

## SUMMARY OF MINUTES

### PUBLIC SAFETY COMMITTEE

5:30 P.M., MONDAY, JANUARY 14, 2008

COMMITTEE ROOM

ROOM 239, CITY HALL

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*MEMBERS PRESENT:* Council Member Vivian H. Burke, Chair  
Council Member Molly Leight, Vice Chair  
Council Member Wanda Merschel

*MEMBERS ABSENT:* Council Member Nelson L. Malloy, Jr.

*OTHERS PRESENT:* Council Member Joycelyn V. Johnson  
Council Member Evelyn Terry

Chair Burke called the meeting to order. She stated that, without objection, the Committee would first consider the Consent Agenda.

Council Member Leight made a motion to approve the Consent Agenda. The motion was duly seconded by Council Member Merschel and unanimously carried.

#### CONSENT AGENDA

C- 1. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - *Ivystone Lane, Ivystone Court, Ivy Park Lane and Ivy Ridge Lane.*

#### GENERAL AGENDA

G- 1. ORDINANCES APPROVING REQUESTS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXIS/LIMOUSINES IN THE CITY OF WINSTON-SALEM - *FORZA Limousine, Classic Cab Company, Here 2 There Van Service, ABC Door 2 Door Transportation, CareVan, LLC, and Flathead Transportation.*

Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that all companies have met the requirements and are recommended for approval.

Council Member Leight made a motion to approve the item. The motion was duly seconded by Council Member Merschel and carried unanimously.

Chair Burke asked if there were any representatives from the taxicab/limousine companies that were mentioned, and if so, to note their applications for renewal were approved.

G- 2. DENIAL OF RENEWAL APPLICATION FOR ONE TAXI SERVICE IN THE CITY OF WINSTON-SALEM - *Lott's Taxi Service*.

Mr. Turner noted that Committee members received a memorandum stating that Council should only consider convictions in regards to Mr. Lott's criminal record. In response to Chair Burke's question, Mr. Turner stated that criminal records were included in the past when denial was recommended.

In response to Council Member Leight's inquiry, Mrs. Angela Carmon, City Attorney, stated that the number of convictions on Mr. Lott's criminal record are substantially different from the number of charges.

In response to Council Member Leight's question, Mr. Turner noted that Council should only consider violations of a section of the ordinance, and Mr. Lott is in compliance with the fee payment provision of the ordinance. He also noted that any fees stemming from the criminal record fall under a separate ordinance.

Ms. Julie Risher, Public Safety Attorney, noted that fines for criminal charges are set to a fee schedule and the criminal record is not updated to reflect payment of any fees to the court.

Mr. Lee Garrity, City Manager, stated that staff is reviewing the current ordinance regarding taxicabs and limousines and will be bringing an item to Council.

Mr. Turner noted that the certificate of public convenience and necessity covers a three-year period and Council should only consider the last three years covered in the criminal record.

Sergeant Chuck Byrum, Winston-Salem Police Department (WSPD), stated that the December charge of driving while license revoked has been rectified.

In response to Council Member Merschel's question, Mrs. Carmon stated that Mr. Lott possessed a valid license at his hearing in December and the charge was dropped.

Council Member Burke requested that staff review the history of taxicabs in the City and noted that individual interpretation of a charge and the district attorney's interpretation of a charge may differ.

Mrs. Patricia D. Norris, Police Chief, noted that when a vehicle is stopped, the officer checks with Raleigh to see if the driver has a valid driver's license.

Council Member Leight made a motion to deny the renewal application. The motion was duly seconded by Council Member Merschel.

Chair Burke voted to renew the application.

Mr. Turner noted that staff provided information on a recent certificate renewal that was questioned at a previous City Council meeting regarding the family member of a previous certificate owner and whether or not the certificate should have been renewed.

Mr. Taye Lott, 2801 Urban Street, stated that he has been in business for 11 years and has no felonies on his criminal record but that he has been singled out for being a black man.

Chair Burke noted that due to the non-payment of fees in the past, Mr. Lott's information has been brought to light and he has been penalized for his actions, but the same information should be shared for all applicants going forward.

Ms. Risher defined a prayer for judgment where the court does not enter a judgment contingent upon the defendant's cooperation with the terms of the court for one year. At the end of that year, if no terms have been violated, then no judgment is entered on the case.

In response to Council Member Terry's question, Mr. Lott stated that he has not created a public safety issue, rather his competitors and Michael Harrison have sought him out to try and force him out of the taxicab business.

Council Member Terry stated that Mr. Lott and his competitors need to settle their disputes.

In response to Chair Burke's question, Ms. Risher stated that although Mr. Lott's record contains no convictions, there is no way to clear the charges.

Council Member Merschel requested that staff consider public safety issues and how the City Council can revoke permits when deemed best for the citizens when developing the new ordinance.

Chair Burke requested to know the number of taxicabs a company is allowed to operate. She also requested that staff review whether or not the City should be involved in the taxicab process and the history of taxicabs within the City.

Council Member Johnson requested that staff address the dress code, drug testing and cleanliness of vehicles when developing the new ordinance.

Chair Burke stated that this item would remain in committee while the questions and concerns of the committee are addressed. Chair Burke also requested that staff ensure taxicab companies are approved or denied based on the business and not the person.

Mr. Lott noted that there is a taxicab driver in business that has been convicted of a DUI and that Herman Mazzeo is trying to put him out of business.

#### G- 3. CONSIDERATION OF ITEMS RELATING TO A JOINT CITY/COUNTY PUBLIC SAFETY TRAINING FACILITY:

- a. RESOLUTION APPROVING CITY PARTICIPATION IN JOINT CITY POLICE, COUNTY SHERIFF AND CITY/COUNTY FIRE SAFETY TRAINING FACILITIES AND AUTHORIZATION OF THE CITY MANAGER TO NEGOTIATE A CONTRACT ON BEHALF OF THE CITY OF WINSTON-SALEM FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF THESE FACILITIES.
- b. RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE CITY OF WINSTON-SALEM WITH CLARK-NEXSEN FOR THE DESIGN OF JOINT CITY/COUNTY FIREARMS TRAINING FACILITY.

Mr. Turner stated that this resolution sets the framework for an agreement between the City Manager's Office, Forsyth County Manager's Office and Forsyth Technical Community College (FTCC) for the development and operation of two facilities. He also stated that one will be a City-owned firearms training facility and a County-owned fire suppression training facility. He further stated that FTCC will be involved in the operation of the facilities as an independent body to ensure equitable use. The cost for the facilities will be shared between the City and the County. In response to Council Member Merschel's question, Mr. Turner stated that the next steps would be the design of the structures, the final construction project and pursuing contractors.

In response to Council Member Leight's question, Mr. Turner noted that the facilities are approximately 1,500 feet apart. He also noted that there is no proposed connection of the two facilities, but the capability is there if desired in the future.

Council Member Johnson requested that staff identify Minority/Women Business Enterprises early on to participate in the project.

In response to Chair Burke's inquiry, Mr. Garrity stated there is plenty of land for future growth of the facilities.

Council Member Merschel requested that staff monitor the project closely as it is a joint venture with the County.

Council Member Merschel made a motion to approve the item. The motion was duly seconded by Council Member Leight and carried unanimously.

#### G- 4. PRESENTATION ON GANGS.

Sergeant Mike Weaver, WSPD, gave an overview of gangs, regarding what constitutes a gang, validation requirements, symbols, dress, graffiti and paraphernalia.

Council Member Johnson requested a printout of the presentation be sent to all Council Members.

In response to Council Member Johnson's concern, Sergeant Weaver stated that several areas are

reviewed and criteria have to be met before an individual or group of individuals are labeled as gang members.

In response to Chair Burke's question, Sergeant Weaver noted that gangs are present in all schools in the area and teachers and other school staff are educated about the warning signs that a child may be interested in joining a gang or identifying gang activity. He also noted that the WSPD uses intervention and prevention to educate about the warning signs and risks associated with gangs.

In response to Council Member Merschel's question, Sergeant Weaver stated that the WSPD policy on gangs is in compliance with state legislature and state funding is available. He also stated that the gang unit can fluctuate to meet the needs of the area.

Chief Norris stated that an effort has been undertaken to pass new laws that are stricter than what has been presented regarding gang activity. In response to Council Member Johnson's concern, Chief Norris noted that the WSPD is trying to prevent gang involvement and activity before it happens so that a revolving door process is not started.

In response to Council Member Terry's concern, Sergeant Weaver stated that gangs are very mobile and when they lose force in one area, they move to another where they can find a foot-hold with certain groups to rebuild.

Chair Burke expressed concern that policies and legislation seem watered down and if more people were involved, some children may be identified and saved before they get into trouble.

Mr. Garrity stated the presentation would be placed online for citizens to have access.

Council Member Johnson requested a listing of gang symbols and explanations.

In response to Council Member Johnson's question, Sergeant Weaver stated that it is hard to witness gangs creating the graffiti because they work fast and they work in groups.

ADJOURNMENT: 7:07 p.m.