

# County Officials Are Wrestling With Ridge Law

By BRUCE HENDERSON  
Staff Writer

In the hilly places across Western North Carolina, county commissioners are huddled over maps and scheduling hearings on the thorny question of ridge protection.

The ridge law the N.C. legislature passed last July 5 sought to control tall buildings at high elevations.

It also gave local governments in 24 counties until Jan. 1 to adopt local regulations or accept a state prohibition on buildings of more than 40 feet on ridges of more than 3,000 feet elevation.

But with about three weeks to decide, many counties haven't yet resolved the question of which to use. State and local planners say officials are still confused by the law.

"We all understand the intent of the law, but the wording seems to indicate something different," Wilkes County planner Cecil Wood said Wednesday. "We're trying to connect the intent with the wording."

There were misunderstandings, for example, on the timing of local action, such as whether counties could enact local regulations after the Jan. 1 deadline, a N.C. Association of County Commissioners' official said.

A Dec. 20 hearing has been set on a local ordinance, though Wood is not sure what form it will take.

"Most of the counties are at a

fish-or-cut-bait stage," said Alan Lang, a planner with the N.C. Department of Natural Resources and Community Development (NRDC) in Asheville. Most of the 18 counties in his western region apparently will not adopt local regulations, he said.

"If you simply allow the state ban to take effect, it simply prohibits," Lang said. "It's simply less of a hassle for them than enforcing their own regulations."

In lofty Avery County, county manager Robert Wiseman said commissioners are considering a strong countywide law that would include a regulatory board. Avery is the home of a controversial 10-story mountaintop condominium credited with creating interest in the ridge law.

Commissioners there will hold a hearing at 7 tonight on the issue, which has sparked "extremely strong" public debate, Wiseman said.

"Everything in Avery County... is above 3,000 feet," Wiseman said. "You're talking about every human in the county that will be affected."

And in Burke County, commissioners Tuesday rejected a planning board proposal to make the state prohibition apply to the county's peaks below 3,000 feet.

To help local officials decide their direction, state agencies and the N.C. Association of County Commissioners (NACC) have

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## Speed Geter's Appeal, Texas Governor Asks

Associated Press

AUSTIN, Tex. — Gov. Mark White said Wednesday he has asked the Texas Court of Criminal Appeals to expedite the appeal of

some defect in the trial, it should be reversed," White said.

On Tuesday, Dallas County Prosecutor Ken Carden denied a claim by an NACCP attorney that



Staff Photo By ELMER HORTON

92-year-old Lillie Evans goes shopping

## Churches Sponsor Trip For Shut-Ins

event was postponed, the 60 shut-ins outnumbered the more than 50 volunteers.

So Privette escorted two other shoppers besides Evans — Mary Thompson and Rebecca Belk. All three are from Tipton's Rest Home off Providence Road West.

Most of the shut-ins came from four area nursing homes. Privette, a member of McKee Road Baptist Church at Matthews, said it was the largest shopping trip for the shut-ins she'd seen.

That caused some problems for Mary Asbury, a Matthews Methodist Church volunteer. At the last minute, she had to run to a First Citizens Bank & Trust Co. branch to get money for the extras that showed up.

Woolworth's was a popular spot because of a 10% discount for the special shoppers. There also was a bag of candy, topped with a peppermint stick, waiting at the end of the cash register line.

And at Woolworth's, Evans found her roll of shiny, red wrapping paper and ribbon. Thompson got a package of fuzzy knee socks and Belk bought a wallet and earrings.

"I don't know whether we got everything they wanted, but at least they went shopping," Privette said.

When the shopping was through, it was time

16-acre site outside the downtown area with a 2,000-seat exhibit hall, a seating room and a 500-seat theater. At the same meeting, new council members Lewis Fisher and Phil Hargett were sworn in and councilman I.B. Shives was elected mayor pro tem.

## Request Denied

The 4th U.S. Circuit Court of Appeals has refused to grant convicted murderer James W. Hutchins of Rutherford County a stay of execution. A three-judge panel of the court declined the stay while hearing Hutchins's appeal of his 1979 conviction in the shooting deaths of two Rutherford County sheriff's deputies and an N.C. highway patrolman. Hutchins, 54, is scheduled to be executed in Raleigh on Jan. 13.

## Firefighters Left To Catch Heat

A gospel show promoter's disappearance has left the Hendersonville Firefighters' Association holding the bag.

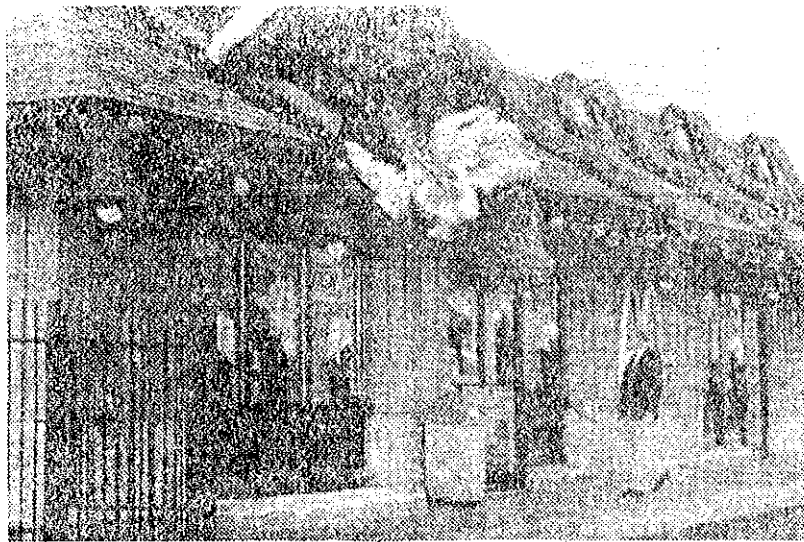
In it, officials say, there's only \$3,000 to refund some \$5,000 in tickets to the canceled show.

An estimated 700 to 800 tickets have been sold, according to Ron Simpson, president of the firefighters' union. At \$7 each, that means \$4,900 to \$5,600 in ticket sales.

The promoter, Osie Jackson Jr., had promised a show featuring J.D. Sumner and The Stamps and the Masters Five Quartet, Simpson said. The union decided Friday to cancel the show when Sumner's wife said the group did not plan to attend. Jackson could not be reached for comment.

Officials said Jackson failed to post a required \$10,000 bond for the show.

## Today's Quote



UPI Photo

**Wind Victim:** When high winds struck Fayetteville on Tuesday, this Santa figure atop a restaurant lost its perch.

## County Officials Wrestling With Regulation Of Ridges

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held workshops and answered questions at regular meetings.

NCACC general counsel Durward "Butch" Gunnells was at such a meeting Tuesday in Lenoir, where 10 western counties were represented.

"The distressing thing to me is that there were several counties represented last night that still didn't seem to be clear on some fundamental points," he said.

Some local officials also noted that maps identifying ridges that would be protected by the state law didn't go out to counties until Nov. 1. That left them only two months to decide a complex issue, they said.

Because most mountain counties have little experience with zoning and related issues, Gunnells wondered whether they will have the expertise to deal with local ridge regulations.

"It's easier for them if there is a flat state prohibition and they can tell people who come to them,

'No, you can't build up there because it's too high,'" he said. "It's much, much more complicated if you go with the local ordinance."

But Woody Harton, an NRCD planner who drafted a model local ordinance which several counties are considering, said he doesn't think local regulations will be a problem.

"In reality, we're not talking about very many permits," he said.

The model ordinance suggests a three-stage permit review process for ridge structures more than 40 feet tall. Harton said local regulations will allow local governments more flexibility in their approach to ridge development.

A third option -- one few counties have considered -- is opting out of any ridge protection. The state law requires those counties to hold a referendum on the subject.

It is one of the alternatives to be discussed at a Dec. 21 hearing in Graham County, officials there said.

RALEIGH -- The State of Education agreed Wednesday to extend the deadline for negotiating out-of-field teaching 1985-86, giving teachers time to get additional courses.

The board also heard indicating that almost all systems are complying with 1983 General Assembly's to give full-time classroom teachers a duty-free period each year.

A teacher is considered out-of-field if he or she is assigned to teach more than half of his or her area of certification. Fewer than 20% of the state's high school instructors are teaching outside their field.

In May, the state school board adopted guidelines requiring teachers be assigned to their field of certification beginning July 1, 1984. The board followed more than two years of study.

Arthur Taylor, director of the Division of Certification, said Wednesday that many school units face time-consuming work to obtain background information on teachers' training.

"Few (teachers) would note of deficiency in time for spring classes,"

Jim Burch, a deputy superintendent, told the board the recent survey showed a

