

The Home Team...

West Brunswick takes third place in the Seashell Tourney over spring break. Page 4-B.

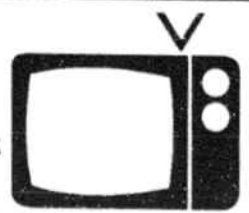


A Joyful Noise!

The N.C. Central University Touring Choir performs Friday evening at the county complex. Details, Page 3-B.

Channel Surfers:

Put down that clicker and turn to Pages 10-11C for this week's TV listings.



THE BRUNSWICK BEACON

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STAFF PHOTO BY SUSAN USHER

FRED AND ILA FLINCHUM of Asheboro planned to finish installing seats in the balcony of the Odell Williamson Auditorium Thursday night before calling it a day.

Bonding Company To Finish Auditorium After BCC Board Declares Contractor In Default

BY SUSAN USHER

Work on the Odell Williamson Auditorium came to a halt Friday after Brunswick Community College trustees Thursday night declared the contractor in default because the project has not been completed on schedule.

After a 35-minute meeting behind closed doors with board attorney James R. Prevatte Jr., trustees voted unanimously for ITT Hartford, the insurance company holding the performance bond, to take over and hire someone else to finish the job that was begun approximately 18 months ago by Hatcher Construction Co. Inc. of Fayetteville.

Under the contract awarded in August 1991, the 32,773-square-foot building was to have been completed by Oct. 24, 1992, at a cost of \$3.4 million. The completion date was extended to Dec. 10 because of bad weather and other delays considered beyond the contractor's control, but an additional request for extension was rejected.

Most recently, Hatcher wrote Boney & Associates requesting final inspection of the project April 30, at which time a "punch list" would be prepared of corrections needed before the building was accepted for occupancy.

However, college officials were skeptical of that self-imposed deadline being met.

"They wouldn't have met it," said DeBlois. "I regard that as a hope on their part. It was not realistic. There's too much work to be done."

DeBlois is uncertain how much, if any, additional delay will occur with the change in project management.

"We don't know if declaring default will result in a delay and we will never know, because we don't know when Hatcher would have finished," he said.

During a tour of the auditorium Thursday afternoon with Manager Michael Sapp, sheet rock, bricklaying, painting, flooring, chair and ceiling installation crews were on the job. Paving and landscaping work are among the other remaining tasks.

Hatcher, who attended the trustees' April 15 meeting, said the April 30 deadline was the date contractors have been working toward.

"We are the people who can give you the building the quickest and are committed to doing that," he said prior to Building and Grounds Chairman Al Wooten's motion to find the company in default.

Trustees made their decision after consulting with their attorney and architects Charles Boney and Ken Phelps of Boney & Associates, and with the concurrence of the N.C. Office of State Construction.

At their February meeting, trustees put the general contractor on notice that if 16 work items were not completed within 15 days he could be declared in default. Not all of the work was done, but BCC did not move forward on the issue of default.

"He did put a lot of people on the job and we were optimistic," DeBlois said. "But since then they have backed off and gone back to their old habits."

Other Business

In other business trustees:
 ■ Voted to accept gifts of less than \$5,000 toward

(See AUDITORIUM, Page 2-A)

"We don't know if declaring default will result in a delay, and we will never know, because we don't know when Hatcher would have finished."

—Ben DeBlois
 BCC Vice President

Chairman Disputes Claim That Districts Exclude Blacks

BY ERIC CARLSON

Unless the county attorney advises otherwise, Board of Commissioners Chairman Don Warren said Tuesday he is unlikely to support changing voting districts to head off a threatened lawsuit accusing the county of violating minority voting rights.

James Wall, a lawyer with Legal Services of the Lower Cape Fear, told commissioners Monday night that his group would file suit in U.S. District Court unless the county moves to create a new voting district with "better than 60 percent black voting-age population."

He gave the commissioners 90 days to respond to his threat and noted that similar lawsuits have forced Columbus and Bladen counties to change their election systems.

Wall said he was acting on behalf of an unnamed "group of black voters" who feel that Brunswick County has not complied with the federal Voting Rights Act of 1965. He did not specifically accuse the county of racial discrimination, but said polling data indicates a pattern of polarized voting with blacks unable to elect representatives "despite voting cohesively as a group."

He said that only two blacks have ever been elected to the county board of commissioners, and none have sat on the board since 1982.

Wall said the county has failed to create a voting district that would allow black voters a fair chance to elect black representatives in county-wide elections.

To support his claims, Wall submitted graphs and charts of census data comparing blacks and whites in terms of income level, education, home ownership and employment. He also included a map showing five proposed new voting districts in which one would have an estimated 64.1 percent black voters.

That proposed district would take in a narrow slice of eastern Brunswick County along the Cape Fear River from Pender County to Southport. From there, the district would meander back and forth across U.S. 17 almost to the South Carolina line.

Wall also suggested that the county might need to change to single-member voting districts in which residents elect representatives only from their home district. This would increase the likelihood that a district with a large minority population could elect a minority representative.

Under the current system, candidates are chosen to represent each district, but they are elected by voters county-wide.

"What we would like to do at this time is to open discussions to see if

it is possible to reach a solution allowing minorities to have a voice on this commission, which they don't have now," Wall said. "It would be a whole lot cheaper for everyone concerned if we can do that."

"We have no intention of bringing a lawsuit for three months at the earliest," Wall said. "If we hear no answer, we will commence action in U.S. District Court."

The commissioners made no comment about Wall's presentation at the meeting.

Warren said Tuesday that the board was "broad-sided at the last minute" by Wall's request and did not have time to digest the information before the meeting. Still, he disputed Wall's claims that the current district lines put black voters at a disadvantage.

"The county had a referendum to approve new districts in 1991," Warren said. "We just went through the first election since then and the only minority candidate who ran was elected. That's a pretty good indication that there's nothing wrong with the districts we have."

Warren said he would wait for County Attorney Michael Ramos to look over Wall's material and make recommendations before considering any action. But he said he was "not inclined to ask for changes" unless Ramos advises the board to do so.

Hewett Hiring Raises Legal Questions

BY ERIC CARLSON

Interim County Manager John Harvey may have violated the county personnel policy and North Carolina law last week when he created a new position and hired a recently dismissed department head to fill the vacancy without advertising it.

One month after firing Solid Waste Director Leo Hewett from his \$28,534 job, Harvey told the county commissioners Monday that he had re-hired him as the county's second solid waste control officer with an annual salary of \$19,739.

But only one such position was funded in the 1992-93 budget. Although a second solid waste control officer has reportedly been requested for the 1993-94 fiscal year, the board of commissioners has not voted to approve that position.

The Brunswick County Personnel Policy states that "new positions shall be established only with approval of the board of commissioners."

Harvey also appears to have circumvented the personnel policy requirement that the county manager "shall publicize these opportunities for employment, including salary

range and employment qualifications."

According to county Personnel Officer Starie Grissett, position vacancies are normally advertised in local newspapers for at least a week before the application period is closed. Normally, notices of job vacancies also are posted in the county administrative building.

Grissett confirmed Tuesday that no advertisements were published to notify the public that there was a job opening for a second solid waste control officer.

According to N.C. General Statute 153A-82, a county manager is responsible for hiring and firing county employees "with the approval of the board of commissioners."

The board may allow the county manager to hire without the board's approval. However, the law states that the manager shall hire and fire employees "in accordance with any general personnel rules, regulations, policies, or ordinances that the board may adopt."

Brunswick County's personnel policy was adopted in 1980. According to Grissett, there have been no

changes in the rules requiring the advertisement of job openings or the creation of new positions since the policy was enacted.

David Lawrence, a local government expert with the N.C. Institute of Government, said Tuesday that under state law, "the power to create positions ultimately rests with the board of commissioners" unless that power is formally delegated by a vote of the board.

While "there is no legal requirement to advertise a position," Lawrence said a county manager would be legally bound to do so if a personnel policy enacted by the board makes that requirement.

Lawrence also noted that a county manager is not allowed to spend money on a new position if that money has not been appropriated for that purpose. The Brunswick County Commissioners have not voted to appropriate money for the hiring of a second solid waste control officer.

In announcing Hewett's re-hiring Monday night, Harvey said the former solid waste director was "a very valuable employee for 15 years" who had exhibited "a lot of skills in" (See HEWETT, Page 2-A)

Auditorium Needs Push BCC Budget Request Over \$1 Million

BY SUSAN USHER

Brunswick County Commissioners will be asked to up county financial support for Brunswick Community College by 61.5 percent next year, with most of the new money going to equip and operate the new Odell Williamson Auditorium.

While not entirely comfortable with the increase, trustees voted last

Thursday to ask the county for just over \$1 million, an increase of \$391,134 over 1992-93, when BCC received \$636,243.

Budget requests for the auditorium total \$353,950. Out of that, Auditorium Manager Michael Sapp has budgeted \$203,950 for day-to-day operation of the auditorium and \$150,000 for equipment and furnishings.

The operating funds are the equivalent of \$560 a day, including salaries and programming costs. Salaries include an administrative assistant, part-time technical coordinator, and on-call house electrician and sound technician and miscellaneous personnel such as box office, concessions, security and stage hands.

A smorgasbord of thousands of items are on Sapp's shopping list, from lights that go along the edge of the auditorium stage to office furniture, 100 musicians' chairs for the orchestra pit, theatrical lights, an iron and ironing board, and velour ropes and brass poles for the lobby.

The auditorium's office, conference room, lobby, concession stand and dressing rooms must be fur-

nished and equipped along with securing theatrical lighting, stage, audio, audiovisual, maintenance and custodial equipment.

"We'll never be able to rent this place and break even at this cost. We're just kidding ourselves," Chairman David Kelly told board members. "Do you know how much that is a day?"

"I can't see how we need all this when it has not opened and is not even finished," especially when it doesn't even generate FTE (the membership base that determines most community college funding by the state).

Ben DeBlois, vice president for administrative services, said the proposed budget is based on the auditorium opening by July 1, the start of the fiscal year, which isn't certain. Also, he said the facility is not expected to break even during its first year of operation and probably not the second.

"The first year is going to be tough," he said. "Money will be needed to draw in events."

President Michael Reeves said he also was "shocked" when he first (See BCC, Page 2-A)



STAFF PHOTO BY DOUG BUTTER

Treasure From The Sea

Doris Ahart will return to her home in Spencer, N.Y., with a nice souvenir from Holden Beach. She found this 15-inch horse conch Sunday morning bobbing in the ocean just east of the fishing pier. Shells that size are hard to find in one piece.

Roney Cheers Is Democrats' New Chairman

BY SUSAN USHER

Roney Cheers of Shallotte was elected chairman of the Brunswick County Democratic Party Saturday at a four-hour convention that featured contested elections of three of six offices and adoption of 13 resolutions, including several that call for Brunswick County to give county residents special consideration in hiring and one urging removal of disloyal party officers.

Other measures addressed economic concerns and health care.

In his keynote address, state Rep. E. David "Butch" Redwine (D-Brunswick) told delegates this has been "the most exciting year to be in public office" that he has experienced and "a great year to be a Democrat." This session he said Democrats expect to deliver on expanding state services to children and to increase support for education, including a bond referendum package.

Cheers, who was elected on a second ballot, was one of two announced candidates for the chairman's post, the other being Vernon (See DEMOCRATS, Page 2-A)

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