

Judge Wall Dismisses Parker Suit Against Schools After Trial Starts

BY SUSAN USHER

A Brunswick County District Court Judge last week dismissed a lawsuit filed more than two years ago by a school system administrator against the Brunswick County Board of Education and then superintendent John Kaulhold.

In the suit Jean Parker of Caswell Beach contended she had been, in effect, demoted, after a series of involuntary job transfers, as well as harassed in a deliberate effort to encourage her to quit.

Judge David G. Wall granted an involuntary dismissal of the jury trial case Wednesday after the close of evidence presented for the plaintiff.

Defense attorney R. Glen Peterson asked the court for a directed verdict dismissing the claim "for insufficient evidence". Wall is expected to sign the order prepared by Peterson later this week.

Wall also assessed costs of the action to Mrs. Parker.

The involuntary dismissal, with prejudice as to both defendants, means Mrs. Parker cannot sue either Kaulhold or the school board again on the same cause

or claim. Peterson had no comment regarding the trial or its outcome.

Mrs. Parker, presently employed as Chapter 1 supervisor in the central office, commented briefly Tuesday. She withheld further remarks pending discussion with her attorney, David P. Ford.

"I would simply like to say at this point that I was very surprised and disappointed that we were not granted the jury trial to which I was entitled because I felt that was what we were there for," Mrs. Parker said Tuesday. "There's much I'd like to say and will say in time."

Mrs. Parker filed her complaint in August 1989, asking the court to order the school system to offer her employment in a position not involving reduction in rank or total compensation and awarding damages for denial of her rights, any loss of compensation and reasonable attorney fees.

She contended that the latest in a series of job transfers resulted in a reduction in rank from prior positions at a time when principal/supervisory positions were

available in the system; that she had been transferred from job to job without her consent; that she had been advised she would be denied wage increases given other employees and that she would be a 10-month rather than a 12-month employee, as a result experiencing a reduction in total compensation.

She also contended that, through his actions or lack of action, Kaulhold denied her equal protection under the law and due process of law.

Mrs. Parker also argued that Kaulhold engaged in "a deliberate and intentional course of conduct designed to degrade, insult and harass" her for the purpose of causing mental distress in an attempt "to harass her into quitting her job."

In February, in a partial summary judgment, Wall ruled that Parker had career status as a teacher in both the Davidson and Brunswick county school systems, but said there were factual issues to be resolved before a decision could be made on whether she had career status as a principal within either system.

Mrs. Parker was hired in 1984 by the Brunswick County Schools as principal of Waccamaw Elementary

School and was re-employed the following year. No action was taken regarding her employment for the 1986-87 school year until July 14, 1986. At that time she was advised she would be employed in the central office as an administrative liaison. She continued to work out of the central office in various positions—director of internal services and interim community schools coordinator, with "supervisory" type responsibilities until the 1989-90 school year.

Mrs. Parker was then transferred to Leland Middle School as a guidance counselor.

Citing state statutes regarding tenure for teachers as well as principals/supervisors, Mrs. Parker contended:

- 1) That she had attained career status as a principal in Davidson County and had it when hired in Brunswick County;
- 2) That she acquired career status in Brunswick County when the school board failed to take any action regarding her contract before June 1 of the last year (1986) of what she said was a two-year probationary period, and continued to pay her as a principal after that date.



BCC CAMPUS FUND DRIVE co-chairpersons John Kirby and Marie Potter pose with a skeleton purchased for the biology department with donations made during last year's campus drive.

BCC Employees Raising Funds

Brunswick Community College employees are trying to "Raise the Spirit" and raise funds for the BCC Foundation through their annual week-long campus fund drive which ends Nov. 1.

Marie Potter, continuing education records coordinator, and John Kirby, systems administrator, are co-chairpersons for the drive which involves full- and part-time faculty, staff and students.

A special activity has been planned each day, most with a fundraising twist. These events include a pumpkin decorating contest, a "lock up" to jail instructors or students, a student Halloween costume contest, an auction and a "blue jean" day.

Building team captains include Anita White, Roy Hornaday, Verlie Duncan, Sharon Dodge, Lynn Ruark, Dale Easterling, Carl White, Sherwood Peacock, Connie Milliken, Paula Almond and Jane Page.

Other drive committee members include Ann Harrison, Anne Marie Bellamy, Barbara Reaves, Belinda Formyduval, Ben White, Beth McLean, Betty Singletary, Gerry Shaver, Jill Herndon, Jan Floyd, Gaye Fulford, Leberta Burney,

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Calabash Gets Second Petition On Zoning Change

BY DOUG RUTTER

Calabash officials have received a second petition seeking a zoning change that would allow mobile homes in the northern part of Calabash Acres.

Richard Bumell last week handed town commissioners a petition containing 86 signatures, which basically supports a petition submitted by another group of residents last month.

Both petitions ask the town board to rezone the northern section of Calabash Acres to allow manufactured homes. But the groups differ on exactly where the dividing line should be drawn.

A.C. Blackburn gave the town board a petition Sept. 24 seeking a zoning change between Thomasboro Road and Meares Street. It was signed by 54 people who own homes in the affected area.

The latest petition, signed by residents of the southern part of Calabash Acres, supports a zoning change between Thomasboro Road and N.C. 179.

The subdivision east of town is split by N.C. 179. Lots on the north side of the highway have trailers on them, while the southern part of Calabash Acres is mostly "stick-built" homes.

Earlier this year, town commissioners zoned the subdivision R-6, which prohibits mobile homes.

Deed restrictions also prohibit mobile homes in the subdivision, but the land developer sold lots in the northern section for mobile homes.

The present zoning restrictions

"It was done wrong. What we're trying to do is right a wrong."

—Richard Bumell
On Calabash Acres zoning

prohibit landowners from replacing mobile homes that are damaged by a fire or storm. It also prevents them from putting a newer mobile home on their property.

"It's destroying our neighborhood," Blackburn told commissioners at their Sept. 24 meeting.

Bumell handed his petition to the town board Oct. 22. He said he supports a zoning change on the north of N.C. 179 to allow manufactured homes, but wants the southern part to stay R-6.

Bumell said the area should have been zoned for mobile homes all along. "It was done wrong. What we're trying to do is right a wrong."

However, Calabash Acres resident Billie Mitchell said not everyone in the neighborhood supports the proposed change in zoning.

Mrs. Mitchell, who represents the extraterritorial area on the town's planning board, said there are legal aspects to be considered.

If landowners on the north side of the highway are permitted to have mobile homes, she said people on the south side might want them too.

Town Attorney Mike Ramos said he thinks the town board can ap-

prove two different zoning classes for the subdivision, using N.C. 179 as the dividing line.

Even though the present R-6 zoning matches up with the deed restrictions in Calabash Acres, Ramos said the town has the authority to zone the area for mobile homes.

If the town changes the zoning to allow mobile homes, landowners in the subdivision would still have the right to enforce the deed restrictions and try to keep mobile homes out.

Before the area can be rezoned, the town planning board would have to review the request, and commissioners would have to hold a public hearing.

Town commissioners are still looking to fill three vacant seats on the planning board.

Acting Mayor George Anderson said last week the appointments would be made "as soon as we can find somebody willing to sit on it. That's not an easy thing."

Meeting Time Changed

Calabash officials will gather 90 minutes early for their next regular meeting Nov. 12, getting down to business at 5:30 p.m. instead of 7 p.m.

The board of adjustment meets at 5:30 p.m. to consider a variance that would allow Cedar Tree subdivision to follow its original development plans, which don't jibe with the town setback rules.

Developer Mason Anderson said the community was mapped out and planned before it became part of Calabash's extraterritorial area and was subjected to town zoning regulations.

A public hearing on several proposed changes to the zoning ordinance will be held at 6 p.m., followed by the regular meeting at 7 p.m.

Commissioners are expected to meet with representatives of three planning firms Nov. 12 and choose one to serve as consultant on the town's shoreline access plan.

Other Business

In other business last week, commissioners:

- Voted to cancel two regular meetings in November and December, because of the holidays. The town board will not meet Nov. 26 or Dec. 24.

- Agreed to release \$249.75 to the Cape Fear Council of Governments. The money would have gone into the state's general fund if the town board hadn't release the funds.

- Met in executive session for about 50 minutes to discuss legal matters with the town attorney. Building Inspector Ed Schaack met with the board for part of the session. No action was taken.

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PAID FOR BY THE COMMITTEE FOR BETTER COUNTY GOVERNMENT, W. A. STANLEY, CHAIRMAN