

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

6:30 P.M., MONDAY, OCTOBER 11, 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 Dan Besse*

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 removed for discussion.

Council Member Taylor requested to pull Item C-2. Council Member Montgomery requested to pull Item C-4. Chair Burke requested to pull Item C-5. No other items were pulled.

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 - *Byerly Road.*

- C-3. CONSIDERATION OF ITEMS RELATING TO THE ACCEPTANCE OF A GRANT FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR ESTABLISHMENT OF A FORSYTH COUNTY JOINT DRIVING WHILE INFLUENCED TASK FORCE:

- a. RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR ESTABLISHMENT OF A FORSYTH COUNTY JOINT DRIVING WHILE INFLUENCED TASK FORCE AND AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM, NORTH CAROLINA, THE COUNTY OF FORSYTH, NORTH CAROLINA AND THE TOWN OF KERNERSVILLE, NORTH CAROLINA TO ACCEPT GRANT FUNDING AND EXECUTION OF A MUTUAL ASSISTANCE AGREEMENT BETWEEN THE SAME PARTIES FOR IMPLEMENTATION OF THE DRIVING WHILE INFLUENCED JOINT TASK FORCE.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.

C-6. APPROVAL OF PUBLIC SAFETY COMMITTEE SUMMARY OF MINUTES - *September 13, 2010.*

C-2. BICYCLE AND PEDESTRIAN SAFETY REPORT.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, noted that the public has made several comments about the need for enhanced pedestrian and bicycle safety and staff has developed a three part plan, including the aspects of accommodation, education and regulation. Accommodation addresses the need to provide safe usage of public streets, bike lanes, pedestrian crosswalks, and sidewalks for pedestrians and bicyclists. Education will help all users of the road to understand the responsibilities of each participant and to provide safe travel for all. Regulation covers the laws and rules at State and City levels as to how pedestrians, bicyclists and drivers are to behave. Staff is considering a recommendation to endorse the North Carolina Department of Transportation's notion of "complete streets" which will include all travelers of roadways, and a report is included in the Agenda book.

Council Member Merschel expressed thanks to staff for the installation of bike lanes along Hawthorne Road and Northwest Boulevard and noted that they have been an excellent tool for traffic calming. She questioned how much longer it would take to connect those bike lanes to Reynolda Road and the downtown area.

Mr. Stan Polanis, Department of Transportation Director, stated that staff lacks approximately one block from connecting the areas, but there is no additional width at that point in the road because the current lanes are needed for vehicular travel. He also stated that it will likely be a shared lane for vehicle and bike travel.

Mr. Turner noted that the installation of a bike lane on Northwest Boulevard was easy because staff was able to utilize existing pavement width, providing enough area for cars and bikes to travel.

Chair Burke requested to know the number of fatalities involving bicycle crashes in that area. She also noted that many times, citizens misuse bike lanes and instead park cars there and requested to

know what was being done to educate citizens on the proper use of these areas.

Mr. Polanis noted that in addition to educating motorists and other travelers, staff will also need to educate homeowners that bike lanes are not a leaf or trash collection area.

Council Member Taylor suggested that staff contact the Department of Motor Vehicles to help communicate this information to citizens.

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

C-4. CONSIDERATION OF APPROVAL OF THE REVISED EMERGENCY RESPONSE LEVELS AND EXPECTATION FORM.

Council Member Montgomery requested a report on what the Council Members' response should be in the event of an emergency and a report on small incidents.

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

C-5. CONSIDERATION OF ITEMS RELATING TO A CONTRACT FOR A LAW ENFORCEMENT TACTICAL VEHICLE UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(g).

- a. RESOLUTION AWARDED CONTRACT FOR LAW ENFORCEMENT TACTICAL VEHICLE UNDER THE BID PROCEDURE WAIVER OF N.C.G.S.143-129(g) - *Lenco Armored Vehicles* - \$345,490.
- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2010-2011.

In response to Council Member Taylor's question, Mr. Scott Cunningham, Police Chief, stated that the Winston-Salem Police Department (WSPD) would like to retain the current vehicle for educational purposes, perhaps in a law enforcement museum, to help provide information about WSPD procedures and functions, rather than returning it to the military for scrap.

Chair Burke suggested that as the current vehicle is no longer serviceable, it should be utilized as an educational tool to teach citizens and school children about the functions of the WSPD.

Council Member Merschel expressed pleasure at seeing an antique fire truck on display at the Dixie Classic Fair and that it would be nice for the City to continue to collect or retain antique equipment, if the costs are reasonable.

In response to Council Member Merschel's question, Chief Cunningham noted that the WSPD will utilize existing funds for the warehousing and maintenance of these vehicles and any additional

needs or costs would be brought before the City Council.

In response to Council Member Taylor's question, Chief Cunningham stated that the tactical vehicle is needed for its capability and capacity to protect citizens. It is designed to be an armored rescue vehicle and there have been three instances in as many years that the vehicle would have been utilized. During one of those instances, a vehicle had to be borrowed from the City of Greensboro, which forced the WSPD to wait for its arrival to pursue the situation.

In response to Council Member Montgomery's question regarding the North Carolina State Emergency Telephone System Fund, Mr. Lee Garrity, City Manager, stated that those funds are built up from the 911 fee charged on phone lines and there are very specific rules regarding how those funds are spent. The City has not had enough eligible expenses so a fund balance has built up. Beginning last year, the State allows up to 50% of the fund balance to be used for public safety initiatives, but that allowance ends next year. Staff is reviewing other needs within the Police and Fire Departments to determine further allocations.

Chair Burke noted that Winston-Salem is a large enough city that it should not have to borrow equipment from another municipality and it should be able to provide what is needed to protect its citizens.

In response to Council Member Merschel's questions, Chief Cunningham stated that the criteria change specifies that up to 50% of the fund balance can be spent on any public safety related item after it is approved by the North Carolina 911 Board. He also stated that there is \$958,000 available to be spent within the next year.

Council Member Merschel requested that the Public Safety Committee review the criteria of the NC 911 Board in regards to the use of the fund balance. She also questioned if those funds may be utilized for rapid recovery services in the event of a disaster.

In response to Council Member Taylor's question, Chief Cunningham stated that the City does not have the ability to set these funds aside and use them at a later date but staff can appeal to the NC 911 Board and request additional time to determine fund allocations, but there is no guarantee that extension would be granted.

Mr. Garrity stated that staff will review these requests and that City Council may want to consider setting aside a General Fund balance for a recovery assistance fund, or establish a contingency to assemble and appropriate funds in the event of an emergency.

Council Member Taylor requested that the City consider establishing an emergency response fund.

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

GENERAL AGENDA**G-1. CONSIDERATION OF AMENDMENTS TO THE CITY CODE RELATING TO SOLICITING OR BEGGING ALMS AND CHARITABLE SOLICITATIONS.**

Ms. Lori Sykes, Public Safety Attorney, gave a brief overview of the current begging/soliciting ordinance.

Mrs. Angela I. Carmon, City Attorney, stated that the Agenda book contains various requests received from citizens regarding begging/soliciting. In response to Council Member Taylor's question, she stated that there is no specific provision excluding newspaper sales from the ordinance but staff will review.

Council Member Merschel noted that panhandlers create a general feeling of being unsafe and these individuals can also create an unsafe environment for themselves. She also noted that she observed a newspaper salesperson at the Northside Shopping Center who crossed two lanes of traffic to have a conversation with a driver and performed some sort of transaction. She questioned if there was any way for staff, other than police officers, to be able to cite individuals for this type of behavior.

Ms. Sykes noted that the City of Durham requires solicitors to have an identification badge when their permit is received and the Revenue Collector can demand that an individual present the badge if questioned.

Mrs. Carmon suggested that the office whom issued the permit could randomly inspect locations to ensure the rules and regulations are being obeyed.

Council Member Merschel suggested that this item be held in Committee for further discussion.

Council Member Montgomery expressed various concerns with the possible impeding of a citizen's rights, with requiring a fee for permits, with assessing a fine for violations, requiring photo identification and requiring insurance.

Mrs. Carmon noted that based upon State statutes, an individual or group must have identification and proper insurance to solicit on a state-maintained road. She also noted that the City Secretary's Office handles the notice of intent for charitable solicitation permits.

Mr. Garrity noted that in reviewing the operations of other cities, the Revenue Department may be the best location to handle privilege licenses, given there are two locations within the City, in the Bryce A. Stuart Municipal Building and the Black-Phillips-Smith Building.

Council Member Besse stated that solicitation has been discussed for many years, and while enforcement of the current ordinance is somewhat difficult, the biggest concern at this time seems to be soliciting from a median. He also stated that there have been two serious injuries from individuals soliciting from a median who stepped off and were hit by cars, and it would be ideal to be able to restrict solicitation to the sidewalk. He further stated that restricting solicitors to the sidewalk would prohibit such activities as newspaper sales and well-managed occasional solicitations, such as

the Fire Department's Fill the Boot campaign. He requested the Mrs. Carmon develop a document that prohibits begging from a median and include a section stating that it does not apply to those groups who have given legitimate, advanced notice of solicitation. Newspaper sales would automatically be excluded from the provision as they are addressed under State law.

Council Member Taylor noted that public safety is a major concern for solicitors and while he feels that the proposed fee may be excessive for a fine, he is in support of the requirement of a privilege license, as it requires a background check and provides an additional element of safety. He also expressed his support of prohibiting solicitation from a median.

Council Member Montgomery expressed concern that the process will require a background check.

Council Member Taylor suggested that in addition to the background check, there should be a limit to the number of felony convictions one may have to prohibit them from obtaining a privilege license.

Mr. Garrity stated that enforcement of these provisions will be difficult but they would provide additional tools to the WSPD, even if they did not witness a violation.

Council Member Merschel noted that while Winston-Salem is a benevolent community, there are local agencies where individuals could receive assistance rather than begging or soliciting. She requested the addition of a pedestrian protection aspect to Council Member Besse's suggested document that addresses a pedestrian citizen's right not to be approached by panhandlers.

Council Member Besse noted that if soliciting from a median is prohibited, it may help to discourage those who are not soliciting from panhandling in a nearby shopping center or parking lot. He also noted that given little legal restriction on panhandlers, those individuals may avoid the helpful agencies that are present in the community. He further noted that if an individual has a demonstrated repeat offense pattern, a provision may be included that could bar them from that activity.

Council Member Taylor requested that mental health concerns be addressed in the ordinance.

Chair Burke requested that staff take into consideration the comments and recommendations of the Committee Members and that other Council Members should be polled to form a consolidated document. She noted that this is a big problem in some areas of the city, such as the intersection of Martin Luther King, Jr. Drive and New Walkertown Road and New Walkertown Road and Waterworks Road where youth groups are raising funds and children are frequently close to the traffic. By consensus, this item will remain in Committees.

G-2. REQUEST TO SUPPORT LOCAL ACT TO PROVIDE LAW ENFORCEMENT TO CLEMMONS.

Chief Cunningham stated that there are valid reasons for the City and citizens to be interested in providing law enforcement services to the Village of Clemmons and other areas that may seek assistance. This item is simply to gauge whether or not City Council would be supportive in moving forward as it would benefit the citizens of Clemmons and Winston-Salem. This partnership would

provide enhanced knowledge about crime and other issues on the edges of the Winston-Salem community. In response to Chair Burke's question, he stated that additional officers will be hired and trained to provide service to that area.

Mr. Garrity stated that if the Committee chooses to move forward with this request, he recommended that the City Council entertain a resolution to support Clemmons' request to the legislature to change the law so that WSPD would have statutory authority to police the Village of Clemmons.

In response to Council Member Taylor's question, Chief Cunningham stated that if the legislative act was to occur and WSPD was given jurisdiction, there would need to be a discussion as to whether or not services would be contracted or if it would be a pay for services agreement. If the City Council chooses to proceed, staff would envision a multi-year contract for services and should the contract end, given the ebb and flow of employment within the WSPD, those officers would be absorbed quickly back into various departments within the WSPD.

Council Member Montgomery requested that staff ensure the City will not be responsible for the cost of providing these services. He also suggested that newly trained personnel be provided to Clemmons rather than transferring trained officers to that area.

Chief Cunningham noted that officers would be set up with the regular deployment schedule, whereby they can select a shift they would like to work, rather than a specific beat.

Council Member Merschel noted that the City has been approached within the last year to provide School Resource Officers and are now being asked to provide services to other communities and questioned if enabling the legislation that Clemmons is requesting would expedite the consolidation of law enforcement in this area.

Mr. Garrity stated that in his original discussion with the Village of Clemmons, it would have been his preference that they seek legislation from the State that would give WSPD authority anywhere in the County. Currently, they bear no liability cost with the Sheriff's Department and that issue would need to be discussed. In response to Council Member Merschel's inquiry regarding the unfairness in not offering this option to other small communities, county-wide, Mr. Garrity stated that the Chair of the County Commissioners is not taking a position on this item at all.

In response to Council Member Taylor's question regarding the operation of the jail, Chief Cunningham noted that if the WSPD were to provide policing services to Clemmons, suspects would still be brought to the Forsyth County Detention Center, and that WSPD personnel is pleased with the Sheriff's Department operation of the jail.

Council Member Besse noted that if Committee Members would like to entertain the idea of a consolidated police force, approving this request would be an incremental step in that direction and is more likely to be approved as a legislative authorization than a request not coming from all affected jurisdictions county-wide.

Chair Burke stated that by consensus, this item will remain in Committee for further discussion.

EXTRA ITEMS

Chair Burke expressed concern with wheelchairs traveling in the street and the safety issues surrounding that.

Council Member Montgomery suggested that staff review wheelchair accessibility issues as well.

Chair Burke stated that residents in the area of Martin Luther King, Jr. Drive have expressed concern that the WSPD does not have a visible presence in that area. She suggested that bicycle officers may want to ride through the area and get to know some of the business owners.

Council Member Taylor requested that WSPD review the concern of citizens on Betty Drive regarding loud arguing and fighting.

Chief Cunningham noted that the WSPD will begin a new practice to recognize fallen officers on the anniversary of each loss, rather than just during Law Enforcement Memorial Week, beginning tomorrow morning. An honor guard will be posted at the law enforcement memorial for a 12-hour period, placing a wreath at the site. He also noted that during the history of the WSPD, 17 officers have been lost in the line of duty.

ADJOURNMENT: 7:59 p.m.