

# 39 Speak At Public Hearing

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ber of new employees and vehicles should be scrutinized. "Do we need to raise taxes? Perhaps. But first I feel the board should cut back, regroup and make sure those things which are requested are really needed. After 22 years in the financial end of government, I know a lot of things can be hidden."

Jim Ballou of Sunset Beach expressed interest in "equal taxation for individual and commercial property," saying golf courses in the county are being taxed at a fraction of their value. "If the commissioners would look at the people with the big houses instead of always going to the homeowner pot, we might all be better off," he said.

H.C. Ward of Longwood criticized a \$1.1 million training building at the Leland Industrial Park and called the water system "a disgrace. People who want water can't get it; it's costing each of us a couple hundred dollars a year."

Bette Sellers of Bolivia expressed support for a proposed school at Supply, saying it would relieve other schools that have already become too crowded. She said she has accumulated 1,120 signatures in support of the school.

Fred Hicks said that, at the current growth of about 5 percent a year, Brunswick County's population would double by the year 2010. He said such a population growth will automatically bring in more than a million dollars of additional revenue each year and that, with such revenue growth, the county should never have to increase taxes.

Eileen Kellagher of Long Beach, who was allowed to speak six minutes instead of being limited to the three-minute maximum, chastised the county for "nepotism, political hacks and political payoffs." She also said, "we have little respect for some of our elected officials."

C.G. Dall of Carolina Shores asked how the commissioners "could have the audacity to consider a tax increase of almost 21 percent? And who decided to build a training center in Leland? Who asked me and who asked you (residents who were present)?" He said he hoped the commissioners "return to their senses" soon.

Ed Shreve, president of the South Brunswick Islands Home Builders Association and the Brunswick Islands Board of Realtors, asked that commissioners consider no tax increase "without first addressing the critical need for an ample water distribution system. We have too many areas in the county without any water, and growth areas that will soon face shortages which can't be overcome immediately," citing a 1988 study by Houston & Associates "at a substantial cost to the taxpayers of Brunswick County."

"This report was made in 1988

addressing this serious problem and this is 1990," Shreve continued. "As many people in this room tonight know, most residents of Brunswick County have no public water supply whatsoever and are facing critical problems in quantity and quality of their water supply. There are people who cannot drink their water! There are people who cannot bathe in their water! People who have no water at all! He called for a re-evaluation of priorities and an immediate solution to the water problem.

Steve Harper of Shallotte supported the employees of the landfill department, who he said haven't had a pay increase in almost three years. He also reminded commissioners and residents of the importance of the department, saying, "Without them, we'd be in a trashy mess, wouldn't we?" He also said he wouldn't blame the employees of that department if they went on strike and left the county to deal with its trash.

Carol Boyd of Caswell Beach and her husband Bill called for increased collection percentages on property taxes. "No wonder there are so many people who don't pay their taxes," Mrs. Boyd said. "It's a vicious circle." She said that the higher taxes go, the higher the number of people who don't pay their taxes and subsequently the higher the taxes must go to pay for those who don't pay their taxes.

Bill Boyd said the county is owed \$2.8 million in unpaid taxes and called for "attachment, garnishment or foreclosure," to collect those unpaid taxes. He also called for increases in permits and fees to make them self-supporting and said, "Surely there are other sources of revenue. I suggest the commissioners explore those thoroughly and with imagination."

Chester Parrish of Shallotte said he doesn't know why the commissioners "put us through this aggravation every year," of proposing sizeable tax increases and eventually cutting the increases. He said he hopes the increase will be cut at least to 6 cents.

"With all the building going on in Brunswick County, where's the money going?" asked Leroy Sullivan of Winnabow. "All it is is a rip-off of the property owner." He criticized county employees, saying a visit of a county office reveals "two or three people running around drinking coffee and another making coffee."

Graham Justice of Supply said residents are to start paying 50 cents on their monthly phone bills toward the support of 911 in August, which won't be in operation at that time. He asked where the money will be going.

Kenneth Bellamy of Boones Neck, saying he was speaking as a former tax collector, spoke to tax breaks that Carolina Power & Light

has gotten through the years and said, "It's time to rewrite the utility laws and let the utilities pay their share."

Lillie Morrill, saying she was representing retirees, said there are things retired people need "and one of them isn't a tax raise." She said it takes two checks for retirees "to hold on to what they worked hard for all their lives." She also said taxes are higher in Brunswick County than anywhere she has ever lived.

Marty Cook called for a moratorium on taxes until "a bi-partisan, uncontrolled" evaluation of county government could be made.

Thurston Clemmons of Bolivia said the county government would have to do as most of the natives of Brunswick County: "Pay as you go or don't go. Impact fees and user fees—get to the tourist and the developer and off the backs of the property owners."

L.A. Lewis of Supply said a "lot of people having to pay these taxes are making \$3.80, \$4.50, \$5 an hour. If I'd run my business the way these and past commissioners have run this county, I wouldn't have a business; I'd be out picking up tin cans."

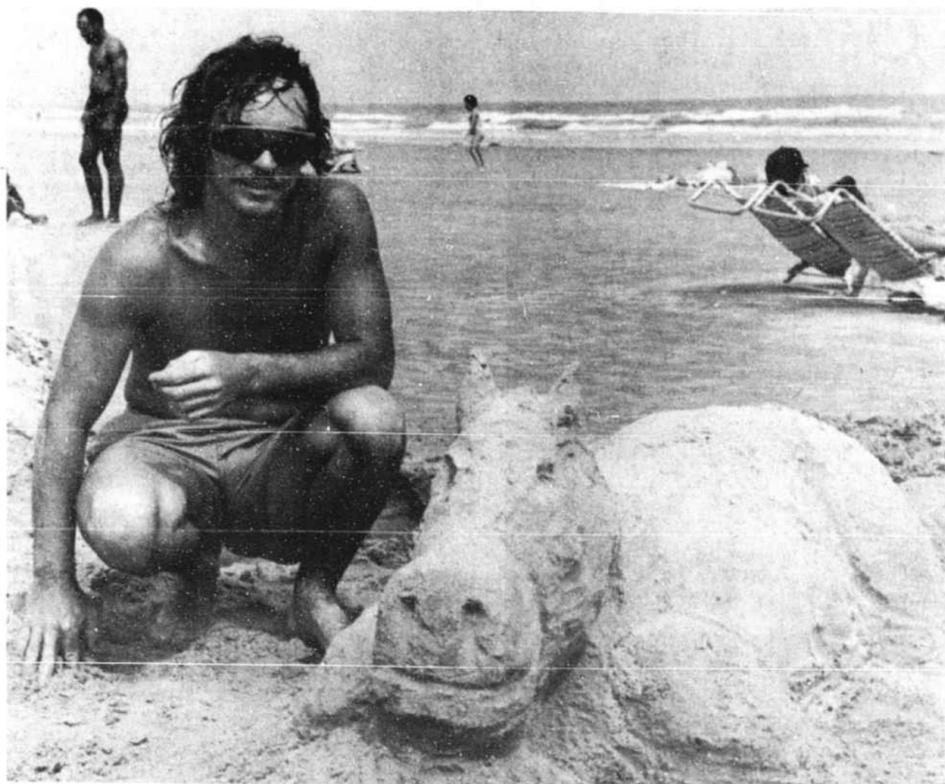
Frank Randolph said he would like to see the people who voted for the water bond get water. "I'm paying for it and if I'm paying for it, I want it."

Odell Johnson said he has never seen so impressive a county seat in a small county as the Brunswick County Government Complex at Bolivia. "I don't know if we can afford it, but it's the best I've ever seen," he said.

"It's a tough job you've got, I don't envy you one bit," Johnson said to the county commissioners. "But a government is like a household. What do you do if you come home and your wife says the cost of potatoes is up and your light bill is up and other things are up? What do you do? You eliminate something. If we can eliminate something, you (commissioners) can eliminate something."

"People speak to what their interests are," Commissioner Kelly Holden said after the hearing. "Like a lot spoke for water and against the training center in Leland. I don't think a lot of people understand the total picture. Water is a bad need but it's not the only need we have. But that training center is just as important to the people in that area. I think our job is to consider everybody's interest."

"We have water on our island, I don't need a job and I don't need any of the things they mentioned, so I can look at it constructively," Commission Chairman Gene Pinkerton said. "There was a lot said but you have to examine what was said and the inconsistencies in what was said and separate fact from what was not fact."



STAFF PHOTO BY DOUG RUTTER

## Horsing Around

Gene Langley of Calabash and two friends sculpted this horse in the sand Saturday at Sunset Beach. The horse was a hit, especially among youngsters visiting the beach.

# Sunset Beach Lot 1-A Case Upheld

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The Court of Appeals heard the case Sept. 20, 1989. Judge Parker wrote the unanimous opinion for the panel, which also included Judges Sidney S. Eagles Jr. and K. Edward Greene. The opinion will not be published.

The appellate court upheld the findings and conclusions of the non-jury trial in Brunswick County Superior Court with one exception.

Judge Parker wrote that the trial court erred in concluding that Sunset Boulevard to the Ocean had been accepted as a public road, and modified the lower court judgment accordingly.

In plats filed in 1955 and 1958 the lot was shown as an extension of Sunset Boulevard, running almost to the ocean. Property was sold to individual plaintiffs with reference to those plats. A third plat filed in 1963 did not reference the lot as a roadway, but no formal withdrawal of dedication was filed and public use of the property was not restricted.

While the defendant argued that because the town had not accepted an offer of dedication of the strip—and had actually rejected it, that the owner had a right to withdraw the dedication of Lot 1-A as an extension of Sunset Boulevard.

However, the appellate judges determined that the question at issue is the right of a property owner in a subdivision to keep the street open where the designated land has in fact been used by the property owner for a means of ingress and egress.

"This action involves the rights of property owners who purchased their lots by reference to a plat which showed the area now designated Lot 1-A as a street," wrote Judge Parker. "These plaintiff property owners have in fact used this 100-foot wide strip as a means of ingress and egress from Main Street to the Atlantic Ocean both on foot and by vehicle and for purposes of loading and unloading their boats."

She cited Owens vs Elliott, where the court ruled that "such streets become dedicated to the public use, and a purchaser of a lot located in the subdivision acquires the right to have all and each of the streets kept open and it makes no difference whether the streets be

in fact open or accepted by the appropriate public authority."

She cites other cases, one suggesting that "it would be fraudulent to allow the owner to resume private control over such streets and parks" and that the easement applies to the public as well as to the specific grantees of the property.

Defendants the SBTA, Albert N. Wells, Charles L. Smith, Whaley P. Hunt and Frank M. Nesmith are represented by James Maxwell of Durham.

Sunset Beach & Twin Lakes Inc. is represented by local attorney Roy Trest of Baxley & Trest, Shallotte, and John W. Narron and Vickie Winn Martin of Smith, Debnam, Hibbert & Pahl, Raleigh.

Following the 1988 lower court decision, Gore said that he would continue appealing the case all the way to the U.S. Supreme Court if necessary. In 1970 Gore reclaimed the lot, with the town council passing a resolution that purportedly allowed dedication of the right-of-way to be withdrawn.

He filed a second withdrawal shortly after the 1988 trial, noting that the question had been raised about the prematurity of the 1970 withdrawal. State law requires a 15-year waiting period.

In 1968 owners of the lot began construction of what was intended to be an amusement facility. That work was halted after an adjacent property owner obtained a temporary injunction on the grounds that Sunset Boulevard to the Ocean was a dedicated and accepted road.

In 1976 Gore applied for a permit from a governmental agency for a permit to do some grading and stabilizing on Lot 1-A. As part of the "purposes" of such work, he stated, "To provide much needed additional public and business parking..."

The concrete pad left from the amusement facility construction project was removed and a split cedar wood fence placed on the northern edge of the road/lot as it adjoins Main Street. No further use of the property was made by the defendant.

Gore said his future plans are to build a resort hotel on or adjacent to the lot, which he said has a market value of \$500,000 or more.

# CP&L Plant Producing Power Again

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Still to be retested are licensed operators who failed written portions of the three-part exam; they will be retested later this summer, she said.

The two crews that passed weekend retesting brings the total number of operating crews available to run the plant to four, the minimum required by the NRC. Two teams did not have to be retested.

Ms. Bean said reactor Unit 2 was restarted Sunday, connected with the CP&L system Monday and expected to reach 100 percent power by late Tuesday. Unit 1 was restarted Monday and was expected to reach 100 percent power by late Wednesday.

Each unit's summer capacity rating is 790 megawatts, according to a CP&L information packet. The Brunswick plant is responsible for 15 percent of the utility's power capability.

Ken Clark, spokesman for the NRC's regional office in Atlanta, said the regulatory agency concurred with CP&L's decision to return the plant to operation.

"The NRC technical staff was satisfied they (CP&L) can safely operate with four accredited crews," he said Monday. "However, they do have to let us know by Friday (June 15) what they are going to do to qualify a fifth crew."

While the plant can be operated with four crews, five is the desired number, he said. "Also, over the long-run, but in an expeditious manner, they need to tell us and show us what they are going to do to fix the problems with their operator requalification program."

"There are some obvious problems with it," he continued, "and until these are corrected, the program will be listed as unsatisfactory by the NRC."

That means the plant and program will be closely watched by the NRC, with correction expected "as

soon as possible," he said.

The NRC is still looking into the performance of the third crew on the simulator test, said Clark. "The simulator operator did something wrong or the program did something it was not expected to do. It's still under discussion."

CP&L officials have said recent changes in the simulator program are a reason why operators have not done well on the requalification testing—that they did not have enough time to train on the revised program.

Clark said the utility had the option of requesting a rescheduling of the requalification test, but did not do so. Ms. Bean said CP&L had no reason to believe the operators were not ready.

While the Brunswick plant had a sufficient number of operators with which to operate, CP&L shut down

both units to conduct additional training for plant operators following their poor performance on the requalification exam.

It was only the second time in the NRC's 15-year history that a plant had voluntarily shut down because of high failure rates on the test.

Bean said the plant used the downtime to advantage, having employees performed necessary maintenance and equipment testing, some of which can only be done when the units are out of service.

She said the utility still does not have an accurate estimate of how much the shutdown will ultimately cost. Electric demand and related power costs and other factors such as the work performed during the outage are the factors that will figure in the final tab.

# High Temps, But Little Rain Seen In Brunswick Forecast

Temperatures reached a high of 91 degrees Sunday, June 10, Shallotte Point meteorologist Jackson Canady reported Tuesday.

Also for the period of June 5-11, he recorded a minimum nightly low of 58 degrees on June 6.

A daily average high of 86 degrees and an average nightly low of 68 degrees created an average daily temperature of 77 degrees, which Canady said is close to normal.

However, he said, "we had no rainfall during the week and the outlook is not too encouraging."

He expects temperatures over the next few days to be near normal—ranging from the upper 60s at night into the mid 80s during the daytime—but with less than half an inch of rainfall.

Weather conditions are in a blocking pattern—slow to move or

to change, Canady said. "We haven't received as much rain as we have needed for quite some time. Until this pattern changes we're not likely to get much rain. Then when we get it, it may be too much at one time."

Canady said he expects no change in the rainfall forecast for the next five to 10 days.

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# Car Crashes Into Post Office

(Continued From Page 1-A)

to rest, more than half of it was inside the post office lobby.

"Thank goodness nobody was in the lobby in that immediate area," said Shallotte Postmaster Frank Patton. "We were real lucky in that respect."

Altizer said Ms. Keeton was alone in the vehicle at the time of the mishap and wasn't hurt. "She was shaken up about the damage she had caused but wasn't injured," he said. "She was extremely calm about the whole thing. I wish we all had nerves like her."

Patton estimated damages to the post office at \$2,500. Besides breaking the glass doors and frames, he said two parcel lockers mounted on the wall inside the doors were knocked on the floor and some temporary post office

boxes were dented. There was no structural damage to the building.

Altizer said there was about \$2,000 in damage to the vehicle.

The impact caused a loud "whishing" noise, said Patton. "I thought the whole building was coming down." He said he hoped to have repairs completed this week.

Patton said it was the third time somebody has inadvertently driven a car through the Shallotte Post Office's front doors.

Altizer said someone drove a car

through the front window of a shop at Resort Plaza earlier this year. "It seems to be real popular in Shallotte."

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