

Market battle divides town

Threatens to go to courts for appeal

BY ANNE HILLMAN
STAFF WRITER

The future of the Hillsborough Weaver Street Market is stuck in traffic.

The developers of Gateway Center are appealing the Board of Adjustment's decision to deny approval of their site plan amendment that adds Weaver Street Market to the proposal.

In a closed session tonight the Hillsborough Town Board will decide if they will challenge the appeal in court.

Approval was denied at the adjustment board's meeting in January because two of its members said they were concerned about safety issues at the site caused by increased traffic.

Three members approved the change and two voted against it, blocking the supermajority need for approval.

"I'd love for us to have a Weaver Street Market — our downtown would be secure for 50 years — but that doesn't matter. What matters is public safety," said Al Hartkopf,

a board member who voted against the amendment.

George Horton, one of the developers, said he filed the suit because he thought the board's concerns about the updated site plan were unsubstantiated.

"The reality of it is there was no fact that was presented to us or to the Board of Adjustment that this was a safety concern," he said.

The original site plan called for a restaurant and a bank on the first floor of the proposed three-story structure, which will be located on Churton Street in downtown Hillsborough. The amendment replaced these with a branch of Weaver Street Market and added a lawn to the front of the development.

Hartkopf said he thinks the decision could be upheld in court, but he doubts that the town will challenge the appeal. He said an unofficial deal had already been made that the town board will not fight the decision in court.

Bob Hornik, Hillsborough town attorney, said that he does not know

of such a deal but that a significant number of people think it should be settled outside of court.

If the case does go to court, "it's a case that could be defended if the board wants me to defend it," he said.

Though Weaver Street Market is not formally involved in the proceedings — the suit was filed only by the developers — its e-mail newsletter asked Hillsborough residents to help the cause by writing letters to the town board and to newspapers.

"A lot of people weighed in because they cared about it, not because of our prodding," said Ruffin Slater, general manager of Weaver Street Market. He said dozens of letters were written to editors, and the board received between 50 and 100 e-mails.

Horton said he is optimistic that the town board will respond to residents' support for the development by not fighting the appeal.

"Because they are elected officials they need to respond to the town and its interests," he said.

Contact the City Editor at citydesk@unc.edu.

Beleaguered lottery heads to court

Approval process to be examined

BY JOE COLLEVECCHIO
STAFF WRITER

Before a state numbers game can be established, the N.C. lottery will have to bypass one final obstacle in Wake County Superior Court.

A lawsuit filed on behalf of the N.C. Common Sense Foundation and N.C. Fair Share will go before a judge today, the first step in a possibly lengthy court battle. The plaintiffs claim the way in which the lottery was passed in the General Assembly in August is unconstitutional.

The lawsuit states that a lottery is designed to generate revenue for the state. Under the N.C. Constitution, revenue bills must be voted on twice on two separate days before they are enacted.

The lottery bill was voted on twice but on the same day.

"In terms of the actual legal prospects ... we believe there is real merit to the lawsuit," said David Mills, the

executive director of N.C. Common Sense and a plaintiff in the lawsuit.

"We think (the lottery) does qualify as revenue because the state is counting on it to make certain expenditures next year," he said. "Everyone in the state clearly knows this is revenue."

Mills said the lawsuit is not intended to keep North Carolina from ever having a lottery but rather to reopen public debate on the issue.

The lawsuit, if successful, would rescind the bill and require a re-vote in the General Assembly.

"I've been told by a Democratic senator that there's no way it will pass again in the Senate," said Rep. Paul Stam, R-Wake. "It'll be voted down, definitely."

Stam said the recent scandals involving gaming companies and House Speaker Jim Black, D-Mecklenburg, have made members of the legislature wary of being associated with the lottery.

Stam also said the actual amount of money the lottery will raise for education has been exaggerated by lottery advocates.

Sen. Martin Nesbitt, D-

Buncombe, who voted against the lottery, said if the measure comes back to the Senate for a vote, he plans to vote against it again.

He said he believes more money can be generated in a less regressive way. "This is less money than a half-penny sales tax (increase) at the end of the day."

But recent polls have revealed widespread public support for a state lottery, said Angie Whitener, a spokeswoman for Black.

Whitener said she believes the chances of the lottery being repealed are slim.

"The lottery is voluntary, so you don't have to play it," she said. "It would not be classified as a tax, so the two-day rule doesn't apply."

But Stam noted that alcohol and cigarette taxes are considered legitimate, though drinking and smoking are voluntary.

"Almost all of our taxes are voluntary in that same sense," he said.

"That's just a silly argument whether it's mandatory or not."

Contact the State & National Editor at stntdesk@unc.edu.

PARKING

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drivers are punished with tough fines or by having their vehicles towed.

Open-access lots are more prone to fines, said Randy Young, spokesman for the Department of Public Safety.

"Gates deter a certain amount of illegal parking just because of the fact they're not allowed entry to begin with," he said.

There are 12,761 parking spots on campus that require a permit — out of almost 19,000 spaces total, Young said.

This year about 600 spaces were lost to the ongoing campus construction crunch, tempting more drivers to risk fines just to find a place to leave their car.

Next year could see some relief when the Jackson Circle and Northeast Chiller Plant parking decks open, Young said.

Though the number of parking tickets issued might seem excessive to some, the University isn't making a profit from any of them, noted Carolyn Elfland, associate vice chancellor for campus services.

"The reason we have parking fines is ... because we want to keep the spaces available for the people with permits," she said.

Officers have some discretion when deciding whether to issue a ticket, Young said. For example, if a parking spot is not clearly marked, an officer could be more lenient.

But repeat offenders are less likely to gain a reprieve.

"(People) with over five citations in a year or a balance of more than \$250 ... can be immobilized or towed," Young said.

To dispute a citation, a driver must submit a written appeal to DPS within 10 days. A \$10 fee is charged to challenge a citation after that window of time closes.

As of early December, \$521,000 of fines issued in 2005 had been paid, Young said.

In 2003 and 2004 the department issued citations totaling about \$2.7 million—about \$1.5 million of which were paid.

Unpaid fines eventually are turned over from DPS to NCO Financial Systems, a collection firm that charges a percentage of the fines it collects as a fee.

Although parking fines can seem harsh, Elfland said, funding enforcement costs more than the amount the University is permitted to keep. UNC-CH only can retain 10 percent of the money it pulls in from issuing fines.

The remaining portion is turned over to the N.C. Office of State

"The reason we have parking fines is because we want to keep the spaces available."

CAROLYN ELFLAND, UNC SERVICES

Budget and Management and is distributed throughout the state public school system.

UNC-CH previously was allowed to keep all the fines it collected until the N.C. Supreme Court ruled in July that parking fines on UNC-system campuses belong to public schools.

Elfland said University officials had hoped to use the money to fund one of the parking decks.

With the loss of revenue, the number of parking spaces the decks can accommodate has to be cut down.

The Craige Parking Deck now will hold 700 spaces instead of 1,600 spaces, she said.

The University has not yet turned over any of the money it put aside and is waiting for a final determination of how much money it owes.

Contact the University Editor at udesk@unc.edu.

THE Daily Crossword By Barry Silk

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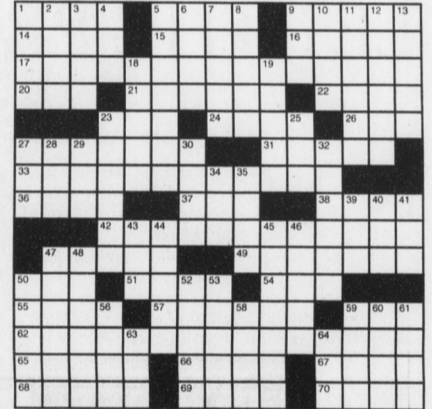
- 1 Part of a door frame
- 5 Thin nail
- 9 Clue for 17A, 33A, 42A and 62A
- 14 Prefix meaning uniform
- 15 Zap with light
- 16 Part of Asia Minor
- 17 See 9A
- 20 "King" Cole
- 21 Bilingual Muppet
- 22 Way to go
- 23 Eat late
- 24 Pentium product
- 26 Wallflowerish
- 27 Ultimate consumer
- 31 Two toppers
- 33 See 9A
- 36 Golf gadgets
- 37 Goddess of folly
- 38 Perimeter
- 42 See 9A
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