

# Ponder Found Not Guilty Of 1982 Conspiracy Charges

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 former 13th Highway Division engineer, both testified that they discussed the Sweetwater Road project with Ponder as early as late March 1982. The public first learned of the plans during a June 22, 1982, public hearing, Rose and McEntire testified.  
 The Board of Transportation approved the project in July 1982, according to testimony.  
 Attorney Larry Leake testified that he set up the trust agreement involving Ponder and his business associates on April 30, 1982.  
 "Mr. Ponder advised me that he wished the agreement to be handled in such a fashion that land could be

purchased without his name being used," Leake said.  
 The agreement included a stipulation that property in the North and South Marshall, Spring Creek and Walnut townships could not be purchased without the approval of all partners, he testified.  
 The proposed Sweetwater Road would go through North and South Marshall, Spring Creek and Walnut, according to testimony.  
 Properties in the path of the proposed road were purchased by the trust June 4 and July 23. Leake said.  
 Several property owners who sold land to the partnership testified they did not know of the road project when they sold their property, but they also

said they received the price asked for their land.  
 The partnership has bought no property since those purchases, Leake said.  
 Evidence for the prosecution concluded at 11:05 a.m. Tuesday, and Ponder took the stand as the first — and only — defense witness.  
 Ponder testified that he never purchased any property in the Redmon area for the purpose of making a profit.  
 "I wanted to buy it, get it and give the right-of-way to the state and get on with the business of building the road," he said.  
 Ponder also defended the use of the secret trust in the land deals.

"The trust was set up simply to keep the old theory alive that if everybody knows your business, you've got no business," he testified.  
 When asked by Assistant District Attorney Gerald Wilson why the agreement restricted the purchase of land in certain areas, Ponder answered, "We didn't include the whole U.S. of A."  
 During closing arguments, Hyde, who quoted lines from Shakespeare, likened Ponder to figures from history unjustly persecuted.

"This man is now charged in a criminal case for doing what he thought he could do for the young people of Madison County. Should that man be persecuted — not prosecuted, but persecuted — for standing up for what's right," Hyde said.  
 "Here's a man who's good name is at stake, who's done right, who's helped his people and who needs his people to speak for him," he said.  
 Wilson, in his closing argument, said he had nothing against building roads so that children can get to

school quicker.  
 "What I am against is Zeno Ponder trying to use that road on the part of the children of Madison County to try to go out and make money off that road. That's wrong," Wilson said.  
 Ponder was more interested in "looking out for his own pocket" than in looking out for the people of Madison County, he said.  
 Ponder took advantage of the citizens of Madison County and of his authority and responsibilities as a state official, Wilson said.

## Candidate Approved

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 schedule a formal challenge hearing.  
 "I'm glad it turned out the way it did," Fox said.  
 "When I filed, I was under the understanding that everything was kosher," he said. "All indications were that there was no problem with me filing. But when I filed, it was contested."  
 Fox will be running against incumbent Alderman John Dodson, the only incumbent member of the Mars Hill Board of Aldermen seeking reelection, unsuccessful 1985 candidate Alvin Slagle, and 1985 mayoral candidate Clayton Willis.

## Lundsford Withdraws

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 water and sewer department.  
 "I just felt like there were too many people running," he said. "I didn't know Mr. Marler was going to get into the race."  
 Lundsford said he entered the race on the last day of filing because very few candidates had entered the race for Marshall alderman. But, after Lundsford filed, so did several other candidates, including Marler.  
 "I thought Booth and I would get about the same votes," he said.

"We might end up causing somebody to get into office that I didn't want in there, so I thought it best to get out of the race."  
 Lundsford's withdrawal from the race leaves seven candidates — including the three incumbents — to battle for the three aldermen's seats.  
 Vying for election as aldermen are incumbents John Dodson, Ed "Doc" Niles and Faye Reid, former Mayor Betty Wild, former aldermen Marler and Jackie Davis, and newcomer Iverson Bradley.

## Lake Project Delayed Again

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 fire chief to live within the North Buncombe Fire District. Town attorney Bill Barnes said such a move could set legal precedent.  
 "I didn't find any laws against it, but it is entirely possible that law could be made in action arising from a small town," Barnes said. "This ordinance is subject to attack."  
 There are three flaws in the ordinance, said Barnes:  
 • It does not state why certain town personnel were chosen over others.  
 • It does not have a compelling reason as to why the town found it necessary to pass the ordinance.  
 • It changes the conditions of employment after someone has already been hired.

Trexler, a resident near the Weaver-ville pool who complained of noise and after-hours parties at the facility, run by the Optimist Club. Trexler said she believed alcohol was being consumed on the premises as well.  
 "I'm not here to close the pool, but I am here to see that it is properly run and properly supervised," she said.  
 Police Chief Darrel Rathburn said he would be able to monitor pool parties closer if he were given an agenda listing who would be using the clubhouse and at what times.  
 "We would hate to go in if somebody's having a family function and crash it," Rathburn said. "It's an awkward situation for us."

The council asked that the Optimists supply the police department with an agenda and suggested to Trexler that she register her complaints at a meeting of the Optimist Club.  
 The council also:  
 • Approved a capital improvement ordinance of the water-sewer fund.  
 • Voted to use \$200 of the police department's drug fund to support an awareness program at community schools sponsored by the Weaver-ville PTO.  
 • Announced a hearing on zoning to be held at North Buncombe Middle School (formerly North Buncombe High School) on Thursday, at 7 p.m.

## School Official Charged With Assault

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 Getman then returned to his patrol in Hot Springs, when, at about 3:45 a.m. Saturday, he saw Smith and his wife near Smith's parked Volkswagen van. Smith said he would be driving his van back home, Getman said.  
 "I told him his license was revoked and that he couldn't drive home," he said Tuesday. "He informed me that he would be driving it, and I informed him that if he got in his van, I would charge him with driving with a revoked license."  
 Smith then became angry and began cursing and threatening Getman, the Hot Springs police chief said.  
 "He said, 'I want a piece of you. Take your badge and gun off. I will get you,'" Getman said.  
 "I arrested him for communicating threats, placed him on the hood of the car and was trying to handcuff

him when he turned and punched me twice in the chest," he said.  
 After being subdued, Smith was transported back to Marshall, where he was charged with communicating threats and assault on a police officer, Getman said.  
 Smith apparently suffered a slight blow to the head during the scuffle, and Getman was bitten on the hand by a dog, a husky, owned by Smith.  
 Smith, when contacted Wednesday, had no comments on the incident.  
 This is the third assault incident involving Getman. He had been charged with communicating threats and simple assault by two Madison County teen-agers following a routine traffic stop earlier this year.  
 A man charged in connection with a purse-snatching incident in Hot Springs also charged Getman with assaulting him during his arrest.  
 All charges against Getman were dismissed by 24th Judicial District Attorney J. Thomas Rushe.

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## New Plaza Opens

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 tractor for the shopping center. Revco drug store is set to open around Oct. 1, Ward said.  
 Of the 13 smaller retail store spaces in the shopping center, three have already been leased. They are Fashion Cents, a women's apparel shop; Subway, a deli-sandwich

shop; and, Mitchell's Hair, a beauty-barber shop.  
 All three are set to open some time in October said Ward.  
 The 10 smaller stores ready for lease range in size from 1,300 square feet to 2,800 square feet.  
 The Weaverville Plaza site is owned by Weaverville Plaza Associates, a partnership in Raleigh.

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