

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

5:39 P.M., MONDAY, NOVEMBER 9, 2009

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: *Mayor Allen Joines (out at 6:28 p.m.)*
Council Member Vivian H. Burke, Chair
Council Member James Taylor, Jr., Vice Chair
Council Member Wanda Merschel
Council Member Derwin L. Montgomery

OTHERS PRESENT: *Council Member Molly Leight*
Council Member Denise D. Adams

Chair Burke called the meeting to order and stated that without objection, the Committee would first consider Item G-1.

G-1. PRESENTATIONS BY MRS. ANNA MICKENS.

Mrs. Anna Mickens, Troop 815 of St. Stephens Missionary Baptist Church, recognized Winston-Salem Police Department (WSPD) Lieutenant Cozart and his promotion to Lieutenant, and presented him with plaques recognizing him for his support of Troop 815 and for his promotion. She presented a plaque to WSPD Captain Clayton for his support of Troop 815 as well. She further presented plaques to Chair Burke for her support of Troop 815 and St. Stephens Missionary Baptist Church and for her representation of the Northeast Ward.

Chair Burke stated that the community is blessed to have Mrs. Mickens and her volunteers to work with local boy scouts.

Council Member Montgomery expressed his thanks to Mrs. Mickens as a former Eagle Scout.

Chair Burke stated that the Committee would now consider the Consent Agenda and asked if any items needed to be pulled. No items were removed for discussion.

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

CONSENT AGENDA

- C-1. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Hartford Street; Neighborhood limits: Pope Road, Lauren Hill Court, Brookhill Drive, Asheton Grove Court North and South, Laurenfields Way, Heather View Lane, Heather View Court, Cross Cut Lane, Poplar Valley Lane, and Pinecrest Drive; Neighborhood limits: Cheltenham Drive, Castlegate Court, Castlegate Drive, Shenandoah Drive, Shenandoah Court, Brookridge Drive, Keswick Court, Rutledge Drive, Edenwood Drive North and South, Cedarline Lane, Seasons Chase, Jude Court, Hudgins Mill Court, Foxcroft Drive, Hathaway Drive, Montpelier Drive, Danby Court, Worthdale Drive, Worthdale Court, Flintfield Drive, Crestview Drive, Hazelwood Drive, Capistrana Drive, Lorelei Court, Lillian Court, Capistrana Court, and Benjamins Way.*
- C-2. RESOLUTION SUPPORTING THE FIRE DEPARTMENT'S EFFORTS IN SEEKING A FEDERAL GRANT UNDER THE 2009 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE ACT.
- C-3. ORDINANCE TRANSFERRING THE CERTIFICATE 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. CONSIDERATION OF ORDINANCES RENEWING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY :
- a. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF ALL OCCASION LIMOUSINE SERVICE, LLC FOR THE OPERATION OF FOUR LIMOUSINES IN THE CITY OF WINSTON-SALEM.
- b. ORDINANCE RENEWING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF DAVE'S EXECUTIVE TRANSPORTATION FOR THE OPERATION OF THREE LIMOUSINES IN THE CITY OF WINSTON-SALEM.
- C-5. TYPES OF AGENDA ITEMS REVIEWED BY THE PUBLIC SAFETY COMMITTEE.
- C-6. APPROVAL OF PUBLIC SAFETY COMMITTEE SUMMARY OF MINUTES - *November 9, 2009.*

GENERAL AGENDA

- G-2. ORDINANCE REDUCING THE NUMBER OF VEHICLES AUTHORIZED ON THE CERTIFICATE OF WILLARD CAB COMPANY FOR VIOLATIONS OF CHAPTER 78 OF THE CITY CODE. [*City Council remanded this item to the Public Safety Committee on November 16, 2009.*]

Mr. Gregory M. Turner, Assistant City Manager/Public Works, provided background information on

Certificates of Public Convenience and Necessity and noted that they are issued on the basis to provide a public service and should be operated in a safe way. The City regulates these certificates through an ordinance which dictates how the companies operate, how the vehicles look and are maintained and how drivers are to behave and operate. Any problems in the past have resulted from a cab company, owner/operators or drivers failing to comply with the requirements of the Code of Ordinances. Willard's Cab Company had an owner/operator who allowed a driver to operate a taxicab who had a previous felony conviction, which is against the regulation of the ordinance. Staff recommends the number of operating certificates for Willard's Cab Company be reduced by ten, which will have no material impact on the number of taxicabs they are allowed to operate.

In response to Council Member Montgomery's question, Mr. Turner stated that the ordinance is written to specifically prohibit a convicted felon to drive a taxicab unless the City Attorney's Office gives approval.

In response to Council Member Taylor's question, Mr. Turner noted that Mr. Willard previously commented that his business would be affected because the reduction in certificates will reduce his ability to have additional taxicabs on the street when he is needing to grow his business.

Mr. Coy Willard, Owner of Willard's Cab Company, stated that he has given a lot of thought to the problem at hand and that Mr. Kinard's cars have been stripped of the Willard colors, but that he is still operating some under Lott's Taxi as an owner/operator. He expressed his apologies for what happened and noted that he will accept the punishment of the reduction in certificates. In response to Council Member Taylor's question, he stated that he is monitoring the logs of each driver everyday, that each driver on all four shifts must sign in at the office every day, showing their permit and license, and if that information cannot be provided, that driver is not allowed to operate. For the first offense, an owner/operator will be suspended for specified period of time and face possible permanent suspension for subsequent offenses. Mr. Willard noted that 24-hour surveillance would allow him to further monitor owner/operators and drivers, but that equipment is expensive. However, he will be monitoring all of his staff much closer in the future.

Council Member Montgomery noted the reduction in certificates is not to discourage any taxicab company not to hire felons but to ensure that policy is followed.

Mr. Willard noted that the policy developed by the City Attorney's Office has been great, but he does disagree with the ruling that some approved taxicab drivers were initially turned down when the policy was overseen by the WSPD.

Mr. Turner noted that when the WSPD monitored the policy, its focus was on the crime itself, while the policy formatted by the City Attorney's Office, focuses on whether or not the driver is able and if it is appropriate for him/her to operate a taxicab.

Council Member Merschel noted that this is the third or fourth time Mr. Willard's company has violated the ordinance. Citizens should trust that if they were to call and need transportation, they could depend on a taxicab driver to get them to their destination safely.

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

Council Member Montgomery.

The motion carried on a vote of three in favor, one opposed and none abstaining, with Council Members Burke, Merschel and Montgomery voting in favor of the motion and Council Member Taylor voting in opposition.

Council Member Taylor requested that a letter be sent to remaining taxicab drivers notifying them of repercussions for similar situations.

In response to Council Member Adams question, Mr. Turner stated that the Vehicle for Hire Inspector who reviews each application for companies, drivers and owner/operators and each company is required to provide their activity logs and driver records. Each vehicle is inspected and a seal is placed on each taxicab to indicate as such.

Chair Burke noted that if it is deemed necessary, a future public meeting with all involved taxicab drivers could be planned to discuss any issues.

G-3. ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE RELATING TO PICKETING.

Mrs. Angela I. Carmon, City Attorney, stated that the WSPD expressed concern about safety measures regarding picketing, specifically the size of groups and more than one group picketing at a time in the same location. Staff proposes to reduce the picket group size from 25 to 10 and any group larger than 10, must file a notice of intent to picket. In response to Chair Burke's question, she stated that the proposed requirement is not unreasonable, rather groups will be required to file a notice of intent to picket, notify if any children will be participating and any sound amplification equipment they may be using so adequate police protection can be provided for picketers and citizens. There is no limit to the size of a picket group, but if there are more than 10, notice of intent will need to be filed. Large numbers of picketers need to be addressed further for potential safety related concerns.

Ms. Lori Sykes, Public Safety Attorney, noted that picketers, motorists and pedestrians all need to be given consideration in regards to safety so everyone can continue about their normal activities and the WSPD needs to be aware of what is going on to plan for additional personnel. In response to Council Member Montgomery's question, Ms. Sykes stated that one occurrence within the city was that no notification was received prior to an event taking place, and there was a blend of picketers and parade attendees, where picketers interfered with pedestrian and vehicular traffic.

In response to Council Member Montgomery's question, Mrs. Carmon stated that the general ordinance provision penalty is a misdemeanor level crime for violating a City ordinance.

Ms. Sykes provided the picketing definition per Council Member Taylor's request.

Chair Burke stated that this item would remain in Committee for further discussion so that the terms may be defined more clearly.

Mr. Lee Garrity, City Manager, stated that staff will provide specific examples and data regarding

picketing.

G-4. PRESENTATION REGARDING COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES.

Mr. Scott Cunningham, Chief of Police, stated that most professional entities have an accreditation process similar to hospitals and universities, and that since the City began its accreditation process in 1997, it has been reaccredited four times. Four national organizations created a set of professional standards and the WSPD voluntarily exposes itself to be reviewed. Once the report was filed and reviewed, a determination was made for accreditation once again and the WSPD was designated as a flagship agency to symbolize its continued excellence. The full report will be posted to the WSPD website for viewing.

Chair Burke expressed concern about the taser information and observations contained within the report and would like to discuss these items with Chief Cunningham.

Chief Cunningham noted the report was compiled by impartial, on-site assessors, who also listened to comments during the public hearing. In response to Council Member Montgomery's question, he noted that the only recommendation from the assessment was further diversification of the department, but it did receive praise for progress made and for the diversification plan already in place. It is not the general practice of the assessors to make recommendations unless deficiencies are found.

In response to Council Member Merschel's question, Chief Cunningham stated that departments may not want to post or release their reports because it may raise questions or draw criticism that an agency may not want to address. Of 17,000 local agencies, only about 1,000 are accredited.

Chair Burke noted that it was one of her original charges to Chief Cunningham upon his initial employment with the City to be open and transparent with citizens, and requested that this report be placed in local libraries.

Mayor Joines out at 6:28 p.m.

G-5. REPORT ON ANNUAL CRIME RATES.

Chief Cunningham stated that the WSPD is happy that overall, crime rates are decreasing but it is not content that is the best that can be done. Violent crime is decreasing and overall crime is down compared year-to-date with last year but rates are still too high. The community should be concerned and the public should be made aware of these rates. He also stated that the WSPD began putting crime rates and statistics online this year. The long-term trend is that crime rates in the city today are lower than 10 years ago, and staff is pleased that rates are on a downward trend.

Council Member Montgomery requested to know what the high crime areas were in the city and any plans to address crime in those areas.

Chief Cunningham noted that there are a variety of areas with higher than average crime rates and

that every two weeks, he reviews statistics to see what the trends are, what crime is occurring, where it is taking place, what groups are involved, any arrests that are made, develops a plan for the entire department to reduce the level of crime and the number and severity of crimes. The WSPD has two street crime squads that can be supplemented to the regular police force to give a more focused response. Twenty five additional officers will join the street crime squad to go into high crime areas to help reduce the amount of crime and the fear of crime. He also noted that he will continue to review where more officers are needed or if they will remain in their assigned beats. He further noted that he will provide the latest maps of criminal activity.

Council Member Montgomery expressed concern that some officers attending neighborhood watch meetings are not equipped with statistical information to provide to citizens.

Council Member Merschel requested additional information regarding the Police 2 Citizen Program.

Council Member Adams noted that she has received communication from constituents that they feel unsafe in their own neighborhoods and requested to see more officers walking through neighborhoods.

Chief Cunningham noted that the WSPD recently changed its deployment plan to provide smaller beats with smaller areas of coverage. He does encourage officers to get out of the car, not with the intent of creating foot beats, but to build familiarity with that community. Officers need to find a good balance of getting out and talking with citizens but remain mobile enough to respond to a call without a long delay of service.

Chair Burke noted that if officers become more familiar with their constituents, the comfort level between the two groups will increase. She expressed concern with the increased number of rape cases.

In response to Council Member Merschel's question, Chief Cunningham stated that victims of rape and other violent crimes do seem to feel more comfortable in reporting the offenses, but some accounts may be recanted later which skews statistical information.

ADJOURNMENT: 6:42 p.m.