Ford Crown Victoria's from Russ Ford at a cost of \$10,877 apiece.

Other Business

In other business the commissioners:

•Approved the articles of incorporation for the Grissetown-Longwood Volunteer Fire Department.

•Approved at the request of County Engineer Daniel C. Shields a five-percent reduction in retainage requested by the electrical contractor at Watson Electrical Construction Company, four change orders for work at the Northwest Water Treatment Plant and the paving of Butler Road.

(See OTHER, Page 2-A)



STAFF PHOTO BY SUSAN USHER

It's Not A King, But...

Kings weren't the only animals drawing attention at the seventh U.S. Open King Mackerel Tournament in Southport last weekend. A blue and gold macaw named "Chief" let tournament volunteer Doug Ledgett know who was boss Saturday with the gentle nibble that prompted this look of reproach. Chief is owned by Susan Rholetter of Cherry Grove, S.C., whose craft booth was in front of U.S. Open headquarters. Tournament results are on page 5 of the B Section of this issue.

Oyster Festival Awaits Visitors

An event that continues to grow in popularity welcomes visitors to autumn in the South Brunswick Islands this weekend.

Now in its fifth year, the N.C. Oyster Festival is an official state fall festival. After months of preparation it gets underway Saturday morning with foot races at Holden Beach, then moves to Ocean Isle Beach Airport where attentions will focus on the prime attraction—succulent Brunswick County oysters.

A schedule and details of all events are included in a special festival supplement included in this issue of The Brunswick Beacon.

Four New Members Join E & R Board

BY DAWN ELLEN BOYD

Four new members were named to the Brunswick County Board of Equalization and Review Monday night.

Appointed were W.T. Bownes of Ash, Elmer Aycock of Leland, Dean Hewett of Supply and Zack Smith of Sunset Harbor.

Bownes and Aycock were nominated by the commissioners of

their respective districts, Chris Chappell and Grace Beasley.

Hewett and Smith were appointed to the board as members at large. Commissioners had voted at their September 23 meeting to increase the membership of the board from five to seven to insure diverse interests of the county are represented.

Franklin Randolph had also been nominated for a member-at-large position.

County Tax Administrator Boyd Williamson wanted the board named now so the members can undergo an education process before tax notices are mailed.

When the board formally meets in the spring it will hear the appeals of taxpayers not satisfied with the values assigned their property. The board will have the power to increase or reduce values it finds to be warranted.

In other tax business, the commissioners approved a schedule of values presented by Brent Weisner, county revaluation project director, for farmers who would like their land classified as present use.

The present use values would range from \$620 for the best farmland to \$100 for the worst timberland to \$50 for swampland.

Weisner said these values were in line with others across the state.