

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

5:47 P.M., MONDAY, FEBRUARY 8, 2010

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: *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 the Consent Agenda and asked if any items needed to be pulled.

Council Member Taylor requested to pull Item C-3. Council Member Leight requested to pull Item C-4. No other items were removed for discussion.

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

C-1. CONSIDERATION OF ITEMS RELATED TO THE PROCUREMENT AND INSTALLATION OF AN INTERNET-BASED NETWORK FOR EMERGENCY SERVICES:

- a. RESOLUTION AUTHORIZING ACCEPTANCE OF A NORTH CAROLINA 911 BOARD GRANT TO PROCURE AND INSTALL AN INTERNET-BASED NETWORK FOR EMERGENCY SERVICES. [*\$2,464,301 in State Grant Funds.*]

- b. RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AND INTEGRATION SERVICES AGREEMENT BETWEEN SYNERGEM EMERGENCY SERVICES, LLC AND THE CITY OF WINSTON-SALEM ON BEHALF OF THE WINSTON-SALEM POLICE DEPARTMENT FOR PROCUREMENT AND INSTALLATION OF AN INTERNET-BASED NETWORK FOR EMERGENCY SERVICES.

- C-2. ORDINANCE AMENDING SECTION 78 OF THE CITY CODE RELATING TO WAIT TIME FOR VEHICLES FOR HIRE.
- C-3. REPORT ON DEPLOYMENT, STAFFING, AND SERVICE DELIVERY ENHANCEMENTS WITHIN THE WINSTON-SALEM POLICE DEPARTMENT.

In response to Council Member Taylor's questions, Mr. Scott Cunningham, Chief of Police, stated that 21 individuals within the Police Academy will graduate in late March and will be fully serviceable in June after field training. He also stated that 36 officers are needed to create an additional set of beats, so the graduating officers will likely be utilized for participation in a task force, attached to street crime and gang units to monitor perennially defined high crime areas. The task force will be a temporary assignment and the officers will eventually be blended into deployment. Staff will also continue to seek grants for position funding. He further stated that all officers generate their own reports and statistical information, which staff reviews to verify all components of the department are working together.

Council Member Adams requested to see data outlining any crime concentration in the city, as well as a comparison with national trends. She also requested a timeline and plan for decreasing crime, and would like to see more officers on foot in the North Ward.

In response to Council Member Montgomery's question, Chief Cunningham stated that staff is pleased that overall, crime has decreased, but it is not content. There has been an increase in auto theft, home burglaries and break-ins, and three times per week, the patrol division reviews crime trends.

Chair Burke requested staff look into starting the Neighbors Against Releasing Chronic Offenders program again, and how it compares with a similar start-up program in Charlotte.

In response to Council Member Merschel's question, Mr. Lee Garrity, City Manager, stated that staff has done a good job of recruitment and retention of officers. He also noted that currently, 17 officers are on military deployment and the Winston-Salem Police Department's (WSPD) goal is to reach full deployment.

Chief Cunningham noted that the WSPD is as close to being fully staffed as it has been in a long time. The department is authorized for 543 officers and is currently staffed at about 513. In response to Chair Burke's question, he noted that the WSPD has pictures and information in its main hallway showing which officers are on military deployment. He also noted that two staff members are tasked with maintaining communication with those officers and their families.

Chair Burke noted that all departments should follow suit with maintaining contact with staff members on military deployment.

- C-4. REPORT ON POTENTIAL USE OF LAND IN THE AIRPORT BUSINESS PARK FOR THE CITY'S INDOOR FIRING RANGE.

In response to Council Member Leight's question, Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that it was feasible for a portion of the Airport Business Park to be utilized as a firing range and driving range. Staff has proposed an indoor facility to be utilized for efficiency improvements and as a joint location for police officer and sheriff's deputy training. The facility near King still has potential uses for public safety training.

Mr. Garrity noted that staff is reviewing the possibility of an exchange with Forsyth Technical Community College, the County or the Winston-Salem/Forsyth County School System to seek out more open land in the city. In response to Council Member Leight's question, he also noted that there is no noise or adverse side effects that would come from an indoor facility. He further noted that some neighboring areas around the Airport Business Park have experienced high crime and it may be a deterrent to crime to have the facility located there.

In response to Council Member Merschel's concern, Mr. Garrity stated that a formal action request for this item will be forthcoming, and staff hopes that it will still be a joint City/County facility, and will share the facility built in King with the County.

GENERAL AGENDA

G-1. CONSIDERATION OF AN APPEAL BY MR. RUDOLPH LLOYD MITCHELL TO BE ISSUED A TAXICAB PERMIT AFTER BEING DENIED BY THE TAXICAB INSPECTOR FOR BEING DISQUALIFIED ACCORDING TO CHAPTER 78-181(a)(2).

Mrs. Angela I. Carmon, City Attorney, stated that according to the recently revised Vehicle for Hire Ordinance, taxicab drivers must obtain a permit and that there are some conditions upon which a permit can be denied. There is an appeals process whereby a driver can appeal the denial of their permit and that appeal is considered a quasi-judicial matter, requiring the Deputy City Secretary swear in the speakers.

After being sworn in, Mr. Rudolph L. Mitchell, 1319 Revere Road, stated that he has been driving for Willard Cab Company since 1997. He has no serious offenses on his driving record and requests that the Committee reconsider his application for the operator permit as he is a single father with no way to support his son.

Mr. Turner noted that staff denied Mr. Mitchell's request for a permit based upon the number of points on his North Carolina Driver's License. The Vehicle for Hire Ordinance states that the Vehicle for Hire Inspector should deny a request for permit from anyone with eight or more points on their license and Mr. Mitchell has 12 points. He also noted that Mr. Mitchell's violations are not for felony activities.

In response to Council Member Montgomery's question, Mr. Harrison stated that the Department of Motor Vehicles' (DMV) website indicates that anyone with 12 points on his/her license is subject to a review of that license and at the DMV's discretion, that license can be revoked.

Mr. Mitchell noted that he has a scheduled meeting with a DMV representative Tuesday morning, to discuss a reduction in the points on his license.

Mr. Turner noted that if the DMV reduces Mr. Mitchell's points to less than eight, under the ordinance, he will be eligible to receive the permit.

Council Member Taylor made a motion that the item be continued to March to allow for Mr. Mitchell to meet with the DMV, prior to the Committee making a decision.

In response to Council Member Montgomery's question, Mrs. Carmon clarified the difference in the license issued to Mr. Mitchell by the State and the permit issued to him to operate a taxicab within the city. Dependent upon the outcome of Mr. Mitchell's meeting with the DMV, he may or may not be able to obtain the operator's permit with the city.

In response to Chair Burke's question, Mr. Turner stated that if the DMV were to reduce the number of points on Mr. Mitchell's license, he will be responsible to notify staff. Staff will then confirm with the DMV that there has been a reduction and if there are less than eight points, Mr. Mitchell will be eligible to receive an operator's permit. If the number of points is not reduced, Mr. Mitchell's request will still be pending to the City Council.

Mr. Mitchell requested a stay to be allowed to operate a taxicab until a decision is made by the DMV.

Council Member Merschel offered the amendment to Council Member Taylor's motion that if the outcome of Mr. Mitchell's meeting with the DMV results in less than eight points, the item will not need further review, but if Mr. Mitchell is still in a position with a right to appeal, the item will come to full Council on February 15.

The motion was duly seconded by Council Member Montgomery and carried unanimously.

Council Member Taylor noted that he is sympathetic to Mr. Mitchell's situation, but the City cannot grant a stay because it would not be in the best interest of the community.

Council Member Merschel noted that the Committee's sensitivity to Mr. Mitchell's situation should not be mistaken as support of his violation of the City's ordinance and State laws.

G-2. REPORT ON EVACUATION AND SHELTERING PRACTICES.

Mr. Melton Sadler, Emergency Management Director, stated that staff surveyed several jurisdictions within and outside of North Carolina regarding policies for mass sheltering and evacuations in a state of emergency. In response to Council Member Taylor's question, he stated that staff is currently coordinating efforts and resources to develop an emergency policy.

Chair Burke expressed her dissatisfaction at the handling of fires at two apartment complexes this summer and noted that she has been meeting with the police and fire chiefs, along with Mr. Sadler. She also noted that the City should take the lead and support citizens in times of crisis.

Mr. Garrity noted that one item discussed by staff would be the offering of rental insurance to special needs and low-income tenants.

In response to Council Member Merschel's question about staff's meeting with Communities Helping All Neighbors Gain Empowerment (CHANGE), Mr. Sadler noted that as an extension of that meeting, staff met with State representatives and during its coordination efforts in developing a plan, it intends to mimic that organization in developing a local group, similar to the National Voluntary Organizations Active in Disasters. Community Organizations Active in Disasters is a similar initiative of the American Red Cross (ARC).

Council Member Leight noted that the common thread between the various organizations is the ARC, serving as a first responder. She suggested that ARC, local churches, CHANGE and local faith groups be organized into volunteer groups to serve in the event a similar situation occurs. She also suggested that an emergency fund be established for citizens to donate as they see fit.

Council Member Adams stated that this is a good first step and requested that staff expeditiously prepare an emergency response plan prior to another drastic event and clearly outline who will serve as the initiator.

In response to Council Member Merschel's question, Mr. Garrity stated that this type of disaster fell in between the categories of being reimbursable, because it was more than the local ARC was able to handle, but did not meet thresholds for State or national disaster reimbursement. He also stated that if the City is to be held accountable, it needs the authority to be responsible and the ability to declare an emergency and disperse funds. He further stated that staff will be bringing an emergency response plan to the Council at a later date.

Council Member Merschel requested that staff provide information regarding the line of succession for emergency response to new Council Members, as to the specific Committee responsibilities.

Council Member Leight suggested that as staff is working toward a renters' ordinance, to incorporate some type of requirement for renters insurance. Mrs. Carmon advised that such a requirement may not be legal.

Council Member Taylor expressed his support of an emergency management fund and that he echoed the other Council Members' comments. He also stated that he was volunteering at Alders Point after the fire and that citizens were holding the City responsible, so staff should do all that it can to take care of the citizens.

G-3. WINSTON-SALEM POLICE DEPARTMENT TASER REVIEW.

Chief Cunningham stated that he was personally and professionally pleased with taser deployment over the last six months. There were 68 instances where officers encountered a use of force, but due to simply warning a perpetrator that the officer had a taser, no force was required. He also stated that there are lower injury rates when a taser is used, in comparison with Oleoresin Capsicum Spray, baton or physical contact. In response to Council Member Taylor's question that staff investigate disproportionate minority contact, Chief Cunningham noted that use by population is not the appropriate barometer for measuring taser usage. He also noted that WSPD staff is comfortable with the use of tasers but not how it reflects on society.

In response to Council Member Montgomery's question, Chief Cunningham stated that there were no hospitalizations due to taser usage. As a procedural practice, anyone with a pre-determined heart condition will be taken to a hospital for evaluation if a taser was used, but there were no injuries, other than minor scrapes from the fall after taser usage.

Chair Burke noted that historically, minorities have not stayed in school and may become involved with other groups who have various interactions with the WSPD, so it may appear that they are targeted. She requested that staff continue to monitor taser usage and regularly report any findings to the Committee.

In response to Council Member Leight's question, Chief Cunningham confirmed that heavy, winter clothing does make it difficult for the taser barbs to attach to a perpetrator. He also stated that each taser use is monitored by WSPD staff and reported to Dr. Bozeman at Wake Forest University Baptist Medical Center.

G-4. DISCUSSION OF GRAFFITI ORDINANCE REVIEW.

Mrs. Carmon noted that City Council adopted a graffiti ordinance in May 2008 and staff has proposed an amendment to address the possession of graffiti implements by a minor, and to prohibit the sale of spray-paint to minors.

Chief Cunningham noted that while not all graffiti is associated with gang activity, it is a problem in the community. It decreases the quality of life for the community where it is present and it should be removed as quickly as possible. He expressed his support for additional ordinances and noted that a possession ordinance would be beneficial.

Chair Merschel expressed concern that this type of ordinance seems unreasonable and would be difficult to enforce.

Chief Cunningham noted that under the proposed amendment, if an officer finds a minor on the street with a can of spray-paint, the minor could be charged with possession. Currently, the WSPD has to demonstrate that the minor intends to use the spray-paint.

Chair Merschel requested more information on this item and what would determine a reasonable cause to stop and question someone in possession of spray-paint.

Council Member Taylor expressed his support of the amendment and noted that graffiti is a problem in the Southeast Ward. While it may be difficult to enforce, it will be for the greater good of the community.

Council Member Montgomery noted his agreement with Council Member Merschel's concerns and also noted that he would be in support of an amendment that would prohibit the sale of spray-paint to a minor.

Chief Cunningham noted that an amendment prohibiting the sale and possession of spray-paint to a minor would be good. If it is not outlined as a crime for a minor to be in possession of spray-paint,

authorities would have to catch them in the act of graffiti by sight or photographic evidence to charge them.

Council Member Adams stated that graffiti is more prevalent in certain parts of the community and encouraged staff to engage parents and citizens, and requested that staff review any municipalities with a similar ordinance to use as a benchmark, to understand their process and see what progress has been made.

Council Member Montgomery requested that staff engage Keep Winston-Salem Beautiful and other community groups to put something in place so there are no blank canvasses for spray-paint, or possibly partner with public art programs.

Council Member Taylor noted that he would be in favor of a public hearing on the proposed amendment to obtain citizen feedback.

Chair Merschel requested that staff review the Artiva program and contact Ms. Marianne Mylet to see if it is still viable to create public murals and noted some of the locations where its work is showcased downtown.

Mr. Garrity stated that staff would bring back a preliminary draft amendment next month and will schedule a community meeting or public hearing in the future.

Council Member Montgomery requested that the proposed amendments be separated into two ordinances, one for the sale of spray-paint to a minor and one for possession of spray-paint by a minor.

Council Member Merschel requested that staff reach out to community business owners to see what issues need to be addressed.

Council Member Leight questioned if it would be possible to require a signature for the purchase of spray-paint at the point of sale to remove the burden from the seller.

ADJOURNMENT: 7:19 p.m.