

THE NEWS RECORD

Serving The People Of Our Communities Since 1901

Vol. 87 No. 8

Thursday, February 19, 1987

25¢

Chandler Retrial Moved To Buncombe

By BILL STUDENC
Editor

Andrew "Junior" Chandler will travel to Asheville next month to stand trial on charges that he sexually abused seven Madison County preschool children.

After a three-hour hearing in Madison County Superior Court on Friday, Judge James A. Beatty Jr. ordered the retrial of Chandler, 29, moved to Buncombe County.

The retrial is scheduled to begin the week of March 30, according to a spokesman in the office of the Buncombe County Clerk of Superior Court.

Beatty cited rumors of weapons being snuck into the Madison courtroom, frequent contact between jurors and trial participants and other security problems as the reasons for moving Chandler's retrial out of Marshall.

Beatty presided over the two-week trial of Chandler, charged with seven counts each of first-degree sexual offense and taking indecent liberties with a minor and two counts of crime against nature.

Beatty declared a mistrial Feb. 2 when a seven-woman, five-man jury reported it was hopelessly deadlocked, with no hope of reaching a verdict.

Chandler's attorney, Talmadge Penland of Asheville, argued that the prosecution had asked for a change of venue because it was not satisfied with the outcome of the first trial.

Penland said the prosecution's motion reminded him of "the little boy who wants to play baseball but doesn't like the way the game is going, so he takes his ball and goes home."

"We don't want Buncombe County handling Madison County business.

This is a Madison County matter. The history of this country and the history of the American judicial system says a man is entitled to be tried by his neighbors in his neighborhood," Penland argued.

"This young man ought not be hauled out of Madison County and tried somewhere else," he said.

Assistant Attorney General Ellen Scouten, who asked that the retrial be moved for security reasons and because of the amount of publicity generated in Madison County by the first trial, argued that the prosecution has the same right as the defendant to a trial by "a fair and impartial jury." Such a jury would be difficult - if not impossible - to find in Madison County, Scouten said.

Scouten called Chief Deputy Dal Peek of the Madison County Sheriff's Office, 24th Judicial District J. Thomas Rusher and Line Sgt. Robert

Walsh of the N.C. Highway Patrol to testify about complications that arose in Chandler's first trial.

Peek testified that he received several reports of "rumors of people spotting what appeared to be weapons in the courtroom." Beatty ordered authorities to use a metal detector to search courtroom spectators during the final days of the trial. Several auxiliary deputies and state Highway Patrol troopers were called to provide additional security at the trial.

Peek also testified that having three of the county's four deputies tied up in the courtroom prevented them from doing their regular duties.

Rusher testified that Madison County Superior Court has a backlog of cases because of renovation work on the courthouse last year. Holding

-Continued on back page



Junior Chandler faces retrial



Talmadge Penland argues against move



BILL STUDENC PHOTO

Winter weather just seems to want to keep dumping around Western North Carolina, as evidenced by these icicles on a rocky outcropping on U.S. 25-70 in Marshall.

All Of The Above

Mother Nature Dumps Snow, Sleet, Rain On WNC

By ANNE KITCHELL
Staff Writer

Once again, the weather made the news all over Western North Carolina this week as Mother Nature could not decide if she wanted snow, sleet or rain.

She opted for "all of the above," dumping two inches of ice, sleet, snow and freezing rain on WNC.

Monday's onslaught of gloppy slush restricted motorists and closed schools and businesses in Madison and Buncombe Counties.

Nearly 4,000 Madison County residents were without power for up to two hours as ice-caked limbs fell under the weight of ice and

snow, snapping power lines.

According to Iverson Bradley, district manager of French Broad Electric Membership Corporation, local crews worked throughout the night Monday to correct a problem at the substation at Walnut.

"A tree went down out in Walnut Creek causing outages all over the area," said Bradley.

"Bald Mountain was hit the hardest," Bradley said. "They had nearly an inch of ice on the timber, felling a lot of trees and branches."

Power was restored to most areas by Tuesday afternoon.

Burlin Coates of the N.C. Highway Department said road crews worked round the clock Monday and Tuesday to clear and salt main and paved secondary roads.

By late Tuesday, most of the ice had been cleared and driving conditions were good, said Coates.

"We're just waiting for the next storm. We'll be ready," Coates said.

They may not be waiting for long. The weather forecast for Madison and North Buncombe counties was calling for more precipitation - probably in the

-Continued on back page

Businesses May See Sewer Rates Drop In Mars Hill

By BILL STUDENC
Editor

Business and commercial sewer customers in Mars Hill may see their sewer rates go down, if an ongoing study of the town's rate structure finds a way for the system to generate additional revenue.

The Mars Hill Board of Aldermen met last week to hear a report from Hansen, Johnson and Associates, a Hendersonville accounting firm, on the town's rate structure.

Mars Hill officials are hoping that the accountants can find some way for the town to lower its sewer rates to business and commercial users, without putting the new, \$2 million sewer system on shaky financial footing.

"We feel like these rates for the commercial and business users are just too high," said Mars Hill Town

Manager Darhyl Boone. "But we're trying to figure out how we can reduce their rates, but still have enough revenue to have a net cash flow."

Currently, the town charges business and commercial sewer customers according to the following monthly rate schedule:

- \$8 for the first 3,000 gallons of water used
- \$2 per 1,000 gallons for the next 2,000 gallons
- \$5 per 1,000 for the next 5,000 gallons
- \$4.50 per 1,000 for all usage greater than 10,000 gallons.

Many Mars Hill businessmen have told town officials that they simply can't afford those kind of rates.

Residential customers pay \$10 for the first 3,000 gallons; \$2 per 1,000 for the next 2,000 gallons; \$1 per 1,000 for

the next 1,000; and, 50 cents per 1,000 for all usage over 10,000 gallons.

"It (the high sewer rate) is a hard burden on these business owners," Boone said. "The town is trying to figure out a way that we can generate revenue some other way to give these business owners a break, so they won't get hit with such a big bill."

One possible plan that the accounting firm will be looking at is an increase in revenue from Mars Hill College. And that could mean an increase in the sewer use rates now charged to the college, which had maintained its own sewer system until tapping onto the town system last year.

Although Mars Hill College pays the same sewer rate up to 10,000 gallons usage, the rate for usage over

-Continued on back page

Sheriff Slightly Injured In Wreck In Tennessee; Chief Deputy Cited

By BILL STUDENC
Editor

Madison County Sheriff Dedrick Brown received slight injuries in a three-vehicle accident Saturday afternoon during an investigative trip to Johnson City, Tenn., according to Tennessee police.

Brown's Chief Deputy Dal Peek was driving the county's blue, unmarked patrol car at the time of the accident and was charged with following too close behind another vehicle, according to the Johnson City Police Department.

Brown and Peek had traveled to Johnson City after receiving a tip that

merchandise stolen during a recent Madison County break-in might be located there, Brown said Monday morning.

Brown declined to say what break-in he and Peek were investigating, saying that the release of that information could tip off the burglars.

Peek was driving the county's 1985 Ford LTD patrol car when he crashed into the rear of a vehicle driven by Judy A. Walker of Johnson City at about 5 p.m. Saturday, according to the report of Johnson City Officer J.A. Harvey.

The impact of that collision knocked Walker's vehicle into a vehicle

driven by William H. Schultz Jr. of Elizabethton, Tenn., according to Harvey's report.

The two vehicles were stopped at the intersection of North Roan and East Chilhowie streets for an unidentified truck which was having mechanical problems, Brown said.

Walker and Brown were slightly injured in the accident, according to the accident report. Neither required hospitalization for the injuries, said Johnson City Police Department records clerk Christine Whistin.

Brown estimated the amount of damage to the patrol car at about \$1,000.

County Barely Beats Insurance Deadline

By BILL STUDENC
and BRENDA PARKER
News Record Staff

The Madison County Board of Commissioners, facing the cancellation of all of the county's insurance coverage, has agreed to purchase three separate insurance policies.

The county's former policy expired at midnight Feb. 11, after county officials pleaded for and received a 30-month extension.

The coverage had been due for cancellation Jan. 11.

Because of skyrocketing insurance rates, the county has been forced to go to three separate insurance companies for coverage.

White Insurance Agency in Black Mountain will provide coverage for all county employees, vehicles and buildings, except for vehicles in the sheriff's and ambulance departments.

Company representatives were

unable to give county officials a price for the coverage, but said it would come at "standard rates."

Seawell, a company out of Greensboro, will insure the county ambulance vehicles, at a cost of \$6,500 a year.

Nationwide Insurance Co. will insure the sheriff's vehicles, at a cost of \$1,019.52 a year.

The N.C. County Commissioner's Association offered to provide all of the county's insurance needs for about \$80,000 a year.

But the board agreed at a meeting last week to go with the three local agencies, which are expected to be less expensive than the insurance pool set up by the association.

In other action, the board tabled action on a proposal to ask the General Assembly to amend a state law giving political parties the authority to fill

-Continued on back page

WYNDHAM PROPERTIES
OFFERED EXCLUSIVELY FOR
WYNDHAM PROPERTIES
CONTACT
1-919/787-8837
Out Parcel Sale
1-919/846-2111

On Schedule

Construction equipment lies dormant at the site of a new shopping center at the junction of U.S. 25-70 and U.S. 19-23 at Weaverville, as this week's snow and low brought work to a halt. But Weaverville Town Manager Charles Horne says that winter weather has not hampered construction,

and says that work is proceeding according to schedule. The facility - expected to include a Food Lion grocery store, two banks, a major retail store and several smaller businesses - should be open by September.

Aldermen Take On New Jobs

By ANNE KITCHELL
Staff Writer

The Hot Springs Board of Aldermen has given itself additional responsibilities.

During its regular monthly meeting, Hot Springs Mayor Kenny Ramsey asked for a motion to appoint each alderman to oversee the various town departments.

"The board will still be responsible for executive decisions such as hiring and firing," said Ramsey.

Ramsey asked Alderman Gene Autrey to oversee the fire and water departments. Alderman Wesley Stude will oversee the town maintenance department and Alderman Don E. Franklin will be responsible for the municipal police department.

Ramsey will oversee the town work.

-Continued on back page