

**FRIDAY**  
0% Chance of Precip  
61/29 °F

**SATURDAY**  
0% Chance of Precip  
54/31 °F

**SUNDAY**  
0% Chance of Precip  
61/40 °F

# C THE CARRBORO CITIZEN



Large chestnut oak acorns are essential for wildlife and a nice snack for some humans. PHOTO BY KEN MOORE

## FLORA BY KEN MOORE

### Occoneetchee, our biggest little mountain

Among several little mountains scattered about the county, the tallest, at 867 feet, occupies Occoneetchee Mountain State Natural Area near Hillsborough.

For folks out for a vigorous walk, there are several miles of up-and-down terrain to satisfy the most active. For those who enjoy poking along to see what one can see, several hours can pass by quickly.

It's the most biologically diverse natural area in our region with several rare plant and animal species identified by the N.C. Natural Heritage Program.

From the high dry (xeric) Chestnut Oak Forest to the Piedmont Bottomland Forest, there are at least seven distinct plant communities, including extensive mountain laurel thickets so evident in the winter, and a lush fern glade evident spring through fall.

Whenever one explores the mountain, there are multiple discoveries to be made along the way. During the warm months, butterfly enthusiasts will be eager to spot brown elfin butterflies that feed on huckleberries and lowbush blueberries, as well as the sleepy duskywings that feed on leaves of the chestnut oak. Both of these little brown butterfly species are unusual for this area.

You can count on the mountain laurel being in flower every Mother's Day weekend.

My favorite time of year on the mountain is winter because it's fully visible. Rock boulders scattered atop the summit and ridges invite exploration. Resting

SEE **FLORA** PAGE 8

## Johnny's to reopen soon; neighbors concerned

BY SUSAN DICKSON  
Staff Writer

Nearly six months after Johnny's closed, one of the property owners and two partners are hoping to reopen it, but neighbors are concerned about what form the local store and gathering place might take.

Johnny's closed on June 23 after owners Brian Plaster and Jan Halle parted ways. Plaster said at the time that he closed the business because he ran into issues with noise and parking as Johnny's became a popular gathering spot, but Halle said she hoped to

reopen it without Plaster.

She has since partnered with locals Erica Eisdorfer and Kevin Morgan, and the three hope to reopen Johnny's by Christmas, Eisdorfer said. In a conversation earlier this fall, Halle said she hoped to be able to continue to sell beer and wine for on-site consumption, but that town staff had told her she would need to seek a rezoning in order to do so.

Tonight (Thursday), Halle, Eisdorfer and Morgan will go before Carrboro's advisory boards for a preliminary

SEE **JOHNNY'S** PAGE 5



Pablo Valencia (left) and Drew Piant (on drums), the Pablo and Drew Latin Duo, perform for crowds at a fundraiser at Johnny's earlier this year. PHOTO BY TOD ANDREWS



David Binanay is a client of the UNC Center for Excellence in Community Mental Health's Outreach and Support Intervention Services program. PHOTO BY ALICIA STEMPER

## Awakening to what life's about

BY TAYLOR SISK  
Staff Writer

This is the first in a three-part series on the onset of psychosis in young adults, its treatment and UNC's Outreach and Support Intervention Services program.

"My heart and brain are in concert," David Binanay says. But there was a time, not so long ago, when Binanay felt as if cleaved to his core. Such is the nature of his illness.

The road on which Binanay, 28, has traveled has been switchbacks and straight ahead, then around again and on. It started out rough: a congenitally troubled heart. He endured four open-heart surgeries, the first while in preschool, before graduating from Cardinal Gibbons High School in Raleigh in 2001.

But that was just a thing, the heart trouble, something he was born to live with.

"I never was afraid," Binanay says. "My mission was to survive."

He survived and thrived—became class president, school president, top of his class, a talented violinist. He attended Villanova University, where he made dean's list and was elected vice president of his fraternity while earning a degree in the humanities.

His senior thesis was titled "I found a continual aesthetic experience through music, and through music I've discovered the meaning of life, which is to love."

Binanay returned to the Triangle in 2006, joined a band and took a job at Chapel Hill Viols.

But then it all went haywire, and in a great big hurry.

In writing his thesis, he'd studied a number of philosophers, and remembers an analogy equating life with being at sea, amid a fog, "and there are two ways you can take it," he says. "You can be really scared, or you can hear the soundtrack playing, and be, like, this is an amazing

SEE **OASIS** PAGE 7

## IFC, TABLE split from PORCH

BY ROSE LAUDICINA  
Staff Writer

In order to make people aware of their ongoing need for donations, the Inter-Faith Council for Social Service (IFC) and TABLE have decided to disassociate themselves from local nonprofit PORCH (People Offering Relief for Chapel Hill and Carrboro Homes), no longer accepting its donations.

Citing a change to PORCH's original mission statement and fear of what they perceive as mounting confusion from the public about the level of donations IFC and TABLE require, the two nonprofits decided in early November to remove themselves from the list of groups that PORCH serves.

"We need people to know that TABLE is a separate organization with a separate mission," said Joy MacVane, executive director of TABLE.

"We are very glad to have received food from PORCH, but for our organization and programs to stay sustainable it is essential that we receive direct support from the public," she added.

IFC Executive Director Chris Moran said that he too didn't want supporters

SEE **PORCH** PAGE 5

## Hearing set on phoning-while-driving ban

BY SUSAN DICKSON  
Staff Writer

**CHAPEL HILL**—A ban on cell phone use while driving is still a possibility in Chapel Hill.

The Chapel Hill Town Council voted 6-2 on Monday to set a public hearing on a draft ordinance for such a regulation. Council members Laurin Easthom and Gene Pease voted against the measure, citing concerns regarding enforceability and preemption. Council member Matt Czajkowski was not present at the meeting.

Town Attorney Ralph Karpinos

presented a draft of a possible ordinance, which would prohibit the use of cell phones or any additional technology, like cameras or music players, while operating a car. The ordinance proposes a \$25 fine for violation.

The ordinance would not apply to drivers using a phone to communicate with emergency officials in an emergency situation or to drivers communicating with their parents, children, legal guardians or spouses.

In addition, a driver could not be cited for violating the ordinance unless an officer had cause to stop the driver for a violation of another law. For example, a driver could not be stopped

simply for using a cell phone while driving, but a driver who ran a stop sign while using a cell phone could be cited for both the traffic violation and using a phone while driving.

Karpinos said he included the exceptions in the proposed ordinance because he felt that would give it a better chance of being upheld if challenged. At issue is whether the ordinance could be preempted by state law, Karpinos said, adding that he felt he could make a reasonable argument against preemption.

SEE **CELL PHONE BAN** PAGE 8

## Lovette goes to trial in Carson murder case

BY ROSE LAUDICINA  
Staff Writer

Proceedings began Monday at the Orange County Courthouse in Hillsborough in the State of North Carolina v. Laurence Alvin Lovette Jr., who is accused of murdering UNC Student Body President Eve Carson on March 5, 2008.

Lovette is also charged with felony larceny, armed robbery and first-degree kidnapping. However, because Lovette has pled not guilty to all four charges brought against him, Judge Allen Baddour made sure to remind the first pool of jurors to be interviewed that he is presumed to be innocent on all charges.

"Just because he has been charged with a crime does not mean he is guilty,"

Baddour told the potential jurors.

Karen Bethea-Shields, one of Lovette's attorneys, also stressed that her client was innocent until proven guilty, and said that what was truly on trial was the evidence presented by the state.

Bethea-Shields and fellow defense attorney Kevin Bradley said they wanted to make certain that the second murder Lovette has been charged with, in Durham, is not a factor in this trial.

Abhijit Mahato, a Duke University graduate student, was found with a fatal

gunshot wound to the head a two months before Carson was killed. Lovette wasn't charged with the murder of Mahato until after being arrested in the Carson case.

On Monday, defense attorneys told Baddour they believe some of the witnesses Orange County District Attorney Jim Woodall may intend to use in the case will give testimony including information regarding the Mahato case.

While Woodall doesn't deny that five of his potential witnesses will give testimony related to the Mahato case, he argued that their testimony would help show similarities between the two murder cases, such as the nature of the crime and the motive.

SEE **LOVETTE** PAGE 5

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#### CH postpones food truck decision

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SKETCHING SILENCE

ILLUSTRATION BY PHIL BLANK

## HOUSE Calls

Practicing family physicians from the UNC Department of Family Medicine have teamed up with *The Carrboro Citizen* to bring you a weekly feature responding to your questions about health and medicine. Send your questions or comments to [yourhealth@unc.edu](mailto:yourhealth@unc.edu)



This week we respond to questions about toe injuries and flu shots.

*Dear HOUSE Calls, Last week I smashed my big toe. I don't think I broke it, but it looks like there is blood trapped under the nail. Will this resolve on its own?*

Ouch! The fancy name for this problem is a sub-ungual hematoma. If the hematoma is big and painful, we can relieve it by piercing the nail with a cautery instrument or a hot needle. If it does not hurt much, you can just let it run its course. It may take a month or more to resolve, and you may lose the nail, but it is not dangerous. Of course, we can't comment on the injury to the toe. Most toe fractures heal without incident, but sometimes big toe fractures need more care, so see your doctor if there is any doubt.

*Dear HOUSE Calls, I had a flu shot last month and now I've*

*had chest and sinus congestion for a week. Do you think I got a bad shot?*

That is a really common question about flu shots. First of all, the flu shot only protects us from influenza. Though what you have might be the flu, it is more likely a garden-variety viral infection (like an adenovirus or rhinovirus). That does not mean it's not miserable, just that it's not the flu. Flu is typically characterized by fever, dry cough and muscle aches. Flu is more likely to result in complications like pneumonia or even death than these other viral infections. That is really the main reason we encourage flu shots. Second, you should know that not all flu shots cover or match with all strains of the flu. Infection experts study trends in circulating flu strains and make predictions six to 12 months before flu season as to what are likely to be the most common circulating

strains of flu in the upcoming season. These experts are right most of the time, but not always, and there are always less-common circulating strains. Lastly, not all people will develop a robust immune response to all flu vaccines. The immune response tends to be better if you have received the vaccine in the past. So the short answer to your question is no, we doubt you got a bad shot. However, you probably don't have the flu. Good for you for getting your flu shot and protecting yourself and those around you from the flu.

*HOUSE Calls is a weekly column by Dr. Adam Goldstein, Dr. Cristy Page and Dr. Adam Zolotor on behalf of Your Health and the UNC Department of Family Medicine.*

## Community Calendar

### THURSDAY DEC 1

**Friends of Downtown** — Dale and John Shelton Reed, authors of *Holy Smoke: The Big Book of North Carolina BBQ*, to speak at the monthly meeting. The Franklin Hotel, 9:30am Free

**Ask the Organizer** — Lori Bruhns will lead an open forum on preparing, planning, and learning to manage time more effectively. OC Main Library, Hillsborough 6-7pm Free 245-2536

**Audubon Meeting** — With speakers David and Judy Smith, discussing their trip to Northern India. N.C. Botanical Garden, 7pm Free

**"Carolina Collects"** — Sheldon Peck to discuss the "Art and Science of Hunting the Old Masters" and how it relates to building an art collection. Ackland Art Museum, 6pm Free

### FRIDAY DEC 2

**Holiday Tea** — For ages 50 and up. Seasonal music and light hors d'oeuvres. Carrboro Town Hall Parking Lot, 2pm Free 918-7364

**Film Showing** — *Budrus*, the story of a village's struggle to prevent the Israeli military from routing Israel's 25-foot-high "separation barrier" through the village. Unity Center of Peace, 8800 Seawell School Road, 7pm Free [theadvocatechurch.org](http://theadvocatechurch.org)

**Dr. Steven Auerbach** — A pediatrician who helped organize the activist group "Healthcare for the 99%," will talk about how extreme economic and social inequalities. Peace and Justice Plaza, 179 Franklin St., 5pm Free

### SATURDAY DEC 3

**FeST** — The Festival of the Society Tree offers crafts and food in a fundraiser for Orange County outreach programs. Continues through Dec. 4. St. Matthew's Episcopal Church, Hillsborough, [stmatthewshillsborough.org](http://stmatthewshillsborough.org)

**Christmas Event** — Breakfast and photo with Santa, best-dressed elf contest and cookie decorating. Legacy Academy, 515 Winmore Ave., 8:30-11am Free

**Holiday Dance** — For ages 15 and older. Carrboro Century Center, 7:30-9pm \$3

**Crafts Fair** — Winterwoods Arts and Crafts Fair with a portion of the proceeds supporting the Woods Art Department. Woods Charter School, 10am-4pm 260-0661

**Cake Walk** — First Annual Cake-Walk benefitting TABLE, a Carrboro-based hunger relief organization. The Carolina Inn, 1pm

**Holiday Parade** — Hillsborough Holiday Parade, Churton Street, 10am [hillsboroughchamber.com](http://hillsboroughchamber.com)

**Steamwatch** — John Kent to lead the New Hope Creek Steamwatch monitoring. [jnkent25@gmail.com](mailto:jnkent25@gmail.com)

**AAUW Meeting** — Professor Xi Chen speaking on "Social media and Political Activism in the 21st Century: China and Elsewhere." Assembly Room at Carol Woods, 10am

**Open House** — The Carolina Inn presents its interpretation of "The Twelve Days of Christmas." Noon-4pm Free

### SUNDAY DEC 4

**Christmas Choir** — Multiple choirs will perform Christmas Music. The Church of Jesus Christ of Latter Day Saints, 7pm Free

**Posada celebration** — CHICLE will host a Mexican posada celebration with the telling of the Posada tradition, the teaching and singing of the posada song, refreshments and the breaking of the traditional piñata. Chicle Language Institute, 4pm Free 933-0398

**Patrick Conway** — Professor of Economics at UNC, to discuss "Poverty in North Carolina: Changing Faces, Swelling Ranks." Extraordinary Ventures, 200 S. Elliot Road, 1:30pm [ncethicalsociety.org](http://ncethicalsociety.org)

### MONDAY DEC 5

**Time Out** — With host Bill Hendrickson and guest David Ross, discussing a recent mission trip to Haiti. WCOM 103.5fm, 5pm

### TUESDAY DEC 6

**Mineral Club** — Central N.C. Mineral Club to have a rock show and sale. Seymour Center, 6-8:30pm Free 929-5673

**Philip Kan Goanda** — To speak about his new play, *I Dream of Chang and Eng*. Wilson Special Collections Library, 5:30pm Free 548-1203

### WEDNESDAY DEC 7

**OC RSVP +55** — Seeking volunteers for the VITA free income tax assistance program. Seymour Center, 10am 968-2056

**Trans Group** — Bi-monthly meeting. Internationalist Books, 8pm [internationalistbooks.org](http://internationalistbooks.org)

### THURSDAY DEC 8

**Film Showing** — *American Meat*, a documentary that chronicles America's grassroots revolution in sustainable meat production. Haw River Ballroom, Saxapahaw, 7:30pm \$10 [hawriverballroom.com](http://hawriverballroom.com)

**Winter Stories** — 19th Annual Winter Stores Program for all ages, with this year's theme, "A Gathering of Stars." Wilson Special Collections Library, 5:30 Free 548-1203

**Circle Acres Forum** — A discussion of land space for earth-skill education. Internationalist Books, 6:30pm

### FRIDAY DEC 9

**Tree Lighting** — Carrboro Elementary Schools Musicians to provide holiday music at The Annual Holiday Tree Lighting. Carrboro Town Hall, 6pm

### SATURDAY DEC 10

**Holiday Parade** — Chapel Hill/ Carrboro holiday parade. 10am-noon [chapelhilljaycees.org/Parade2011](http://chapelhilljaycees.org/Parade2011)

Send your Community Calendar submissions to [calendar@carrborocitizen.com](mailto:calendar@carrborocitizen.com)

## MOVIE LISTINGS

We suggest you call for exact show times. All listings start Friday.

### CAROLINA THEATRE OF DURHAM

309 W. Morgan St., 560-3030

Cape Fear (Friday only); The List of Adrian Messenger (Friday only); The Skin I Live In; Martha Marcy May Marlene; The Way

### CHELSEA THEATER

Timberlyne, 1129 Weaver Dairy Road, 968-3005

Into The Abyss; Like Crazy; Margin Call; The Skin I Live In

### THE LUMINA

Southern Village, 932-9000

Arthur Christmas; Happy Feet

Two; Puss In Boots; The Muppets; The Twilight Saga: Breaking Dawn - Part 1

### REGAL TIMBERLYNE 6

120 Banks Drive, 933-8600

Arthur Christmas 3D; Happy Feet Two 3D; Immortals 3D; Puss in Boots 3D; The Muppets; The Twilight Saga: Breaking Dawn - Part 1; Tower Heist

### THE VARSITY

123 E. Franklin St., 967-8665

Dolphin Tale; Contagion; The Help; It's a Wonderful Life

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## Briefs



### Suspect arrested for indecent exposure

The Carrboro Police Department have arrested and charged Charles Alexander Galloway with six counts of felony indecent exposure to a victim less than 16 years old.

Galloway, from Chapel Hill, was arrested on Nov. 23 after two teenage girls filed a report with the police on Nov. 3 that a man had exposed himself multiple times to them while they waited for the school bus. One of the victims gave police the suspect's license plate number, which is what led police to Galloway.

He was released after posting a \$3,500 bond.

### Shooting/break-in in Chapel Hill

Chapel Hill Police are looking for three suspects in connection with a break-in and shooting that happened on Tuesday.

Officers responded to a call around 6 p.m. about a shooting and break-in at 104 Jackie Robinson St. and upon arriving at the scene found the victim in his home with a single gunshot wound to his leg. The victim said he came home and found three men inside his apartment. The suspects fled the scene and fired one shot in the direction of the victim, which struck him in the leg. He was taken to UNC Hospitals with non-life-threatening injuries.

The three suspects have been identified as tall, black males wearing dark clothing. One suspect has been described as having dreadlocks and was wearing a burgundy coat.

Anyone with information should call the Chapel Hill Police Department at 968-2760 or Crime Stoppers at 942-7515.

### Safe Ride ceases during UNC break

Chapel Hill Transit will end its Safe Ride service on Saturday in conjunction with UNC's winter break schedule. Safe Ride will resume operation on Thursday, Jan. 12.

For more information, email [chtransit@townofchapelhill.org](mailto:chtransit@townofchapelhill.org) or call 969-4900 and press 1.

### Chatham delays revaluation

On Nov. 21 the Chatham County Board of Commissioners decided to delay a property revaluation from 2013 until 2015.

This delay will prevent a major tax-rate increase that will affect all property owners in Chatham County. Although revaluation has been delayed, property owners may still file an appeal of their tax valuation with the Chatham County Tax Office; however, in accordance with state law, documentation provided with an appeal must be dated before Jan. 1, 2009.

### Orange County Funding Orientation

Orange County will host an orientation session today (Thursday) for executive directors of outside agencies or nonprofits that wish to submit applications for county funding.

Every year, the county accepts applications from outside agencies that need funds to deliver vital community services that help county residents.

The orientation session will include an overview of the 2012-13 application process and budget cycle and will be held at the Carrboro Century Center starting at 3:30 p.m.

Applications for funding and instructions can be found at [www.co.orange.nc.us/hsa](http://www.co.orange.nc.us/hsa) and are due no later than Jan. 30.

For more information, contact Assistant County Manager Gwen Harvey at 245-2307.

# CH postpones food truck vote

BY SUSAN DICKSON  
Staff Writer

**CHAPEL HILL** — Citing concerns about enforcement and funding, the Chapel Hill Town Council on Monday again postponed a decision on a proposed food truck ordinance that would allow the trucks within town limits.

Last month, the council opened a public hearing on the proposed regulations, which the council directed staff to develop in May. The discussion stems from a petition last year by Lex Alexander, owner of 3Cups café on Elliott Road, that the town change regulations to allow food trucks.

Town planner Kendal Brown told council members that allowing food trucks would not guarantee a tax-revenue stream and that staff have not yet determined the costs of enforcing regulations, though the town could recoup a modest amount of funding from permitting fees.

Under the regulations, mobile food vendors would be required to pay sales tax on sales made in Orange County, though staff have said that could be difficult to enforce, given the transient nature of the trucks.

"Food trucks are not an 8-to-5, Monday-through-Friday operation," Town Manager Roger Stancil said. "If we are going to enforce anything that you adopt, then we need to have 24-hour coverage seven days a week."

That enforcement, Stancil added, would need to be funded by the town's already stretched budget.

Council members asked staff to look into raising the suggested fees for mobile food vendors, which as proposed total \$118.

Council members said they felt that food trucks could add to the vibrancy of downtown.

"We have some amazing restaurants on Franklin Street, but we don't have duck fat-fried pota-

toes on Franklin Street," council member Donna Bell said. "I think that there are spaces for us to have new food experiences."

Bell added that food trucks could help fill in the spaces unoccupied by businesses to encourage pedestrians to explore farther along downtown streets.

Jody Argote, owner of Parlez-Vous Crepe, encouraged the council to allow mobile food vendors in Chapel Hill.

"I faithfully pay my annual sales tax, as do all of the other food truck vendors that I know," she said, adding that because her business is unique, she draws in customers from other areas, who might then spend money with other businesses in Chapel Hill.

Katrina Ryan, owner of Sugarland Bakery on Franklin Street, said she felt that food trucks wouldn't add anything valuable to the already rich local-food scene.

"There are no local jobs created, there isn't any financial ben-

efit to the town, so I don't see any upside," she said.

The draft ordinance proposes allowing food trucks on private, commercially zoned lots, subject to approval by the property owner. Food trucks would have to be at least 100 feet from the customer entrance of a restaurant during its hours of operation and could not provide seating.

In the downtown area, trucks would only be allowed to operate in lots with at least five parking spaces and an existing business in a permanent building, while the business is closed. One truck would be allowed per 1,500 square feet of parking lot.

Outside the downtown area, trucks could operate while the existing business is open and trucks would be limited to one vendor per acre or per 30 parking spaces.

The council will revisit the ordinance at a public hearing on Jan. 23.

## BOA approves E. Main sewer

**CARRBORO** — At its Nov. 22 meeting, the Carrboro Board of Aldermen unanimously agreed to pursue the construction of a public sewer line on East Main Street.

The town has sent a letter to the Orange County Board of Commissioners seeking assistance with funding for the new line, which is estimated to cost \$250,000.

On Aug. 26, a private sewer line began to discharge sewage in a parking lot behind businesses on the 100 block of East Main Street. A temporary fix was made to the line, and owners of property on the south side of the block of Main Street from Armadillo Grill to Friendly Barber have been working to fix the problem, but without a long-term solution the issue could force the closure of the

restaurants and bar on the block.

Because the line in question is a private line, OWASA policies state that the utility is not responsible for maintaining it, leaving property owners responsible for the fix.

The board has already approved the use of \$60,000 from the town's revolving loan fund to repair the line, but property owners ran into issues with the repair, which would require crossing over the property of Jean Ward, who owns the building that houses Friendly Barber and the Orange County Social Club. Town staff have not been successful in negotiating an easement over the property.

— Staff Reports

## Carrboro apologizes to Yates detainees

**CARRBORO** — The Carrboro Board of Aldermen last week voted to issue apologies to the reporters and bystanders who were detained in the Nov. 13 police raid on occupiers of the Yates Motor Co building.

Concerns have been raised about the police's response to the occupation, which began the night of Nov. 12, led, reportedly, by attendees of the Carrboro Anarchist Bookfair, and resulting in a dramatic encounter with police the next afternoon, with seven arrests.

Residents have questioned the police's failure to attempt to communicate with those inside the building prior to the raid, in which police brandished long-range rifles and detained those on the sidewalk outside the entrance

of the building — including two journalists — before rushing inside.

In accordance with Carrboro's mutual aid agreement with Chapel Hill, Carrboro police assisted Chapel Hill police in the operation. The board voted unanimously to apologize to the detained reporters, and voted 4-3 to apologize to detained uninvolved persons outside the building. Board members Joal Hall Broun, Jacquie Gist and Lydia Lavelle voted against issuing the second apology, saying they preferred to wait until more information became available.

The Chapel Hill Town Council last week voted against a petition by member Laurin Easthom to issue an apology to the reporters, later voting to refer the measure to staff for consideration.

— Staff Reports

## THE CARRBORO CITIZEN

**HOW TO REACH US** The Carrboro Citizen 942-2100  
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**LOVETTE**  
FROM PAGE 1

The defense attorneys also questioned the credibility of some of those witnesses.

"One of the witnesses swore in front of the federal grand jury something that is totally different than what is given in this sealed admission," Bethea-Shields said. "You have hearsay upon hearsay."

Additionally, Lovette's attorneys said that, given that there may be similarities between the two cases, in hearing information about the Durham case, jurors could get confused.

"We are talking about trying two cases," Bethea-Shields told the judge. "That is what the court is going to do by letting these ... statements come in, and it will be totally confusing to the jury. At some point, they are going to ask, 'What are we trying?'"

Baddour ruled that those witnesses would be allowed to testify and give information regarding the Mahato case, but that the defense would be allowed to argue against the evidence they present and claim it to be inadmissible.

**Jury selection**  
In his introduction to potential jury members on Tuesday, Baddour said he anticipates the trial

lasting three weeks.

However, if the pace at which individual jurors were interviewed during the first day of jury selection is maintained, that process alone could take nearly that long. It took almost the entire morning session to question one juror, who, after extensive questioning by Woodall, was determined to be unfit to serve and was dismissed.

Questioning of a second juror began before the court went into recess for lunch, and by the end of the day, only four of the more than 40 potential jurors had been questioned.

Jurors were asked a wide variety of questions, including what TV

shows they liked to watch and how closely they had followed media coverage of the murder.

Jurors were also read the entire eight-page list of potential prosecution witnesses to determine if they knew any of them and were asked if they had ever formed an opinion regarding the guilt of the witnesses.

"Do you feel like even though you may have formed some opinions in the past, could you be fair and impartial to this defendant in this case?" Woodall asked a potential juror.

All potential jury members will be questioned and selected individually so that any potential bias held by one person will not affect others.

**School Briefs**

**2012-13 calendar approved**

The Chapel Hill-Carrboro City Schools Board of Education approved a school calendar for 2012-13 at a meeting last week. The calendar is different from those of years past because of legislation passed by the N.C. General Assembly. Five teacher workdays were eliminated. The board also voted to pursue any waiver of this legislation that may be made available. CHCCS will keep families and staff members informed if any changes are made to the calendar. Visit [tinyurl.com/771purb](http://tinyurl.com/771purb) to see the calendar.

**East Chapel Hill trash audit**

East Chapel Hill High School hosted the third and final trash audit being conducted by Chapel Hill-Carrboro City Schools to find recycling opportunities in cafeterias. The audit was more complicated than previous audits conducted on elementary and middle schools, and teachers, students and parents volunteered to man recycling stations.

**District students named to honors chorus**

Five Chapel Hill-Carrboro City Schools students were named to the 2011 N.C. Honors Chorus. More than 1,000 students auditioned in Winston-Salem last month for 175 spots in the chorus.

Students selected from Chapel Hill High are: Chloe Lucette, junior soprano; Elizabeth Waller, sophomore alto; and Maria Yao, junior alto. Students selected from East Chapel Hill High are: Sarah Jones, junior soprano I; and Ray Caraher, junior tenor II.

**East students named to honors orchestra**

Five East Chapel Hill High students were named to the 2011 N.C. Honors Orchestra. The students auditioned last month in Winston-Salem.

Students selected are: Luke Sears, second bassoon; Forrest Li, principal viola; Stevie Yan, third chair second violin; Ethan Chu, principal chair, second violin; and Eric Chiou, second chair viola.

**Young authors at FPG**

Students at Frank Porter Graham Elementary School recently entered the 2011-12 Young Authors' Project, "The Treasures of North Carolina," presented by the North Carolina Reading Association. Winners move on to the district competition and then to the state competition in Raleigh next March.

Second-graders representing FPG are: Noam Saad, Sophia Kschwendt and Martin Dokholyan. Fourth-graders representing FPG are: Ashley Hong, Angel Koshy and Jasmine Godfrey.

**District Annual Report released**

Chapel Hill-Carrboro City Schools released its 2010-11 annual report last week, with a theme of "Thinking Forward." The report contains the usual data related to enrollment, demographics and testing from the past year. It also includes features on staff awards, the district's priorities, budget information, partnerships and volunteers, and a new pictorial review section. Visit [tinyurl.com/7nx4kyp](http://tinyurl.com/7nx4kyp) to see the report.

**JOHNNY'S**  
FROM PAGE 1

review of their application, which has not yet been officially submitted to the town.

According to town planning director Trish McGuire, the property is actually zoned residential, but Johnny's had been permitted to continue operating there. The Johnny's that occupied the space for many years – a bait and tackle shop – was at one time in line with the zoning for the property, but the zoning changed to residential a number of years ago.

Because the business predated the zoning change, it was allowed to continue operating with previously approved uses – which don't include on-site alcohol consumption – under provisions of the

zoning ordinance. However, the ABC license that Plaster received in order to serve beer and wine on site was not reviewed by the town's zoning staff before it was approved, McGuire said.

"It was an inadvertent approval of on-site sales," she said.

According to McGuire, the town had received multiple comments from concerned residents regarding Johnny's. Last week, Tina Saldana, a resident of Westview Drive, which runs alongside Johnny's, presented a letter from 75 residents to the Carrboro Board of Aldermen opposing on-site alcohol sales at the store, citing public-safety concerns.

"The large crowds that came to the location to consume alcohol were a serious public safety hazard in an area of town that was not designed for such a site," the let-

ter states. The letter also cites the town's negligence in signing off on the ABC license that did not conform to the zoning.

"We feel the town has neglected our rights to be protected and served by its public officials and urge current parties to act in accordance with their public responsibilities by directing the owners to seek a different property if they wish to continue in a business that involves the consumption of alcohol on its premises," the letter continues.

Saldana said Johnny's patrons sometimes brought 50 to 60 cars parked along Westview Drive.

She added that she and her family were supportive of the store initially, buying small grocery items and Christmas trees there, but that over time the store carried fewer grocery items and more beer

and wine. Crowds grew, and parking and noise became a problem, Saldana continued.

Eisdorfer said she and her partners hope to offer more grocery items when Johnny's reopens, like local produce, meats and cheeses, as well as beer and wine.

"We don't feel like the place can survive without on-site consumption of alcohol," she said. "It's a delicate balance."

Eisdorfer said they've gotten a lot of support from members of the community who would like to see Johnny's reopened.

"For us, it's a labor of love," she added. "What we want to do is what the community wants, and it's hard to know who wants what more."

**PORCH**  
FROM PAGE 1

to think that PORCH was taking care of all of the IFC's food donations, adding that he felt that PORCH was changing its mission without consulting the IFC.

"More than 3,500 households are benefiting from the food pantry," Moran said. "We are not saying we don't need food, we are simply saying that PORCH is moving in a different direction."

PORCH co-founder Susan Romaine said that since the entirely volunteer-run nonprofit's founding in May 2010, it has been delivering food to the IFC and TABLE, and that it wasn't until very recently that the two groups started voicing their concerns to PORCH.

"On Nov. 8, we received an

email from IFC expressing concerns with how food collections were allocated," Romaine said. "We thought that after the concerns were expressed, all of this would be worked out through an independent third party."

However, according to Romaine, after the first round of discussions, PORCH abruptly learned that the boards of both groups had met and decided to terminate their collaboration with the organization.

The main source of controversy between the three groups seems to be centered on the Food for Families program recently created by PORCH to provide direct service to families with children that have limited access to the local pantries.

"According to PORCH in an October email, they collected 1,112 grocery bags," Moran said. "Seven hundred and four were

given to Food for Families," he added, saying that as more donations were going to PORCH's own direct-service program, worries grew about the amount it would be giving to local pantries.

Through Food for Families, PORCH volunteers deliver bags of food directly to hungry families, which are identified through social workers at local schools. Romaine said that in order to avoid duplication of services, the program targets children who aren't already receiving weekend backpacks from TABLE.

But MacVane said the formation of the program left TABLE's board unsure of what the future held for the organization's association with PORCH.

"To maintain the level of support we need from the general public, we need to protect our identity as the only local hunger-

relief organization that specializes in fighting childhood hunger," she said.

Romaine said PORCH has decided to have a "cooling-off period" of about two months before trying to again talk with the IFC and TABLE, and in the meantime to continue to serve the community.

"This whole food fight among PORCH and IFC and TABLE is taking our eye off the prize," she said. "My hope is that after two months, we will be able to come together and work collaboratively to address local hunger."

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**FLORA**  
FROM PAGE 1

on any of those boulders, one will likely marvel at the massive rock chestnut oaks, *Quercus prinus*, that dominate the forest.

Some of those trees must be up to 200 years old. You'll likely be curious about the contorted appearance of some that have three, four and even five massive trunks radiating from the base. This oak is noted for sprouting vigorously from the ground if injured by fire or harvested for its timber.

The forest floor this time of year is a lovely thick carpet of mostly chestnut oak leaves. Beneath the leaves in some spots you'll find large, 1-to-2-inch-long acorns beginning to sprout a little tap root. Like the white oaks, these acorns are edible and worth the effort to roast a few for winter snacks.

Occoneechee is steeped in history, beginning with the Native Americans who named it. There's an aban-



An impressive multi-trunk chestnut oak "sprout" resulting from a fire long ago PHOTO BY KEN MOORE

The more than 630-million-year-old geological story of the Occoneechee area is beautifully described and illustrated in the N.C. Geological Survey's Information Circular 35, *A Geologic Adventure Along the Eno River*, by geologist Philip J. Bradley. It's a very readable resource. ([geology.enr.state.nc.us](http://geology.enr.state.nc.us)). In addition to descriptions of rock types and geologic history, the publication contains guides to the geology of four popular trails along the Eno River.

I recommend at least monthly explorations of Occoneechee, our highest little mountain.

Please note:

*Guided walks scheduled this month include a geology hike on Dec. 17 at 2 p.m. and a Christmas sunset hike on Dec. 22 at 5 p.m. Call 383-1686 to register.*

Email Ken Moore at [flora@carrborocitizen.com](mailto:flora@carrborocitizen.com). Find previous Ken Moore Citizen columns at *The Annotated Flora* ([carrborocitizen.com/flora](http://carrborocitizen.com/flora)).

andoned quarry dating back to the 1880s on one side of the mountain and a present-day active pyrophyllite mine on another side. Curiously associated with the mountain's erosion-resistant quartz rock is the soft phyrophyllite being quarried for the manufacturing of products ranging from soft, fine talcum powder to heat-resistant electrical insulators.



**The Singing Freshman, 1961**

Carrboro-born and -bred Richard Ellington is a Renaissance man. After a distinguished career as an IT guru at UNC, he retired and went right to work co-authoring the wonderful new visual history of Carrboro. But what may be less known is his history as a thespian. Ellington, my classmate at Chapel Hill High School, starred in our junior class play, *The Singing Freshman*, exactly 50 years ago this week. In this snapshot, college students at "Yaleanova" (left to right) George Thompson, Ann Cleaveland and Carol Ann Chambers sing good morning to Ellington, as the "Dean." Richard and I both remember that many of the guys in the cast had a crush on the show's director, music and drama teacher Beverly Culbreath. And for you photo-weenies out there, I shot this with a Kodak Brownie Flashmite using 620 black-and-white film, and had prints made at Foister's Camera Store (the present-day location of Jack Sprat beside Sutton's on Franklin Street). Wasn't it cool the way they used to stamp the date on the border of those old snaps?



**A THOUSAND WORDS**

BY JOCK LAUTERER

Do you have an important old photo that you value? Email your photo to [jock@email.unc.edu](mailto:jock@email.unc.edu) and include the story behind the picture. Because every picture tells a story. And its worth? A thousand words.

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**CUSTOMER DEMAND** TUES: 6.696 million gallons / Monthly avg: 6.62 million gallons

**ESTIMATED SUPPLY:** 351 days worth

**CELL PHONE BAN**  
FROM PAGE 1

Several council members questioned the inclusion of exceptions for drivers to use phones to speak with family members.

"I don't know that I want to make that an exception for someone to be on the phone ... if that conversation is going to impact their safety in driving," council member Donna Bell said.

"If we take the teeth out of it, I'm not really interested in doing it," she added. "We have people who put other people's lives in danger by distracted driving."

Mayor Mark Kleinschmidt said he would like for the exceptions in the ordinance to use more inclusive language, "since I might not have a spouse, but I might have an equivalent that I might want to talk to one day."

Pease said he felt that while it was important to educate the public on the dangers of cell phone use while driving, regulating it is a state issue, and that such an ordinance would be virtually unenforceable.

"If this is about education, I'm not convinced this is the right forum to do it," he said.

Easthom agreed.

"I don't want to be first in the state on something that the assistant attorney general has said ... is preempted by state law and therefore unenforceable," she said. Earlier this fall, Karpinos requested an opinion from the state attorney general's office, and an assistant attorney general reported back that he felt such an ordinance would be preempted by state law.

Other council members said they felt it was important to continue the conversation and the education of the public.

"This may be an opportunity for this to happen again where Chapel Hill pulls the state along in some things," Mayor Pro Tem Jim Ward said.

In June, Krista Slough, a UNC student who was seriously injured in a car accident last year, and Joe Capowski, a resident who witnessed the accident, petitioned the council to consider the ban. Capowski alleged that the driver of the car that hit the victim was talking on her cell phone at the time of the accident.

Texting while driving and the use of cell phones by drivers under 18 are both already illegal in North Carolina.

A public hearing on the proposed ordinance will be held Feb. 20.



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