

Cooler, Drier Weather Ahead

Cooler temperatures and drier conditions are in the forecast for the South Brunswick Islands this week. Shalotte Point Meteorologist Jackson Canady said area weather should be near normal for September. Temperatures will range in the mid-60s at night and in the upper 80s during the day, with less than three-quarters of an inch of rain expected. "It's back to normal again," said Canady. For the period Sept. 3-9, Canady recorded a maximum high of 90 degrees on both the 5th and 6th and a minimum low of 62 degrees on the 9th. A daily average high of 88 degrees and an average nightly low of 66 degrees combined for a daily average temperature of 77 degrees, which is about normal for our area, he said. He measured just a trace of rain, .15 inches, during the period. The outlook calls for temperatures and rainfall to be near normal for the weekend, he said.

Hearing Set On Rest Home

Brunswick County Commissioners will hold a second public hearing Monday on whether the county should help seek grants for a company that plans to build a rest home in Supply. JB Enterprises of Goldsboro plans to build a 60-bed facility on about four acres of land beside The Brunswick Hospital, with room to expand to 120 beds in the future. Investors are asking the county to help them obtain a \$200,000 Community Development Block Grant to help finance the \$1.4 million project. Commissioners will begin the hearing at 6:15 p.m. in their chambers at the government complex in Bolivia. The board will hold its regular meeting at 6:30 p.m. A first hearing on the grant application was held in August. By law, two are required. At the first hearing, several residents spoke against the grant applica-

tion, stating that the developers are from outside of Brunswick County and should stand on their own feet in financing the business. Lockwood Pines would share an entranceway with the hospital off of U.S. 17 and has received the endorsement of the Brunswick Hospital Authority. CDBG grants must be approved by the county and involves federal funds allocated to the state. No county funds are involved. The county is not responsible for repaying such loans should a company default. Hospital Authority Chairman Larry Andrews and Jon Sanborn, hospital administrative assistant, spoke in favor of the project. The hospital has tried to locate a facility for the elderly on its campus since 1984, Sanborn said. Unlike nursing homes, rest homes do not require state certificate of need permits. It would serve elderly people who do not require 24-hour nursing care.

Committee To Hear Landscape Proposal

William Potts, an architectural landscape designer, will present recommendations for landscaping the entrance to the Holden Beach Town Hall at the next meeting of the Holden Beach Beautification Committee. The committee will meet Wednesday, Sept. 18, at 10 a.m. at the town hall. After discussing Potts' report, the committee will also discuss plans for an October luncheon, said spokesman Elizabeth Tandy. Holden Beach property owners interested in island beautification are welcome to attend the meeting.

McAdams Named Subject Area Coordinator

BY SUSAN USHER

North Brunswick High School Principal James "Mac" McAdams will move to the school system's central office as social studies and communications skills coordinator as part of a staff reorganization. The reorganization plan adopted by the Brunswick County Board of Education Tuesday night is based on recommendations from a state review commissioned by the board last year and is intended to improve the efficiency of the central office staff. Superintendent P.R. Hankins said it will cost approximately \$30,000 from available funds to implement key elements of the plan immediately. Only a few "slight" salary adjustments are anticipated, he said, because the internal moves are mostly lateral.

McAdams, who has served as principal at North since joining the system in 1982, is one of five employees reassigned Tuesday on an interim basis to implement the plan. The reassignments take effect as soon as practical, some as soon as Wednesday. The board discussed the state recommendations at length during a mid-August workshop attended by all but one member, Doug Baxley.

Tuesday night Baxley asked the board to review the "immediate impact" of the proposed personnel shifts behind closed doors before approving the plan or the related personnel recommendations. Later both proposals passed without objection.

McAdams will become the office's third subject area specialist, with the goal of "beefing up" the system's middle school program while also serving staff at the secondary level. Diane Paquin serves as elementary curriculum coordinator for grades K-5, while Elizabeth Young will focus on math and science for grades 6-12. Assistant Superintendent Mose Lewis says he sees the coordinators as specialists with prior classroom experience who work out in the schools to help teachers do their jobs better.

Babcock Named As Services Director

A Sunset Beach resident was chosen Tuesday night as the new director of pupil personnel services for the Brunswick County Schools.

Judith C. Babcock fills the position previously held by Mary Wolf, who resigned to accept a post in Currituck County.

The appointment was one in a series of personnel actions taken by the Brunswick County Board of Education Tuesday night after meeting two hours that night and one hour Monday to discuss personnel and attorney-client matters.

Mrs. Babcock has 27 years of experience in education. Before moving to Brunswick County she served as administrative school psychologist and supervisor of itinerant services for the Springfield, Mass., Public Schools. She graduated from American International College in Springfield and has a B.A. degree in psychology, a master's degree in special education and psychology and a certificate of advanced graduate studies in psychology and administration.

Her previous experience includes regular and special education in elementary through high school settings, and as counselor, school psychologist and administrator.



BABCOCK

Lewis also proposes rearranging central staff office assignments in order to group employees by division to improve internal communications.

At North Brunswick High School in Leland, Bob Harris will serve as principal on an interim basis. Previously he "floated," serving half-time as an assistant principal at the high school and at Leland Middle. That position has been eliminated, leaving each school with one full-time assistant principal. "Times are lean," said Hankins.

Sherry Dove, secretary in the personnel department, will become secretary to Assistant Superintendent for Instruction Services Mose Lewis. Nancy McGrail will become secretary to Assistant Superintendent for Auxiliary Services William Turner. Previously called operations, Turner's division has been renamed and expanded to include food services.

Flora Johnson, budget assistant and secretary for federal programs, will assume the position of person-

nel specialist. Replacing Ms. Johnson will be Phyllis Starr, who presently handles payroll in the finance department.

The interim changes were made with the provision that any vacancies created by the transfers not be filled for now pending further review by the board.

Growth Poses Challenges

Board members also heard Tuesday several ways in which growth is causing challenges within the system in providing sufficient classrooms, buses and teachers.

The 10-day average daily membership report for the 11 schools shows an overall increase of 1.09 percent, from 8,598 students a year ago to 8,692, Superintendent Hankins said.

As a result, he said, "We have some less than desirable situations that we're trying to remedy. Building plans (reviewed by the board Monday) are on target because we will need increased classroom space down the pike."

Shalotte Middle, for example, jumped from 1,073 to 1,113, and

Leland Middle from 887 students to 920.

As classes become large enough, additional teachers are also being hired, Hankins said.

Assistant Superintendent Bill Turner said he was "really shocked" to find that 432 more students are riding the bus this year compared to last year, creating a shortage of seats that is even more critical this year because of a new state policy, that forbids any "standees" on buses. He said it is taking time to shift buses around as needed.

The state is providing two regular buses, an additional bus equipped for wheelchair use and 60-passenger spare buses since the system's own spares only have 48-seat capacity.

In turn the county schools will buy the first additional bus as required by the state, subbing a 60-passenger yellow bus for the 60-passenger activity bus it had planned to buy this year. It still plans to buy a 36-passenger activity bus.

Other Business

In other business, the board: Expressed its pleasure at learning that county teachers, by what Hankins termed a "close" vote, decided to use Senate Bill 2 supplemental pay funds for merit pay for extra duty rather than across the board increases for all employees. A plan must be in place by Nov. 1.

Authorized Hankins to appoint a committee to study a sample staff evaluation form reviewed at an earlier meeting by board attorney Glen Peterson and report back "in a reasonable length of time."

Approved a Saturday trip in October by school employees to a science education center in Aiken, S.C., and compiling of a directory of resources available from local businesses to math and science teachers, as recommended Tuesday by staff members named to work with the math/science/technology center proposal and Science Alliance.

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NO SMOKING AREA

Calabash Delays Hearing Due To Advertising Mix-up

BY DOUG RUTTER

Calabash officials were forced to postpone their public hearing on nine proposed ordinances Tuesday night because the town failed to meet advertising requirements.

Commissioner Jon Sanborn said the hearing notice wasn't advertised for two consecutive weeks, which is required by state law. Another hearing has been scheduled Tuesday, Oct. 8, at 6 p.m. in town hall.

Despite the mix-up, commissioners went ahead with their plans and fielded questions and accepted comments from about 20 people who turned out for the would-be hearing.

Foremost on the minds of residents was a proposed rule to establish an architectural and landscaping control commission and an ordinance that would regulate yard and garage sales.

A planning board committee drafted the architectural and landscaping rules several months ago, but they never went to the planning board for its review and approval.

T.J. Morgan, who chaired the committee, said the commission's purpose would be to make sure the town's landscaping ordinances are enforced when they are adopted.

However, planning board member Anthony Clemmons said the proposal is too intrusive. "We do not, in my opinion, need a watchdog committee," he said.

Clemmons said landscaping and beautification are subjective and are best left to the residents of each subdivision.

Resident Gordon Ragsdale asked if the town needs another committee. "How large do we

want our government to grow?" he asked. "It's growing so much faster than the town is."

After a lengthy discussion, commissioners decided to send the appearance commission ordinance to the planning board for its review and recommendations.

With the planning board going through rough times, however, commissioners aren't sure whether they'll get the ordinance back in time for the Oct. 8 public hearing.

Seven members of the planning board resigned Aug. 27. They said in a joint letter that town commissioners hadn't given them the support or guidance they needed and there was poor communication between the two groups.

In an attempt to work things out with the planning board, commissioners adopted a "statement of direction" last week and asked the planners to reconsider. Commissioners still haven't formally accepted the resignations.

The only people on the planning board who haven't turned in resignations are Clemmons, Phil Marlow and Billie Mitchell, all of whom represent the extrajurisdictional area.

Clemmons said the full planning board met Monday night and agreed to meet with the board of commissioners before deciding whether they will resign. A date for the meeting has not been set.

Besides the ordinance setting up an appearance commission, town officials also heard several comments about the proposed rules on yard and garage sales.

Most of the comments came from Carolina Shores residents, who said they don't want yard

sales in their district.

They said the town ordinance should prohibit yard sales in Carolina Shores if the community's deed restrictions don't already cover it.

Nobody at the meeting was sure what the deed restrictions say about yard sales, but most people said they didn't think yard sales are permitted.

Tom Roberts, who manages a store in Calabash, also raised a question regarding the advertisement of yard sales.

If the ordinance is approved, he said people wouldn't be allowed to put flyers in his windows telling people about yard sales in the Calabash area.

Other Business

In other business Tuesday, commissioners:

Met in executive session about 30 minutes to discuss legal matters with Town Attorney Mike Ramos. Mayor Pro Tem George Anderson said no action was taken.

Heard from Ramos that a lease between the town and the Carolina Shores Property Owners Association (CSPOA) for the dump site is valid, despite an apparent violation of CSPOA bylaws. The bylaws do not allow non-members to use POA property on a regular basis. Ramos said he and the CSPOA's lawyer both think the lease is valid.

Asked the town attorney to draft a policy on street paving. Board members want a policy that would allow property owners to petition the town to have a street paved. If at least half of the lot owners on a street sign a petition, the town could pave that street and split the cost with all of the landowners.

INMATE PLANS APPEAL

Judge Dismisses Lawsuit Against Attorneys

BY TERRY POPE

A Shalotte man convicted of murder in 1989 says he will appeal the dismissal of his \$1 million lawsuit filed against his defense attorneys in May.

Henry Levi Pigott filed suit in Brunswick County Superior Court, accusing his court-appointed attorneys, Rex Gore of Shalotte and Steve Yount of Southport, of malpractice and negligence.

He claims the attorneys refused to commit him to a hospital to undergo drug testing and a mental evaluation prior to his August 1989 trial.

Brunswick County Superior Court Judge B. Craig Ellis dismissed the lawsuit in a ruling last week, stating that Pigott had failed to comply with the rules of civil procedure and had failed to state a claim upon which relief can be granted.

Pigott had asked for \$1 million, \$500,000 for loss of liberty and \$500,000 for mental and severe emotional stress and damages.

Under state law, a plaintiff cannot specify the amount of relief sought in a negligence suit, if it exceeds \$10,000, to avoid prejudice against the defendant.

On Aug. 25, 1989, a Brunswick County jury found Pigott guilty of first-degree murder, first-degree kidnapping, first-degree arson and robbery with a dangerous weapon in connection with the death of Darwin Kingsley Freeman, owner of the Anchor Lumber Co. near Grissetown. Pigott had been an employee there.

Judge Donald W. Stephens sentenced Pigott to life in prison for the murder charge plus 130 years for the remaining three offenses. The state

had sought the death penalty against Pigott, but a jury recommended life in prison on the murder charge.

Pigott accused Gore and Yount of failing to pursue a legal defense where the plaintiff was mentally incapable of realizing what he was doing on the date of the offenses. Now an inmate at the Harnett Correctional Institute in Lillington, Pigott claims he had no memory of the offenses he was charged with because of a cocaine habit.

Gore is now district attorney for the 13th Judicial District, which includes Brunswick, Columbus and Bladen counties. Yount is a practicing attorney.

In his argument, Pigott said he filed the lawsuit "against all odds" that he would be unable to afford a lawyer, that law libraries are no longer available to inmates and that he could not afford legal documents or books to "appraise himself with the many rules of civil procedure."

The N.C. Prisoner Legal Services, under contract with the N.C. Department of Corrections to provide legal services to inmates, refused to provide Pigott with an attorney, he stated.

His lawsuit and accompanying arguments have been handwritten and filed with the Brunswick County Clerk of Court's office on notebook paper.

Prisoners should be allowed to amend lawsuits before they are dismissed on procedural grounds, he argued. The system works a "hardship on the untutored pauper prisoner who seeks to prepare his own papers within a prison setting," he stated.

In a motion to dismiss, Vaiden Kendrick of Wilmington, attorney for Gore and Yount, stated

that both *The Brunswick Beacon* and *The Wilmington Morning Star* published stories stating that Pigott sought \$1 million in damages.

In any negligence case, when the amount in controversy exceeds \$10,000, the plaintiff can seek more but must state in the lawsuit that the amount sought is "in excess of \$10,000," Kendrick argued.

The law is in response to a perceived crisis in professional liability claims, and particularly medical malpractice claims, the motion states.

"It was designed to eliminate the notoriety and exaggerated publicity which arises from the filing of complaints seeking large amounts of damages," Kendrick argued.

Pigott had failed to amend his complaint, it states, and also failed to state a claim for relief on the grounds that he was innocent of the crimes, that there existed a defense that would have given him a not guilty verdict and that negligent actions caused the plaintiff's conviction.

"He alleges that he was under the influence of drugs and that he has no memory of committing the offenses with which he was charged," the motion states. "Loss of memory and voluntary intoxication are not defenses recognized in North Carolina."

Voluntary intoxication can be used to defend against premeditation and deliberation, required for a first-degree murder charge. However, Pigott was convicted of first-degree murder on the felony murder theory as well as on a theory of premeditation and deliberation, Kendrick stated.

Pigott filed notice that he will appeal the case to the N.C. Court of Appeals.

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