



CHARLOTTE™

**City Council
Follow-Up Report**

August 1, 2014

July 28, 2014 – Council Business Meeting

Police Complaint from Stewart Helms

Staff Resource: Rodney Monroe, CMPD, 704-336-2337, rmonroe@cmpd.org

During the Citizens' Forum, Stewart Helms spoke to the City Council concerning his request for a police report on a civil matter involving his family. Mr. Helms described the situation involving CMPD as "police work gone bad." Council requested a report summarizing the facts surrounding Mr. Helms's situation.

On July 17, 2012, three CMPD officers responded to a call for service generated by Stewart Helms' sister in reference to a family dispute. Mr. Helms was seeking financial assistance from his sister and brother-in-law. They had refused the request and tensions were rising between Mr. Helms and his brother-in-law. The sister sought police assistance to prevent the verbal dispute from escalating into a physical altercation. A second call arrived from Mr. Helms regarding the same incident. The officers who responded to the scene indicate that Mr. Helms did not report being physically assaulted nor did he ask for a report. The responding officers did not take a report because no crime had been committed and the incident was regarded as a civil dispute between family members regarding finances.

Mr. Helms was subsequently arrested on October 15, 2012 when police responded to a call to assist DSS in retrieving items belonging to Mr. Helms' mother who was already in the custody of Adult Protective Services. Officers responding to that call found that there was an outstanding warrant for Mr. Helms' arrest for communicating threats in Catawba County. Officers arrested Mr. Helms on that warrant. He resisted arrest, verbally threatened to harm the officers and damaged the police car by kicking at the sides of the windows. Consequently, he was also charged with Resisting Arrest, Obstruct and Delay and Damage to Property. Mr. Helms was subsequently convicted of the Communicating Threats charge in Catawba County and spent 61 days in the Catawba County Jail. Mr. Helms says that his incarceration made him lose everything, including his house and dog, and caused him to miss the competency hearing for his mother. After being released from the Catawba County Jail, Mr. Helms went to California and just recently returned to Charlotte.

Mr. Helms claims that if officers had taken a report on July 17, 2012, he would not have committed the communicating threats offense in Catawba County for which he was arrested in October 2012. He feels that all of his current problems stem from that arrest and the subsequent time spent in jail in Catawba County.

At the end of his presentation to the Council, Mr. Helms referenced coming to the Police Department to get a report regarding an incident with a Duke Energy employee. In that incident, on January 23, 2012, a Duke Energy employee removed the power meter from Mr. Helms' home due to the theft of power. Mr. Helms

stood behind the Duke Energy vehicle to prevent the employee from leaving and claims to have been struck by the vehicle. Mr. Helms did not seek medical help at the time of the incident.

CMPD Captain Gregg Collins from the Freedom Division called Mr. Helms on Wednesday, July 30, at the request of the City Manager. Mr. Helms claims that the Mayor told him a police report would be filed. When Capt. Collins told him there was nothing more the City could do for him, Mr. Helms became irate, told Captain Collins he “sucks” and assured him he would be back to speak to Council again. There is nothing further that police can do to assist Mr. Helms.

Pedicab Ordinance Discussion Timeline of Events

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Thomas E. Powers III, City Attorney’s Office, 704-336-5887, tpowers@charlottenc.gov*

The Charlotte Pedicab Association made a request to Council regarding possible changes to the Pedicab ordinance codified under City Code Section 14-254. Council referred the issue of a revised Pedicabs Ordinance to the Community Safety Committee during its July 23, 2012, Council Business meeting.

Between October 2012 and December 2012, the Community Safety Committee received information from Staff regarding the current Pedicabs Ordinance and prospective changes to the Pedicabs Ordinance including administration and enforcement by the Passenger Vehicle for Hire office.

Between December 2012 and January 2013, staff provided an outline and recommendations for a revised Pedicabs Ordinance to the Community Safety Committee. The Community Safety Committee reviewed issues related to company operating certificates, driver’s permits, driver’s appearance, pedicab operating requirements, pedicab equipment requirements, minimum insurance requirements, rates, prohibitions for advertisements and parking on sidewalks, inclusion of seatbelts and electronic credit card devices, establishing grounds for suspension/revocation or civil fines, and creating a new Pedicab Appeals Board. The proposed revised Pedicab Ordinance would codified under a newly created article within Chapter 22 of the Charlotte City Code.

In January 2013, the Community Safety Committee voted unanimously to recommend the proposed revised Pedicab Ordinance to the entire Council.

In April 2013, Council vote to send the proposed revised Pedicab Ordinance back to the Community Safety Committee for further reconsideration. Council indicated that the proposed revised Pedicab Ordinance would overregulate the pedicab industry and would be beneficial to the two larger pedicab companies while prohibiting smaller or new companies from competing in the Charlotte market.

Subsequently, the Community Safety Committee decided to take no further action on the proposed revised Pedicab Ordinance.