

WRONGFUL DEATH SUITS SETTLED

Families Compensated For Tragic Bypass Wreck

BY DOUG RUTTER

The families of two local residents killed in a 1991 highway accident will receive more than \$350,000 each after reaching out-of-court settlements with the truck driver blamed for the wreck.

Charles M. Lassiter of Maysville will pay \$387,500 to Hilda Smith of Ash and \$362,500 to Hazel Carmichael of Shallotte under settlements filed recently in Brunswick County Superior Court.

Smith's husband, Steve Allen Smith, and Carmichael's daughter, Misty Dawn Carmichael, were killed as a result of injuries they received in a fiery wreck on Nov. 1, 1991, where the bypass intersects N.C. 130.

Lassiter was driving a log truck south on U.S. 17 and allegedly failed to stop for a red light. The truck collided with vehicles driven by Steve Smith and Misty Carmichael as they were crossing the bypass on N.C. 130.

Lassiter pleaded no contest to two counts of misdemeanor death by vehicle last May in Brunswick County District Court.

Judge Jack Hooks consolidated the charges and sentenced Lassiter to two years probation, fined him \$500 and ordered him to surrender his license and perform 60 hours of community service.

Families of both victims had filed "wrongful death" lawsuits against Lassiter last April alleging that the fatalities happened as a result of the truck driver's negligence.

Lawyers hired by the two families negotiated separate settlements with Lassiter's attorney, Douglas F. McIntosh of the firm Crossley, McIntosh, Prior and Collier.

Under a settlement filed May 10 in Brunswick County Superior

Court, Smith's widow, Hilda, will receive \$110,031. The Brunswick County Clerk of Court will receive \$178,664 "to be held for the use and benefit" of Smith's two children, Ashli and Alex.

Hazel Carmichael settled her lawsuit March 15 and will receive \$244,810, including \$5,000 for damage to the vehicle her daughter was driving at the time of the accident.

Smith's attorney, R.C. Soles Jr. of Tabor City, will receive 25 percent of the total settlement, or \$98,804.

Carmichael hired two lawyers, Roy Trest of Shallotte and James C. Fuller of Raleigh. They will receive 33 percent of the settlement, or \$122,689.

"I'm glad that it's over," Smith said Tuesday. "There's no compensation for the loss of Steve. No amount of money can replace him."

The double-fatality two years ago enraged a Shallotte community that had waited two decades for the bypass. Smith was a popular businessman in town, and Carmichael was a 16-year-old student at West Brunswick High School.

The community responded with letters to state transportation officials calling for an overpass at the intersection. West Brunswick students held a demonstration when Southeastern Welcome Center was dedicated last February.

The N.C. Department of Transportation has agreed to build a \$3.4 million interchange at the intersection to make it safer. Construction is expected to begin early next year and take 18 months to complete.

Prior to his sentencing in Brunswick County, Lassiter had been convicted of 31 driving-related charges and had his license suspended and reinstated six times since 1973, according to court records.

State Legislators Slate Town Meetings' Series

Have a question, concern or request relating to state government? Brunswick County residents can air those questions and comments at any one of three "town meetings" scheduled across the county during June by local state legislators.

Sen. R.C. Soles Jr. and Rep. E. David Redwine, Dewey Hill and Thomas Wright are hosting these meetings along with others in Columbus, Robeson and New Hanover counties.

The first meeting is Monday, June 7, at 10 a.m. in the board of alderman's chambers at Shallotte Town Hall; followed by a second session Friday, June 18, at 7 p.m. in the old courtroom at Southport City Hall; and Friday, June 25, at 7 p.m. in Leland Town Hall. Each session should last about two hours, but may run "as long as people want to talk," said Redwine.

The town meetings fulfill a campaign pledge, said Redwine, while giving legislators a chance to hear from constituents on the issues face-to-face.

"We don't do a lot of talking at these things; we mostly listen," he said. "If someone has a problem they want to discuss with us that is relevant to state government we want to hear about it so we can help if we can."

"There are no parameters. We want people to tell us how they feel about something or make suggestions to us on how to do something," said Redwine.

If an issue is current in Raleigh, legislators may share information on it in an effort to find out how their constituents feel.

Accident Claims Life Of 11-Year-Old

An 11-year-old Waccamaw Elementary School honor student died Monday from injuries received in a all-terrain vehicle accident.

Amanda Lynn Lee, daughter of James Allen and Cathy Smith Lee of Ash, died Monday evening in New Hanover Regional Medical Center after the vehicle she was driving ran under the rear of a parked pickup truck Monday afternoon.

She was transported to The Brunswick Hospital by local emergency workers, and was later airlifted to New Hanover, where she died.

A sixth-grader at Waccamaw, she was a member of the school band.

Funeral services will be held today (Thursday) at 1 p.m. at Harvest Fellowship Pentecostal Holiness Church. Burial will follow in the Smith Cemetery at Ash.



FINANCE OFFICER Lithia Hahn outlines current spending estimates for Brunswick County Commissioners Chairman Don Warren at a budget workshop Monday.

Logan Says Budget Proposal Would Emergency Programs, Fire Districts

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are going just as hard as we can go right now. I don't see the advantage of getting rid of that position," he said.

Under the current structure, Ledgett oversees the 24-hour-a-day operations of the emergency communications (911) center and coordinates the activities of county EMS personnel and vehicles.

As emergency management director, Logan develops the plans and oversees Brunswick County's response to all manmade and natural disasters and maintains an inventory of hazardous materials in local factories and businesses. He is the county's liaison to Brunswick's 21 volunteer fire and rescue squads. As fire marshal, Logan inspects buildings to assure compliance with fire codes and helps determine the cause of fires.

It was in this area of responsibility that Logan said he asked Harvey for help in his upcoming budget. Stricter regulations drafted after the disastrous Hamlet plant fire put additional burdens on county fire marshals. So Logan said he asked for an assistant fire marshal to do routine inspections.

Instead, Harvey proposed stripping Logan of his directorship, leaving him in the full-time position of county fire marshal.

In an interview the day after the

decision was announced, Harvey confirmed that Logan had complained of working up to 80 hours a week and had asked for some relief in the form of an assistant fire marshal.

"Since he issued a complaint of long hours and said he needed relief, I granted him relief," said Harvey. He insisted that the change in positions was not a demotion, that Logan would continue to oversee local volunteer departments and that he would remain "an active part of emergency services."

But Logan said he was hurt by the move to strip him of his director's post and insisted that the fire marshal job would keep him busy full-time. He noted that with a current rating of Coordinator II, Logan has more emergency management training than anyone in county government and hopes to attain the nation's highest rating of Coordinator IV by next January.

"I put in more hours than any other employee of this county," Logan said. "And I'm not complaining about that. But I took a big hit last week. Those were the toughest days I've spent since I came to work here."

Logan said he plans to express his concerns to the county commissioners, who have rejected most of Harvey's departmental restructuring plans and are in the process of radi-

cally re-working his budget.

A public hearing on the budget will be held Thursday, May 27, at 7 p.m. in the public assembly hall at the county government complex in Bolivia.

Representatives of local volunteer fire and rescue squads are expected to turn out in force to protest Harvey's deletion of their district allocations from the proposed budget.

For the past five years the commissioners have allocated \$50,000 to each of the county's five fire districts. Representatives of the 21 departments hold regular district meetings and vote to appropriate the money to departments that have a special need, usually for new equipment. Or the funds can be set aside for future big-ticket purchases such as new fire trucks, which cost at least \$150,000, Logan said.

"Most of the departments have an average budget of \$30,000 a year," Logan said. "They get \$14,500 (in individual funding) from the county and make up the rest with fund raising and contracts with municipalities. They have to pay for fuel, training, light bills, heating bills and insurance—on the buildings, the vehicles, workman's comp—and that's mandatory."

"Without the district allocations, they'll have to come back to the commissioners every time they need equipment," he said.

Calabash Sued Over Building Inspector

(Continued From Page 1-A)

mit because he could not supply enough parking spaces for the shops.

Del Re claims he told Schaack that he would hire an engineer to estimate the parking needs and to develop a plan that would comply with town ordinances.

"Schaack stated that he was in fact an engineering consultant and felt confident that he could devise a plan that would be suitable for the town and would be passed," the suit states. "Schaack stated that his hourly rate would be \$30 per hour."

When Del Re said he would have to consult his other stockholders about such an arrangement, the suit claims that Schaack "stated that \$30 was not much considering what attorneys get and hour and asked me my hourly rate."

The suit says that Del Re called Calabash Commissioner George Anderson and complained about Schaack "offering his services to comply with the town code," to which Anderson allegedly replied, "So?"

When Del Re told the commissioner that Schaack had required

that his wheelchair ramp meet stricter code requirements than the ramp at the town hall, the suit again states that Anderson replied, "So?"

Del Re's dispute with Schaack came to a head after the March 13 storm, when the sign in front of the Shops of Calabash was tilted by high winds. Schaack sent a letter requiring Del Re to repair or remove the sign within 10 days.

The letter also asked Del Re to submit a plan, sealed by a registered engineer, telling how the sign's structural integrity would be restored.

The North Carolina State Building Code states that if any sign "becomes insecure or in danger of falling or otherwise unsafe in the opinion of the building official," he or she must inform the owner to remove or repair the sign within 10 days. If not, the code states that the building inspector "shall remove such sign at the expense of the owner."

According to the suit, Del Re's contractor "determined that the damage was very minor." He was in the process of pouring concrete to reinforce the sign when Schaack al-

legedly ordered them to stop work and leave. As a result, Del Re claims he was required "to hand mix over half a ton of concrete by hand to cure an unsightly condition."

The suit also complains that Schaack threatened Del Re with a lawsuit and placed permanent "violation warnings" stickers on his tenants' sign.

Del Re's complaint alleges that these and other incidents constitute "a pattern of harassment" by Schaack, who was "acting out of the scope of his authority" and in an "arbitrary and capricious manner, enforcing the code incorrectly and illegally." It calls Schaack's actions "a trespass and illegal search and seizure" of Del Re's property.

The suit seeks damages "for half completed contracting services, for injury to personal property and additional costs" not in excess of \$10,000 plus legal costs.

Ramos said that all or part of any settlement of the suit would be covered by the town's insurance policy. He said the case would be turned over to the insurance company's lawyers.

Budget Plan Is Scrapped; Board Pledges To Hold Rate

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Harvey's plan.

Warren said the board also would review the "rather drastic cuts" recommended for the county's cooperative extension program and "other department reductions, position eliminations and other restructuring" during the budget workshops.

There was no mention in Warren's statement of Harvey's proposed demotion of Emergency Management Director Cecil Logan to the job of county fire marshal. The plan calls for Logan's department to be combined with Emergency Medical Services and headed by EMS Director Doug Ledgett. (See related story.)

District allocations for volunteer fire and rescue squads also have been deleted from the budget. Last year, the county contributed \$277,832 to local fire districts.

Other significant changes recommended in Harvey's plan include defunding most organizations that have received county support in past budgets. Among the previously funded agencies that would receive no money under the proposed budget (with last year's county allocation) are:

- Long Bay Artificial Reef Association (\$25,000).
- Volunteer Information Center of the United Way (\$17,000).
- Hope Harbor Home domestic violence shelter (\$15,000).
- Ocean Isle Airport (\$15,000).
- Southport Maritime Museum (\$10,000).
- Brunswick County Welcome Center (\$10,000).
- American Legion baseball (\$5,000).
- Miss Brunswick County Pageant (\$5,000).
- Brunswick County Literacy Council (\$3,500).
- Special Olympics (\$3,000).
- Brunswick County Arts Council (\$1,250).
- WHQR Public Radio (\$1,000).
- Brunswick Amateur Radio Society (\$1,000).
- Black History Program (\$500).

Asked if the board planned to adopt a revised budget at the public hearing, Warren said, "No. That's not possible." He predicted that the commissioners would hold more workshops after the hearing before finalizing the spending plan. Only one public hearing will be scheduled, Warren said.

The public hearing on the proposed budget will be held at 7 p.m. Thursday (May 27) in the public assembly hall at the county government complex in Bolivia

Little Change In Forecast

It's dry and it's going to stay that way, as little change in the weather is expected during the coming week.

So far this month, meteorologist Jackson Canady of Shallotte Point has measured only slightly more than a half-inch accumulation of rainfall.

"That's well below average for May or for any month," he said.

A lack of rainfall with high winds and strong heat have resulted in a lot of evaporation, for an even greater drying effect.

Canady expects temperatures to be about normal, averaging from the lower 60s at night to highs in the low 80s during the day, with below-average rainfall, less than a half-inch.

For the period May 18-24, he recorded a high of 85 degrees on May 18 and a low of 45 degrees on May 23. A daily average high of 81 degrees combined with the nightly average low of 59 degrees for an average daily temperature of 70 degrees, about 2 degrees below average.

He measured thirty-five-hundredths of an inch of rainfall.

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