

Citizens group to save mountain

by Lynn Medford
Assistant News Editor

First of a two-part series

ASHEVILLE — In an effort to prevent destruction of Beaucatcher Mountain by a Western North Carolina highway construction project, a group of local citizens has filed a complaint with a federal court against the state Department of Transportation.

The Beaucatcher Mountain Defense Association, a 35-member group, has retained a Greensboro law firm to seek a court injunction preventing an open cut through the mountain to widen U.S. 70-74 in downtown Asheville.

The proposed cut is intended to eliminate traffic congestion created by a two-lane tunnel through the mountain. All traffic entering Asheville on U.S. 70-74, estimated in 1970 by the highway department to be approximately 34,500 vehicles per day, must pass through the tunnel.

The defense association contends in its complaint that the environmental impact statement on the project is incomplete and was given insufficient consideration when the cut was approved by the North Carolina Department of Transportation in 1967.

The association has been actively lobbying for construction of twin tunnels through the mountain, rather than an open cut. Tunneling would reduce environmental and social impact of the project, defense

association members say.

When planning for the Beaucatcher Mountain highway project began in the early 1960's, the state transportation department reviewed two plans for a widened single tunnel.

Both plans were later rejected, with the department contending that a widened tunnel would not be able to handle projected traffic demands.

The department then suggested that an open cut would allow for more lanes and smoother traffic flow than a tunnel. The cut was proposed at a public hearing in Asheville in December 1967.

Although local public officials endorsed the cut, the federal Bureau of Public Roads requested consideration of a twin tunnel plan, which called for two three-lane tunnels for both local and through traffic.

The transportation department rejected the twin-tunnel plan, contending that the plan would increase the project cost by approximately \$11.4 million over the cost of the open cut. Twin tunnels would create lighting and signing problems, expansion restrictions and large maintenance costs, the commission also argued.

The open cut project was unanimously approved by the transportation department soon after the public hearing.

The defense association objected to the department's decision and began a long fight, which culminated in the recent court suit to reverse the decision.

The suit contends that construction plans

violate the 1973 Siltation and Sedimentation Control Act and the 1974 air quality control laws, Defense Association Chairperson Marylyn Gordon said recently.

The association argues that siltation and dust pollution created by the mountain destruction, as well as the possibility of landslides and severe erosion, were ignored when the highway department decided to cut through the mountain.

"To control sedimentation, they (the transportation department) use hay bales, logs and basins to detour it into channels," Gordon said. "How can they do that? Where can they put hay bales to catch all that with the sharp drops? That they can handle that kind of siltation is a myth."

The sides of the cut will drop 270 feet, the height of a 24-story building. Asheville's tallest building stands 18 stories high.

Gordon also said Asheville residents will be plagued with noise and dust pollution for the 24 to 30 months she said are necessary for the blast. Tunneling would only take three to six months, she said.

"Think of the dust from all the trucks that'll be rolling through there for almost three years (the length of time the transportation department estimates to complete the entire project)," Gordon said. "The highway department says they can control dust with water or sodium chloride, but they can't control it, unless they build a tent to cover the whole thing."

She said the sodium chloride wetting agent would corrode the undersides of cars

traveling the roads daily.

In answer to the association's arguments, Bill Caddell, transportation department assistant secretary for planning, said the potential for siltation problems does exist, but technical devices will be used to counteract it.

Geologists and blasting experts consulted by the department advised the transportation department that a benched embankment will prevent landslides, he said.

Residues of chemicals used to moisten construction dust will not linger on the roads long enough to cause damage to vehicles, state Highway Administrator Billy Rose said.

The defense association also objects to 110 families and 17 businesses being displaced by the Beaucatcher cut. Gordon said the displacement would not occur with the twin tunnels.

Although reimbursed with the fair-market value for land and property destroyed by the cut, the relocated persons' inconvenience and aesthetic loss cannot be compensated for, Gordon said.

"It's a very fair value for blocks and mortar, but they were not compensated for giving up this beautiful location," she said. But Secretary Caddell said, "There is a dislocation of people, but that's involved in any construction project."

Aside from unnecessarily displacing families and businesses, the cut is forcing the relocation of water and sewer lines, another association chairperson, Margo Coggins,



A traffic bottleneck in downtown Asheville, Beaucatcher Mountain Tunnel has created a 15-year-old controversy.

said. The relocation could have been avoided largely by tunneling, she said.

"The adjustments (to sewer and water systems) will be more extensive with the cut," Rose said. "We try to look to the service to be provided by the adjusted systems afterwards."

Caddell and Rose defended the transportation department's cut project, citing vehicle safety, smaller cost of construction and smaller future maintenance costs as the advantages of the cut.

Rose noted that the 1971 Environmental Impact Statement prepared on the

Beaucatcher project by the transportation department's Planning and Research Division states that twin tunnels would have "adequate distances to allow for the merging and weaving of traffic entering and exiting the proposed facility."

The statement also says, "The open cut will have no adverse effect on the environment other than from an aesthetic standpoint . . ."

Tomorrow: Beaucatcher Mountain Defense Association charges government maneuvering to get cut approved. Did state officials and Asheville newspapers distort the facts to benefit special interest groups?

BSM funds released but choir's frozen

by Chris Fuller
Staff Writer

The Campus Governing Council released the funds of the Black Student Movement Tuesday night, with the stipulation that none of these funds be expended for the BSM Gospel Choir.

According to the bill, passed 14-2-2, only the Gospel Choir allocation remains frozen, pending completion of a CGC Finance Committee investigation of its allegedly illegal checking account.

A deadline for completion of the investigation is set in the bill for Oct. 7.

In addition, the BSM was placed on probation for the 1975-76 fiscal year. This means all BSM financial matters must be handled by the student body treasurer.

The bill resulted from Student Body President Bill Bates' agreement concerning the examination of the BSM checking records, made last week. Bates' agreement provides for the records to be turned over to a special investigation committee of Sheri Parks, the only black member of the Finance Committee, and Harold Wallace, associate dean of student affairs.

Finance Committee Chairperson Bill Strickland opposed the bill because the Finance Committee was originally charged with the investigation. He said the BSM checking records should be turned over to the Finance Committee rather than the CGC investigating committee.

Also opposing the bill, gallery member Lloyd Scher said it is not the Finance Committee's or CGC's job to prove the guilt or innocence of any organization being investigated for treasury violations. He said the court, not the CGC, should investigate and set penalties.

BSM Chairperson Lester Diggs said he is disappointed with CGC's inaction. He said the fund freeze was a degradation of BSM, CGC, the student constitution and the University itself. He asked that the funds be released to allow the BSM to continue serving the student body.

Bates released the funds last week after a meeting with Diggs and after a BSM delegation marched on the South Building. Student Body Treasurer Mike O'Neal refused to release the funds on grounds that Bates did not have the authority to unfreeze them.

O'Neal and Strickland then refroze the funds, contending that the CGC had failed to extend the original bill freezing the funds.

An act to limit the fund freezing power of the student body treasurer and Finance Committee chairperson was also passed at Tuesday's meeting.

But Strickland requested a reconsideration entered in minutes meaning that the bill must be discussed and voted on

at the next CGC meeting.

The bill was an amendment to a student government treasury law concerning the power of the student body treasurer and Finance Committee Chairperson to freeze funds of any organization receiving student funds.

According to the amendment, the funds frozen under the law would automatically be unfrozen if the CGC takes no action at the next CGC meeting following a formal hearing of the Finance Committee on the violations.

The amendment also states that the treasurer and finance committee chairperson cannot renew the freeze for the same violation.

The original article said, "The Chairperson of the Finance Committee and/or the Treasurer of the Student Body shall have the power to temporarily freeze the funds of any organization who has been guilty of failure to comply with the Treasury Laws . . ."

The article continues to say that the Finance Committee must hold a formal hearing on the freeze within a week. The Finance Committee will submit the decision reached at the hearing to CGC for final action, according to the article.

Strickland and O'Neal used the power given to them by the article to override Bates' decision to release funds last week.

CGC speaker Dan Besse, who introduced the amendment, said the amendment was designed to force the CGC to act in fund freezing matters. He pointed out that the CGC could maintain a freeze if the evidence warranted an extension.

Strickland argued against the amendment, saying it was a reactionary measure. He maintained that funds cannot be frozen by whim alone; a violation must occur. He said it is unwise to allow funds to automatically become unfrozen just because of CGC inaction.

CGC member Greg Reid said he supports the bill because of O'Neal's and Strickland's actions last week in refreezing the funds.

The CGC was ignoring the issue of innocent until proven guilty, said CGC member John Sawyer. He said under the unamended article the accused was assumed guilty.

In other action, CGC passed a bill prohibiting a UNC student legal aid attorney from suing the University or any other agency of the state of North Carolina.

N.C. Senior Deputy Attorney General Andrew Vanore told Bates earlier this month that such a restriction on the attorney's power was necessary before the Attorney General's office would consider reversing three legal opinions that consider it illegal for Student Government to hire an attorney.

"There's a problem here in determining exactly what is noise," Hilliard said. "What's annoying to me may not be annoying to you."

The noise ordinance prohibits making unreasonably loud, disturbing noise of an intensity or duration "as to be detrimental to the life or health of any individual" in the town.

The ordinance also requires a permit, known as a band permit, for a sound amplifying device used for hire.

Another problem involved in enforcement, Hilliard said, is the reluctance of people to press charges for noise ordinance violations. "People call in complaints, but they don't want to come downtown to prefer charges," Hilliard said.

Before violation of the noise ordinance can be presumed, the noise ordinance requires either the complaints of two persons living at different residences, or the combined complaints of at least one person and a police officer.

Under this provision of the noise ordinance the investigating officer has the authority to file charges for a violation, Hilliard said.

However, Hilliard said most fraternities usually reduce the level of noise when asked by the police. If a band is making the noise, the band permit will be revoked should a police officer have to return to the scene of the alleged violation a second time.

Conviction for violation of the town's noise ordinance involves court costs and up to \$50 and/or 30 days. Hilliard said he does

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Serving the students and the University community since 1893
Chapel Hill, North Carolina, Thursday, September 25, 1975

Weather: warm

The Daily Tar Heel



Five days of consistent rainfall have caused flooding in local low-lying areas. On the positive side, the rain has eliminated a possible water shortage in the Chapel Hill area.

Noise ordinance said difficult to enforce

by Johnny Oliver
Staff Writer

The problem of fraternity noise in Chapel Hill, raised most recently in the fraternity land-use controversy, is primarily one of enforcement, Chapel Hill Police Chief Sidney Hilliard said Wednesday.

Hilliard said that while the town's noise ordinance seems reasonable, it is very difficult to enforce.

"There's a problem here in determining exactly what is noise," Hilliard said. "What's annoying to me may not be annoying to you."

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Conviction for violation of the town's noise ordinance involves court costs and up to \$50 and/or 30 days. Hilliard said he does

not remember when someone was convicted for a noise violation.

During the weekend of the Maryland game, Hilliard said the department received approximately six complaints about excessive noise from fraternities. No band permits were revoked during that weekend.

"I tell people that in a college town you've got to expect a little inconvenience," Hilliard said. "While most of our complaints concern fraternities, we really don't have a serious problem," he said.

Jim Sessoms, president of the UNC Interfraternity Council said Wednesday he did not think fraternities have been unreasonable in complying with the noise ordinance.

"Bands haven't been playing at all hours of the night," Sessoms said. "Most bands at parties stop at 12 p.m. or 1 p.m.," he said.

Sessoms said fraternities have received excellent treatment from Chapel Hill Police, and he knows of no police harassment about noise.

Scher alleges bias in CGC

by Nancy Gooch
Staff Writer

A UNC senior charged the Campus Governing Council Wednesday with being unfair and biased in its recent actions concerning alleged treasury violations by campus organizations. He also called for the establishment of an independent committee to investigate treasury violations.

Lloyd Scher, who served as executive assistant to former Student Body President Marcus Williams, said at a campus news conference the bill to establish the committee will probably be discussed at the next CGC meeting to be held in two weeks.

The bill calls for the establishment of a 7-member nonpolitical committee to

Bates dismisses SG treasurer as of Sept. 30

by Art Eisenstadt
Staff Writer

Student Body President Bill Bates fired his appointed treasurer Mike O'Neal Wednesday. The dismissal will be effective at 5 p.m. next Tuesday.

O'Neal said, however, he considers himself a Student Government administrator serving at the pleasure of the Campus Governing Council, and will continue in office unless CGC replaces him.

Both O'Neal and the media were informed of Bates' decision in a letter released Wednesday morning.

"With the constitutional power invested in me, and with a moral responsibility to the student body, I do hereby dismiss the present Treasurer of the Student Body, Mike O'Neal, effective 5 p.m., Sept. 30, 1975," the letter began.

The announcement followed a Bates request for O'Neal's resignation last Friday. O'Neal told Bates Monday he would not resign.

Bates said in his letter, "The request for Mike's resignation, and this subsequent dismissal, are not for malfeasance, but stem from differences of parting opinion."

Although Bates said O'Neal performed reasonably well as treasurer, he claimed O'Neal had overstepped his authority.

"His influence spread beyond the treasurer's office," Bates said Wednesday. "It covered a wide range of issues from personal feelings to staff policies."

Bates said O'Neal had criticized some of his programs other than those involving finance to other staff members and CGC representatives. One such incident involved the student legal aid program, Bates said.

Bates has urged the hiring of a student government attorney, but the N.C. Department of Justice indicated it would not approve the position unless the attorney did not have the power to bring legal action against the University or the state.

Bates agreed to support this restriction after a deputy state attorney general recommended he do so to help get the idea approved.

"The first time I heard of that was when Bates mentioned it at a meeting," O'Neal said. "It was a 180 degree turn from his previous position. I disagreed with it, and later advised against it."

O'Neal said, "Bill has certainly not

hesitated to ask me to lobby in his behalf on those issues that were of great concern to him. Bates has made the treasurer a member of his executive staff."

As treasurer, O'Neal said he was invited to staff meetings, and asked for his opinions, which sometimes differed with Bates' opinions.

Bates has also said he felt the activities of O'Neal as treasurer were overshadowing the rest of Student Government, and that O'Neal's strict enforcement of the treasury laws was creating unneeded controversy.

"Students have come to me to complain, and I figured there's going to be disgruntlement when they're on the losing end," Bates said. "But when other students with no conflicting interests came and complained, I felt we had a greater responsibility to the student body."

O'Neal said, "I did not make the law. I do not like the law. But my job is to enforce the law. If everyone is so gifted so as to see how the matters should have been handled, why didn't they come to me?"

Since taking over as treasurer last April, O'Neal has frozen the funds of eight organizations for violations of laws he claims haven't been enforced for three years. The investigations were limited to the 1974-75 and 1975-76 fiscal years, he said.

Bates said his decision to replace O'Neal was not based on any one particular incident, and that it followed the recent Black Student Movement funding controversy was incidental.

O'Neal had frozen the BSM funds last summer pending investigation of the Gospel Choir, a BSM subsidiary. The choir allegedly maintained an illegal checking account.

Last week, Bates ordered all BSM funds released, except for those of the Gospel Choir. O'Neal refused to unfreeze the funds, saying only CGC could order him to do so. The CGC released those funds Tuesday night.

Bates said he will announce his nomination for a new treasurer in several days, and hopes to have him confirmed by CGC next Tuesday. The Student Government constitution requires that the president's nomination for treasurer be approved by a two-thirds vote of CGC.

O'Neal said he does not feel Bates can fire him without consent of the CGC.

Last night's meeting 'calm and reasonable'

by Vernon Loeb
Staff Writer

"I was afraid there would be some noisy people there, but fortunately everyone was calm and reasonable," Campus Governing Council Speaker Dan Besse said after Tuesday's CGC meeting, where the Black Student Movement fund controversy was resolved quietly.

The meeting contrasted sharply with last week's CGC meeting at which the fund controversy peaked. At that meeting an abrupt adjournment left the BSM's funds frozen after two hours of debate.

Two bills, one to release the funds and another to continue the freeze, were both defeated at last week's meeting, leaving everyone present—CGC members, BSM representatives and members of the large gallery of predominantly black students—in a confused and bewildered state.

Throughout the heated debate, loud outbreaks prompted Besse to warn the vocal gallery that further outbreaks would not be tolerated.

"No one is leaving until this thing is

settled," one black member of the gallery said as the meeting ended. A crowd gathered to block the door, but people exited peacefully.

Clusters of students arguing the issue formed in all corners of the room with some students standing on chairs to voice their opinions. Most students left the room apparently feeling justice had not been done.

At the more recent meeting, there were no uprisings from the gallery despite attempts on Monday to provoke a confrontation between BSM supporters and opponents.

Flyers were distributed across campus Monday night urging BSM opponents to attend the meeting.

"Had enough of the BSM tactics?" the flyer was headlined. It also read, "...come down to Craig Tuesday. Give your representative a piece of your mind—loud and clear—(remember, they seem to respond best to mobs). Bring your six pack and cooler. It might just be a long night!!!"

Some members of the large gallery, composed of both white and black students, did bring six packs and coolers, but the meeting ended quietly and on schedule.