

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

6:30 P.M., MONDAY, JULY 12, 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

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 Merschel 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 - *Marguerite Drive, Monticello Drive, and Wesleyan Lane.*

- C-2. CONSIDERATION OF ITEMS RELATING TO EMERGENCY OPERATIONS:
 - a. RESOLUTION APPROVING AND ADOPTING THE WINSTON-SALEM/FORSYTH COUNTY EMERGENCY MANAGEMENT MUTUAL AID AGREEMENT.

 - b. RESOLUTION APPROVING AND ADOPTING THE WINSTON-SALEM/FORSYTH COUNTY EMERGENCY OPERATIONS PLAN.

- C-3. ANNUAL TRANSPORTATION SAFETY REPORT.

- C-4. APPROVAL OF PUBLIC SAFETY COMMITTEE SUMMARY OF MINUTES - *June 14, 2010.*

GENERAL AGENDA**G-1. CONSIDERATION OF AMENDMENTS TO CHAPTER 38 OF THE CITY CODE RELATING TO GRAFFITI:**

- a. ORDINANCE AMENDING CHAPTER 38, ARTICLE 1, SECTION 15.1 RELATING TO GRAFFITI, THE SALE OF SPRAY PAINT.
- b. ORDINANCE AMENDING CHAPTER 38, ARTICLE 1, SECTION 15.1 RELATING TO GRAFFITI, POSSESSION OF SPRAY PAINT.

Mrs. Angela I. Carmon, City Attorney, stated that since both sub-items were amendments to the same ordinance, she would like to combine them into one ordinance.

Council Member Taylor made a motion to combine sub-items a and b into one item. The motion was duly seconded by Council Member Merschel.

Council Member Montgomery noted that he opposes the combination of the items as they have two distinctive functions, one for sale and one for possession of spray paint, and should be discussed separately.

Council Member Taylor noted that it would be hard to have one amendment without the other as they are equally necessary.

Chair Burke abstained from the vote. The motion carried on a vote of two in favor, one opposing and one abstaining. Those voting in favor of the motion were Council Members Merschel and Taylor, with Council Member Montgomery voting in opposition and Chair Burke voting in abstention.

Chair Burke suggested that staff inform other Council Members of what had transpired so as not to have a lengthy discussion at Monday night's City Council meeting.

Mrs. Carmon stated that she would poll other Council Members to determine if they would prefer to combine the amendments or leave them separate.

Council Member Montgomery stated that he supports a portion of the proposed change but would not vote for the item if both amendments were combined.

G-2. RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM, NORTH CAROLINA, THE COUNTY OF FORSYTH, NORTH CAROLINA, THE TOWN OF KERNERSVILLE, NORTH CAROLINA, THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION TO PROVIDE MATCHING FUNDS FOR THE 2010 COMMUNITY ORIENTED POLICING SERVICES SECURE OUR SCHOOLS GRANT.

Mr. Scott Cunningham, Chief of Police, stated that this item outlines a federal grant available to the Winston-Salem/Forsyth County School system, which is a partnership grant, whereby each entity provides some funding to improve camera systems throughout local schools. The Winston-Salem Police Department (WSPD) will be utilizing asset forfeiture funds rather than City dollars. In response to Council Member Taylor's question, Chief Cunningham noted that these funds would be limited to the enhancement of security cameras.

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

G-3. CONSIDERATION OF ITEMS RELATING TO CONSOLIDATED CITY/COUNTY PUBLIC SAFETY SERVICES AND FACILITIES:

- a. RESOLUTION APPROVING THE REVISED CITY/COUNTY COOPERATIVE GOVERNMENTAL SERVICES FUNDING AGREEMENT.
- b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH FORSYTH COUNTY TO JOINTLY FUND A CITY/COUNTY PUBLIC SAFETY TRAINING FACILITY.
- c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.
- d. RESOLUTION AUTHORIZING CITY MANAGEMENT TO STUDY ADDITIONAL CONSOLIDATION OPPORTUNITIES WITH FORSYTH COUNTY IN THE AREAS OF CRIME SCENE UNIT FOR LAW ENFORCEMENT AND AN AFFIDAVIT SYSTEM WITHIN THE LAW ENFORCEMENT DETENTION CENTER.

Mrs. Ann Jones, Budget/Evaluation Director, stated that Mr. Garrity and Mr. Dudley Watts, Forsyth County Manager, have met to discuss public safety needs of the City and County, and a portion of this item will revise the agreement approved in May regarding Justice Assistance Grant (JAG) funding, which will be removed from the agreement to allow more flexibility. An interlocal agreement with the County to jointly fund a City/County Public Safety Training Facility is included that will allow the construction of a fire/rescue training facility, an indoor firing range and the acquisition of land in the Rolling Hills area. The included project budget ordinance will consolidate the appropriation of funds from the City, County and federal earmark grant funds to construct and equip the joint public safety training facility. A Crime Scene Unit and Affidavit System is the final piece of the item, which will consolidate functions between the City and County as potential budgetary savings and program improvements.

Council Member Taylor expressed concern that if the JAG funding allocation is removed, the City could lose crucial public safety dollars and questioned how that could be avoided.

Mrs. Jones noted that staff will need to review the JAG funding allocation each year, as the federal government can make changes.

Chief Cunningham stated that there is some concern with removing the JAG funding allocation but staff will review it separately so as not to hinder other programs from moving forward. An equal allocation would be easiest, but it would not be the best option for the citizens of Winston-Salem and no allocation will allow more flexibility for potential fund uses.

Council Member Taylor requested that staff ensure consistency in the allocation of funding so the best option is obtained for everyone involved.

Mr. Lee Garrity, City Manager, stated that legally, the County cannot compel Forsyth County Sheriff Bill Shatzman to agree to any proposed allocation, but if the result is not equitable to the citizens of Winston-Salem, staff would rather let the funding pass.

Chair Burke noted that when this item was discussed at Finance Committee, it was mentioned that it would be best to allow the City Manager to continue discussions with the County Manager, rather than the City Council, to determine the best option.

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

G-4. CRIME COMPARISON INFORMATION UPDATE.

Chief Cunningham provided an update on crime rates in Winston-Salem in comparison to the overall national average. He also noted that citizens will be seeing officers out of their cars and having more interaction in the community. In response to Council Member Montgomery's questions, Chief Cunningham stated that reported drug areas have been identified in the city around Cleveland Avenue and the Waughtown Area. Six search warrants have been served, 32 individuals have been arrested who were wanted on charges, and beat officers as well as task force officers are working together to address this issue. He also stated that regardless of what the statistics show, it all boils down to the citizens' feeling of safety.

Chair Burke noted that when citizens see change in their communities and the reduction of crime, they have confidence in the WSPD.

In response to Council Member Merschel's question, Chief Cunningham noted that Winston-Salem will always report individual statistics, regardless of being a part of a different metropolitan statistical area, so its reported figures will always be accurate.

Council Member Merschel noted that after a particular Committee action in June, there was an implication that the City Council did not support the WSPD and she wanted to clarify that that implication was entirely untrue and that the WSPD has the full support of the City Council.

Council Member Taylor expressed thanks to the WSPD for its efforts in the community.

G-5. FIRE INSPECTION PRESENTATION BY THE WINSTON-SALEM FIRE DEPARTMENT.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, noted that a speaker expressed concern with the Fire Marshal's Office during the budget public hearing and that the Fire Marshal's Office would be making the presentation.

Mr. Robert Owens, Assistant Fire Chief, gave the presentation.

Council Member Taylor expressed concerns about improvements and efficiency regarding fire inspectors, and whether or not they may be performing tasks other than City business during work hours.

Assistant Chief Owens noted that the fire inspectors' vehicles are marked on all sides of the car and that employees are being monitored. He also noted that he has not received any direct complaints, nor has he seen any proof that the alleged events that were noted took place.

In response to Council Member Montgomery's question, Assistant Chief Owens stated that there were some inconsistencies between different inspectors regarding the amount of time required for an inspection and that the Fire Marshals' staff have implemented plans for consistency.

Council Member Merschel noted that citizens have inquired of her over time about fire inspections, the inconsistency between inspectors, the number of sprinklers and exits required as well as the requirements within various zoning districts and she requested additional information that those issues have truly been addressed and corrected.

Mr. Turner noted that originally, there were two downtown fire districts, one more extensive than the other, but there is no longer a code distinction between the two, so City Council eliminated the broader district.

Council Member Merschel noted that consistency and customer service areas should receive ongoing training and discussion to ensure the best service to the citizens of Winston-Salem.

Assistant Chief Owens noted that fire inspection staff continually strives for the best customer service and have adjusted the timeframe for compliance from ten to 30 days. Due to expressed concerns over fines and fees, many are now charged at the point of reinspection, rather than at the initial inspection. He also noted that sprinklers and various other requirements are based upon building construction, rather than fire inspections.

Council Member Merschel requested that more efforts be concentrated on educating citizens on various aspects of inspection and whether they are considered during construction or inspection.

(Verbatim Transcript)

MR. DAY: Harold Day, 1422 South Main. Mr. Owens I got some questions. I got educated the last year and a half with you. And I don't (inaudible) as the old saying goes, but we as citizens, tax

payers, are not getting anything from what you're doing. We all have insurance on our properties. I want to keep the ISO rating as cheap as I can because that keeps my insurance down, is that correct, Mr. Owens?

Do you know the three main things that keeps my ISO rating cheap? My insurance on my ISO rating? There's three things and this is off the Internet. Ten percent of it is graded from the Fire Department's (inaudible) from firearms and dispatch and communications. Engine companies is 50% of the grade and I think we got a great fire department. We got enough trucks, trains, chains, trained men on it. And 40% of the grade is the water supply. I read this over and (inaudible) and I don't see anything in there about the Fire Marshal's department that makes my ISO rating for my insurance any cheaper. I hate to say that. We did request the unit numbers be marked on there because I, a group of us have watched your people. And as of last week, C-40 spent 15 to 20 minutes inspecting a business. I don't know who C-40 is and really don't care but I don't know what he done the rest of the day. But you told me, just now, you have 10 inspectors now. We figured eight. Without counting the fire companies doing the inspection, if you do the math, it ain't but two or three quarter buildings a week that one of your inspectors does. Now, I give Mrs. Vivian a copy of the letter from the Moravian church office that one of your inspectors inspected last year, six buildings and your man spent almost five hours doing six buildings. This year, doing the same six buildings he was less than a hour there. Our question is what do your employees do with the rest of their time? You've got \$1.2 million in your budget. That is a lot of money to ride around town. And you said right here, that your men work a district. We followed them, they don't work one side of town, they go to the other side of town, do another building. That is wasteful of our tax dollars and I hate to throw you under the bus like this but it's our money. Now, how many times did we go to court with Bobby Haymore? He's not here today, he had emergency this afternoon, had to go to the hospital with his father-in-law. How many times did we go to the courtroom? Can you answer that?

CHAIR BURKE: Just a minute. What we do when we have citizens' participation is always, just as we have our regular Council Meeting, direct this way and then I will that way.

MR. DAY: Okay, thank you. Not familiar with your rules, but anyhow. We went to court eight times with Raymond Supply over a sprinkler system. Eight times. And this little pad on the wall back here is the occupancy for this room. On three, two occasions, I know maybe three, I asked Mr. Owens, overcrowding in the courtroom. He said he couldn't do nothing about it. You can't tell the judge what to do. It was 50 and 55 people over the occupant tag in the room. We get out after 5:00 and the back door is locked, not, you couldn't get out. There's no sign. I pointed it out. Insurance promotions at Raleigh, and I said, how do we get out? There's no signs on how to get out of this building. But we, you know, I just think we need to look at this department real close and look at the men, that we're spending with them. Thank you.

CHAIR BURKE: Alright, thank you. Three minutes over. And we have heard what has been said and those things we need to address we will get the answers and hear back. Because some things we don't have, well the judge can hold this court, but we can go in and look at it, what he said, speaking for him, we can look at it. We're not going to try to answer some questions this evening. We may have to go back and look at some things that we've done and just review it some. Is that fair? And those that you can answer, then if you feel that you want to answer them, you may, at this particular time. Yes.

MR. ARMSTRONG: Hi, Roger Armstrong, 760 Palmer Lane. Been working at Fishel Steel, you know continual family business since 1930, been in the same location since 1972. You know we were cited by the Fire Department for having blocked exits, but all there are is just exit doors and there's no physical restraint. Takes no keys, no locks, anything. And beside each door is a garage door, ten foot to 12 foot opening, that's wide open, yet they fine me for six blocked exits. One of the exits were blocked and you know, about a \$200 fine, and you know it's all interpretation that you can't have, that I can't secure my building from the outside and I can't understand why I'm fined for doing the same thing for 30 some odd years. And you know, there, it takes no key to get out of the door. And you know I'm cited for a blocked exit and then beside the door, there's a ten foot by 12 foot roll up door open with the fire, if there's a fire in the building, what are you going out of? You going to go out a three foot door or a ten foot hole in the wall?

CHAIR BURKE: Do you want to speak about that right now?

ASSISTANT CHIEF OWENS: I'm not familiar with that situation. I'll have to research it, I'm not familiar.

CHAIR BURKE: We'll go in and look at it.

MR. ARMSTRONG: Then here and then they came, you know they gave me 30 days to respond. I sent them a letter then and then, then like 26 days, I get a fine.

CHAIR BURKE: We're going to look at all of that. That's the purpose of this. We may not have seen this. We may want a little documenting what we do as a city because we want our customers to understand we're a business, just like your business. And I emphasize to the City...

MR. ARMSTRONG: Ma'am we're a small business so safety is more important to me than anybody. (Inaudible) there's 20% of my workforce. If I'm out of a job, so is a dozen people. And I mean we're more proactive than...

CHAIR BURKE: Just a minute. Just a minute sir. Now like I'm talking and I want some of our fire marshals to talk and then you hear what they're saying. Alright, we're going to learn to listen to each other and communicate and that's the purpose. We don't mind our customers telling us some things we can do and in order to do those things, we're going to hear each other and listen and then we will respond back. Yes, thank you. Anyone else. Yes sir, come on up.

MR. SNOW: James Snow, 428 Brookstown Avenue. Mr. Owen has said tonight that they have extended the time to 30 days to be in compliance that they have reduced some fines as I understood it. I personally was not aware of this and probably a lot of our citizens may not be aware of this that they have done this. And I think in my mind, are the fines a good way to ensure compliance? If I'm going to fine you Mrs. Burke for doing something, does that say well yeah, I better be in compliance or should I talk to you like a person and say this is what we could do to work together to make the situation better. But a threat of a fine is a non-starter for me. I find it very offensive. Been in business since 1925, running the business, making a payroll and somebody's going to come in and fine me for something that I may or may not have known about. The other thing, Mrs. Burke, is that the bar seems to be a moving bar that the fire marshals look for or observe. For several years,

nothing is said and all of a sudden, without the regulations changing, it is discovered that something has happened or there's some aspect has changed or got their attention and so they're going to write you up. Well, wait a minute. If we were doing it for five or ten years, we've been in business since 1925, or if you've been doing it 15 years and all of a sudden it's a problem, it just doesn't set well. That doesn't mean it doesn't need to be addressed, but we certainly don't need a fine for it. So that's about the summation of what I have to say about this.

(End of Verbatim)

Chair Burke stated that she wants citizens to understand that they are being heard, and encouraged them in the future to address concerns with their respective Council Member or with City staff rather than attempting to remedy situations themselves. She also stated that there is a need for better communication between citizens and staff and requested that the City Manager and his staff review the comments made today, consult with the City Attorney and determine if these instances were handled within the letter of the law. She further noted that the State sets fire code regulations and it is up to City staff to ensure those regulations are met.

Mr. Snow stated that when engine companies performed fire inspections, they were acquainted with each building and they ensured that buildings were safe for firefighters to travel through.

Assistant Chief Owens noted that engine companies perform a pre-fire plan, review the businesses, their operations, products stored there and other features. He also noted that currently, fines are only implemented 30 calendar days after an initial inspection takes place.

Chair Burke noted that if all the questions and concerns brought forward could not be addressed, that staff should bring these interested parties back together for further discussion.

Council Member Merschel noted that the Fire Department does not set many of the established fees, and she encouraged citizens to participate in future conversations regarding fees.

ADDITIONAL ITEM: LARGE TRUCKS ON THE 700 BLOCK OF SPRAGUE STREET

Council Member Taylor stated that he was contacted by a citizen regarding the traveling of large trucks along the 700 block of Sprague Street, and the destruction being caused to homes from the vibrations of the trucks. He also stated that the citizen recommends reducing the speed limit to less than 35 miles per hour or perhaps disallowing trucks to travel through there.

Chair Burke requested a report on Internet cafes from the WSPD.

Council Member Montgomery expressed thanks to Council Member Taylor for his work on the graffiti ordinance.

ADJOURNMENT: 7:49 p.m.