

Students to file suit in towing incident

By KATHRYNE TOVO
Staff Writer

The developer responsible for having cars on North Boundary Street towed in January says he had posted signs warning people not to park there, but a Student Legal Services attorney says he will continue to pursue legal action against the developer.

David Crescenzo of Student Legal Services said he is drafting a lawsuit to be filed in district court against Gerry Barrett, owner of the Little Creek Company. Crescenzo is representing 13 students whose cars were towed.

Crescenzo said the lawsuit will charge Barrett with wrongful interference with private property.

Legally, a no parking area must be designated with a sign, Crescenzo said. Otherwise, it is all right to park there unless some other factor, such as a fire hydrant, would make parking illegal, he said.

Two weeks ago, Barrett authorized the towing of about 20 cars from North Boundary Street, which is part of the North Street Development.

Barrett said he placed signs on the

road in December because people were parking their cars along the road. The first two signs were ripped up, and the other two disappeared the next day, he said.

"My liability is extensive down there, and I felt I'd given sufficient notice," he said. "I have put up four signs, and I figured I'd reached my limit."

The signs were made of hard plastic, Barrett said, and although he did not remember exactly what was on the signs, he did say they had "No Parking" written on them.

The signs were placed in a clearly visible spot on the side of the road. "So visible, someone tore them up and stole them," he said.

The night before the cars were towed, a sign was in place and no cars were parked along the road, he said.

Crescenzo said none of the students he has spoken with have ever seen a sign prohibiting parking along that part of the road. "I don't doubt he put them up, but the students did not see them."

Barrett could have written a warn-

ing notice on the cars alerting the students to the fact that their cars would be towed if they were not moved, Crescenzo said.

"I appreciate his position, but I do not understand the urgency of the situation," he said.

Barrett said: "There were 'no parking' signs — I figured that was sufficient notice. His (Crescenzo's) interpretation may not be the same. I really don't know what he's going to base his case on."

Barrett said before he authorized McFarling's Exxon to tow the cars, he consulted with the Chapel Hill Police Department about the situation.

Barrett would not relate the specific content of the discussion, but he said he felt confident doing what he did based on the conversation.

"I certainly feel I was justified in towing," Barrett said.

Capt. Gregg Jarvis, of the Chapel Hill Police Department, said the police do not have the authority to tow cars on private property and cannot give the authority to tow cars. "We're caught in the middle of

this," Jarvis said. "It's really just a matter between Barrett and the people whose cars were towed."

Student Legal Services intends to sue for the damages incurred in the towing of the cars. The towing charges were between \$30 and \$45, but Crescenzo said he was not sure why the charges varied.

Crescenzo said he expects to complete the draft of the lawsuit and send it to Barrett sometime this week.

"I expect to win," he said. "I think we're right. I feel very strongly that we'll persevere and get their money back."

Barrett said he does not have an attorney representing him in this matter. "I will wait and see what allegations are made and see what the next step will be before I consult an attorney," he said.

Town Attorney Ralph Karpinos said it is his opinion that the road is open and available for use by the public and the town council could adopt an ordinance regulating parking on the street if it chose.

McFarling's Exxon officials would not comment on the towing.

Chapel Hill Police Roundup

Police received reports that several cars parked at University Mall were vandalized Saturday.

A 1981 Chevrolet Chevette parked near Village Texaco had its right side window, front windshield and headlights broken. Damage was estimated at \$500.

The left front and back windows of a 1982 Plymouth Reliant were broken while the car was parked near Belk Leggett. The damage was estimated at \$200.

A window was also broken out of a 1985 Ford van parked near Ivey's.

Melton Cook, of Pope Air Force Base in Fayetteville, was stopped by police Sunday morning after an officer reported observing him traveling 55 mph in a 35 mph zone and crossing the center line four times.

After he stopped the car, an officer gave Cook a sobriety test and later charged him with DWI.

A Chapel Hill man heard someone knocking on his front door Saturday, and when he got up to see who it was, he saw an

unknown man in the living room. The stranger ran out the front door.

A car was damaged in municipal parking lot number six Friday when a tree cutter for the town reported that a tree had fallen on the car. Approximately \$800 in damage was reported. A note was left on the car.

The weekend saw a rash of automobile larcenies. Most of the incidents involved a thief breaking out a window and stealing a radio, stereo speakers or some other object in the car.

Police investigated a call Thursday at town parking lot number five in which a man in a Volkswagen drove his car into a parking space and began drying it. When police arrived, the subject had left the scene.

A woman reported that a suspect took her vehicle from her Friday and attempted to run over her, but she refused to press charges in the incident.

— compiled by Larry Stone

Government officials plan for possible Champion closing

By CRYSTAL BERNSTEIN
Staff Writer

Sen. Terry Sanford, D-N.C., met Wednesday with Haywood County leaders to consider proposals designed to help Champion paper mill workers and the county's economy if the plant is forced to shut down or phase out part of its operations.

He is looking for ways to have workers at Champion reintegrated into the economy if their employment at the mill is terminated, said Anna Driver, an aide to Sanford.

The senator is also investigating the possibility of providing federal assistance for the area if the mill shuts

down, she said. This assistance could include retraining the workers at the mill and providing economic development funds to help the county's economy.

Employing 2,300 people, the Champion paper mill is one of the largest industries in western North Carolina.

The mill may be shut down because pollutants entering the Pigeon River, which flows past the plant into Tennessee, discolor the water beyond acceptable Tennessee state standards.

A proposal submitted to the Tennessee Committee of Health and Environment to create a variance proce-

dures in the case of the Pigeon River was denied.

The proposal was denied for two reasons, said Ken Renner, director of communications for Tenn. Gov. Ned McWhorter. First, the committee was not assured that the water discoloration problem was only temporary, a requirement for the enactment of a variance procedure, he said.

The proposal also did not deal with the problem of dioxin, a cancer-causing chemical found in the water of the river, Renner said.

"We want the river cleaned up," he said. "We regret greatly any loss of jobs or relocation that may occur. Our goal here has not been to have

any kind of punitive action regarding anyone."

It would cost the Champion paper mill approximately \$250 million to bring the river water to the acceptable level of discoloration, said Hagen Thompson, a spokesman for the southeast regional office of the Environmental Protection Agency (EPA) in Atlanta.

"It would be a major undertaking," he said. "They'd be, in effect, changing the entire process."

The mill has already spent more than \$100 million to bring the water discoloration level down from 100 to 85 color units, Thompson said. Tennessee requires 50 color units.

The EPA will grant a permit asking that Champion comply with water standards within three years, he said. A draft of the permit might be prepared within the next 60 days.

The EPA is trying to bring all involved parties together to develop an agreement that everyone can live with and one that can keep the plant open and clean up the river at the same time, Thompson said.

Champion will not appeal the variance decision, said Charles Curtis, commercial relations manager of the mill in Canton. "We're reviewing our options now," he said.

Gov. Jim Martin is negotiating with the EPA to see if a variance can

be created to keep the plant open, said Tim Pittman, communications director for Martin.

Martin has also investigated punitive measures to repay Tennessee for not issuing a variance, he said. The governor is considering limiting the amount of N.C. water available for Tennessee's use and penalizing the state for "gassing our mountains" with polluting auto emissions, Pittman said.

The N.C. Department of Commerce, in an effort to remedy the economic loss to the area, has placed a new industrial recruiter in western North Carolina to make up for the loss of Champion, he said.

Man faces charges of robbery, assault

By LARRY STONE
Staff Writer

An Asheboro man was arrested Thursday and faces several charges in connection with last week's robbery at the University Mall branch of First Union and a January incident at North Carolina Memorial Hospital.

Michael Lee Matthews was placed under \$200,000 secured bond after being charged with two counts of common law robbery and one count of assault on a female, according to police reports. Matthews may also face federal charges related to the bank robbery.

Capt. Ralph Pendergraph of the Chapel Hill Police Department said bank robberies are a federal offense and are not covered by state statutes. But Matthews still faces the charges levied by the Chapel Hill police.

"I imagine he is still in FBI custody, since they are investigating," Pendergraph said. "The federal bank robbery charge is the most serious."

"The state statute is for just taking property but doesn't spe-

cifically say banks," he said. "The federal law covers banks and savings and loans as a violation of their safety."

In addition to the robbery, Pendergraph said Matthews was linked to the Jan. 6 assault at the Grapevine Cafe, which is located in NCMH.

"The description was the same, the eyewitness folks did an identification from a lineup and other information was tied in," he said. "Both crimes had good eyewitnesses, and we knew from the beginning that they looked similar."

Judging from a conversation he had with Matthews, Pendergraph also said it was likely that Matthews' crimes were drug-related.

Chapel Hill police planner Jane Cousins would not say how much money was taken in the robbery or whether police recovered the cash. This was the first bank robbery in Chapel Hill in more than four years.

Cousins said Matthews was found in Carrboro with the help of an informant's tip. He was arrested by Carrboro police.

Duke students demand tighter security

By KARI BARLOW
Staff Writer
and WILLIAM TAGGART
State and National Editor

The recent rapes at Duke University have triggered student demands for positive steps from the administration to make the campus and surrounding areas more secure.

A group of students protesting Thursday presented Duke President Keith Brodie with demands for better security measures to prevent other rapes on campus.

A committee of students and administrators was formed to specifically address the nine demands, said Bernadette Milner, a student committee member and president of the university Safe Walks program.

The committee has distributed a questionnaire to determine high-traffic campus areas for students, she said. The questionnaire will be used to focus on additional security measures, she said Monday in a telephone interview.

The committee will present its recommendations to Brodie on Wednesday, Milner said.

The Student Coalition Against Rape (SCAR) was founded Thursday by Duke law student Susan Heilbronner in an effort to unify all the groups on campus that have been protesting.

"The problem has reached crisis proportions, and it's time to see focused action," Heilbronner said.

The administration has been open to specific proposals, but they didn't have any to consider, she said. "We are going to try to fill that gap."

SCAR received funding from the administration for publicity, Heilbronner said. The group's goal is to come up with serious proposals to make the area safer, she said.

Recommendations in the form of a negotiable contract, with a list of specific actions and reasonable time limits, will be presented Friday at a meeting with Brodie, Heilbronner said.

"The contract will make it possible for the students and the administration to hold each other accountable," she said.

Milner and Heilbronner agreed that additional outdoor lighting on campus is a top priority for their groups.

Some students believe the administration has been slow to respond to the rape problem on and around campus.

"I think they've been wary to recognize there's a problem for whatever reasons — for publicity reasons or to keep up the image of Duke University," said Duke senior Stacy Pollina.

"I think that we need a strong commitment from the president of the university that they will make Duke a safer campus and community," Pollina said.

Brodie has written letters to all students and employees encouraging them to take safety precautions on campus, said Leonard Pardue, director of university relations.

"The university has increased patrols by foot and by car, especially at night and early morning," said David Roberson, executive director of Duke News Service. Duke Public Safety has teamed up with the Durham Police to help the university implement the increased security, he said.

Roberson said additional outdoor lights authorized last semester will

start arriving this week and will be installed within the next two months.

Captain Tony Rigsbee of the Durham Police said female officers were being used as decoys on campus to catch the rapist and deter future attacks. Chances of apprehending the rapist have decreased since the use of decoys was made public, he said.

"Since Nov. 8, there have been five rapes on or near the campus," Rigsbee said.

The police have a sketch of one of the suspects, but it has not produced any substantial leads, he said.

Duke has offered a \$25,000 reward for information leading to the arrest and conviction of the people responsible for the rapes within the last three months, Roberson said.

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