

County Contends Single Water System Intended

BY SUSAN USHER

In a Jan. 23 answer to a complaint filed in U.S. District Court in Wilmington by Pfizer Inc., Brunswick County contends that it has always intended to develop a single county system with all users paying their fair share of the cost.

According to the answer, the controversy between the county and Pfizer concerns: 1) whether the county water system is one system or two separate systems; and 2) whether Pfizer can refuse to pay what everyone else in the county

pays for their water on a non-discriminatory basis.

In its "friendly" suit filed Dec. 13, 1984, Pfizer argues that the controversy is over the methodology used to calculate the water rate charged to Pfizer by the county.

After the county threatened to cut off its water supply for non-payment, last Dec. 13 Pfizer paid the county \$106,939.76 under protest and sought a court interpretation of its water billing. Since July 1983 it had withheld a portion of each water billing on the contention that the sum

represented charges associated with Phase 2 and that, under its agreement with the county, it should not be charged for costs other than those associated with Phases 1 and 1-A.

The county's answer denies all major allegations of the Pfizer complaint, which contends the county breached its water service agreement by charging the firm costs associated with the Phase 2 expansion of the county water system and by threatening to cut off the plant's water supply if Pfizer did not pay its account in full.

Pfizer has asked the court for a declaratory judgment that would limit the rates charged it for water to the debt service, operating and maintenance costs associated with the Phase 1 and 1-A systems, require delivery of water to Pfizer from Phase 1 and 1-A only; and require an accounting of the methods used by the county to determine the water rates charged to Pfizer.

It seeks recovery of any sum due it "as a result of overcharges" by the county and for damages sustained by what Pfizer alleges was a breach by

the county of its contractual obligations to provide the firm water "in an economical and efficient manner."

In turn, the county asks the court to enter a judgment declaring that the rates charged to Pfizer be the same as the rates charged to other customers of essentially the same character and receiving the same service; that Pfizer receive its water, "as do all other water customers" from the unified county water system, and that Pfizer pay its fair share for the water.

It asks that all costs of the action be

paid by Pfizer and that Pfizer recover nothing from the county.

"From the period 1973 to date, the plan has always been to have one Brunswick County Water System, supported by all users, on a non-discriminatory basis," states the answer filed by attorney Roddey M. Ligon Jr. for the county.

The county denies that rates charged Pfizer since July 1983 reflect operating and maintenance costs relating to the Phase 2 water system. Rather, it says the rates reflect the (See SINGLE, Page 2-A)

Beacon Upheld In Suit

The Brunswick Beacon's copyright infringement suit against another Shallotte newspaper, The Brunswick Free Press, was upheld in a memorandum and recommendation filed in U.S. District Court in Wilmington last Wednesday.

U.S. Magistrate Charles K. McCotter Jr., who heard oral arguments on motions for summary judgment on behalf of both newspapers Aug. 30, concluded in the Jan. 22 recommendation that:

"The Free Press had not successfully attacked the underpinnings of the validity of the Beacon's copyright registration and, therefore, the Beacon owns the copyright to the three advertisements cited in the case;

"Because the Free Press published Beacon advertisements without permission, the Free Press has engaged in copyright infringement;

"The Beacon's motion for summary judgment as to the issue of liability of copyright infringement be allowed;

"The Free Press' motion for summary judgment as to the Beacon's claims other than for copyright infringement be allowed;

"The Free Press' counterclaims be dismissed;

"If this action is adopted, only the issue of remedies remains," Magistrate McCotter wrote.

The action provides ten days in which parties may file objections to McCotter's findings and recommendations.

"The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate with instructions," according to the notice received last Thursday by W. Thad Adams III of Charlotte, attorney for the Beacon.

See RECOMMENDATIONS, Page 2-A



REV. NED EADDY describes for members of the Cardinal Health Agency board in Lumberton last Wednesday night the broad-based support behind Beverly Enterprises' plans to locate a nursing home adjacent to

Brunswick Hospital in Supply. A crowd of between 75 and 85 persons from Brunswick County attended the meeting. When asked to stand, it appeared slightly more than half supported the Beverly project.

Board Gives Nod To Beverly

BY SUSAN USHER

A regional health planning board recommended state approval last week of Beverly Enterprises' plan to build a 100-bed nursing home adjoining the Brunswick Hospital in Supply.

"The people of Brunswick County have voted," jubilant Beverly supporter Fred Lesh suggested following the meeting at Cardinal's Lumberton office. Around him other Beverly supporters chatted brightly, hugged each other and shook hands all around before boarding a chartered bus for Supply.

Before an audience of more than 75 Brunswick County residents, the board of directors of Cardinal Health Agency voted 13 to 2 in favor of Beverly's proposal, with two votes cast for a second company, Autumn Corp. of Rocky Mount, and two abstentions. Board members said afterward that community support for a location adjoining the hospital gave Beverly the edge.

Cardinal is the area health planning agency for 15 southeastern North Carolina counties. Its recommendation goes to the N.C. Division of

Facility Services, which will make the final decision on which of six competing firms will receive the certificate of need necessary to build a nursing home in the county. The division has at least 30 days to review the applications. After its decision is announced, applicants will have an opportunity in which to register appeals or protests of that decision.

Cardinal's recommendation upheld that of its evaluation committee a week earlier in Southport. The panel supported Beverly by a 4-2 vote, rejecting a staff recommendation favoring Autumn.

Chairman Lee Pridgen said the board usually agrees with the evaluation committee's recommendation because its members spend more time reviewing the proposals.

For nearly three hours Wednesday, directors listened first to the evaluation committee's recommendation for Beverly and a minority report favoring Autumn; then to proponents of the Autumn Corp. and Beverly proposals.

In a brief question and answer session afterwards, obviously weary members questioned factors such as

the firms' proposed ratios of nursing staff to bed, number of nursing hours per patient and the cost to be charged to patients.

Director Charles Sons declared a conflict of interest and did not participate in the review. He is administrator of Brunswick Hospital and the only Brunswick County representative on the Cardinal board.

Autumn Corp. representative Doug Suddreth argued Wednesday that his firm's plan was most cost-effective, as reflected by its lower charges to patients, and said he planned to continue that argument with the state.

In his minority report, Evaluation Committee Chairman Wayne Burgess also had said he and fellow dissenting voter Wade Avant considered Autumn's proposal the most cost-effective "and that that was more important than the other two factors" of location and community support.

Suddreth said Autumn would advise the state that Beverly was not including all the costs related to construction of its facility in its application. (See CARDINAL, Page 2-A)

DSS Board Narrows Search For Director

BY SUSAN USHER

Interviews to select a new director for the Brunswick County Department of Social Services will be scheduled starting Feb. 20, the social services board decided Monday night.

The department has been without a full-time, permanent director since Nov. 30, 1983, when the board dismissed Director Jamie Orrock on a charge of sexual harassment.

The State Personnel Commission will review Orrock's appeal of that decision Tuesday, Feb. 5, in Raleigh. A hearing officer in the commission office, Barbara Coward, has recommended that he be reinstated with back pay, vacation leave and other benefits. She said that during two days of testimony last summer the department failed to show that Orrock had sexually harassed former DSS employee Donna Hinson. Hinson has alleged that the social services board has entered a protest of that recommendation and asked to be heard further.

If the Commission upholds Ms. Coward's recommendation, its opinion will not be binding upon the social services department, but Orrock has said publicly that he may pursue a binding order through the court system.

Three candidates will be invited for interviews on the 20th, with additional interviews scheduled as needed, board members said. Attending Monday's meeting were Chairman and Acting Director Betty Varnum, Frankie Rabon and Louis "Bobby" Brown. Member Barry Frink was unable to attend because of pressing business, one seat is presently vacant, and board attorney Mary Easley is ill with the flu.

Mrs. Varnum said 17 of the more than 20 applicants for the post were certified by the state as qualified for the position. Applicants have responded from as far away as Mississippi and "up North," board members indicated.

If they are not already aware of the legal situation relating to the director's post, candidates will be made aware of it during the selection process, member and Commissioner Frankie Rabon indicated Monday.

Mrs. Easley could not be reached Tuesday for comment.

Facility Review

Board members reviewed results of the department's annual state inspection of office space and facilities. The inspection report showed that while rated adequate in most areas, the department does not comply with state standards for work space, training room and adequacy of equipment.

"Failure to plan to correct deficiencies could possibly affect federal and state participation in your administrative costs," advised Polly Langston, regional director for the N.C. Department of Human Resources, in a letter to the county commissioners.

Specifically, the report recommended a restructuring of the reception area, saying it is "poorly designed, inadequate and creates congestion." It said office equipment, specifically typewriters and the copy machine, is worn out or in poor repair. While adequate training room space is not available in the department itself, the report noted, the space is available elsewhere at the complex.

The department does not provide a minimum space of 60 square feet per worker, as recommended by the state.

While discussing needs of the department, Bobby Brown asked the staff, "What can we do about that switchboard out there," prompting a rash of comments about how overworked the receptionist is and how overloaded the agency's six incoming telephone lines are.

He and Rabon suggested that along with including plans for meeting state facility standards in the budget, (See DSS BOARD, Page 2-A)

Beacon And Staffers Win Four Press Awards

The Brunswick Beacon captured four awards, including first place for general excellence, in the 1984 newspaper contests sponsored by the North Carolina Press Association.

The awards were presented by Gov. Jim Martin Thursday night at the 60th annual N.C. Newspaper Institute in Chapel Hill.

Other Beacon awards were to the newspaper for its editorial page, first place; to Susan Usher, news editor, and Terry Pope, staff writer, first place for news writing; and to Terry Pope, second place for editorials.

Another Brunswick County newspaper, The State Port Pilot in Southport, won second place for appearance and design. Richard Nubel, the Pilot's news editor, won third place for editorials.

This year's awards bring to 11 the number of N.C. Press Association awards won by the Beacon in the past four years.

The coveted top award for general excellence among newspapers published once a week was accepted by Eddie Sweatt, editor and publisher, on behalf of the entire Beacon staff.

The contests were judged this year

by members of the Kansas Press Association. Here is what the judge of the general excellence category had to say about the Beacon:

"General excellence requires achievement in news coverage, writing, photos, editorials, typography, layout and design, creative and interesting advertising and a multitude of other areas. Your paper is not the best in any of the above fields; there are better entries in each category. But your paper is the highest in all areas—you are high, if not the highest, in each.

"It is a good newspaper, interesting to read, has community oriented features, snappy photographs, creative advertising, and attractive design."

Commenting on the Beacon's editorial page award, the contest judge said: "The Beacon was chosen first because it displayed more of the qualities to be judged. It had the cleanest typography of the finalists by far."

The first-place news story written jointly by Usher and Pope appeared in the issue of the Beacon published while Hurricane Diana was off the coast of Brunswick County.

"There are rare times when a weekly newspaper can match the immediacy of a daily, and rarer still when the weekly takes advantage of a situation to give its readers the optimum in coverage," the contest judge wrote about this entry.

"This account of a 'wobbling' Hurricane Diana, written clearly and thoroughly under intense deadline pressure, stood head and shoulders above other entries in this category.

"The account of one of the biggest news stories ever in the area was

wary in its tone, and provided important information about shelters that no doubt came in handy when Diana doubled back," the judge added.

The reporting was excellent; the writing was well-organized, with good use of quotes, according to the



BEACON STAFFERS include, from left, standing—Eddie Sweatt, editor and publisher; Terry Pope, staff writer; Carolyn Sweatt, publisher; Steve Anderson, pressman; Cindy Morris, advertising representative; and Susan Usher, news editor; seated—Tam-

mie Galloway, typesetter; Cheryl Stanley, advertising representative; and Mary Potts, office manager. Johnny Craig, sports editor, was not present when photo was made.

STAFF PHOTO BY BILL MCCORMAN

contest judge.

The prize-winning editorials written by Pope dealt with actions and antics of the prior board of education in paying \$70,871 to get rid of a superintendent of schools and the conduct of one of the board members at meetings.

Usher and Pope, both Brunswick County natives and school of journalism graduates of the University of N.C. at Chapel Hill, returned to their alma mater Thursday to accept their individual writing awards.

Usher joined the Beacon staff in September 1981 and was promoted to news editor in November 1983, when Pope became a full-time staff writer.

Harry Pickett, a Brunswick County native who at one time wrote for The Beacon and other local newspapers, accepted the first place award for sports coverage in the semi- and tri-weekly division for the Watauga Democrat at Boone. Pickett is on the sports staff of that newspaper.

Another award winner with Brunswick ties is Lynn Early, who was a summer intern at the State Port Pilot in Southport. She won second place for feature writing in The Tribune at Elkin-Jonesville, where she is a staffer.