

Jump Start

Courses at BCC expand options for area high school students eager to get moving toward their careers. Page 8-B.

Class Of '94

West, North and South's graduates are profiled in our annual Special Section, D.



Cashing In On Kings

A 51-pounder wins the Sun Fun King Mackerel Tourny, and Captain Jamie kills his 11-pound jinx. Page 4-E.

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STAFF PHOTO BY ERIC CARLSON

Safe Boating Inspection

BMCS J.D. Arndt, Chief of U.S. Coast Guard Station Oak Island, chats with a group of Sunset Harbor fishermen during a routine boarding and inspection in the Cape Fear River Monday afternoon. June 6-12 is Safe Boating Week, a time when the Coast Guard reminds mariners to inspect their vessels and make sure all life preservers, fire extinguishers, lights and other items of safety equipment are in good working order. Pictured (from left) are Arndt, Seaman Galen Miles of Lynchburg, Va., Jim Tunstall and Doug Wheeler of Sunset Harbor and Petty Officer Elwyn Thompson of Morehead City.

Draft County Budget Asks Increased Fees, Same Taxes

BY ERIC CARLSON

For the second time in two years, customers of the county water system will see a 10-percent increase in their water bills if the county commissioners adopt a draft 1994-95 budget presented to them by temporary county manager Charles McGinnis Monday night.

The proposed \$43 million spending plan calls for a county tax rate of 58.5 cents per \$100 of property valuation, a reduction of 9.5 cents from the previous year. But since most residents saw their property tax values increased by the recent countywide revaluation, most taxpayers should receive about the same tax bill for 1994 as they did for 1993, McGinnis said.

In addition to the suggested water rate increase, the budget plan recommends that the telephone surcharge for 911 service be doubled from 50 cents per month to one dollar "to support the increased operational cost of the Emergency Dispatch Center," McGinnis said.

The proposal also eliminates last year's half-million-dollar allocation to area fire districts and recommends that the board appoint a committee to study the possibility of charging fees for county ambulance service.

A public hearing on the budget will be held Monday, June 13, at 7 p.m. in the public assembly building at the county complex in Bolivia.

"The budget as recommended reflects an average growth over last year's budget approximating 4 percent

for the general fund and enterprise fund," McGinnis told the board in his budget message.

McGinnis said he cut more than \$18 million from the budget requests submitted by county department heads, which would have required a tax rate of 90.4 cents.

Of the 63 new employees requested, McGinnis recommended the hiring of 26, including 14 "human resources" workers whose salaries are funded by the state or federal government.

Of the suggested new county positions, five would be allocated to the new four-branch library system, while one employee would be added to each of the departmental staffs in planning, building maintenance, engineering, public utilities, emergency medical services and geographic information services (GIS).

McGinnis suggested a 3-percent cost-of-living salary increase for county employees, including the sheriff and register of deeds. He recommended that seven existing positions be cut from the budget, including six cafeteria workers. The budget proposal recommends that the county try again to turn over its troubled food service operation and its housekeeping services to private companies.

As a cost-cutting measure last year, the county hired a private company to handle its congregate meals programs, then canceled the arrangement after patrons of (See HEARING, Page 2-A)

'COMMISSIONERS HAVE IMMUNITY'

Federal Judge Throws Out Former Clerk's Lawsuit Against County

BY ERIC CARLSON

A federal judge has dismissed a racial discrimination lawsuit filed against the county by former Clerk to the County Commissioners Regina Alexander, saying the board has "legislative immunity" and cannot be sued for cutting her position from the county budget.

The ruling will save the county the expense of defending itself in an expected lengthy court battle. It may also affect the outcome of a similar legal action filed last month by former County Commissioner Pearly Vereen over the removal of his county job from the same budget.

"I would say that the ruling absolutely bears 100 percent (on the Vereen lawsuit)," County Attorney Michael Ramos said Monday. "It's the law in this circuit. Their claims are the same, except for the racial discrimination charge."

In strikingly similar language, both lawsuits claim that Republicans on the county board used their voting majority to eliminate the positions of Alexander and Vereen, who are both Democrats, from the county payroll.

Alexander also alleged that she was terminated because she is black, while the commissioners who fired her were white.

Using identical language, the lawsuits by Alexander and Vereen claim that commissioners Kelly Holden, Donald Shaw and Jerry Jones "acted wantonly and maliciously and in knowing or reckless disregard for plaintiff's rights." Both suits likewise allege that "the reason publicly articulated by the board of plaintiff's non-reappointment was a pretext for this unlawful discrimination."

Alexander was a county employee for more than 16 years. She had been clerk to the board for

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—County Attorney Michael Ramos

over 10 years when her paid position was written out of the 1991-92 county budget. At the time, Board Chairman Holden said Alexander was one of more than 20 workers whose jobs were eliminated during a reduction in force implemented "to help balance the budget."

Also eliminated from the county payroll by the Republican board was the position of "assistant operations services director," a job created by an earlier Democrat-dominated board after Vereen declined to seek re-election to his county commissioner seat. Vereen was named to the position in August 1986.

Alexander filed her federal lawsuit in January 1993 asking that she be re-hired and paid back wages, benefits and interest on the money she would have received. Her suit also sought punitive damages, court costs and legal fees. Vereen has asked for similar compensation in his state court lawsuit filed May 2.

In a colorfully worded 11-page review of the

Alexander case, U.S. District Judge James C. Fox overturned a federal magistrate's "Memorandum and Recommendation (M&R)" ruling that the Brunswick County commissioners were not immune from liability when they eliminated the clerk's salary from the budget.

Fox disagreed. He wrote that the court had been inundated with a "cavalade of briefs and memoranda which have overwhelmed the pending course of this litigation." He went on to say that of all those documents, the "defendants' brief in opposition to the M&R has thoroughly and accurately encapsulated the court's own independent conclusions and determinations.

"Having conducted an exhaustive (and exhausting) review of all arguments presented...the court concludes that legislative immunity bars plaintiff's federal claims in their entirety."

Citing several previous rulings by other federal courts, Fox said the county commissioners acted within their rights as elected officials when they eliminated Alexander's position.

"The action of the Brunswick County Commissioners of eliminating the salary of the clerk to the board was uniquely legislative in nature...incident to the board's consideration and implementation of a budget ordinance," the judge wrote. "Such discretionary action falls squarely within the political decision making authority vested in defendants as county commissioners."

Fox asserted that the doctrine of legislative immunity is necessary in order to maintain the Constitutional separation of powers between lawmakers and the courts.

"Legislators must be protected from the burdens of subjecting their discretionary decision (See JUDGE, Page 2-A)



STAFF PHOTO BY SUSAN USHER

County's Top Teacher

Brunswick County's new Teacher of the Year is Diana Lynn Causey Healy (right) of Shallotte Point, a kindergarten teacher at Union Elementary School and a graduate of West Brunswick High School. Runner-up for the county title was Jerry W. Smith, marketing instructor at South Brunswick High. Healy, pictured with her principal, Zelfhia Grissett, will represent Brunswick County educators during the coming year, compete for Southeast Regional Teacher of the Year, and receive a \$1,000 cash award from United Carolina Bank.

School Board Delays Meeting To Attend County's Hearing

A June 13 meeting of the Brunswick County Board of Education has been delayed a day so that members and staff may attend the county commissioners' 7 p.m. budget hearing.

The school board will meet instead Tuesday, June 14, at 6:30 p.m. in the board conference room in Southport.

"I don't know what the board will do," said Superintendent of Schools Ralph Johnston. "We're going to try to plead our case. I knew it was going to be a tough task for them (county officials)."

With the \$9 million allocation proposed by county management, the schools would receive a 4 per-

cent increase over this year's support of the schools, but substantially—\$4.7 million—less than the total \$13.78 million requested for 1994-95.

County management has recommended allocating \$8.76 million for day-to-day school operations, which means the school board would have to cut \$2.5 million from its proposed \$11.28 million operating budget. Should the state legislature grant the 5 percent pay hike the North Carolina Association of Educators has proposed, and health care and energy costs go up, said Johnston, "our 4 percent would be pretty well used up right there."

Without cutting into existing programs (See COUNTY, Page 2-A)

Child Critical After Fall From Beach Cottage Window

A 3-year-old Indiana boy was listed in critical condition Tuesday at a Wilmington hospital after falling from a top-floor window Monday night at Holden Beach.

The youngster, Brian Highbanks, was rushed to New Hanover Regional Medical Center following the accident, which occurred around 8:26 p.m. Monday at a rental home at 389 Ocean Blvd. West.

Holden Beach Police Chief Robert Cook said

the boy fell out of the top-floor window of the elevated beach house and landed on his head on the concrete driveway below.

Immediately after the accident, there was swelling on the left side of Highbanks' head and the boy had trouble breathing, according to Officer Dexter Ludlum's report.

"Evidently he's in very bad shape," Cook said Tuesday. "He was on life support, and they really weren't expecting him to live."

Allan Dameron of Alan Holden Realty, the company that manages the rental house, said the boy was visiting the tenants of the oceanfront cottage. The tenants are from Kentucky.

Dameron said he spoke with friends of the boy's family Tuesday afternoon at the hospital.

"The people I spoke with said it did not look good at all," Dameron said. "It's tragic. You go on vacation to try to relax and for something like this to happen..."

Inside... Mini-Golf Proposal Sparks Hot-Tempered Debate

BY SUSAN USHER

A zoning change proposal to allow miniature golf as a special use on the island at Sunset Beach triggered heated debate Monday that found Mayor Pro tem Ed Gore publicly using a derogatory term to describe a former councilwoman.

The tone of the strongly-opinionated exchange typified Monday night's three-hour meeting (See related stories elsewhere in this issue.)

After reviewing a proposal by Sunset Beach & Twin Lakes Inc., the town's planning board had recommended allowing the use on the island under the same strict standards established earlier for miniature golf in the mainland business district. If properly designed and

maintained, the board believes a course would be compatible with the family-oriented resort community, advised Chairman Richard Good.

Councilman Herb Klinker questioned the proposal on several grounds, and called for the public hearing to be set far in advance and on a Saturday, in a break with past town practice, to allow greater oral and written input from affected property owners.

A motion by Councilwoman Charri Cheek to hold the hearing at a June 20 council meeting was already on the floor, beyond the point of withdrawal. It passed on a 3-2 vote, with Klinker and Cheek, who had expressed a willingness to delay the hearing until the board's Aug. 1 meeting, in the minority.

Near the close of the meeting, her motion

for reconsideration, guided by town attorney Mike Isenberg, passed unanimously. It was spurred in part by a first-time council meeting attendee who said the first vote appeared to confirm comments he'd heard that council "isn't taking the island seriously."

"I don't want you to think the town council doesn't care for the island. It is most important to this town," Cheek told him.

The hearing will be held at the Aug. 1 meeting, with an explanation of the special use requirements to be included in the next property owners' newsletter.

Among other conditions, the "Hilton Head-style" miniature golf links would not be allowed to have flashing lights, features that emit smoke or steam or any animated charac-

ters or animals. Only life-size replicas of birds and animals indigenous to the area would be allowed.

Klinker questioned suitability of the course location, on the right side of Sunset Boulevard as one approaches North Shore Drive, near residential homesites, and its compatibility with the town's land use plan and zoning philosophy.

In a property owner survey conducted for the 1992 land use plan update, he reminded fellow council members, most respondents did not want further commercial development on the island, but did want parks and natural areas.

"We need to seriously consider this," he (See SUNSET, Page 2-A)

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