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Vol. 87 No. 34

Thursday, August 20, 1987

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Zeno Ponder Found Not Guilty

By BILL STUDENC
Editor

A Madison County jury deliberated for less than 45 minutes Tuesday before finding former N.C. Board of Transportation member Zeno H. Ponder not guilty of conspiring to profit from inside information.

The verdict came in the second day of the surprisingly fast-moving trial of Ponder, 66, a longtime leader in the Madison County Democratic Party.

Ponder, a member of the state Board of Transportation from 1981 to 1985, had been charged with conspiring with three others to profit from the purchase of land in the route of a proposed road project in Madison County.

Prosecutors alleged that Ponder in 1982 purchased tracts of land in the path of the Sweetwater Gap Road project before the plans were made public. Those purchases were made through a partnership including Ponder, his wife, Marie, nephew Leonard Ponder and business associate Marshall Kanter.

Ponder contended he purchased the land, located in the Redmon area, with the intention of providing the state Department of Transportation

"This has been political harassment for more than three years. I hope it turns out to be a little political embarrassment to them. Maybe they've learned their lesson, but I doubt it."

—Zeno Ponder

with free rights-of-way, guaranteeing that the road would be built.

The road, linking the community of Trust to Marshall, would cut in half the two-and-a-half hour bus trip school children in the southwestern corner of the county take one way each day to Madison High School, Ponder said.

After a little more than a day of testimony in Madison County Superior Court, the jury ruled in favor of Ponder, apparently closing the file on his controversial land dealings of 1982.

Ponder hugged his wife and shook the hand of his attorney, Herbert Hyde of Asheville, upon hearing the verdict. He also shook hands and chatted with several of the jurors.

"This has been political harassment for more than three years," Ponder said Tuesday outside

Madison County Courthouse. "I hope it turns out to be a little political embarrassment to them. Maybe they've learned their lesson, but I doubt it."

Ponder, who in 1985 faced federal mail fraud charges stemming from the same land deals, has blamed the Republican Party for the charges against him. Former U.S. Attorney Charles Brewer, who prosecuted Ponder on the federal charges, is a Republican, as is 24th Judicial District Attorney J. Thomas Rusher, who submitted a bill of indictment against Ponder to a Madison County grand jury earlier this year.

Federal charges were dismissed in January 1986 by a U.S. District Court judge.

Ponder's attorney, Herbert Hyde of Asheville, had sought a similar end to the latest charge when he asked Special Superior Court Judge George

Fountain to dismiss the charges in light of recently approved legislation regulating the conduct of state officials.

A statute passed earlier this year by the General Assembly makes it a misdemeanor, rather than a felony, for state officials to profit from the use of inside information available to them because of their governmental status.

Because the statute of limitations on misdemeanors expires two years after the date of the offense (in this case, the statute of limitations would have expired in 1984), the court should dismiss the case, Hyde said Monday morning.

Fountain denied Hyde's motion, and also rejected a similar motion that the case be transferred to District Court.

That set the scene for the selection of jurors for the trial — a process which took about an hour, much to the surprise of courtroom observers who had predicted a lengthy jury selection process.

Billy Rose, former state highway administrator, and Earl McEntire,

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BILL STUDENC PHOTO

Zeno Ponder, right, talks with attorney Herbert Hyde after Tuesday's not guilty verdict.

Fox Will Remain In Mars Hill Vote

By BILL STUDENC
Editor

Mars Hill election officials have ruled that Eddie Fox is eligible to run for the Mars Hill Board of Aldermen, despite the fact that he lived outside the town limits until earlier this month.

The Mars Hill Board of Elections, during a preliminary hearing last Tuesday, agreed that Fox's name should be on the ballot in November's municipal election.

Questions surrounding the legitimacy of Fox's candidacy arose when election officials learned that Fox, director of the Madison County Emergency Management Services, had lived outside Mars Hill town limits since December 1986.

"He moved about 500 yards outside the town limits, but never bothered to tell the election people in town he had moved, so he was still listed on the registration books as living in town," said Walter Smith, Mars Hill election board chairman.

Election officials, after learning of the potential problem, called for last week's hearing to determine whether Fox's candidacy should be challenged.

But, after consulting election laws, the board ruled that Fox can remain in the Mars Hill race.

"The law says that only registered voters are eligible to file for office," Smith said. And Fox, according to Mars Hill's election books, was still a registered voter at the time he filed.

"According to the law, you cannot just take a person off the registration books just because you know he has moved," Smith said. "You must challenge him and go through a for-

mal procedure.

In addition, Fox has rented apartment back inside the Mars Hill town limits, Smith said.

"A person can register to vote with a promise that he will have resided in

town for 30 days at the time of the election," he said.

Had the election board found probable cause to remove Fox as a candidate, the board would have had to

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BILL STUDENC PHOTO

Customers flocked Friday to the new Roses store located in the Weaverville Plaza. Although the store does not officially open until Aug. 30, the store has been in operation since Friday, the date of its "sneak opening."

Weaverville Plaza Roses 'Sneaks' Open; Burger King Planned

By MARGARET A. STUDENC
Staff Writer

While not yet complete, the Weaverville Plaza shopping center has one store already in operation and many more on the way.

Developers of the shopping center, located off U.S. 19-23, said that a new Burger King restaurant is the latest addition planned for the plaza site.

Jane Hestor, supervisor for the Billmore, Skyland and Waynesville Burger King restaurants, and James Duckett, manager of the Waynesville Burger King restaurant, said that a

new franchise will be building the Weaverville Burger King.

"Carrolls Corporation owns most of the Burger Kings around here, but this is a different owner," said Duckett.

Company officials could not be reached for comment.

The Roses discount department store has been operating as of last Friday, the date of the sneak opening of the store. The grand opening of the store will be Sunday, Aug. 30, from 1 p.m. to 10 p.m.

"We are ready to do business and

are doing business before the grand opening," said K.W. Geoffreys, manager of the Roses store.

Roses, which employs 150 full- and part-time staff and covers 54,000 square feet of the shopping center, is open from 9 a.m. - 9 p.m. Monday - Saturday and 1 p.m. - 6 p.m. on Sunday.

Other stores in the Plaza are still under construction. Food Lion grocery is scheduled to open Oct. 11, said D. Michael Ward, general con-

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Official Charged With Assaulting Officer

By BILL STUDENC
Editor

The finance officer for the Madison County school system has been charged with assaulting a police officer following his arrest on a drunken driving charge last weekend.

Hot Springs Police Chief Terry Lee

Getman has charged Ronald E. Smith, 35, with assault on an officer and communicating threats. Getman alleges that Smith, hired this year as Madison County schools finance officer, struck him twice in the chest during a scuffle early Saturday morning.

The alleged assault occurred

several hours after Getman arrested Smith on charges of driving while impaired and failure to keep right, according to police reports.

Getman said he arrested Smith at about 9:55 p.m. Friday after allegedly observing him drive through downtown Hot Springs at a high rate of speed and cross the center line

several times.

Authorities transported Smith to Mars Hill for a Breathalyzer test — and then to Burnsville upon discovering Mars Hill's unit was broken — before leaving him at the Madison County Sheriff's Office for booking on the DWI charge, Getman said.

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BILL STUDENC PHOTO

School's Open

North Buncombe High School students, Brian Carver, making his way to class Monday morning. Classes began Monday morning at 8:30 a.m. in the new building.

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Lake Louise Project To Be Delayed Again

By STEVE FERGUSON
Staff Writer

Another delay in the Lake Louise project and dropping a requirement for certain Weaverville employees to live in town were the focus of the Weaverville Town Council meeting

Monday night. The council voted to delay the project until after the town council meeting on July 9 and then moved up to Lake Day, a new

projected to be finished by mid-September, said Gary Franklin, a representative of the construction firm building the recreation facility.

Armon, Inc., of Asheville has been late in delivering needed items to install, so builders were being held up, Franklin said. At press time, he had promised to deliver the items by Friday.

Weaverville Mayor Russ Lamb

citing previous delays, asked if the mid-September date was unrealistic.

"If the pipe comes in (on Friday) I think we could be basically finished by then," Franklin said. "But all the recreation equipment would be up, but most of the construction would be done."

Franklin said he would like to see the project completed as soon as possible and provide recreational opportunities for town residents.