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Residents file complaint against new landfill site

by William March
Staff Writer

The New Hope Improvement Association, a group of about 500 residents of southeast Orange County, has filed a complaint in the Hillsborough Court against the projected use of the Eubanks landfill site.

The suit names as defendants the towns of Chapel Hill and Carrboro, Orange County, and Eubanks landfill site owner R.G. Hancock. The town of Chapel Hill has recently gained title to the land from Hancock.

According to Frank Frederick, clerk of the Hillsborough Court, the complaint was filed at about 5 p.m. Monday, A.B. (Lonnie) Coleman Jr., a Chapel Hill lawyer and the Democratic candidate for the State Senate from the 16th District, is representing the association in the matter.

The complaint was filed with Judge Thomas D. Cooper.

According to John Kline, president of the association, "The purpose of the complaint is to restrain the defendants from using the Eubanks site as a landfill until there has been a court determination concerning the legality of the rezoning; the need for a state environmental impact statement; the need to comply with extractive use provisions of the Orange County zoning ordinance; and until the pending appeal before the State Board of Health has been finally determined."

If the zoning is ruled valid, the complaint will seek to require the towns and the county to make further technical tests of the site. The tests would be used to determine "the usability of the entire 202 acres for a landfill and to determine the potential damage to local ground water and well water supplies," Kline said.

In all, the complaint contains more than 20 items of appeal.

B.B. Olive, a Durham patent attorney who has fought the projected site, currently has an appeal before the state Board of Health contesting the Board's decision to approve use of the site. According to Olive, the first steps for hearing the appeal have not yet been taken by the Board.

The association's complaint would restrain the defendants from using the site until this appeal has been decided. Meanwhile, Chapel Hill Town Manager Robert Peck has announced that the town has gained title to the land and preparation of the site for use will probably begin this week.

The "extractive use provisions" of the

Orange County zoning ordinance are land use regulations that grew out of a conflict between Orange County residents and the Texas Gulf Sulfur Company. Olive believes the regulations cover landfill operations.

If it is ruled that they do, the towns will have to win the approval of the North Carolina Board of Water and Air Resources, file rehabilitation and operation bonds and cross other legal hurdles before using the site.

The need for compliance with these regulations is a question which must be answered, according to the association's complaint, before use of the site can proceed. The complaint also specifies the possible need for an environmental impact statement, under state law, a legal

point on which Olive has also attacked the landfill site.

The complaint also questions the legality of the rezoning of the site to a rural industrial district for non-farm purposes, and if the zoning is ruled valid, seeks to require further testing of the water resources which are allegedly present on the land. Olive claims to have found water in bore-holes on the site which indicate the presence of underground streams.

Frederick said he had no idea when hearings on the complaint might begin. Coleman said he thought hearings might begin by the end of next week.

The Orange County Commissioners will meet at 8 p.m. to decide whether they will bear a share in the cost of preparing the land for use.

DU plans approved Board expands NDP

by Mary Newsom
and
Greg Turosak
Staff Writers

The Chapel Hill Board of Aldermen voted Monday afternoon to return the proposed Neighborhood Development Program (NDP) to its original 1969 boundaries.

In other business, the board approved the revised building plans of the Delta Upsilon fraternity house, listened to dog warden Gus Shoffner present his proposed dog ordinances and discussed cable television and annexation of school property to the town of Chapel Hill.

In a 4 to 2 decision, with Aldermen Ross Scroggs and Alice Welsh dissenting, the board voted to expand the area encompassed by the NDP, a project to improve neighborhoods, to include portions near downtown Chapel Hill.

The original NDP boundaries, approved in 1969, had been cut back since that date due to a lack of funds from the Department of Housing and Urban Development. The expansion voted on by the aldermen was a return to

the original boundaries.

James E. Kerr, who resigned last week as director of the Redevelopment Commission which administers the NDP, was pleased with the aldermen's decision. He said more than \$480,000, the total federal grant for the NDP last year, might have been endangered if the aldermen had not approved the boundaries. The deadline for submitting NDP plans to HUD is October 1.

Alderman Welsh, in explaining her negative vote, said the residents did not know enough about the program. Alderman Shirley Marshall replied that they had had plenty of opportunities to attend town meetings for information.

The plans for Delta Upsilon fraternity's new house were approved by a 5 to 1 vote, with Welsh voting negatively. The fraternity had altered their original plans in order to comply with zoning regulations.

The social area was cut by one-third and plans for a second phase of building following the present one were scrapped. A representative of the fraternity said the fraternity would not have enough money to begin its second phase within six years,

the time limit imposed by town building regulations.

Chapel Hill Dog Warden Gus Shoffner presented a series of eight proposed ordinances for controlling the stray dog problem in Chapel Hill.

Among his proposals was a law that all dogs in the downtown area must be on a leash, the establishment of a self-sufficient rabies clinic for dogs, and the raising of pound fees and license fees.

Shoffner proposed that a spayed or neutered dog would cost \$3 to license while other dogs would cost \$5. "This would cut down on the unwanted dog population," he said.

He also proposed to cut the time after impounding from six days to within 48 or 72 hours depending on whether a dog was licensed. After this time the dog would either be put up for adoption or disposed of.

The board voted to put the dog ordinances on the agenda for the October 2 meeting, at which time they would be prepared to take action.

The prospect of cable television for Chapel Hill was discussed and the board voted to write up the ordinance in proper form, at which time they would approve it.

The cable TV would most likely be in the form of a franchise for the whole town, and as Mayor Howard Lee said, "Whoever gets it, gets it."

The board also discussed the request of the Chapel Hill School Board that the town annex the property including Chapel Hill High School and Sewell Elementary School. Vandalism in those areas has been a problem, and the protection of the Chapel Hill police is desired, according to the board.

The board voted to ask Town Manager Robert Peck and Town Attorney Emery Denny to meet with the chairman of the school board and the school superintendent to draw up a proper course of action.



Monday studying

Sometimes Mondays aren't so bad. This UNC coed did some relaxed studying on the steps as the late afternoon sun highlighted the trees and the hallway of Saunders. (Staff photo by Cliff Kolovson)

McGovern backers wave the bologna

United Press International

With their candidate off on a new nationwide campaign swing, backers of George McGovern for President tried to help him out on the Senate floor Monday with the help of a fat roll of bologna.

Senator William Proxmire, D-Wis., waved the lunch meat, a can of peaches, a big tin of kidney beans and a package of hot dogs during a sharp attack on President Nixon's economic policies.

Claiming the President's wage-price controls had failed, Proxmire said the bologna had gone up 40 percent in price since Nixon took office, the franks 63 percent and the peaches 30 percent.

Republicans leaped to the President's defense and criticized Proxmire and Senator Alan Cranston, D-Calif., for the "absolutely partisan tone" of their speeches.

"He calls that a program — I call that baloney," said Senate Republican leader Hugh Scott of Proxmire's defense of the McGovern proposal to scrap Nixon's economic controls in favor of voluntary wage-price guidelines.

Saying he was surprised that bologna had not gone up more, Scott declared: "Nowadays, I would have thought it would have been more than that in view of the McGovern campaign and rhetoric generally."

As McGovern began a new two-week

campaign tour in West Virginia with a slashing attack on the President, Mrs. Nixon flew to Chicago for the start of a six-day solo campaign tour on behalf of her husband, who still was staying fairly close to the White House with the election seven weeks away.

In Logan, West Virginia, the Democratic candidate told about 1,000 persons in the courthouse square that Nixon had "broken more promises than any other President of the United States."

Most public opinion polls show Nixon far ahead of McGovern in the presidential race, but a new Louis Harris survey indicated Monday that voters still may prefer a Democratic Congress. A poll just before Labor Day produced a 46 to 41 percent edge for voters who said they would like to see a Democrat rather than a Republican elected to Congress from their home districts.

Despite the finding, Scott told reporters he believed the GOP had at least an even chance of picking up the five seats it needs to gain control of the Senate.

Predicting Republicans would hold all the seats they now have, Scott said his party had "excellent chances" of gaining seats in New Mexico, Rhode Island, Montana, Oklahoma, North Carolina, Georgia and Alabama.

Weather

TODAY: Chance of showers and thundershowers through tonight; high in the mid 80's, low in the mid 60's; probability of precipitation 30 percent today, 20 percent tonight.

War resister's trial to start

United Press International

CAMP LEJEUNE — Tom Michaud, a war resister who gave himself up on the floor of the Democratic Convention after three years absence from the Marine Corps, is to go before a court martial today.

Michaud, 23, was at first charged with desertion, but the Marine Corps a month ago reduced the charges to an unauthorized absence.

Michaud, who served in Vietnam in 1969, left Camp Lejeune in August of

1969, lived "underground," according to his attorneys, before surrendering on the floor of the Democratic Convention in Miami during August.

Michaud told newsmen at the time he wanted to "emphasize that the war is not over, that American atrocities have not stopped."

Tom Laughlin III of Durham, one of Michaud's two civilian defense attorneys, said he believed the court martial "will have international significance due to the fact that the rest of the world, for a long period of time, has been watching our

activities in Vietnam."

He said the court martial "will probably set the pattern for the way the military, or at least the Marine Corps, will handle those people who left the service out of a conscientious and deep-seated opposition to the conflict in Vietnam."

Laughlin said the court martial also could have an influence on other persons who have fled the military.

The maximum penalty under the charge would be imprisonment for 12 months, a dishonorable discharge and loss of pay and allowances.

Rusk addresses seminar Military role analyzed

UNC News Bureau

Former Secretary of State Dean Rusk rejected the stereotypes of "the military mind" and "the military as the world's policeman" in a talk before 25 Southern journalists Monday.

Head of the State Department during the administrations of Presidents John Kennedy and Lyndon Johnson and now law professor at the University of Georgia, Rusk was in Chapel Hill to address a seminar on "The Military in A Democracy," sponsored by the Southern Newspaper Publishers Association Foundation. The three-day seminar, which continues through Wednesday, will include talks by UNC and Duke University faculty and two Congressional staff members.

In his analysis of "The Role of the Military in Foreign Policy Decisions," Rusk said, "I personally reject something called 'the military mind.'"

"Usually those references appear to have in mind personalities like George Patton and Curtis LeMay rather than George Marshall, Dwight Eisenhower and Omar Bradley."

In Rusk's opinion Marshall, Eisenhower and Bradley were men "who were as

much civilian as military in their thinking about national policy and the national interest."

He also rejected "certain myths like the notion of the U.S. military as the world's policeman."

Of the 400 situations of violence which have occurred in the world since 1945, Rusk said, "We were directly involved militarily in only about seven or eight of those."

The American military has not gone around the world looking for business in terms of places in which it can intervene, he said. "The world has not elected us to that role and our own people wouldn't accept it. If we were to attempt it, the rest of the world would find it intolerable."

He voiced concern about the present mood of withdrawal from world affairs among the American people.

"We obviously are going through a period of transition where our commitments to such notions as collective security are eroding, and we have not yet decided or even seriously considered what to put in its place if we turn away from it," he said.

"I'm a little concerned about the growing unpredictability of the U.S. in

world affairs and am a bit nervous about the possibility that basic miscalculations could be made in other capitals about what we and other democracies might do at the end of the day if they do x, y or z.

"We may get over this shortly by a reorientation of our foreign policy and re-examination and a recommitment to those things we want to keep and a clarification of the new directions in which we might want to go."

Rusk said he suspects the policy planners in the Kremlin are saying to their chiefs these days, "get ready, gentlemen, for a period of American isolationism."

"The role of the military in foreign policy decisions will vary, if not from year to year, at least from time to time, depending on the world situation; the mood of our own country; the personalities of presidents, secretaries of state and defense and of the joint chiefs of staff themselves, and the leadership, mood and makeup of our Congress."

He emphasized that the safety of the American people is the primary object of foreign policy. Major security issues are of interest not just to the military but to our civil leaders too.



Motorists beware

The number of bicycles on campus have drastically increased this year, but their movements are not restricted to campus, as this picture of the intersection of Cameron and Columbia during rush hour shows. (Staff photo by Tad Stewart)