

COMMISSIONERS ENTER DISPUTE

County ABC Board Gets Answers

BY TERRY POPE

Brunswick County commissioners entered the brewing controversy Monday over the opening of a new county-owned ABC store near Oak Island.

"I think they got what they wanted," said Commission Chairman Kelly Holden. "They got us all to comment now, and it's a part of the public record."

Brunswick County's Alcoholic Beverage Control Board sent a letter to commissioners asking if the ABC board should pursue a "full county system." Commissioners seemed puzzled over what the ABC board specifically asked.

Last month, the ABC board posted a notice of intent to locate a liquor store at a building formerly occupied by a United Carolina Bank branch office at River Run Shopping Center on Long Beach Road.

The board voted to put on hold its request for the new store after Oak Island towns and Southport raised opposition over potential lost revenues by its existing ABC stores.

Long Beach officials have asked that a local bill be introduced by State Rep. David Redwine to the N.C. General Assembly banning any county from building an ABC store within seven miles of an existing municipally-operated liquor store.

The county opened its first ABC store last year on Holden Beach Road (N.C. 130) south of Shallotte.

"Thirty-five to 40 percent of Shallotte's ABC revenues have been taken away because of the Holden Beach store," said District 2 Commissioner Jerry Jones.

As to the ABC board's question, Jones replied, "We have a full county system already established, don't we?"

District 3 Commissioner Gene Pinkerton also read the letter carefully.

"There's so much controversy that they're asking, 'What are you charging us to do?'" he added. "As far as establishing a full county system, I think that's what the voters of this county approved."

In November 1989, county residents went to the polls and voted in favor of countywide alcoholic beverage sales. Prior to the vote, only towns that chose to have ABC boards could operate liquor stores and benefit from their proceeds.

When the Holden Beach Road store proved profitable this year, the

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—Frankie Rabon
County Commissioner

county ABC board decided to open a second store on Long Beach Road.

However, Jones advised the ABC board Monday to tread lightly.

"I'd like for them to take a hard look at the building of any new stores," Jones said.

District 2 Commissioner Frankie Rabon said he thought the 1989 vote of the people mandated a full county system.

"Wherever you establish an ABC store, you're going to compete," Rabon said. "That's already been done. I think that's what the people in this county voted for."

ABC stores are businesses, Holden added, and should be viewed as such. A question the county ABC board should ask when considering a new store is, "What impact are you going to have on existing stores?"

The ABC board has written to Forsyth County's ABC board for information on merging county and municipal boards, said County Manager David Clegg.

Clegg, who served as clerk to the board for a year, resigned that position last week.

"I felt I could better serve the board as county manager and county attorney," Clegg said.

Holden Beach store manager Dorothy Kelly has been appointed as clerk to the board, Clegg said.

Other Business

In other business, commissioners:

Met six Emergency Medical Technicians (EMTs) hired by the county's Emergency Medical Services program to operate rescue squads when volunteers are not available. Holly Waicott, Kevin Muiholland, Glenda Warren, Terri Davis, Mark Gore and Ernest Coleman will undergo paramedic training, said EMS Supervisor Doug Ledgett.

Heard from Roscoe Butler, board member for Four-County Head Start in Brunswick County, that without the county's endorsement the program cannot apply for certain state and federal block grants. The Head Start program is losing potential

funds to programs in other counties, Butler said.

Watched a slide presentation on the Interstate 40 Blitz, a promotional campaign to help bring tourists to Brunswick County's beaches. Volunteers and members of the South Brunswick Islands and Southport-Oak Island Chambers of Commerce took to I-40 last month, stopping in towns from Asheville to Wilmington to talk about the county.

Released the N.C. Eastern Municipal Power Agency of \$142,502 and Southern Bell of \$56,465 in tax payments, as recommendation by Tax Supervisor Boyd Williamson. A state error caused the Power Agency figure to be off while an in-house clerical error caused a wrong figure for Southern Bell, Williamson said. The figures had not been budgeted so a shortfall will not be noted, he added.

Set a public hearing for May 13, 7 p.m., to review the assessment roll for residents of the Jennifer subdivision, a Special Assessment District near Leland that will be receiving county water.

Adopted a resolution declaring May 5-11 as Small Business Week in Brunswick County.

Took no action on a state request to reclassify positions for the county health director and social services director which includes a state salary increase.

Approved a resolution from the Resources Development Commission to modify the Leland Industrial Park's waste water treatment plant's state permit to accept pretreated wastes from any industry locating outside the industrial park.

Denied a request from Parks and Recreation Director Bobby Jones requesting that park managers be allowed to drive county-owned vehicles home.

Took no action on a request from Shallotte Police Chief Rodney Gause for a used sheriff's patrol car.

'Lady' Avoids Death Sentence

A Brunswick County Superior Court case that turned into a dogfight is close to being over. Lady, who was given the death sentence in February, may be going home.

The alleged female pit and boxer mixed which has been behind bars since Dec. 28 could be freed if its owner, Steve Simmons of Ash, agrees to build a 380-square-foot pen to confine the dog.

The dog, who is 10, had been facing death for leaving her owner's property and biting two people, a warrant states.

A Brunswick County Superior Court judge last week ordered that the dog be returned to its owner if certain demands are met after Simmons pleaded guilty to allowing a vicious dog to run at large.

Brunswick County Animal Control Supervisor Zelma Babson said the dog has bitten two people and is deemed a vicious animal. According to the warrant, Simmons allowed the dog to leave his property when not accompanied by a responsible adult and not restrained on a leash, resulting in the biting of two people.

In February, Brunswick County District Court Judge Napoleon "Poli" Barefoot Jr. handed down the death sentence by ordering that Lady be destroyed after finding Simmons guilty as charged. That verdict and Simmons' conviction were appealed to Superior Court.

Last Thursday, Superior Court Judge Gregory A.

Weeks accepted Simmons' guilty plea and ordered that he pay any kennel fees owed to the Brunswick County Animal Control through Feb. 11.

Ms. Babson said Monday the dog remained in custody of animal control workers, awaiting an order from the court for its release pending construction of the dog pen. Lady's bill for room and board is around \$149, she added.

Judge Weeks sentenced Simmons to 30 days in jail, a sentence that was suspended. He ordered that the dog, if released, be kept in the enclosed area on the Simmons' property.

In an unusual situation in Superior Court in March, Judge Giles R. Clark denied a bond motion for Lady and ordered that she remain on death row while Simmons awaited trial.

Shallotte Attorney William Powell, representing the Simmons family, filed that motion, arguing that the dog does not have any pit bull blood in its lineage. The family claimed that under the circumstances, no law existed to allow a judge to order that the dog be destroyed.

The motion stated that Simmons admitted that the dog has bitten several people in the past, but with the exception of the last incident those bites had occurred on the Simmons' property. The bites occurred when Lady had just given birth to a litter of puppies or was being attacked and harassed by the person bitten, it claims.

Longwood Man Gets 37-Years In Burglary

A 91-year-old woman described for a Brunswick County Superior Court jury last week how she was hit on the head and robbed of around \$1,100 during a break-in at her home in January.

One of the three men charged in that robbery was sentenced last Thursday to 37 years in prison after the jury took 20 minutes to reach a verdict of guilty on three charges.

Melvin Asbern Whaley, 23, of Longwood, was sentenced by Judge Gregory A. Weeks to 25 years in prison for first-degree burglary, 10 years for larceny after breaking and entering and two years for assault inflicting serious injury. His attorney, Kevin Whitehart, filed notice that he will appeal the case.

Whaley and two other men were indicted by a Brunswick County grand jury in February for the Jan. 30 break-in and robbery. Also charged were Robert Jefferson Collins, of Route 1, Ash, and Norman Marshall Gore, 29, of Ash.

The indictments accused the men of breaking into the elderly woman's home between midnight and 5:30 a.m. and hitting her over the head with a metal flashlight which "resulted in serious injury, including bruises on her face and head, requiring medical treatment," it states.

In Superior Court in February, Collins pleaded guilty to first-degree burglary and common law robbery in an agreement with the District Attorney's office. Collins testified against Whaley in court last week.

Collins faces a possible maximum of 40 years and a mandatory minimum of 14 years in prison. He will be sentenced May 20 or after Gore stands trial.

When Collins entered a guilty plea to the charges in February, District Attorney Rex Gore read a statement in court that Collins had provided to detectives working the case.

It told of how the three men had planned to break into the woman's house where they thought she kept about \$6,000. The woman was half-blind and didn't trust banks, making it "an easy score," Collins' statement read.

Collins stated that Whaley didn't want to go inside because he knew the elderly woman and that he would

be identified. The statement explained how Collins and Gore had allegedly cut the screen on a window and broke in while the woman was inside.

When the woman approached, Gore pointed a flashlight in the woman's eyes while Collins grabbed her and held his hand across her mouth, telling her that she would not be hurt if she didn't scream, Collins stated.

Gore allegedly hit the woman on the head with the flashlight when she refused to tell them where her money was kept, Collins stated.

Whaley had also been charged with second-degree kidnapping, but Judge Weeks dismissed that charge at the close of state's evidence.

The judge also ordered that Whaley not benefit as a committed youthful offender. Whaley faced a possible maximum of life in prison on the first-degree burglary charge.

Judge Weeks also heard the following cases in Superior Court last week:

George David Wray, 36, of Route 1, Currie, was sentenced to one year in prison for habitual impaired driving and ordered to enroll in a drug and alcohol rehabilitation treatment (DART) program administered by the State Department of Corrections. Wray was charged Dec. 16 with his fourth offense of driving while impaired within the past seven years, according to an indictment. He was credited for time served and ordered to pay \$275 in attorney fees.

Lavance Brown, 23, of Route 2, Leland, was placed under six months house arrest, given a 10-year suspended sentence and five years' supervised probation after pleading guilty to possession with intent to sell and deliver cocaine and selling cocaine. He was fined \$250, ordered to pay \$700 in attorney fees, ordered to serve 100 hours community service and submit to drug tests.

Gary Douglas King, of Long Beach, was sentenced to seven days in jail on weekends, starting at 8 a.m., April 20, after pleading guilty to driving while impaired and speeding 76 mph in a 55 mph zone. King was given a 12-month suspended sentence, placed on supervised probation for two years, fined \$500 and ordered not to operate a motor vehicle until properly licensed.

Democrats Elect Officers

(Continued From Page 1-A)

ative action and it ought to be shifted back the same way."

May Moore, outgoing vice-chairman of the party, was one of a few who favored four-year terms.

"The problems of the Democratic party do not stem from a two-year or four-year term," said Ms. Moore, noting the expenses involved in running a campaign every two years. "We will be better off having a four-year term and making sure that the Democratic party will get out and support our candidates."

Two-year terms return the elections to the people, added Mark Lewis. Republicans have gained in elections locally because of the charisma of national candidates, he added.

"They may fool some of the people some of the time, but they can't fool them every two years," Lewis said.

If the change is made, three candidates for the Board of Commissioners (Districts 1, 3 and 4) will be elected to two-year terms in 1992. In 1994, all five seats would be up

for election.

School Issues

In a close vote, 35-27, delegates voted to recommend that school board races remain partisan.

Franklin Randolph, who served two terms as a non-partisan member on the school board, wants it returned that way.

"The minute that it was made partisan, that's when hell broke loose," Randolph said. "I think it's best for the children."

Delegates also voted to recommend two-year terms for the school board. Both Randolph and Williamson spoke against the change. Williamson even entered a substitute motion favoring four-year terms before the vote was taken.

"If board members are elected every two years, they'll walk a chalk line from the beginning to the end," Randolph said.

The party also voted overwhelmingly to ask that Redwine introduce a local bill to make the changes rather than have them placed on the ballot.

New Leader

"I've had all kinds of surprises in the same day," said Hart, after he was elected party chairman. "Most of the people don't know me, but I'm a hard-shell Democrat."

Hart, a native of the county, has spent much of his life in the North before returning to Boiling Spring Lakes to live.

"I'm Tar Heel born and Tar Heel bred," Hart said. "I just came back home to live."

Peterson presented Hart with a plaque.

"He exemplifies what it is to be a dedicated Democrat," said Peterson. "He has prodded, pushed and caajoled over the past two years. He understands that sometimes you've got to push people to get things done."

Hart was elected chairman over Vernon Ward by 13 votes.

"Mr. Ward is a good man," said Hart. "He and I can work together."

Weather Forecast Wasn't Available

The South Brunswick Islands weather report and forecast that appears weekly in *The Brunswick Beacon* wasn't available this week because Shallotte Point meteorologist Jackson Canady was out of town.

The weather report will be included in next week's issue.

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