

The City Council of the City of Charlotte, North Carolina, met on Monday, October 14, 1974, at 3:00 o'clock p.m. in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Pat Locke, Milton Short, Neil C. Williams and Joe D. Withrow present.

ABSENT: Mayor pro tem James B. Whittington.

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INVOCATION.

The invocation was given by Councilman Milton Short.

MINUTES APPROVED.

Upon motion of Councilman Harris, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on Monday, October 7, 1974, were approved as submitted.

MAYOR PRO TEM ABSENT DUE TO CONFLICT.

Mayor Belk advised that Mayor pro tem Whittington is sorry that he will not be able to attend the Council Meeting today but he has a conflict.

ADMINISTRATIVE COMMITTEE ON CONSOLIDATION REQUESTED TO BRING COUNCIL A RECOMMENDATION ON CONSOLIDATION OF CITY AND COUNTY POLICE DEPARTMENTS.

Mayor Belk recommended that the consolidation of the city and county police departments be brought up in the Administrative Committee on consolidation for a recommendation to Council on a form of consolidation. He stated most everything is consolidated with the exception of the patrolmen.

Councilman Williams stated he thinks the initiative on this should come from the Committee as a whole. He asked if any contact has been made to get the County's feelings? Mayor Belk replied he has had some contact; but he thinks we should have a plan before discussing it. He would like to see what the Administrative Committee, where the city and county are both represented, would recommend to Council.

Councilman Withrow stated that Committee is composed of Pete Foley, Jim Whittington and himself. He asked when the Mayor would want this report? Mayor Belk replied that would be left to them; anything of this importance should not have a time limit. Whenever they are ready to bring back a plan with which to work with both chiefs, then it could be brought to Council.

Councilman Harris stated since we are working through the Consolidation Committee, he thinks the motion should read to ask the Chairman of the Consolidation Committee to have the Administrative Committee make this recommendation.

Councilwoman Locke moved approval of the request, which motion was seconded by Councilman Withrow, and carried unanimously.

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REPORT FROM POLICE DEPARTMENT ON PROCEDURES FOR HANDLING SHOPLIFTING PROBLEMS.

Assistant Chief Adams of the Police Department stated during the month of September, the records indicated 150 arrests for shoplifting. The latest in the National Uniform Crime Report indicates that shoplifting is up 67% from the five year period from 1968-73. The nature of larceny, petty unobserved thieves, and so forth makes it an extremely difficult offense for police to solve.

One type of service the Police Department renders is geared towards professional shoplifting. The Department conducts conferences for merchants, associations, shopping centers, and individual retail outlets for the purpose of informing them of ways to discourage and detect shoplifting in their places of business. Many more of these meetings are planned. During these seminars, films are used and brochures and pamphlets are distributed to aid them in their war on shoplifting. Some of these pamphlets are being provided by the Charlotte Merchants Association. He stated much of the off-duty or moonlighting work of police officers in Charlotte is aimed at this problem of shoplifting, working for various retail outlets. They plan to make many more frequent contacts and seminars available through use of mobile vans, under the LEAA Grant which City Council approved a few weeks ago.

Chief Adams stated there have been some procedural problems in the Police Department in the legal handling of warrants and transporting and handling of persons observed in business establishments for shoplifting. But these deficiencies have been corrected. Some people were misinformed, but Pat Hunter, Police Attorney, has been working with them on what the law is and has been working very closely with the Police officers, instructing them on the law.

Mr. Hunter stated two years ago, at the request of the North Carolina Merchants Association, the Legislature added a section to the unlawful concealment, which is the shoplifting statute - this protected the merchants and any of his employees, even the police from unlawful detention, arising out of detentions used in an unlawful concealment case. This did not apply to larceny. At that time, the Representative who introduced the Bill came to the Police Department and appeared before the sergeants and gave his interpretation and explained the Bill. There were some areas that could have lead to misinterpretations; they did not have uniformity of approach and procedures used in handling the shoplifters.

He stated he has issued a legal opinion and he met with the sergeants last week; any difference of interpretation has been resolved and they are issuing a directive that will establish a uniform procedure for handling all shoplifters.

Mr. Hunter stated some officers were concerned about picking up shoplifters at a scene after the merchant had apprehended them and that it was not done in the presence of the officer. It has now been clarified and the officers will pick up the offender, transport him to the jail and sign the warrant, and the manager or person that saw the offense will be put down as the witness. Previously, the Manager had been requested to come down and sign the warrant - this caused some confusion, but it will no longer be necessary.

Councilman Short asked if it is true that our officers can now pick up the suspect and bring him into the Sheriff's quarters for the necessary swearing of the warrant and that sort of thing? Mr. Hunter replied yes. Councilman Short asked how an officer can do this if he does not see or

does not have the evidence? Mr. Hunter replied under unlawful concealment, the legislature allows this detention, but only for unlawful concealment. He stated the confusion arises when the store wants to charge larceny; this privilege is not available to the officer for larceny. Beginning in June of 1975, the provision of the Criminal Code will go into effect and this will solve any problems we have because they can arrest for misdemeanors not committed in their presence.

Councilman Short stated he would like to mention a possible plan and see if Mr. Hunter has any reaction to it. That basically he would like to know if there is a need to have magistrates located somewhere in areas where shopping centers are particularly located. For example, the South Boulevard area or other areas where shopping centers are rather thick. Adding to this question, the legislature has authorized us to have a certain number of magistrates, and we do not have the full quota. The question is whether we could serve our citizens as well by placing a magistrate in areas of this sort. That he has talked to several people about this matter. That he is not speaking for Mr. Blackburn, but Mr. Blackburn has said it would not be such a bad idea; but he would be concerned about the rent on quarters for them somewhere out in a shopping center area. Councilman Short asked if the city could put them in a fire station or some city building or something of that sort, and it would be of a general service to merchants?

Mr. Hunter replied he would prefer to answer or comment on Councilman Short's questions later.

Mayor Belk stated he feels the question of magistrates and running the courts is in the county's area, and right now we have other things to take care of rather than being concerned about trying to coordinate this function at this time.

**REPORT REQUESTED ON ACTUAL RESPONSE TIME OF POLICE TEAM MEMBERS TO CLOCKED-IN CALLS.**

Councilman Harris asked Assistant Chief Adams if he has a record of the actual clocked-in calls and the actual response time of team members. That he would like to have a report on this and in percentages. He requested that this information be given to Council.

**COUNCIL ADVISED THAT REPORT ON SPECIAL OFFICER PERMITS HAS BEEN FILED WITH THE CITY MANAGER'S OFFICE.**

Councilman Harris stated he has asked for a report on the requirements for special police officers. He asked if the Police Department has a report on this and if they do anything other than review their records; or is there a training program for these officers? Chief Adams replied they have filed a report with the City Manager today; that the Department only checks their records prior to approving or denying the request for a permit.

**ORDINANCE MAKING IT ILLEGAL TO DISOBEY SCHOOL CROSSING GUARDS REQUESTED, AND TRAFFIC ENGINEER TO DISCUSS REDUCING SPEED LIMITS IN SCHOOL AREAS.**

Councilman Alexander stated he has been reading the articles in the paper about the school children and traffic problems the crossing guards are having. Chief Adams replied they are concerned also; that the crossing guards are not working as police officers, but as school crossing guards

and they have no arrest powers.

Councilman Alexander moved that an ordinance be prepared that makes it illegal to disregard a school crossing guard, displaying a stop sign, in a marked school zone. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Short asked if it would not be desirable to reduce the speed so that instead of going 10 MPH slower than the prevailing speed, you would have to get down to some standard speed around schools, such as 15MPH or 20 MPH? Chief Adams replied he would like to see some work done on this from the engineering standpoint and from the enforcement end to find out the real problem in the school zones. You can put out all kinds of signs, but unless there is some public information, and the motorists willingly abide by most of it, you cannot enforce the letter of the law. We have seen that in the speed laws in the past. We are more realistic now with the present speeds and the way in which they are marked.

Councilman Short stated 45MPH down to 35MPH is not very safe. He requested the City Manager to have the Traffic Engineer to discuss this with Council as soon as possible.

Councilman Harris stated in the County, especially during the opening of school, you always have the highway patrol very visible around the buses - following and observing them. That he has never seen that in the City around these schools. He thinks it would be well if the various teams could help out in these areas just by being more visible.

ORDINANCE NO. 417-X AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A THREE ACRE TRACT OF LAND ON THE NORTH SIDE OF BRIAR CREEK, WEST OF PARK ROAD AND EXTENDING WEST TO SUGAR CREEK ON PETITION OF PARK-SELWYN DEVELOPMENT COMPANY.

Upon motion of Councilman Alexander, seconded by Councilman Harris, and unanimously carried, the subject ordinance was adopted changing the zoning from R-6MF to O-6 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 21, at Page 305.

#### ENCROACHMENT AGREEMENTS, AUTHORIZED.

Councilman Harris moved approval of the following resolutions authorizing encroachment agreements, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Resolution authorizing an agreement with Southern Railway Company for the construction and maintenance of four water pipe lines crossing under the Southern Railway Company tracks near Derita.
- (b) Resolution authorizing an agreement with Southern Railway Company for a 24 inch water main crossing under Southern Railway Company tracks at Arrowood Road.

The resolutions are recorded in full in Resolutions Book 10, beginning at Page 141.

#### RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS.

Upon motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, the subject resolution was adopted authorizing

condemnation proceedings for the acquisition of property belonging to A. E. Spears and wife, Matilda B. Spears; and G. Benjamin Hairston, located at 2032 Oaklawn Avenue for the Oaklawn Avenue Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 143.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Mozelle M. Brown and husband, Ikie Brown, located at 1923 Oaklawn Avenue, for the Oaklawn Avenue Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 144.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Brevard Henry Haynes and wife, Mary Grace Haynes; James Haynes (Single); Andrew Haynes and wife, Irene Haynes; Alfred Haynes and wife, Lorine Haynes; Annie Louise Hailey and husband, John Knox Hailey; Carrie E. Walls and husband, Arthur Walls; Jeanette Haynes (widow); John Willie Haynes (single); Mildred Alice Parks and husband, James Parks; Ernest Haynes (Single), located at 1912 Oaklawn Avenue, for the Oaklawn Avenue Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 145.

ACQUISITION OF SANITARY SEWER EASEMENTS FOR THE ANNEXED AREAS, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, approving the acquisition of 14 parcels of sanitary sewer easements for the annexation areas, as follows:

- (a) Campbell Creek Sanitary Sewer Outfall  
1
- (b) Annexation Area I (11) Sanitary Sewer Trunks  
1
- (c) Annexation Area I (1 & 12) Sanitary Sewer Trunks  
1
- (d) Annexation Area I (3) Sanitary Sewer Trunks  
1
- (e) Annexation Area II (7) Sanitary Sewer Trunks  
2
- (f) Annexation Area I (2) Sanitary Sewer Trunks  
8

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the following property transactions were authorized:

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- (a) Acquisition of 14.09' x 107.57' of easement from 44.87 acres on Old Providence Road near Lancer Drive, from Calvin D. Mitchell, Jr., Mary May Gillespie, Richard Gillespie, Husband, Fay M. Hand and E. Hall Hand, husband, at \$257.00 for proposed 16-inch water main in Old Providence Road at McAlpine Creek.
- (b) Acquisition of 26' x 31.42' x 78.61' x 8.76' x 92.23' at 3201 North Sharon Amity Road, from Hampton Hugh Ross and wife, Burrell G., at \$1,100.00, for Sharon Amity Road Widening.
- (c) Acquisition of 60' x 65' x 69' x 100' of construction easement, at 4918 Addison Drive, from Ernest L. Brown and wife, Joye H., at \$250.00 for storm drainage Improvements, Addison Drive.
- (d) Acquisition of three parcels in the First Ward Urban Renewal Project, as follows:
  - (1) 6,793 square feet from Grady L. Ross, at 520-22 North Caldwell Street, at \$8,000.00.
  - (2) 9,801 square feet from Grady L. Ross, at 715 North Davidson Street, at \$5,200.00.
  - (3) 7,200 square feet from Grady L. Ross, at 941-43 North Davidson Street, at \$4,900.00.

**ORDINANCES ORDERING REMOVAL OF WEEDS, GRASS, TRASH AND ABANDONED MOTOR VEHICLE, ADOPTED.**

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting the following ordinances ordering the removal of weeds, grass, trash, tree limbs and abandoned motor vehicle:

- (a) Ordinance No. 418-X ordering the removal of tree limbs at 301 Keswick Avenue.
- (b) Ordinance No. 419-X ordering the removal of weeds, grass and trash adjacent to 311 West 7th Street.
- (c) Ordinance No. 420-X ordering the removal of weeds, grass and trash adjacent to 311 West 7th Street (to right).
- (d) Ordinance No. 421-X ordering removal of abandoned motor vehicle located at 1820 Erie Street.

The ordinances are recorded in full in Ordinance Book 21, beginning at Page 306.

**STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.**

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, approving the following streets for maintenance by the City:

- (a) Charlotte Distribution Center
  - (1) Lindbergh Street, from Ashley Road to end.
- (b) Foxcroft East
  - (1) Halford Place, from Arborway Road to end.

(c) McClintock Woods

- (1) Coatbridge Lane, from 560 feet north of McLaughlin Drive to end south.
- (2) McLaughlin Drive, from Coatbridge Lane to 200 feet east.

(d) Olde Georgetowne

- (1) Prince George Road, from Sharon Acres Road to 1020 feet northwest.
- (2) Dumbarton Drive, from 250 feet south of Whistlestop Road to end.
- (3) Whistlestop Road, from Sharon Road to 480 feet east.

SPECIAL OFFICER PERMITS, AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, authorizing the following Special Officer Permits for a period of one year each:

- (a) Renewal of permit to James Richard Jenkins for use on the premises of Charlotte Park & Recreation Commission.
- (b) Issuance of permit to Wayne E. Schultz, for use on the premises of Sam Solomon Company, 5809 East Independence Boulevard.
- (c) Issuance of permit to Pete Andrew Thore for use on the premises of Sam Solomon Company, 5809 East Independence Boulevard.

REQUEST OF O. C. EARNEY FOR RETIREMENT SERVICE CREDITS DENIED.

Councilman Short asked if Mr. Earney paid any money out of his wages or any other money into a pension fund during the period of 1928-1943? Mr. Bobo, Assistant City Manager, replied he did not.

Councilman Williams stated he requested that this item be placed on the agenda for disposition as the Attorney representing Mr. Earney wanted it disposed of. That he told him he would vote in accord with the recommendation of the Staff which is to deny the request.

Councilwoman Locke moved that the request of O. C. Earney for retirement service credits be denied. The motion was seconded by Councilman Williams, and carried unanimously.

AMENDMENT TO LEASE WITH QUEENS PROPERTIES, INC. FOR THE UTILITIES OPERATIONS CENTER, AUTHORIZED.

Motion was made by Councilman Harris, and seconded by Councilman Short to approve the amendment to the lease-purchase contract with Queens Properties, Inc., for the Utilities Operations Center to reflect the date for occupying the building and the beginning date of the rental payments.

After explanation by Mr. Bobo of the amendments, the vote was taken on the motion, and carried unanimously.

CONTRACT WITH SAMBO'S RESTAURANT, INC. FOR SANITARY SEWER MAIN AUTHORIZED.

Councilman Alexander moved approval of a contract with Sambo's Restaurant, Inc., for the construction of 635 Linear feet of 8-inch sanitary sewer main beginning in Freedom Drive, extending to the corner of Ashley Road and Tuckaseegee Road, inside the city, at an estimated cost of \$8,395.00 on which the Applicant has deposited 100% of the estimated cost, with the city to do the construction and refunds will be made as per the agreement. The motion was seconded by Councilman Short, and carried unanimously.

CONTRACT AWARDED FADELS, INC. FOR LITTER RECEPTACLES.

Motion was made by Councilman Short, seconded by Councilman Harris, and unanimously carried, awarding contract to the low bidder, Fadels, Inc., in the amount of \$11,082.00 on a unit price basis for litter receptacles to be used in outlying business and shopping areas.

The following bids were received:

Fadels, Inc.	\$11,082.00
Gardner & Benoit, Inc.	11,165.14
Hood Hotel Supply Company	11,985.00
Maintenance Supply Company, Inc.	12,207.00
Kemex, Inc.	14,250.00

CONTRACT AWARDED UTILITIES SERVICE, INC. FOR TRUCK WITH SPECIAL UTILITY BODY FOR FIRE DEPARTMENT.

Councilman Harris moved award of contract to the low bidder, Utilities Service, Inc., in the amount of \$7,861.00, for one 18,900 GVW truck with special utility body for the fire department. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Utilities Service, Inc.	\$ 7,861.00
Baker Equipment Engineering Co.	8,416.66
Map Enterprises, Inc.	9,290.04

CONTRACT AWARDED GOODALL RUBBER COMPANY FOR RUBBER RAINWEAR.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Goodall Rubber Company, in the amount of \$6,249.28, on a unit price basis for rubber rainwear for Utility Department and Public Works Department.

The following bids were received:

Goodall Rubber Company	\$ 6,249.28
Allied Safety Supply Company	6,363.17
Industrial & Textile Supply Co.	8,209.89

LETTER OF APPRECIATION FOR CITY EMPLOYEES' CONTRIBUTIONS TO THE UNITED WAY CAMPAIGN.

Councilwoman Locke read the following letter of appreciation:

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October 9, 1974

The Honorable John M. Belk  
Mayor of Charlotte  
City Hall  
Post Office Box 2727  
Charlotte, North Carolina

Dear John:

I wish to commend very highly the fine work that Dave Burkhalter and David Stradinger did in leading the United Way Campaign among the city employees. At the very first report meeting the city employees reported \$83,725.86 for 110.2% of their entire goal.

All of us involved in the United Way Campaign are very grateful for the outstanding support given by the city employees. Perhaps at the next Council meeting you may wish to congratulate those involved and enter into the record the outstanding success of the drive.

I am very aware of your fine support as well as that of your secretary and I am personally very appreciative to all concerned.

Sincerely yours,

Maloy R. Rash, Jr."

**MOTION FOR CITY COUNCIL TO HAVE AN EXECUTIVE SESSION.**

Councilman Harris moved that the City Council hold an Executive Session immediately upon the conclusion of the luncheon meeting on October 21, 1974 for the purpose of considering a personnel matter pursuant to G.S. 143-318.3(b). The motion was seconded by Councilman Williams.

Mayor Belk stated he does not understand why the meeting is being called, and he wonders why the press is left out. Councilman Harris replied it is on a personnel matter.

The vote was taken on the motion and carried unanimously.

**REQUEST FROM BLACK WOMEN'S CAUCUS TO USE LOUDSPEAKERS IN TWO PARADES ON OCTOBER 19 AND OCTOBER 26, APPROVED.**

Motion was made by Councilman Alexander, seconded by Councilman Harris, and unanimously carried, to permit the Black Women's Caucus to use loudspeakers in two campaign parades on October 19 and October 26, 1974, each to begin at 2:30 p.m.

**COUNCIL INFORMED THAT LAW SUIT HAS BEEN FILED AGAINST THE CITY BY PROCTOR AND GAMBLE AND ACKNOWLEDGEMENT SIGNED BY MAYOR AND COUNCIL.**

Mr. Underhill, City Attorney, informed Council that a law suit has been filed against the city by Proctor and Gamble; that it is a tax assessment suit where Proctor and Gamble is challenging the legality of tax levy against certain goods stored in warehouses. He requested the Mayor and Council to sign the receipt of the subpoena which is being passed around, with a copy of the subpoena for each member.

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NOMINATION OF JACKIE FROST TO PARADE COMMITTEE.

Councilman Short placed in nomination the name of Miss Jackie Frost to the Parade Committee for a three year term. He stated the information will be sent out with the next agenda.

ADJOURNMENT.

Upon motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, the meeting was adjourned.

  
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Ruth Armstrong, City Clerk