

Bridgetenders 'Doing Their Job' When Span Opens On Demand

BY SUSAN USHER

When is an apparent pleasure boat not a pleasure boat? When the captain says it's a commercial vessel. That's the situation bridgetenders with the N.C. Department of Transportation find themselves facing not only at the Sunset Beach Bridge, but at other bridges across the state that follow an hourly opening schedule. At Sunset Beach, the pontoon bridge swings open to pleasure craft on the hour from 7 a.m. to 7 p.m., and on demand from 7 p.m. to 7 a.m. By law it must open even from 7 a.m. to 7 p.m. on demand to commercial or government vessels, or in an emergency. The awkwardness of the rules situation was brought home last week when the Sunset Beach VFD was responding to a fire on the island. A scan of the Atlantic Intracoastal Waterway showed only a "pleasure boat" on the water approaching the bridge, so firefighters didn't think they needed to call ahead and alert the brid-

getender of their imminent crossing. Arriving at the bridge, they found it had opened to allow passage of what they thought was a pleasure craft. "It's the same way up and down the coast," said Robert Cox, district bridge maintenance superintendent. "By law we can't question whether they are commercial or pleasure. If a boat comes up and ID's itself as a commercial vessel, we have to let them through. The bridgetenders are just doing their job." "A lot of people make a living taking people fishing on their yachts." The bridge is required to post signs noting that it opens on demand to government and commercial vessels. An approaching boat captain can contact the bridgetender by radio, horn or flag. If the contact is by radio, the tender advises that the bridge opens on the hour for pleasure boats.

"Just as soon as they hear that, they say, 'Well, I'm a commercial craft.'" What the bridgetenders can, and on occasion, do is write up a "report of violation" on a vessel they suspect is not what it claims to be; any vessel that is commercial is supposed to be licensed as such. Then it is up to the Coast Guard to investigate. If the boat is licensed in North Carolina, the local Coast Guard looks into it; if not, the complaint may never be investigated, said Cox. The bridge division typically never hears back if the vessel is commercial. The only exception in this area of which Cox is aware was at Wrightsville Beach a few years ago, when the division was notified it did not have to open on demand for the vessel. None of the reports turned in from the Sunset Beach Bridge have resulted in such a determination. "We're just trying to do the best we can," said Cox. "There's no way to win, whatsoever." When the tender opens the bridge for what appears

to be a pleasure boat, highway motorists get irritated. When boat captains are questioned about whether their vessels are commercial, that prompts ire as well. The situation has improved since the state went to the hourly openings for pleasure craft three or four years ago, Cox indicated. Back then, the openings were "a constant thing all day long." "The system works, but it's not a perfect solution," he concluded. A partial solution to the problem, he suggested, would be to change the boat identification numbers for commercial vessels licensed in North Carolina, perhaps requiring visibly larger numbers on the boat or using a different color, red instead of black. Then bridgetenders could tell on sight which vessels are commercial or pleasure. That wouldn't help, though, with boats registered out of state.

THE BRUNSWICK BEACON

12/31/99
HOAG & SONS BOOK BINDERY
P.O. BOX 162
SPRINGPORT MI 49284

Thirtieth Year, Number 36

©1992 THE BRUNSWICK BEACON

Shallotte, North Carolina, Thursday, July 9, 1992

50¢ Per Copy

40 Pages, 3 Sections, 1 Insert



America's Favorite Couple

Sarah Hayes and Tyler Pendry of Trinity portrayed Miss Liberty and Uncle Sam in the Scotland Street Parade at Ocean Isle Beach Saturday. Story and photos about Independence Day celebrations in Brunswick County are on Page 6-A.

IN SIX DAYS

Three Deaths Ruled Suicide, Fourth Called An Attempt

Three Brunswick County residents are dead and another was in critical condition Tuesday after four apparent suicides within six days. Authorities believe three men shot themselves in the head and another jumped off a bridge in four unrelated incidents in Leland, Yaupon Beach and Ash. Herman Hicks, 68, of Yaupon Beach remained in the trauma unit at New Hanover Regional Medical Center Tuesday after shooting himself twice in the head last Thursday (July 2), according to Police Chief Aubrey Hickman. Hicks was found by his son on the bedroom floor of their home at 214 Norton St., Hickman said. A .32-cal-

iber semi-automatic pistol was found nearby. Hicks had apparently aimed high and grazed his head with the first shot, then fired another, Hickman said. The son told police that Hicks had moved to the area from Jamestown about five months ago and had been very depressed recently, the chief said. The State Bureau of Investigation and the Brunswick County Sheriff's Department helped Yaupon Beach examine the scene of the shooting. There was no evidence that the wounds were not self-inflicted, Hickman said. At about 7:30 a.m. Monday, sher-

iff's deputies answered a 911 call from a trailer at Lot 11 of the Shadow Oaks Mobile Home Park off Mount Misery Road in Leland, according to Capt. Phil Perry. They found Kenneth W. Stewart laying face-up across his bed with a .22-caliber pistol nearby. There was evidence he had been drinking, Perry said. Perry said an autopsy Tuesday indicated that Stewart died of a self-inflicted gunshot wound to the head. Just one week before his 23rd birthday, Donald Lee Daniels of Route 1, Ash, was found dead of an apparent self-inflicted gunshot wound to the head, Perry said. (See POLICE, Page 2-A)

Consultant Offers To Revise Wording Of Land Use Plan

BY ERIC CARLSON

The author of a draft land use plan criticized for its comments on mobile home dwellers explained, but came short of apologizing for, his comments at a requested appearance before the Brunswick County Commissioners Monday. Planning consultant Glenn Harbeck of Wilmington had been asked to explain the remark at the commissioners' meeting after several mobile home owners came to a Brunswick County Planning Board meeting to take issue with his description. Commissioners said they had received numerous phone calls from residents of manufactured housing who complained about the statements made by the consultant hired by the county to update its CAMA land use plan.

Background material in the plan described mobile home residents as generally poorer and less educated than owners of stick-built houses. The information was prelude to a policy statement recommending that the county diversify its housing to include more single- and multi-family homes, especially in areas expected to become urban or suburban within 10 years. "I'm glad the plan got some attention," Harbeck told the board. "I'm just sorry it got attention in this manner."

"I don't think he changed his mind. He was more sorry about it being published than about saying it."

—Patty Young
Mobile home owner

Harbeck emphasized that the remarks were made in a preliminary draft of the plan and "were not intended to be critical of people who live in different types of housing." He said he was willing to revise the plan "to strike any language anyone might find offensive." The draft plan had been targeted for planning board review, Harbeck said, "to get input before public distribution." The planning department provided copies of the proposed update to area newspapers, which published excerpts from the plan. The land use plan notes that more than 4,000 of the 5,000 building permits issued for residential structures in 1991 were for the placement of manufactured housing, or mobile homes.

"From an economic development perspective, it is an unfortunate truism that the occupants of manufactured homes are less educated and have lower incomes, on average, than occupants of site-built, single-family homes," the draft stated. "The addition of this many mobile homes has implications for the county's tax base, education and quality of the labor force." Criticism also has been leveled at Harbeck for statements in the plan calling for more golf courses, marinas, oceanfront resorts and equestrian facilities rather than "cheap t-shirt shops, fast food outlets and other low-end attractions." Harbeck said the remarks were not intended to discourage the latter, but to encourage the former. He said the comments reflected a planning board goal of making sure Brunswick County does not rely completely on a "subsistence level" economy. "The planning board's concern was, if tourism is going to be a major economic force in the county, how can we make tourism better for the citizens of the county?" Harbeck said. "We're not encouraging high-dollar attractions for the tourists instead of the locals. We want to emphasize

(See LAND, Page 2-A)

Four Injured In Bypass Accident

BY DOUG RUTTER

Four people received minor injuries in a three-car accident last week at the intersection of the U.S. 17 Shallotte bypass and N.C. 130. The wreck happened last Thursday at 8:30 p.m. when a vehicle traveling south on the bypass failed to stop for a red light, according to police. A 1984 Nissan collided with a 1985 Toyota that was crossing the bypass on N.C. 130, knocking it into another vehicle stopped at the intersection. "It could have been a real nasty accident," said Shallotte Police Ptl. Ray Altizer. "If the impact had occurred a split second sooner, we could have had a fatality." It was the fourth serious accident at the dangerous crossroad, which was the site of a double fatality last fall. State transportation officials plan to build an overpass there by 1996. Following last week's wreck, Altizer charged Patrick H. McMahon, 21, of Bombay, N.Y., with failure to stop for a red light. He was driving a Nissan south on the bypass, according to the officer's report. The Nissan 300ZX struck a Toyota driven by Bobby Gene Inman, 22, of Route 1, Longwood. Inman's vehicle was headed west on N.C. 130. After the initial impact, the Toyota collided with a 1983 Isuzu pickup truck driven by Roy Vance Morgan, 50, of Route 1, Winnabow. Morgan's truck

was stopped on N.C. 130 on the west side of the intersection. Altizer said some cantaloupes in the back of Morgan's truck spilled out on the highway on impact. "They had a mess up there," he said. Inman, Morgan and one passenger in each of their vehicles were injured. All four were treated at The Brunswick Hospital in Supply. Altizer said all three vehicles were totaled in the wreck, which was the seventh to occur at the intersection since the bypass opened last May. In all four of the serious accidents there, vehicles traveling on the bypass have failed to stop for a red light. "It's a top concern for us," Altizer said of the intersection. "It's a major accident point, and it's getting worse with the traffic." On Nov. 1, 1991, Steve Smith of Ash and Misty Carmichael of Shallotte were killed when a log truck ran a red light and hit cars they were driving. The deaths fueled community support for an overpass at the intersection, which was discussed but never included in plans for the long-awaited bypass. The N.C. Department of Transportation has since made safety improvements at the crossroad and plans to build an overpass so N.C. 130 goes over U.S. 17. Construction isn't expected to begin until early 1994, however, and the interchange will take 18 months to build.

Supreme Court Ruling Affects Local Land, Beach Access Measure

BY LYNN CARLSON

A U.S. Supreme Court ruling last week strengthening private property rights could have profound implications for coastal property owners. It also could have a chilling effect on the future of a state bill designed to codify common law guaranteeing public access to the "dry-sand beach" between the toe of the dunes and the high-tide mark. The court ruled that a South Carolina oceanfront property owner was due compensation by the state, which two years after the man paid nearly \$1 million for two lots, enacted legislation rendering them unbuildable because they were subject to erosion. The majority opinion said the state had violated the owner's Fifth Amendment rights—not to have property taken for public use without just compensation—unless it can show that restraints on the property existed under law when it was purchased. The ruling was obscured by the more controversial Supreme Court abortion ruling, also issued last Friday. In a column published Sunday, conservative writer George Will said the Supreme Court ruling "strengthened

the right that is most important for the protection of privacy—the right to private property." Daniel McLawhorn, special deputy attorney general for the N.C. Department of Justice, said that while the Supreme Court's ruling was based on a South Carolina law involving a "different, broader type of beach zone," its principles might be applied the same to a bill currently before two committees of the N.C. Senate. That bill, authored by Rep. Bruce Ethridge, D-Carteret, seeks to codify, or put into written law, the common law premise that while the public owns the beach from the high-tide mark to the ocean, it also has an access right to the "dry-sand beach" between the "first line of stable natural vegetation" and the high-tide mark. According to McLawhorn, the high court "has said it's not going to pay much attention to such declarations, but to the law that underlies them." The question, he explained, is whether it can be established that such common law exists. Rep. David Redwine, D-Brunswick, said that while the House, which passed the access bill before the

Supreme Court ruling came down, has not debated the ruling's effect on the bill, he's hearing from oceanfront property owners back home who fear they could lose the right to replenish their dunes when erosion occurs. Consequently, he has submitted an amendment to Sen. R.C. Soles, D-Columbus, "which would make it clear that the bill not be construed to prohibit beach replenishment or revegetation to the extent that it is already allowed under existing statutes." However, the bill is not expected to be acted upon in the current legislative session, which could end later this week. "I've heard some concern from constituents, oceanfront property owners, that where the first line of vegetation is in front of the dune, and the dune goes in a hurricane or northeaster, that once the dune is gone, they would not be able to replenish it and would lose that property to the public." He said his amendment would "clear up the fact that a person would be allowed to get a permit and revegetate his dunes" when they erode. Redwine added, "No one who has expressed con-

cerns to me is in favor of hardening the beach. I've not heard that from anybody, anywhere in the proceedings." He was responding to news articles published earlier this week stating that opponents of the bill wish to amend it to allow such "hardened" erosion control structures as seawalls and jetties. Only lawsuits will establish whether North Carolina property owners who lose property to the public, or who have been denied the right to use their properties, will be eligible for compensation under the Supreme Court ruling. "There's certainly the potential for the it to be applied in North Carolina cases," according to McLawhorn, who said he knows of no specific Brunswick County cases under consideration which would be affected. "While the bill in the Senate takes action in front of the first line of the dune, the South Carolina bill went much further. But the premises are fairly similar." Meanwhile, he added, "I'm sure that people who requested permits to use their property and got turned down will be consulting their lawyers."