

County Settles Suit With Former Building Inspector Billy Ingram

BY ERIC CARLSON

Lawyers for Brunswick County and former building inspector John W. "Billy" Ingram IV have reached an out-of-court settlement of Ingram's federal lawsuit in which the county will pay him an undisclosed amount of cash, but won't have to give him another job.

Details of the agreement are not likely to be released before the county commissioners meet Monday night, County Attorney Michael Ramos said Tuesday.



INGRAM

The settlement is not covered by the county's liability insurance and will have to be paid out of tax revenues.

The lawsuit was scheduled to be heard in Wilmington's U.S. District Court this week. The commissioners met with its lawyers for 45 minutes in a special closed session to discuss the case March 28. A settlement was reached late last week.

While he could not release the dollar amount agreed upon, Ramos said it was "substantially less" than Ingram was seeking. The lawsuit asked that Ingram be rehired and given nearly four years back pay at his former annual salary of \$26,486. The suit also sought punitive damages and legal fees.

Ramos said Ingram would receive "about a third of what he was asking for." He said the civil action had reached the "break-even point" at which the county

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—County Attorney Michael Ramos

agreed to pay roughly what it would have cost to try the case in court.

"It was basically a pragmatic, economic decision; a way to get out without incurring any risk," Ramos said. "I don't think we would have lost, but there was some small merit to their case. So why take a chance? This way there is no danger of the county having to hire back someone that it doesn't want to hire."

Ingram filed his legal action last May, one day before the third anniversary of his dismissal from what the lawsuit calls a "created" position of county purchasing agent. It claims that Interim County Manager David Clegg fired Ingram "with no notice or warning" and later denied his right to appeal the termination.

The county contended that at the time of his firing, Ingram was a "probationary employee" in a new position and therefore not protected by the county personnel policy. During the first six months after hiring, while a worker's job performance is being evaluated, an em-

ployee can be terminated at any time.

Ingram was working as a county building inspector when he applied for and accepted the new post of purchasing agent. His lawsuit asserts that the change was "a transfer preserving (Ingram's) appointment status as a permanent rather than a probationary employee."

The county's response to the lawsuit does not say why Ingram was fired, since personnel files must be kept confidential.

Ingram was one of six employees asked to take a lie detector test in a 1989 sheriff's department investigation after \$225 turned up missing from a building inspection department cash box. The tests were deemed inconclu-

sive and no criminal charges were filed.

In February, 1990, Ingram was suspended from his position for what officials at the time called a personal conduct problem.

Also named as defendants in the suit along with Clegg were all five members of the 1990 county board of commissioners. Ingram claimed that the board refused his right to appeal the firing. The current commissioners also were included in the suit in their official capacity.

County Commissioners Chairman Don Warren said on Tuesday that he did not know the details of the settlement and could not yet comment on the agreement.

County Board Nixes Incinerators, Waste Storage From Zoning Law

BY ERIC CARLSON

In a partial victory for those fighting to strengthen controls on "undesirable" land uses, the Brunswick County Commissioners on Monday deleted incinerators and hazardous waste facilities as permitted uses in the county zoning ordinance.

The board also asked the planning board to review a request to change the zoning around Martin Marietta's proposed limestone quarry from heavy manufacturing to residential.

But the board declined to support the Brunswick Mining Awareness Committee's (BMAC) request for a complete ban on "above and below ground storage facilities, major demolition debris landfills and animal slaughtering" operations. Instead the commissioners agreed to allow such uses in a zoning district that does not exist anywhere in the county.

The zoning amendment adopted Monday provides for the creation of a "rural industrial (RU-I)" zone if such a use is requested and both the county planning board and the commissioners agree to do so.

While the move was seen as "a step in the right direction," BMAC leader Bob Quinn said he wished the commissioners had imposed an outright ban on the activities proposed for the RU-I zone.

"They did the right thing by deleting incinerators and hazardous waste facilities instead of hiding them in a mythical zoning district," Quinn said. "I'm glad to see them coming to grips with the fact that there are land uses worthy of deletion from

the zoning ordinance because they aren't compatible with life in Brunswick County."

Quinn said he hoped the board would take another look at the suggested changes and remove them as possible land uses in the RU-I zone.

In a related matter, Rosetta Short of Long Beach asked the board to change the zoning of an area around the Walden Creek estuary near Sunny Point. She has asked the N.C. Coastal Resources Commission to have the land protected as an Area of Environmental Concern and wants the commissioners to change its zoning from heavy manufacturing to residential.

"Historically, this whole parcel was designated by use as residential," Short told the board. "What changed the intent was when BECO wanted to build an oil refinery on the Cape Fear River at Jackey's Creek. Since then, Route 133 is developing into a residential corridor with well-planned residential subdivisions taking advantage of the highest and best use of the property."

Short warned that "the whole county will be adversely affected" if improper development damages the local ground water in that area.

The board agreed to have the planning board review her request.

In another matter, the board ignored the repeated recommendations of its appointed study committee and chose Planning Board Chairman John Thompson's architectural firm to design handicapped access im-

provements at the county complex.

The federal American Disabilities Act requires that all public buildings be made accessible to handicapped persons by 1995.

Last fall, County Manager Wyman Yelton and County Engineer Robert Tucker were asked to study proposals from several architects for design work on the estimated \$400,000 project. They determined that John Sawyer of Wilmington was the best choice.

But the commissioners twice asked Yelton and Tucker to reconsider their decision. After the committee interviewed the applicants and recommended Sawyer a third time, the board asked to review the proposals themselves. Monday night they awarded the job to Thompson.

Several of the commissioners said they preferred to hire a local firm for the job.


In other business the board:

- Went into a closed session to consider an appeal from a recently fired water department employee. The board agreed to uphold the decision of the county manager.

- Heard a second request from clients at the Department of Aging nutrition site in Leland for a new building. The board agreed to include funds in the upcoming budget for construction of a addition to the existing facility.

- Appointed Lloyd Ward of District 1, Larry Williams of District 5 and David Kennedy of District 4 to a new commercial fisheries study commission.

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