

Council hearing on utility raises billing concerns

BY DAN SCHWIND
ASSISTANT CITY EDITOR

Questions over billing methods and University involvement were the predominant theme of Monday's Chapel Hill Town Council public hearing regarding the potential establishment of a storm water utility.

The proposed utility received generally good comments, but several citizens and council members expressed concern over how residents would be billed for it.

AMEC Earth and Environmental Inc., the town's consultant on the project, recommended a fee structure that calls for a fee of \$2.92 per month per 2,000 square feet of impervious surface. That would add up to \$35.04 a year for a unit with 2,000 square feet of impervious surface.

But many residents believed the fee structure was not well designed with one resident even going so far as to call it a "rain tax."

Resident Don Liner said that he thought the billing system was unfair and that the flat rate served as a burden on members of the lowest tax bracket.

"It's an unprincipled, highly regressive, unnecessary tax burden," he said. "How can anyone possibly agree with the consultant's statement that this is equitable?"

Virginia Knapp, associate director of the Chapel Hill-Carrboro Chamber of Commerce, also questioned the structure, asking if it was possible to include a credit program that would grant rebates

to those already taking efforts to manage storm water runoff.

She said several businesses in the town already have taken it upon themselves to manage runoff and there was no need to charge them for something they're already doing.

Another major concern raised at the hearing was University involvement in the program. So far, UNC has indicated it will not take part in the town's utility, saying that it already has its own program in place and that it does not contribute to runoff into the town.

Linda Convisor, coordinator of local relations for UNC, said that the University already has spent \$10 million in taxpayer money to that effort and that any money the University would contribute to the utility also would have to come from tax revenues.

"(Taxpayers) should not have to pay twice," she said.

Council member Cam Hill said that despite the University's success in runoff management, it still should have to contribute to the program. "Just because you're doing a good job doesn't mean you should be excused."

Council member Ed Harrison shared similar sentiments, pointing out that some parts of the University sit uphill from residential areas, meaning storm water runs off into town jurisdictions.

The council will review comments on the proposal March 24 at its public forum on development of the 2004-05 budget.

Contact the City Editor at citydesk@unc.edu.

Specifics sought in APS case

BY DAN SCHWIND
ASSISTANT CITY EDITOR

An Orange County Superior Court judge ordered both sides Tuesday to release additional information for discovery in the ongoing legal battle between the Animal Protection Society and critics Elliot Cramer and Judith Reitman.

Judge John R. Jolly Jr. gave each side 20 days to provide the other with the additional evidence to prepare for the libel and defamation countersuit filed by APS against Cramer and Reitman.

Specifically, Jolly ordered APS to release the details of their contract with former APS director and veterinarian Bobby Schopler.

Barry Nakell, attorney for Cramer and Reitman, said the

information was crucial to their defense that they did not commit libel and would allow them to have the case thrown out.

Jolly also ruled that Nakell must provide all correspondence between the two critics to APS attorney Ron Merritt, as well as notes on the specific passages of depositions being used as defense by Cramer and Reitman.

Jolly made the ruling saying that both sides needed a "full and fair opportunity for discovery" before the case could continue.

Nakell said that despite the ruling, the hearing was not a big deal and was simply a formality in the ongoing legal battle.

"It was not a significant event," he said. "It's really just putting

things off."

The hearing was scheduled after Nakell motioned for summary judgement on the countersuit in hopes that it would be thrown out because of a lack of evidence for the plaintiff.

"Under the New York Times v. Sullivan standard, (APS has) the burden of proving these statements are false," he said. "We can show a substantial basis that they have no evidence."

Nakell said his clients did not commit libel, as many APS members made the same statements as Cramer and Reitman. "These are all First Amendment issues."

Merritt argued the case should not be thrown out because the motion had been filed before he

had a chance to gather evidence for their case.

He contended that he could not make a proper case without knowing what specific passages from the depositions Nakell referred to in his case.

Merritt also motioned to compel Cramer and Reitman to turn over tax returns, financial statements and loan applications for punitive damages claim, but that motion was denied.

Jolly scheduled another hearing for March 15 to give both attorneys one last opportunity to file any motions before the beginning of the trial, tentatively set for April 5.

Contact the City Editor at citydesk@unc.edu.

Alpine Bagel off to promising start

New shop complements CDS options

BY TORRYE JONES
STAFF WRITER

Senior Caroline Cogdell said she didn't even realize there was a new place to eat on campus.

But after her first visit to the Alpine Bagel Cafe, Cogdell said she would come again.

"The service was fast, and the food was awesome," she said. "The coffee was good, too."

Like Cogdell, students, faculty and staff have discovered the new late-night eatery located in the heart of campus.

The bagel shop opened Feb. 10 as part of the rededication of the Frank Porter Graham Student Union.

It offers a variety of items including bagels, coffee, sandwiches and salads.

The shop is open until 1 a.m., except on Saturdays, when it closes at 8 p.m.

Ira Simon, director of Carolina Dining Services, said he is excited about the new business.

"We've been trying to open it up for two years," he said. "I'm glad it's finally here."

He said that so far, the eatery serves between 1,200 and 1,300 customers per day.

"We've had very positive feedback," Simon said. "We are meeting our expectations, and that is very

encouraging to us."

Simon said the new bagel shop, like any other business in Mainstreet Lenior, has a sub-contract with CDS.

"Students and staff can use their flex dollars and expense account there, like at Subway, Chick-fil-A or any other place on campus," he said.

Because the new dining addition is open late, officials decided to close Mainstreet Lenior earlier in the evening.

The businesses now will close at 8 p.m. Monday through Friday and 7 p.m. Saturday and Sunday.

Simon said new hours have not affected businesses or employees at Mainstreet Lenior thus far.

"It's all a part of CDS," he said. "We reallocated employees (who were affected by the time change) to other jobs on campus or gave them earlier work times. Alpine also offered positions to our (Mainstreet) employees."

He added that all of the dining locations on campus are financially independent from one another, but they are all under the umbrella of CDS.

"Alpine Bagel is here because CDS asked them to be here," he said.

Darrell Gaffin, general manager of Alpine Bagel Cafe, said the shop is doing better than he initially



DTH/KATHY SHUPING

Chris Roberts, a junior from Charlotte, puts out baked goods at the new Alpine Bagel Cafe that opened last week in the Student Union.

thought it would.

"I've heard nothing but positive feedback from (CDS officials)," he said. "There were a few issues with pricing at first, but we got it worked out."

He cited the location as a key reason for their success.

"It's great that we are in the Student Union since everyone is always hanging out here," he said.

"There is nothing better than studying with a bagel and coffee."

Contact the University Editor at udesk@unc.edu.

Applications available for editor selection committee

STAFF REPORT

The Daily Tar Heel is now accepting applications for its editor selection committee.

The committee will select the DTH editor-in-chief for the 2004-05 school year.

All students are eligible for the committee and are encouraged to apply.

Applications are available in the DTH office, located in room 104 of the Student Union. The office is open from 8 a.m. to 5 p.m. Monday through Friday.

Participants are required to attend a meeting March 18 from 5 to 6 p.m.

Participants also are required to attend a meeting March 20 from 9 a.m. to 4:30 p.m. at which the edi-

tor will be selected.

Those selected for the committee will be notified by March 4.

Please contact DTH Editor Elyse Ashburn with questions at ashburn@email.unc.edu.

She also may be reached at 962-0750.

CORRECTIONS

A page 1 story in Tuesday's paper should have stated that the Carolina Union Activities Board helps run various jazz festivals, but that the Carolina Jazz Festival is organized by the UNC Department of Music. The article also should have stated that Women's Week is organized by the Women's Center of UNC and that CUAB is one group that helps with the event.

Another page 1 story in Tuesday's paper should have said that Justin Guillory is the president of UNC Young Democrats.

To report an error, contact Managing Editor Daniel Thigpen at dthigpen@email.unc.edu.

The Daily Tar Heel

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