

Former Water System Director Asks For \$16,000 In Overtime

BY TERRY POPE

A water system employee whose job was eliminated last June claims Brunswick County still owes him more than \$16,000 in overtime pay dating back to 1988.

O. Kenneth Hewett of Shallotte filed suit in U.S. District Court in Wilmington against Brunswick County. His position as water system director was one of six jobs in the Public Utilities Department cut by Brunswick County Commissioners last year.

Hewett's attorney, Richard W. Evans of Raleigh, also represents the Shallotte engineering firm of Houston and Associates in its suit against the county, which is now pending in Brunswick County Superior Court.

Houston and Associates filed suit after it was fired while at work on the county's \$7 million Phase III water expansion project to Seaside and Shallotte Point. The firm claims the county breached a contract.

Brunswick County Attorney David Clegg said he could not comment on Hewett's lawsuit since it is pending.

"We'll be filing our answer next week," said Clegg.

To resolve personnel problems within the water department, commissioners ordered a study last year by David M. Griffith and Associates of Raleigh.

Called "Operations Review of the Public Utilities

Department," the April 1991 report indicated the department was top-heavy with too many supervisors and recommended that Hewett's job be one of six eliminated.

In his lawsuit, Hewett claims the county violated federal laws by using delay tactics to avoid paying him overtime he had accumulated since Oct. 14, 1983. The complaint states Hewett should be entitled to \$10,946 in overtime pay for hours worked from Oct. 14, 1983, to June 24, 1990; \$1,101 for overtime pay between June 25 and August 20, 1990; and \$4,088 for overtime pay between Aug. 21, 1990, and June 28, 1991.

He also asks for an additional \$16,136 as liquidated damages, attorney fees and a trial by jury.

Hewett was hired by the county as a water plant supervisor on Sept. 14, 1981, and was earning \$29,242 annually when his job was eliminated. In July 1985, his job was reclassified from water plant supervisor to water system director, which included a job description exempting him from earning overtime pay.

On Aug. 3, 1988, it states, the county verbally changed Hewett's job duties from working solely in administration to duties working over 50 percent of the time in plant operations, a job not exempt from overtime pay. Despite the change in duties, the county failed to al-

ter Hewett's job description or to acknowledge his eligibility for overtime pay, it claims.

His contract of employment provided for a 40-hour work week with time and a half pay for overtime hours, it states. Since October 1988, Hewett has kept records showing he worked 788 1/2 hours of overtime.

"Hewett made continuous demands of the county to remedy this illegality and to pay him the overtime pay," it states. "Hewett received numerous assurances from county officials that they were studying the matter, and that a response, including payment or alternate compensation, would be forthcoming in the near future."

The county adopted a "deliberate strategy of delay" by telling Hewett that the matter was being reviewed, it claims. Hewett met with Public Utilities Director Jerry Webb on Jan. 24, 1990, it states, to discuss the overtime pay. After telephoning Clegg, Webb then instructed Hewett to bring his records up to date and that he would receive his overtime pay.

On Feb. 7, 1990, Brunswick County Personnel Officer Deborah Bowling issued an opinion that, based upon Hewett's written job description, his position was exempt from receiving overtime pay, it states. On March 6, 1990, Hewett requested in writing that Webb change the job description to "be consistent with the work he

was actually performing."

"Webb never complied with this request, but repeatedly assured Hewett that the matter was under consideration," the complaint notes. Changes in job descriptions of all positions within the water department were needed, Webb wrote in a memo to Hewett on July 20, 1990.

Webb also stated that he planned to discuss job descriptions and reclassifications at a supervisors' meeting and that he hoped to get the new job descriptions adopted within the fiscal year. However, the county never changed Hewett's job description, the complaint notes.

In October 1990, the document states Clegg told Hewett that information concerning the overtime pay had been forwarded to the Department of Labor for an opinion. Hewett's job was terminated on June 28, 1991, without him having received compensatory time off or overtime pay.

The study conducted by Griffith and Associates found that some employees were working outside of their job descriptions, but Hewett's job was not among those listed. As water system director, Hewett was immediate supervisor to only two people, the chief water plant operators of the water treatment plants at Northwest and Southport.

STUDENT DIED IN WRECK

Lawsuit Claims Drivers Were 'Playing Chicken'

The parent of a West Brunswick High School student killed in a May traffic accident has filed suit in Brunswick County Superior Court against the two drivers involved, claiming they were "playing chicken" when the fatal wreck occurred.

George Daniels, a popular student and Trojan football star, died in the May 14 near head-on collision on S.R. 1316 (Old Shallotte Road). He was a passenger in a pickup truck driven by William Russell Hines Jr., a friend and classmate at West Brunswick.

In the wrongful death complaint filed Feb. 5 by Greensboro attorney Lee D. Andrews, Wendell Daniels, father of the victim, seeks in excess of \$10,000 in damages from Hines, William Hines Sr., N.C. Farm Bureau Mutual Insurance Co. and Philip Allan Fulwood.

Fulwood was the driver of a 1986 Ford pickup truck that collided with Hines' 1987 Mazda as both Hines and Daniels were on their way to school.

Hines Sr. is listed in the suit as a partial owner of the truck in which Daniels died, and Farm Bureau is listed as the Hines' liability insurance carrier.

way without caution and at a dangerous speed; and going back and forth into each other's lane of travel while playing chicken.

As a result of the negligence and fatal collision, the Daniels family incurred severe pain and suffering, funeral bills, medical bills and lost wages to be proven at the trial, it states.

Daniels' next of kin, his mother and father, have been deprived of their child-parent relationship, love and affection of George Daniels and income which could have reasonably been spent on his parents, it claims.

The complaint asks to recover punitive damages from Hines and Fulwood and for a jury trial.

Following the accident, Hines, 17, was charged by State Trooper B.D. Barnhardt with misdemeanor death by vehicle and driving left of center.

In September, Brunswick County District Court Judge Jerry A. Jolly found Hines guilty on both charges and sentenced him to two years in prison.

Defense attorney James Payne of Shallotte has appealed the conviction to Brunswick County Superior Court, where the case is still pending.

An emotional West Brunswick football team dedicated its 1991 season to Daniels, advancing to the state 2-A championship game in Chapel Hill before losing to Thomasville High.

The lawsuit accuses both drivers of negligence and of "playing chicken with each other" when one or both of the drivers lost control or miscalculated the other's actions, causing the two trucks to collide almost head-on.

It claims Daniels' death occurred in Hines' vehicle, but on Fulwood's side of the road. Both drivers were negligent in operating their vehicles, the complaint states, by:

- failing to keep a proper lookout and to keep their vehicles under control;
- failing to reduce speed to avoid a collision;
- operating their vehicles at a speed greater than the posted limit;
- failing to operate their vehicles within their lane of traffic;
- operating their vehicles in a reckless manner without caution and at a speed likely to endanger persons;
- operating their vehicles left of the center line;
- failing to pass a vehicle on the right and not giving the other vehicle half of the main traveled portion of the roadway;
- driving their vehicles on a high-

Court Date Set

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Bowling's body near the bank of the Cape Fear River. They were taken into custody as suspects Thursday, but were later released.

That couple had stumbled upon the body just minutes after the crime and had called the police. There was no evidence of a robbery or sexual assault.

Ms. Bowling had reportedly left her Bolivia home around 2 p.m. Thursday, leaving a note that she had gone to the New Hanover County Library to study and would be back around 6 p.m. Her father became worried when she did not return and saw a television news report of authorities carrying a body from the crime scene.

Calabash Wants More Sheriff Patrols

BY DORIC GURGANUS

While saying they support current surveillance practices, Calabash commissioners still plan to ask the Brunswick County Sheriff's Department to increase patrols in the town's residential areas.

At the board's regular meeting Tuesday night, three Carolina Shores residents asked if the town "could impose upon the county to add a few hours on patrol at night."

The men refused to identify themselves, stating that recent break-ins in Carolina Shores made them uneasy about revealing their names or addresses.

Two break-ins in the Gate 7 through 10 area of Carolina Shores prompted the request, they said, which made them curious if more patrol hours could be spent in the Calabash area.

Commissioner Keith Hardee supported the county sheriff's officers, stating that in the past few years "they've doubled their surveillance."

"They're doing their best," he said, "and they're around more than you think."

Commissioners Jon Sanborn and George Anderson each cited occasions when they noticed undercover sheriff's officers patrolling Carolina Shores.

"The emphasis is on unmarked cars these days in order to catch the criminals," said Sanborn.

Someday Calabash may build a dispatch terminal for the town, Hardee said, which would be cheaper than an entire police department.

"If you got a cat, even a lazy one," he told the board, "you'll have less rats."

Lights Out

In continuing discussion regarding placement of a permanent traffic light at the intersection of U.S. 17 and Country Club Drive, commissioners expressed little support for the request.

The board had written Tommy Harrelson, secretary of the state Department of Transportation, asking for a permanent traffic light at that location.

A Jan. 31 letter from Harrelson stated that investigations into the need for such a light are under way, and that the DOT would report back to the town.

"Traffic lights don't prevent accidents, they cause them," said Commissioner Robert Noe.

"You will have a fatality within six months," he predicted, if the DOT were to install a permanent light.

Commissioner Ray Card said he has received numerous complaints from Carolina Shores residents who don't want a light installed. They said the sound of trucks coming to a halt and exhaust from idling truck engines would be disturbing.

County May Have To Sell Zoning Ordinance

BY TERRY POPE

It may take a tremendous selling job to convince the public that Brunswick County needs a comprehensive zoning ordinance.

Faced with a June deadline to prepare a draft, the Brunswick County Planning Board began talk last week on how it can sell the controversial product.

"If the people would really support their government in recognizing that the primary reason for zoning is to protect the public investment and infrastructure," said Brunswick County Planning Director John Harvey, "and not because your neighbor may be sitting in their backyard in their underwear..."

Zoning helps prevent overloads on county roads, separates industrial from residential districts and provides plans for water and sewer system needs. For years, some residents have asked for zoning laws while others stand opposed to restrictions on property.

Town Creek residents asked for zoning last year after they unsuccessfully fought a pet crematorium planned in their neighborhood. The county's ordinance would cover all areas that lie outside of municipal zoning districts.

Brunswick County Commissioners have instructed Harvey to have a draft ready within 120 days, by mid-June.

Critical of such a short deadline, County Attorney David Clegg said he believes a rushed ordinance will not legally hold its ground among critics. It took two years to complete a new county subdivision ordinance that was adopted in December.

"Zoning and land use controls can do much to change the kind of hodge-podge, uncontrolled development that is present in some areas of the county," said John Thompson, planning board member.

While Brunswick County's beach communi-

"The lack of zoning might not be an issue, but when you're the second-fastest growing county in the entire state out of 100 counties and you don't have zoning, that's pretty amazing."

—Glenn Harbeck, Planning Consultant

ties may be carefully planned, land along the major corridors and roads leading to the beaches need zoning, he added.

Commissioners carried zoning concerns to a series of public hearings in 1987, but stopped short of developing an ordinance. Starting this week, Harvey said, he will devote all of his time to preparing the draft.

District 2 Commissioner Jerry Jones, who also serves on the planning board, said some developers have told him there is no need for county zoning. They argue that land values are going to take care of land uses, said Jones.

"It's not, in my opinion," Jones added. "I've had them to get on me and say you don't need to worry about zoning. I'm glad to see this come up. With the growth and development and potential we have, it's a thing that has to be done if we're going to have any orderly growth."

Some subdivisions have their own restrictive covenants for property owners, said Glenn Harbeck, consultant who is preparing Brunswick County's 1992 Land Use Plan update.

At a series of public workshops on the land use plan in January, many residents listed a need

for county zoning laws at the top of their concerns. They fear making an investment in property, not knowing what may pop up next door, he said.

"Brunswick County is going through its own mini-history of zoning," said Harbeck. "The thing that compounds you so much is how fast you are growing. The lack of zoning might not be an issue, but when you're the second-fastest growing county in the entire state out of 100 counties and you don't have zoning, that's pretty amazing."

Commissioners had first asked for a zoning ordinance within 60 days, but compromised with a 120-day deadline. Harvey said he will deliver the product to commissioners within that timeframe.

"That means you've done what you've been asked to do," said Jones. "It's not going to be completely done in 120 days."

Plans are to then hold joint workshops between the planning board and board of commissioners to iron out a final draft. It will then be presented at a public hearing.

"The only way to sell it is to deliberately seek out and go to every neighborhood and group in this county," said Harvey.

Residents asked for a new subdivision ordinance, but those most vocal at public hearings were developers opposed to the plan, he noted.

Harvey said he met with Clegg to discuss how the planning board should work under the 120-day deadline.

"He really feels it should not proceed to the commissioners until the planning board has put its total work effort on it," said Harvey, "which he realizes would probably mean one year, if not two years, of activity."

But on the bright side, Harvey said, "Deadlines make you get organized. This will be presented and done within the timeframe."

Weather Remains Warm, Wet

Residents of the South Brunswick Islands who have enjoyed the springlike temperatures of late are in luck.

Jackson Canady, local meteorologist, predicts that temperatures and rainfall will continue to be above average in the next week.

"Most of the real cold air is balled up over Canada," he said Tuesday, "and that will mean more mild, occasionally wet weather for this area."

Daytime temperatures should be in the low 60s, Canady estimated, and evening temperatures should stay in the low 40s.

About three-fourths of an inch of rain should fall, he predicted.

"Looks like the pattern we've

seen is not changing," Canady said, "and that's not bad at all."

For the period of Feb. 18 through Feb. 24, Canady measured 2.25 inches of rain at his Shallotte Point home.

The maximum daytime high temperature of 74 degrees was taken on Feb. 24, he said, and the minimum evening low temperature of 32 degrees was taken on both Feb. 21 and Feb. 22.

The daytime average temperature was 68 degrees and the evening low temperature was 45 degrees, which made an average daily temperature of 56 degrees.

That reading is eight degrees above average for this time of year, Canady said.

Man Dies In Monday Wreck

A Southport man died and another man was seriously injured Monday in a head-on collision on N.C. 87 about 1.5 miles north of Southport.

Christopher Todd White, 30, of Route 5, Southport, died at the scene of the accident near the Carolina Power & Light Co. Brunswick nuclear plant entrance, State Trooper C.E. Ward reported.

White's death is the ninth reported on Brunswick County highways this year.

Through February last year, only one person had died from traffic accidents in the county, said Ruby Oakley, spokesperson for the N.C. Highway Patrol office in Wilmington.

"We are really distressed about that number," said Ms. Oakley.

According to Ward's report, White failed to stop at a stop sign as he pulled from a private road at the CP&L plant around 12:45 p.m. His 1987 Chevrolet was traveling at a high rate of speed when it turned right onto N.C. 87, Ward stated.

The car crossed two lanes of traffic on the three-lane highway and struck a 1988 Ford station wagon head-on, Ward stated. The station wagon, registered to Eastern Delivery of Wilmington, was driven by Charles Denson, 57, of Wilmington.

Denson received serious injuries and was taken to Doshier Memorial Hospital in Southport by the

Southport Volunteer Rescue Squad. He was later transferred to New Hanover Regional Medical Center in Wilmington.

Both vehicles were destroyed in the accident. Reports indicate that alcohol was not involved in the wreck, said Ms. Oakley.

No charges were filed, she said.

Driver Charged

A Jacksonville man was charged with reckless driving Saturday after the pickup truck he was driving ran off the road near the Columbus County line and plowed into two yards.

Timothy Wayne Orr, 32, was traveling west on Kingtown Road (S.R. 1333) about 13.6 miles west of Shallotte when his 1991 GMC pickup ran off the left shoulder and struck a car parked in a yard, State Trooper D.B. Harvell reported. The car was owned by Al King Sr., of Route 2, Ash.

Orr's truck then crossed the road and struck a mailbox, shrubs and a tree in another yard, property of Thomas King, of Route 2, Ash, Harvell said.

Damage to the property was around \$2,000 and \$6,000 to the truck, Harvell stated.

Orr received class B injuries, which are serious but not incapacitating, and was taken to the Brunswick Hospital in Supply.

The accident occurred around 5:30 a.m.

Detectives Charge Four In Northern Theft Ring

(Continued From Page 1-A)

Warrants were also served against Hooper last week, charging him with six counts of breaking and entering homes in the Leland area. He was still being held in the New Hanover County Jail Monday on unrelated charges, said Messer. A

fourth suspect, Davis, may face charges in as many as four counties, he added.

A theft ring operates when a group of suspects carries out random burglaries with intent to sell the stolen items. Messer said detectives are still investigating a connection as to who bought the stolen goods.

The four suspects were "interrelated," said Messer. "They knew each other."

Sponsored by the Leland Town Council, area residents will meet March 5 to discuss the need for a Leland area police department.

Some residents say the increasing crime rate in Leland has brought about the need for a police department, possibly funded by the northern area towns of Leland, Belville, Navassa and Sandy Creek.

Leland began a one-man police force under former mayor Russell Baldwin in June, but the officer resigned following the November election, in which Baldwin was defeated.

The town council has taken no action to form a new police department but has agreed to discuss the matter with area residents. Sandy Creek near Maco has a police department, but Navassa and Belville do not.

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County Grads Fare Below Average At UNC

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placed, sometimes opting for more a higher-level course and other times shifting to a remedial course as a result of their initial performance during the term.

Fifteen campuses reported some or all data for 19, 188 freshmen from all high schools, public or private, across the U.S. Performance data was not provided from campuses with fewer than three students enrolled from the county, to protect student identities.

These students enrolled three or

more freshmen from Brunswick County in 1990-1991: Appalachian State University (4), East Carolina University (16), N.C. A & T University (5), N.C. Central University (8), N.C. State University (5), UNC-Chapel Hill (8), UNC-Charlotte (6), UNC-Greensboro (3) and UNC-Wilmington (14).

The entering freshmen from Brunswick County ranked in the top 19 percent of their graduating class and had average SAT scores of 420 verbal and 463 math. Statewide averages were top 23 percent of the class, 441 verbal SAT and 492 math SAT.