

## Officials, Residents Debate Prison Site

By BILL STUDENC  
Editor

Madison County commissioners, meeting Monday with officials from Marshall, Mars Hill and Hot Springs, got an earful when an informal gathering on a proposal to host a medium-security prison turned into a full-blown public hearing.

A standing-room-only crowd jammed Madison County Courthouse for Monday's meeting, originally scheduled to give county and municipal officials a chance to discuss the pros and cons of locating a 300-prisoner facility in Madison County.

When county residents got word of the gathering, they flocked to the courthouse to speak their minds on what is fast becoming a highly controversial issue.

Among the concerns of opponents of the plan are the possible devaluation

'If we get it down here, we're doomed. Madison County may be poor, but we're not foolish.'

—Earl Edmonds

'If we're looking at a \$5 million budget a year, you're looking at \$35 million a year to the local economy.'

—Sherrill Allen

tion of property near the facility, potential prison escapes and the impact on future industrial development. Proponents of the plan say the prison would mean up to 100 new jobs and possibly \$35 million a year to the local economy. They call the facility a "non-polluting industry."

Adding fuel to the fire Monday was the news that the only Madison land prison officials have looked at is owned by longtime Democratic leader Zeno Ponder. It is the same land Ponder is charged with purchasing through a conspiracy while he served on the N.C. Board of Transportation.

And, further complicating the controversy, the land was shown to state officials by real estate agent Diana Kingston, the wife of Richard Kingston, a member of Marshall Planning Board and the driving force behind efforts to bring the prison to Madison. That, many angry residents said, represents a conflict of interest for Kingston.

All of the controversy may be irrelevant. The General Assembly has appropriated \$5.6 million to construct a new facility to replace the aging, over-crowded Craggy Prison in Woodfin. Some, including Kingston, have suggested the county try to convince the legislature to build the prison in Madison.

But, before that can happen, the General Assembly must agree to change legislation calling for the prison to be built in Buncombe County.

Prison officials have looked at sites in Weaverville, Swannanoa, Black

Mountain and Enka, but met local opposition at all sites. Gov. Jim Martin has suggested putting the prison on state land in Burke County, but residents there have also opposed that suggestion.

Many of those who attended Monday's meeting voiced the same arguments that prison officials heard in Buncombe County. And, for Craggy Prison Superintendent Sherrill Allen, it was his second trip in a week to discuss the prison with Madison residents. He attended a meeting last Thursday of the Marshall Neighbors' Association (see related story).

Allen opened Monday's meeting by telling the crowd that the state is planning to demolish Craggy and build a 100-man work release unit on the site, at a cost of \$1.5 million.

The replacement prison, wherever it is built, will have an annual budget of about \$5 million a year, not including a "mini-hospital" and a laundry which would employ about 10 additional workers, Allen said.

"The local chamber of commerce figures that a dollar turns over seven times in a year," he said. "If we're looking at a \$5 million budget a year, you're looking at \$35 million a year to the local economy."

The new prison would employ 100 workers, Allen said, although 16 workers employed at Craggy are from Madison and would probably transfer. Craggy Prison currently employs 74 workers, he said, promptly.

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BILL STUDENC PHOTOS

Richard Kingston, who first suggested that a new prison be built in Madison, came under fire Monday when residents learned his wife, a

real estate agent, had shown property to state prison officials.

## Craggy Superintendent Answers Local Questions

By ANNE KITCHELL  
Staff Writer

Area residents are gearing up for what could become one of the most heated debates in the history of Madison County.

A group of area residents met last Thursday to hear both sides of a proposal to relocate Craggy Prison in Madison County at a question-and-

answer session with Sherrill Allen, superintendent of the Woodfin prison.

The meeting, sponsored by the Marshall Neighbors' Association at the Madison County Public Library, turned out to be the first of two meetings this past week on the controversial prison issue. (See related story.)

Association spokesman Ed Fender

said there is currently no legislation citing Madison County as a prospective location for the prison, and if residents want it they will have to lobby in Raleigh.

Legislation calling for the replacement of Craggy says the new prison must be built in Buncombe County.

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Sherrill Allen  
Craggy superintendent

## Leake, Capps Defend Payments To Madison County's Attorney

By BILL STUDENC  
Editor

Larry Leake, attorney for Madison County, has defended his receipt of at least \$55,000 from county officials last year, saying that the money was for legal services rendered over the past seven years.

Robert Capps, chairman of the Madison County Board of Commissioners, also defended the county's payments to Leake as appropriate.

Leake and Capps were responding to an advertisement in last week's News Record in which the Bipartisan Citizen's Committee For Better

Government questioned \$55,430.51 in county payments to Leake in 1986.

But Leake and Capps both said that those payments were for services rendered by Leake over a several year period.

"I'm sure that the committee has also looked at the county's fiscal record for the last several years, and that they are aware that the \$55,000 is for legal services rendered to the county of Madison since July 1, 1979, which is an average of \$7,523.82 per year," Leake said in a letter to The News Record and the Bipartisan

Citizen's Committee for Better Government. (See Leake's letter on Page 4).

Leake said he has been compensated by the county at a rate less than \$20 an hour. "I seriously doubt that the Bipartisan Citizens Committee for Better Government can find another attorney who is willing to represent his or her client for an hourly rate, which includes expenses, of less than \$20 an hour," he said.

Capps, although differing somewhat on the dollars, agreed with Leake.

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Larry Leake  
county attorney

## Hot Springs Police Chief Wins Federal Lawsuit

By BILL STUDENC  
Editor

A U.S. District Court jury ruled in favor last week of Hot Springs Police Chief John Barrett in a \$45,000 lawsuit filed by an Asheville man claiming Barrett used excessive force when arresting him last year.

The jury deliberated for 20 minutes last Wednesday before finding that Barrett did not exceed his lawful authority on March 12, 1986, when arresting Christopher Scott Daniels, formerly of Weaverville.

Daniels had filed a civil lawsuit in Asheville in September, charging that Barrett used unreasonable and life-threatening force when he shot out the front tire of Daniels' Jeep, causing it to crash down a 20-foot embankment. Daniels was injured in the incident, and his Jeep CJ-5 damaged.

Daniels charged that Barrett shot at him without justification when Daniels was attempting to turn around on U.S. 25-70 outside the Hot Springs town limits.

Barrett's actions constituted assault and battery, assault with a deadly weapon, intentional infliction of emotional distress, and gross negligence, the lawsuit alleged.

Barrett, in answer to the lawsuit, denied using unreasonable force when arresting Daniels for allegedly driving under the influence of alcohol and reckless driving. Daniels was arrested after being seen driving 60 mph in a 20 mph zone, according to police reports.

Barrett said he shot at the tire of Daniels' vehicle only after Daniels tried to run over him while he was approaching the vehicle. Daniels then tried to escape arrest and drove down an embankment, overturning, Barrett said.

Daniels was charged with driving under the influence of alcohol, reckless driving and assault on an officer with a vehicle, according to police reports.

In the civil lawsuit, Daniels named

Barrett individually and as police chief of the town of Hot Springs as defendant. Also named as defendants were the Hot Springs Police Department and Madison County.

Daniels charged that Madison County was liable for the Hot Springs Police Department and the employment, training, selection, policies and procedures of its officers.

But U.S. District Court Judge David Sentelle last Tuesday approved a motion for summary judgement and dismissed the Hot Springs Police Department and Madison County as defendants.

That left only Barrett — individually and as police chief — to go to trial last Wednesday.

The case went to the jury after some six hours of testimony, and the jury returned with its verdict 20 minutes later.

Daniels had been seeking a total in excess of \$45,000 in the lawsuit — \$10,000 in compensatory damages, \$10,000 in punitive damages, \$25,000 in punitive damages, attorney fees, court costs and whatever other damages granted by the court.

The lawsuit charged that Barrett had given no warning before shooting at Daniels' vehicle and that Daniels did not use any force or try to escape arrest.

The lawsuit further charged:

- Barrett should not have been employed as a lawfully appointed officer of the law because no physical, academic, background or psychological tests were conducted prior to his employment.
- Barrett had a bad reputation for the excessive use of firearms and "enjoys a reputation for being involved in violent and unprovoked altercations."

- Madison County failed to conduct an independent review of the background and qualifications of Barrett prior to his employment.
- Barrett, in his answer to the lawsuit, denied the allegations.

## Weaverville OKs Recreation Park Plans

By ANNE KITCHELL  
Staff Writer

The Weaverville Board of Aldermen has agreed to apply for a Land and Water Conservation Fund grant for a new recreation park to be built on the property in the middle of town.

During a public hearing Monday, the board heard a proposal from Weaverville Town Manager Charles Horne and Land-of-Sky Regional Council Advisor Jane Miller.

The two officials said that Weaverville has a good chance of obtaining the funds necessary to begin construction of the park.

Horne said the proposed project

would initially consist of two tennis courts and two basketball courts. That first phase of the project carries a pricetag of \$151,763.44, Horne said.

The proposal calls for three phases of development, with the most expensive phase to be taken care of first, said Horne. That first phase will include grading of property, construction of culverts and laying of water and sewer lines, in addition to the recreational facilities.

Later phases call for the construction of additional tennis and basketball courts, as funds become available.

The property the town is looking at

for the recreation park consists of nearly 11 acres located across from the Weaverville Town Hall. The proposal calls for development of 8.5 acres, with room for expansion if funds are available.

The board has until March 13 to apply for the federally funded Land and Water Conservation grant, which must also be matched by the town, Horne said.

"I believe your chances are as good as anyone else's," Miller told the board Monday night. "There is only \$400,000 available statewide in the Land and Water Conservation Fund, but you have a good chance at getting

your grant because this will be a new park."

Weaverville officials say the park would fill a void in recreational opportunities in the town.

"We really don't have enough recreational facilities in town," Horne said. "This park will enhance the quality of life for Weaverville residents."

According to Horne, the town purchased the land at nominal cost some time ago and has been working with the Land-of-Sky Regional Council to secure grant money for the project. The town has appropriated matching funds, if the money is granted.

## No Action Taken On County Audit Report

By BILL STUDENC  
Editor

More than a month after hearing an auditor list several "improperly documented financial transactions" uncovered during an audit of last year's county financial records, Madison County officials have yet to take any action on the report.

Robert Capps, chairman of the Madison County Board of Commissioners, said the commissioners have simply not had time to talk about what action — if any — to take concerning the audit report.

J. Roger Gregg of the Asheville-

counting firm Gregg & Lasher, P.A., told the commissioners Jan. 12 that he had found many discrepancies in the county's financial record books.

Gregg's report of county finances from Dec. 1, 1985, to Nov. 30, 1986, raised several questions about the financial practices of the former Madison County Board of Commissioners and its employees.

According to the report, there was "a significant increase" in county payments to former commissioners and their employees in the months following last May's primary.

Former commissioners James

Ledford, Ervin Adams and Virginia Anderson failed to win the Democratic Party's nomination in May, a defeat which left them "lame ducks" until a new slate of commissioners was elected.

It was during that period that many of the alleged financial discrepancies took place.

After hearing Gregg's report last month, the current commissioners were cautious in their response, saying they wanted time to closely examine the report.

"I want to look over this thing and see if these things have been done. All

we've got is an audit report. I want to wait until we can get together and look at it more thoroughly," Capps said last month.

"If there has been anything done wrong, we'll turn it over to the District Attorney," he said.

District Attorney J. Thomas Rusher of the 94th Judicial District said he has not received any information or requests from the Madison County commissioners.

"I've had no contact with the Madison County commissioners,"

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