

Engineering Firm Seeks To Settle Old Lawsuit With New Board

BY ERIC CARLSON

Houston and Associates, the engineering firm that won a breach-of-contract lawsuit against Brunswick County, has offered a letter to call off its plan to ask an appeals court for \$500,000 in additional damages if the county commissioners will agree to pay the company an undisclosed cash settlement.

Durham lawyer Richard Evans said he hand delivered a letter to County Manager/Attorney David Clegg Monday afternoon with what he called "a serious offer" to settle Houston's suit "for less than we want, but for more than the jury awarded."

Following a week of civil court testimony last November, a jury found that the Brunswick Commissioners were wrong when they voted Aug. 5, 1991 to terminate a contract with Houston and Associates to design six water system improvements projects.

But the jury awarded Houston only \$50,000, instead of the \$396,202 the company said it lost as a result of the breached contract.

After the trial, Evans said the company would ask the N.C. Court of Appeals to overturn the award and to grant Houston either the full amount or a new trial on the question of damages. That appeal is about to proceed, Evans said Tuesday.

Evans feels the new Democratic Party majority on the board of commissioners might be more willing to settle the case out of court than were the three former commissioners named in the suit.

"With a change in administration, the new commissioners can deal with this in a businesslike fashion without egos, old grudges, personalities or politics being involved," Evans said.

"It also may be easier without David Clegg," Evans said. "If he had been advising the county that it could not lose this case, it would be less likely for him to advise a settlement. I don't know if he was out on a limb."

Clegg, who was both co-counsel and a witness in the case, turned in his resignation Monday less than an hour after Evans delivered the settlement request. He was in

Charleston, S.C., and unavailable for comment on the matter Tuesday.

Commissioners Chairman Don Warren said Tuesday he had received a copy of Evans' letter to Clegg Monday. But he added, "I don't know what it said."

Despite denying any knowledge of an offer from Houston, he indicated that he might consider settling the case, "If we can settle it cheaper than fighting it in court."

Warren said the county had already incurred more than \$285,000 in legal fees and \$50,000 in damages defending against the suit. He questioned the wisdom of spending "another \$150,000" to contest Houston's appeal with no guarantee that the county would win.

"If we know we've already lost and it's a case we can't win, in my estimation we should settle," Warren said. "I'm inclined to try and come out the cheapest way we can."

Evans said he feels sure the court of appeals will agree that the Brunswick County jury had no basis for

awarding Houston an amount of damages less than the \$396,202 the company claimed it lost. He said an award in Houston's favor would likely include eight percent interest from the time the contract was breached along with court costs.

The county would probably have to spend between \$35,000 and \$80,000 on an appeal, depending on whether or not a new hearing was ordered, Evans said.

"It's possible that before the county knows what hits it, it could face a judgment of \$400,000 to \$500,000," said Evans. "We are asking for considerably less than that amount to avoid my client having to expend the same legal fees."

Evans said the settlement offer was also being made in hopes that Houston and Associates might again be hired by Brunswick County.

"It may help with a new administration," he said. "It may be hard for someone who had a fight with Houston and Associates to award it any more contracts. We want to extend an olive branch and try to get this behind us."

Solid Waste Director Suspended

BY ERIC CARLSON

Brunswick County Landfill/Solid Waste Director Leo Hewett has been suspended from his position, County Personnel Officer Starie Grissitt said Tuesday.

Hewett, 44, of Cedar Grove, was suspended by County Manager/Attorney David Clegg in one of his last official actions before he submitted a letter of resignation to the county commissioners Monday afternoon.

Clegg was in Charleston, S.C., Tuesday and could not be reached for comment on the suspension.

Grissitt said she could not provide any details about why Hewett was suspended.

Under state law, a county employee's personnel file can be examined only by the employee himself or his agent, a supervisor or authorized agents of the state or federal government.

Contacted at his home Tuesday evening, Hewett confirmed that he had been suspended but would not

comment further about the action.

"I don't know the full story at this moment," Hewett said. "All I know is I've been suspended. When I do know more, I will have something to say."

Hewett has been employed by the county since August, 1978. He held several different positions before being named solid waste director in March 1988. His salary at the time of suspension was \$28,534.

Grissitt would not say if Hewett's suspension was a precursor to dismissal.

Whether or not he is dismissed, Hewett can appeal his suspension to the board of commissioners, which can hear the case or refer it to a three-member advisory personnel board for a recommendation. If not satisfied with the commissioners' decision, Hewett can appeal the case to the State Personnel Commission.

If Hewett has reason to believe that the action was based on discrimination, he can appeal directly to the commission.

Strand Renourishment Project Cushions Impact At Ocean Isle

BY SUSAN USHER

A storm had been forecast, but at Ocean Isle Beach, as in other Brunswick County communities, the severity of Saturday's storm caught people off guard.

No one expected what they got—shallow flooding and sustained gale force winds of 45 mph to 50 mph with hurricane-strength gusts.

"We got our butt kicked and then they decided they'd better do something north of here (as the storm moved up the coast)," Building Inspector Druied Roberson said Monday after a day of scouring the island inspecting for damage, and finding plenty among streets littered with shingles and in some instances, debris left behind by receding floodwaters.

But he was the first to say it could have been worse. Erosion damage from the storm was cushioned by recent dredging of the inlet and waterway. Partly dredge spoil from annual U.S. Army Corps of Engineers maintenance dredging and partly renourishment work contracted by the town, the project had just pumped nearly 100,000 cubic yards of material onto the beach strand at Ocean Isle, nearly half of it on the far east end.

"Otherwise we would have had four or five new houses endangered," he said. As it was only 8 feet to 10 feet of sand were lost on the east end and elsewhere on the strand.

"The wind was blowing out of the west," he said. "We had waves 4 feet high in the sound area of the marsh behind the fire department."

By late morning, "there was 24 inches of water on East Second Street and it was still rising," Roberson said. "We realized the wa-

ter was going to come before we could get people off."

As both winds and water rose, making travel hazardous, the bridge was closed to traffic to and from the island, separating some families and other groups.

The decision to close the beach came, said Roberson, "when the police department would drive across in a heavy cruiser and come back with white faces."

It was after 3 p.m. before officers allowed families to get back together and islanders to begin leaving at their own risk.

While most of the island had electrical power by midnight Saturday, service wasn't restored to some east-end residences until Sunday afternoon because of downed power lines and other problems.

Roberson is estimating damages of \$1.2 million, with at least \$50,000 in storm-related costs for the town.

A preliminary damage survey Sunday by the U.S. Army Corps of Engineers indicated eight to 10 houses had floors gutted out and about 15 to 20 had erosion up to their back doors.

"That's true," said Roberson, "except four were like that before the storm. They have been like that since 1987, on a banana peel for approximately six years."

Erosion broke the water line serving four homes isolated at the easternmost end of First Street. That service will be restored, but no decision has been made whether to replace the existing line or run a line to the homes from a different direction, he said.

The storm knocked only one of

the town's 23 public beach accessways out of service, but Roberson estimates about 20 percent of all private accesses were damaged from 390 E. First Street to the end of the beach.

He estimated 90 percent of all residences on the island lost at least one shingle in the storm, and that approximately 160 might need roof repairs. Of those only about 20 had sustained more serious damage, such as missing porches, porch roofs and/or portions of living area roofs. Those include "five or six" ocean-front homes, and three canal street residences.

On the causeway, a section of the water slide tube broke away and high winds broke off the overhang at Ocean Isle Plaza, leaving it draped across on the gas pumps.

Trash Pick-Up Is March 26 At OIB

Ocean Isle Beach has arranged for a one-time special pickup Friday, March 26, by Chambers of South Carolina.

Building Inspector Druied Roberson said trucks will pick up shingles, insulation, timbers under three feet in length and other types of debris, but "no yard waste."

Island property owners only may bring larger timbers, yard waste and other debris suitable for burning to a debris pile growing daily at Shallotte Boulevard on the island's east side. Town firefighters will burn the pile sometime Friday or later.

"This for island property owners only," said Roberson. "If we see anybody trying to come across the bridge with anything we'll turn them around."

Shallotte Slates Hearing On ETJ Zoning

BY DOUG RUTTER

Shallotte area residents will have another chance to tell town officials what they think of a proposal to zone approximately 2,000 pieces of property outside the town limits.

The board of aldermen and planning board will hold a second public hearing on the issue Thursday, April 8, at 7 p.m. in town hall. Town officials hope the second hearing is the last.

At their regular meeting Tuesday, aldermen reviewed the proposed zoning map for the extraterritorial area (ETJ). The map was revised following the first hearing in January.

Planning Board Chairman Carson Durham said the board received 33 specific requests for changes following the initial hearing and had agreed to all of them but three.

"We came out with some better moves than we had before the public hearing," Durham told the town board Tuesday night. "I feel pretty good about these recommendations. We tried to look at this from a long-range approach."

At the first hearing in January,

about 60 people packed town hall and spoke for nearly two hours about the zoning plan. Many speakers made specific requests for changes, while others voiced general opposition to zoning.

Shallotte officials established the ETJ in September 1991. It takes in most property within one mile of the town limits, extending to the south end of the U.S. 17 bypass and north to Royal Oak and Red Bug roads.

The ETJ also takes in land as far west as McMilly Road and east on N.C. 179 to Hale Swamp Road. In all, the area includes approximately 2,000 pieces of property.

Shallotte officials plan to enforce the state building code and their own zoning regulations in the ETJ in an effort to control the type of development that occurs on the outskirts of town.

"The main purpose of the ETJ is to try to blend that area in with the town rather than the county," Durham said Tuesday.

The planning board has suggested zoning most of the ETJ as residential, either RA-15 or RAM-15. Both

districts are intended for residential and agricultural uses.

Some sections of the ETJ have been tagged for the B-2 business district, which carries a provision for a minimum lot size of 20,000 square feet. That's twice as strict as the minimum lot size requirement in town.

"We wanted something more than just asphalt and rooftops," said Alderman Paul Wayne Reeves, who also serves on the planning board. Durham said nobody complained about the minimum commercial lot size at the first hearing.

The ETJ hearing on April 8 will follow another public hearing on a proposal to amend a section of the existing town zoning code.

Planners have recommended deleting part of the zoning regulation dealing with non-conforming uses. It requires the owner of adjoining lots that don't meet minimum standards to combine the lots.

"We think that's punitive really," Durham said. If the code amendment is approved, he said it would likely apply inside the town and in the ETJ.

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