



The Tar Heel



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Grrrr!

How would you like to be resting peacefully in your nest one morning, only to find this snarling beast growling at you when you wake up? We don't know if he'll bite, but it would be a scary thought. (Staff photo by George Brown)

Local aldermen approve University Mall opening

by Rebecca Denny
Staff Writer

The Chapel Hill Board of Aldermen voted four to two Monday night to allow the University Mall to open August 2 as scheduled provided adequate temporary road construction is made to guarantee traffic safety.

The Board waived the original stipulation in the special use permit for a five lane road in front of the mall to be constructed before its opening.

Following suggestions made earlier by the development review board, the board ruled that a special use permit would be

granted provided five stipulations were met.

These included a temporary third lane to be built between Willow Dr. and the 15-501 by-pass, a parking lot accommodating 1,900 cars and personnel to direct traffic and enforce parking regulations.

The board further stipulated that Estes Extension be widened permanently either through a contract awarded by the state or by the developer.

E.N. Richards, the mall developer, was required to post a \$10,000 indemnity bond to cover incidental expenses incurred in enforcing the stipulations and

legal fees.

If the stipulations required by the special use permit are not met, the certificates of occupancy granted by the board will be revoked.

The Nello Teer Co. will build the temporary third lane by August 2 with Richards paying the \$30,000 bill. The temporary lane, according to state regulations, must be replaced after 60 days.

The board ruled that during construction Estes Extension must be kept open for traffic and that street parking on Estes and Willow Drives will be prohibited.

During the opening of the mall Richards will be responsible for hiring off-duty policemen to direct traffic. He must provide at least one permanent employee to handle traffic and parking problems after the mall is operating regularly.

The board struggled to give the town some guarantee that Estes Extension would be widened permanently. At present the Nello Teer Co. is low bidder for the state contract for construction of a five lane highway.

According to Homer Riley, a Teer Co. representative, the Teer Co. could not construct the highway for the price offered the state if Richards did not supply these extra funds.

If the state does not award the contract, the board held that the developer would be responsible for completing a four lane highway by March 31, 1974.

Uncertainty as to whether the State Highway Commission would award the contract to the Teer Co. dominated the board's discussion. The Board of Transportation was dissolved by Gov. Holshouser and a new board is due to be appointed this week. However, all contract awards have been suspended pending the appointment of the new board.

"The town and the developer are in this together," Mayor Howard Lee said, "and it will take us both working on the Highway Commission to get this road."

"The problem isn't you, Mr. Richards," Lee said. "It's the improvements on Highway 54 and 85 and the traffic lights we've tried and failed to get. Our confidence in the Highway Commission is not at a high ebb."

"We're all in trouble if this highway doesn't come through," Richards said. "I have to have a road in to get to that eight million dollar pile of bricks and mortar. I urge you people to help me and not fight the thing." Richards pointed to his 30 year record and said, "Sometimes you've got to have confidence in people."

In voting aldermen Scroggs, Marshall and Welsh joined Alderman Gardner in the majority vote to grant the special use permit. Aldermen Nassif and Smith dissented after proposing that the permit be issued only after a contract was awarded by the state to Nello Teer or Richards contracted for the road construction.

Dorm residents protest

by Seth Effron
Staff Writer

Ten summer residents of Stacy Dormitory have signed a petition stating they will not be evicted from their rooms to make way for cleaning crews.

The petition, calling the closing of the dorm "arbitrary and unnecessary" was

drawn up and circulated by Frank Freeze, 301 Stacy. Freeze said there is no real organizer of the Stacy resistance movement, but rather the movement began spontaneously.

Russ Perry, assistant director of housing in charge of maintenance, said the dorm was being closed for three reasons.

"There are a number of empty spaces in other buildings so it would be more economical to fill those spaces," he said. He also stated that the dorm should be empty for cleaning and for moving in beds to make triples for next fall's unusually large Freshman class.

Perry said the most important reason for the closing of Stacy was because it had to be prepared for next fall now so that other north campus dorms could be prepared later. He noted that the electrical work being done in five north campus dorms will not be finished until August 10.

Freeze, the petition organizer, feels a mistake was made on the part of Perry's office. Freeze said he and the other residents of Stacy did not know of the plans to close the dorm until the last day of the first summer session.

Perry said notices were sent out the Thursday before the end of the first session, but that apparently the R.A. in Stacy failed to distribute the message.

Perry noted the unfortunate plight of the Stacy residents and said his office would help in every way possible to make their move easier.

Despite Perry's offer, Freeze is not satisfied. "It's really rotten to have a place for what you assume is the entire summer, and then be told at the last minute you've got to move," Freeze said.

Perry said that Stacy had to be cleared by today.

Woman sues Carrboro aldermen over rejection of building permit

by Janet Langston
Staff Writer

Each member of the Carrboro Board of Aldermen was recently served with a civil summons by Mrs. Roz Kovens, a Florida developer whose special building permit was unanimously rejected by the board in its June 26 meeting.

The suit asked the Orange County Superior Court to prohibit Carrboro blocking construction of Ms. Kovens' proposed 208-unit Tar Heel Manor apartment complex.

Suit was brought against the town of Carrboro, its mayor and aldermen, the town manager and the town building inspector. Many aldermen received their papers in the budget session Monday night from an Orange County Sheriff's Deputy.

Named in the suit are Mayor Robert J. Wells; Aldermen John Boone, Boyd

Ellington, Donald M. Peninger, Braxton Foushee, Mary C. Riggsbee and Fred C. Chamblee; Frank Chamberlain, town manager; and Carl M. Ellinton, town building inspector.

No comment was made until Sen. William Staton, town attorney, has a chance to read the papers.

Ms. Kovens said that through a series of actions by the Carrboro Board of Aldermen, construction of the \$3 million development has been delayed.

The suit contends that Ms. Kovens has already invested \$400,000 in the project.

Ms. Kovens claims that the new zoning ordinance constitutes "deprivation" of her land ownership without due process through a "substantial impairment" of her property's use.

The site, located off Weaver St. and the Highway 54 bypass near Carrboro, was re-zoned April 19 by the aldermen in an uncontested public hearing.

A week later, the Board unanimously voted to revoke both permits previously sold to Ms. Kovens. In the 15-minute discussion, Board members discussed whether the new project fit the new zoning act, and decided to uphold the new zoning ordinance.

The Planning Board recommendation was unanimously approved June 26 after a heated debate on the rights of Ms. Kovens and her lawyers to be informed of the open hearings.

Sherwood Ward, chairman of the Planning Board, said that it is not customary to send written notices of public meetings.

The April 19 re-zoning changed Ms. Kovens' 14-acre property to an agricultural zone and cancelled her building and special permits for the apartment project.

A "holding category" was created

through the re-zoning, through which the town of Carrboro can protect open space and control future development in the area. The land is not within Carrboro city limits, but does fall under its planning jurisdiction.

In her suit, Ms. Kovens complained about the "illegal" revocation of her special use permit by the aldermen and her building permit by the Town building inspector, and the re-zoning of her 14.83 acre tract from multi-family to open space.

Carl Ellington said in a letter to Ms. Kovens that her building permit was revoked by him because the contractor listed on her permit was not licensed in North Carolina.

Norbob of Winston-Salem was listed on Ms. Kovens' building permit in February 1973. The name was later changed in June to Forest Hills Construction Company. Neither was registered by the N.C. Licensing Board for Contractors to construct in North Carolina.

Ms. Kovens told the aldermen June 26 she was willing to comply with all the regulations required to build in N.C., and would not hire a non-legal construction company.

Taylor gets law post

University of North Carolina Chancellor N. Ferebee Taylor has been appointed to the faculty of the University as Professor of Law, effective August 1, 1973.

The appointment was announced by Dr. J.C. Morrow, Provost of the University, and Dickson Phillips, Dean of the School of Law.

Dean Phillips stated that the recommendation originated with the law faculty which had invited the present Chancellor to accept appointment to its

membership in 1968.

The invitation was issued at the conclusion of a highly successful teaching visit made by the Chancellor while on leave from his New York law firm.

Dean Phillips said, "This was Chancellor Taylor's first employment by the University; it was a most productive one from our standpoint; and we are happy that the invitation which he could not accept then, has now been accepted and confirmed by action of the Board of Governors."

Affidavits filed in court

DTH support grows

Former Daily Tar Heel editor Charles Kuralt, other former editors, members of the UNC faculty and administration and the present editor Susan Miller have recently filed separate affidavits with the U.S. Middle Court in Greensboro adding support to the DTH's legal attempt to retain student fee funding.

Last summer six UNC students filed suit against the DTH stating they are being forced to support published opinions with which they disagree. In the suit they are attempting to have mandatory funding for the paper through student fees terminated.

The suit is tentatively scheduled to be heard in U.S. Middle District Court on Aug. 13.

In his affidavit CBS newsmen Kuralt said, "The Daily Tar Heel serves the same educational purposes at the University of North Carolina as any classroom." In its pages, matters of importance may be suggested and debated.

"Sometimes this debate is loud and excessive, sometimes thoughtful and wise; but it has always been free, and this freedom has contributed to the atmosphere of independent thought which has distinguished the university from those lesser institutions which place a rein of orthodoxy upon student expression.

"Down the years, there have been skillful editors and inept editors, liberal editors and conservative editors, editors who attacked the status quo and editors who defended it.

"The newspaper has had many axes to grind, but I am aware of no consistency in axes. The editor before me attacked big-time college football. I dropped the crusade and attacked the racial segregation rules which were in effect at the time; the editors who followed me had crusades of their own.

"And all the while, columnists attacked the editors, and letters from both students and faculty attacked the columnists. The result was an often intemperate but always lively debate—the essence of the educational experience."

Kuralt says he still subscribes to the DTH.

Susan Miller, current DTH editor, wrote in her affidavit that "an injunction cutting off the student fee subsidy of The Daily Tar Heel at this time would almost mean the death of The Daily Tar Heel as an award-winning student newspaper and the birth of an advertising news-in-brief (very brief) publication unworthy of bearing the masthead 'The Daily Tar Heel, 80 Years of Editorial Freedom' or the generic term, newspaper.

"Such a publication would be so worthless to the general student body that it is doubtful that students would want to work on it," she added.

Student fee support constitutes 30 per cent of the DTH budget, Miller said. The balance comes from advertising.

Edwin M. Yoder Jr., associate editor of the Greensboro Daily News and former co-editor of the DTH, said he and his co-editor enjoyed "complete independence as editors." Yoder said that the editors of the DTH have, over the years, been responsible only to the student body.

Ferebee Taylor, UNC chancellor, stated that "there exists at the University of North Carolina at Chapel Hill a tradition that The Daily Tar Heel should exercise editorial freedom and responsibility concerning the expression of political, social, philosophical, ideological or moral views."

Filing similar affidavits with the Middle Court were William C. Friday, president of UNC; John B. Adams, dean of the UNC school of journalism; William B. Aycock, professor of law and former UNC-CH chancellor; and James R. Gaskin, dean of the college of arts and sciences and general college.

Others include Robert B. House, dean of administration and former UNC chancellor; George V. Taylor, professor of history and chairman of the faculty; Walter Steve Jones, student body treasurer; Joseph H. Mitchiner, student chairman of the publications board; Carl Neal, editor of the summer Tar Heel; Murray Pool, business manager of the DTH; Thomas S. Stukes, student editor of the N.C. Law Review; and Evans Witt, immediate past editor of the DTH.



And they told me that these would be the best years of my life. And they told me all the things they thought would make it easier, because in their hearts they knew. And I believed in them. And I believed in reform and trust and hope and that

things would get better. But I don't believe them anymore, God. I just don't believe them. And they knew.

(Staff photo by George Brown)