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Weaverville Annexation Goes To Court

By BILL STUDENC
Editor

ASHEVILLE - Superior Court Judge Robert Lewis heard arguments Tuesday in a lawsuit filed by a group of Weaverville residents seeking to overturn the town's annexation of Reems Creek Golf Club.

Lewis did not rule on the lawsuit Tuesday, choosing instead to take the case under advisement - and to take home for further study the stack of legal briefs and two hour's worth of arguments from four attorneys.

Attorney Harold Bennett, representing a group of six Weaverville residents, argued that Weaverville's

annexation of 89 acres of noncontiguous property of Reems Creek Golf Club violated a provision of state annexation statutes that says all portions of subdivision must be annexed.

Bennett said that Kenmure Associates, developer of the golf club and residential development, should have also requested that Weaverville annex 161 other acres, including an 18-hole golf course, because they are portions of the same subdivision.

"The golf course is the amenity without which the subdivision would not exist," Bennett said.

"You can't bite half of the cherry. If you're going to bite it, you've got to

bite it all," he said.

But Weaverville town attorney Bill Barnes and co-counsel Steve Kropelnicki argued that the golf course is not part of the subdivision that makes up the residential development. State law says that all portions of a subdivision must be included in a request for satellite annexation, unless those portions are greater than 10 acres, Kropelnicki said.

Kenmure has subdivided its property into three portions - the 89-acre residential, the golf course and property for "future development." Each tract is greater than 10 acres,

Barnes said.

Bennett, however, argued that Kenmure Associates had, prior to a public hearing on the proposed annexation, subdivided its property into several lots and identified property not included in the annexation "for future development." Maps indicating those divisions were posted at Weaverville Town Hall and information distributed at a public hearing indicated that lots had already been sold, he said.

But attorney Albert Sneed, who represents Kenmure Associates and who asked to be allowed to join the lawsuit as an interested party, said

that those maps are not legally binding.

Sneed said that only the maps and plats of record - that is, the ones filed with Buncombe County tax and deed officials - should be considered.

Kropelnicki joined Sneed in that argument.

"We don't have a subdivision just because somebody draws some lines on a map," he said. "If I draw a map of my two or three acres and put some lines on it, I hope my property all of a sudden isn't subject to regulations for subdivisions."

"If that is not a subdivision, I will eat that map, your honor," Bennett

said. "They're just trying to cover up a track by drawing a new map without those lines."

Town attorney Barnes also argued that the court should not even hear the complaint because the Weaverville residents had no legal right to file it.

Residents of a town contemplating a satellite annexation can voice their opinion during a public hearing, Barnes said. After annexation occurs, it would be up to the N.C. Attorney General's Office to take action to overturn the annexation, he said.

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Fire Guts School Bus

From Staff Reports

Madison County's school bus for handicapped children was gutted by fire while parked in the Laurel Branch section Tuesday.

Marshall fire officials say they believe that electrical problems in the bus's engine caused the fire.

"Apparently, the fire started near the engine compartment," said Gary Moore, assistant Marshall fire chief. "It could well have been electrical, but it's hard to say for sure because there's not much left."

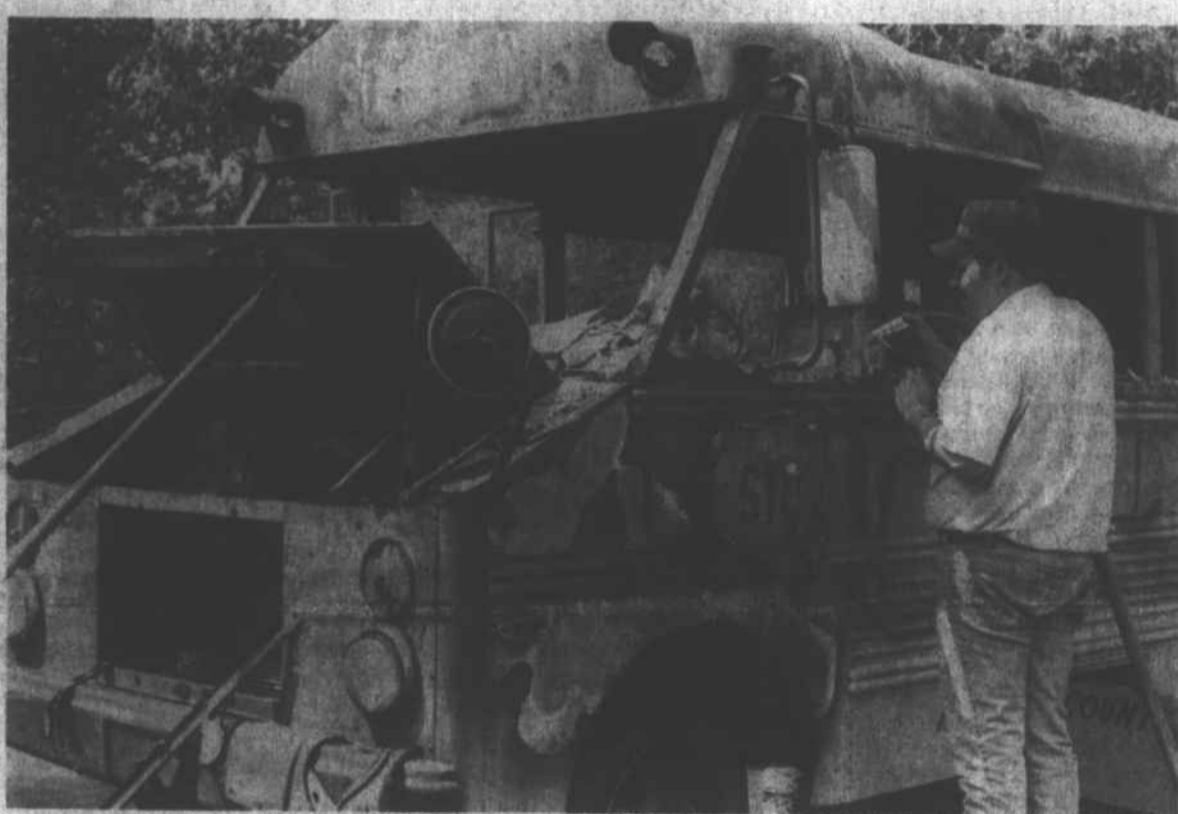
Although arson is not suspected, fire officials say they have not ruled it out.

"I doubt that it was arson," Moore said. "We haven't ruled it out, but it doesn't really appear to be arson."

Investigation of the fire should be complete by the end of the week, he said.

The fire, reported at about 11:05 a.m. Tuesday, was first spotted by David Bower, a salesman who had pulled over at a nearby church.

"I was sitting at the church and I saw some smoke," Bower said. "It looked like a little fire off the bank



BILL STUDENC PHOTO

A Marshall firefighter hoses down the inside of a Madison County school bus which caught fire while parked in the Laurel Branch section

Tuesday. Fire officials believe faulty electrical wiring may be the culprit.

and I thought someone was burning brush. Two or three minutes later, the whole front end of the bus was in

flames." Bower said he does not believe the fire was intentionally set because he

did not see anyone traveling past the bus, which sat on the shoulder of Old N.C. 213.

Mars Hill Holds 'Brainstorm' Session

By HASSIE PONDER
Staff Writer

Members of the Mars Hill Board of Aldermen heard several suggestions and ideas were during a special "brainstorming" session held last Tuesday night in Mars Hill Town Hall.

Among the topics discussed during the session were weekend garbage pickups, the numbering of houses in Mars Hill and the widening of Carl Eller Road.

Mars Hill Mayor Joseph Godwin, who called the special meeting, had a suggestion of his own - to number all houses in Mars Hill. Godwin said that since all municipal streets will be getting names, all houses should be numbered.

Such a move would help emergency agencies respond quicker to calls for help, Godwin said.

That suggestion spurred a discussion of how to go about numbering

houses. The board made no decision, but agreed to study the issue further.

Another suggestion came from a woman who attended the "brainstorming" session. She suggested that town officials do something about the garbage that sits on the municipal sidewalks during the weekends. She also mentioned that something should be done about the trash around the side parking lot of the Ingles shopping center.

Godwin made a "hide-bound pro-

mise" to see that something is done about the trash.

Town officials also announced that Carl Eller Road (formerly Big Branch Road) will soon become a three-lane road, going from the traffic light in downtown Mars Hill to the traffic light at the intersection of N.C. 213 and U.S. 19-23.

Godwin started the meeting by thanking the aldermen for their support.

Madison Residents Honor Veterans On Memorial Day

From Staff Reports

Madison County residents gathered Saturday in downtown Marshall as the Ladies Auxiliary of American Legion Post No. 317 sponsored its annual Memorial Day observance.

Among the activities was a parade down Main Street, an exhibition by a Reserve Officers Training Corp. squad, a junking booth and crafts sales.

The highlight of the annual celebration was a special memorial service held in Madison County Courthouse featuring Liston B. Ramsey, speaker of the

N.C. House of Representatives.

"For some people, Memorial Day means only the beginning of the summer vacation season," Ramsey told a small group of people who ventured into the courthouse after earlier activities outside. "But for many of us, it means much more than that."

The day is also a time for Americans to remember the men and women who lost their lives fighting in wars to protect the rights and freedoms that we often take for granted, Ramsey said.

"There is really no way we can

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BILL STUDENC PHOTO

House Speaker Liston B. Ramsey delivers a speech during Memorial Day services held Saturday in the Madison County Courthouse.

N. Buncombe Seniors Receive Diplomas

By BILL STUDENC
Editor

ASHEVILLE - Nearly 200 North Buncombe High School seniors received diplomas Saturday during commencement exercises in Thomas Wolfe Auditorium.

The Class of 1988 is the first group of graduates from the new North Buncombe High School, now completing its first year of use.

During Saturday's ceremonies, the Rev. Sammy Martin, baccalaureate speaker, urged the graduates to be on the lookout for diversions in life - drugs, alcohol and promiscuity.

"Your graduation and your diploma are both steps into adulthood," he said.

"The person with true maturity is the person who looks into his future and takes the steps. There are some things that I will not try - and you may not either. But you will face a challenge."

Martin also told the graduates to relish the emotions that they are feeling on their graduation day.

"That excitement and that feeling that's racing through your hearts and racing through your veins, keep that, lock it away and remember it," he said. "The memory of this afternoon and this adventure will do absolutely nothing but grow dearer and grow sweeter as the years go by."

Although many graduation speakers frequently comment that life is a journey, Martin said, "Life is more than just a journey. Life itself is a gift. It's a very special, a very blessed gift."

Valedictorian Brooke Carrington Barbee, who spoke of the conflicting emotions of happiness and sadness that surround graduation, told her classmates to enjoy their lives after high school.

At age 18, she may seem to



BILL STUDENC PHOTO

North Buncombe High School principal Ivan Randolph, right, was in charge of handing out diplomas to 193 seniors Saturday at the

Asheville Civic Center's Thomas Wolfe Auditorium. He was assisted by the senior class president, Teresa Ann Nash.

Quarry Opponents File Lawsuit

From Staff Reports

A group of Flat Creek residents has filed a lawsuit charging that state officials approved a flawed permit allowing Vulcan Materials Co. to open a rock quarry off U.S. 19-23 north of Weaverville.

The lawsuit was filed Tuesday in Buncombe County Superior Court by the Association of Concerned Citizens, Inc., of Flat Creek.

The group, in its lawsuit, charges that state officials ignored evidence presented by quarry opponents that surface mining in the Flat Creek community would harm groundwater.

The lawsuit also charges that state officials failed to properly assess the impact of the quarry on the community.