

Four Oaks police chief says dual offices a plus

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commissioners. I know what the town needs; I know what the other employees are doing. I know what's getting done and what's not getting done. There are a lot of benefits from it."

Morrisville Police Chief Bruce Newnam mentioned Toppings as a precedent when he filed to run for Mayor of Morrisville.

Toppings said it is perfectly legal to hold dual offices, and cited the case of Capt. Bobby Kilgore of the Monroe Public Safety Department, who wanted to run for school board in 1985. His local government said he could not do it, but Attorney General Lacy Thornburg's office ruled that he could.

"Under the state constitution under section 128.1.1, it states that dual office holding is allowed. A person may serve in one appointed and one elected office at the same time," Toppings said.

In his case, "When it first came about there was a lot of controversy about it, kind of a battle. I just decided to fight the battle and get it behind me. I won the contest as far as being eligible. They had said well you can't do it. But the law says you could."

"Then we went on and won out overall. After it came about, it worked out great."

Toppings works under a town clerk, mayor, commissioner form of government, rather than a town manager form of government, so he has not been faced with the situation of working for a town manager who also serves at the pleasure of the board.

He said in Newnam's case, serving as mayor would not put him in as much of a conflict situation. "The mayor doesn't carry a vote, so that necessarily wouldn't hinder anything."

He said he is faced with a conflict of interest one time a year, when he presents the police department's budget to the board.

"I just hand the budget over to the police commissioner. When it comes up to be voted on, I just don't vote on the police department's part of it. On the budget as a whole, I vote on that, and everything is fine."

The only drawback he can see to Newnam serving as mayor is the time constraints involved.

"Morrisville I understand is growing quite rapidly," Toppings said. "The Mayor is the leader of

Police seeking more info in club thefts

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of \$2,500 for information leading to the arrest of other individuals who have stolen the golf clubs.

"We believe there are citizens with information that can help us solve these cases and put a stop to any further plans these criminals may have," said Lt. Steve Lee of the Cary Police Department.

Michael Lawlor, 17, of 113 Normandale Drive in Cary, has been charged with three counts of felonious larceny and three counts of felonious credit card fraud.

Lee said Lawlor found a credit card in a golf bag and decided to use it.

He said the police department is still investigating Lawlor and some other individuals, but the case is far from closed.

"I think it may be more than one group because golf club thefts appear to be a crime of opportunity," he said.

He said used sport shops pay about \$100 for a good set of golf clubs.

"They run right through these neighborhoods, they see these expensive clubs sitting on back of these golf carts with garage doors open... There are folks on the fringe who think 'I can make an easy \$100 stealing golf clubs.'"

The clubs have been stolen from homes that back up to the golf course, Lee said.

Lee also cautioned residents to be more careful with their clubs.

The total value to date of the stolen property is \$28,000.

the town, and has to take the lead as far as recruiting industry, court- ing industries. That would take up a lot of time. The police chief's job in a town that's growing that fast is going to take up a lot of time. That would be the only thing that would be a drawback."

Toppings is in his second four-year-term, after having been appointed to fill the unexpired term of a commissioner who moved out of town. Toppings had been the third highest vote getter in the previous election.

He was re-elected two years ago "by a right good margin," and only one or two people even brought up the fact that he was serving in two town government roles, he said.

Mayor Pro Tem Linwood Parker said when Toppings was initially appointed to fill the unexpired term, "I voted against it because I thought it would be a conflict; it would put pressure on him. He's an extremely good chief of police. I didn't want to put anything on him that might distract from the chief of police position."

But in retrospect, "he's done a good job in both positions," Parker said. "Obviously the people thought he did because they re-elected him. If the board has a good working relationship and they can work out a situation that relates to him not having authority from the commission over his agency, I think it will work real fine—it has for us."

Although the population of Four Oaks is actually greater than that of Morrisville, Toppings oversees five full-time and four part-time officers, while Newnam has a staff of 21.

Toppings also owns a restaurant in Four Oaks, Frank's Diner, which serves country cooking.

"The restaurant takes up more time than anything else," he said with a laugh. "I'm up here (at town hall) all day, down there about all night."

Toppings has lived in Four Oaks for 16 years, and has been at the police department for 10 years.

"Everybody just works hand in hand together at the town hall," he said. "Everybody keeps a pretty close watch on everybody else. We've got a good working board here, we've done some good things the last four, five years. People know it. The proof is in the pudding."

FD to hold barbecue Oct. 4

Volunteers of the Morrisville Fire Department will hold their annual fall barbecue on Oct. 4. Plates are \$6 each and include a choice of barbecued chicken or pork, potato salad, slaw, hushpuppies, tea/coffee and a homemade dessert.

The barbecue will be held at the Carpenter Fire Station only. It is located west off N.C. 55 at Carpenter on the Carpenter Fire Station Road. Serving time will be from noon until 7 p.m.

Thank you for reading The Progress.

Wife of fired officer grills town manager

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"I don't know what the committee would do, what kind of action it would take," Hodgkins said.

"I don't mind talking with individuals but I don't know that the committee is the proper forum," he said. "What purpose would it serve?"

Barbee replied, "I'd like to know the story. I know the manager has the ultimate decision to hire and fire, but we have these committees when things come up. I'd just like to sit and listen, not to make no decisions. We ought to do that for a lot of things that come up."

"If the manager doesn't desire it, I have no problem against that," he added.

Hodgkins promised to call Barbee the next day and inform him of the particulars of the situation.

Mayor Pro Tem Billy Sauls cautioned that no town official should talk with anyone without the attorney present: "It's not advisable to go running off at the mouth," he said.

"I have been talking with the attorney regularly," Hodgkins responded.

In other business at the board meeting:

The Cary Area Rescue Squad will install a carport on the back of Morrisville Fire Station Number One to protect the ambulance that is now stationed there from 7 a.m. to 6 p.m. daily.

"They are providing a wonderful service to our community," said Mayor Margaret Broadwell as the board voted to allow the carport to be built.

The carport would be accessed off Page Street and would be built at the east side of the rear of the building.

Fire Chief Tony Chiotakis told the town manager that the in 14 days the ambulance has been stationed there, it has responded to 20 calls, three were trauma and two were cardiac calls. Because the ambulance was here in Morrisville, the response time was much less.

Cary EMS will pay the cost of the carport.

Not only will the parking lot at the Luther Green Community Center be paved, but a 30-by-30 covered picnic shelter might be built at the town park site, after a motion from Sauls.

The board unanimously agreed to request bids, to be brought to the next meeting, for a picnic shelter.

"It will make the park more versatile," Sauls said.

Commissioner Mark Silver-Smith said such projects would be more appropriately discussed at budget time, but voted along with the majority to receive the bids.

The board accepted the low bid for a storage building to be located next to the existing public works building, and construction will begin soon.

Flythe Construction Co. made the low bid for \$81,970 for the 60-by-100 foot building.

"This is something that was badly needed," Sauls said. "They should have had it a long time ago."

In planning matters:

The board voted to allow Bristol Myers to put a temporary trailer at its plant off N.C. 54 to be used as an employee counseling center. The modular unit will be removed after 18 to 20 months.

The board also voted to allow Truss Builders to add a building addition of 2,644 square feet to its existing building.

The board voted to allow Zaytown and Associates to pay in lieu of widening about 15 to 20 feet of road frontage at its flex building

approved at a previous meeting. At that time, the board required the widening to be made. Most of the road is already widened with curb and gutter already installed.

The board also voted to allow changes to the site plan for Thomas Concrete, which had its grand opening last week. A few of the storage bins were built on different locations than specified on the site plan.

There was some discussion on whether there was room for emergency vehicle access. Silver-Smith asked that the fire chief be consulted before voting, but then voted with the majority to approve the changes.

The speed limit along Aviation Parkway will be 45 miles per hour all the way to I-40, after the state traffic engineer gives final approval. The town adopted an ordinance reducing the speed limit on Monday, and the division traffic engineer adopted a concurring ordinance on Sept. 8.

The town will also study reducing the speed limit on Morrisville Parkway to 35 in the residential area between Davis Drive and the railroad tracks, after a motion from Commissioner Phyllis Newnam.

Lawsuit alleges disparity at PD; Town hall mum

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least three white officers left their employment... under circumstances for which the officers would have been discharged from employment, but these officers were all given the option to resign their positions... so as to protect their respective careers, reputation and livelihood."

Cade is asking for in excess of \$10,000 in damages from the town, along with attorney fees and court costs, and is asking that the unfavorable statements regarding his future employability in the criminal justice field be removed from the personnel record.

Evelyn J. Davis, Cade's attorney,

said Cade "feels essentially that he was done wrong while he was there, and handicapped, especially by the training and standards report; he lost his certification as a result of that."

Ms. Davis said Cade has been pursuing the matter since he was terminated, initially with another

lawyer. He had a three-year deadline in which to file suit.

"I don't think the chief's political position had anything to do with the timing of the suit," she said.

Town Manager David Hodgkins said the matter has been referred to

the town's liability insurance carrier's attorney. They have been directed to answer the suit by Sept. 29.

Hodgkins said it was too early to say what the town's response to the suit will be.

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October 16, 7:30 p.m. Sally Day Burton, landscape designer, discusses landscaping with herbs.
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