

State court dismisses Rosemary Square lawsuit

By JEANNIE FARIS
City Editor

The North Carolina Supreme Court gave the proposed \$19 million Rosemary Square project the final judicial OK yesterday to begin construction.

A group of 15 residents filed a lawsuit against Chapel Hill and the developer of the project on the grounds that the town would violate the N.C. Constitution by entering into a joint venture with a private developer. The town had agreed to pay \$3.3 million for 125 of the complex's 516 parking spaces.

Fraser Development Co. of North Carolina developed the project and is scheduled to close its contract with the town in December, provided that the 5-4 town council endorsement still

stands in favor of the project. Construction of the project should begin in six months, said Walter Daniels, chief executive officer.

"The court ruled that there was no joint venture," Daniels said. "We always felt that the claims were utterly frivolous. They were created to delay and cause harm to the project."

Ed Hinsdale, who represented the opponents of the project before the lawsuit, said the traffic in the nearby historic district will be unmanageable.

"I know that I'm very, very sad for the people to have to use Rosemary Street and surrounding streets because it will be a colossal jam," he said.

Thomas Erwin, the lawyer representing the opponents in court, declined comment Thursday night.

Chapel Hill Mayor Pro Tem Bill Thorpe said that although the residents lost the case, they must have raised some viable questions about joint ventures if they took the case to the N.C. Supreme Court.

But Thorpe has supported the project from the beginning. "I said all along that when it goes to the court, they're going to look at the facts. The Supreme Court can't play games."

After the lawsuit was dismissed from the Orange County Superior Court, the plaintiffs requested in February that the case go to the state Court of Appeals. But the Supreme Court granted a request by Chapel Hill and Fraser Co. to review the appeal as soon as possible, bypassing the lower court.

"The project has been reviewed on many occasions by a variety of public agencies . . . now it's been reviewed by our entire court system," Daniels said. "We believe the merits of the project have held up under heavy scrutiny."

"What we have done here is create a model of public and private cooperation," Daniels said. "We have provided a model for other municipalities to follow to attract private business to downtown developments."

Private sector projects are generally better than those of the public sector, he said. "They're of higher quality and they have more freedom and flexibility than the public projects do."

Council member Julie Andresen originally opposed the proposed Rosemary Square in a 5-4 town council vote, saying it should be in another location. The project would bring valuable retail business downtown, she said, but the parking lot opposite University Square would be more accessible than the location behind Franklin Street.

The project will convert the 130-space parking lot on Rosemary Street behind NCNB Plaza to an under-

ground lot for 516 cars. A pedestrian plaza will be developed on the site so that Rosemary Street will be lined with shops. Fraser Development Co. will pay for road construction to widen Henderson Street 10 feet by eliminating parking places.

The alleyway behind NCNB Plaza and other Franklin shops will also be renovated. "When we get finished with that alley, that will be the most fun place to go in all of North Carolina," Daniels said.

Housing

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each housing area.

"We're not going to throw it all in one massive pile," Clark said.

In addition to saving time and manpower, Clark said the computerization will provide more privacy in the lottery. Instead of a public drawing from a barrel of names, a letter would inform students of their acceptance or rejection.

Another committee proposal would increase the penalty charged for late contract cancellations from \$25 to about \$100.

By raising the penalty, the RHA hopes to weed out students who are not serious about living in dormitories and are using them as security until they finalize their apartment

arrangements.

"We're just asking people to make the decision, not to sit on the side of the fence," said Clark.

In order to maintain fairness with the tougher policy, the RHA has also recommended forming an appeals process to review good reasons for late cancellations, such as financial hardship.

The appeals committee would consist of students and faculty or housing department staff, in equal numbers.

The RHA did not recommend guaranteed sophomore housing, according to the committee's statement.

Students organize tutorial program

By CHARLA PRICE
Staff Writer

Student Government has proposed a tutoring program that would offer free assistance to students who need academic help as well as academic credit to those who help them.

Students are now working with UNC administrators to establish guidelines for the program. As soon as the project receives administrative approval, the Student Congress will launch a full-scale, cohesive tutoring program throughout the University.

Organizers said Thursday they hope the program will be implemented in fall 1988.

Now, students who want tutors must approach graduate or post-graduate students for assistance.

Many students are not aware of the tutoring option and don't know how to contact a tutor, said Fifi Kashani-Sabet, chairperson of the Tutoring Committee.

Most tutors charge fees of \$5 to

\$7 an hour, and the cost can be a hardship for undergraduates who have no steady source of income.

Kashani-Sabet hopes that if the program is approved, a campus-wide tutoring program, along with a tutorial council to guide it, can be established.

Tutors who want to apply for the proposed program must have a quality point average of 3.0 and a grade point average of 3.5 in the course they wish to tutor.

To receive 3 hours credit for tutoring, students will have to tutor a student 2 to 3 hours a week. They will also have to audit a class in the department in which they are tutoring or a class related to teaching in the School of Education.

Auditing a class involves attending the class regularly and reviewing the class at the end of the semester.

Tutors would not be responsible for any assignments in the class they are auditing because the weekly

tutoring will compensate for outside class assignments.

Students who want to be tutored must have a GPA of 2.5 or lower in the course for which they are requesting help.

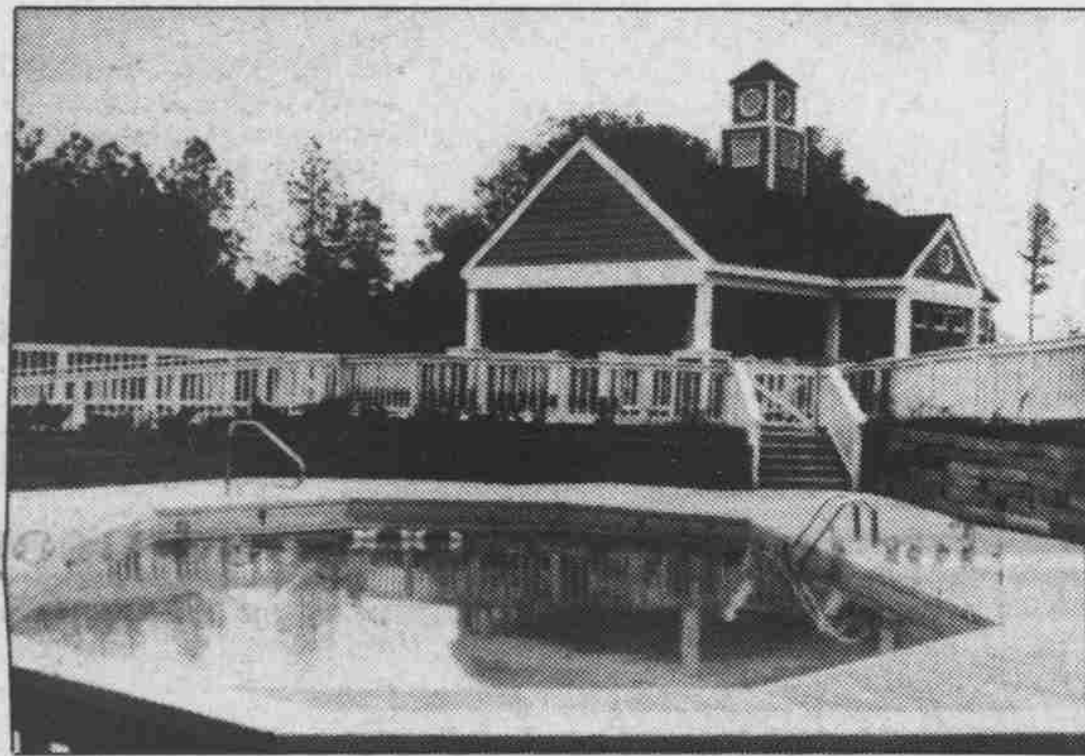
According to the proposal, both parties would sign contracts confirming their commitment to the program, and a breach of the contract would result in disciplinary action by the tutorial council.

Research for the proposal revealed that many universities offer free tutorial programs to their students.

"I'm surprised that UNC, with its outstanding academic reputation, has not incorporated a campus-wide tutoring system like the one we are proposing," Kashani-Sabet said.

The initial proposal by Student Government is still being reviewed by administrators, who are making additional clarifications on the proposed program.

Dean Elson Floyd, a General



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