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Ho, Ho, Ho!



Photo by N. Hancock

SANTA CLAUS signaled the official beginning of the Christmas season in Marshall Saturday during the annual Christmas parade sponsored by the Marshall Merchants Association. Musicians, Scouts, cloggers, horsemen and dignitaries paraded down Main Street as town and county residents braved windy, chilly temperatures to participate in the event. More parade photos on Page 3.

Judge Rules On Railroad Tax Rates

By NICHOLAS HANCOCK

Madison County will still be able to collect a little over half of what it considers Southern Railway owes it in 1980 taxes, but a ruling by a U.S. District Court judge in Raleigh late last month prevents the county from raising a 55 percent assessment, figure on the railroads commercial real estate here.

Judge Franklin Dupree ruled on Nov. 25 that "it was the intent of the Congress when it passed the Railroad Revitalization and Reform Act of 1976 that a sales ratio of commercial real estate be the standard to compare the fairness of railroad taxation," according to county attorney Larry B. Leake.

Dupree's ruling excludes centrally assessed commercial real property and commercial personal property, both of which are valued at 100 percent in Madison County.

Southern Railway has contended that commercial real property in the county was valued at 31 percent, but the county's own sales ratio study determined that the railroad should be taxed on 63 percent. Leake and Southern attorneys compromised on 55 percent before the trial in U.S. District Court.

The compromise settlement will bring approximately \$47,000 to the county coffers from the railroad company, "provided that the N.C. Property Tax Commission's decision on the value of railroad property is upheld by the North Carolina Court of Appeals," Leake said last week. Leake noted that the N.C.

Court of Appeals is "totally unrelated" to the case presided over by Judge Dupree. The U.S. District Court case relates to whether the railroads are being taxed at the same rate as other commercial property owners. The Court of Appeals case addresses the question of whether or not the North Carolina Department of Revenue has valued the property of the railroads correctly.

In essence, Judge Dupree's ruling states that as a result of his decision railroads would be being taxed less than other commercial property owners in North Carolina, but he held that this was required under the 1976 act.

Leake said that since the county has just reassessed its real property, "the decision in this law suit has no effect upon Madison County's ability to assess Southern Railway for taxes due on Jan. 1, 1982 and thereafter, and Southern will be assessed at the rate of 100 percent."

If Dupree's decision is allowed to stand for counties who have not recently reassessed property value, Southern will be assessed at a lower rate than other commercial property owners. "Clearly an unfair situation," Leake said.

No decision has been made to appeal Dupree's decision, but "if centrally assessed commercial real property and commercial personal property were included into the value ratio study, it would increase Madison County's ratio figure to between 70 and 75 percent," Leake said.

Hot Springs Aldermen Ban Youngsters From Gameroom

By NICHOLAS HANCOCK
Editor

HOT SPRINGS — The freshly sworn in mayor and board of aldermen adopted a new town ordinance here Monday night which continues to prohibit youngsters under 17 from entering a gameroom without being accompanied by a parent or guardian.

Gameroom operator Franklin S. (Hank) Holmes responded to the board's action by saying that he would continue efforts to "get the ordinance changed so kids would have a place to go and something to do."

Nearly 30 residents showed up at the 7:30 p.m. meeting; some to voice their approval of the two-month old gameroom and their disapproval of the aldermen's action.

"I think this is about the worst thing I've seen happen in Hot Springs," said Frank Moore, a ten year resident of the town.

"I don't care anything for the gameroom for myself," Mrs. Arthur Snelson told the board, "but I like to see it for the kids. I think it's a ridiculous law."

Deborah Ponder Baker, the town's first woman mayor, appeared impatient at hearing any discussion of the gameroom and read the four page ordinance before its adoption by the board. Ponder explained to Holmes that he would have to make a written application for a license to operate the gameroom and that the formal application would be presented to the board at a called meeting. The board would decide whether or not to issue him a license, she said.

In the meantime, Holmes will be allowed to continue to operate the gameroom, but no youngsters 16 and under will be allowed to enter the establishment without a

parent or guardian, she added.

The new ordinance is virtually the same as one adopted in 1972 which governed the operation of gamerooms and pool halls, but under the new law no license fee is required.

The newly installed aldermen Wesley Staude, Jerry Ramsey, and Ernest Autry adopted the ordinance without discussion or hesitation. Autry said he had heard "rumors both ways" concerning the gameroom and, as a new alderman, he wanted to check into it "to find out if there's anything to those rumors."

Holmes told the aldermen to visit the gameroom at any time and find out what it is like.

"We haven't given any reason for this kind of action. We've not had any trouble or any problems out of the kids who've been in there. As a matter of fact, I feel like their parents are glad they can have a place where they can go," Holmes said.

Several parents and adults concurred with Holmes' statement outside town hall after Mayor Ponder abruptly closed discussion of the matter.

Jerta McCarter, a resident of Spring Creek and Hot Springs for 30 years, said tearfully, "This gameroom, and another place we use to have, are the only two decent places that I've seen in Hot Springs for our children to go to."

Moore, a retiree, said when he moved to Hot Springs ten years ago he used to sit and talk with teenagers who would congregate on the Spring Creek bridge in town. "I'd ask them what they had to do, and they'd say they didn't have anything to do around here; that nobody gave a darn about them," he said.

Moore said he sees Holmes as a youngman who's willing to do something for the young

people — to give them something to do "besides breaking out windows in the Post Office and other acts of vandalism." He said his own efforts over the years to get the town and churches to provide recreation for the youngsters had been unsuccessful.

"I've seen money wasted like everything here that they could have used to help those children," Moore said. "There's five of those boys not living now; they were killed in automobile accidents." He contends that some of those deaths may have been prevented had those youngsters had some form of entertainment in town.

But all parents involved in the gameroom controversy are not in favor of having the amusement center in town. Richard Johnson, son of Police Chief Leroy Johnson, maintains a hard line against it. He said Holmes had broken the rules of the ordinance by allowing children 16 and under to visit the room since the ordinance was brought to Holmes' attention.

(A visit to the gameroom before the town meeting revealed that three youngsters, obviously under 16, were on the premises, but is was not established whether or not they had a parent with them.)

Johnson, in his opposition to the gameroom, has said he thinks there are political motivations behind the publicity the controversy has received in recent weeks. He said he thinks Holmes and The News Record have conspired to "make us look bad." When asked to explain "us," Johnson had no comment.

On the other hand, some sources here have said they think Holmes is being harassed over the gameroom



Photo by N. Hancock

OUTSIDE LOOKING IN — Billy Ebbs, 15, of Hot Springs is silhouetted against the lights of the Hot Springs gameroom as he looks forlornly at older teenagers who are allowed admittance to

pinball parlor. The board of aldermen upheld a town ordinance Monday night which prohibits youngsters from entering the establishment without the company of a parent or guardian.

because he ran for a seat on the board of aldermen in the November election. (Holmes was soundly defeated in the

non-partisan seven-man race for three seats.) Town officials are giving no reason, other than "rumors"

and that of enforcing the ordinance, for keeping the younger teenagers out of the gameroom.

Boarding Home Under Fire

Search For Man Ends Thursday

By NICHOLAS HANCOCK

The four-day search for Dean Rogers ended last Thursday when his dead body was found on a mountainside approximately a mile from Graham's Boarding Home on Sandy Mush Road from which he wandered on Sunday, Nov. 29. An autopsy report stated Rogers died from exposure, according to Dr. Bates Henderson, county medical examiner.

Rogers body was discovered by Charles Freeman about 2:15 p.m. Thursday near the home of a man from whom he had rented pastureland, according to Madison County Sheriff E.Y. Ponder.

An intensive search began Nov. 29 after Rogers, 57, was reported missing. The search party included Madison and Buncombe County rescue squads, area residents, specially trained dogs and a Civil Air Patrol unit. The search was temporarily abandoned Thursday ex-

cept for a final effort with the rescue dogs brought in from Virginia.

Sheriff Ponder told reporters he was on his way to Asheville Airport with the German Shepherd dogs to return them to their base in Virginia when his office informed him that Rogers' body had been found.

Ponder said the body was found near an unoccupied house located across a ridge on the south side of the mountain where the boarding house stands. He said the occupant of the house had suffered a heart attack Sunday morning and that no one had been on the premises until Freeman checked the place Thursday afternoon.

Graham's Boarding Home is an unlicensed facility, according to District Attorney Clyde Roberts, and it has recently been under investigation by the Madison County Department of Social Services and the state Department of Human Resources.

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Photo by N. Hancock

WINNER — Rev. David Allman (left) recipient of a citation for community leadership in Upper Laurel community, talks with

Vernon Ponder at the WNC Community Development Awards banquet Saturday in Asheville.

Communities Awarded

Double Island in Yancey County, Clark's Chapel in Macon County and Otto in Macon County are the three communities named top winners of the 1981 Western North Carolina Community Development Program.

The communities were made finalists at the Jan. 10 The Plaza at Asheville at the 25th annual awards luncheon sponsored by the Western North Carolina Community Development Program.

Little River community of Transylvania County was named as having the most outstanding overall youth program during 1981.

The top community awards were presented by County Commissioner James A. Ponder at the banquet.

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