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## Ebony rezoning/Dollar General appeal update

Jun 30, 2022

To the Editor:

BACKGROUND: The Brunswick County Board of Supervisors approved 3-2 to rezone a parcel of property from A1-Agriculture to B-1 Business on Jan. 29, 2020 to allow a Dollar General to be built across the road from Ebony General within a farming, residential community, and the heart of historic Ebony. The 2 supervisors who voted against this included the home supervisor, John Zubrod.

Because of the destructive side effects on many levels, an appeal representing the opposition, was filed on Feb. 28, 2020 on the basis that the rezoning was illegal because it was not sufficiently aligned with the Comprehensive Plan and did not follow statutes. The Board's first attempted to defend its alleged illegal decision and fight the appeal was by having the case dismissed with a Demurrer which failed – paying their attorney more than \$100,000 of taxpayers' money (and counting) and wasting a significant amount of time. Multiple offers from the Plaintiff to settle have been rejected by the Board. However, they continue to fight this in court – for ONE possible Dollar General in all of Brunswick County. Is this appropriate use of public funds?

UPDATE: A pre-trial hearing took place on June 3, 2022. It was intended to be used to settle outstanding motions and then set a trial date. The County filed a Motion for Summary Judgment to be heard that day as well – a legal tool to circumvent a trial. The Judge decided to hear that Motion and then based on outcome proceed accordingly. There are two possible outcomes: 1) Judge sustains the Motion for the County and case is dismissed or 2) Judge denies the Motion and parties proceed on the path to trial. Plaintiffs' claims that survived Demurrer preventing the cases from being dismissed are the same claims that are being "tried" using the Motion for Summary Judgment.

There was no decision rendered on June 3. The Judge asked both parties to complete follow up assignments in support of their respective positions, pertinent to ruling on the motion. The court will then issue a decision in writing. This could be as early of mid August or it might take longer.

Hope remains that, based on new information provided, one of the three supervisors who voted in favor of rezoning may voluntarily change their mind and join Supervisors Zubrod and Bernard Jones on settling and stopping the litigation. We don't have to sacrifice Ebony to apply what we have learned since the vote 2 years ago – a decision that may well have been different if all of the Supervisors had understood then what has been clarified with the Demurrer.

For more information about the background, appeal case, and donations please visit <https://keepebonycountry.org/>. And stay connected via the Facebook page: Keep Ebony Country

Thanks to all who have continued to support efforts to save the Ebony community from inappropriate and destructive commercialization and to help prevent this from happening to other areas of the county.

Sincerely,

Anne and Al Hartley

Ebony Preservation Group