

GREENWOOD CITY COUNCIL

March 15, 2004 - 5:31 p.m.

**MINUTES**

PRESENT

Council Members: Mayor Nicholson, Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke; City Manager; Assistant City Manager; City Clerk; City Attorney; Police Chief Gerald Brooks; and Wallace McBride from the Index-Journal.

CALL TO ORDER

The meeting in the Council Chambers was called to order by Mayor Nicholson at 5:31p.m. He welcomed everyone to the meeting, and gave the invocation.

STATEMENT AND  
QUORUM

Mayor Nicholson gave the following statement: "In accordance with the Freedom of Information Act, Chapter 4, Title 30, Code of Laws of South Carolina, 1976, an agenda has been posted on the front door of City Hall and notification of this meeting has been given to the news media."

The Mayor asked the City Clerk, Steffanie Dorn, if a quorum was present. She said, "Yes, Mr. Mayor, we have a quorum present."

MINUTES

Mayor Nicholson asked for a motion to approve the minutes of the City Council Public Hearing and Meeting on February 23, 2004.

Motion was made by Linda Edwards, seconded by Johnny Williams, approving the minutes as presented.

The Mayor asked, "Any discussion? All in favor raise your right hand. So moved."

Motion was carried unanimously.

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REPORTS

Mayor Nicholson asked for a motion to accept as information the reports from the City Manager for February 2004, and the

Commissioners of Public Works Consolidated Financial Report for the period ending January 31, 2004.

A motion was made by Johnny Williams, seconded by Betty Boles, to receive the reports as information.

The Mayor asked, "Any questions or corrections? All in favor raise your right hand. So moved."

Motion carried unanimously.

## CONSIDER

An Ordinance Closing a Portion of Brice Street, Beginning at the Intersection with Sproles Avenue West, Terminating at the Intersection with Henrietta Avenue West, and a Portion of Sanders Street, Beginning at the Intersection with Brice Street, Terminating at the Intersection with Barksdale Street and to Authorize the City Manager and City Clerk to Sign a Quit Claim Deed for Said Portions to Lander University.

(2<sup>nd</sup>

reading)

Under old business, Mayor Nicholson read the first item and said, "This is the second reading. If you look at the overhead, you can see the area that we're talking about. Do I have a motion that we close these streets?"

Motion was made by Johnny Williams, seconded by Niki Hutto.

The Mayor asked, "Any discussion? All in favor raise your right hand. So moved."

Motion passed unanimously.

- attach -

## RECEIVE

2003 Greenwood Police Department Annual Report.

Under New Business, Mayor Nicholson read the first item and recognized the City Manager.

## STEVEN BROWN

"Mr. Mayor and City Council, Chief Brooks presented me with this annual report a few weeks ago, and I've asked him to present it to you."

“Mr. Mayor and Council, I’ve got some hard copies that I’ll pass out, but I thought I’d touch on just a few highlights, and get out of your way. The good news is, since 1997, the violent crimes in the City of Greenwood, such as murder, forcible rape, robbery, and aggravated assault, have decreased around 50%. From a graph standpoint, you can see that in 1997, we’re over 800 per year. For the last two years, 2002 and 2003, we’ve been below 400 per year. I would think that’s good news to everybody who lives in the City of Greenwood.

The good news is our property crime (burglary, larceny, and vehicle theft) have decreased by more than 25% during that same time period. Our arrest figures had a 13% increase in 2002. I think that gives you some idea of how hard our officers are working. As crime continues to come down, our arrest numbers are still going up. I’ll submit to you that the best crime prevention program we’ve been able to find is, identifying the criminals in the community, arresting them, and getting them behind bars. That seems to work better than anything we’ve been able to try.

Of those 4,254 arrests, only 95 required some use of force. I would like to elaborate on that just a little bit. The use of force doesn’t mean that somebody was injured, or there was a real violent resistance of arrest. We require our officers to report to us anytime they use any type of force, other than just simply putting their hands on a person to handcuff them, so 95 is higher than it really is. For instance, if an officer responding to a call has a reason to fear for his or her safety, maybe if guns are involved, based on the information that they heard on the radio, and if our officer unsnaps his or her holster, it’s considered a use of force. They don’t even have to draw a weapon. If they unsnap their holsters, it’s considered a use of force. If they were to draw their weapons and hold it down by their side, it’s considered a use of force. If a person struggles and we simply have to restrain that person, never striking or injuring them, this is considered use of force. But having said that, the number 95 is only 2.2% of 4,254. What that means to me is, 98% of the time, we were able to make the arrest with no force whatsoever. Again, I think that speaks well about the officers.

A lot of people are always interested in vehicle pursuits because there’s a lot of liability involved. Last year, we had 16 vehicle pursuits. Again, I’d like elaborate for just a little bit. We don’t make the choice whether or not there’s a pursuit. We make the choice if we’re going to stop the vehicle. When we activate the blue lights, that’s our choice. If the violator decides they’re going to flee, then actually they’re the ones that initiated this pursuit. At that point, it’s up to us, if we are going to continue the pursuit or terminate. That decision is made by the officer and/or supervisor that’s on duty at that time.

We consider a lot of criteria. For instance, what’s the nature of the offense? If we had a bank robbery and the teller has been shot,

then that's a high priority for us. You can bet on it that we're going to pursue it under most conditions. On the other hand, if there's a tail or tag light out, a failure to give a turn signal, or something like that, the pursuit is not in the books, so we're not going to consider that.

An officer needs to consider the seriousness of the violation, time of day, and weather conditions. They also need to consider how the other driver is driving. If they're driving recklessly, and it looks like innocent people are in danger, then we're going to terminate the pursuit. The supervisor considers the officer's demeanor. When the officer comes over the radio and calmly says, 'Captain, I got a pursuit heading north on such and such street...', and sounds like they're very much in control, then the supervisor may allow that pursuit to continue for a while. On the other hand, if the officer sounds hyped up, and you can tell that the adrenaline is really flowing, the supervisor is likely to terminate that pursuit. Again, we're going to consider traffic, weather conditions, other pedestrians, and things of that nature.

Having said that, out of those 16 pursuits, 8 of them were terminated by police. We made the decision that it's not worth it, and called off the pursuit. Seven of them ended up with an arrest of the suspect. Only three of those 16 resulted in accidents. Those accidents were very minor without injuries and innocent civilian vehicles, or pedestrians, involved in any way.

We've investigated 1,352 traffic accidents in 2003. Unfortunately, that included one fatality. We averaged 28,081 calls for service. I think that gives you an idea of how busy our offices are. That averages 77 calls in a 24 hour period.

The next is citizen complaints. We've only had four citizen complaints during 2003. That's a 20% decrease from 2002. There are really two points I'd like to make. One is, it is an improvement, and that's what we're after. We're always trying to get better. The second thing is, we're talking about a single year. In that year, we arrested over 4,000 people, and investigated over 1200 traffic accidents. We responded to more than 28,000 calls, and only generated four citizen complaints. I think that means those officers are out there are doing a heck of a good job.

Training in 2003 was certainly one of the keys to how well those officers are performing. You can see that we spent over 7,600 hours in training. If you break that down into 8 hour days, that's 957 days of training. Or in other words, we packed 2½ years of training into a 12 month period. That averages 17 days, or more than three weeks, per officer for their training. There are a few other things in this report, but those are the highlights from the hard copy that I'll give you. If you have any questions, I'll certainly do my best to answer them."

report on you all. They were talking about how good the police officers were when they came to their house, and they gave them a card to call 24 hours a day. I told her that's what we like hear."

CHIEF BROOKS

"That's exactly right."

JOHNNY WILLIAMS

"So that's one in your favor."

STEVEN BROWN

"Naturally, I'm proud of the Police Department and the good job they're doing. I'm sure you are too. Often we hear the negative, but tonight I think you heard something positive. It is a pleasure to be the City Manager and work with Gerald, Mike, and all of their employees. I have never once had one person that I sent to the Chief, or Assistant Chief, and have them to come back and say they were mistreated or talked to improperly. It's a good department. I think Gerald used the terminology that we're seeking to become better. I thank Chief Brooks, Assistant Chief Butler, and all the people in the Police Department for the good job they do. It's one department, but I could parade each City department before you tonight and tell you the same good things that are happening in the City."

MAYOR  
NICHOLSON

"Now, I would just like to say that I received a letter from the Mayor of Orangeburg, South Carolina. The letter was very complimentary about the professionalism of the officers that assisted them during South Carolina State University homecoming. Am I correct, Chief Brooks?"

CHIEF BROOKS

"Yes sir, that's right. When we do that, we feel we're making deposits, and hope that we never have to make a withdrawal. We can make the deposits to help some other departments, then if that day comes when there's something out of control, we'll have something in the bank."

MAYOR  
NICHOLSON

"Again, we want to thank you, Mr. Brooks and Mr. Brown, for that very informative report."

CONSIDER

Resolution to  
Authorize the Use of  
City Employees to  
Remove Garbage,  
Refuse, Waste, and  
Abate Nuisances  
and to Stipulate  
Charges for Such.

Mayor Nicholson read the second item and recognized the City Manager.

STEVEN BROWN

"Mr. Mayor and Members of City Council, the Assistant City

Manager and I have spoken to you a number of times concerning our responsibility to ensure that properties within the City are free of overgrowth, refuse, trash, and garbage. As you are aware, the City Code requires the occupant, or owner of properties, to maintain their properties free of overgrowth, refuse, trash, and garbage. When a property is determined to be in violation of the City Code, the City Staff notifies the occupant, or owner, and gives them a 15 day time frame to resolve this problem. If the violation is not resolved, our present policy is to do one or two things. One, is to serve a court summons on the owner or occupant.

Two, is to secure the services of a contractor to abate the problem. While we have used these two options to the greatest extent possible, these options are sometimes cumbersome, time consuming, and very inefficient.

If we know the location of the violator, then the service of a summons on that individual is the preferred option. If we do not know, or cannot locate the owner or occupant, then we have to resort to the option of securing a contractor to rectify the problem. While we have used that for years, we're now finding that soliciting bids from commercial contractors requires us to spend, not only hours, but days to do this. Most of the time, we have to send out letters requesting bids with very few people responding. We then have to go back out to the property with that prospective bidder and review what we think needs to be done. It takes time for them to prepare their bid before it is submitted back to us. Sometimes it's easily 30 to 45 days, or longer, before we actually see something being done.

Another problem that has recently surfaced is Worker's Compensation Insurance. As you well know, the City pays large sums of money for Worker's Compensation Insurance. Worker's Compensation Insurance carriers are requiring us to insure companies that we contract with to have Worker's Compensation Insurance. If they do not have it, then we have to pay a premium to cover them while they're working on our properties. Most of these people we deal with do not have Worker's Compensation Insurance, so we have to provide that for them. It often is an administrative nightmare trying to determine whether they have this insurance.

There is a third option that is allowed in the City Code and that is for the City to use City personnel and equipment to abate these problems. The City Code allows the City to charge the violator the cost of the abatement. You have a resolution before you tonight that's a little different from what I have discussed with you before. The Assistant City Manager and I have looked at this very closely. We believe that the labor and equipment charge to do this work ought to be a minimum of \$75 an hour. If we have to use Roundup, or chemicals of that nature, we should charge the actual cost of those chemicals. If, for some reason, we would need to either contract out some labor or equipment, we think the actual cost of

that should be passed on to the property owner. We would recommend that you add a 50% administrative surcharge to any cost. You may think that these charges are high, but you will know that our one aim is not for us to get into the property management business. We don't want that responsibility.

In the past, people allowed us to maintain their property. They don't acknowledge our notifications, nor take any actions. It sits there for days, weeks, and months before we take action. If our charges are not equal to, or a little above the private, commercial companies, then we will become property managers, and we don't want that.

The administrative surcharge will cover the time that the Code Inspectors go out to the site and the Building Officials to supervise them. There is additional work that is done by the Finance Director and her staff.

When the invoice is reviewed, she must pay the contractor. Then she must invoice the property owner, or the occupant. If it is not paid, then we have to file the liens with the Clerk of Court Office, and the money that should be in our account drawing interest is not there.

If you approve this resolution, the City would charge \$112.50 an hour, minimum. Two hours would be \$225. There are some properties we can clean in an hour, and some that will take three to four hours. We believe that we can do a better job and have much more control over what is done, if we do it ourselves. It would please us if we work ourselves out of the business and never have to cut any properties."

NIKI HUTTO

"Well, this makes it a little bit more punitive as well."

MAYOR  
NICHOLSON

"Okay. Any questions?"

STEVEN BROWN

"Section 10 of the Code does allow this."

NIKI HUTTO

"Is it in the new zoning ordinance as well?"

STEVEN BROWN

"Well, it's not in the zoning, but in your regular city codes. You have to understand that there are two sections. One deals with trash, litter, and garbage being deposited onto properties. Then there's another section that deals with weeds, foul odors, trees, and things of that nature, declared by your ordinance to be nuisances. It states that, if it is not abated by the property owner, or occupant, then the City can take measures to abate that nuisance."

JOHNNY WILLIAMS

"When you send a notice out to a landlord, are you going to have any rates as to what we can charge?"

STEVEN BROWN

"I don't know what you mean."

JOHNNY WILLIAMS "Will you send them a notice that it's going to cost them over \$120?"

STEVEN BROWN "Yes, sir, we will. We haven't done that in the past because we did not know. Now, we will have a fixed cost and we can estimate. Our letters will state, '...we estimate the cost for the City to rectify this problem will be \$225.' If it is three hours, then it'll be more than that."

JOHNNY WILLIAMS "That guy who used to let the City clean his lot and then fuss when something is missing will know up front that it will cost him that much money if he doesn't do it himself."

STEVEN BROWN "If we give 15 days for them to rectify the problem, then the additional staff person, we've already talked to you about, should be on the property taking care of the problem within a couple of days of that 15. We can try this for 2004 and, if it doesn't work, Council does not have to continue the program."

BETTY BOLES "Question. You said 15 days, plus a court summons?"

STEVEN BROWN "No ma'am, but we have that option. We prefer to use the summons instead of us having to do the work, but the majority of those problems are on properties for which we're not able to locate the owners or occupant."

BETTY BOLES "So if you make the attempt to notify an owner of that property, or landlord, and you can't contact anyone, that 15 days still apply?"

STEVEN BROWN "Yes ma'am, they have 15 days. After that, the ordinance says the City can take measure to abate the problem."

MAYOR NICHOLSON "Are there any other questions?"

NIKI HUTTO "So, you're going to put a lien on the property of those you can't find until they contact you and pay up?"

STEVEN BROWN "Our ordinance requires us to bill the property owner, and we will send it to the last known address. If it is not paid within 60 days, the Finance Director is to take that unpaid bill and file it in the Clerk of Court's Office as a lien against that property. More than likely we're not going to be compensated, but if that property is ever sold, then it will have an unclear title."

NIKI HUTTO "The liens would have to be satisfied."

STEVEN BROWN "It's the only way that the State Law allows us to deal with these situations. All of you have dealt with these problems in each of your wards."

MAYOR  
NICHOLSON

“Are there any other questions?”

STEVEN BROWN

“There are other ways of doing it, but we wanted to be fair. At the same time, we didn’t want to give City services away or use new City personnel.”

BETTY BOLES

“Sounds good to me.”

MAYOR  
NICHOLSON

“Okay, are there any other questions? Do we have a motion that we adopt this resolution?”

Motion was made by Johnny Williams, seconded by Niki Hutto.

“Any further discussion? All in favor, raise your right hand. So moved.”

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the resolution and asked for a motion.

Fair Housing  
Resolution.

Motion was made by Barbara Turnburke, seconded by Niki Hutto.

The Mayor asked, “All in favor, raise your right hand. So moved.”

Motion passed unanimously.

- attach -

CONSIDER

Mayor Nicholson read the fourth item and asked for a motion.

An Executive  
Session to Discuss a  
Contractual Matter.

Motion was made by Johnny Williams, seconded by Barbara Turnburke.

“Any further discussion? All in favor, raise your right hand. So moved.”

Motion passed unanimously.

The business meeting recessed for Executive Session at 6:01 p.m.

The business meeting reconvened at 6:22 p.m.

CONSIDER

Resolution to Adopt  
a Contract with the  
City Attorney.

Mayor Nicholson read the last item's title, and asked for a motion.

Motion to accept was made by Niki Hutto, seconded by Betty Boles.

The Mayor asked, "Are there any further questions or discussion?  
All in favor raise your right hand. So moved." Motion passed  
unanimously.

- attach -

Meeting adjourned at 6:25 p.m.

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Floyd Nicholson, Mayor

ATTEST:

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City Clerk and Treasurer