

Minutes

Asheville City Council Public Safety Committee Meeting July 22, 2013 3:30 p.m.-5:00 p.m. Training Room, Municipal Building

Council Members: Cecil Bothwell, Jan Davis, Gordon Smith

Guests: Cindy Gsell, Jim Cowley, Peter Brown

Staff: Gary Jackson, City Manager; Captain Tim Splain, APD; Chief Scott Burnette, AFD; Fire Marshall Wayne Hamilton, AFD; Alex Carmichael, Executive Assistant- City Manager's Office

Chairman Bothwell called the meeting to order at 3:30 PM.

1. **Approval of the June Minutes:** Councilman Davis motioned to approve the June minutes. Councilman Smith seconded. The motion passed with all in favor.
2. **Staff Updates:**
 - a. **SAFE Carolinas' Risk Hazard Analysis** – Scott Burnett, Fire Chief
Chief Burnette provided a status report on conversations between ADF and SAFE Carolinas regarding emergency planning zones for nuclear reactors. SAFE Carolinas has begun a risk hazard analysis and the Chief estimated a report back in approximately 12 months.
3. **New Business:**
 - a. **Fire Code Ordinance Amendment** - Scott Burnett, Fire Chief
Chief Burnette presented a proposed amendment to the City ordinance that would prohibit the installation of electrified fences. The current NC Fire Code only regulates buildings and not detached fences. However, if an electrified fence were attached to a building it would be prohibited. The staff recommendation was to model the code as if the fence were attached to a building. Councilmen Smith and Bothwell met with the vendor representative, Cindy Gsell of Electric Guard Dog, who was present at the Committee meeting.

Ms. Gsell distributed material for the Committee to review, including model municipal ordinances that permit electrified fences. She proposed was a 10 ft electrified fence surrounded by a second, non electrified perimeter fence. The power unit would consist of a non-metered, 12 volt battery that would pulse

every 1.3 seconds. However, signs would be posted stating “Warning: 70,000 volt fence,” as a deterrent.

A local Asheville business wished to install an Electric Guard Dog fence. Jim Cowley, from Sunbelt Rentals spoke in support for the Electric Guard Dog ordinance proposals. Sunbelt Rentals had units installed at locations in South Carolina and reported having no safety issues. Mr. Cowley noted that the fence would not be electrified when the location was open for business. Ms. Gsell also noted that first responders were comfortable with the Knox-box that would be installed on the unit.

Councilman Bothwell addressed Chief Burnett and asked what specifically his concern was. Chief Burnett expressed reservations about 1) a Knox-box, which is technology dependent, being responsible for guaranteeing first responders access without injury; and 2) anything that impeded evacuation in an emergency.

Councilman Smith asked Fire Marshall Wayne Hamilton why, if these units were deployed across the US, would the City set the bar this high. Fire Marshall Hamilton reported that there was a gap in governmental regulations. Cities do not permit electrified fences; they just do not have the authority to prevent them. Currently, there is no government oversight of how they are installed.

Councilman Bothwell asked staff if there was some way to provide a variance until the ordinance could be revised. Ms. Gsell stated that the fence was not in violation of any code and therefore did not need a variance. She recommended changing City code to align with the standards adopted by the International Electrotechnical Commission, which she provided.

Councilman Smith asked staff to address the possibility of modeling the standards set forth in order to safely permit the fences, rather than prohibit them entirely. Chief Burnett expressed his ingress and egress concerns. He noted that it would inhibit response to unconscious individuals.

Councilman Davis expressed sympathy to the business owners, but did not wish to act in opposition to the advice of the Fire Department. He would rather err on the side of safety.

Ms. Gsell noted that her company did not sell the fences; they installed and leased the use of them. Electric Guard Dog maintained the fences and filed hold harmless agreements with the city where they are located.

Councilman Smith asked Chief Burnett what it would take to satisfy his concerns. Chief Burnett replied that it would be a challenge anytime special knowledge is required to exit. If a family member, someone incapacitated, or

some other vulnerable person were inside the perimeter, he would be concerned with barriers to exit. He would like to see a system that allowed for a single motion exit which did not require any special knowledge. He also noted that having language in an ordinance such as “approved by authority having jurisdiction” would allow for an appeals process as well as the consideration of new technologies. Councilman Smith asked how long it would take to review the ordinance to satisfy his concerns. Chief Burnette responded 30-60 days.

Councilman Davis thanked Sunbelt Rentals for investing in this community. He explained that the Committee did not wish to make things difficult for investing businesses, but wanted to make sure that standards were safe.

b. Reems Creek Contract – Scott Burnett, Fire Chief

Chief Burnette presented the status of the Reems Creek Fire Contract. Since 2007, the Reems Creek Fire Department has provided coverage to the Beaverdam community. Prior to the agreement, coverage was at about 20%. Since the agreement, performance has been at 99%. The contract was set up as a three year agreement. Staff recommended renewal, at a 1.6% increase over the previous period, per the agreement.

The Councilmen concurred to recommend to full Council.

4. Public Comment:

a. Councilman Davis asked to speak as a citizen. He was very concerned with the wave of graffiti in the western corridor. His business was tagged Saturday and it cost \$6,000 to repaint. Just about every building South of French Broad Avenue has been hit. It was incredible to him that those projects could be accomplished without someone getting caught.

Captain Tim Splain reassured Councilman Davis that APD has made several arrests for “tagging.” He accounted for the possibility that the most recent wave of graffiti could be retaliation for the arrests. APD was investigating a new wave of etching in glass. They have been working with Public Works to utilize their data base to track tags. They are working to connect with the 311 system for additional data.

APD could only prosecute when someone was caught in the act or admitted to tagging. They can not charge for any tags outside of those two scenarios.

Councilman Davis proposed reconsidering fines to property owners that did not remove tags in a reasonable amount of time. Councilman Smith said that he would support revisiting the fines along with an analysis of cost to the City.

b. Timothy Sadler addressed the Committee regarding emergency management plans. He asked specifically what the City could do to prepare the public for extreme weather events or other emergencies.

Chief Burnette reported that the City has a comprehensive emergency management plan, which is not a public document for security purposes, as is the national standard. If someone intended harm they could affect more damage with foreknowledge of the City's plans. However, Chief Burnett encouraged anyone who wanted more information on personal preparedness to visit ready.gov. Chief Burnett also mentioned the readiness information campaigns that the City partnered in with Buncombe County, the Red Cross, and the North Carolina Department of Public Safety. He stressed that the primary thing a citizen could do is prepare to be self sustainable for seventy-two hours. He also mentioned the City's Delta Alert System, which is an emergency notification system that blasts information in multiple languages to 60,000 of the City residents registered for the program (out of 83,000 total population.) Chief Burnett urged anyone not registered to sign up for Delta Alert notifications.

The meeting adjourned at 4:46 PM.