

A Real Dilemma

Brunswick County's solid waste dilemma was the topic of a seminar last week in Bolivia. See what county leaders had to say on Page 6-A.



Tournament Time

Last week ended the regular season; this week the tournament begins. See who South and West boys' and girls' teams will face on Page 10-B.



Name That Road

Winnabow residents on old U.S. 17 may keep their road name under a list prepared for the county's 911 program. A 911 progress report is on Page 2-A.

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STATE, COUNTY CONCERNED

Developer Drops Plan To Sell Lots On Leland Landfill Site

BY TERRY POPE

A Wilmington company that purchased the old Leland landfill had planned to sell lots on the former waste dumpsite as garden space before county and state officials convinced the developer to drop that part of a proposed subdivision there.

The state attorney general's office issued a report stemming from the controversial development that would have created 13 lots adjacent to the landfill along Lanvale Road and 13 lots over the dumpsite that was closed in 1980.

Wilmington West Land Co. had filed a preliminary plat with the Brunswick County Planning Department in December for the project called Between the Creeks, an area bordered by the runs of Rice's Creek and Sturgeon Creek just south of King Road in the Leland community. The plat map showed a cul-de-sac and roadway leading to the old landfill site with 13 lots plotted on top of the former county dumping ground.

Brunswick County Planning Director John Harvey said he called the agent representing the company, registered surveyor Jack G. Stocks, to ask if he was aware that the area was a former landfill. Harvey said Stocks

answered that he did know about the history of the land but that the company he represents "had bought it and had to sell it."

Stocks said Monday that the company had planned to sell the lots as garden or recreational space for buyers in the planned subdivision. The company never intended to sell those lots as building space, he said.

"They didn't plan to have a subdivision there," Stocks said. "They thought it might be used for a garden. You know how everyone is always saying that they wish they had space for a garden? But after reading the regulations, that part was scratched. They never had any intention of making lots there."

In a memo to County Manager David Clegg on Dec. 28, Harvey expressed his concern that the company planned to develop the land. When word began to spread about the proposed selling of lots on the dumpsite, it began a series of correspondences between the county, the N.C. Solid and Hazardous Waste Management Branch and the state attorney general's office.

According to reports received by the county, there is nothing in the state statutes or state administrative code that would prohibit the selling of lots on a former land-

fill site. However, there are specific regulations concerning what type of building or digging can be done on a former landfill's surface.

"They still have it (landfill) intact as part of a larger piece of land," Stocks said. "They don't have any plans for it right now."

County Leased Landfill

Brunswick County operated the landfill from 1974 to 1980. In 1985 it was listed as a potential hazardous waste site by the U.S. Environmental Protection Agency after it was discovered that asphalt and oil had possibly been dumped there. According to a report filed by the EPA in February 1985, once the landfill became inactive in 1980 its ownership reverted back to International Paper Co.

The EPA report said that part of the landfill was operated as an open dump with unrestricted access.

"It is also reported that the trenches are unlined and that old asphalt and old drums were put into the landfill," the report states.

It was placed on the "Superfund List" of the state's Solid Waste Management Division of the N.C. Department of Environment, Health and Natural

Resources as a likely hazardous toxic waste site that needed to be inspected and possibly cleaned up because of potential groundwater, surface water and soil contamination. The Superfund program uses federal funds to identify and to remove contaminated materials from areas where they pose a threat to persons or the environment.

Sturgeon Creek is approximately 1,000 feet from the dumpsite. When county soil scientists inspected the site in January, they reported there was some evidence of landfill leachate entering a drainage ditch on the back side of two lots in the proposed project.

Project Compromised

In January, the Brunswick County Planning Board approved a preliminary plat for Between the Creeks which includes just the 13 lots with road frontage along Lanvale Road. Those lots will connect to the Leland landfill site and each has a minimum lot size of 20,000 square feet.

The board told the developers that they could not disturb the actual landfill by building a road, cul-de-sac or drainage ditches over the dumpsite as had been planned

(See DEVELOPER, AGE 2-A)

Shallotte Board Cancels Third Straight Meeting

BY DOUG RUTTER

Shallotte Aldermen were forced to cancel their third straight meeting last week because there weren't enough board members present for a quorum.

Mayor Pro Tem Paul Wayne Reeves and Alderman Jody Simmons both missed their third consecutive meeting last Wednesday, leaving the town board one person short of the majority that is needed to conduct business.

Mayor Sarah Tripp and Aldermen Wilton Harrelson and David Gause waited at the town hall for 30 minutes before canceling the regular meeting.

Reeves, who was unavailable for comment last week, apparently has missed the meetings due to illness. Simmons said business commitments have prevented him from attending the last three meetings.

Simmons said he missed last week's regular session because of a business meeting that lasted until 8:30 p.m. Town meetings start at 7 p.m. Simmons said he missed the two previous meetings because he was in Raleigh on business.

"I think my attendance record is as good as anybody's," said Simmons, noting that he has missed on-

ly four meetings since he was elected to the town board in 1987.

The Shallotte Board of Aldermen normally would be able to meet with two members absent. But with one vacancy on the five-member board, at least three of the four aldermen must be present to hold a meeting.

The vacancy was created in December when Mrs. Tripp, an alderman at the time, was appointed mayor. She took the place of Jerry Jones, who resigned as mayor after he was elected to the Brunswick County Board of Commissioners.

Ellis Hankins, general counsel with the N.C. League of Municipalities, said there is nothing in state law that requires elected town officials to attend board meetings.

He said it's up to the town board to appoint someone to the vacant seat, but the board cannot make any appointments without a majority of its members present. "There's nothing a board can do in the absence of a quorum."

Due to the recent absences, the town board hasn't held an official meeting since Jan. 2, leaving a number of items unresolved for the last two months.

(See THIRD, Page 2-A)

Holden Beach Policeman Resigns, Gets Back Pay

BY DOUG RUTTER

A Holden Beach police officer who was convicted of trespassing earlier this year has resigned from the police force and will receive more than four months of back pay.

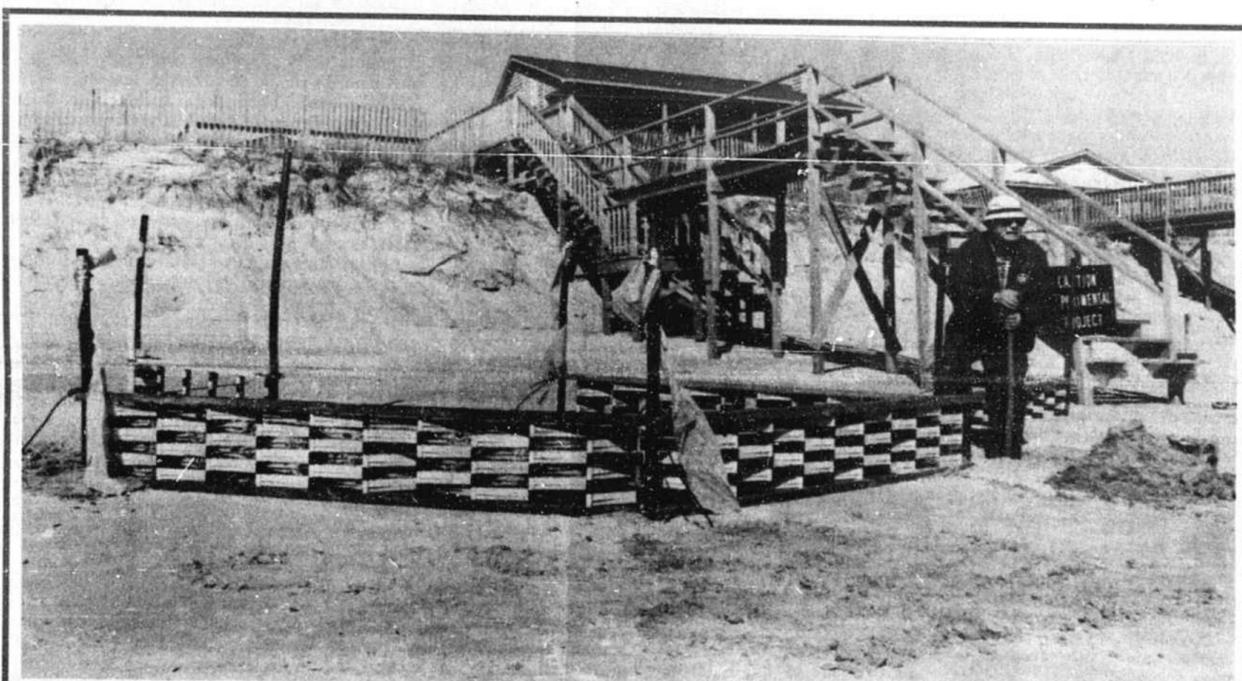
Officer Gary Dancy resigned his post with the town effective Feb. 8. The three-year veteran of the police force was found guilty of trespassing last month in Brunswick County Superior Court.

Holden Beach Commissioners accepted the resignation at a special meeting last Wednesday. In what

was described as a "compromise," the board agreed to give Dancy his regular pay from the time he was suspended until the date of his resignation.

The police officer was suspended without pay last September and remained on suspension until he resigned. Based on Dancy's \$17,808 annual salary and the length of his suspension, the town will pay him \$6,684 in gross back pay.

Dancy, who had worked for the police department since July 1987, (See HOLDEN, Page 2-A)



WILLIAM MUMAUGH (right) says he's pleased with the success of his patented Sand Saver at Holden Beach. STAFF PHOTO BY EDDIE SWEAT

Sand Saver Designer Pleased With Holden Beach Experiment

BY DOUG RUTTER

The inventor of a beach-enhancing device known as Sand Saver says he is pleased with results of a recent experiment at Holden Beach, even though a storm washed away the sand that piled up during his stay.

William Mumaugh, president of Mumaugh Machining Mfg. Inc. of Bluffton, Ohio, described the weekend experiment with his patented strand-building device as a success.

Sand Saver was tested Feb. 16-18 on the beach adjacent to 591 Ocean Blvd. West at Holden Beach. "I was pleased with it," Mumaugh said. "It had picked up, I figure, five inches of sand."

Unfortunately, Mumaugh said he learned that the sand pile that built up during his experiment eroded shortly after he left the island.

The Sand Saver, which the inventor said is made out of scrap recycled plastic, consists of two eight-foot-long wings that rest on the strand.

Mumaugh said both of the wings have "fins" on them, which open when ocean water rushes in and close to trap sand when the water recedes.

The device is tied to plastic posts that anchor it to the beach. The Sand Saver also is wired to boards that are buried in the sand.

Mumaugh said he ran into bad weather the weekend the device was tested at Holden Beach. The wind was strong and the ocean was rough.

"I was told we got in there at one of the roughest parts of the tides," Mumaugh said. "That is the worst case scenario for testing."

The nasty weather made it difficult to anchor the system. At one point, Mumaugh said one section of the device washed about a mile down the beach.

"I will say it will work," Mumaugh said. "We do have to modify it and find a better way of anchoring it into the ground."

Holden Beach Mayor John Tandy said he didn't get to see the device while it was being tested. The town provided Mumaugh's lodging while he was in town and obtained the necessary state permit.

"When you're talking about property, you've got to try something that might save it," Tandy said. "Somewhere along the line you're going to find something that works."

Mumaugh said he's been developing the device for about 1 1/2 years and will continue to improve on it. "I think it's going to work. It needs a little primping up I guess."

The inventor said a neighbor in Ohio owns a home on a canal at Holden Beach. That was the reason he ended up experimenting on the Brunswick County barrier island.

He said the device also has been tested at Virginia Beach and along the Gulf coast of Florida. He said the experiment in Florida was cut short when someone tried to steal the Sand Saver.

If the Sand Saver doesn't catch on, Mumaugh said he's working on another item that may be of interest to coastal residents.

The inventor said he's developed lumber that is made from scrap plastic and can be used for rafters, furniture, picnic tables, playground equipment and other projects.

Mumaugh said the plastic lumber hasn't been approved for building yet, but he said it will never rot like real wood and never has to be painted. "The salt doesn't affect it at all," he said.

Britt Refuses To Reconsider; Bridge Case Headed Into U.S. Appeals Court

BY SUSAN USHER

A federal judge last week refused to reconsider his earlier order halting construction of a planned high-rise bridge at Sunset Beach, prompting state and federal transportation agencies to appeal.

In a judgment filed Feb. 21 in Raleigh, U.S. District Judge W. Earl Britt denied all three requests included in the motion for reconsideration that was filed Jan. 4 by the U.S. Department of Transportation. Details of the judgment were not available Tuesday.

As a result of Britt's decision, said Bill Jones, spokesman for the N.C. Department of Transportation, the transportation agen-

cies are appealing Britt's original order to the U.S. 4th Circuit Court of Appeals in Richmond, Va.

DOT attorneys have been told to expect oral arguments to be heard "at least within six months," he said. Meanwhile, all parties are preparing briefs and the case has not been placed yet on the appeals court calendar.

Work on the bridge remains stopped pending the outcome of the court case.

Citing inadequacies in the original environmental study made in the mid 1970s, Britt's original order directed the transportation agencies to complete a new, full envi-

ronmental study on the impact of the bridge. It also voided all existing permits for the \$11.1 million project, which means the state will have to reapply for project permits from various state and federal agencies.

Last week Britt denied all three requests included in the defense's motion for reconsideration. The motion had asked the judge:

1) to strike the order voiding all permits, saying the court did not have the right to void them;

2) to excuse the federal and state transportation agencies from preparing an environmental impact study, at least as it affect-

ed endangered species and their habitat. Instead, the agency wanted to file a biological assessment and re-evaluation; and

3) to not require the agencies to prepare an evaluation relating to the potential impact of the bridge on recreational use of the oceanfront beach. Instead, the agency wanted the U.S. Secretary of Transportation to determine if the beach qualified as a protected resource and if so, whether the bridge project would constitute a use of that resource. That way, the brief noted, "the administrative record would be available for review."

The State Board of Transportation,

which meets Friday in Raleigh, is expected to approve the addition of another \$100,000 to the budget for the bridge project. Jones said the money is to be used "for legal fees and any environmental work that has to be done."

The budget request was submitted before Britt's decision was announced, said Jones.

The lawsuit against the state and federal transportation agencies and their administrators was filed last October by the Sunset Beach Taxpayers Association and eight individual plaintiffs.