

\$5 Million Lawsuit Against Authority

A \$5 million class action lawsuit was filed in Brunswick County Superior Court on Wednesday, seeking to return control of Doshier Memorial Hospital to the Board of Trustees and the City of Southport.

The complaint, affidavit, request for declaratory relief, motion for permanent injunction, motion for preliminary injunction and motion for temporary restraining order was filed by Attorney William R. Shell and Carter T. Lambeth of Murchison, Fox and Newton.

The suit asks for a permanent injunction, a preliminary injunction and a temporary restraining order against the Brunswick County Hospital Authority to restore ownership, operation, management and control of Doshier hospital to the City of Southport and the Board of Trustees.

It seeks a permanent injunction, a preliminary injunction and a temporary restraining order against all defendants to prohibit them from taking any action designed to force the termination of the services of the hospital.

It requests that the City of Southport recover

from the defendants, jointly and severally, actual damages in the amount of \$1 million and punitive damages in the amount of \$1 million for the "willful, intentional and illegal action in depriving the plaintiffs of the control of its property" — the hospital.

It asks that the plaintiff users of the services at the hospital recover of the defendants jointly and severally damages of \$1 million caused by the "illegal and unconstitutional deprivation of their civil rights." In addition, they are seeking to recover \$1 million and punitive damages in the amount of \$1 million caused by the "illegal conspiracy of the defendants to deprive them of equal protection of the laws."

No damage claims are being made against the County Board of Commissioners.

The suit asks for a declaratory judgment declaring General Assembly action turning control of the hospital over to the authority "to be in violation of the Constitution of the United States and the State of North Carolina."

It wants to declare that the process of enacting

local legislation by the General Assembly of North Carolina is in violation of the Constitution of the United States.

It also requests that the duly - verified complaint be taken as an affidavit, that attorneys fees and cost of the suit be awarded to the plaintiff and for other and further relief as the court may deem just and proper.

Attorney Shell told The Pilot that he hopes a hearing can be held on the lawsuit next Thursday, May 15, before judge Edward Preston when Brunswick County Superior Court is in session.

Before filing the lawsuit, Attorney Shell took a voluntary dismissal of the original hospital suit, which was headed for trial. He said he took the action because he wanted the new suit to go to Superior Court and to add the damage claims.

The suit was filed on behalf of the City of Southport, Mayor E.B. Tomlinson, Jr., and Aldermen Mary McHose, Harold Aldridge, James Harold Davis, Conley D. Koontz, W.P. Horne and Robert Howard; Doshier Board of Trustee members William McDougle, Basil Watts, Tom

Gilbert, L.T. Yaskell, A.H. Gainey, Jr., Ralph Nordquest, Ed Johnson, Willie Ward, Willie Beaty; and Brunswick County Hospital Authority member Dorothy Gilbert, and citizens.

The citizens include Mrs. A.B. Weeks, Malcolm McHose, Mary McGlamery, Johnson Cumbee, Hettie Echols, Barbara Gore, Elias Gore, Herman Floyd, Alonzo Hankins, Jean Chapman, Erwin Thompson, Evelyn Thompson, C.M. Watkins, Sr., and Lewis Clark, individually and as users of the hospital and on behalf of the class of all users of the services of the hospital.

Attorney Shell said the users named in the suit represent residents of Northwest, Town Creek, Smithville, Lockwood Folly and Shallotte townships. He said some have used the hospital, others plan to use it and still others are in the hospital at the present time.

Defendants include Brunswick County Commissioners Cyril Franky Thomas, Ira D. Butler, W.T. Russ, Jr., Steve Varnam and Willie Sloan and

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JAYCEE AND JAYCETTE of the Year awards were made recently to Bill Hilger and Chris Ballentine. Left to right are Ellen Richards, Jaycette president; Mrs. Ballentine; Jaycee President Tommy Gilbert; and Hilger.

July 19 Vote Asked

Bill Describes Rules Of County Seat Move

The North Carolina Senate is considering a bill to allow people of Brunswick County to vote on moving the county seat, courthouse and all other buildings and agencies.

If the bill is approved and the people agree in an election July 19, the Brunswick County Board of Commissioners will select the site in the Supply - Bolivia area.

The bill, introduced by Rep. Allen Ward of Thomasboro, was approved by the house last week. The original bill was changed to allow a Supply-Bolivia location instead of Supply.

The Research Division of the General Assembly provided The Pilot with a copy of the bill. It follows:

"A bill to be entitled an act to allow the people of Brunswick County to decide by referendum whether the county seat, the courthouse, and all other buildings and agencies of Brunswick County should be relocated from Southport to the general vicinity of Supply and Bolivia, and to establish guidelines for the relocation. The General Assembly of North Carolina enacts:

"Section 1. The Brunswick County Board of Elections shall conduct a countywide referendum on July 19, 1975, on the question of whether the county seat of Brunswick County, along with the courthouse and other county buildings and agencies, should be relocated from Southport to the general vicinity of Supply and Bolivia. Except as otherwise provided in this act, the board of elections shall conduct the referendum in accordance with G.S. Chapter 163. The notice of the referendum, required by G.S. 163-22(8), shall include the description of the general vicinity of Supply and Bolivia set out in Section 6 of this act.

"Sec. 2. The proposition shall be printed on the ballot in substantially the following form:

"Shall the Brunswick County county seat, along with the courthouse and other county buildings and agencies, be relocated from Southport to the general vicinity of Supply and Bolivia?"

— YES
— NO

Sec. 3. If a majority of the

votes cast on the proposition are in the negative, the county seat and county buildings and agencies shall remain in Southport.

Sec. 4. If a majority of the votes cast on the proposition are in the affirmative, the Brunswick County Board of Commissioners is under a duty to plan and carry out the relocation as expeditiously as possible. They shall forthwith select the exact location of the new county seat, within the boundaries set forth in Section 6 of this act, and begin planning for the relocation, including initiating discussions with the Local

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Carole Greene

Carole Greene

Woman Picked In Beach Post

Former county clerk to the board Carole Greene was named Tuesday night as Interim Town Manager for Long Beach at a salary of \$200 a week.

Mrs. Greene's employment climaxed a week of town hall musical chairs that saw the first "interim manager" resign after four days. "Events of only one day have convinced me that this is an impossible undertaking," James Ford said in his letter of resignation accepted by the board Tuesday night. He

was appointed Friday afternoon.

Commissioner Russ Morrison had called for an executive session Tuesday night (he did not state for what purpose) but withdrew the request after Ford's resignation was announced. He then sought to introduce a motion to hire Mrs. Greene as "official town clerk and finance officer." Commissioner Don McNeill called for an executive session to discuss the matter.

The Pilot learned that the board favored by a 3-2 margin hiring Mrs. Greene last week but accepted Ford as a "compromise." The appointment of Ford on Friday came following a one - hour, 27 - minute executive session. Mrs. Greene met with the board on two occasions for a total of 28 minutes, while acting financial officer Jean Nelson was in the closed session once for three minutes.

Mrs. Greene was employed at that time by the board as town clerk at a \$200 - per - week salary. It was later pointed out that the hiring of Mrs. Greene was improper, since the board employs only the town manager and town attorney. The town manager is responsible for all other employment.

Ford reportedly would not accept Mrs. Greene at her stated salary.

After Ford was named Friday afternoon, Mrs. Nelson resumed her duties as tax

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Township Line Moved, BSL Out Of Smithville

The Brunswick County Board of Commissioners unanimously approved a resolution Monday to place Boiling Spring Lakes in Town Creek Township.

The board considered asking the Boiling Spring Lakes Board of Commissioners to establish boundary lines before approving the resolution, which was presented by County Attorney James Prevatte, Jr.

Commissioner Steve Varnam, Jr., said establishing natural boundary lines for the town would be like working out a "jigsaw puzzle." He said the county commissioners could change the boundary lines in the future if needed to keep Boiling Spring Lakes in Town Creek

Township. The town board requested that Boiling Spring Lakes be placed in one township since it is divided between Town Creek and Smithville. A hearing was held on the matter last month and only one citizen expressed opposition.

The resolution placing Boiling Spring Lakes in one township follows:

"Whereas, the City of Boiling Spring Lakes presently exists in two townships, namely Town Creek Township and Smithville Township, said township division being the natural boundaries of Allen Creek; and

"Whereas, the division of said city into two townships creates various problems and inconveniences, specifically

regarding voter registration, record - keeping and tax collecting; and

"Whereas, the Board of Commissioners of the City of Boiling Spring Lakes on August 5, 1974 passed a resolution requesting the Brunswick County Board of Commissioners to change the boundary of Town Creek Township to encompass the entire area of the City of Boiling Spring Lakes, including that area which now lies in Smithville Township;

"Therefore, be it resolved by the Board of County Commissioners of Brunswick County, North Carolina, that:

"1. In accordance with General Statute 153A-19 the boundaries of Smithville and Town Creek Township shall be changed so that the entire area of the City of Boiling Spring Lakes shall lie within the boundaries of Towncreek Township;

"2. The official map of Brunswick County delineating township boundaries shall be amended to reflect said change of boundaries so that the correct boundary lines between Smithville and Town Creek Township in this area shall be the boundary line of the City of Boiling Spring Lakes;

"3. This resolution shall become effective upon its adoption and entered into the minutes of the Board of Commissioners of Brunswick County."

Beach Books In Bad Shape

Long Beach financial records are "in a mess" but there is no evidence of anything illegal, the town board of commissioners was told Tuesday night.

The auditing firm of W.E. Brock and Co. of Southport, in the midst of a close-out examination due to the resignation of Town Manager Frank Kivett, called time-out and asked to meet with the board. Firm employee Menton Padgett replied in the affirmative to a question posed by Commissioner Ellis Dudley: "You, in effect, are telling us our books are in a mess?"

Brock and Padgett met with the commissioners

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Joyce Replaces Morgan As Long Beach Mayor

By BILL ALLEN

Commissioner H.F. (Ed) Joyce was unanimously elected mayor of Long Beach during the regular monthly board meeting Thursday night at town hall.

Donald J. McNeill was named commissioner to replace Joyce, who had to resign his board seat after being elected mayor to succeed E.W. Morgan.

Mayor Joyce, a local businessman who has served three years on the board,

pledged in brief acceptance remarks to work to bring the people of Long Beach together.

The actions were taken after Mayor Pro-Tem Ellis Dudley read Morgan's brief letter of resignation. The resignation was effective Wednesday.

"I will be happy to assist the town government in any way possible on any project or occasion, health permitting," Morgan said in his letter of resignation.

After voting unanimously to accept Morgan's resignation, Dudley called for nominations for Mayor. Joyce was the only person nominated and he was unanimously elected.

After being elected mayor, Joyce orally submitted his resignation as a Long Beach commissioner effective at once. Dudley then called for nominations to fill Joyce's seat on the board.

McNeill, a Long Beach resident for eight years who

Saturday Observance

The public is invited to Saturday observances of the receipt of news of the Battle of Lexington at Brunswick Town and Shallotte.

The commemorative observances, organized by the Brunswick County Bicentennial Committee, will begin at 11:30 a.m. at the State Historic Site at Brunswick Town and 1 p.m. at Shallotte Middle School.

Activities will include the re-enactment horseback ride of the messenger bringing the news, the opening of the Bicentennial art show, the awarding of prizes for the Bicentennial essay contest, a performance by the Cape Fear Minutemen, and half-price admission to Orton Plantation near the state historic site.