

## SUMMARY OF MINUTES

### PUBLIC SAFETY COMMITTEE

5:35 P.M., MONDAY, SEPTEMBER 8, 2008

COMMITTEE ROOM

ROOM 239, CITY HALL

---

*MEMBERS PRESENT:* Mayor Allen Joines (out at 6:31 p.m.)  
Council Member Vivian H. Burke, Chair  
Council Member Molly Leight, Vice Chair  
Council Member Wanda Merschel

*MEMBER ABSENT:* Council Member Nelson L. Malloy, Jr.  
  
Council Member Joycelyn V. Johnson  
Council Member Dan Besse (in at 5:50 p.m.)

Chair Burke called the meeting to order and stated that the Committee would first consider the Consent Agenda. No items were removed for discussion.

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

#### CONSENT AGENDA

- C-1. ORDINANCE AMENDING SECTION 42-22(d) OF THE CITY CODE RELATING TO 40 MILES PER HOUR SPEED LIMITS - *Decrease Speed Limit on Burke Mill Road from 40 mph to 35 mph.*
- C-2. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - *Roosevelt Avenue; Tonya Drive; Bunny Trail; Marie Drive; Bogue Drive; Claxton Drive; Neighborhood Limits: Fairway Cove Court, Fairway Forest Drive, Salem Trail Court, and Meadow Club Court; Neighborhood Limits: Heather Ridge Drive, Heather Trace Lane, Tortoise Lane, and Heather Hills Drive.*
- C-3. ORDINANCE RENEWING, TRANSFERRING AND INCREASING THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF EXECUTIVE COACH AND TRAVEL, INC. FOR THE OPERATION OF TEN LIMOUSINES IN THE CITY OF WINSTON-SALEM.
- C-4. RESOLUTION AMENDING CONTRACT FOR CONSTRUCTION OF POLICE EVIDENCE STORAGE, TRAINING AND FORENSIC FACILITY - *Davie Construction Company, Inc. - Increase in the Estimated Amount of \$837,264.65.*

- C-5. CITY MANAGER REPORT ON PROPOSED KEY WORK ITEMS FOR FY 08-09.
- C-6. APPROVAL OF PUBLIC SAFETY COMMITTEE SUMMARY OF MINUTES - *August 11, 2008.*

#### GENERAL AGENDA

- G-1. PRESENTATION BY NORTHWEST PIEDMONT COUNCIL OF GOVERNMENTS REGARDING PROJECT RE-ENTRY.

Mrs. Martha Wheelock, Assistant City Manager, stated that staff has worked with the Northwest Piedmont Council of Government's (NWPCOG) Project Re-Entry program to poll other municipalities, and identify any procedures they have for working with currently incarcerated individuals and what steps are taken to assimilate them back into the community upon their release. Staff is also reviewing alternatives to integrate ex-offenders who are out of prison and not participating in a pre-release program into the City's workforce, and a review of existing policies for current or previous employees who have failed a random or reasonable suspicion drug test and are precluded from ever coming back to work for the City.

Ms. Rebecca Sauter, Project Development Coordinator for Project Re-Entry, 110 Sir Patrick's Court, Clemmons, gave the presentation about the program, how to put it into place within the City, how the process works, and how the City can work with Project Re-Entry to move forward. In response to Council Member Leight's question, Ms. Sauter stated that Project Re-Entry has over 32 community partners including faith-based groups, and that the program utilizes all possible resources for its individuals.

In response to Mayor Joines' question, Ms. Sauter noted that individuals must be employed for three months before the process is considered a success. She also noted that there is a strong job retention program and individuals are trained with the help of community colleges to develop skills and gain job experience. She further noted that Project Re-Entry has a strong partnership with the North Carolina Department of Labor where individuals obtain job experience, focus on career advancement and are partnered with mentors.

Council Member Johnson noted that the attitude of society toward ex-offenders must change for them to be successful and requested to know the evolution of the concept of Project Re-Entry as well as a time frame for implementation of incorporating these individuals into City staff.

Ms. Sauter noted that the concept started in St. Louis in 2001, where individuals were chosen by the Department of Justice to participate in the program and were given 280 hours of training. In 2003, funding for the program was granted and the NWPCOG began its program in 2006. The program is now present in nine prisons throughout North Carolina.

Mrs. Wheelock stated that staff would bring a formal item to Council for action and needed steps would be taken to integrate the program into the City beginning in January 2009.

Council Member Leight expressed appreciation for the program in requiring participants of the program to return and train others that are coming through the same steps and who can offer insight and mentorship.

*Council Member Besse in at 5:50 p.m.*

Mr. Progress Lloyd, 410 Bourbon Street, Greensboro, stated that when he began the program in prison, he did not take it seriously, but the staff expressed concern for him, put their faith in him as a person and helped build his confidence. He is now out of prison and has been at his current job for four months and utilized the job training programs provided to obtain his Universal License in Heating, Ventilating and Air Condition.

In response to Chair Burke's question, Ms. Sauter stated that if child support is owed, program participants must be employed within 30 days and Child Support Services is notified that the individual is a Project Re-Entry participant. She also stated that Project Re-Entry staff can mediate to provide assistance or a reduction in child support payments if necessary.

In response to Council Member Johnson's inquiry, Ms. Sauter stated that Project Re-Entry has an excellent relationship with various departments so any fees owed for probation or restitution are the participant's responsibility.

**G-2. REQUEST OF THE SILK PLANT FOREST CITIZEN REVIEW COMMITTEE TO SUBPOENA DETECTIVE D. R. WILLIAMS.**

Mrs. Angela I. Carmon, City Attorney, stated that staff has reviewed the request of the Silk Plant Forest Citizen Review Committee (SPFCRC) and reviewed the process for the issuance of a subpoena and the process of conducting a hearing. She also stated that staff will bring a formal action item to the Public Safety Committee in October.

Mr. Guy Blynn, SPFCRC Chair, 3001 Lookout Court, stated that on August 25, 2008, the SPFCRC passed a unanimous resolution to subpoena Detective D.R. Williams to provide information regarding the investigation. He also stated that Detective Williams refused to voluntarily speak with investigators working on the case. He read an excerpt from an article in the *Winston-Salem Journal* which alluded that Detective Williams may have withheld documents or may not have documented certain items related to the investigation. Mr. Blynn read an excerpt from a supplemental report regarding a polygraph test on July 22, 1996. He noted that there is hope that Detective Williams will respect the subpoena and answer questions from the SPFCRC as any information given cannot be used against him in a civil or criminal court. In response to Council Member Leight's question, Mr. Blynn stated that previously searched records may not contain the information that is needed.

Mrs. Carmon stated that under North Carolina General Statute 160A-80, City Council has the power to subpoena. The City Council would have to convene a public meeting and questioning could be deferred to the SPFCRC, where questions could be asked in open session or Council Members could question Detective Williams. She further stated that if Detective Williams does not comply with the subpoena, an appeal can be made to the court to request compliance. In response to Council Member Besse's question, Mrs. Carmon noted that the City Council cannot delegate authority to issue the subpoena to the SPFCRC, but the questioning of Detective Williams could be delegated to an

attorney or members of the SPFCRC or the SPFCRC. She also noted that there is no definition of the nature of questions that could be asked of Detective Williams, but there is concern that it may interfere with the criminal process.

In response to Council Member Merschel's inquiry, Mrs. Carmon stated that the hearing can be conducted in closed session to protect the privacy of personnel matters of the former employee, and the SPFCRC could be requested to prepare a specific set of questions prior to the hearing.

Mr. Blynn noted that specific questions have been prepared, but there may be follow up questions asked of Detective Williams based upon his responses.

In response to Council Member Merschel's question, Mrs. Carmon stated that Detective Williams is allowed to have an attorney present during the hearing.

In response to Council Member Leight's question, Mrs. Carmon stated that three filings have been made in connection with the motion for the appropriate relief and that there will be a hearing at the end of the month.

In response to Council Member Johnson's question, Mr. Blynn stated that the intention of the motion is for Detective Williams to provide anything within his possession or control.

In response to Chair Burke's question, Mr. Garrity noted that policies were changed within the last year prohibiting detectives from taking documents to their homes.

Council Member Besse requested that the wording of the subpoena or resolution specifically state that the purpose of the review and questioning is to determine that appropriate procedures and conduct were followed during the course of the original investigation.

*Mayor Joines out at 6:31 p.m.*

Council Member Merschel requested detailed information on procedures for the hearing and if the City Council issues the subpoena, would they be responsible for the content of the questions asked. She also expressed concern that members of the SPFCRC not be adversely affected and that their legal rights be protected and that the privacy of the former employee be maintained.

Mr. Alan Andrews, Assistant City Attorney, noted that the District Attorney's office expressed some concern that there would be pre-trial publicity.

Council Member Leight requested a full set of SPFCRC minutes to date and any materials that Council Members may find helpful.

Mr. Blynn noted that an outline of questions has been developed, but a specific set of questions will be formulated prior to the hearing.

Council Member Besse requested that an attorney with criminal investigation experience perform questioning at the hearing and ask any follow up questions of Detective Williams.

Chair Burke requested that Mrs. Carmon contact other Council Members to obtain their thoughts on the matter.

#### ADDITIONAL ITEM

Mr. Eugene Barnhardt, 2506 Silas Creek Parkway, stated that the speed limit is too high on Hawthorne Road near Ardmore Barber Shop and that he does not feel comfortable parking his car on the side of the street or crossing the street in that area. He suggested that speed humps be placed in that section of Hawthorne Road to slow down traffic for pedestrian safety, as are used in Charlotte. He also stated that he has modified his behavior and no longer utilizes that barber shop due to his safety concern.

Mr. Stan Polanis, Department of Transportation Director, stated that speed humps are a traffic calming technique, but there have been no complaints from others in that area regarding speeding.

Council Member Besse noted that he does not support speed humps in that area as it is heavily traveled and there is no evidence of increased accidents in that area due to speed.

Council Member Leight suggested that Mr. Barnhardt consult members of the neighborhood to see if they share his concern.

Mr. Barnhardt noted that the area is more business than residential and that if speed humps were installed, travel time on that thoroughfare would increase by less than 10 seconds.

Council Member Besse expressed concern that if speed humps were installed in that area, it may have the unintended consequence of encouraging pedestrians to cross the street at that site and create a safety hazard.

Council Member Merschel suggested staff investigate the feasibility of installing different paving materials to alert drivers to be more cautious.

ADJOURNMENT: 7:00 p.m.