

COUNTY CLAIMS CO-OWNERSHIP

Panel To Study Northern Library Dispute

BY TERRY POPE

Two Brunswick County Commissioners will meet with Southport officials in a move to restructure the county's library system and get construction underway on a new northern branch.

Commissioners agreed last month to have County Attorney David Clegg study the conflict that has the town of Leland and the Brunswick County Library Board of Trustees deadlocked over who should be responsible for building a new \$217,000 branch in Leland.

"It has reached a time where this board has to make a move," said Chairman Kelly Holden, who asked Monday that District 2 Commissioner Jerry Jones and District 3 Commissioner Gene Pinkerton serve as liaisons.

The board voted unanimously to have the two meet with representatives from Southport's Board of Aldermen and to report back to commissioners. Southport is expected to name members to the panel at its meeting tonight (Thursday), said Pinkerton.

In a memo to commissioners, Clegg advised the board that the county and city of Southport are "joint owners" of the current library system.

"I'm not saying my opinions are

written in stone," said Clegg. "There are many, many holes."

While he refused to release the memo to the press, saying it involved "attorney-client matters" between him and the board, Clegg did summarize its main points following Monday's meeting. It details information found in commission minutes dating back to 1959.

"There are too many significant events of which there are no records," added Clegg, who reached the following conclusions:

■ Brunswick County and the city of Southport are co-owners of the present library system;

■ A northern branch, the three-acre site donated by Leland and funds collected to build the library are owned by the county and Southport;

■ All library employees are jointly employed by Southport and the county;

■ Southport's branch library is co-owned by the county and Southport; and

■ Charlotte's West Brunswick branch library is owned by the town of Shallotte.

Last month, library trustees, of which six are appointed by Southport and six by county commissioners, refused to turn the northern area project over to the town of Leland to build. State Library Director

Howard McGinn told trustees that library boards cannot legally own land or assume responsibility for building libraries.

According to Clegg, operation of the library system began Aug. 3, 1959, when a Brunswick County Library Committee requested funds and membership to operate a system. The matter never came up again at the county level until August 1965, when commissioners were approached to help construct a new library branch in Southport.

The board's name was then established as the Southport/Brunswick County Library Board of Trustees, but at no point was a resolution adopted stating what rules the board would operate under, said Clegg. Therefore, its current operational laws are those established by the state for county-town library systems, which provides for co-ownership, he added.

Commissioners gave Charlotte \$15,000 to help construct the West Brunswick Branch in Shallotte, which was built by the Friends of the West Brunswick Library. The Friends then decided the building to the town on Sept. 14, 1977, provided that it be continuously used as a library branch.

But the Southport branch was decided in 1966 to the library

trustees, instead of the town, said Clegg. The land for the Leland area library was decided to the trustees in 1990. By law, both sites are now co-owned by the county and the city of Southport, Clegg advised.

County commissioners have donated \$20,000 to the northern library project while the state has given the building committee a \$50,000 grant. Leland Mayor Russell Baldwin told trustees that the grant would be lost if construction is not underway by Dec. 31.

"I don't think it's realistic to think the grant will necessarily be lost on Dec. 31," said Clegg. "There's nothing written down on that date."

But commissioners have indicated they want the matter resolved in December.

In 95 other North Carolina counties, libraries are operated as a department of county government. Commissioners have hinted that once the northern library project is underway, the county may form its own board, separate from the town of Southport.

"We've got to get it built, whatever it takes," said District 5 Commissioner Donald Shaw.

Holden said Southport Mayor C.B. "Cash" Caroon has agreed to appoint members to the panel to try to resolve the library dispute.



STAFF PHOTO BY DOUG BUTTER

Frosty Bananas

Mack Foster of Holden Beach harvested this bunch of bananas that was growing on a tree in his back yard to protect them from the cold Monday night, when the temperature dipped into the 30s. Foster is hoping the green bananas will ripen inside.

Calabash Sets Public Forums

Two public hearings are scheduled Tuesday, Nov. 12, as the town of Calabash moves to approve several proposed zoning changes.

A 5:30 p.m. forum will allow residents to voice opinions before the Board of Adjustment about a proposed variance to the town zoning ordinance.

At 6 p.m., the town board of commissioners will hear public opinions about requested revisions to correct the zoning ordinance.

Both hearings, and the regular commissioners meeting at 7 p.m., will take place in Calabash Town Hall.

Ed Schaak, town building inspector, said that Ocean Side Corporation is seeking a variance that would allow it to keep Cedar Tree subdivision under the town's original requirements for building and zoning.

Cedar Tree is in Calabash's extra-territorial area (ETA), but was not at the time of its development.

Residents within the town's ETA do not pay town taxes, but must comply with all town building code provisions and zoning ordinances. They have representation on the town's Board of Adjustment and Planning Board.

Schaak said that this is a matter

of "making sure the proper paperwork is done."

"There should be no problem I believe they'll (Board of Adjustment members) grant the variance," he said.

Zoning Corrections Considered

A few errors were made in zoning particular areas of Calabash for different types of dwellings, said Schaak.

Previously, some areas were zoned MFH, which means that only double-wide mobile homes and stick-built houses could be built in those neighborhoods.

"That's a higher class than the area warrants," Schaak said.

Some single-wides exist as part of a grandfather clause, but if they were destroyed, the owner would be obliged to build only what the area allows.

Schaak said that this is not fair, and was done in error, so the proposed areas may be re-zoned to MFH2, which allows all three types of dwellings.

"It's just to remove undue burden to landowners," he said.

Schaak estimates that only three areas should need to be changed, but he did not specify where those areas are located.

Shallotte Man's Truck Hit With Gunfire

BY TERRY POPE

A Shallotte man's truck was hit by five bullets early Saturday during a chase down N.C. 211 near Supply.

The victim told Brunswick County Sheriff's Deputy Charles Wilson that three vehicles chased after his vehicle as he was driving from Bolton to Shallotte around 2:30 a.m.

Someone from the vehicles fired shots at his 1981 Chevrolet truck, hitting it once in the left side, three times in the tailgate and once in the rear glass, Wilson reported.

Damage was estimated at \$600.

The victim gave officers a description of two vehicles and could not see the third, Wilson said. The chase continued onto U.S. 17 south of Supply.

The case is still under investigation.

In other reports on file at the sheriff's department:

- Officers say it was a calm Halloween night (last Thursday) in Brunswick County. In one incident, a Barefoot Bay resident reported his mobile home was dented and his car damaged by vandals who threw some eggs around 11:30 p.m. The couple was lying in bed when they heard something hit the side of their mobile home, reported Deputy Richard Long.
- Halloween decorations valued at

CRIME REPORT

\$100 were stolen from a home on Rampart Street in Leland sometime Saturday, reported Deputy Pete Moore. Five plywood figures—a pumpkin, ghost, cat, witch and pumpkin with a cat attached—were taken from a front yard in the Westover subdivision.

At another Rampart Street home, someone stole a 20-inch bicycle valued at \$300 from a front yard Friday, reported Deputy Steve Mason.

It will cost \$450 to replace a window at the Sea Trail Plantation and Golf Course information booth, broken by a thrown rock sometime Friday, Deputy Phil Bryant reported.

An employee of the Hardee's restaurant in Southport said someone cut two tires on his vehicle in the parking lot Friday, causing \$150 in damage, reported Deputy Marshall Evans.

■ Officers said two trucks were stolen last week. A 1991 Nissan pickup, valued at \$14,000, was taken from a home in Pickett Ridge subdivision at Leland between Oct. 31 and Nov. 2, reported Mason. Also, a 1989 Nissan, valued at \$6,500, was reported stolen from a Lakewood Estates home near Ocean Isle sometime between Oct. 28 and Nov. 1.

■ Clothes and a battery, all worth \$96, were taken from a car left on the shoulder of Boone's Neck Road south of Shallotte Saturday, reported Wilson. Someone broke the rear window, causing \$150 in damage.

■ Three homeowners at Seabreeze Estates, off of N.C. 130 east of Shallotte, reported their homes had been burglarized. At one, someone broke a window but took nothing, causing \$200 in damage, Deputy Patti Hewett reported. At another home, a front door was pried open between Oct. 28 and Nov. 1. A \$500 television and \$25 flashlight were taken. Damage was \$350.

A Gastonia man said someone broke into his home at Seabreeze between Oct. 26 and Nov. 2. An estimated \$1,119 in appliances were taken, Long reported.

■ Office and computer equipment worth an estimated \$16,600 was stolen during a break-in at Ocean Isle Interiors on N.C. 904 at Seaside Friday, Bryant reported. Damage was \$250 to a front door that had been pried open. A computer, a portable computer, printers, a copy machine and calculators were taken.

■ Burglars removed an air conditioner to gain entry to Ma and Pa's Restaurant on N.C. 179 late Friday and left with \$10 in quarters, Bryant reported.

■ Clothing worth \$300 was stolen from a home on N.C. 130 east of

Shallotte Saturday while the victim was away cutting firewood, reported Wilson.

■ A burglar was caught breaking into the Ocean Isle Seafood Market on N.C. 179 Saturday. The suspect was pulled from a broken window by someone on the scene, but the man broke free and left in a car described as a 1977 or 1978 Thunderbird or Cougar, Wilson reported. Damage was \$100.

■ A dining table and four chairs, valued at \$1,100, were stolen from a Red Oak Estates home at Hooper Hill near Leland Sunday, reported Mason.

■ Burglars took a \$50 fan and caused \$300 in damage to a home in Shoreline Estates during a break-in between Aug. 2 and Oct. 17, reported Ms. Hewett.

■ Thieves took an estimated \$1,840 in kitchen appliances and caused \$850 in damage at a home on Holly Street in Leland between Oct. 27 and Nov. 1, Ms. Hewett reported. Someone broke a window to gain entry.

■ A homeowner in Quail Haven, off of Kirby Road surprised a burglar early Saturday after the suspect used a hammer to shatter a window during an attempted break-in. Deputy J.R. Earp Jr. reported. The suspect fled the scene in a Chevrolet truck when the resident approached.

Leland Man To Face Second-Degree Murder Charge

BY TERRY POPE

A Leland man accused of fatally shooting another man in the Lincoln Primary School parking lot Oct. 3 may face trial on a second-degree murder charge in Brunswick County Superior Court.

James Glenn Maynard, 28, of the Long subdivision, was charged Oct. 4 with first-degree murder after he allegedly fired a shotgun during an argument over a girlfriend, hitting the victim in the face.

Killed was Alex Dale "Baby Hewey" Hewett, 25, of Route 5, Leland. A pellet from the 20-gauge shotgun also hit Hewett's friend, Darrell Wooten of Leland, in the hand, causing him to lose a finger, said Brunswick County Sheriff's Detective Ken Messer.

At a probable cause hearing in Brunswick County District Court last Wednesday, Judge D. Jack Hooks Jr. ruled that Maynard should face trial on charges of second-degree murder and felonious assault with a deadly weapon with intent to kill inflicting

serious injury. A grand jury will now hear evidence and decide whether to indict Maynard on the charges.

Hooks also found Maynard guilty of possession of a weapon on school grounds and sentenced him to two years in prison. Bond was set for Maynard at \$60,000.

Assistant District Attorney Ola Lewis asked that Hooks place Maynard under \$500,000 bond. He had been held without bond after Hewett died on Oct. 4, when an assault charge was changed to first-degree murder.

"We feel Mr. Maynard is a threat to the community," said Ms. Lewis.

Hooks ordered that, if released from the Brunswick County Jail, Maynard should not leave the county without permission and is to have no contact with Wooten.

Defense attorney Roy Trest of Shallotte argued that Maynard never intended to hit the victim with the shotgun blast.

"He intended to fire a shot to scare them," said Trest.

For a first-degree murder charge, said Trest, the state must prove the shooting was premeditated. Hooks agreed that probable cause did not exist for first-degree murder.

First-degree murder carries a punishment of death or life in prison, while second-degree murder carries a minimum of 15 years and up to 50 years or even life in prison.

At the hearing, SBI Agent Kelly Moser testified that Maynard, who did not flee from the scene, also did not appear to be on drugs or under the influence of alcohol following the shooting.

"He was upset, nervous, very talkative," said Moser.

Maynard told Moser that he wanted to fire a shot into the air to scare Hewett.

"He said that he meant to shoot the weapon," said Moser, "but that he didn't intend to shoot the victim."

Ms. Lewis asked for a first-degree murder charge, stating that the shooting was premeditated because May-

nard had to walk over to his vehicle, get the gun and return to the victim where the fatal shot was fired.

Hewett was shot once in the face and lower neck area around 6:30 p.m. He died the following morning in New Hanover Regional Medical Center in Wilmington.

Wooten was at the scene as a friend of the victim, said Messer, and was not involved in the shooting. Trest said Wooten was shot in the hand as he grabbed the gun.

There was no scheduled activity at the school when the shooting occurred, said Messer.

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