

CORPS SAYS WETLANDS WERE FILLED

Waccamaw River Developers Accused Of Violating Rules

BY DOUG RUTTER

Government officials have accused developers of a subdivision on the Waccamaw River with illegally filling wetlands and violating six other environmental protection rules.

Federal and state agencies have sent notices of violation to developers Jimmy Gore and Dale Gore for alleged violations at Rivergate Estates. The 100-acre-plus residential development is located off N.C. 904 next to the N.C. Wildlife Resources Commission boat ramp at the Columbus County line at Pireway. While the entire subdivision lies within the floodplain of the Waccamaw River and may be subject to flooding following heavy rainfall, only portions of the property are classified as wetlands.

The U.S. Army Corps of Engineers has issued a "cease and desist" order to keep the developers from filling any more wetlands, said Wayne Wright, chief of the corps regulatory branch in Wilmington.

The N.C. Land Quality section also has cited the developers for six violations of the state's sedimentation and erosion control program, said Dan Sams, the branch's regional engineer.

Developers were cited last Sep-

tember for failing to submit an approved sedimentation and erosion control plan and failing to install sedimentation and erosion control devices on the site.

Sams said the developers were cited for four more violations in November. The owners were charged with failing to take measures to keep sediment on site, failing to have a buffer zone between the development and river, grading slopes near the river too steep and failing to provide ground cover on exposed slopes.

Dale Gore said the developers should not be held responsible for most of the violations because they occurred on property after it had been sold to private landowners.

"They're giving us credit for a lot of things we didn't do," Gore said. "Most of this has been done on land that has been sold."

Gore refused to say who owns the land on which the violations occurred. But he said no land has been sold to other companies or land developers.

"When people buy land for whatever reason I think it's a private thing," Gore said. "I think it would be unethical on my part to tell everyone we sold land to."

The state maintains that the violations happened before the land was sold. "Grading activity occurred before they were sold and the grading activity is what constituted the violations," Sams said. "You cannot sell a violation."

The state engineer said the developers are responsible for the initial violations. He said the state is investigating whether individual property owners will be cited for other violations.

Records on file at the Brunswick County Register of Deeds office show that Rivergate Estates Inc. sold at least 29 lots in the subdivision to various individuals between August 1987 and November 1990.

Sams said his agency has never received a plat of the development. He said the state treated the subdivision as a whole in citing the developers and did not look at individual lots.

The initial violations were noticed during a routine investigation last fall. Sams said a state inspector noticed that work had started before the developers had submitted a required sedimentation and erosion control plan.

Sams said the developers were cited for things they did and didn't do along the bank of the Waccamaw River. He said ditches were cut into the river without any means of keeping sediment from running into the river.

Also, he said, a bulldozer was used at one point to push the shoreline toward the river. He said that's where the Corps of Engineers got involved.

Wright said the corps is investigating to find out how many acres of wetlands were filled and what type of wetlands they were. "The only thing we know right now is that some wetlands were filled," he said.

Dale Gore denies the charge that dirt was pushed into the Waccamaw River. "There absolutely has not been any dirt pushed in the river by Rivergate or anybody we sold lots to," he told *The Brunswick Beacon*.



STAFF PHOTO BY DOUG RUTTER

THE N.C. LAND QUALITY SECTION has cited the developers of Rivergate Estates on the Waccamaw River for six violations of the state's sedimentation and erosion control program. This photo shows an exposed slope, at right, with no visible means of keeping sediment from eroding and running into the river.

Corps of Engineers officials are trying to locate aerial photos that would show exactly what was on the ground before the wetlands were filled. The corps issued its stop order Nov. 20.

The N.C. Attorney General's office was asked in November to seek a temporary restraining order to stop work at the development. Sams said last week that the order had not yet been issued.

The maximum fine for failing to submit a sedimentation and erosion control plan is \$1,000. Sams said the state director of Land Resources also can fine the developers up to \$500 per day for the other violations.

The Brunswick County Planning Board approved a preliminary plat

for Rivergate Estates in August 1986. Since then, the development has been replatted at least twice.

Gore said the county planning board has approved 67 lots for sale in the development. Most of the lots are between one-half and three-quarters of an acre in size, and none are larger than an acre.

On April 20, 1988, county planning department records show approval of a replat of 40 lots into 10 lots of approximately 10.5 acres each. Lots through No. 22 stayed as is.

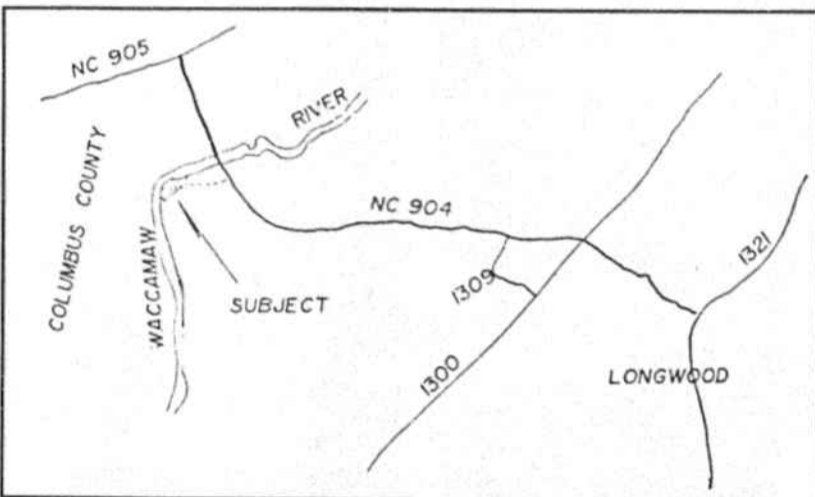
Brunswick County Health Department reports, dated as far back as July 1986 and as recently as June 1990, indicate soils in Rivergate Estates are poorly drained and generally not suitable for subsurface

sewage disposal systems.

Off-site wastewater disposal is planned for most lots in the subdivision, while a state permit issued July 23, 1987, by the N.C. Division of Environmental Management may be utilized for other parts of the development.

The N.C. Division of Environmental Management permit will allow the developers to discharge 267,000 gallons per day of treated wastewater into the Waccamaw River from a portion of the development. According to the application for that permit, the subdivision was to be a development of 700 single family residences with a clubhouse with a 200-seat restaurant and other features.

The permit expires June 30, 1992.



RIVERGATE ESTATES is located off N.C. 904 on the Waccamaw River near the Columbus County line.

Board Hears Complaint

(Continued From Page 1-A)

He said Mrs. McCumbee was given the option of resigning, taking retirement two years early or suspension without pay.

That suspension, which was for an indefinite period, has created financial hardship for her, he said, while the entire incident has clouded her reputation.

While Parker is convinced the school system has suspected criminal intent and wrongdoing, he said the school system, auditing firm and the system's insurance carrier, Blue Cross & Blue Shield, have not provided any evidence to that effect. "There is nothing that indicates intentional wrongdoing," he said.

Rather, the board was told, the procedural errors resulted from administrative problems and financial disarray in the school system, and a lack of guidelines and job description for Mrs. McCumbee's increasing workload and responsibilities.

The school board advised Parker and Mrs. McCumbee that their decision would be made Monday and that the two would be notified in writing. The board could support the staff and grievance committee's decision or alter it in some way. Mrs. McCumbee's suspension had been recommended by her supervisor, Finance Officer Rudi Fallon.

Parker and McCumbee have asked that the payroll supervisor's name be cleared, that she be reinstated and that she be paid for the period of the suspension.

According to the 1990 audit re-

port, approximately 30 former employees continued to receive insurance coverage through the system's plan for varying lengths of time. Those individuals included former superintendent John Kaufhold and former system employee Randy Worth, whose wife, Dorothy, is a former chairman of the school board. Worth was employed from 1980 to 1985.

Under state guidelines published in the system's employee handbook, former employees may opt to continue their group insurance for 18 months. But they are to pay the full premium plus another 2 percent. The premiums are to be paid directly to the carrier, not to the school system, which is to delete the former employee from the insurance rolls. These procedures were not uniformly implemented for all those leaving the system's employ. The school system had paid approximately \$13,000 in premiums on behalf of Worth, for example, while he has paid nearly \$9,000 in premiums to the school system.

Former employees owe the schools approximately \$15,000, according to Mrs. Fallon.

Blue Cross & Blue Shield has not notified the school system regarding any sums that it may be due for benefits paid to ineligible past employees.

Insurance program discrepancies are one of a series of procedural problems identified in the 1990 audit that the school system is taking steps to address.

Candlelight Vigil Slated To Support Desert Troops

A candlelight vigil is planned Saturday, Feb. 16, in support of service men and women serving in the Middle East war.

The vigil will begin at 5 p.m. in the Public Assembly Building at the Brunswick County Government Center near Bolivia with a brief program. A candlelight service will follow at the flagpole on the grounds of the complex.

The program will include a brief talk by a county official, a devotional, music and a recognition ceremony. During a roll call of military personnel serving in the conflict a member of each family will be invited to accept a yellow ribbon, said Becky White.

The idea for the vigil came from Ms. White, a native of the Brick Landing community. Now a resident of Myrtle Beach, S.C., she has a younger brother, 2nd Lt. Matthew Gore, serving in Saudi Arabia with the U.S. Army's 24th Infantry (Mechanized) Division. He is married to the former Kim Cheers of Shallotte.

Ms. White wants to see more organized, visible local support for the troops and their families. And like many other residents, she was looking for a way to show her own support.

But she has had no experience in organizing special events and turned to Brunswick County Veterans Service Officer Jess Parker for advice and help. Together they're putting together plans for the vigil and hoping for a good turn-out.

"I'm just going to wait and see," she said. "I don't know what kind of response we'll have."

County residents with family members serving in the war are asked to contact Parker's office, at 253-4307, so the roll of honor can be prepared for the program.

Operation Desert Storm is the name given to actual battle operations in the Middle East. The military's support functions are continuing to be called Operation Desert Shield.

Sunset Pledges Help

(Continued From Page 1-A)

Specifically, the association says these actions are needed:

- Replacement of the spillway on the south end of Western Lake, which was built in 1959 by previous property owners, needs to be replaced so that water level in the lakes can be controlled;
- Introduction of weed and algae-eating sterile carp on a progressive schedule;
- Provisions for testing and

monitoring lake water for degradation;

- Provisions for aeration in times of extreme drought to maintain dissolved oxygen levels sufficient for fish in the lake to survive;
- Emergency spot treatment by chemicals to control extreme weed growth and algae blooms;
- Controls aimed at avoiding pollution from the dumping of grass clippings and trash into the lake and run-off from construction and from inadequate septic systems.

Temperatures Expected To Cool In Area By Weekend

Rainfall and temperatures are expected to range above average over the next few days, but not to the extreme levels of the past several days, with a drop in temperature to follow.

Shallotte Point meteorologist Jackson Canady said Tuesday he expected temperatures to range from the upper 30s at night into the upper 50s during the daytime, with approximately .75 inch of rainfall.

By the end of the week he expects a cooling trend, with temperatures falling closer to more seasonal levels.

Even with the drop in tempera-

tures, he concluded, "It's not bad at all. It's weather everybody can pretty much handle right now."

For the period Jan. 29 through Feb. 4, Canady recorded a maximum high of 73 degrees on Feb. 4 and a minimum low of 29 degrees on Feb. 1.

A daily average high temperature of 67 degrees combined with an average nightly low of 42 degrees for a daily average temperature of 54 degrees, about eight degrees above average.

Canady recorded 1.96 inches of rainfall for the period.

BY GRAND JURY

Three Indicted For Robbery, Kidnapping Of Ash Resident

BY TERRY POPE

Three Brunswick County men have been indicted for the kidnapping, assault and robbery of an Ash woman in an incident that occurred early last Wednesday morning at the victim's home.

Indicted by a Brunswick County Grand Jury on Monday were Melvin Asbern Whaley, 23, of Longwood; Norman Marshall Gore, 29, of Ash; and Robert Jefferson Collins, no age given, of Route 1, Ash.

All three men were indicted on charges of kidnapping, common law robbery, assault with a deadly weapon with intent to kill inflicting serious injury, first-degree burglary, felonious larceny and possession of stolen goods.

The indictments state that the three men allegedly broke into and entered the home at Route 1, Ash, between midnight and 5:30 a.m. on Jan. 30. They are accused of taking \$1,000 from the residence.

They were charged by Brunswick County Sheriff's Detective Lindsey Walton, who presented evidence to the grand jury Monday. Walton has left the department to join the police force at Bald Head Island Village.

The men have also been accused of hitting the woman in the head with a metal flashlight with intent to kill, the indictment states, which "resulted in serious injury, including bruises on her face and head, requiring medical treatment."

According to the indictments, the three men allegedly kidnapped the woman by "unlawfully confining and restraining her, without her consent" during the robbery and burglary of her home.

Common law robbery occurs when force is used, but a gun, knife or other dangerous weapon is not used in the holdup or attempted holdup.

The grand jury also indicted an Ash man Monday for a series of break-ins to businesses that occurred in the Calabash area last year.

Darrell Joseph Cokeley, 22, of Route 1, Ash, was indicted on eight counts of felonious breaking and entering, six counts of felonious larceny and six counts of possession of stolen goods. According to the indictments, Cokeley allegedly broke into five different businesses in the Calabash area, one of them twice and another a third time. The break-ins occurred between September and October of last year.

Indictments state that the defendant allegedly broke into Letino's Restaurant on Oct. 29 where \$30 in cash and \$25 in stamps were taken. He was also charged with breaking into the Calabash Laundromat the same night and allegedly taking \$186.50.

Other indictments accuse Cokeley of breaking into Tony's Pizza in Calabash twice, allegedly taking \$650 on Sept. 8 and \$68 in another break-in on Oct. 15. The grand jury also indicted him for allegedly breaking into Derbster's Restaurant in Calabash three times, on Oct. 5, Oct. 22 and Oct. 29. In the Oct. 25 break-in, \$1,000 was allegedly taken while on Oct. 29, \$50 was reported missing.

Cokeley was also indicted for breaking into Associated Builders in Calabash.

The grand jury also handed down these additional true bills of indictment Monday:

■Rodney Edward Hudson, 28, of Leland, was indicted on two counts of first-degree rape, first-degree sexual offense, crime against nature and kidnapping of a woman against her will. According to court documents filed at the Brunswick County Clerk of Court's office, Hudson is being held in jail under \$250,000 bond after he withdrew his plea on related charges in Brunswick County Superior Court. The incident allegedly occurred Oct. 31, 1989.

■Leslie Wayne Jester, 27, of Route 6, Shallotte, was indicted for possession of cocaine. According to an arrest warrant, Shallotte Police Officer Dan Hunter arrested Jester Dec. 11 on the charges.

■Ronnie Alan Birchfield, 30, of Holden Beach, was indicted for possessing and transporting a weapon of mass destruction, a .410-gauge sawed-off shotgun with a barrel less than 18 inches long. An arrest warrant states Birchfield was arrested by Shallotte Police Officer G.J. Samek on Sept. 23.

■Lavance Brown, 23, of Route 2, Leland, was indicted for allegedly possessing and selling less than a gram of cocaine to undercover officers. The incident allegedly occurred Aug. 26.

■Jerry Lee McNeil, 37, of Shallotte, was indicted for the alleged possession of 5.2 grams of cocaine and the felonious keeping and maintaining of a dwelling used for the selling of cocaine.

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