

# Community Wants Investigation

Continued from Page 1

the commissioners will look into the community's concerns.

"Yes, we will look into this," said Robert Capps, chairman of the board of commissioners.

But Larry Leake, county attorney, advised Gunter that he and his fellow Revere residents should first take their concerns to the Board of Directors of the Madison County Department of Social Services.

The day-to-day operation of the department is overseen by Anita Davie, the director of the department, who in turn answers to the department's board, Leake said.

The county's main responsibility over the department concerns budgetary matters, he said.

"My recommendation is that you take it to the director of the Department of Social Services and allow the director time to look into your concerns and address your concerns," Leake told Gunter.

"If you are not satisfied with the response, then you go to the Board of Social Services. If you still feel that your concerns are not being address-

ed, then you should acquaint this board with them (the concerns)," he said.

Gunter said he had already spoken with one of the members of the Social Services board, who told him that the matter is out of the board's hands.

Gunter also asked if the Board of Commissioners does not have the authority to fire Social Services employees. Leake said the commissioners do not have that authority.

"This board can establish positions and eliminate them," Leake said. "There is a difference."

Capps also told Gunter that the Social Services board is the first step he needs to take.

"They're the ones who need to get it started," Capps said.

Gunter agreed to discuss his community's concerns with the Social Services board, but told the commissioners that he may be back if that board does not act.

"We're going to go the board. If we're not satisfied with the answer we get, we'll be back," he said.

"I'm afraid that's been a problem of the past. Nobody listened. They

talk and talk and nobody ever does anything. It's just lip service, and that's a shame," Gunter said.

In other action at Monday's meeting, the commissioners heard a request from Dr. Fred Bentley, president of Mars Hill College, that the county confirm an earlier commitment to give the college \$20,000 for renovation of a lodge and retreat center.

The former board of commissioners, shortly before leaving office, agreed to give the college the \$20,000 for work on the Bruce Farm Road Lodge and Retreat Center. But Mars Hill College, which has completed work on the center, has yet to receive any county funds.

The center would be available for use by Madison County government and by Madison High School students, Bentley said.

"The former commissioners told us to proceed with the project, which we did," he said. "We would like to know the intent of the new board."

The current commissioners agreed to keep the previous resolution intact and to allocate the money to the col-

lege when it becomes available.

"All they did was give you a resolution and left us to pay the cost," Capps said.

In other action, the board:

- Received 1987-88 fiscal year budget proposals from the Soil Conservation Service, the Madison County Public Library and the Department of Social Services. The commissioners will schedule budget workshops to go over the requests and formulate the new budget.
- Approved a letter of appreciation to Wells County, Ind., farmers who donated hay to Madison County farmers during last summer's drought.

- Agreed to take over inspection responsibilities from the town of Mars Hill.
- Granted the Soil Conservation Service permission to proceed with the aerial mapping of the county.
- Approved a letter of thanks to Paul Shelton for his role in locating land for a Madison County campus of Asheville-Buncombe Technical College.

# DA Says 'No' To Madison Financial Probe

Continued from Page 1

the final months of office of the former commissioners.

Gregg & Lasher, PA, an Asheville accounting firm, had examined the county's financial records from Dec. 1, 1985, through Nov. 30, 1986, and uncovered several "questionable" transactions. Among those transactions were \$500 payments to then-commissioners for travel and expenses and a check for more than \$5,000 the former finance officer wrote himself for vacation, sick and holiday pay.

The new commissioners sent the audit report to Rusher in February, but made it clear that they were not calling for an investigation. Rusher, in March, told the commissioners that without a formal request from them for an investigation, there would not be one.

Commissioner Reese Steen last month drafted a carefully worded letter asking Rusher to investigate anything in Madison County which, "in his trained opinion," violated the law.

Rusher said Tuesday that the Gregg & Lasher report does not con-

tain enough information for him to determine whether the law has been broken.

"To be sure, at all times we have operated within the limitations of not having a full statement of all the facts supplied to us," Rusher said.

"The full statement of facts could only be achieved by an investigation. It is my belief that for me to unilaterally start investigating county government when there does not appear to be sufficient reason for the investigation would have the effect of interfering more than being helpful," he said.

Although the audit does show the possibility of criminal activity, it does not reveal sufficient evidence for an investigation, Rusher said.

"The possibility of a criminal law violation always exists, but in this instance I do not find that I am overly suspicious of such a violation," he said.

Rusher said he would revert to his original statement of policy.

"Unless there is some evidence showing that the commissioners, as a whole, are engaged in some cover-up activity, or unless it appears more

strongly than the appearances given me now that criminal activity has occurred, this district attorney is not going to intervene in what should be a legitimate function of the Madison County Board of Commissioners," he said.

Rusher said any problems uncovered by the partial audit could be attributed to simple accounting errors.

"It appears that many of the matters set forth in the Gregg & Lasher report might well be explained by errors which are not uncommon among the various boards of commission in North Carolina," he said.

Madison County has lacked a stated county policy, and that may be a cause of some of the problems revealed by the audit, he said. The Local Government Commission is currently working with the commissioners "in their efforts to bring their accounting procedures and their policy up to a level compliant in all respects with state law and appropriate accounting procedures," Rusher said.

If any overpayments to previous commissioners or employees occurred, it will be up to the current com-

missioners to take action concerning those overpayments, he said.

"To the extent that there may have occurred some overpayment, if it has occurred, then I feel that upon their attorney's advice, the Madison County commissioners would know how to appropriately proceed," he said.

Bob High, an accountant with the N.C. Local Government Commission, confirmed Tuesday that he had discussed the audit with Rusher and that the audit itself is not enough to justify a full-scale investigation.

"Based on what I see in that special report, without more information, I couldn't say that there are illegal acts," High said. "There may be things in there that are illegal, but it would take more information than what I had in front of me to make that type of judgement."

Further examination of the county's financial records could possibly reveal additional information, High said.

"The more probing anybody does, the more chances you have of finding wrong-doing or additional mistakes," he said.

# Homecoming To Begin

Continued from Page 1

vice chairman Cecelia Champion. "Everyone has worked so hard and I think it will all pay off this weekend."

The 10-member homecoming committee has divided the chores of the celebration into various categories, with each individual responsible for his or her specialty.

From arranging for an appearance by Miss North Carolina to securing a reliable public address system, each detail has been worked out and the committee feels the weekend will go off without a hitch, Champion said.

"It's been a lot of hard work, but I know it will be a wonderful weekend," Champion said.

Some of the scheduled events include beauty pageants in age groups ranging from 4 years old through 18, a sock hop Friday night, crafts and food throughout

the weekend, hot air balloon rides, a Cub Scout derby Saturday afternoon, a street dance Saturday night and the Golden Anniversary Celebration of the Appalachian Trail, Sunday afternoon.

Programs with the specific times for each event are available at the Trail Cafe and committee members for 50 cents each.

Committee members feel the purpose of the homecoming celebration is to show support for the community and give residents an event for the entire family to enjoy.

"We really hope to see residents from all over the county come out and celebrate with us," Champion said. "We've got a little something for everyone planned and it will be a good time."

Anyone wishing more information may call Champion at 622-3227 or Hot Springs Mayor Kenny Ramsey at 622-3234.

# Judicial District Plan Is Dropped

Continued from Page 1

Watauga, Avery and Mitchell counties. The party wanted to join Buncombe County's district, now single-county, but that plan drew strong opposition in Buncombe.

The reason given for the proposed move is that the 24th as presently constituted is too inconvenient for travel. For example, the main office of District Attorney Thomas Rusher is in Boone, which is a long trip over mountain roads from Marshall, while Asheville is a half-hour freeway ride away.

However, prominent Madison Democratic leader Zeno Ponder, who supports the move, has been indicted on charges he illegally profited from inside information obtained while he was on the state Board of Transportation - charges he claims were politically motivated.

Rusher is a Republican, and the U.S. Attorney's Office, also in GOP hands, previously brought mail fraud charges stemming from the same incident. Those charges were dismissed by a federal judge.

If Madison was removed from the 24th District, Rusher would no longer have jurisdiction to prosecute Ponder.

Winner said he "was not necessarily hot" to put Madison in another district, but said he felt obligated to pursue any options available since he is the county's representative. Winner said he "didn't want to get into a fight about this" and dropped the idea when he found Hipps and Thomas opposed.

He also said the ideas were not his own, but wouldn't say whose they were.

"I'm not going to tell you that,"

Winner said.

But Thomas said he thought the push to leave the 24th District by Ponder and the Madison Democrats was clearly behind the suggestion.

"I don't see any point in creating controversy to accommodate a political leader in a county outside my district," Thomas said. "Haywood and Jackson don't want him (Ponder), either."

# Board Discusses Snow Days

Continued from Page 1

Saturday. School board attorney Larry Leake told the board its alternative would be to take one mandated teacher work day for class time and bring teachers in on a Saturday.

Leake told the board there are 200 work days for teachers and that all the days have been used.

"All of the teachers would have to approve going past the end of the school year in order to give another day to the calendar," Leake said.

If the board decides to call teachers in on a Saturday, teacher's aides would have to be paid time and a half, while vocational teachers could not be called in, according to state law.

"We may ask for a Saturday work day, but we would have to tell the vocational teachers they don't have to come," said Leake.

Madison County School Board Chairman Jim Baker said that the board must find an extra school day.

"We're in violation of the law, and as a prosecutor, I'm not anxious to do that," said Baker, an assistant district attorney.

# Buncombe Prison Site Selected

Continued from Page 1

Members of the Council of State said they feared a federal takeover of the North Carolina's overcrowded prison system if steps are not immediately taken to lessen the problem.

The land that will be home to the new prison will cost the state \$1.3 million, and that high price tag is one reason behind some residents' opposition to the site.

Other land in Buncombe County, including a tract near Interstate 25, was available for the prison, and at a lesser price, opponents said.

State officials say work will begin on the new Crayton Prison within a matter of weeks, and that the 300-man facility may be ready to accept prisoners in 18 months.

State Insurance Commissioner James E. Long and Labor Commissioner John C. Brooks cast the two "no" votes in the council's Tuesday meeting.

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# Tanks 'A Hazard'

Continued from Page 1

Mars Hill's last rating was in 1981. On a scale of one to 10, Mars Hill dropped from 8 to 7.

Available water supply determines 40 percent of the rating, Zink said. Mars Hill, during its last test, had 52 percent of the required water flow of 2,250 gallons per minute, he said.

But in order to obtain that 52 percent level, all available water in town would have to be drawn upon, affecting residences and businesses alike, Zink said.

The ISO recommends that towns have 6-inch water lines, and many of Mars Hill's lines are 4-inch. Looping of lines to create a situation where a hydrant receives water from two different directions also increases the volume of the flow, Zink said.

Mars Hill has, in many instances, 4-inch lines feeding into 4-inch lines, and has lines that deadend without looping, he said. And that causes a loss of ISO rating points due to a loss of water volume.

Zink also recommended the installation of sprinkler systems to prevent fires, especially in dormitory buildings at Mars Hill College. But sprinkler systems also hinge upon

adequate water supply, he said.

Water supply is the primary concern in order supply

- Construction of a water reservoir in town.
- Larger water lines.
- The looping of water lines that currently deadend.

The board took no action on the problem.

# Child Sex Abuse Charges Filed

Continued from Page 1

torney for the 24th Judicial District, said that Ricky Chandler is not an immediate relative of Andrew "Junior" Chandler.

Authorities arrested Ricky Chandler Tuesday morning on the child abuse charges, said Madison County Sheriff Dedrick Brown.

A probable cause hearing has been set for June 29 in Madison County District Court in Marshall.

During Tuesday's bond hearing, attorney Rick Miller, representing Chandler on a separate juvenile matter, asked District Court Judge Alexander Lyerly to set bond as low as possible.

Lyerly set bond at \$150,000 and instructed Chandler - and his family and friends - to not attempt to contact the children.