

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

7:16 P.M., MONDAY, JUNE 14, 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 (in at 7:19 p.m.)
Council Member Derwin L. Montgomery

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

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. No items were removed for discussion.

Council Member Taylor made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Montgomery 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 - *Wintergreen Road; Cannon Avenue; Neighborhood Limits: Canaan Place Drive, Joseph Samuels Drive, Promise Land Court, Joshua Way Lane, Jericho Street, and Canann Place Court; Neighborhood Limits: Sedge Meadow Drive, Field Sedge Drive, High Sedge Drive, and Brooks Edge Drive.*
- C-2. ORDINANCE AMENDING SECTION 78 OF THE CITY CODE RELATING TO GENERAL CONSTRUCTION AND EQUIPMENT OF VEHICLES FOR HIRE.
- C-3. RESOLUTION AUTHORIZING THE CITY TO CONSIDER PRICE IN SELECTION OF PROFESSIONAL SERVICE PROVIDERS FOR FIRE STATION 19 CONSTRUCTION PROJECT - *Located off of Glenn Hi Road.*
- C-4. APPROVAL OF PUBLIC SAFETY COMMITTEE SUMMARY OF MINUTES - *May 10, 2010.*

GENERAL AGENDA

G-1. CONSIDERATION OF AN APPEAL BY MR. VICTOR HERNANDEZ OF THE DENIAL OF HIS APPLICATION FOR A DRIVER'S PERMIT.

Mrs. Marilena Jensen-Guthold, Assistant City Attorney, gave a summary of the appeal, and noted that since this process is a quasi-judicial matter, the Deputy City Secretary would now swear in all parties wishing to speak.

After being sworn in, Mr. Victor Hernandez, 4730 Randall Avenue, stated that he had been a cab driver for 10 years with Willard Cab Company and Yellow Cab Company. He also stated that he has not been able to drive for several months due to the pending appeal and that he has to care for his mother, wife and child. He further stated that in November 2009, around 1:30 a.m., he picked up a passenger on 21st Street and Cleveland Avenue. He alleged that the passenger was a known prostitute who was being followed by the police and Mr. Hernandez was pulled over a few blocks later. When police searched the cab, they found drugs and drug paraphernalia on the passenger and within the cab.

In response to Council Member Merschel's question, Mrs. Jensen-Guthold stated that there were no other pending charges than what was being considered for the appeal.

In response to Council Member Adams' question, Mr. Hernandez stated that the police had been following his passenger and he assumes they pulled him over to detain her. He also stated that drivers can use their own discretion to refuse service to a passenger but he felt no immediate threat and performed his duties.

In response to Council Member Adams' inquiry, Mrs. Jensen-Guthold stated that there may have been another reason that the police were following the passenger or Mr. Hernandez but nothing has been presented to staff indicating as such.

In response to Council Member Merschel's question, Mrs. Jensen-Guthold stated that there is a provision in section 78-208 of the City Code outlining refusal of service, but the intent of the provision is to eliminate discrimination.

In response to Chair Burke's inquiry, Mrs. Jensen-Guthold indicated that there is no provision for the protection of the cab driver in a situation such as this and the driver's criminal history is the only information that can be considered.

Chair Burke noted that if a driver picks up a passenger and the police follow them, the passenger may be aware and attempt to dispose of criminal evidence. She questioned what evidence was present and if the passenger of the vehicle was questioned.

Mrs. Angela I. Carmon, City Attorney, stated that Mr. Hernandez had the opportunity to present his story in court and he could have challenged the stop at that time.

Council Member Merschel noted that it appears as though Mr. Hernandez made a poor decision but if there were no other pending violations, if he had a good work record and his employer was willing to rehire him, she would support reinstating his permit. She expressed concern that the passenger did not have to go through dispatch at that time of night in that area.

Council Member Leight questioned the right of the police to search the vehicle if the passenger was the one being followed and there was no suspicion of Mr. Hernandez.

Mr. Scott Cunningham, Chief of Police, stated that any concerns or allegations with the performance of the Winston-Salem Police Department (WSPD) and its officers were heard and addressed in court and the judge convicted Mr. Hernandez as guilty.

Council Member Montgomery requested a copy of the police report to review statements from the WSPD, and felt that even though Mr. Hernandez was convicted guilty, he did not feel there was enough evidence to make a decision.

Council Member Merschel made a motion to reinstate Mr. Hernandez' permit with his understanding that there is no fault on the part of the WSPD. The motion was duly seconded by Council Member Montgomery and carried unanimously.

Mrs. Jensen-Guthold noted that the Committee could establish some type of standard for future appeals and any information they would like to consider.

Council Member Taylor wanted to ensure everyone was treated fairly in the case and that a similar situation does not occur again.

Council Member Montgomery questioned any recourse for future incidents so innocent people are not victimized.

G-2. UPDATE ON THE SILK PLANT FOREST CASE.

Chair Burke stated that she appreciates Chief Cunningham's effort and dedication to the importance of this case.

Chief Cunningham noted that a committee still meets at least once per week to review court proceedings, appeals and the Silk Plant Forest Citizens' Review Committee information and that there will be a comprehensive report by late summer.

Council Member Taylor commended Chief Cunningham for his efforts.

Council Member Montgomery stated that it is important that the community know the case is still being reviewed and that it is imperative for the WSPD to pursue more information and to restore trust in the WSPD among citizens.

G-3. REVIEW OF PROPOSED FY10-11 PUBLIC SAFETY BUDGET.

- Police Chief Scott Cunningham, Fire Chief Antony Farmer Emergency Management Director Mr. Melton Sadler, gave statements regarding their respective departments and budget concerns.
- Council Member Taylor suggested that staff form a local emergency management fund to give citizens relief as soon as possible when an emergency occurs.
- Chair Burke gave the example of last summer's apartment home fires to demonstrate the need for an emergency fund. She also suggested that there be a plan for organizing various community groups when an emergency occurs.
- Council Member Adams questioned if the approximately \$1.3 million in proposed grant fund expenditures for Fiscal Year 2010-2011 included all programs.
- Council Member Leight questioned why the benchmarking graph on page 13 of the agenda, outlining crimes per 1,000 population was so much higher for Winston-Salem than other cities and questioned if it was due to increased crime or the capture of more criminals.
- Council Member Adams suggested that in the matrix on page 12 of the agenda, projected performance measures and service trend targets should be lower.
- Council Member Merschel complimented Chiefs Cunningham and Farmer and representatives of their staff for their support and participation throughout the budget process, given that there will be no additional compensation for the second year in a row.
- Council Member Montgomery questioned if anything was in place for grant-funded positions once the funding period expires. He also stated that he hopes citizens understand the grant-funded position process and that staff should prepare for that conversation.
- Council Member Leight questioned why the percentage of fires for which a cause is determined decreased on page 20 of the agenda. She also questioned if the decrease in hazardous material incidents in the city was a product of a downturn in the economy.
- Council Member Taylor questioned where gang prevention would be considered under expenditure by program on page 12 of the agenda.

Chair Burke complimented the City Attorney's office for its part in the Silk Plant Forest review process.

ADJOURNMENT: 8:24 p.m.