



Nix Drive in Marshall may have been paved at a cost of \$5,790 in violation of the N.C. Open Meetings Law

Paving Project May Have Violated Open Meeting Law

By BILL STUDENC
Editor

A decision made by Marshall officials last month to authorize the paving of a municipal road may have violated the N.C. Open Meetings Law.

That's the opinion of Marshall's mayor, an attorney with the N.C. Press Association and a public records and meetings specialist with the N.C. Attorney General's Office.

Hill Paving Co. of Canton paved a stretch of Nix Drive early last month at a cost of \$5,790. But no Marshall officials seem to remember exactly when the decision to pave the road was made.

Minutes of the meetings of the Marshall Board of Aldermen do not indicate that a vote on the paving of the road was ever taken.

Marshall Mayor Anita Ward said that's because aldermen Ed "Doc" Niles and Faye Reid made that decision outside of the regularly scheduled board meeting.

"One week I went to Raleigh and when I came back, Nix Drive was paved," Ward said. "There was a bill for more than \$5,000 sitting on (town clerk) Linda (Dodson's) desk when she came to work one morning."

The board never approved the paving of Nix Drive, she said.

"It may have needed to be paved," Ward said. "I have no problem with that. But why didn't they have a meeting?"

Niles and Reid, when contacted this week, said they were under the im-

pression that the paving of the road had been discussed at an earlier board meeting, but said they could not be sure that the board had ever voted on it.

"I thought that was done in an open meeting," Reid said. "I don't recall which one; I haven't the faintest idea."

"I think it was discussed, but I won't say for positive, when we were talking to Vader Shelton at a meeting," Niles said.

During that meeting, the board agreed to install water and sewer lines to an apartment owned by Shelton, and to repave any of the roadway torn up during that work.

"I think both projects were mentioned at the same time, and probably others," Reid said.

While work was being done on the project at Shelton's apartment, Niles and members of the town crew decided to go ahead and instruct Hill Paving Co. to resurface Nix Drive.

"The culvert on that road had to be fixed," Niles said. "It had sunken down and was in pretty bad shape. A car could have dropped a wheel off of there and wrecked."

Niles admitted that he told Hill Paving Co. to proceed with the paving of Nix Drive, but said that he sees nothing wrong with that.

"The guy had his equipment up here and said, 'I'm down here with my equipment and I can do it now and save some time and expense,'" Niles

-Continued on back page

Ruling On Weaverville's Ex-Police Chief Postponed

By BILL STUDENC
Editor

Weaverville officials have called "time-out" during a grievance hearing for former Police Chief Darrell Rathburn, fired in August for undisclosed reasons.

After the firing, Rathburn requested that Weaverville officials grant him a grievance hearing to present evidence why he believes he should not have been terminated as police chief.

That grievance hearing began last Wednesday, but after three hours evidence, town officials and attorneys representing Weaverville and Rathburn agreed to recess the hearing until 5:30 p.m. Tuesday.

Tuesday came and the continuation of the grievance hearing didn't.

Charles Horne, Weaverville town manager and the man who fired Rathburn, said that attorneys for the town and Rathburn have had scheduling

conflicts that did not allow them to be at the hearing on Tuesday.

And that means that Rathburn's grievance hearing will be delayed until his attorney, Devere Lentz of Asheville, and Weaverville town attorney Bill Barnes can agree to a date and time for the continuation of the hearing, Horne said Wednesday.

Barnes and Lentz may also be discussing the possibility of settling the matter outside of the grievance procedures set up by the town.

"That may be a possibility, but I can't really comment until I find out something from our attorney," Horne said. "Anything I would say would be premature."

Horne said he hopes to be able to close the book on the Rathburn termination this week.

"Hopefully, it will be done this week," he said. "I would like to get it out of the week and do something definite."

Horne fired Rathburn Aug. 22 for undisclosed reasons after conducting an internal investigation into the Weaverville Police Department.

Horne, and other Weaverville town officials, have refused to comment on the reasons behind the firing, saying they can not discuss personnel matters.

Rathburn's firing came about one month after the resignation of two Weaverville police officers, and a week after town officials received two letters from a former candidate for the Weaverville Town Council and her husband.

Weaverville officials, however, say that the letters and the recent resignations are only "indirectly" related to the decision to fire Rathburn.

Weaverville Police Sgt. J.D. Ray had been appointed acting police chief after the firing of Rathburn, but resigned one week later without comment.



Darrell Rathburn
...no decision on firing

State Officials Await More Input On Vulcan's Flat Creek Quarry

By MARGARET A. STUDENC
Staff Reporter

The N.C. Department of Natural Resources and Community Development may be another two months in deciding the fate of a proposed rock quarry in northern Buncombe County.

It is up to NRCD officials to decide whether to accept or deny an application from Vulcan Materials Corp. for a surface mining permit for a proposed rock quarry in the Flat Creek community.

According to Steve Conrad, director of the department's Division of Land Resources, state officials are still waiting for some additional infor-

"The application was so vague it was incredible. It was incomplete and lacking in facts."

Resident Gary Hensley

mation they have requested from Vulcan Materials before a decision can be made.

"We just don't have enough information right now to completely evaluate all their plans," Conrad said.

"The law reads that the department has 60 days after we receive the complete application to make our decision. Until we get all the information we have requested, we don't con-

sider the application to be complete," said Conrad.

Flat Creek residents learned in June that Vulcan Materials Corp., which also has quarries in Enka and in Henderson County, was planning to build a granite mine on 99.64 acres of land north of Weaverville on U.S. 19-23.

Since June, area residents have protested the building of the quarry in the Flat Creek area.

"It is not a fact that we are fighting industry in the area," Gary Hensley, a Flat Creek resident opposed to the quarry, said in an interview Tuesday. "We welcome industry that would be beneficial to the community. We just don't believe the quarry would be that kind of industry."

Hensley said he believes that a shoddy application from Vulcan is the reason for the delay.

"The application was so vague it was incredible. It was incomplete and lacking in facts," he said.

Members of the Flat Creek community will be holding a township meeting at 7:30 p.m. Thursday at Flat Creek Elementary School

Hot Springs Hopefuls Withdraw; Cioli Cites Harassing Calls

By BILL STUDENC
Editor

Two candidates challenging the current Hot Springs mayor for election in November have withdrawn from the campaign - one dropping out after receiving harassing telephone calls.

Although municipal elections are more than a month off, Mayor Kenny Ramsey has already been virtually assured of re-election because of the withdrawal of his only competition.

The development all but guarantees that Ramsey will win re-election to a second term, barring an unforeseen write-in campaign.

Candidates Gerald Cioli and Glen W. Norton withdrew from the mayor's race for "personal reasons," said Larry Huntsinger, chairman of the Hot Springs Board of Election.

Cioli told The News Record Monday that harassing telephone calls led to

his decision to withdraw from the race.

"I had a couple of harassing phone calls at the house," Cioli said. "We've only been here for less than a year and I don't want to make any enemies in this town. I like the town, and I love the people. I thought I could - and I still think I can - help the town."

Cioli and his wife received two or three anonymous telephone calls about his candidacy, he said.

"The calls stated that I'm Italian and who do I think I am trying to take over this town,"

Cioli said he did not have any idea who might have made the phone calls.

"There are too many nice people in this town. If running for mayor is going to make me enemies, then I don't want it. It's not worth it," he said.

"Maybe if I'm still around in a couple of years, I'll try again," Cioli said.

"Then I'll know the town a little better and the town will know me a little better, too."

Cioli said he thought he stood a good chance of winning the election. He said he helped register a large number of young and elderly voters.

Norton, when contacted Tuesday, would only say that personal reasons led to his decision to drop out of the mayor's race.

Ramsey, a Hot Springs alderman for one term before winning the mayor's race in 1985, said he is "disappointed" at the withdrawal of his challengers.

"In another way, it makes me think the people think I'm doing a good job and that the people have confidence in me or I would have had more people running against me," Ramsey said.

Ramsey said he believed he would have been re-elected mayor even if



Kenny Ramsey
...winner by default

his competition had not dropped out of the race.

A full slate of candidates remains in the race for three aldermen positions, including incumbent Wesley Staude.

Two New Programs Face WNC Farmers

By BILL STUDENC
Editor

Western North Carolina farmers have two new programs, one federal and one state, to worry about in the coming years.

The two programs are the Food Security Act of 1985, better-known as the Farm Bill, which requires farmers to apply conservation practices to severely eroding land, and the N.C. Agriculture Cost-Share Program for Nonpoint Source Pollution Control, which provides money to farmers to improve water quality.

Although the two programs are not related, Ronald Blevins of the Madison County Soil Conservation Service says they will work hand-in-hand.

"They blend together very well," Blevins said. "Although they are totally unrelated, they really have come around at a better time."

The Agricultural Cost-Share Program makes state money available to farmers to reduce the flow of pollutants into streams, Blevins said, and one of the biggest pollutants of

water in the mountains is sediment from soil erosion.

"We can use the cost share funds to apply conservation techniques we will need to apply under the Farm

Bill," Blevins said.

Here's a quick look at the two programs and what they will mean for area farmers:

FARM BILL

Under the Farm Bill of 1985, all highly erodible cropland being farmed must have a conservation plan developed by January 1990.

The bill also requires that the conservation plan be in use by January 1988.

If farmers don't take the steps required by the federal government concerning the protection of highly erodible topsoil, they face the loss of federal farm benefits, including price supports and loan programs.

That sounds pretty threatening on the surface. But Blevins said that despite a lot of misinformation circulating in farm communities, most farmers don't object to the provisions

Farm Bill Called A 'Major Rethinking'

By DAVE GERRARD
The Mountaineer

The 1985 Farm Bill is a major rethinking of the nation's conservation programs. No longer will a farmer's decisions to apply conservation practices to severely eroding land be purely voluntary.

There are teeth in the new law which will force farmers to protect the highly erodible topsoil, or face

losing federal farm benefits which have kept many agricultural enterprises afloat in recent years.

Federal agencies have also had to take on an unfamiliar role as the watchdogs of the new conservation program, and in the process have had to develop new ways of approaching the job of protecting the land and water from erosion.

-Continued on back page

Madison Sheriff Gets \$40,000 Grant

From Staff Reports

The Madison County Sheriff's Department will use \$40,000 in grant money from the state to pay the salary of a drug-enforcement officer and purchase a vehicle to be used in drug-related arrests.

Gov. James Martin announced last week the awarding of the grant money, handed out by the Governor's Crime Commission.

Although the grants were only officially announced during a press conference in Raleigh last week, Madison County Sheriff Derrick Brown has known about them for several weeks.

"We should be getting the money any day now," Brown said Monday. "I made five trips to Raleigh at my own expense to get

it."

Brown said he met several times with members of the Governor's Crime Commission and Department of Crime Control seeking the grant money.

The state has awarded \$20,000 per year to the Madison County Sheriff's Department for the next two years.

The funds will be used to pay the salary of Tom Simpson, who has been working as a drug-enforcement agent for Brown for several months, and to purchase a vehicle to be used in drug raids.

"We'll also use it for buy money to purchase drugs in undercover arrests," Brown said. "We'll also use it for buy money to purchase drugs in undercover arrests," Brown said. "We'll also use it for buy money to purchase drugs in undercover arrests," Brown said.