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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, March 11, 1974, in the Council Chamber, City Hall, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by Councilman Alexander.

MINUTES APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, approving the minutes of the last meeting, on Monday, March 4, 1974, as submitted.

PRESENTATION OF AWARD TO LANDSCAPING DIVISION OF PUBLIC WORKS.

Mayor Belk recognized Mr. Tom McDermott, Mr. Harlan Boggs and Mr. Henry Fox of the Landscaping Division of Public Works and stated for the past several years the Landscaping Division has installed a garden at the Southern Living Show. That last year their garden received an award for Third Place.

He stated this year they have won First Place for the Best Overall Landscaped Garden. He expressed appreciation for the fine work they have done and presented the award to them for the beautiful garden.

Each was congratulated by the Councilmembers.

RESOLUTION CLOSING A PORTION OF EAST TRADE STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

The scheduled public hearing was held on petition of the City of Charlotte to close a portion of East Trade Street.

Mr. Bernie Corbett, Traffic Engineer, presented a chart to Council and stated at the present time the portion proposed to be closed is a portion of Trade Street extending from the intersection of McDowell and Elizabeth Avenue sideward to the cut-through in front of Tabernacle ARP Church. He pointed out on a drawing which section was proposed to be closed and which part to be left open.

Mr. Corbett stated that closing this section for the purpose of building the parking garage is not the very first consideration. That on the drawing associated with the proposed improvement of McDowell Street, in the First Ward Project, there is a widening of McDowell Street, which will extend to the intersection of Elizabeth Avenue northward to Tenth Street. At that time, they had proposed to close this section of Trade Street anyway.

He stated the reason for this is because of the traffic congestion created by the presence of Trade Street. That with the widening of McDowell Street, we will have five lane approaches; one for right, one for straight through, one for left and two going back in the opposite direction. This would be true in both cases.

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Mr. Corbett stated if Trade Street were to remain open, a vehicle which might turn left from the north, could either go up Trade Street or Elizabeth Avenue. At the same time, if there were pedestrians walking across Elizabeth Avenue or Trade Street, when the pedestrian got into the middle of the street, he could not be sure just where the vehicle was going. The same would be true if the vehicle were coming from the south, on McDowell Street, and turning right. That it would put the pedestrian in a very precarious position as far as knowing what the vehicles were going to do.

That as a part of the improvement project, they had already proposed to close this section of Trade Street and leave it in the manner which is now proposed for the building of the parking garage.

Mr. Corbett stated even if the parking garage were not going to be built, the plans were still to close this portion of Trade Street.

Mayor Belk asked about the DAR marker and Mr. Corbett replied it will remain relatively in its same position but it might be moved a foot or two one way or the other but would not be removed entirely.

Councilman Alexander asked if there would still be access to Trade Street and Mr. Corbett replied yes, so vehicles could turn right in and come out the way they do at the present time. That additional planting would be on this area.

Mr. William B. McGuire, Jr., of McGuire Properties, stated when they started designing this parking garage, they went to the City to find out what the plans were and the plans were to close this street and that is the same design which they incorporated right off the city's drawings. The only difference was at that time they had to provide access to the first property owner. He pointed out the areas on a drawing.

Mayor Belk asked about the DAR marker and Mr. McGuire replied he will show this marker later during this slide presentation.

Mr. McGuire stated if you line up the building line with the Law Building and the Attorney's Building and draw a straight line down, the parking garage will sit behind that line. Likewise, if you bring the building line up Elizabeth Avenue, the parking garage sits behind that line. That the area in front will be heavily landscaped and the DAR marker may be shifted a foot or two to put it to its best advantage but will be left there.

Mr. McGuire presented some color slides to Council and stated if you start at the square and go out Trade Street, you cannot really see the church until you get to Davidson Street, along where LaPointe Chevrolet is located. That from this point on to the church, they took pictures from the center of the street and from the sidewalk at each location.

He described each slide and from which point along the way the picture was taken, noting the Law Building, the Attorney's building and the Law Enforcement Center.

Mr. McGuire stated when you extend the building line in front of these buildings, the garage will be behind the line. That the beautiful tree in front of the church is fully visible and in the summertime, it will block out far more of the church than the garage will.

Councilman Short asked Mr. McGuire to point out on the slide how tall the building will be and Mr. McGuire stated it is not quite as tall as the building on the left, known as the Court Plaza Building.

Councilman Whittington asked if some of the lawn of the church would be taken for the building and Mr. McGuire replied no.

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Councilman Harris asked if the parking garage could be built back off the street and Mr. McGuire replied he cannot give a specific answer because it would take a considerable amount of study. That the building is engineered to serve certain functions and you cannot shift the garage because of zoning setbacks and fire codes. He stated you are talking about a change in the design and structure of the building. That you go from one floor to another floor and you have a ramp to get from one to the other and if you shorten the building, you steepen the ramp, as well as change the structure of the building.

Councilman Harris asked if the side of the structure which fronts on Elizabeth Avenue could be brought back to follow the present street line, instead of coming out into the street on the square basis and Mr. McGuire replied it could be changed at a certain cost. That you get into engineering concerns and cost concerns when you make changes of this sort. Mr. McGuire stated the garage was designed to meet good engineering specifications, at a reasonable cost. That it is not out of the realm of possibility to make changes, but it would affect the cost in some manner but he did not know to what extent.

Councilman Harris asked what type of exterior the building would have and Mr. McGuire replied it will be a concrete exterior, painted, similar to the Jefferson First Union garage, or pre-cast concrete.

Mr. C. D. Thomas, a member of the Board of Trustees of the Tabernacle ARP Church, stated at a meeting last Thursday morning, Mr. Hemphill, the architect, advised the building could be brought in as much as ten feet.

Mr. McGuire stated at that meeting, a question was asked if the building were moved ten feet, would it satisfy the church and they asked about the church's demands. That in essence, the only comment was move it out of the street. Mr. McGuire stated there will be a limit. Possibly to move it one foot would be about \$25,000, to move it ten feet might cost \$50,000; it might be impossible to move it eleven feet. That this will depend on engineering and cost.

Councilman Harris asked how many entrances and exits are planned for the garage and Mr. McGuire stated one coming in on McDowell and one coming out at the back; that there will be no entrance or exit on the Elizabeth Avenue side.

Councilman Withrow asked if the building could be turned 90 degrees and Mr. McGuire replied his staff has not studied this because this particular building could not because of the configuration of the property and also because of a pedestrian overwalk planned to connect the upper level of the garage to a pedestrian walkway at the Law Enforcement Center. If you turn it, there is a question of how much you can do on one end of the building. That he will not say it cannot be done, but that it cannot fit this particular building design. Mr. McGuire stated to turn another design structure, you might run into a width problem.

Mr. Dalbert Shefte, Chairman of the Board of Trustees of the Tabernacle ARP Church, stated the Trustees have been delegated with the authority of dealing with this problem and their objection is to the closing of Trade Street opposite the garden and monument triangle and the building of the parking garage into the street.

He stated there may have been a time when the closing of that street was significant or important from a traffic standpoint, but Mr. Pressley of the City Engineering Department has told him that the conditions mentioned by the Traffic Engineer no longer exist as far as traffic safety is concerned. That the only reason given today was that cars turning would not know where they were going. There are not that many cars turning one way or the other and there does not seem to be any real logical reason for the confusion. He stated as far as a pedestrian being in that intersection, they are usually not there because of the lights or they are watching the traffic.

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He stated as far as the building line is concerned, he noted somewhat of an optical illusion in the slide presentation. That the church looked real small in the photos, even when you reached McDowell Street. He passed around some pictures which the Board of Trustees had taken, showing the church from other angles. Mr. Shefte pointed out certain features in each photograph, noting that when you get to McDowell Street, the building is five stories high which further obliterates the appearance of the church and of the tree in front.

Mr. Shefte stated with the open space of Trade Street, combined with the open space on Elizabeth Avenue, provides an outline for the setting of the church and the monument in the front. That they were informed originally that the monument was going to be removed from that spot.

Mr. Corbett stated the monument will not be removed from that area but will be moved slightly to one side or the other and will remain in the same relative location.

Mayor Belk asked if this monument is located on city property and Mr. Corbett replied yes, it is on city property.

Mr. Shefte stated his church has had a tradition of cooperation with the City and that piece of property was originally church property which was deeded to the City at the time the monument was put up so the City would have a place for the monument. That if the church had not deeded that property to the City, that half of the street would revert to the church when the street was closed and they could not build a building there. The church also granted an easement to the City for the cut-through between Elizabeth and Trade when that was needed by the City so the church has been cooperative as far as they could with the City actions.

He stated the church does not contend that a parking garage should not be built. They would prefer that none be built there, but they realize it has to be done and they are trying to be realistic in what they seek as far as the church's interests are concerned and those of the public. He stated they are opposing the street closing and the building extension.

Mr. Shefte stated many of the church members use that section of Trade Street to get into the church on Sundays and other times for meetings. To close this would be like closing a street where 900 people live, since their congregation has some 900 people and the city would take the access they would need to get to and from their church. Certainly they could go through the crossover part, but that would cause more of a traffic problem than leaving that section off.

He stated the other aspect of this parking project is the problem of parking for the church. They have no legal rights to demand parking but as the situation existed before the acquisition of the land by the city, they had two small places where they had exclusive rights to park and they had the privilege of parking in a large area which will be gone unless some provision is made for the churchmembers to park in either the street or areas in the paved area. He stated they had exclusive rights on one piece of property across Trade Street about where their side entrance is, through arrangements with the property owner.

Mr. Shefte stated in the matter of expense which affects the community as much as the church, it appears that in following this procedure, the City may be paying a million, or a million and a half dollars more than it would be paying if it were using available retired bond funds. That the agreement has certain provisions which make it somewhat exorbitant and the Board of Trustees would suggest that the City give it further consideration before going further with it.

He stated they would like the City to consider postponing this parking garage since there does not appear to be any real urgency that the matter be disposed of today. The lease provides for construction in 420 days, or 14-months, so there does not seem to be any reason it cannot be postponed to consider the situation further.

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Mr. Shefte stated they have prepared some terms or conditions which they would like to submit to the City Council for them to review. Mr. Thomas passed a list of the terms to Council.

Mr. Shefte stated first is the cancellation of the present proposal to close a portion of Trade Street. Second, the relocation or modification of the design of the proposed Police Garage to avoid extension into Trade Street beyond the present property line. They were told the building could be moved back ten feet in a meeting and they would like to know how much more redesign might be made so it would not extend at all into the street.

Mr. Shefte stated this is much like comparing apples and oranges when you compare dollars that a developer might make in comparison with the interests of people. It might cost more and it might be less efficient use of the land, but there is more to be taken into account than dollars and maximum use of land in this situation.

Third, the preservation of the monument and garden triangle at McDowell, Trade and Elizabeth intersection in its present condition.

He stated the remaining four items relate to parking that the church would like to have considered. One would be free use of the parking area on Sundays; next would be available parking for the congregation in the parking area in the evenings. That would be with individuals in the congregation paying whatever the fare is, but assuring them that there would be some kind of parking there they could use.

Next is the installation and maintenance of parking meters on Trade Street. At the present time, they have absolutely no parking on Trade Street because it is occupied by daily parkers who take advantage of the fact that there are no meters there and they work in adjacent or neighborhood buildings and take all the spots so that when members come to visit the church, there is no place to park on the street.

He stated last would be to have some parking spaces for the church's staff so that they could have their staff drive to the church and be accommodated with the automobiles and also when visitors come so there would be a place for them to park.

Mr. Shefte stated with regard to cost, one member of the congregation who works in the area of bonds, has made some computations with regard to what the cost is and he would like to present Council a copy of this for their information. Mr. Thomas passed a list of the computations to Council.

He stated to allow this building to project out into the street would be an encroachment on what the churchmembers feel is not in the best interest of the community and in particular interest to the church. That it may not seem like much, but they consider this one step in the wrong direction and they are trying to prevent what they feel is encroachment all around them.

Mr. Shefte stated they do not object to the parking garage or to the other parking. That all they are trying to do is stop the projection of the parking garage into the street and they would like to prevent the closing of the street.

Mr. C. D. Thomas stated their church is a downtown church and they have approximately 900 members at the present time. That most people feel that downtown churches are diminishing but their church is not diminishing, it is growing. They anticipate within the next 12 months, they will have over 1,000 members.

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He stated they have the most beautiful sanctuary in the City of Charlotte. That this is one church you can go in and just feel it is God's church and their members are proud of this church. Mr. Thomas stated to attempt to move their church to another location in Charlotte would cause the church to fold up; the members would not stand for it at all. He stated he loves the church as much as he loves his home and he is hoping Council will do something to help them maintain their church.

Mr. Thomas stated he would like for Councilmembers to take the time to go down on Elizabeth Avenue and look up Trade Street and see what an image and vision a building would look like jutting out into that street. That it would absolutely obliterate the appearance of the church in quite a few ways. He stated this would be the wrong thing to do. The architect has made a statement that he could move the building over a little bit and he is of the firm opinion that the building could be placed within the present existing land lines.

Mr. Bruce Wright stated he has spent a number of years in the military and during that period of time he was responsible for some classified information. This information was classified as confidential. It did not matter if the person who approached him was a General in the Army, he had to first show him the need to know the classified information. He stated just the fact that he was a superior officer was not enough reason to show him the contents of the classified information.

He stated he is getting down to the principle of do we need to build the building out into the street, when we have sufficient property extending clear down to the creek? Do we need to build it so that it will obstruct to a degree the view of this church? That when he tells people where he attends church, they say, that's the one with the beautiful tree. He would ask that Council never let anyone do anything to bother that tree. Mr. Wright stated we are really asking do we need the building?

Councilman Williams asked what are our options, or are we already committed beyond the point of no return and Mr. Underhill, City Attorney, replied he does not have the lease documents with him today but as part of the proposal submitted by McGuire Properties and which has already been accepted by the Council and also by the North Carolina Local Government Commission, there was a provision in the contract and the lease that required Council to consider the closing of this portion of Trade Street in order that the building could be built in the manner submitted by the developer in his proposal.

Mr. Bobo, Assistant City Manager, stated we do have a contract and competitive bids were taken and Council did approve the contract and it was approved by the Local Government Commission to build it out into this area.

Mr. Burkhalter stated he would suggest that Council close the street because that does not seem to be the jest of the argument today since the City would ask Council to close it whether the building was going to be put there or not, and let staff go back and review this with the builder to see if it could be moved and the line shifted. That before any building is done on this property, he would have to come back to Council with this information.

Councilman Withrow stated he would like for the City Manager to see if this building could not be turned 90 degrees. Councilman Harris stated Council needs more information from Mr. McGuire about the exact cost of the modifications.

Mr. McGuire stated he could go back and look at the plans; it is the city's parking garage. That he submitted it a certain way with the design of what he felt was the best design from an engineering and planning standpoint in the long run. If Council feels like there are some considerations to be looked at, they can change it.

Councilman Harris stated we need this information and he would like to see this item deferred until we have this information. Mr. McGuire stated he thinks Mr. Burkhalter has a good suggestion in going ahead with the closing of the street and not do the building until the plans are approved by the City before construction is started.

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Councilman Whittington stated based on the history, Council has no alternative except to close the street.

Councilman Whittington moved that Council adopt the resolution to close the street with the understanding that the Board of Trustees of the Church, Mr. Corbett and the Traffic Engineering Department and the Council be informed step by step of what is taking place on where the building will be as related to that portion of Trade Street and anything else that can be done to turn the building. That all of these things have to be brought back to Council for consideration and his motion is only that we close that portion of East Trade Street. There was no second to the motion.

Councilman Alexander made a motion that the suggestion of the City Manager be incorporated in the records of this meeting and that Council defer action on Item 3 until such time as Council receives a response as to the suggestion Mr. Burkhalter made. The motion was seconded by Councilman Whittington.

Councilman Whittington asked Mr. Burkhalter if he did not suggest that the street be closed and Mr. Burkhalter replied yes.

Councilman Harris asked if Council will be advised before any building is begun and Mr. Burkhalter replied yes.

Councilman Alexander stated the City Manager would take staff and Mr. McGuire and his forces and see what they could do about this matter and come back to Council. He asked the City Manager to restate what he suggested earlier.

Mr. Burkhalter stated he suggested that Council pass the resolution closing the street and that Council instruct him not to have anything built on this street until Council informs him further and in the meantime, he would get this information, but the motion would not include all that. That they cannot build on it before coming back to Council anyway.

Councilman Alexander stated that is what he meant his motion to state.

The vote was taken on the motion to adopt a resolution closing a portion of East Trade Street and carried by the following vote:

YEAS: Councilmen Alexander, Whittington, Harris, Short and Withrow.
NAYS: Councilwoman Locke and Councilman Williams.

The resolution is recorded in full in Resolutions Book 9, at Pages 416 and 417.

PETITION NO. 74-5 BY ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC., CAROLINAS BRANCH, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY AT 701 TEMPLETON AVENUE AND 1109-1113 EUCLID AVENUE, DENIED.

Councilwoman Locke moved subject petition for a change in zoning be denied as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

COUNCILMAN SHORT EXCUSED FROM VOTING ON ZONING PETITION NO. 73-47.

Councilman Short stated Council will recall he has frequently stated that he owns property in the area listed in the next rezoning request. That he is sure Council will also recall recent discussions which indicated that State Law now requires that to be excused from voting on a zoning matter, because of conflict of interest of this sort, it is necessary for Council to make a motion and pass a motion that the party with the conflict be excused.

Councilman Alexander moved that Councilman Short be excused from voting on this petition due to a conflict of interest, which motion was seconded by Councilman Whittington.

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Councilman Harris stated the principle here is whether or not Mr. Short does have a conflict of interest and it is determined by how Council votes on the matter. That if Council votes on the entire zoning petition, he would agree that Mr. Short has a conflict, but if Council votes the way he prefers to vote, area by area, exactly like the Planning Commissioners recommended, then he would think Mr. Short would only have a conflict of interest on Area 8.

Mayor Belk stated Councilman Harris has a good point but the Chair is going to rule that this comes up to a petition and Mr. Short is asking not to be counted on petition. That Council can vote on whether he comes up on petition and not on the broken down portion thereof.

Councilman Harris stated he would have to vote no on this. Councilman Williams stated he would also have to vote no for the same reason, because he would prefer to have Council handle this petition section by section, or in eight sections, instead of one.

Mayor Belk stated the reason he is ruling this way is on the basis that Mr. Short has not heard the petition. He came up when the petition was brought up and asked to be excused at that time. That Mr. Short has not been in on this petition, even before the Planning Commissioners broke it down.

Councilman Harris asked the City Attorney to discuss the legal basis of the vote.

Mr. Underhill, City Attorney, replied the City Charter requires that all members of Council vote on all matters that are before them except as to those matters which involve consideration of his or her official conduct, or involve his or her financial interest. He stated those are the only two categories that Council can be excused from voting on. If it is found that a Councilmember has a conflict of interest, a potential financial interest, or a considering his or her official conduct, then the City Council has to make such a determination to excuse that member from considering a particular matter such as Council has before them today. If it is deemed that the person presenting potential conflict is allowed to withdraw through being excused by Council, then he plays no further consideration into the matter for the Council's deliberation. If the Councilmember is not excused and withdraws, then his vote is counted as an affirmative vote and recorded whether he votes or not. What Council has before them now is a very narrow question of a Councilmember requested to be excused from consideration of this particular matter because of his conflict of interest in that he owns property within the area included in the petition for rezoning.

Mr. Underhill stated assuming the Councilmember is excused, this is a protested matter - protested under the Statutes in that a valid protest petition, signed by the required number of property owners. In order for a rezoning of the property covered in the petition to take place, it must be approved by 3/4 of the members of the Council and, in our particular situation here in Charlotte, the Mayor votes as if he were a member of the legislative body in matters in which the 3/4 voting petition is concerned.

This means, if Mr. Short is excused, that six out of the remaining members, that is, the six Councilmembers and the Mayor, must vote in the affirmative to rezone the property covered by this petition.

Mr. Underhill stated the question has come up as to how, procedurally, Council may consider this particular rezoning matter. Can they do it in one motion, or in a series of motions, or any combination of that? Council is required to dispose of this matter by either approving the petition in its entirety, denying it in its entirety, or some combination of that, approving part and denying a part. That how Council chooses to do that is really something Council can control. If they want to take it as a one shot proposition, using one motion to either approve part or deny part or approve all of it or deny all of it, they can do it by one motion. If Council wants to do it with eight motions, they can do it by eight motions. Council can consider it in areas as the Planning Commission has recommended, or they can consider it lot by lot. It can be handled anyway Council wants to - but they have to dispose of every piece of property covered by this petition by either approving it or denying it.

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A vote was taken on the motion to excuse Councilman Short from voting on this petition, and carried as follows:

YEAS: Councilmembers Alexander, Whittington and Withrow.
NAYS: Councilwoman Locke, and Councilmembers Harris and Williams.

Mayor Belk voted in favor of the motion, breaking the tie.

Councilman Short left the meeting at this time and was absent until noted in the minutes.

PETITION NO. 73-47 BY MYERS PARK HOMEOWNERS ASSOCIATION FOR A CHANGE IN ZONING FROM R-6MF, R-6MFH AND O-6 TO R-12 OF VARIOUS TRACTS OF LAND LOCATED ALONG QUEENS ROAD, FROM CASWELL AVENUE TO SHARON ROAD, ALONG SELWYN AVENUE, FROM QUEENS ROAD TO NEAR HILLSIDE, ALONG ROSWELL AVENUE, FROM QUEENS ROAD TO NORMANDY ROAD, ALONG PROVIDENCE, FROM QUEENS ROAD TO HERMITAGE ROAD, AS WELL AS PROPERTY ON BROMLEY ROAD, HENLEY PLACE, MORAVIAN LANE, HERMITAGE COURT, DARTMOUTH PLACE AND COLONIAL AVENUE, DENIED.

Mayor Belk asked Council how they wanted to consider this petition, as one petition or as separate areas.

Councilwoman Locke moved that each area involved in this zoning petition be voted on area by area. The motion was seconded by Councilman Harris.

Councilman Withrow made a substitute motion that Council handle all of the petition at one time, to either approve or disapprove it, which motion was seconded by Councilman Alexander.

Councilman Whittington stated he has no objections to which way Council wants to vote but he feels some consideration should be given to the members who want to vote item by item.

Councilman Williams stated a lot of people have invested a lot of time and effort and interest in this petition. It is a very large, far-reaching petition and he feels that all the time the Planning Commissioners and the citizens who have been interested in it should be considered, and, if for no other reason, Council owes it to them to come to grips with each item.

Councilman Whittington stated he is in agreement with what Councilman Williams has just said. That Council ought to consider the separate areas, from one through eight, including the sub-sections.

A vote was taken on the substitute motion, and failed to carry as follows:

YEAS: Councilmen Withrow and Alexander.
NAYS: Councilwoman Locke, and Councilmen Harris, Whittington and Williams.

A vote was taken on the main motion to consider each area separately, and carried as follows:

YEAS: Councilwoman Locke, and Councilmembers Harris, Whittington and Williams.
NAYS: Councilmembers Withrow and Alexander.

The Clerk read the following recommendation for Area 1: Recommend that both sides of Selwyn Avenue, from the beginning of the area requested for change midway of the block between Ridgewood Avenue and Hillside Avenue, extending to Sterling Road, be rezoned from R-6MF to R-9.

Councilman Whittington moved to deny subject change, which motion was seconded by Councilman Withrow, and carried by the following vote:

YEAS: Councilmembers Whittington, Alexander, Locke, Harris, Withrow and Mayor Belk.
NAYS: Councilman Williams.

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The Clerk read the following recommendation for Area 2: Recommend that the existing multi-family zoning be retained for the area and the request of the petitioners be denied within the boundary of this area. This area constitutes property along both sides of Selwyn Avenue, from Sterling Road to Wellesley Avenue at Queens College as well as property on the westerly side of Roswell Avenue, extending from near Bucknell to Normandy Road adjacent to the Myers Park Country Club.

Councilman Harris moved that multi-family zoning be retained for Area 2 and that the petition be denied, which motion was seconded by Councilwoman Locke, and carried unanimously.

The Clerk read the following recommendation for Area 2(a): Recommend that the tract of land located at the corner of Selwyn Avenue and Bucknell remain zoned R-6MFH.

Councilwoman Locke moved that Area 2(a) remain zoned as R-6MFH, which motion was seconded by Councilman Whittington.

Councilman Harris stated this is a single lot, spot zoning at its worst, and with the H identification on the zoning, it does not fit in with the neighborhood at all and he feels it should be changed to R-6MF. Councilman Williams stated he is in agreement.

A vote was taken on the motion, which carried as follows:

YEAS: Councilwoman Locke, Councilmen Whittington, Alexander, Withrow and Mayor Belk.

NAYS: Councilmen Harris and Williams.

The Clerk read the following recommendation for Area 3: Recommend that the following described area be changed from R-6MF to R-12: Property on the east side of Selwyn Avenue, beginning at Wellesley, extending to Queens Road, then property on both sides of Queens Road, from the boundary of the subject area south of Sharon Road to the vicinity of Myers Park Methodist Church; in addition, property on both sides of Roswell Avenue, extending from Queens Road to near Bucknell and then on the east side of Roswell to a point near the other portion of Queens Road.

Councilwoman Locke moved that Area 3 be changed to R-12, which motion was seconded by Councilman Williams.

A vote was taken on the motion and failed to carry as follows:

YEAS: Councilwoman Locke and Councilmen Harris and Williams

NAYS: Councilmen Alexander, Whittington, Withrow and Mayor Belk.

The Clerk read the following recommendation for Area 4: Recommend that the following area retain its present multi-family and office zoning classification and the request of the petitioner be denied. Property extending along the west and south portions of Queens Road, from near Oxford Place to Queens Road West and property on Providence Road, from Queens Road to Hermitage Road.

Councilwoman Locke moved that the petition be denied, which motion was seconded by Councilman Whittington, and carried unanimously.

The Clerk read the following recommendation for Area 4(a): Recommend that the existing R-6MFH zoning remain on a portion of the total Area 4 which is located along Queens Road extending from Pembroke Road to a point near Granville Road and at present utilized for either single family purposes or is vacant.

Councilman Withrow moved that the zoning in Area 4(a) remain R-6MFH, which motion was seconded by Councilwoman Locke.

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Councilman Harris stated he is concerned about the high-rise, the H on this, even in this area but the discussion of the Planning Commission covers this.

A vote was taken on the motion and carried as follows:

YEAS: Councilman Withrow, Councilwoman Locke, Councilmen Alexander, Whittington and Mayor Belk.

NAYS: Councilmen Harris and Williams.

The Clerk read the following recommendation for Area 4(b): Recommend that the land consisting of the property on Queens Road, which was rezoned several years ago for the purpose of building a high-rise structure to be known as the Regency Apartments retain its present R-6MFH classification.

Councilman Whittington moved that Area 4(b) remain zoned at its present R-6MFH classification, which motion was seconded by Councilman Withrow.

Councilman Harris stated he is again concerned about the H zoning.

A vote was taken on the motion and carried as follows:

YEAS: Councilmembers Whittington, Withrow, Alexander and Mayor Belk.

NAYS: Councilmembers Harris, Locke and Williams.

The Clerk read the following recommendation for Area 5: Recommend a change from R-6MF to R-12 of property along the northeast side of Queens Road extending from Granville Road to Ardsley Road.

Councilwoman Locke moved that Area 5 be changed from R-6MF to R-12 zoning, which motion was seconded by Councilman Williams.

Councilman Harris stated this property is across the street and you might ask why distinguish between what this is and what is across the street but in looking at that side of the street, you find houses in much better shape than on this side and the houses behind them seem to be in better shape, too. That this street is so wide there is a natural boundary between the multi-family on one side of the street and single family on the other side of the street.

A vote was taken on the motion for a change in zoning, and failed to carry as follows:

YEAS: Councilwoman Locke and Councilmen Harris and Williams.

NAYS: Councilmen Alexander, Whittington, Withrow and Mayor Belk.

The Clerk read the following recommendation for Area 6: Recommend this area retain multi-family and office zoning and not be changed to the single family classification requested. The area consists of all of the frontage property along both sides of Queens Road, extending from Queens Road West all the way to the end of the subject area at Colonial Avenue, and extending up Colonial Avenue to near Providence Road as well as frontage property on Morehead, extending from Queens Road to the end of the project area at Bromley.

Councilman Harris moved the zoning in Area 6 remain multi-family and office zoning, which motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Withrow moved that the zoning in Area 6(a), consisting of one block along Queens Road, between Henley Place and Bromley Road, now zoned R-6MFH, remain zoned as is. The motion was seconded by Councilman Whittington.

Councilman Harris stated he would prefer to see the H deleted from this zoning. Councilman Williams stated he is in agreement.

Councilman Whittington stated we are going to have a hearing on the height of these things next week.

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A vote was taken on the motion that the zoning remain R-6MFH, and carried by as follows:

YEAS: Councilmen Withrow, Whittington, Alexander and Mayor Belk.
NAYS: Councilmembers Locke, Harris and Williams.

The Clerk read the following recommendation for Area 7: Recommend a change from R-6MF to R-9 of property along both sides of Henley Place and both sides of Bromley Road, between Queens Road and Morehead Street.

Councilman Harris moved that the zoning in Area 7 be changed from R-6MF to R-9, which motion was seconded by Councilwoman Locke.

A vote was taken on the motion, and failed as follows:

YEAS: Councilman Harris, Councilwoman Locke and Councilman Williams.
NAYS: Councilmen Alexander, Whittington, Withrow and Mayor Belk.

The Clerk read the following recommendation for Area 8: Recommend that the property on Moravian Lane be changed to R-6 and that the property on Dartmouth Place and Hermitage Court be changed to R-9, except for the parcel of land on Hermitage Court, identified as the Wolfe property, which will retain its existing R-6MF classification.

Councilman Harris moved that the petition be denied, which motion was seconded by Councilwoman Locke.

A vote was taken on the motion that the petition be denied, and failed as follows:

YEAS: Councilman Harris and Councilwoman Locke.
NAYS: Councilmembers Alexander, Whittington, Williams, Withrow and Mayor Belk.

Councilman Withrow stated he would like to suggest that the citizens who want their property changed, come individually to Council and he would even be willing to forego the one hundred dollar filing fee. That it would be better to come before Council individually, rather than to come as a group.

Councilman Whittington stated there is some question regarding the wording of the motion on Area 8 and Councilman Harris stated his motion was for the denial of the petition in Area 8 and let the zoning remain as is.

Councilman Williams stated he understood the motion to be to deny the recommendation of the Planning Commission.

Mayor Belk asked Councilman Harris if this was what his motion was and Councilman Harris replied no, his motion was that the petitioners, which is the Myers Park Homeowners Association, be denied and in effect, leave the zoning like it was.

After discussion, Councilman Alexander stated to make the motion clear, he moves that the property remain as it was originally classified, R-6MF, which motion was seconded by Councilman Whittington.

A vote was taken on the motion that the zoning remain the same, and carried as follows:

YEAS: Councilmembers Alexander, Whittington, Harris, Locke, Withrow and Mayor Belk.
NAYS: Councilman Williams.

(Councilman Short returned to the meeting at this time, and remained for the rest of the meeting.)

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SALE OF SURPLUS LANDFILL PROPERTY ON TYVOLA ROAD, DEFERRED UNTIL AFTER TYVOLA ROAD IS BUILT.

Councilman Whittington moved that the property on Tyvola Road not be sold at this time, which motion was seconded by Councilman Withrow.

Mr. Burkhalter, City Manager, stated periodically we have people who come to us and it is a long, tedious process to bring this up, and Council may want to give staff some kind of guidelines, but we have property over there now which no department in the city says it has any use for, and the way it is appraised now and the way it will probably be appraised, the City is losing anywhere from \$10 to \$15,000 per year in taxes on this land. That if the land were improved, it could bring from \$10 to \$50,000 per year in taxes. He stated Council ought to consider this fact.

Councilman Whittington stated Mr. Burkhalter's point there in taxes is something no one wants to overlook but here is this acreage, at the corner of Tyvola Road and I-77, a great deal which fronts on I-77, and for Council to just arbitrarily say we are going to sell this property is like putting the Mets up for sale tomorrow for an undetermined amount of money. That this property is going to be worth a lot more money tomorrow than it is worth today. He does not see the feasibility of the City selling this land when we do not need to do it and knowing where it is located and the value of it is going to enhance.

Mr. Burkhalter stated this decision is entirely up to Council. That he just wanted to point out the fact that when Council is, to a degree, speculating for this land on the value getting better, with the idea of selling it later to get more money.

Councilman Withrow stated we should wait until Tyvola Road gets through, then put it up for sale and not until that time, whether it increases or decreases in value, but let the road go in first.

Mr. Burkhalter asked if, after Tyvola Road is built, and a man comes in, we will go through all of this again and Councilman Withrow replied yes, but not until after Tyvola Road goes in.

Councilman Whittington stated he will change his motion to read not to sell this land until Tyvola Road is built. The motion was seconded by Councilman Withrow, and carried unanimously.

PROPERTY TRANSACTIONS IN FIRST WARD URBAN RENEWAL PROJECT AREA, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Harris, and unanimously carried, approving the purchase of the following properties located in the First Ward Urban Renewal Project No. N. C. R-79, as recommended by the Urban Redevelopment Department:

BLOCK & PARCEL	OWNER	ADDRESS	ACQUISITION PRICE
14-10	Dwiggins	508 East Ninth Street	\$ 19,000
15-17	Trustees of Temple Church	623 N. Davidson Street	100,000
22-9	Porter	612 East Ninth Street	15,000
22-10	Fraylon	608 East Ninth Street	13,500

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RESOLUTION AMENDING THE OFFICIAL ANNEXATION REPORTS FOR THE STATESVILLE ROAD-DERITA ROAD, HICKORY GROVE AND ALBEMARLE ROAD-YORK ROAD AREAS TO APPEND THERETO A LIST OF THE STREETS IN THESE AREAS WHICH WILL BE ACCEPTED FOR MAINTENANCE BY THE CITY OF CHARLOTTE, EXCLUDING HOWEVER, THOSE STREETS WHICH FORM A PART OF THE STATE HIGHWAY SYSTEM.

Councilman Short moved adoption of the subject resolution, which motion was seconded by Councilman Alexander, and unanimously carried.

The resolution is recorded in full in Resolutions Book 9, beginning at page 418.

PETITION TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REQUESTING THE ABANDONMENT OF CERTAIN STREETS DUE TO THE EXPANSION OF THE CHARLOTTE CITY LIMITS.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, subject petition was approved to the North Carolina Department of Transportation requesting the abandonment of certain streets due to the expansion of the Charlotte City Limits.

SUPPLEMENTAL AGREEMENT NO. 6 WITH DELTA AIR LINES AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Motion was made by Councilman Whittington, and seconded by Councilman Harris, approving a Supplemental Agreement with Delta Air Lines at Douglas Municipal Airport, for 2,290 square feet of ramp area, between Hold Rooms 12 and 14, to construct a Crown Room and a maintenance storage area.

Councilman Short asked if this area is exterior space and Mr. Burkhalter replied it is.

Councilman Harris asked how you can construct a Crown Room outside and Mr. Burkhalter replied it would be a VIP Room. Councilman Harris asked if the room would be built at Delta's cost and Mr. Burkhalter replied yes.

Councilman Harris asked if this lease date coincides with the 1980 date or if the lease is going to have to go until that date or with some other date. Mr. Birmingham, Airport Manager, replied no, there is a provision in the lease that if a new terminal is built, they have to continue paying rent on this area. That Delta is aware of the fact that the terminal may be moved.

A vote was taken on the motion, and carried unanimously.

ORDINANCE NO. 105-X TO AMEND ORDINANCE NO. 828-X, THE 1973-74 BUDGET ORDINANCE, AMENDING REVENUES AND EXPENDITURES TO COVER THE OPERATION OF THE NYC-I (IN-SCHOOL PROGRAM), FROM OCTOBER 15, 1973 THROUGH MAY 31, 1974.

Councilman Whittington asked Dr. Dave Travland, Executive Director of Model Cities, to explain this item.

Dr. Travland stated the Neighborhood Youth Corps In-School Contract was let for only a few months, and only for half of the funds. This was a technicality that the Department of Labor has been using when funds exceeded a certain amount. He stated this item funds the second half of the program.

Councilman Harris asked what the In-School Program does and Dr. Travland replied it provides part-time employment for disadvantaged children in the school system to keep them in school.

Councilwoman Locke moved adoption of the subject ordinance, which motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 452.

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MAYOR AUTHORIZED TO MODIFY THE EXISTING SUBCONTRACT WITH THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the Mayor was authorized to modify the existing subcontract between the City of Charlotte and the Charlotte-Mecklenburg Board of Education in accordance with this increased appropriation and extend this subcontract to May 31, 1974.

CONTRACTS FOR WATER MAINS AND SEWER CONSTRUCTION, APPROVED.

Motion was made by Councilman Harris, seconded by Councilman Alexander, and unanimously carried, approving the following contracts for water mains and sewer construction:

- (a) Contract with The Ervin Company for construction of 320 feet of 6" C. I. water main to serve the Idlewild South Subdivision, inside the city, at an estimated cost of \$1,450.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water mains.
- (b) Contract with Ed Griffin Company for construction of 780 feet of 8" C. I. water main to serve property abutting on Tom Hunter Road, inside the City, at an estimated cost of \$4,750.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water mains.
- (c) Contract with William Trotter Development Company for construction of 1,500 feet of 6" C. I. water main and one fire hydrant to serve Stonehaven Subdivision, Section 20, outside the City, at an estimated cost of \$7,000.00. Funds will be advanced by applicant under the terms of the existing City policies as related to such water mains.
- (d) Contract with G. R. Bradshaw for construction of 250 linear feet of 8-inch sewer extension in Milton Road to serve property at 6104 The Plaza, inside the City, at an estimated cost of \$2,400.00. The applicant has deposited 100% of the estimated cost and city forces are to construct. Refund to the applicant is as per agreement.
- (e) Contract with Mr. Tom Koufaliotis for the construction of 290 linear feet of 8-inch sewer main in Sulstone Lane, inside the City, at an estimated cost of \$3,450.00. The applicant has deposited 100% of the estimated cost and city forces are to construct. The City will own, maintain and operate. Refund is as per agreement.
- (f) Contract with Southeastern Tool and Die Company for 300 linear feet of 8-inch sewer main in Metal Drive, inside the City, at an estimated cost of \$2,920.00. The applicant has deposited 100% of the estimated cost and city forces are to construct. Refund is as per agreement.

ENCROACHMENT AGREEMENTS WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

Councilman Alexander moved approval of the following Encroachment Agreements with the North Carolina Department of Transportation, which motion was seconded by Councilman Whittington, and carried unanimously:

- (a) Encroachment Agreement for the construction of a 10-inch C. I. water main in SR 1128, Arrowood Blvd., from Granite Street, SR 1382, to I-77.
- (b) Encroachment Agreement for the construction of an 8-inch C.I. water main in NC 27 (Albemarle Road), beginning at Pierson Drive.

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RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF HOUSING AND URBAN REDEVELOPMENT ACCEPTING A SUPPLEMENTAL GRANT OF MODEL CITIES FUNDS.

Councilman Alexander moved adoption of the subject resolution, which motion was seconded by Councilwoman Locke.

Councilman Withrow stated he has heard a lot of comments on the cost of housing that was built under this program and if you take into consideration their administrative costs and all, these houses run more per square foot than houses built with the conventional methods. Mayor Belk stated this is correct.

Dr. Dave Travland, Executive Director of Model Cities, asked if Councilman Withrow is asking if the Motion houses cost more than conventional houses and Councilman Withrow replied yes, taking into consideration the administrative costs that are incurred in them.

Councilman Alexander stated you should bear in mind that Motion was set up on a different type of money.

Dr. Travland stated in answer to Councilman Withrow's question, yes, in the early stages, because the administrative costs in setting up a non-profit corporation like this so it can operate locally means you have front end costs that will make the cost per square foot of the house more at first, much more, but if you amortize the initial start of the cost of a program like Motion over a period of time, you are able to reduce the cost to make it more comparable and eventually less.

Councilman Whittington asked if Dr. Travland was present earlier today when the people appeared before Council opposing the project on Water Oak Road and the extensions of it and Dr. Travland replied no. Councilman Whittington asked if the homes on Springway Avenue have been sold and Dr. Travland replied he believed they have been sold. Councilman Whittington asked Dr. Travland to check on this and give Council a firm answer on this by next Monday.

Councilman Whittington asked about the status of the houses in Greenville and Dr. Travland replied the homes in Greenville that are being built now are not being built by Motion. That Motion has applied for and received approval to begin some in a development in Greenville, but it is a multi-family type project.

Councilman Harris asked if this was the project shown on the map the other day at the Manger and Dr. Travland replied yes.

Councilman Whittington stated they were telling about how much the costs were with vandalism, etc. and still no one was living in the houses. Dr. Travland stated those were not the Motion homes. Councilman Alexander stated Motion does not have anything to do with those homes - Motion has not yet started building in Greenville.

Councilman Whittington asked what the \$92,000 on this item would be used for and Dr. Travland replied this would be to stand the administrative expenses one more year to get them to the point where they can hopefully become self sufficient.

Councilman Harris asked if Council is approving funds for administrative costs to continue an organization with the doubt of whether or not they can get financing to do what they are set up to do and Dr. Travland replied the Motion people have told him they will be able to sell these houses. That Motion, Inc. is also a general contractor, also has management contracts and is able to get themselves involved in a number of areas besides just building single family homes. They are able to mobilize and bring to bear a number of strategies, not simply building some single family homes, rehabilitation, for example, is an area they are getting ready to get involved in.

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Councilman Whittington stated after going to Washington last week and listening to everyone, it seems if we are going to get more housing, we have to do it another route from the way we have been going and Motion is one of those routes. That they just tell you flat out that it is out of date and outmoded.

Councilman Harris stated we have requested from the Urban Redevelopment Department about their coming before Council with an alternate plan on how we can develop some housing in Greenville and he is wondering if we are approving this, then waiting on other plans to come in on how financing, or subsidies or whatever we are going to have to do to build houses out there. Councilman Alexander stated we have Motion. We have an instrument whereby we can build houses. That if we do not have Motion, we do not have anything. That Motion was originally constructed to cover the whole housing program so it could do any one or all of these things in housing, whatever the situation was. He stated if we do not approve these funds, they are going out of business and they need this money to stay in business and we need Motion to stay in business to help solve our housing problems.

Dr. Travland stated the administrative costs that are being covered in this item really allow Motion to stay in business and to bring to bear on the housing situation resources from other sources. That all this does is pay the administrative costs.

Councilman Whittington stated as far as he is concerned, somebody has got to show Council some results. That results up to now have been very poor.

Councilman Alexander stated that federal impoundment of funds and the way they have the housing legislation tied up also has an impact in this; you cannot expect Motion to do what it cannot do because somebody else is also tied. That in Greenville, anybody can buy property for anybody who wants to develop it and we need to be looking for some developers to develop it. There is no way in the world Motion can take over all of Greenville and develop it. They need to cut loose the impoundment of housing funds so we can do something with housing.

Councilman Harris asked when we can expect the report from the Urban Redevelopment Department for developing housing in Greenville and Mr. Burkhalter replied he was not present at that meeting, but would check on it.

Mr. Burkhalter stated Motion is a private corporation and he does not think Council could have told Motion to do anything about the housing over there on the streets the people were talking about today. That this is a private corporation, set up under existing state laws and they took some action. He stated this is the time to do something about Motion, when you appropriate money for them, because this is the control Council has.

He stated since the inception of Motion, which was done with Model Cities money, the only money that has ever been put into it, none of city revenue was ever put into Motion, this is an additional allotment of money, over and above everything we have been given for Model Cities. The fact that the federal government went overboard to give us this money may indicate they have hopes that housing is going to break loose.

Councilman Alexander stated we should bear in mind that these are Model Cities Grant Funds.

Mr. Burkhalter stated this is money which comes from Uncle Sam and directed to Model Cities Programs and this is what the Model Cities has suggested that it be used for.

After further discussion, Councilman Alexander stated if anybody is accusing Motion of not functioning, it is because Motion was hamstrung so it could not function. That he is hoping that Motion can be our hope for many things. That is what it was organized to be and set up as an entity, under, under its own Charter as a corporation, to do just these things. He stated what Council has to do is to let it go and do these things.

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Councilwoman Locke stated we also need a report back to Council on what it is accomplishing. Councilman Alexander stated we ought to have Motion come before Council and tell us what we have never heard.

Councilman Withrow stated we could have a meeting and have Motion come in and tell Council what it is costing them and this would answer all the questions.

Councilman Short asked about the explanatory material on today's attachment which read the project will provide technical assistance to profit and non-profit sponsors in marketing, management and fiscal services for housing construction. That he is not clear on the meaning, it seems to say it helps real estate salesmen be real estate salesmen. Dr. Travland stated this is a typographical error in the explanation sheet and will be corrected.

Mr. John Bethel, of Model Cities, stated what it means is that Motion, in an effort to make itself self-sustaining, is going into the marketing field and also in the management field. In other words, if someone who owns a complex wants somebody to manage it, Motion will contract with them to make the complex self sustaining.

Councilman Short stated what they are saying then is that Motion has not directly engaged in financial arrangements for purchases and has not engaged directly in selling operation.

A vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 432.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES COLLECTED THROUGH CLERICAL ERROR FROM THIRTY-SIX ACCOUNTS.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, adopting the subject resolution authorizing the refund of certain taxes collected through clerical error from thirty-six accounts, in the amount of \$16,868.87.

The resolution is recorded in full in Resolutions Book 9, at Page 433.

APPROVAL OF SETTLEMENT IN CASE OF CITY V. COSTULA K. KOKENES, AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Whittington asked where these signs are located and Mr. Birmingham, Airport Manager, replied they are on the left, going into the airport. Councilman Whittington asked why they are taking the signs down and Mr. Birmingham replied the property has been condemned for the airport's use and the signs are in the way for future development.

Councilman Whittington asked what the future development is and Mr. Birmingham replied we do not know right now but the condemnation was justified on the basis that it would be used for some airport related purpose.

Councilman Whittington asked if these two signs are right in the "V" where, if you were coming out of the terminal, you could go to the right to get to Highway 160 or you could go straight ahead and turn left and Mr. Birmingham replied yes. Councilman Whittington asked how much space these two signs cover and Mr. Birmingham replied a good many spaces which could be used for parking.

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Councilman Whittington stated it seems every time we have a billboard somewhere we have to take it down when it is an income to some party, and in this case, a Mrs. Kokenes, who is a widow. That one sign company has lost over 300 signs and eventually we will put people out of business just day by day. If it does not have to be done, why do we do it? Mr. Birmingham replied if we want to develop the property, we have to move the signs. That the purchase of this property was justified through the Federal Aviation Agency by stating we are going to develop this property with an airport related activity. He stated the signs are not an airport related activity.

Councilman Whittington asked when this area was going to be developed and Mr. Birmingham replied he did not know. Councilman Whittington stated in the meantime, here is a lady we could be helping.

Councilman Harris asked if we would lose the FAA support financially if we turn this down and Mr. Birmingham replied he did not think we would lose the support but we would have to leave the signs there until 1976 and it would restrict the use of the area.

Mr. Underhill stated the City has already condemned this property. Mrs. Kokenes no longer owns it because the City owns it and any revenue from the signs now comes to the City rather than to her. That the City owns this property fee simple.

He stated this is a lawsuit that, in addition to Mrs. Kokenes' property, has two other sign companies in it as they have a leasehold interest and what this settlement would do is settle the leasehold interest part of it. That we still have not settled with Mrs. Kokenes as to the value of her real estate. All this is doing is getting the leasehold interest out of the lawsuit.

Councilman Short asked if this would be a partial consent judgement and Mr. Underhill replied that is correct.

After further discussion, and explanation by the City Manager, Councilwoman Locke moved approval of the settlement of outdoor advertisement signs in Airport Condemnation Lawsuit, City v. Costula K. Kokenes, et al, Parcel 400, in the amount of \$12,800.00, as recommended by the City Attorney. The motion was seconded by Councilman Williams, and carried unanimously.

CLAIM FILED BY MR. CLYDE CHERRY MALPHURS FOR PROPERTY DAMAGE, DENIED.

Upon motion of Councilman Withrow, seconded by Councilman Williams, and unanimously carried, the subject claim by Mr. Clyde Cherry Malphurs, 1505 Matheson Avenue, in the amount of \$520.00, for property damage, was denied as recommended by the City Attorney.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Harris, seconded by Councilman Withrow, and unanimously carried, approving the following property transactions:

- (a) Acquisition of 9' x 18.55' of easement at 4220 Nivens Road (off Statesville Avenue) from Jack D. Stiles and Peggy Y. Stiles, at \$200.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (b) Acquisition of 15' x 136.91' of easement at 5000 Hoover Drive (off Nevins Road), from Benjamin F. Copeland III and Lillian D. Copeland, at \$200.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (c) Acquisition of 13.40' x 76.91' x 15.64' x 77.29' of property at 1621 Oaklawn Avenue, from Perty James Dargan and Elizabeth McA., at \$2,709.00, for Oaklawn Avenue Widening Project.

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- (d) Acquisition of 11.30' x 55.01' x 33.51' x 34.22' x 76.67' of property at 1636 Oaklawn Avenue, plus a construction easement, at \$1,500.00, from Ellen H. Johnson for Oaklawn Avenue Widening Project.
- (e) Acquisition of 24.99' x 29.31' x 54.67' x 7.73' x 72.75' of property at 1646 Oaklawn Avenue from Margaret H. Sherrill and T. A. Sherrill, at \$1,000.00, for Oaklawn Avenue Widening Project.
- (f) Acquisition of 100' x 1.25' x 72.69' x 37.75' x 27.91' of property at 2025 Oaklawn Avenue, from Johnnie A. Beaver, (widow), at \$2,900.00, for Oaklawn Avenue Widening Project.
- (g) Acquisition of 10.73' x 14.00' x 18.96' of easement at 513 Springbrook Road (northeast corner of Springbrook Road & Chastain Avenue), from Smith and Stevenson Properties, a Partnership, at \$1.00, for right of way for Springbrook Road and Chastain Avenue.

CONTRACT AWARDED L & N ROYAL TIRE SERVICE FOR THE ESTIMATED YEARLY REQUIREMENT OF TIRE RECAPPING AND REPAIR SERVICES FOR THE CITY.

Councilman Withrow moved award of contract to the low bidder, L & N Royal Tire Service, in the amount of \$38,114.76, for furnishing tire recapping and repair service for the City of Charlotte on an estimated yearly requirement basis, which motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

L & N Royal Tire Service	\$38,114.76
Firestone Truck Tire Center	56,203.29

NEXT COUNCIL MEETING TO BE AT THE BOARD OF EDUCATION MEETING ROOM ON MONDAY, MARCH 18, 1974, AT 8:00 P.M.

Motion was made by Councilman Short, seconded by Councilwoman Locke, and unanimously carried, setting the date and time of the next Council Meeting for Monday, March 18, 1974, at 8:00 o'clock p.m., at the Board of Education Meeting Room.

MISS JOY JUSTICE OF THE RED HORNETS EXTENDS INVITATION TO COUNCIL.

Miss Joy Justice, 1712 Cleveland Avenue, stated the Red Hornet's Club would like to invite Council to attend the people's bread line where they will be giving away homemade bread and soup. That this will take place on April 6th, outside the Civic Center.

Mayor Belk asked what the Red Hornet Club was and Miss Justice replied it is the group that is suing the Charlotte Police Department and the Secret Service, Bob Halderman and several others in connection with The Billy Graham Day.

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RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF MR. FRANK K. SIMS, JR.

Councilman Alexander stated he would like to submit the following resolution:

"WHEREAS, it was with deep regret that the City Council learned of the death of Frank K. Sims, Jr. on March 10, 1974 in Fort Lauderdale, Florida after a long illness; and

WHEREAS, before his retirement in 1965, Frank Sims served as Chairman of the Charlotte Alcoholic Beverage Control Board for almost eighteen years and was deeply involved in alcoholic beverage control in North Carolina, believing that the success of the ABC System was in the effective control of alcohol;

WHEREAS, Mr. Sims rendered valuable service in that capacity giving generously of his time and efforts, and the City of Charlotte is indebted to him for his contribution and dedication to his position.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session, duly assembled, this 11th day of March, 1974, that the deepest sympathy of the members of the City Council is hereby extended to the family of Frank K. Sims, Jr., and that his name be and the same is hereby memorialized and honored; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his family, and that this resolution be spread upon the minutes of this meeting."

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted expressing sympathy on the death of Mr. Frank K. Sims, Jr.

ADJOURNMENT.

There being no further business before Council, the meeting was adjourned.

Louise Comfort, Deputy City Clerk