

# CRC Gives EMC Ultimatum On Stormwater Regulations

BY MARJORIE MEGIVERN

The Coastal Resources Commission, meeting Friday in Beaufort, served notice on the Environmental Management Commission that it had better decide on stormwater rules in September, or CRC will take its own action.

The controversial rules, battled back and forth between the two groups for more than a year, were set aside once again early this month by EMC, whose members said they needed more study time.

CRC, whose jurisdiction reaches only 75 ft back from the water, unanimously approved a resolution asking the other agency to adopt rules by September, when the matter is next on the agenda. Otherwise, CRC will proceed to adopt its own regulations.

At the center of the struggle is a plan to control runoff of rainwater that collects bacteria from hard surfaces in developed areas and carries

those pollutants to the nearest waters.

Nationwide studies sponsored by the Environmental Protection Agency showed this runoff can cause waters to be closed to shellfishing. The state EMC then went to work on regulations to prevent such pollution. The resulting rules would apply to development a half-mile or less from shellfish waters.

Specific rules to regulate such development involve the percentage of impervious cover allowed in a developed project, the severity of the storm to prepare for, and the area to which rules would apply.

Karen Gottovi, CRC member from Wilmington, said that although all public hearings resulted in equal numbers for and against strict building restrictions, the hearing officer recommended more lenient regulations, while the EMC staff had drawn up stringent ones.

If EMC fails to make a decision in

*"I hope buses of people come and tell them what they think."*

—MAYOR LADANE BULLINGTON  
Member, CRC Advisory Board

September, Gottovi said, "CRC would propose a restriction of 10 percent impervious cover and a 75-ft setback," she said. "We would also abandon trying to include single-family dwellings in projects affected by regulations."

Gottovi particularly objected to the attempt by many to reclassify some shellfish waters as suitable for development. "Just because they are too polluted to fish now doesn't mean they can't be turned around," she said. "I know of many places, in

Virginia and New York, where waters have been upgraded by regulations, so they're good for fishing again."

State Rep. E. David Redwine said Brunswick County has been vocal in opposing the proposed regulations because of a study by Maynard Owens, former soil conservationist for the county. "He has shown some contradictions with health rules," Redwine said, referring to a required depth for lagoons and ditches that would affect a builder's ability to get

septic tank permits.

"A group called Alliance for Better Coastal Management told me they could live with all of it except the half-mile jurisdiction," he went on. "But mostly, the rules EMC just laid didn't completely please anybody. Environmentalists thought they didn't go far enough; developers thought they went too far. We need to ask, 'Is all the pollution in our waters coming from that half-mile along the coast? Aren't rivers and streams also causing pollution?'"

Ocean Isle Beach Mayor Ladane Bullington is an active member of the CRC Advisory Board who has spoken out at hearings against too-strict regulations.

"McBride (hearing officer) said just 10 to 25 percent of our pollution problem comes from stormwater," she said.

She has definite ideas as to what should be done. "We should prioritize our resources across the state, then

do resource zoning, and finally enact use and performance standards in each area," she said.

"And single-family dwellings shouldn't be regulated like this," she went on. "These are goats! Let's go after the camels. Let's use the best property management skills and let it grow with our discoveries." She identified the big polluters as the "camels," and said everyone wants to stop their polluting.

She also differentiated between environmentalists and preservationists. "The CRC mood is more that of preservationists, keeping everything just the way it is. There's a difference between that and protecting the environment," she said.

Bullington said everyone should come to the EMC work session on the regulations, August 7, from 11 a.m. to 3 p.m. in the Albemarle building in Raleigh. "I hope buses of people come and tell them what they think," she said.

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## BRUNSWICK BEACON

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Moonlight At Sunset Beach Bridge

A full moon recently combined with a timed double-exposure helped Beacon photographer Matthew Plyler create this unusual scene at the Sunset Beach Bridge.

## Judge Defends Press Against Lawyer's Motion

BY MARJORIE MEGIVERN

When William Shell, Wilmington attorney defending Thomas Long of Leland against murder and assault charges, introduced a motion to prevent the press from interviewing jurors, Judge Giles Clark hit the ceiling.

Before denying the motion in Brunswick County Superior Court Thursday, Clark read excerpts from Shell's motion, to "prevent the media from adding a carnival atmosphere to the trial," and asking the court to "restrict the press from filming, photographing or talking to jurors as they come and go from the courthouse, or photographing the courtroom when the door is open."

"Mr. Shell, in all the years I've presided in court, I've never seen any of these things happen," the judge exclaimed.

"Well, I have, in other places," Shell replied.

"I think you'd have some first amendment problems with this. The press should have something to say about it," Clark declared. "But I trust any judge hearing this case will deal with it so it would not resolve into a 'carnival atmosphere'."

"And I'm going to assume the press will conduct themselves in proper manner. I've never known them to do otherwise," he concluded.

Four other motions were introduced and denied, and several deferred for action by the trial judge, in the pretrial hearing. Long is charged in the March 25 fatal shooting of Annette Long, Long's estranged wife, and the wounding of former Brunswick County commissioner Frank Thomas.

Among motions deferred was another that drew special comment from Judge Clark.

Shell asked the court to prohibit the District Attorney from using peremptory challenges of black jurors. In a murder trial, each attorney is allowed 12 peremptory challenges, which is the right to ex-

cuse a prospective juror without explanation.

"You're sure going to have to show a lot of evidence in this one," Clark remarked before the motion was deferred to the trial judge. "You say here the District Attorney has a pattern of discrimination against blacks."

"Yes, sir, I know, and I have the evidence," Shell said.

Assistant Clerk of Court Diana Morgan said later that even were Shell's charge true, he could not produce evidence, because lists of past jurors give no indication of race.

Other motions denied included: "For the district attorney's office to disclose any information about state witnesses that would reflect on their credibility;

"For the state to disclose past and present relationships and ties between the prosecuting attorney and prospective jurors.

"For disclosure of aggravating and mitigating circumstances;

"And a motion to provide a jury questionnaire.

The last motion Shell called "innovative," and said he had never used it before but knew of its successful use elsewhere in the state. He proposed sending a lengthy questionnaire to every prospective juror summoned in the trial, asking questions that are usually asked in court during jury selection.

"If we get information about the jurors in advance," Shell explained, "we'll save a lot of court time. My office will provide the questionnaire and pay all expenses of this. A copy would also go to the district attorney's office."

The state objected to the procedure as "conducting some of the jury selection out of the court, which is improper."

Long's trial is expected to be set during the September session of superior court. Shell said he anticipates a very lengthy jury selection.

## Rose's Office Promises Fight For Post Office

BY MARJORIE MEGIVERN

Congressman Charlie Rose's administrative assistant, "Red" Swift, said Monday he had promised Calabash Mayor Doug Simmons some action on a post office request for the town, if a petition is sent to Washington.

"We'd already told him (Simmons) that getting a new post office nowadays is almost an impossibility," Swift said. That was in response to a recent letter from Calabash to Rose's office asking for

the facility in view of the town's far-reaching name recognition.

Swift explained earlier that the current leadership of the semi-private postal corporation is not interested in building new post offices. "Any effort to get rid of them, they are making," he said.

However, Swift told Simmons, in regard to a petition, "Send it on up and we'll promise to put on a fight to get the post office for you."

The town board decided last month to seek Rose's help, because the

businesses in town wanted the Calabash address instead of having to divert their mail to Shalotte as presently requested.

A letter to postal customers sent in June advised them that the name of their community could be included in the address on an envelope, but the last line should read, "Shalotte, N.C. 28459."

Swift said automated postal equipment reads addresses and if the town name and zip code on the last line don't agree, the mail is tossed aside. "It's still delivered, but has to be hand-sorted," he said.

Calabash town board members briefly discussed the post office request at their Monday meeting. Pati Lewellyn and Sonia Stevens said they had received several positive comments from residents.

Simmons said the petitions will be circulated. "We'll go ahead and try it," he said. "We'll have a meeting with people at Carolina Shores about it, too."

At present Ocean Isle Beach and Sunset Beach, as well as Calabash, use Shalotte as their address, while mail to Holden Beach is addressed to Supply.

## Calabash Needs More Resident Water Users

BY MARJORIE MEGIVERN

Mayor Doug Simmons told his Calabash Town Board Monday that if water use by residents exceeds use by businesses, there is a good chance for a loan from Farmers Home Administration for construction of a water system.

Simmons and board members Pati Lewellyn and Robert Webber met July 23 with FmHA officials in Wilmington to discover whether the town could borrow money from this source. "It was a friendly, informative meeting," Simmons said.

"They said if just one or two gallons more were used by residents than

businesses, we'd have a good chance. Up to now commercial use of water has outweighed residential use."

He reported FmHA loans carry a 6 3/8 percent interest rate for a 40-year bond.

Lewellyn said, "This is just the first step. We'd still have to have a referendum, and go back to the Local Government Commission. But they felt we could make money from a water system."

Simmons added, "Their only doubt was about our elevation, but it's higher here than people think."

He said several local businesses

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## Demand For Water Eases

BY SUSAN USHER

A combination of voluntary conservation and rainfall have eased the demand for water in the western part of Brunswick County, but officials aren't giving the all-clear signal yet.

At Ocean Isle Beach, a moratorium called last week on all non-essential water use continues, according to Town Clerk Alberta Tatum, though the situation has improved there. That means residents and visitors are asked to limit water consumption to normal household use, and to not wash cars, water lawns and the like.

"We're doing fine," she said. "We're getting a little more water from the county now and we've had this rain."

The county water system never did "get in real bad shape" last week, according to Water Plant Director Kenneth Hewett. "Of course, if they hadn't started voluntary conservation the first day we asked for it, it would have."

"We're just letting it die," he said of the request for conservation. "We're not calling it off because we don't know what the weather will be."

The county is still pumping wells at Sunset Beach to supplement the water supply in the western end of the county and, as is normal, Ocean Isle is using its wells. However, Shalotte has returned to the county water supply, said Hewett.

## Airport Hearing Set At Ocean Isle Beach

Ocean Isle Beach residents can express their opinions or ask questions about the proposed expansion of facilities at the Ocean Isle Airport in a public hearing at 9 a.m. Tuesday in Town Hall.

Pending approval, the airport project will provide a fixed base operation, enabling local pilots and tourist traffic to obtain fuel and repairs. Also, a communications system will enhance air safety.

The planned \$140,000 project will receive matching funds from the state department of Natural Resources and Community Development; private funding by Odell Williamson will supply the remaining \$70,000.

Included in the plans are: land acquisition, \$50,000; construction of a building, \$83,500; installation of Unicom communications equipment, \$1,500; and installation of a rotating beacon, \$5,000.