

WEATHER
TODAY: Cloudy; high in upper 70s
FRIDAY: Cloudy; high in low 80s

HAZING HAZARDS: Drawing line between fun, cruelty.....CAMPUS, page 3
AT THE MOVIES: Check out the best and worst local theatersOMNIBUS

ON CAMPUS
A seminar for undergrads about career planning sponsored by UCPPS at 3 p.m. in 306 Hanes.

The Daily Tar Heel

Serving the students and the University community since 1893

Volume 99, Issue 87

Thursday, October 3, 1991

Chapel Hill, North Carolina

News/Sports/Arts 962-0245
Business/Advertising 962-1165

Restaurateur hints at lawsuit

Chan says Carrboro board wrong in rejecting permit

By Chris Trahan
Staff Writer

Francis Chan, a local restaurant owner, is considering suing the town of Carrboro over the Board of Aldermen's refusal to grant him permission to locate a restaurant downtown.

"I have not consulted an attorney yet, but if I do, we may have some good grounds to sue because they need to prove why they turned me down," Chan said.

Chan, owner of two restaurants, said the board's reasons for refusing his request were invalid.

"In the beginning, they turned me down on the grounds that they did not know what kind of restaurant I was going to open or what food I was going to serve," Chan said. "They could have asked, but they chose not to."

At the board's Sept. 24 meeting, Chan applied for three different use permits for the old First Union National Bank building located downtown on the corner of Weaver and Greensboro Streets.

The board granted Chan permission to use the property as office and retail space, but denied him permission to use the space for a restaurant.

Alderman Jackie Gist said, "What (the board) said was that he had applied for three uses for that property."

"We gave him two uses. That means that once he has his plans in better order and more definite plans for what the restaurant is going to be and how it's going to look, he can come back to us."

"I think the board's feeling was that we have never granted such a wide-open permit to anybody saying that 'here is the property, do anything you want with it,' and (the Aldermen) felt uncomfortable doing that," Gist said.

Board member Frances Shetley said she was concerned about the proposed restaurant's proximity to residential property.

"I voted against the restaurant because residents said that it would be adjacent to a residential area," Shetley said.

"The residents also said that the nearest house to the garbage dumpster would be 20 feet away."

People who live near the building also said locating a restaurant there would devalue their property, Shetley said.

Chan said the board's decision reflected an anti-business attitude.

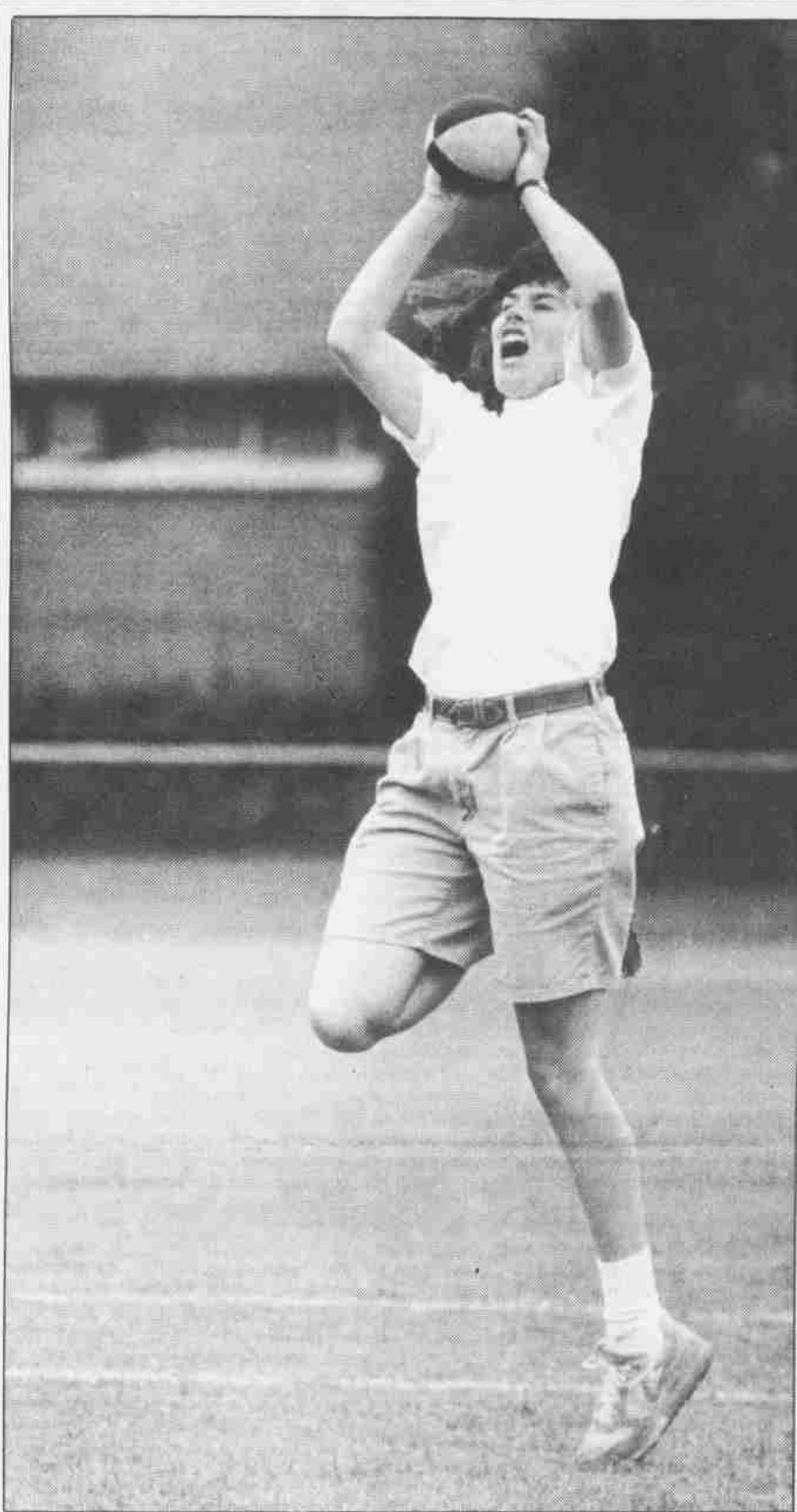
He also said he would not pursue plans to open a restaurant on the property until after the next election, when the board's membership may change.

Gist said she did not think the decision sent a negative message to the business community.

"I think that the message it sends to the community as a whole is that (the Board of Aldermen) is in favor of businesses coming into our community, but we have a responsibility as a community to be cautious as to how (business) proceeds," she said.

Chan, who owns Jade Palace, a Chinese restaurant in Carrboro, and Marco Polo, a Chapel Hill restaurant which serves Italian and Chinese cuisine, had planned to open a Mexican restaurant in the downtown property.

"I was thinking about some simple restaurant, on a small scale, serving Mexican food," he said. "It would have sit-in and take-out services."



Caught in the act

Wendy Sarratt, a freshman from Greensboro, plays catch with a friend at the Carmichael intramural fields Wednesday. Sarratt had so much fun she continued playing despite the rain.

DTH/Andrew Cline

Library discards unwanted books in dumpster

By Marty Minchin
Staff Writer

Davis Library recently cleaned house and threw 100 to 200 old books in a trash dumpster outside the building.

Diane Strauss, head of the Davis business administration and social sciences divisions, said the books were from the library's gift department.

"We tried to sell and exchange the books, but they are old and of no use," she said. "No one wanted them at the state, and we couldn't sell them."

Most of the books thrown away were old textbooks containing out-of-date information, Strauss said.

The library is trying to clear the gift department of unwanted books that have been around for as long as four years, she said.

The gift department includes many books that people "donate" by leaving them in the book drop or on the loading

dock outside the library.

"We get a lot of books donated to us as gifts," she said. "Some of them do not make sense for our collection."

Often when people die, their spouses clean out their offices and find many old books they can donate to the library, she said. "People just don't want to throw away books."

Strauss said the library staff explored every option for disposing of the books before throwing them into the dumpster. "We have a whole routine of possibilities," she said. "These books didn't sell at our annual book sale."

She also said bibliographers go through the books to see if any of them would be good to trade with foreign countries in return for books from their countries.

"Ultimately, these books are things that no one wanted," she said. "We don't throw things away casually. We keep anything we can use in any way."



100 to 200 books were tossed in dumpster behind Davis Library

DTH/Kathy Michal

State open meetings law casts little 'sunshine' on University committees

Editor's note: This is the first article in a two-part series.

By Lauren Chesnut
Staff Writer
and Matthew Easley
Special Assignments Editor

One day in 1977 a group of University law students found themselves before the N.C. Supreme Court, arguing for access to a closed meeting of their professors.

The lawyers-in-training had their day in court, but lost. Overturning two lower court decisions, the state Supreme Court ruled that the law faculty meeting, like those of dozens of other University com-



mittees, was not covered by North Carolina's open meetings law.

Since then administrators have occasionally butted heads with students and reporters who objected to the closing of committee meetings, but no one has formally challenged the way the state's "sunshine laws" apply to the University.

Some University committee meet-

ings need to be closed to be effective, Chancellor Paul Hardin said.

"It's just common sense to me that meetings where action is taken should be open to the public," Hardin said, "and that early meetings where people are brainstorming can arguably be more effective if they are not open."

Press coverage of informal discussions would dampen the free exchange of ideas, restricting progress and hurting the University's mission, he said.

"I like for people to throw out audacious ideas and to really pick at each other's position," Hardin said. "We need to allow as much audacity and creativity as possible."

The problem, said Cathy Packer, media law professor in the School of Journalism and Mass Communication, is that University administrators make many of their decisions that directly affect students, including how to spend money, in private.

"That alarms me," Packer said, "because I want to know how they make these decisions."

Students can't participate fully in the decisions if they don't know what's going on, she said. "Philosophically, it's objectionable. It's (the students') University, and yet we don't trust them with this information."

North Carolina's open meetings law

states that official meetings of state and local governments' "public bodies" must be open to the public except in special circumstances. Exceptions include deliberations about personnel matters and land acquisition.

The law defines a public body as one created in one of five ways, including by the state constitution or by resolution of the N.C. General Assembly.

The UNC Board of Governors and its committees, and the boards of trustees of the 16 UNC-system schools and their committees, are the only UNC groups that meet this requirement, said David Lawrence, professor at the Institute of Government.

Last May, Ben Tuchi, vice chancellor for business and finance, barred a Chapel Hill Herald reporter from attending a meeting of a University committee reviewing the campus' land use plan. Tuchi said the committee's meetings were not required to be open, though reporters had often attended.

The Herald published a prominent news story about the closing and an editorial criticizing the action. But the newspaper never filed a formal complaint, bureau chief Mark Schultz said.

Jean Lutes, editor of The Daily Tar Heel in 1988-89, said the closing of

See MEETINGS, page 2

DOT supports Pittsboro St. extension plan

By Peter Wallsten
City Editor

State Department of Transportation staff officials announced Wednesday they will encourage the extension of Pittsboro Street, a project that would destroy buildings on Little Fraternity Court and other structures.

"With all the development (near South Campus), we don't see any other way to provide access from I-40 into the campus area," DOT project engineer Diane Zimmerman said in an interview after a Wednesday meeting in which staff members outlined their positions on plans submitted by the towns.

The Pittsboro Street Extension, which would run from the present ending of the road by the Carolina Inn to North Columbia Street, originally was proposed by the state and still is on the thoroughfare plan approved in 1984. Its construction would destroy several buildings in its path, including Walker's Funeral Home on West Franklin Street.

The Chapel Hill Town Council voted to remove the extension and the proposed Laurel Hill Parkway, which would extend from N.C. 54 to Jones Ferry Road in Carrboro, from this year's thoroughfare plan.

The DOT staff presented its opinion Wednesday morning about the thoroughfare plans submitted by Chapel Hill, Carrboro and other municipalities and supported by the regional Transportation Advisory Committee (TAC).

Chapel Hill Mayor Jonathan Howes said he expected the DOT staff's announcement, but stressed it is not official.

"I view this only as a staff recommendation," he said. "It is no big deal in that I expected the staff would feel that way. I also think it's a little bit premature to get excited about something that hasn't been put in writing. ... This is kind of the first preliminary response."

Negotiations will continue between the town and the DOT, although the TAC gave its approval of the plan that excluded the Pittsboro Street Extension and the Laurel Hill Parkway.

University officials wanted the Pittsboro Street Extension built because it would expedite traffic on the western edge of campus. The road was part of UNC's first land-use plan, released in 1987, and was taken off the updated plan released last spring after UNC officials agreed not to push for the extension. The road appeared on the maps in the new plan, but UNC administrators said it was the result of a printing error.

Zimmerman said the DOT works closely with the University, but that she was surprised UNC decided to take the Pittsboro Street extension off the plan.

Ben Tuchi, UNC vice chancellor for business and finance, said the University no longer would be involved with plans for extending Pittsboro Street.

"I think it's a matter now between the town and the DOT," he said. "After all, the town has voted to remove it."

Zimmerman said in an interview after the meeting that its goals of reducing vehicular use are realistic before the staff would agree to axe it from the plan.

"If the town of Chapel Hill can prove

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University used to own and operate telephone company

By Sarah Suiter
Staff Writer

Although the University will assume control of residence hall telephones next year, it will not own its own telephone company like it did throughout most of the 1900s.

The University owned and operated a telephone company, electric company and water company from the early 1900s until 1977, said Robert Peake, physical plant associate director.

"We were a licensed public utility during that time," Peake said. "We were the Southern Bell, the Duke Power Company and the OWASA (Orange Water and Sewer Authority) at that time."

The University provided services to the entire University and the surrounding communities.

Carlyle Sitterson, who was chancellor from 1966 until 1972, said the University got involved in the utilities business before Chapel Hill had an urban population.

After World War II the Research Triangle grew and utilities became a major business, he said. Acquiring per-

sonnel to operate all of the utilities became difficult, he said.

Peake said interest on campus and in the N.C. General Assembly about whether the University should remain in the utilities business led legislators to create a commission to research the issue. After an in-depth study, the commission recommended to the UNC Board of Trustees that the school sell its utility companies, he said.

The University sold all of its off-campus electric facilities to Duke Power in December, 1976, Peake said. OWASA purchased all of the water facilities on and off-campus in February, 1977, and UNC sold its telephone facilities to Southern Bell in March.

Sitterson said about \$30 million from the sales was used to build Davis Library and additions to Wilson Library and the Health and Sciences Library. The state received the other \$10 million from the sales, he said.

"I think it was a wise decision for the University to divest itself," Sitterson said. The University ran the utilities effectively, but the business was growing too large, he said.

Why does it take so much trouble to keep your stomach full and quiet? — Shirley Ann Grau