

May 8, 1985

U.S. Attorney Announces Probe
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Calendar

Mars Hill A.A. Meets May 16

The Mars Hill A.A. group will meet May 16 at 8 p.m. at the Mars Hill Methodist Church. A guest speaker is expected. Everyone is invited to attend.

Legion Ladies To Meet May 14

The American Legion Ladies Auxillary Post 317 will hold a meeting May 14 at 7:30 p.m. All members are urged to attend to discuss plans for the Memorial Parade planned for May.

Marshall Board To Meet May 13

The Marshall Board of Aldermen will meet on May 13 at 7:30 p.m. in Town Hall. The public is invited to attend.

Contel Rate
Increase ApprovedZone Charges Eliminated,
Party Lines To Remain

Continental Telephone has received approval for a four percent increase in local service rates from the North Carolina Utilities Commission. The order from the commission will allow Contel to increase pay phone charges to 25 cents and eliminate zone charges for telephone customers in outlying areas.

Continental Telephone had requested a \$4.5 million increase in its application filed in October, 1984. The company later reduced the request to \$2.5. The Utilities Commission ruling will allow Contel an additional \$900,000 in revenues.

In announcing the rate increase, the Utilities Commission stated that the ruling will allow Contel to realize a 12.56 percent rate of return on its investment. The increase is the first since December, 1983 for local telephone customers.

The exact increase in local telephone customers' bills won't be known for several days. Contel's request included increases for service

charges in many of the company's service areas throughout WNC. Contel will submit a revised list of charges to the Utilities Commission later this week for final approval. The revised rates will become effective following a final review by the Utilities Commission and the Public Staff.

The Utilities Commission denied Contel's request to institute a usage pricing plan on an experimental basis. Contel had proposed offering the usage pricing plan as an alternative to the present flat rate for monthly local service.

The commission also denied Contel's request to phase out four-party service lines. The commission report stated that maintaining party lines would allow more low-income customers to maintain telephone services.

The commission ruling made no mention of proposals to allow Madison County customers toll-free countywide service.

Marshall Contribution
Illegal, But State
Won't Investigate
Without Complaint

By ROBERT KOENIG

The Town of Marshall's purchase of six tickets to a dinner honoring Speaker of the House Liston B. Ramsey was probably a violation of state election laws according to Alex Brock, executive secretary director of the state Board of Elections.

Brock made the comment last Friday in a telephone interview with The News Record after learning details of the contribution.

Brock told The News Record, "I would guess that if it was a political dinner in the usual sense or a fundraising event honoring the candidate, that it would have to be considered a political contribution." Businesses, corporations and agencies of govern-

ment are prohibited by state law from making political contributions.

Although the \$120 purchase of six tickets to the October, 1984 dinner at Madison High School honoring Ramsey may violate state law, Brock said, the state Board of Elections won't take action on the matter unless it received a written complaint.

"We receive complaints by telephone all the time," the election chief said. "We can't act on them unless someone is willing to put their complaint in writing."

Should such a complaint be received, the state Board of Elections would investigate the matter. If the election board found the contribution to

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School Board Seeks \$1.6 Million

County Commissioners
Hear Budget Requests

By ROBERT KOENIG

Madison County superintendent of schools Robert L. Edwards asked the county commissioners for \$1,594,928,555 on Monday afternoon.

The county commissioners let Edwards eat cake. Edwards presented the Board of Education's 1985-86 budget request to the commissioners during their monthly meeting in Marshall. The commissioners presented Edwards with a cake to mark his birthday on Sunday.

The commissioners asked questions about several items in the budget request, but took no action on the matter.

The school request calls for a \$438,609 increase in local funding over the 1984-85 school year budget.

Included in the proposed budget are \$332,000 in capital purchases; including \$30,000 for a new activity bus;

\$30,000 for computers and typewriters; \$70,000 for repairs to buildings; \$60,000 for roofing and erosion control and \$120,000 for construction at Marshall Primary School. The school board budget calls for the construction of two additional classrooms at the school.

Lighting the schools will be a big part of the budget for the upcoming school year. Edwards told the commissioners that the proposed budget included some \$270,000 for electric utility charges in the 1985-86 school year, an increase of \$158,000 from the 1984-85 budget year.

The increase in the budget is necessary, Edwards said, because the General Assembly is considering a bill that would end state funding for school utility costs.

The increase in electrical costs does not include \$75,000 budgeted for

heating oil. County costs for heating oil would also be affected by the change being considered in Raleigh, Edwards said. The current budget for heating oil is \$50,000.

County commission chairman James T. Ledford estimated that it would take a tax increase of 35 cents per \$100 of valuation to meet the requested increase in the school budget.

The county commissioners received several other budget requests during Monday's monthly meeting in Marshall.

Board of Health director Ed Morton presented the commissioners with a \$220,619 for his department and an additional \$13,854 budget request for maintaining the county animal shelter. Salaries totalling \$148,716 account for two-thirds of the proposed Health Dept. budget. The proposed budget calls for a five percent pay in-

crease for the department's employees.

Anita Davie, director of the Madison County Dept. of Social Services, presented her budget request and filled three job vacancies during Monday's meeting.

The proposed Dept. of Social Services budget calls for \$596,036 in local funding. The department's total budget, including both state and federal funds, is \$4,577,892. The \$4.5 million budget figure does not include the food stamp and energy assistance programs, which pay benefits directly to low-income recipients.

Davie told the commissioners that child care and public assistance programs accounted for most of the requested \$66,752 increase in DSS funding. The county has been receiving some \$94,000 for day care programs.

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Mars Hill Adopts Fire Code
Board Hears Sewer Project Complaints

By ROBERT KOENIG

The Mars Hill Board of Aldermen approved a new fire code during its monthly meeting Monday night. The new code will apply to all new construction and major renovations of existing buildings within the town limits.

The fire code was first suggested at the April town meeting by Bill Zink, Jr., a member of the Mars Hill Volunteer Fire Dept. At the board's urging, Zink prepared the code that was adopted on Monday night.

The new fire code calls for all new construction to meet the requirements listed in most recent edition of the National Fire Prevention Association (NFPA) code book and the Life Safety Code published by the NFPA. The code will also apply to any major renovations of existing buildings. The code adopted Monday defines "major renovations" as repairs totalling 25 percent of the

building's taxable valuation, or insurance valuation in the cases of non-taxable properties such as churches.

All buildings already constructed in the town would be exempt from the new code until such properties were sold. The new code would apply to old buildings after they are sold. The code calls for a fire inspection within one year of the sale. The new owner would then have one year to comply with deficiencies discovered in the inspection.

Failure to comply with the fire code would be a misdemeanor, with fines of up to \$50 per day for each day the violations continued.

Zink said that the Mars Hill code is similar to one adopted by the City of Asheville last year.

The code was adopted on a motion made by board member John L.

Chandler and seconded by Arthur Wood. Alderman Dr. W.O. Duck did not attend Monday's meeting.

Mayor Bill Powell called for the board to adopt the new code in the form of a resolution as soon as possible. The new code will become effective on June 1, 1985.

The board also heard from several residents concerning the ongoing sewer installation project which began last month.

Jim Fish told the aldermen that he was concerned that the project contractor, Cooper Construction Co. of Spartanburg, S.C., was not complying with the specifications of the construction contract regarding compacting earth taken from ditches.

Fish said he believed the contractor's crews weren't tamping down the

ground sufficiently. He warned that the practice will lead to problems later when the earth settles in places where the crews have dug trenches.

Fish also voiced complaints that the construction crews were showing little regard for property near the construction sites. He cited one homeowner who had five trees damaged by crews using a backhoe to dig trench. Fish told the aldermen, "It becomes our responsibility to see that the engineers do this job properly."

Fish also complained that the construction crews dumped some 15 to 20 truckloads of dirt onto his front yard and damaged a corner of a tool building on his land.

Mayor Powell said that he is concerning regarding the number of

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Receives Life Sentence

Jury Finds Hickey
Guilty Of Murder

By ROBERT KOENIG

A Madison County Superior Court jury found Susan Myra Hickey of Spruce Pine guilty of first degree murder Friday morning in Marshall. Superior Court Judge Robert Lewis sentenced the 33-year old mother of two to life in prison following her conviction for the May, 1984 murder of her husband, David.

The jury of seven women and five men convicted Hickey following four days of testimony and more than five hours of deliberations over two days. The jury deliberated for more than four hours on Thursday before being excused by Judge Lewis. When they returned to deliberate on Friday, it took the panel less than an hour to reach a verdict.

Jury foreman Wayne Gosnell announced the guilty verdict in open court as three female members of the jury sobbed. The defendant stood quietly as the individual jurors were polled by Judge Lewis. Members of her family cried as each juror announced their agreement with the verdict.

The trial began on April 29 with jury selection and testimony from Spruce Pine police officer Wade Renfro, the first officer to arrive at the Hickey home on May 17, 1984.

Renfro told the court he found David Hickey lying in a pool of blood at the entrance to the bedroom of the Spruce Pine trailer. The officer testified that Hickey had been shot twice, in the chest near the heart and a second time in the back.

was found in the trailer's living room. SBI agent Bruce Jarvis also testified during Monday's session of court. Jarvis interviewed Mrs. Hickey following her arrest.

On Tuesday, Ella Jo Teague, a close friend of Mrs. Hickey, told the court that the defendant had planned to kill her husband by mixing drugs with liquor he drank. Teague told the court that Hickey told her, "I know I'll have to do time, but it's worth it."

On Wednesday, Mrs. Hickey took the stand in her own defense. She admitted shooting her husband, but said that the gun went off accidentally when she struggled with her husband. Mrs. Hickey said the gun had been left cocked beneath a pillow. She said she reached for the gun when her husband threatened to kill her son, Jaimie. Mrs. Hickey also admitted firing the second shot which hit her husband in the back, but denied aiming at him.

Hickey told the court she was concerned because her husband had been drinking and taking drugs the night he was killed.

She told the court, "I loved David. I would never do anything to hurt him. He was mad at me and Jamie and I knew there was a shotgun under the bed." Hickey denied speaking with Teague about killing her husband.

Under cross-examination, Hickey admitted that she did not call for medical help following the shooting. Instead, she gathered up her children and drove them to her mother's home

husband's condition and wasn't thinking clearly following the shooting.

When she returned to the trailer from her mother's home, Hickey called the Spruce Pine police and reported the shooting.

The trial in Madison County Superior Court was the second in the case. Earlier, a Mitchell County trial ended in a mistrial. Mrs. Hickey was defended by Mars Hill attorney Forrest Ball and Wayne Clontz of Hickory. The state's prosecution was handled by Assistant District Attorney Gerald Wilson and Lloyd Hise, Jr., a private Spruce Pine attorney hired by Hickey's family to assist the state.

Following her sentencing, Ball announced that his client would appeal the verdict. Ball requested that his client be allowed to remain free on bond pending an appeal. The court heard arguments concerning bond before denying the request.

Judge Lewis remanded Hickey to the custody of Mitchell County Sheriff Coy Hollifield and ordered her held in the Buncombe County Jail pending transfer to Central Prison in Raleigh.

Ball then asked the court to send his client to the McDowell County Jail instead, so that she could remain closer to her family. "I don't expect her to be there long," Judge Lewis said.

Ball also requested that the state pay for the cost of Hickey's transportation to the jail.