

# Firm Expected To Settle Lawsuit Over Erosion Control Violations

BY RAHN ADAMS

State officials said Monday that a settlement is expected soon in a civil action involving a Shallotte development company which was penalized last year for violating state erosion and sedimentation control laws.

The case involves D.C.B. & F. Corporation, whose principals include Paul and Connie Dennis, Brunswick County Commissioner Chris Chappell, Bill Benton and Paul Floyd. The firm is represented by Shallotte attorney Mason Anderson.

"We have reached an agreement in principle, but it has not been finalized," Assistant Attorney General Philip A. Telfer said Monday. He declined to comment on the terms of the settlement until it is finalized.

On April 14, the N.C. Attorney General's office filed suit against the company in Brunswick County Civil Superior Court to recover a \$32,200 penalty assessed by the N.C. Department of Natural Resources and Community Development (NRCD).

The firm was notified by the

NRCD's Division of Land Resources last November that the penalty was being assessed due to violations of the Sedimentation Pollution Control Act of 1973 at River Hills subdivision. The development, which overlooks the Shallotte River, is located off Tar Landing Road.

According to the lawsuit, the company was given 30 days to either pay the penalty or submit a written petition to the state for an administrative hearing in the case. The company took neither action during the 30-day period.

Stephen Conrad, director of the

Division of Land Resources, said state officials heard the company's appeal during an "informal hearing" on July 12 in Raleigh. Anderson and Paul Dennis attended the meeting, he said.

Court documents show that Telfer told Anderson in a July 13 letter that the state would not seek a default judgment against D.C.B. & F. while negotiations to settle the suit were underway.

Telfer said Monday that he expects the matter to be resolved within the next two weeks. He added that "in most cases—even after the lawsuit is

filed—there's some sort of settlement" before the suit is heard in court.

D.C.B. & F. initially was notified that it was violating erosion and sedimentation control laws in June 1986, after an inspection uncovered violations which included:

- More than one contiguous acre was uncovered on a multi-acre tract without an approved erosion and sedimentation control plan.

- Exposed graded slopes existed at an angle too steep to retain vegetative cover and restrain erosion.

- A sufficient ground cover to restrain erosion was not provided within a specified period.

- Sediment was being transported into the Shallotte River because sufficient erosion and sedimentation control devices were not installed.

In December 1986, NRCD sought a mandatory preliminary injunction and a permanent injunction to restrain the developers from violating those provisions. About a month later, the action was dropped after corrective measures were taken by the developer. The company was in "provisional compliance" un-

til a permanent vegetative ground cover could be established.

However, several inspections last year between May and September found that a sufficient ground cover had not been established throughout the property. Despite two notices of violation and warnings, the company did not correct the violations.

Conrad noted Monday that the penalty was assessed because D.C.B. & F. "failed to take advantage of the legal process" to appeal the penalty. He added that violations at River Hills have since been corrected by the company.

## Airport Board Awaits FFA Word

BY RAHN ADAMS

The Brunswick County Airport Commission will have 30 days to take action once it receives the FAA's recommendations concerning its controversial lease with the airport's fixed-base operator.

Howard Robinson, program development supervisor with the Federal Aviation Administration's regional office in Atlanta, said Tuesday that he intended to mail his office's recommendations to the airport board on Wednesday (July 27). He would not reveal details of those recommendations.

The FAA completed its review of the airport commission's lease with Airport Enterprises in May and indicated that the board was leasing too much airport property to the operator.

By law, the lease must allow enough space at the airport for more than one operator. At stake is the airport's eligibility for future federal funding.

Last month, the FAA extended an original 30-day deadline to allow Airport Enterprises to prove that it needs the additional space. However, Robinson said Tuesday that "they (Airport Enterprises) haven't been able to do that to our satisfaction."

"We'll probably give them (the airport commission) 30 days to reply to our recommendations," Robinson added.

The FAA review began in February, after the agency received an inquiry last December from commission member John Walters. The review, though, was put on hold at Walters' request shortly after Southport attorney Grover Gore was hired as the commission's legal counsel.

In April, then commission chairman Johnny Vereen asked the FAA to resume the review, after Gore reported to the board that the lease contained several potential problems. Gore said the lease appeared to "create a monopoly" in favor of Airport Enterprises.

In the meantime, the board must deal with changes in membership. Vereen, whose term actually expired in December, was replaced last week by the Long Beach Board of Commissioners. Lavern Tagge was appointed to the vacancy.

Also, Al Parker Jr., who was appointed to the airport board last year by Brunswick County Commissioners, resigned prior to a meeting Monday night at the airport. He told the Beacon Tuesday that he resigned due to the board's inability to work together.

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