

Native returns to give students legal advice

By SUSAN HUDSON
DTH Staff Writer

The newest face at UNC Student Legal Services is that of Dave Kirkman. But he isn't really new to Chapel Hill at all; he was born here.

Kirkman, a self-proclaimed "faculty brat," grew up in Chapel Hill. He went to Davidson College near Charlotte, but returned to the Hill for his law degree.

After two years as a lawyer at the Federal Legal Services in Charlotte, Kirkman returned to Chapel Hill in June to work for SLS.

"I guess it's the magnetism of the hometown," Kirkman said. The job in Chapel Hill was a high-pressure one, and Kirkman said he was nearly burned out after two years.

Then he heard of the job opening here by chance. Now, after seven months on the job, Kirkman says he likes being a legal adviser to students.

"Students have foresight," Kirkman said, contrasting them to his Charlotte clients, who would rush into his office hours before a trial. "The greatest pleasure of working here is the intelligent clientele," he said.

In Charlotte, Kirkman handled a variety of cases, representing lower-income people in civil suits. At Student Legal Services, Kirkman's role is more limited.

"We handle five categories of cases," Kirkman said. "They are landlord-tenant disputes, consumer problems, uncontested divorces, traffic tickets and minor fender-benders."

Two important charges that the lawyers cannot handle are tickets for driving under the influence (DUIs) and disputes between roommates if both are students.

"If it's between students, they're both our clients and we can't get involved," Kirkman explained. He usually advises the roommates to visit other lawyers or the Dispute Settlement Center downtown.

"I advise students on a broad range of legal problems — anything from taxes to immigration," Kirkman said. But the problem he encounters most is landlord-tenant disputes.

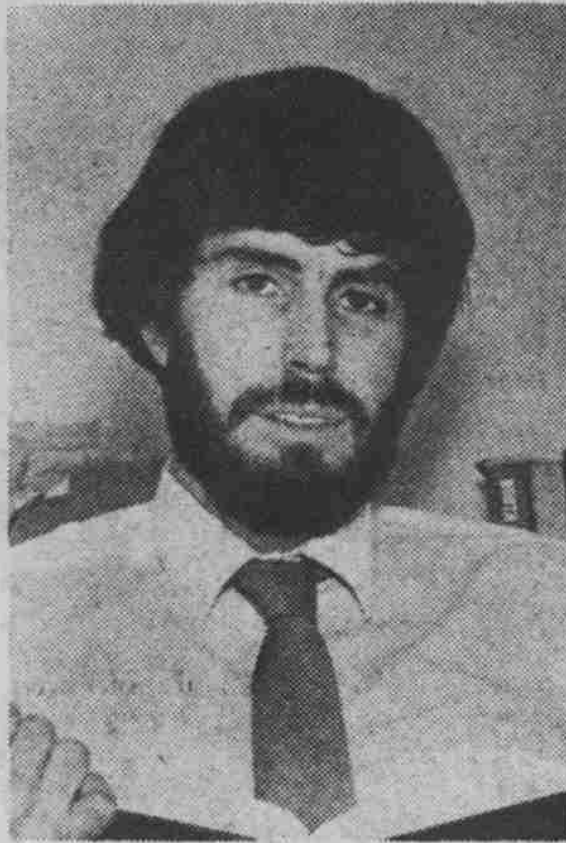
"It's not so much defective housing as it is these god-awful leases," Kirkman said. "Some of these things are four or five pages long. And the landlord's not responsible for anything, but the tenant must obey every picky detail."

Another problem that kept Student Legal Services busy last fall was the Chapel Hill law covering public consumption of alcohol. But the Student Legal Services, Student Body President Scott Norberg and the Chapel Hill Town Council worked out a program of deferred prosecution.

"This is a kind of pre-trial probation," Kirkman said. Those charged with public consumption of alcohol until the end of October had the option of performing a public service agreed upon by all parties. When this service was completed, there was no prosecution and no record of misdemeanor.

"There were hundreds of people coming in here at first," Kirkman said. But he said no client had been charged with breaking the public consumption law since November.

Kirkman had dealt with some amusing cases recently. Some tenants claimed that their landlady, after a disagreement with them, began changing all the locks in their apartment even though they had until the end of the month to move out, according to their lease.



Dave Kirkman

And, "a big, bruiser guy" who was frightened because of threats made by his girlfriend asked Kirkman for advice.

Kirkman works 40 hours a week and sees an average of seven to eight clients daily. He takes outside cases to supplement his income and to polish his trial skills.

"I'm amazed at how little I go into court," Kirkman said. "I go just enough to keep my meager skills as a trial lawyer," he said.

Coming back to his hometown to practice law has given Kirkman a new perspective on Chapel Hill. "For the foreseeable future, I feel I will stay here," Kirkman said. "I'm back in my hometown, finding out who the good guys and the bad guys are."

James Taylor plays March 3 in Carmichael

Singer and composer James Taylor is scheduled to perform at 8 p.m., March 3 in Carmichael Auditorium, it was announced Tuesday.

Bill Ragland, chairperson of the Union concert advisory group, said the Union was pleased to be able to sponsor Taylor because the concert would be his first performance in Chapel Hill in 10 years.

"A lot of people in this area consider James Taylor Chapel Hill's native son," said Ragland, who added that he did not know whether anyone would perform with Taylor.

The Union tried to get Taylor to perform for Chapel Hill last year, but his tour schedule prevented his coming.

This concert which is not connected with Chapel Thrift will be promoted by Beach Club promotions and sponsored by the Union, Ragland said.

Tickets will probably go on sale the middle of next week at the Union box office, he said. Interested persons are asked not to call the Union or the activities board for ticket information.

— KIM WOOD

Wendy's, ZTAs win town rulings

By ANNA TATE
DTH Staff Writer

Wendy's customers soon will be able to use a 'drive-thru' window at the 15-501 by-pass restaurant.

After two unsuccessful bids for a special-use permit, Wendy's won approval for its drive-in window from the Chapel Hill Town Council on Monday night.

In other action, the council approved a zoning ordinance amendment requested by Zeta Tau Alpha sorority.

Also, the council received a third petition opposing its \$11,000 allocation for bus driver uniforms.

Wendy's was denied requests for a special-use permit in 1979 and October 1981. The council granted the permit Monday because certain policies of the town's comprehensive plan have been rescinded, Chapel Hill Planning Director Mike Jennings said Tuesday.

With a 7-1 vote, the council approved an amendment to the Chapel Hill zoning ordinance requested by Zeta Tau Alpha sorority. The sorority house is at 210 Pittsboro St.

The zoning change from R-3 to R-6 will allow about 10.5 dwelling units and a maximum of 31 residents on the sorority's property. Sorority representative Bob Anderson said that if the rezoning request was approved, the sorority would request a special-use permit to build a new house.

The petition against uniforms for Chapel Hill Transit bus drivers, bearing 5,495 signatures, opposed an \$11,000 allocation for bus driver uniforms.

Part of national campaign

Moslem students protest Khomeini

By ALAN CHAPPEL
DTH Staff Writer

Moslem Students Society supporters opposing the human rights violations of Iran's Khomeini regime protested them Tuesday in front of the Carolina Union.

The individuals said they wanted to remain anonymous for fear of endangering themselves and their families in Iran. They distributed pamphlets publicizing the torture and execution of thousands of Iranians who oppose the regime of the Ayatollah Khomeini.

They also solicited petitions, which will be sent to the United Nations, Amnesty International and the International Red Cross.

A goal of the national protest is to gain at least 1,000 signatures from each state before sending the petitions to international human rights organizations.

In three hours at UNC, the protestors gained more than 130 signatures. The group, which received more than 600 signatures at N.C. State and Shaw universities, said it was pleased with the Carolina backing.

"We got a very favorable response," one protestor said. "We got the support of students, teachers, people from various walks of life."

The UNC protest is part of a 10-day national mobilization calling for human rights in Iran. The effort, which began Feb. 1, will end with demonstrations in New York and San Francisco.

"We are trying to get signatures to protest Khomeini's executions back home," one of the protestors said. "We want to inform the world of the public hangings that happen every day."

Official Iranian reports say that more than 4,000 Khomeini opponents have been executed in the past three months. The protestors, however, insist that the total is closer to 8,000 and that 20,000 Iranians are political prisoners.

"We have got to make people aware that there is indeed an opposition to Khomeini's regime inside of Iran," another protestor said. "We want to put international pressure on it to stop human rights violations."

The protestors also publicized Tuesday's execution of political activist Musa Khomeini, his wife and the wife of National Council of Resistance co-founder Mas'ud Rajavi.

About 50 of Chapel Hill's 70 bus drivers think that 1981-82 budget money can be used in better ways, said Phil Cohen, a spokesman for the drivers.

Cohen led two petition drives last fall, before the council made the allocation.

"Neatness and driver identification could be achieved at a lower cost," he said.

"Both students and non-students are comfortable with the present informal attire of the drivers."

Cohen asked that other ways of spending the 1981-82 budget be included in any future reports from the town manager.

The Chapel Hill Transportation Department invited several bus drivers to help officials select the new uniforms Friday.

Although the selection group included drivers both for and against uniforms, Cohen said the event was an "obvious effort to circumvent the petition process."

In other business, the council unanimously approved development of more than 100 apartments on a 25-acre site near Erwin and Weaver Dairy roads.

But the council excluded a 2,400-square-foot convenience store that had been planned as part of the Hickory Hill project.

In a petition bearing 195 signatures Booker Creek residents asked the council at a recent public hearing to eliminate the convenience store from the plan.

The signers said the store would create traffic problems and lower the value of surrounding property.

Condo ruling limits town

By WENDELL WOOD
DTH Staff Writer

Chapel Hill Realty owner John Cates' recent court victory over the town of Chapel Hill could result in decreased town authority over the conversion of apartments to condominiums.

The town sued Cates last November because he did not get a modification of a special-use permit to convert University Gardens and Brookside apartments to condominiums. Town attorneys said Cates' action violated Chapel Hill's zoning ordinance.

A Superior Court judge's decision—that the town doesn't have authority to regulate ownership—drew varied reactions from Chapel Hill officials and citizens.

Chapel Hill Deputy Attorney Grainger Barrett said there had not been a wave of "condominium" conversion since the decision.

"Northampton Plaza was going to convert partially, but it pulled back," Barrett said.

Cates expressed no surprise about his victory. "The only thing that surprised me was that they sued me," he said.

Calling himself "an innocent bystander just trying to do business," Cates said he would obey the law. Permits are "useless... and only lead to confusion," he said.

"If you think the Poles are suppressed, just try to do anything with

real estate in Chapel Hill."

Town Councilman Jonathon Howes said, "Regulating (real estate) is not in the town's interest," he said. "I think the reason the town sued Cates was to clarify its legal position."

Howes said he thought the examination of zoning ordinance options was beneficial. He added that it was unfortunate to have to sue someone. "Cates likes to see a contest, though," Howes said.

Howes said he thought other realtors would ignore the zoning ordinance as Cates did, especially because the process of obtaining the modification of a special-use permit required a public hearing.

Now that the council knows that the zoning ordinance has insufficient control over change of use, it will try to enact regulations establishing the rights of tenants, Howes said.

Mark Sternlicht, an attorney for Student Legal Services, said students had expressed concern to him about possible condominium conversion.

"If the landlord has complied with the lease and within town law, then he has a legal right to convert," he said. "But sometimes it's effective for students to go to the landlord as a group and complain."

Sternlicht said students with current leases on apartments shouldn't worry about getting kicked out of their apartments-turned-condominiums. He expressed doubt that many local realtors will want to convert their apartments.

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