

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

5:30 p.m., Monday, January 9, 2012

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
Council Member Robert Clark

Chair Burke called the meeting to order and welcomed staff and citizens to the meeting.

Chair Burke stated that the Committee would first consider the Consent Agenda and asked if anyone wished to remove any items for discussion. Council Member Taylor asked for separate consideration of Item C-3, and staff requested removal of Item C-2(a). No other items were removed from the Consent Agenda.

Council Member Montgomery made a motion for approval of items on the Consent Agenda. The motion was duly seconded by Council Member Merschel and unanimously carried.

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 - *Brookline Street*.
- C-2. CONSIDERATION OF ITEMS RELATING TO THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A LIMOUSINE/TAXICAB SERVICE IN THE CITY OF WINSTON-SALEM: Public Hearing: February 6, 2012.
- b. ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO MARK'S TRANSPORTATION FOR THE OPERATION OF ONE LIMOUSINE IN THE CITY OF WINSTON-SALEM.

- c. ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO WHITE LIGHTNING TAXI FOR THE OPERATION OF FOUR TAXICABS IN THE CITY OF WINSTON-SALEM.
- d. ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO SAFE RIDE TRANSPORTATION FOR THE OPERATION OF TWENTY TAXICABS IN THE CITY OF WINSTON-SALEM.

C-2.

- a. ORDINANCE AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO AIR LINK SHUTTLE SERVICE FOR THE OPERATION OF ONE LIMOUSINE IN THE CITY OF WINSTON-SALEM.

Assistant City Manager Greg Turner advised that Air Link Shuttle Service has requested withdrawal of its application for a Certificate of Public Convenience and Necessity because the company has gone out of business.

Chair Burke stated that this item is withdrawn.

C-3. GANG REDUCTION COORDINATOR'S REPORT.

Council Member Taylor asked for a brief presentation on this item.

Appearing before the Committee at this time was Mr. Solomon Quick, Gang Reduction Coordinator with the City's Recreation and Parks Department. He reported on initiatives which have been implemented to address gang activity, and specifically mentioned several collaborative efforts with local schools and universities.

In response to a question from Council Member Montgomery, Mr. Tim Grant, Director of the Recreation and Parks Department, stated that the Gang Reduction Coordinator position has been in the Recreation and Parks Department since July 1, and through the City's various programs and centers, there have been more opportunities for direct contact with at-risk youth.

Chair Burke stated that as Public Safety Chair, she meets with the Gang Task Force on a regular basis and although progress has been made, there is still a lot of work to do. She stated that volunteers are welcomed at the meetings, and she asked staff to advise City Council Members of the meeting schedule so they may attend if they wish.

Mr. Quick advised that several members of the Governor's Crime Commission have attended one of the meetings and were impressed by the City's efforts in prevention, intervention and suppression of gang activity.

Chair Burke commented that there have been marked improvements in tracking gang activity and coordination of efforts to pool resources to address the problem. She thanked Mr. Quick for the report and stated that this is accepted by the Committee as information.

GENERAL AGENDA

G-1. PUBLIC SAFETY COMMITTEE PRESENTATION ON WebEOC.

Mr. Turner advised the Committee that due to technical problems, staff would like to hold this item in Committee until February.

G-2. ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE ADDING SECTION 38-5.2. RELATING TO EXCLUSIONS AND LIMITATIONS. [*Remanded to Finance Committee by City Council on January 3, 2012.*]

Chair Burke stated that the Committee would hear from citizens, and with the consensus of Committee Members, speakers were asked to limit their comments to three minutes each. She commented that this was going to be a positive meeting, but wanted those in attendance to realize that it is not likely that the issue will be resolved this evening.

Appearing first was Mr. Mike McGuire, 4710 Weston Brooke Trail. He stated that the group believed it would be helpful to have an opening statement from the group and then have discussion.

Mr. Ghali Hasan, 4945 Tutelo Trail, presented the opening statement. He thanked the Committee for hearing this item and directing it through the proper channels. He advised that there was no intention on the part of Occupy Winston-Salem (OWS) to attract negative publicity. The group only wanted to exercise its constitutional rights of free speech and public assembly. Mr. Hasan expressed the group's desire that no action be taken on Council Member Besse's proposal.

Appearing next was Ms. Kim Porter, 4220 Allistair Road. Ms. Porter explained that her education and background was in social work and she has experience with the homeless and at-risk youth. She stated that Occupy Winston-Salem is a diverse group which wants to exercise individual constitutional rights.

Ms. Sally Hirsh, 1831 Brantley Street, addressed the Committee regarding her concerns with safety issues on the front lawn of City Hall. She stated that she was glad to see some stakes and ropes cordoning off potential danger areas, but she contacted the City's Risk Management Department to inquire if those could be supplemented with something more solid. She was advised that group members should be vigilant and police themselves. Ms. Hirsh commented that the steps were cold and it would be more comfortable if citizens could sit on the grass.

Appearing next was Dr. John Epstein, 722 River Tree. Dr. Epstein informed the Committee that he was a sociologist by profession and has consulted with Police Departments throughout the country on similar issues. He stated that the City has a responsibility to allow people to assemble and be heard, but he understands that there is a liability issue due to the configuration and landscaping of the front lawn of City Hall. He expressed his opinion that the City should assist Occupy Winston-Salem in finding an appropriate location.

Chair Burke stated that, as a black female, she was well acquainted with discrimination, and vehemently objected to it in all its forms. She emphasized that the Public Safety Committee was present this evening to hear from citizens and she wanted everyone to know that the City is in no way limiting free speech. Chair Burke asked the City Manager to comment.

City Manager Lee Garrity stated that he agreed that public property should be made available to the public, and staff is continuing to look at ways to reinforce or install barriers on the front lawn of City Hall to prevent falling hazards. However, there are limitations to what can be done. Mr. Garrity recommended that the Public Safety Committee take no action on this item this evening, and request staff to undertake a comprehensive review of the City's ordinances regarding permits for exhibition shows, parades, open air meetings, etc., not for the purpose of restricting free speech, but to ensure clarity and consistency. He stated that citizen input would be welcome during the review process, and stressed that there is no intention to restrict free speech or the right to assemble.

Chair Burke commented that such a review has been needed for a long time, and there have been areas of concern long before the Occupy movement.

Council Member Clark agreed that there are conflicts in the City Code that should be addressed. He stated, however, that while no one wants to restrict free speech or access to public property, there is a need to balance that with individual property rights and being considerate of one another as citizens.

In response to a question from Council Member Montgomery, City Attorney Angela Carmon advised that for groups larger than 25, the group would have to give the Police Department notice of the intent to picket, but no permit is required. There have been other fairly recent changes to the City Code with regard to obstruction of sidewalks and panhandling.

Council Member Montgomery suggested that this issue be scrutinized very carefully to avoid unintended consequences. He expressed his view that any language should be as broad as possible.

Council Member Besse stated that he crafted the proposed amendment to the City Code in response to difficulties occurring as staff worked to enforce existing Code provisions. He explained that his intent was to provide the simplest possible clarification on a temporary basis without excessive infringement on individual rights while Council worked on a longer term solution. Council Member Besse agreed that there may be alternative approaches to ensure the safety of public property and the protection of citizens.

Chair Burke stated that as the comprehensive review of the Code takes place, any concerned citizens, whether members of Occupy Winston-Salem or not, may contact the City Manager's office to offer input.

Mr. Hasan requested permission to speak briefly. He stated that as citizen input is sought, it would be helpful if individuals were given more than three minutes to speak, and he asked the Committee to take that into consideration.

Chair Burke and other members of the Committee responded that it is helpful for groups to designate a spokesperson so repetition of comments is held to a minimum. In addition, there must be respect on all sides to ensure orderly dialogue and recognition of time constraints.

Ms. Gregory Gunther, 495 Garden View Drive, expressed his opinion that community trust cannot be imposed by law. He stated that he believed trust and respect for one another was more effective than any ordinance adopted by the City.

Council Member Merschel commented that having two or three spokespersons for Occupy Winston-Salem working with staff might be a way to focus issues and concerns, with Council receiving periodic updates on what progress is being made.

Appearing briefly before the committee was Mr. Tony Ndege, 1713 Chapel Street, who stated that Occupy Winston-Salem did not seek to break any laws, but gatherings have been dispersed due to technicalities. He asked that the group be given the benefit of a doubt.

In response to Council Member Clark, Mr. Garrity stated that he would estimate the review to take approximately three months. In the meantime, the City is willing to give OWS the benefit of a doubt, but will continue to enforce current provisions of the City Code. For example, OWS may continue to picket with less than 25 persons without notice and may continue to hold open air public meetings on City property unless otherwise restricted. No camping or sleeping is allowed.

Chair Burke reiterated that anyone with comments or suggestions should contact the City Manager's office.

ADJOURNMENT: 6:47 p.m.