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FOR FORMER COUNTY COMMISSIONER

Subdivision Restriction Lifted

BY TERRY POPE

Residents carried a number of complaints to Brunswick County Commissioners Monday, but it was a former commissioner who got what he wanted when a subdivision restriction was lifted.

The board voted 4-1 to override a Brunswick County Planning Board decision at the request of a former District 2 commissioner, Benny Ludlum. Ludlum is developing a 16-lot subdivision on Oxpen Road (S.R. 1140) near Holden Beach.

Chairman Kelly Holden voted no. "I still contend that it's a planning board matter and should be handled by the planning board," said Holden. "We're opening up a Pandora's box."

According to Ludlum, the planning board placed a restriction on the lots in July 1986, stating that each would require turnarounds to avoid the backing of cars onto the busy highway.

"If it's a county ordinance, I have no problem with it," said Ludlum.

No other subdivisions on Oxpen Road have the requirement, and the sale of two lots was riding on removal of the restriction, Ludlum said.

"It was put on subdivisions as late as the last regular meeting," said Planning Director John Harvey.

When Holden asked if the current subdivision ordinance gives planning board members power to add the restriction, Harvey noted, "I would have to go no further

than the preamble, sir."

The N.C. Department of Transportation encourages service roads or turnarounds to help cut down on accidents along busy roads.

But District 5 Commissioner Donald Shaw, who made the motion to waive the requirement, said all land on Oxpen Road should be treated the same.

"There's an injustice here," he added.

Holden recommended that Ludlum carry his complaint back to the planning board.

"I know what's going to happen when it goes back," Ludlum replied. "It's not in the ordinance. Nobody should have that much authority to put something on a map."

District 4 Commissioner Frankie Rabon said he is opposed to any subdivision requirements and that persons should have the right to do what they want with their land.

"At the same time, I don't want to just single him (Ludlum) out," added Rabon. "We'll have people coming to us for other things. I don't want to send this back, when we're going to get it right back again."

County Manager David Clegg said persons can appeal planning board action to commissioners, who have the final say.

"But I don't ever recall having an appeal," he added.

Other subdivisions along Oxpen Road may have been (See SUBDIVISION, Page 2-A)



BENNY LUDLUM (right) addresses the Brunswick County Board of Commissioners, which voted 4-1 Monday to lift a subdivision restriction for the former commissioner. Looking on are Commissioners Donald Shaw (left) and Gene Pinkerton. STAFF PHOTO BY TERRY POPE

Pinkerton Won't Run In '92; Holden Reappointed Chairman

BY TERRY POPE

Saying he needs to devote more time to his growing business, District 3 Brunswick County Commissioner Gene Pinkerton told his fellow board members Monday that he will not seek re-election in 1992.

The announcement came at the close of the meeting where the board voted unanimously to reappoint District 1 Commissioner Kelly Holden as chairman and District 2 Commissioner Jerry Jones as vice chairman for the upcoming year.

An emotional Holden also hinted Monday that he may not seek reelection next year, but Pinkerton said his decision is final.

"Having the opportunity to serve on this board has been one of the most exciting, challenging and humbling

experiences for me," said Pinkerton.

In his prepared statement, Pinkerton labeled himself as an "outspoken advocate" on important issues facing Brunswick County and said he would miss public office.

"But as Brunswick County has grown, so has my personal business interests," he added. "The office of county commissioner should not be taken unless taken very seriously."

Pinkerton, of Long Beach, was elected to the board in 1988 over Democratic incumbent Jim Poole by just 192 votes. At the time, he was a political newcomer.

Having to run every two years for office, Pinkerton noted, wasn't a factor in his decision not to seek re-election.

County residents voted last month to elect commissioners and school board candidates every two years instead of having them serve staggered, four-year terms.

Starting with 1992, all seats will be up for election every two years.

"I've timed the announcement prior to the beginning of filing for office," Pinkerton said, in hopes that "an experienced, business-oriented candidate will emerge" and win his seat on the board.

"I can now plan for the future, both professionally and personally," he added.

An emotional Holden read a somewhat confusing statement to the board after Pinkerton's announcement.

With his voice breaking at times, Holden said he wanted to thank County Manager David Clegg for his excellent work and for "going beyond the call of duty" as both county manager and county attorney.

The self-employed businessman and farmer also named the wives of each board member and paid tribute

to them for "helping with our schedules and receiving the wrath of the taxpayers" who often complain.

But Holden's statement stopped short of an announcement that he would not run in 1992. By an overwhelming margin, he was elected to the board in 1988 over Democratic incumbent Chris Chappell and appointed chairman last December.

His statement Monday praised the work of the board during the past three years, adding that "if other counties are not envious of us, they should be."

Commissioners "have maintained dialogue with fellow board members," limited executive sessions to less than one hour total, and learned to both agree and disagree on issues and still maintain a working relationship in the past three years, he added.

"I value your friendship," said Holden. In reference to being appointed chairman, he added, "Thanks for renewing your confidence in me."



PINKERTON



HOLDEN



STAFF PHOTO BY DOUG RUTTER

Wanted: Trojan Fans

Marshall Seay, West Brunswick High School head football coach, says he wants a good turnout from the community Friday when the Trojans travel to Elizabethtown to challenge East Bladen in the eastern 2-A finals. Instead of following the game on the radio, "they need to be there," he said, to cheer like these West Brunswick fans waving Trojan flags (above) did last Friday when West grabbed a 12-6 playoff victory in Whiteville. The winner of this week's match advances to the state championship Dec. 14 in Chapel Hill. Check Sports for details of the action, Pages 8-B and 9-B.

State Wants Marina Docks Removed

BY DOUG RUTTER

A state environmental agency filed a lawsuit last week seeking the removal of more than 600 feet of dock space at Calabash Marina that was built without permission.

The N.C. Department of Environment, Health and Natural Resources is seeking two injunctions that would require marina owner Jimmy High to get rid of the floating docks and prevent him from building any more.

N.C. Associate Attorney General David Heeter filed the complaint Nov. 26 in Brunswick County Superior Court. The state wants the docks removed within 14 days of the issuance of an injunction.

State officials say the marina had about 200 feet of fixed dock, and High added 620 feet of floating dock without obtaining a CAMA permit. The original dock was permitted in 1986.

The additional 620 feet of dock space was discovered during a Feb. 22 site inspection, according to the complaint.

The N.C. Division of Coastal Management issued a notice of violation around March 25 for adding on to the existing marina dock without a permit.

State officials gave High until

May 31 to remove the pier, docks and pilings, but they were not removed, according to the complaint.

A continuing notice of violation was served Aug. 25, but the complaint says the area was still not restored.

Jim Herstine, district manager with the Division of Coastal Management, said High violated the state's Coastal Area Management Act (CAMA) and Dredge and Fill Act when he had the dock system expanded.

CAMA prohibits people from undertaking any major development, such as dock construction, in places designated as Areas of Environmental Concern without first obtaining a permit.

Herstine said the Dredge and Fill Act prohibits excavating or filling in any estuarine waters, tidelands and marshlands without a state permit.

The complaint says the public's "use and enjoyment" of the Calabash River and access rights of the adjacent landowners can only be returned by a court order requiring removal of the docks.

Herstine said the owner requested the additional 620 feet of dock in the original permit. But the state wouldn't allow it because it would

have infringed on the rights of neighboring property owners.

Anyone who owns waterfront property is guaranteed access to the water from their own land, Herstine said. But they aren't allowed to build outside their "access corridor" without permission from adjacent landowners.

The state contends in its complaint that construction of the additional pier, docks and pilings obstructed access from an adjacent lot and interfered with access from two other lots.

Besides the state, the Army Corps of Engineers also has asked High to remove the dock, saying it extends into the federally-maintained channel in Calabash River.

Lt. Col. Thomas Suermann, district engineer with the Corps in Wilmington, said the fixed dock was expanded without a federal permit, according to an April 8 letter to High.

Suermann didn't state in the letter whether the Corps would take legal action to force removal of the dock.

"If the results of the state's enforcement action are determined to satisfy the federal interests in this matter, we will recommend that the U.S. Attorney's office close your file," he wrote.

After-Thanksgiving Sales Leave Most Local Merchants In Smiles

BY DORI C. GURGANUS

Despite the depressing news on radio and television announcing that shopowners should be prepared for a record low in holiday sales, Brunswick County businesses appear to be avoiding that fate.

However, local merchants say shoppers are looking for good prices, with most leaning toward practical purchases over luxury items.

Six of seven local businesses surveyed this week gave positive reports of a good after-Thanksgiving weekend, with most saying that sales this year have surpassed those of last year.

The Friday after Thanksgiving is traditionally one of the biggest shopping days of the year and is considered a sales trend indicator for the entire holiday season.

Chris Lee, son of Terry and Evelyn Lee who own Surf Connection on Holden Beach, said that sales were "real good" and that sweatshirts and shorts sold better than any other items in the store.

Part of that boost may have been from the unusually warm weekend temperatures that surprised visitors, he

said, or the big Thanksgiving sale the store was having. "Business was bad until we had this sale," Lee said, agreeing that the recession is encouraging shoppers to wait and buy items when they go on sale.

Vicky Jones, owner of Victoria's Ragpatch stores in Ocean Isle Beach, Calabash and Myrtle Beach, said that she has noticed the trend toward bargains, too.

"The economy was bad, but we worked around what the customer wanted," she said. She annually holds an after-Thanksgiving sale, and last Friday morning witnessed shoppers lined up around her Ocean Isle location, waiting for the doors to open.

"It was unreal, but everybody had a good time," she said of the crowds.

"The key was a good sale," Ms. Jones continued, "and because of that we doubled our figures from last Thanksgiving."

Clothing also did well for A.T. Carringer's of Shallotte, where Manager Trish Hockaday reported that their Thanksgiving sale did well for the store.

Al Matthews, manager of Kerr Drugs in Shallotte,

predicts that useful items will be the big seller this season.

Functional items such as toasters—"I've been selling the heck out of them," he said, and other kitchen appliances are moving quickly. But the hot luxury items from last year, stereos and portable radios or "jamboxes" were not selling.

Even Christmas decorations were not selling as quickly as last year, he said, but overall his store did well over the holiday.

"Since Labor Day, when sales usually slow down, I've been increasing daily up to 17 percent, and I'm a little surprised," said Matthews.

The owner of a Calabash jewelry store could relate to Matthews' prediction that functional items would outsell luxury items this season.

Owner Mike Abushakra of The Gold and Silver Connection said that he "could have done a little better," but that this season was also the first time he'd stayed open into the Christmas holiday.

"I've been here seven years, and these are the worst

sales yet," Abushakra said. "The recession is hurting not only me, but the whole country."

He said that he knew his jewelry would not be selling as quickly due to it being a luxury, not a necessity.

However, not all stores reported the same experience.

Stores that sell curios and collectable items did very well according to reports from The Mole Hole and Carson's Cards and Gifts.

Diane Kligman, sales clerk for The Mole Hole in Calabash, said that the staff was "very pleased with this weekend," and that they had indeed surpassed last year's sales records.

"We've been here two years and last Friday must have been the best day we've ever had," Ms. Kligman reported.

One item that sold like the proverbial hotcakes was the "Singing Santa," a musical trinket for the door which sings when people approach.

"That was really hot for us," Ms. Kligman said, "and

(See MERCHANTS, PAGE 2-A)