

Calabash Zoning Rules Are Valid, Says State Attorney General

BY DOUG RUTTER

N.C. Attorney General Lacy Thornburg says Calabash's zoning ordinances are valid and enforceable outside the town even though proper procedures weren't followed in appointing certain members to the planning board.

Town officials received the legal opinion from Raleigh Tuesday afternoon, clearing up a mess that started when two appointments were publicly challenged at a board of commissioners' meeting Feb. 12.

The controversy involved the appointment of Bob Crocker and Bill Rate to serve on the planning board as representatives of the extraterritorial area (ETA), which extends about one mile from the town limits.

The two men have been serving on the board since last February, when town commissioners reorganized the makeup of the planning board to account for the consolidation of the old Town of Calabash and the

Carolina Shores community. In recent years, Calabash's governing body has recommended planning board appointments from the ETA, and those recommendations typically were approved by the Brunswick County Board of Commissioners.

State statute gives the county commissioners the right to appoint people from the ETA on planning boards in towns that exercise their right to extraterritorial jurisdiction.

However, the Brunswick County Board of Commissioners had never approved the appointment of Crocker and Rate to the planning board last year. County Commission Chairman Kelly Holden said the county didn't receive a resolution from the town requesting the appointments until last month.

State law gives the county commission 90 days from the time it receives the resolution to appoint the planning board members. The county board has not yet

acted on the appointments. Calabash Town Attorney Mike Ramos said last month that the town's elected board has always appointed planning board representatives from the ETA and then sent their names to the county board for final approval.

Ramos said the failure to send the names to the county the last time around was an oversight, caused in part by the fact that both men had served on the board before.

In his March 5 letter to the town attorney, Thornburg wrote that "any recent irregularity in the makeup of the planning agency would not invalidate an otherwise valid zoning ordinance or its application to a ETA area."

The attorney general noted that his opinion was based on the fact that the planning board's duties set forth in state statute do not encroach on the legislative

authority of the town commission to enact a zoning ordinance.

Ramos said last month that he believed any action taken by the planning board over the past year were valid because the only role of the board is to make recommendations to town commissioners.

The town attorney said at the time that he thought the whole issue was brought up just so somebody could question the validity of the town's efforts to enforce zoning regulations in the ETA.

William Earl Benton, who lives and runs a business in the ETA, raised the issue of planning board appointments Feb. 12. He said appointment of the ETA representatives hadn't been done according to state law.

Benton, who was forced to remove two off-premises signs promoting his business because they violated a town ordinance, said he wanted somebody to represent him on the planning board.

Calabash Grants Variances For Golf Course Signs

BY DOUG RUTTER

The Calabash Board of Adjustment has granted two variances from the sign ordinance, allowing one golf course to keep a illegal sign through the summer and another course to put back two illegal signs that were removed last year.

The board—making its first rulings since the town started enforcing its 1982 sign ordinance last year—granted variances requested by Carolina Shores Golf Course and Ocean Harbour Golf Links Tuesday night.

Carolina Shores will be allowed to keep the words "pro shop" on a sign at the corner of N.C. 179 and Country Club Drive through Labor Day. At that time, the words "pro shop" will be removed and replaced with the word "entrance."

Ocean Harbour was granted a variance allowing two signs to be erected on N.C. 179

for a period of two years. One sign will be put up near the state line and the other near the Calabash River bridge.

The board of adjustment heard testimony in both cases Feb. 13. At the time, golf course representatives argued that signs are desperately needed to keep pace in the region's competitive golf industry.

In both cases, the town had asked the golf course to remove off-premises signs, which are prohibited under the town code. An off-premise sign is one that isn't located on the same property as the business it's promoting.

Prior to discussing the cases and making decisions Tuesday, the town board of adjustment met in executive session for 20 minutes at the request of Town Attorney Mike Ramos.

Carolina Shores

Carolina Shores had requested a vari-

ance to allow the continued use of off-premises signs at both ends of Country Club Drive. The board of adjustment ruled on the sign at N.C. 179, but didn't rule on the sign beside U.S. 17.

Board Chairman George Anderson said he understood that the state would ask Carolina Shores to remove the sign on U.S. 17 in the near future since it is located in the highway right of way.

Ray Card, a member of the board of adjustment, said he drives by the sign on N.C. 179 every day and doesn't find it offensive. "It's a nice-looking sign. It's in harmony with the community and the environment."

Shallotte attorney Mason Anderson, representing American Golf Corp. which owns Carolina Shores Golf Course, said the course was purchased many years ago with the agreement that sign easements

would be available. The lawyer said signs are needed to direct visitors from Myrtle Beach, S.C. "We're asking for your help and we do need it," Anderson said. "We do feel that it is important to the success of the course."

Ocean Harbour

Ocean Harbour developer Odell Williamson requested the variance because the golf course is relatively new and golfers don't know where it's located.

The course, which is located off N.C. 179 between Calabash and Sunset Beach, took down four signs last year and asked to put two of them back up.

Williamson said signs are needed to get people to the course. "We believe if we can get them here, they're going to come back because we've got a nice facility," he said. "We need to get them there one time and

let them see what we've got." Board member Phyllis Manning made the motion to grant the variance, saying the course is new and needs the exposure. "It would result in an undue hardship because it's off the beaten path," she said.

Card agreed. "It's very tough to see that course," he said. "It probably has less exposure than Carolina Shores."

Anderson, the board's chairman, cast the only vote against the variance for Ocean Harbour. He said he wasn't convinced the lack of signs constituted an undue hardship, but said he would have granted a variance for one sign.

Williamson said he wouldn't ask for a renewal of the variance once the two years expires. He said two years will give him time to find appropriate sites for the signs outside the town's jurisdiction.

Sunset Council Learns Development Of Sewer Project Drawn-Out Process

BY SUSAN USHER

Turning of dirt for a sewer system at Sunset Beach could begin in as little as two years or as many as five years, depending on how several variables come together, a state official told town council members Monday night.

With that in mind, council members voted to start the process immediately by having the town send a letter before one program's March 31 cut-off date requesting a spot on a priority list for funding.

At a workshop Tuesday, March 12 at 7:30 p.m. at the town hall, council members and consulting engineer Phil Norris of Andrew & Kuske will explore in greater detail alternative systems, the possible cost and means of paying for the system.

"Even if everything goes smoothly, it takes a considerable length of time," said Coy Batten, assistant chief of the construction grants and loans section of the N.C. Division of Environment, Health and Natural Resources environmental unit.

He encouraged the town to consider spray irrigation on area golf course turf, a possibility the town is already looking into. "I understand they need a lot of water in this sandy area, probably an inch a week year-round. They can use your wastewater if its treated well enough first."

He warned the town to expect opposition, for environmental or other reasons. "Some residents may be satisfied with what they have, some may not want anyone else to come."

"You need the majority of people to support you because it won't be smooth sailing."

Opposition to the project could slow or even shelve the project, as did the discovery of an endangered freshwater spiny mussel on Little River. "I hope you don't have any," said Batten.

A proposed high-rise bridge to Sunset Beach has been delayed, at the least, through legal action by the Sunset Beach Taxpayers and others that resulted in a judge ordering a more thorough study of the project's potential environmental impact. Work on the project has halted pending hearing of an appeal.

Batten was invited to discuss with council members sources of state and federal funding for municipal wastewater treatment systems and the steps involved in applying for any available loans or grants.

Batten works with two such funding programs, a revolving loan fund that now uses primarily federal Environmental Protection Agency funds and another fund utilizing state monies. The application process, deadlines, guidelines, funding and payback schedules differ, Batten indicated.

Typically the loans and/or grants are used in combination with other revenue sources that might include tap-on fees, frontage assessments and bond revenues.

The town is eligible to seek, on a competitive basis, low-interest loans that would cover all current wastewater treatment needs as well as those projected for the next 20 years.

Maximum loans available are \$7.5 million under the federal program and \$3 million under the state. The state also can make grants of up to \$500,000. However, said Batten of the state program, "Unless some funds are put in the program, though, there's no need to apply," said Batten.

Typically the loans cannot be paid back through property tax revenues, but are to be paid back with other sources, such as user charges, half-cent sales tax revenues and possibly

"Even if everything goes smoothly, it takes a considerable length of time."

—Coy Batten, Assistant Chief Construction Grants and Loans

accommodations tax revenues.

Land acquisition can be funded under the state program, but not the federal.

The town's effort to gain a spot on the priority list for the federal program will be based on a point system that takes into account local water quality, health-related concerns, financial need, whether the community is operating under any state orders, proximity of the target community to shellfishing waters and whether the project ties into a regional system.

Should the town make the list it would then update the local 201 Facilities Plan as it relates to Sunset Beach and complete an engineering study of alternatives as part of the actual application and award process.

Batten also encouraged the town to also examine loan and grant programs available through Farmers Home Administration.

Other Business

In other business the council:

■After meeting briefly behind closed doors, voted a 5 percent pay raise for Police Chief J.B. Buell, from \$25,500 to \$26,775 annually, effective April 1. Town Administrator Linda Fluegel said the town's hiring agreement with the chief called for a six months' review of the department, with the increase in pay if the town found substantive improvement. "The entire council had to agree there had been a great change," she said.

■Voted to spend \$1,400 to replace the riser on the westernmost of the Twin Lakes, as requested by the Twin Lakes Residents Conservation Association.

■Because of the Easter holiday, rescheduled their April 1 meeting to March 25 at 7:30 p.m.

■After a public hearing at which no comments were heard, zoned Pelican Shopping Center as mainland business 1 (MB-1).

■Learned that member Bud Scramton has agreed to serve as the town's representative on the Brun-

wick County Emergency Medical Services Advisory Board.

■Approved, on the recommendation of the town planning board, preliminary and final plats for Oyster Point, Phase 1 (formerly Marsh Point), a 68-lot, single-family development.

■Learned that during February the town issued five building permits for single-family residences and one for a duplex, with a combined valuation of \$420,80; plus a mobile home, additions, remodeling, repairs, docks and decks. The inspector collected \$1,075 in fees for work valued at \$451,480.

■Expressed support for the town's inclusion in a bill that would pro-

vide for assessments by municipalities not only for dredging of canals but also for bulkhead work.

■Learned from Chief Buell that returning recovered stolen property to appropriate homeowners has been difficult because much of the property is not identifiable. He and Officer Anna Redmond will talk with members of the Sunset Beach Taxpayers Association at their Easter weekend meeting about a project to mark items with owners' driver's license numbers.

■Authorized the mayor to write state legislators asking that the state not reduce funding to municipalities, as requested by the N. C. League of Municipalities.

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Deputies Answer 1,101 Calls

Brunswick County sheriff's deputies answered 1,101 calls in January, recovered property valued at \$167 and made 459 investigations, according to a report from the department.

Eighty-two of the calls related to domestic disturbances.

Officers made 65 arrests as prosecuting witness, including two arrests on drunk and disruptive charges.

Deputies summoned 248 witnesses and served 611 civil papers, 352 local warrants, 13 foreign warrants and four mental and inebriate papers were served. Nine doors or windows were found open.

Deputies spent 341 hours in court on duty and 25 hours in court off duty.

Departmental vehicles logged 98,536 miles and used 6,968 gallons of fuel. Officers made 17 trips out of the county and logged 1,586 miles on the transport van.

During January 44 crime prevention meetings were held.

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