

His & Hers!

Holiday ornaments like these cork reindeer are just a sampling of the goodies by Calabash Elks and auxilliarists for their His & Hers Fall Festival Sept. 29. Check out the details on Page 4-B.



Locals Win King Classic

A local fishing team captained by Chip Maree of Windy Point won the 1990 South Brunswick Islands King Classic fishing tourney over the weekend with a 35-pound king mackerel. For the details, see Page 11-B.



Way To Celebrate

Saturday was Founder's Day at Varnamtown. The waterfront community marked the second anniversary of its incorporation with a parade, plenty of music and friendly, but serious tugs-o'-war. Stories and photos are on Pages 6-A and 7-A.

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SUPERINTENDENT DECISION POSTPONED

School Board Will Interview Final Four Again Monday

BY SUSAN USHER

Though a majority of Brunswick County Board of Education members first said they were prepared Tuesday night to name a new superintendent of schools, they changed their minds after meeting behind closed doors for four hours.

After approving a routine personnel list, the board voted unanimously to recess until 5:30 p.m. Monday, Sept. 10, at which time the four finalists for the post will be interviewed a second time. The meeting will be

held at the school board office at Southport.

"They had some questions about background," school board attorney Glen Peterson said after the meeting. "They wanted to get a better feel for the type of person they would be hiring. They decided it would be a good and prudent measure to take."

At the start of Tuesday's six-hour meeting at Shallotte Middle School, member Doug Baxley introduced a series of motions aimed at postponing selection of the next superintendent. "I don't feel like the board

had come together as to what it is looking in a superintendent before interviewing," he said, prompting Chairman Dorothy Worth to question why that concern hadn't been raised earlier in the selection process.

In an exchange typical of the first 20 minutes of the meeting, Baxley replied, "Because our words would have fallen on deaf ears, Madam Chairman. Member Donna Baxter interjected, "As ours would have four or five months ago."

All three motions failed on the same 2-3 split, with

members Baxley and James Clemmons voting together in the minority and Chairman Dorothy Worth and members Robert Slockett and Donna Baxter voting together.

Baxley moved first to delay selection of a superintendent until January, following the seating of one and possibly two new board members in December; then to limit any contract offered to two years; and finally, to continue the selection process at a special meeting called for that purpose only.

(See SUPERINTENDENT, Page 2-A)

Sunset Taxpayers Will Ask Town To Take 'Lot 1-A'

BY SUSAN USHER

Sunset Beach Taxpayers Association members celebrated the end of a five-year legal fight Saturday by renewing an earlier request to the town of Sunset Beach to take over the "Lot 1-A" extension of Sunset Boulevard to the ocean.

With a chorus of "Yeas," the approximately 80 members present voted unanimously for the resolution introduced by immediate past president Albert Wells. The motion asks the town to accept the so-called "Lot 1-A" as a dedicated public right-of-way and "to maintain it for the benefit of the public."

Although first platted as an extension of Sunset Boulevard, the 100-foot-wide oceanfront tract has

never been accepted as a street by either the town or the state. SBTPA hopes that will change soon.

"I recommend we put the designation 'Lot 1-A' to rest, because it never existed as a legal entity," attorney James B. Maxwell of Durham suggested as he announced to a cheering audience the N.C. Supreme Court's refusal last week to review a June decision by the N.C. Appeals Court regarding the lot. "That is your right-of-way access to the ocean in perpetuity as far as we can determine. This means there will never be a commercial building built on Lot 1-A."

In a suit that cost SBTPA members \$9,000, the appellate court had unanimously upheld a 1988 trial

court ruling that the 100-foot-wide oceanfront tract at Sunset Beach is a public right-of-way for beach access. It cited the rights of property owners who had purchased their land by reference to plats that showed the lot as a public accessway and had later used the lot for that purpose.

The N.C. Supreme Court is not obligated to review unanimous decisions of the appeals court decisions; such reviews are made at its discretion.

The review had been requested by the purported owner of the property, Sunset Beach & Twin Lakes, a business owned by Ed Gore and his family. Defense attorney John W. Narron of Raleigh had said he expected the review to be granted and the decision overturned. He had argued that the purpose for which the street was originally offered—vehicular access to the beach—no longer existed.

Gore could not be reached for comment on the court's action earlier this week at his home, office or by telephone pager. Earlier he had told the Beacon his plans were to build a resort hotel on or adjacent to the lot.

Should he lose the suit, Gore had added, he would fight any attempt to turn the area into a public parking lot rather than a street.

The decision by the N.C. Supreme Court ends legal action that began five years ago and a public debate that began still earlier.

The SBTPA and co-defendants Albert N. Wells, Charles S. Smith, Whaley P. Hunt and Frank M. Nesmith filed suit in 1985 seeking to have "Lot 1-A" declared an extension of Sunset Boulevard and declared open to the public "for ingress and egress to the Atlantic Ocean, for parking, walking and other public uses."

Lots had been sold based on early plats, filed in 1955 and 1958, which showed Sunset Boulevard extending to the Atlantic Ocean. A new plat recorded in March 1963 designated the area as "Lot 1-A." However, no formal withdrawal of dedication was filed and public use of the

(See SUNSET, Page 2-A)



STAFF PHOTO BY SUSAN USHER

FRANK M. NESMITH, one of the defendants, celebrates the end of a five-year legal fight over the future of "Lot 1-A" Saturday with a walk to the ocean, after first removing a section of fencing and barbed wire blocking access to the strip, land he was convicted of trespassing on 12 years ago.

Defendant Feels He Was 'Vindicated' By Action

BY SUSAN USHER

Frank Nesmith was a contented man Saturday.

With his wife, Amanda, the Sunset Beach resident lifted a rotting fence post, broke off a rusted strand of barbed wire and walked to the strand—across a stretch of sand and sandspurs known as "Lot 1-A."

"A dozen years ago I was convicted of trespass," he said. "Thanks to the good work of the Sunset Beach Taxpayers Association and Jim Maxwell, I have now been vindicated."

Nesmith saved bits of the barbed wire as keepsakes for himself and co-defendants in a suit that was settled last week after five years in the courts.

Last Wednesday, the N.C. Supreme Court denied a request to review a unanimous decision by the N.C. Court of Appeals that upheld a 1988 trial court ruling that the lot is a public right-of-way. Justice Willis P. Richardson signed the order.

In 1985, Nesmith and fellow defendants filed suit in Brunswick County Superior Court to have "Lot 1-A" declared an extension of Sunset Boulevard and opened as a

public right-of-way. Other defendants included the Sunset Beach Taxpayers Association (SBTPA), Albert N. Wells, Charles L. Smith and Whaley P. Hunt. They were represented by James B. Maxwell of Durham, a member of the SBTPA.

Nesmith had traditionally used the strip, which is just east of the Sunset Beach Fishing Pier, to walk and to drive to the beach strand.

In the summer of 1978, about a year after "Lot 1-A" had been fenced and blocked off to the public, Nesmith parked his car and then sat on its hood, openly defying the lot's purported owner, Ed Gore.

Nesmith, who considered the tract public property, was protesting Gore's efforts to prevent use of the land for public access to the beach.

Before the incident was over, the tires of his car had been slashed and Nesmith struck. Later, Nesmith was convicted of trespass and Gore was convicted of assault.

Now, while he would like to see the town provide public parking on at least part of the property, Nesmith said he is satisfied just for he and others to be able to walk across it to the beach.

CP&L Fined \$62,500 By State

Carolina Power & Light will pay without protest a \$62,500 fine proposed by the Nuclear Regulatory Commission (NRC) for alleged violation of NRC requirements at the Brunswick plant near Southport.

The penalty is the first fine proposed against the utility relating to the Brunswick plant since January. That was when CP&L paid a \$75,000 fine after the NRC found

the utility was slow to recognize and respond to equipment problems at the plant.

The NRC proposed the latest civil fine because of a July 5 event at the plant during which two workers received unplanned radiation exposures while performing some equipment modifications. The work was related to installation of new core reactivity detectors and cables in

Unit 1 of the two-unit facility.

The event posed the potential for overexposure of personnel, according to Ken Clark, NRC spokesman, "as a result of failure to establish work procedures with necessary instructions and controls..." The NRC also said a technician assigned to the task was not provided adequate training.

(See CP&L, Page 2-A)

Visitors Pack Brunswick Beaches For Summer's Last Fling

BY DOUG RUTTER

The South Brunswick Islands overflowed with thousands of property owners and tourists over the holiday weekend who traveled to the coast for summer's last fling.

The Labor Day weekend—the traditional end of the summer season—was one of the best ever in terms of business and ended what tourism officials called an excellent season.

High gas prices brought on by last month's invasion of Kuwait apparently didn't keep people from driving to the beaches, where they were greeted with beautiful beach weather.

"A lot of people are talking about the gas prices, but they're not doing anything different so far," said Susanne Sartelle, executive vice president of the South Brunswick Islands Chamber of Commerce. "They're still traveling, they're just paying a little more for it."

The Labor Day weekend brought an end to what she and others said was a better tourist season than last year. "The end of summer's kind of sad for us. It's been dynamic," Mrs. Sartelle said Tuesday. "I don't think you'll find anyone who will complain about this tourist season."

Local real estate agencies that usually report full occupancy for six or seven weeks during the summer were booked solid for nine or 10 weeks this year, Mrs. Sartelle said.

"I don't think you'll find anyone who will complain about this tourist season."

—Susanne Sartelle, executive vice president
South Brunswick Islands
Chamber of Commerce

Chauncey Cooke of Cooke Realtors at Ocean Isle Beach said this year's Labor Day weekend was much better than last year, and so was the rest of the summer season.

"Everything we had was rented," Cooke said. "It's been just like this for the whole summer, better than we could have asked for."

Craig Realty at Holden Beach also rented everything it had to offer over the holiday weekend, according to Johnny Craig. He said several other real estate offices called him looking for vacancies.

"It was fantastic for a Labor Day," Craig said. "We haven't done that in past years." He said a good weather forecast and sunny skies probably helped, because it had rained on Labor Day weekend each of the previous two years.

The talk of real estate agents about improved summer rentals can be backed up with numbers. Income generated by occupancy tax, which tourists pay whenever they rent beach houses in the South Brunswick Islands, went up this summer at all three towns.

The towns won't receive occupancy tax revenue for August rentals until mid-September, but figures from July and June show increases over last year.

Occupancy tax revenues for June and July at Holden Beach were \$100,507, up almost 10 percent over the occupancy tax revenues collected last June and July, according to town tax collector Sylvia Bissell.

Ocean Isle Beach hasn't experienced as much of an increase as Holden Beach. Interim Town Clerk Doris Stanley said the town collected \$152,487 in room tax revenue in June and July, and \$147,907 during the same two months last year.

Sunset Beach Town Administrator Linda Fluegel said room tax revenues were \$34,371 this July, compared to \$30,183 for July 1989. That's an increase of almost 14 percent.

With more people renting at the beaches, retailers have benefited, Mrs. Sartelle said. Visitors have prompted commercial growth in Shallotte, she said, pointing out recent expansion of Hill's grocery store and Jones variety store and new businesses opening elsewhere. "I think everybody has gotten a little piece of the pie this summer."

Lyn Holden, owner of Beach Mart at Holden Beach, said the Labor Day weekend was one of the best ever, and the summer season was better than last year.

"We had perfect weather, and Labor Day is usually stormy," Holden said. "I think that helped us out a lot."

On the heels of the strong holiday weekend, local tourism officials are expecting a good fall season. Fishermen, golfers and people interested in the area's fall festivals are expected to keep pumping dollars into the local economy.

Hurricane Hugo cut the fall season somewhat short last year, but Craig and others said they expect a better fall this year if there aren't any more storms.

"After last year, maybe we're due a good one," Craig said. "Hopefully, we'll have a good one all the way through Thanksgiving."

Cooke said he expects people to keep visiting the South Brunswick Islands for another two months. Fall fishing and two festivals at the end of October will attract crowds to the area until the weather gets too cold, he said.

Looking forward to next year's summer tourist season, Mrs. Sartelle said the chamber is working with the N.C. Department of Transportation to get the U.S. 17 Shallotte bypass opened ahead of schedule.

The bypass is scheduled to be completed by August 1991, but Mrs. Sartelle said it may be finished to the point where it can handle traffic by next May.