

# Sunset Council Takes Steps To Turn Lot 1-A Into Street

BY SUSAN USHER

Thirty-five years after it first appeared on a subdivision plat, Sunset Boulevard to the Ocean is on its way to becoming an actual street.

Sunset Beach Town Council members voted unanimously Monday night to accept the right of way and to eventually develop it into a town street.

Councilman Ed Gore, the developer who recently lost a suit over the strip formerly known as "Lot 1-A," asked for the right to develop a plan for the road, since it would serve adjacent property he owns and also affect use of that property.

"What I will present is a plan that incorporates use of that easement as a road (to serve the area in question), Gore said before the council vote. "Whether it is a private or public road makes no difference as far as I'm concerned."

Gore objected to wording in the resolution presented by the Sunset Beach Taxpayers Association requesting the town accept the right-of-way, saying it was "inaccurate" because the case was never heard by the N.C. Supreme Court. In his first public comment on the ruling, Gore said he thought that court's refusal to hear the case was "an injustice."

Fellow council members didn't object to Gore submitting a plan for the street, but also told Sunset Beach Taxpayers Association President Cleve Waldmiller it would okay for other citizens to submit proposals as well. The town's planning board will review the plans and make a recommendation to the town board, said Mayor Mason Barber.

The vote came after Town Attorney Michael Isenberg reminded members that the N.C. Appeals Court decided in the Lot 1-A suit, which was filed in 1985 by the SBTa and several individual property owners, that property owners who had bought land based on a plat showing the right of way to the beach had the right to keep that access. It did not speak to the right of the general public at large, he said.

The court ruled that the town had never accepted the right of way in the past. However, because of almost continuous use by the public, the court ruled that two past attempts by the developer to withdraw the offer of the right of way were void.

"What you're saying is that the offer is still open—good," Councilman "Bud" Scramont said before

## Annexation Again Sought For Seaside Shopping Area

Sunset Beach Council will most likely get to vote again on annexation of an area it rejected on a 3-2 in 1989.

The town was asked Monday to annex property owned by Sea Trail Corp. and Long Bay Development. Excluding Sea Trail's Sugar Sands development, the area stretches in a strip along N.C. 179 from the existing town limits to N.C. 904, where it then runs north to include the Long Bay shopping center area.

Efforts to bring the shopping center tract into town began in 1988 with a request for satellite annexation that was rejected by the council. Then the strip connecting the shopping area to town was added and the request resubmitted. That proposal was rejected on a 3-2 vote in February 1989, with then offering his motion.

**Utility Project Hearing Set**

Sunset Beach residents won't have to wait up to five years for the town to proceed with an underground utilities project.

A public hearing on a proposal to run both electric and cable TV lines underground will be held at the board's Dec. 3 meeting. The town plans to pay the upfront cost of the project, then assess property owners their pro-rated share.

At its last meeting council had delayed action on the project at Mayor Mason Barber's suggestion. He wanted to make sure the town would have the option of contracting with an alternative cable television company when its current contract with Atlantic Telephone Co. Cable TV ends in five years, and wanted to see if the lines would be compatible or if a new company would be willing to help pay for the underground work. Monday he said two contractors had assured him that lines are compatible "99 percent of the time" and that

Councilwoman Kathy Peed casting the deciding vote. At the time she said the proposal was contrary to the town's land use plan and that the town had sufficient land zoned for commercial use.

Makeup of the board has since changed, with Julia Thomas and "Bud" Scramont replacing Ms. Peed and Minnie Hunt. Of the three members who had voted against the annexation, they were the only two up for re-election at the time.

Developers of the shopping center had first wanted the area incorporated because Brunswick County did not allow alcohol sales in its unincorporated areas, and Food Lion would not otherwise commit to locating a store there. The store later came anyway, and

in November county voters approved an ABC referendum.

As presented Monday, the request does not include lots set aside for construction of a proposed South Brunswick Islands post office, but does include the site of a proposed fast food restaurant, according to Long Bay Development Co. spokesman Bill Benton. It does not include the mobile home residential area behind the shopping complex.

Town Administrator Linda Fluegel was directed Monday to make sure that all property owners involved in the new request had signed petitions seeking voluntary annexation and that the requests met all legal requirements. If so, then at its November 5 meeting, council can set a public hearing.

town residents would, regardless of the cable service provider, have to pay for the improvements.

One question expected to come up again at the public hearing in December was broached briefly Monday. Members Julia Thomas and Ed Gore asked how costs would be covered for burying lines underground along Shoreline Drive, where residents along one side of the street live in town and those on the other side do not.

**Mutual Aid Plan Approved**

Council members agreed to a proposal from Police Chief J.B. Buell to enter into formal agreements with neighboring local governments so that officers will be covered in terms of liability when providing mutual aid.

Otherwise, the chief told council members, "We're not covered when they're out of their own jurisdiction."

The town anticipates signing agreements with the Brunswick County Sheriff's Department and the Ocean Isle Beach Police Department.

The most recent incident in which a town officer responded to a call for assistance came Sept. 28, when a

Sunset Beach officer responded to a bank robbery in Calabash at the request of the sheriff's department.

Such agreements facilitate borrowing or exchange of officers for undercover drug investigations, Buell said, and clarify which agency is responsible for pay, equipment, damages and liability for actions or damage.

**Other Business**

In other business the council:

- Heard that the building inspector issued five permits for homes valued at an estimated \$270,455, all but two of which were inside the town limits; 10 permits for repairs and alternations estimated at \$28,800; two permits for mobile homes and six CAMA permits.
- Learned the police department responded to four breaking and enterings with larceny, one attempted arson, two alarms, two rescues, one DUI and one incident of malicious damage; issued six state and 33 town citations, including 32 for parking and one for failure to secure a load; made two arrests; found two open doors; and made six assists to other departments.
- Deferred action on a proposed community facilities plan until the November meeting. The plan proposes setting aside funds in each year's budget toward specified improvements in public buildings and programs such as public works, fire and rescue.
- Reappointed Nivan Milligan to the town ABC board.
- Set a public hearing for Nov. 5 at 7:30 p.m. on several recommendations from the planning board.
- Noted that bids would be opened 3 p.m. Oct. 16 for paving of North Shore and Canal Drives and part of 6th Street.
- Heard a request for a joint workshop with the planning board regarding proposed additional changes in the sign ordinance. "We think you need to know where we're heading with what we're working on," said Chairman J. Richard Good.
- Set a 7:30 p.m. Nov. 5 public hearing on several zoning ordinance amendments proposed by the planning board aimed at clarifying language in the ordinance. Councilman Gore suggested further amendment of the fence ordinance to eliminate any debate over what the "equivalent" of a chain link fence might be in regard to safety fencing around residential swimming pools.
- Councilman Al Odom was absent from Monday's meeting.

## Low Bid Changes Plans

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"I see three issues here: What to do in supporting the private dealings with Bush, what to do with our own recycling program, and what the county can do to encourage municipalities to start their own programs," Tucker continued.

At a workshop Sept. 21, commissioners allocated \$1,200 to pay Bush for trailers that needed to be emptied until a program is established.

By 1993, counties must be recycling 25 percent of their solid waste, as mandated by the state, in an effort to reduce the amount of material arriving at landfills. By July 1, 1991, the county must have a recycling program in operation.

**Disability Committee**

A committee that plans to increase community awareness of the needs of the disabled in Brunswick County was endorsed by commissioners Monday night.

Helen Laugisch of Supply has been selected chairperson of the group.

"We see as a mission finding out who the people are and what their needs are," she told the board. "We simply would like to have your blessings. We're not asking for any

money at this time."

An ad hoc organizational committee met Aug. 23 with Robert Foushee, liaison for the Governor's Advocacy Committee for People with Disability. Members of the committee are Joyce Williams of Holden Beach, Sue Chapman of Supply, Marsha Cochran of Long Beach, Herbert and Flessie Parker of Southport, Nellie Westbrook of Ocean Isle Beach, Michael Randolph of Bolivia, Sandra and Warren Reynolds of Shallotte, Lorea Williams of Southport, Brenda McMillian Simmons of Leland, Paul Wayne Reeves of Shallotte and Anita White of Supply.

The committee will work for identification of access areas for the disabled, bringing markings for handicapped parking slots into compliance with the new legislation and pointing out to governmental groups dangerous curb cuts which do not meet code standards and cannot be used for people in wheel chairs.

A countywide committee endorsed by commissioners, Ms. Laugisch said, would give the group "legitimacy at the state level."

Commissioner Kelly Holden's motion to endorse the committee passed unanimously.



## Police Officer Suspended

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and trespassing in early August following an incident involving another Holden Beach town employee, Building Inspector Dwight Carroll.

Dancy has declined to comment, but Carroll said in an earlier interview that the incident occurred Aug. 2 at about 3 a.m. at his home on Holden Beach.

He had just returned from a store where he went to purchase a soft drink and pulled his car into his garage. Carroll said he closed the automatic garage door and when he got out of his car, Dancy was standing in the garage.

Carroll said the officer was dressed in his police uniform, had a hand on his gun and did not have a search warrant. He said he asked Dancy to leave several times, but he stayed in the garage for about 20 minutes.

At one point, Carroll said, Dancy tried to hit him in the head with a clenched fist, but he ducked and took the blow on the shoulder.

Judge Gore sentenced Dancy to 30 days in Brunswick County Jail, which was suspended for one year, and one year of unsupervised probation.

Under the conditions of the sentence, Dancy is not allowed to assault, harass, molest or make any communicating threats to Carroll or his wife for 12 months. Dancy also is not allowed to go on or about Carroll's property without authorized permission or a search warrant.

The sentence also requires Dancy to attend Brunswick County Mental Health Center to see if he is mentally able to possess or use a firearm. Dancy has worked for the Holden Beach Police Department since July 1987.

At their regular monthly meeting Monday, Holden Beach Commissioners voted to add a seventh position to the police department so there will be another officer to take Dancy's place during his suspension.

"We need that sixth person," Proctor told the town board. "It takes that to run the department."

If Dancy is found innocent, Proctor said the new officer would be let go. But the new officer could be retained if Dancy is found guilty in his jury trial.

Earlier this year, Dancy was suspended without pay for one week after he was involved in a car accident that occurred while he was on duty. The suspension was later rescinded, and the officer was given his back pay.

**JOSEPH STEVENSON**

I'm interested in economic growth for Brunswick County to ensure the future for our children and the present for our elderly.

**COUNTY COMMISSIONER DISTRICT 2**

**Agricultural Agents Receive Awards**

Brunswick County Agricultural Extension Director Milton Coleman (right) and Agricultural Extension Agent Billy Barrow (left) recently received awards for Distinguished Service and Agent Achievement respectively. They are representing North Carolina at the National Association of County Agricultural Agents meeting in Seattle, Wash., Sept. 30-Oct. 5.

**Fair Weather Anticipated**

South Brunswick Islands residents and visitors can expect to enjoy pleasant early fall weather during the next several days.

Temperatures are expected to be near normal, Shallotte Point meteorologist Jackson Canady said Monday, ranging from around 60 degrees at night into the upper 70s during the daytime. Well less than a half-inch of rainfall is expected.

For the period Sept. 25 through Oct. 1, Canady measured only .03 inch of rainfall.

He recorded a maximum high of 87 degrees, which occurred on the 27th, and a minimum low of 45 degrees on the 25th.

An average daily high of 83 degrees and an average nightly low of 57 degrees yielded a daily average temperature of 70 degrees, which Canady said is about normal for this time of year.

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Established Nov. 1, 1962  
 Telephone 754-6890  
 Published Every Thursday  
 At 4709 Main Street  
 Shallotte, N.C. 28459

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