

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
WEDNESDAY, AUGUST 16, 2022
IN CITY HALL

1. Mayor Taylor called the meeting to order at 7:00 p.m.
2. Mayor Taylor led the Pledge of Allegiance to the Flag and Melanie D. Ryska, City Clerk, gave the Invocation.
3. Council Members present at roll call: Deanna Koski, Michael V. Radtke, Jr., Maria G. Schmidt, Liz Sierawski, Michael C. Taylor, Henry Yanez, Barbara A. Ziarko.

Also Present: Mark Vanderpool, City Manager; Marc D. Kaszubski, City Attorney; Melanie D. Ryska, City Clerk; Judy McHale, Clerk Coordinator.
4. **APPROVAL OF AGENDA**
Moved by Koski, seconded by Ziarko, **RESOLVED**, to approve the agenda as amended.

Councilman Radtke requested that Consent Agenda Item 9-H be pulled off of the Consent Agenda and moved to Consideration Item 10-C.

Yes: All. The motion carried.
5. **REPORT FROM CITY MANAGER**
Mr. Vanderpool began his report by reminding everyone of the holiday schedule in observance of Labor Day, noting the City offices will be closed on Monday, September 5 and will reopen on Tuesday, September 6. There will be no refuse collection on Monday, September 5, and it will resume on Tuesday but be delayed one day throughout the week, with Friday's collection taking place on Saturday.

Mr. Vanderpool spoke about the closure of Dodge Park Road between 15 Mile Road and the Sterling Relief Drain due to a water main break a few weeks ago.

Fortunately it was able to be isolated so that no homes lost water service. Contractors will start work on Friday and will require the closure of Dodge Park Road in the area of Brougham Dr and Warsaw Street. There will be signage in the area to notify motorists of the closure to through traffic. There are six homes in the area that will be without water for about 8 hours during this time, and the homeowners have been notified.

Mr. Vanderpool was pleased to share news that an award was received from the Asphalt Paving Association of Michigan and MDOT for the 19 Mile Road repaving project from Clinton River Road to Schoenherr. This was a major road project that included a complete resurfacing of the road, new landscaping, drive approaches and parking areas, as well as upgraded traffic signals. He wished to give a special thank you to Mike MacAskill and Jing Lin who worked as project liaisons with the residents in the area.

Mr. Vanderpool was excited to introduce Police Chief Dale Dwojakowski for a presentation on Sterling Height's social worker, Amy Compton.

Chief Dwojakowski thanked City Council for taking the bold step of funding the position of a full-time social worker, and having the right person in this position has paid huge dividends. He spoke about some of the 150 citizen contacts that Social Worker Amy Compton has worked on that include crises intervention, conflict resolution, case management, and community outreach. Ms. Compton works closely with Police, Fire, and other City Departments to assist in non-crime related situations that include family and neighbor disputes, mental health,

substance use, home and health care, housing, and hoarding related issues. Chief Dwojakowski explained that when people don't know where to turn they reach out to City Council or the City for assistance. He went on to provide numerous examples where residents in need have been assisted by Ms. Compton during the nine months she has been working for Sterling Heights, and listed some of the assistance and referrals that she was able to provide. Ms. Compton is a member of several City and County groups, including the Sterling Heights Safe Home Task Force and the Fire Department Pier Support Team, the Macomb County's Sexual Assault Response Team and the Continuum of Care for the Homeless Committee, as well as the national Social Workers for Law Enforcement Network. She has also provided mental health resources and trainings for the leadership and employees at DPW, completed critical instance debriefing certification, conducted active shooter trainings, and Behavioral Training for Parks & Recreation, and is currently facilitating an 8-week grief group at the Senior Center. Chief Dwojakowski appreciates all that Amy has done for the Police Department and for the City.

Ms. Compton addressed City Council and expressed her gratitude for the opportunity to be the City's first Social Worker and have a positive impact on the community.

Mr. Vanderpool concluded his report by thanking Ms. Compton and recognizing Sgt. Aaron Susalla for his work with Ms. Compton in helping her become familiar with all of the City organizational resources and agencies. He believes this will be a model for communities across the State, and he looks forward to future

discussion about community wealth building and how to continue to provide services to members of the community.

Mayor Taylor stated that it's very impressive to know that the needs are being covered and the City is proud to be a leader in Macomb County and around the State Michigan in making sure that these services are being provided to the citizens that need them the most.

6. PUBLIC HEARINGS

A. Mayor Taylor stated this is to consider the application by A.G. Simpson (USA) Inc. for an Industrial Facilities Tax Exemption Certificate (IFEC) at 6700 Eighteen ½ Mile Road. He invited Luke Bonner, Senior Economic Development Advisor to give a presentation.

Mr. Bonner explained that this project from A.G.S. Automotive is a significant expansion to their facility that includes an increase of approximately 277,000 square feet, a total proposed investment of \$25,000,000, with 15 new jobs being created. Under the IFEC program guidelines, the \$25 million investment qualifies them for a term of 10 years, and the addition of 15 jobs qualifies for 2 years for a maximum of 12 years. Mr. Bonner added that the total economic impact to the community with the creation of additional jobs would be another 2.7 million dollars and this is based on an economic multiplier which is typically added to manufacturing jobs and their impact. The total projected taxes over the 12 year period is \$4.1 million, with \$1.2 million generated for the City, and \$1.9 going to the schools. He said that A.G.S. has continued to invest in the community, beginning with their acquisition of the 360,000 square foot vacant building in

2013 and they continue to invest in the plant, including adding another 100 jobs in 2021. Mr. Bonner went on to say that A.G.S. has been intentional in keeping up with the changes in the diversity of the City's population, and hiring multi-lingual employees at their facilities, and they have also been a great anchor tenant at Velocity Center with a majority of their U.S. operations based there. Mr. Bonner introduced Jeff Szulya, Director of U.S. Operations for A.G.S.

Mr. Szulya wanted to take a moment to talk about A.G.S.'s journey in Sterling Heights where they started as a small company of 52 employees that has now grown into a medium size company with over 600 employees. He wanted to express his gratitude for all of the support received from the City, including the Building and Fire departments that has helped them continue to grow. He stated that they are now looking at their next big step of moving into electric and autonomous vehicles, and this tax abatement gives A.G.S. the ability to stay viable in the very competitive Tier I automotive market.

Mayor Taylor thanked Mr. Szulya for A.G.S.'s commitment to Sterling Heights.

Mayor Taylor opened the floor for public comments, but no one from the audience spoke.

Moved by Yanez, Seconded by Ziarko, **RESOLVED**, to adopt the resolution approving the application by A.G. Simpson (USA) Inc. for an Industrial Facilities Tax Exemption Certificate at 6700 Eighteen ½ Mile Road, Parcel No. 50-10-10-09-300-039, for a period of twelve years in accordance with the guidelines established by City Council, and the Mayor and City Clerk are hereby authorized to sign, as applicable, all documents required in conjunction with this approval.

Councilman Yanez acknowledged the importance of adding jobs locally, and he appreciates having a good corporate citizen like A.G. Simpson who invest by

expanding their company. He also noted that these local jobs help the economy when the employees shop and eat at surrounding businesses.

Mayor Taylor spoke about the importance of this type of industrial development that not only supports the automotive industry but is innovative and on the cutting edge of new technology like electric and autonomous vehicles. Mayor Taylor stated that the automotive industry is the life blood of this community and acknowledged that automotive suppliers like A.G. Simpson that support these companies are essential. They also support the community in many ways including expanding their business, through the taxes they pay, providing employment opportunities, improving the housing market, etc.

Yes: All. The motion carried.

7. ORDINANCE INTRODUCTIONS

A. Mayor Taylor stated this is to introduce the ordinance amending Chapter 29 of the City Code of Ordinances to create a business licensing fee exemption for charitable organizations. He invited Assistant City Attorney Don DeNault to give a presentation on the ordinance amendment.

Mr. DeNault explained that a very comprehensive business licensing program was initiated and implemented a few years ago, and this amendment would waive the licensing fee for charitable organizations in order to attract them to Sterling Heights and to encourage their good work to the City and its residents. Mr. DeNault found that this is not unprecedented, and he was able to locate some communities in other states to model the policy on.

Mayor Taylor opened the floor for public comments, but no one from the audience spoke.

Moved by Sierawski, Seconded by Taylor, **RESOLVED**, to introduce the ordinance amending Chapter 29 of the City Code of Ordinances to create a business licensing fee exemption for charitable organizations.

Mayor Pro Tem Sierawski thanked Mr. DeNault and agreed that charitable organizations should not have to pay the fee.

Councilman Yanez stated that he had been approached by the local Veterans of Foreign Wars organization about this, and asked Mr. DeNault about amending the language to include other charitable organizations that are not 501(c).

Mayor Taylor noted that he had also been contacted about this particular issue, and asked for clarification from Mr. DeNault, that based on the language of the ordinance amendment, that these organizations would still be exempt from the paying the licensing fee.

Mr. DeNault confirmed that if a charitable organization qualifies as tax exempt under the federal tax law, they would be eligible for a waiver of the fee.

Councilman Radtke stated that he agreed with waiving the fee for charitable businesses, but also felt that all businesses should be exempt from paying the licensing fee.

Yes: All. The motion carried.

B. Mayor Taylor stated this is to introduce the ordinance amending Article III of Chapter 51 of the City Code to update the process for obtaining a tree removal

permit and the standards for tree replacement. He invited City Planner Chris McLeod to give a presentation.

Mr. McLeod gave a summary of how the amendment that began with a request from City Council for an amendment to address how landmark trees are preserved on developed sites was written. He continued to explain that the ordinance was amended in 2021 to deal with how landmark trees are preserved on sites that are undeveloped. In addition to this, changes to the ordinance were made after the discovery of a court case out of Canton, Michigan that said tree replacement requirements and fees must be customized to each site based on tree count, tree quality, the impact of tree loss, and other factors. Mr. McLeod emphasized that this ordinance is for development sites and multi-family or non-residential sites and does not include individual single family residences unless they are intended to be developed. The landmark tree provision includes any site that has been developed would also be subject to replacement requirements. He noted that the Sustainability Commission did an in-depth review of the ordinance with the City Attorneys. Mr. McLeod explained each of the changes to the ordinance.

- Housekeeping of the language regarding permit processing and responsible parties.
- Clarification to the landmark tree preservation so it includes all sites including existing sites.
- Any of the following or combination of the options are available. The tree replacement determination ratio remained the same at 50% preservation and 100% of landmark trees but how it is calculated may change slightly. A second option for developer to challenge the interpretation with a claim that the standard requirement is not applicable. An arborist can be

brought in to determine the quality to trees to determine if reduced requirements should be applied. Third option to provide tree replacement by depositing monies into the tree preservation fund.

- Tree replacement fee for payment was changed from a 1.5 modifier to a ratio of 1:1

Mayor Taylor opened the floor for public comments, but no one from the audience spoke.

Moved by Sierawski, Seconded by Ziarko, **RESOLVED**, to introduce the ordinance amending Article III of Chapter 51 of the City Code to update the process for obtaining a tree removal permit and the standards for tree replacement.

Councilman Radtke appreciates the work of the Sustainability Commission on this ordinance amendment. He inquired about whether there should be an administration fee added to offset the cost incurred by the City to implement the tree plantings.

City Attorney Marc Kaszubski asked Chris McLeod to clarify if the replacement cost includes an administrative fee.

Mr. McLeod confirmed that the current replacement fee includes planting of the tree.

Councilman Radtke asked the City Attorney for explanation of the thought behind the 1.5 fee modifier that was used in the past and whether that was a way to encourage people to keep trees onsite.

Mr. Kaszubski stated that given the Canton court case they determined that a penalty fee was no longer applicable.

Mr. Radtke voiced concern that developers will increase instances of clear cutting sites and having the City incur the cost and responsibility and inquired if there is anything the City can do to encourage them to keep trees onsite.

Mr. Kaszubski believes the ordinance will encourage them to keep trees in lieu of having to plant more trees than they remove or having to pay into the tree fund.

Councilman Radtke doesn't believe the ordinance goes far enough and if a penalty fee is not an option, he hopes there are other ways to encourage developers to keep trees because they provide many benefits to the community. He asked Mr. McLeod why single family homes are not included in the landmark tree preservation requirement.

Mr. McLeod stated that it was not part of the directive given when developing the 2021 landmark tree provisions, and if Council decides as a majority to add residential properties it would entail more than an amendment due to large number of residential sites in the city. There would have to be additional staffing handle the large number of permit processing, as well as enforcement. Mr. McLeod also discussed the replacement of a typical landmark tree of 32 inch in caliper on a residential property would mean planting 11 three inch trees based on the current formula.

Councilman Radtke stated that the City of Ann Arbor regulates trees over six inches, and inquired why other communities are able to do this.

Mr. McLeod is aware of Ann Arbor having a pretty significant environmental team on staff that deals with things like environmental issues, carbon footprint, etc. He

also mentioned that West Bloomfield has an environmental scientist on staff as well as using environmental consultants for their wetlands and woodlands. Mr. McLeod concluded that it can be done if that is the direction that Council wishes to take, but that it would also include additional monies for a tree survey of all residential properties and maintenance of the information each year as trees continue to grow.

Councilman Radtke asked Mr. Kaszubski if there could be different regulations for residential properties.

Mr. Kaszubski confirmed that there could be different regulations for residential properties based on the impact to their community.

Councilman Radtke expressed concern about the number of large trees being removed in the southern part of the City, and believes that there needs to be more analysis done on how trees on residential properties are regulated. He asked if Administration could be asked for a report on how other comparative communities are able to achieve this and what the cost is.

Councilwoman Schmidt stated that she is in support of the ordinance as written and that it's important to hold developers accountable for tree replacements. She also raised concern about the City telling homeowners that they can't remove a tree on their own property. She has a large tree at her own home that is going to have to be removed in the future so she understands homeowners have reasons to remove trees and it's an overreach for the City to tell them they can't or that they have to plant replacement trees.

Councilman Yanez spoke about the change in tree canopy when replacement trees are planted for a landmark tree that is removed. He also believes that developers may cut down the more valuable landmark oak and maple trees to sell for lumber and leave the less desirable trees up, and that there needs to be a fair financial and environmental compensation to the City.

Councilwoman Ziarko noted that there has been a tree preservation ordinance for developers since 1978 and inquired if the city has any recourse if there were trees removed from an existing site.

Mr. McLeod clarified that the question is in regards to trees removed that were part of an approved site plan. He said that Code Enforcement does this on a regular basis, and if they see a site that they determine is out of compliance with an approved site plan they will initiate the code violation process. In addition, the ordinance gives the City the ability to bring them into current requirements for landscaping which could include additional landscaping from their previously approved site plan.

Councilwoman Ziarko then addressed the residential requirements and agreed that homeowners landscape their properties in their own style, and new homeowners may have reasons they have to remove trees. She also stated that additional research would need to be done before any changes to residential requirements could be made.

Councilwoman Koski stated she is in favor of the ordinance as written. She spoke about the cost homeowners have to incur for tree removals doesn't believe they

would take it down unless they had a reason. She is not in favor of an ordinance addressing tree replacement for single family homes.

Councilwoman Sierawski weighed in on residential tree removal requirements and although she has a fondness for trees, she also thinks it would be an overreach to place a fine or restriction on personal property owners.

Councilman Radtke understands that one homeowner removing a tree isn't the problem but it becomes an issue if several homeowners in an area remove trees on their property. He believes developers could also argue that the trees on their site are their property yet the City is forcing them to keep it or replace it.

Councilman Yanez suggested that perhaps the City could look at providing assistance and education to homeowners about trees on their property in an effort to possibly help them save their trees and prevent unnecessary removals.

Councilwoman Schmidt stated that although she appreciates trees, she thinks a better use of the monies required to maintain and enforce residential tree requirements would be better spent on adding social workers.

Mayor Taylor appreciates the discussion of what a residential tree ordinance might look like in the future. He stated that the ordinance presented tonight is a bit confusing but that it keeps the City moving in the right direction. Mayor Taylor stated that he agrees with Councilman Yanez that there needs to be more exploration about ways the City can educate residents about tree preservation and make it easier for them to keep the trees they have or plant new trees without being heavy handed.

Yes: All. The motion carried.

8. ORDINANCE ADOPTIONS

Mayor Taylor stated this is to adopt the ordinance amending Chapter 2, Article V of the City Code for the purpose of implementing changes in the benefits paid to eligible personnel of the 41A Judicial District Court.

He opened the floor for public comments, but no one from the audience spoke.

Mayor Pro Tem Sierawski abstained from this vote for the reason stated on the record at the last City Council meeting.

Moved by Schmidt, Seconded by Taylor, **RESOLVED** to adopt the ordinance amending Chapter 2, Article V of the City Code for the purpose of implementing changes in the benefits paid to eligible personnel of the 41A Judicial District Court.

Yes: All. The motion carried.

9. CONSENT AGENDA

Mayor Taylor stated this item is consideration of the Consent Agenda. He opened the floor for public comments, but no one from the audience spoke.

Moved by Koski, Seconded by Ziarko, **RESOLVED** to approve the Consent Agenda as amended, with the omission of Item H.

- A. To approve the minutes of the Regular Meeting Minutes of August 03, 2022.
- B. To approve payment of the bills as presented: General Fund – \$1,313,634.12, Water & Sewer Fund – \$3,447,882.17, Other Funds – \$3,326,039.18, Total Checks \$8,097,674.30.
- C. **RESOLVED**, to purchase two (2) OpenSite Designer GeoPak SELECT software licenses and six (6) Microstation SELECT standard user software licenses from Carahsoft Technology Group, 11493 Sunset Hills Road, Reston, VA 20190, for a one-year period expiring on September 23, 2023 at a cost of \$11,186.
- D. **RESOLVED**, to:
 - 1. Purchase six (6) Dodge Chargers from Lafontaine CDJR – Lansing, 6131 S. Pennsylvania Ave., Lansing, MI, 48911, at pricing available through State of Michigan MiDeal cooperative purchasing contract #071B7700183, in the cumulative amount of \$204,858; and,

2. Waive the competitive bidding requirement in accordance with City Code Section 2-217(A)(9)(b) and purchase two (2) Ford F-150 Police Responders from Gorno Ford, 22025 Allen Rd., Woodhaven, MI 48183, in the cumulative amount of \$72,958.
- E. **RESOLVED**, to purchase the Thermo Scientific TruNarc portable handheld narcotics analyzer, inclusive of software, online training, warranty and delivery, from Thermo Scientific Portable Analytical Instruments, Inc., 2 Radcliff Rd., Tewksbury, MA 01876, at pricing available through General Services Administration contract #GS-07F-6099R and a total cost of \$27,663.61, and authorize the City Manager to sign all documents required in conjunction with this purchase on behalf of the City.
- F. **RESOLVED**, to approve the service agreement between the city of Sterling Heights and Konecranes, Inc., 43050 West 10 Mile Rd, Novi, MI 48375, for the period August 17, 2022 thru July 31, 2023, and authorize the City Manager to sign the Agreement and exercise the option to extend the term one additional year upon mutual consent, on behalf of the City.
- G. **RESOLVED**, to approve the Statement of Work between the city of Sterling Heights and Ashling Partners, LLC, 20 N. Wacker Drive, Chicago, Illinois 60606, for software licensing and technical support of the City's business licensing software application and authorize the City Manager to sign it on behalf of the City.
- H. This item was moved to Consideration Item 10-C.
- I. **RESOLVED**, to approve the Municipal Primary Street Maintenance Agreement between the city of Sterling Heights and the Macomb County Department of Roads for the period October 1, 2022 to September 30, 2024, and authorize the City Manager and City Clerk to sign the Agreement on behalf of the City.
- J. **RESOLVED**:
(1) To approve the license agreement between Consolidated Rail Corporation and the city of Sterling Heights for the installation and maintenance/repair of a five foot wide sidewalk across railroad right-of-way on 14 Mile Road, City Project #21-381, and authorize the City Manager to sign all required documentation on behalf of the City; and,
(2) To approve a budget amendment from the American Rescue Plan Fund in the amount of \$12,080 to fund the sidewalk installation and repair.
- K. **RESOLVED**, to adopt the resolution in support of the application by the city of Sterling Heights for fiscal year 2023 Transportation Alternatives Program funding to construct a 2.6 mile shared-use trail along Dobry Road, from Dequindre Road to Utica Road.

Yes: All. The motion carried.

10. CONSIDERATION

A. Mayor Taylor stated this is to consider a request to transfer ownership of a 2021 Class C liquor licensed business located at 33120 - 33126 Ryan Road from Alqosh Restaurant Inc. to Ryan 14 Inc.

Attorney Robert Ihrle spoke on behalf of the petitioners. He stated they will be opening a 70 seat restaurant and be serving Middle Eastern food.

Moved by Radtke, Seconded by Taylor, Resolved, that the request to transfer ownership of a 2021 Class C liquor licensed business, with Sunday Sales permit (AM & PM), Dance-Entertainment Permit, and Extended Hours (Dance-Entertainment), located at 33120 - 33126 Ryan Road, Sterling Heights, MI 48310, from Alqosh Restaurant Inc. to Ryan 14 Inc, be considered for approval.

Councilman Radtke stated that he met with the new owners of the restaurant earlier this week and believes they will be great new owners.

Yes: All. The motion carried.

B. Mayor Taylor stated this is to consider an amended and restated planned unit development (PUD) agreement for the PUD development of 7.85 acres of land situated on the west side of Schoenherr Road, south of Hall Road, PPUD 21-0001.

Mayor Taylor invited City Planner Chris McLeod to give a presentation.

Chris McLeod noted that the PUD was originally approved on June 15, 2021 and the current request is for an additional 3 one-bedroom units, to be added one to each floor. Mr. McLeod stated that the request does not include any external modifications, parking is sufficient for the added units, the density would be 129 units, no additional recreation space added, and the unit size would be 600 square feet. Mr. McLeod shared some aerial photos to show the location of the

development relative to Lakeside Mall, and some renderings of the completed development.

Tony Gallo spoke and offered some additional information, noting that a bike storage area was added to the first floor as an amenity to the residents of the building.

Mayor Taylor opened the floor for public comments.

- Ken Nelson – spoke about possibility of future development of the remaining retail center.
- Joe Znoy – questioned future development at that site and questioned if it was in compliance with code.

Moved by Ziarko, Seconded by Schmidt, **RESOLVED**, to approve the amended and restated planned unit development agreement between the city of Sterling Heights and Sterling Retail LLC and authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Councilwoman Ziarko asked Mr. Gallo if anything was being taken away in order to add the extra units, and if they are taking applications for units yet.

Mr. Gallo responded that there was nothing being taken away, and they have not started their full market efforts yet since the building is still in its rough stage.

Councilwoman Schmidt requested clarification from the City Planner that the recreational space is not being reduced from the original PUD.

Mr. McLeod responded that the original PUD received a modification from the amount of required recreational space, and the 3 additional units would technically require additional recreational space, but there is no change in the

amount of recreational space being provided with the exception of the bike storage area.

Councilwoman Schmidt stated that the bike storage space should be considered recreational space.

Councilman Radtke asked Mr. McLeod where the space for the additional units came from.

Mr. McLeod said he believes the space came from some laundry space. The 3 new units are the ones deficient in terms of size per ordinance but the remainder of the units remain above the 600 square feet.

Councilman Radtke reminded the public to think about how this development will fit in terms of the future plans for Lakeside Mall and not what it currently is.

Councilman Yanez asked Mr. Gallo about what feedback has been received from the current store owners that are in the surrounding plaza and their thoughts on the project and the potential for new customers.

Mr. Gallo replied there are tenants who are excited about having 126 new residents visiting their stores, but there are others who are concerned about the visibility of their business to the public.

Councilwoman Koski asked Mr. Gallo if there are any future plans for the rest of the plaza.

Mr. Gallo stated that at the moment there are leases in place and those tenants have the right to be there through the term of their contract, and future plans will be determined by the success of the current development.

Councilwoman Koski also inquired about the ownership of the Church located where the AMC Theatre used to be.

Mr. Gallo responded that the building was sold to Heritage Church. They own that building, and the remainder of the buildings.

Mayor Taylor said he is very excited to see how this development turns out, and that the significant amount of parking area was appropriate when the plaza contained the movie theatre, but a large empty parking lot is indicative of suburban sprawl and wasted space. Mayor Taylor indicated that hopefully they are on the precipice of something exciting happening at Lakeside Mall with the potential for lots of new residential which would make the commercial space in the plaza becomes more valuable.

Yes: All. The motion carried.

C. Mayor Taylor stated that this is to approve a Government Service Agreement between the city of Sterling Heights and Flock Group, Inc. for access to a Flock Automatic License Plate Reader (ALPR) camera system (Initial cost of \$60,492).

Mayor Taylor informed everyone that Police Chief Dwojakowski and Laura Holland, a representative from Flock Group are present and available to answer questions.

Ms. Holland stated that transparency is their approach to public safety technology, and working with businesses, neighborhoods, police, and elected officials to eliminate crime is the company's mission. She is aware they have concerns and

feels it's important to know that there are principles of privacy and civil liberties built into their technology.

Mayor Taylor opened the floor for public comments.

- Joe Znoy – questioned if it would be used to issue traffic tickets, identify speeders, people running red lights.
- Mark Otto – inquired about what procurement procedures were used, such as competitive bidding, were prices negotiated.
- Brandy Wright – has concerns about the data being collected, who will have access to the data, what length of time will the data be kept, use and consequences for abuse. If this information falls under FOIA. Oversight of the Flock system, LEIN system misuse.

Moved by Ziarko, Seconded by Schmidt, **RESOLVED**, to approve the Government Service Agreement between the city of Sterling Heights and Flock Group, Inc., 1170 Howell Mill Rd. NW, Suite 210, Atlanta, GA, 30318, and authorize the City Manager to sign the Agreement, and any renewal of its terms and conditions, on behalf of the City.

Councilman Radtke asked the City Attorney about the language of the motion related to renewal of the agreement by the City Manager.

Mr. Kaszubski responded that City Manager always has Council oversight and at any point City Council could make a motion terminate or not renew the agreement. He said this language allows City Manager to sign a renewal agreement if there are no issues, or a directive from City Council to do otherwise.

Councilman Radtke believes that this contract should have a set length and come back to Council to assess it again at that time. He has concerns about the collecting of data and the privacy concerns being raised. Councilman Radtke also voiced questions about what would happen if a court rules the collection of the data is unconstitutional, and that investing money in a system that may become unusable.

He asked for confirmation from the Police Chief that the data would be retained for 30 days, and whether that length of time could be changed.

Chief Dwojakowski stated that it will be kept for 30 days which is the standard for law enforcement and investigative purposes.

Councilman Radtke noted that there will be an auditing requirement included in the system.

Chief Dwojakowski confirmed that there are two auditing mechanisms in place. He said the first is a monthly report of every license plate search that was done, and the second is a directive in the General Order that requires the Chief of Police to pull ten random samplings each year for review.

Councilman Radtke asked the City Attorney if the City could create a misdemeanor offense for using this data without a stated purpose.

Mr. Kaszubski replied that is a possibility.

Councilman Radtke requested information from Chief Dwojakowski about other communities having access to the data that's collected, and details on how and when they could access it.

Chief Dwojakowski stated that a community would have to request access, and currently most surrounding communities are already sharing their data. He noted that once it's granted, a community could lose access to the data if they do not provide the required information, including a reason for the search and a case number.

Councilman Radtke stated that City Council is responsible for protecting the residents and their privacy. He asked for confirmation that Immigrations & Customs have access to this data.

Chief Dwojakowski responded that they would not have access.

Ms. Holland, representative from Flock Safety, wished to clarify the point that a search within the Flock system could not be done without a reason and case number.

Councilman Radtke raised concern about how collected data could be used for nefarious purposes by others.

Councilwoman Ziarko believes that this will help protect the residents of Sterling Heights. She noted that we hear about the times the LEIN system is abused, but know that it is has been used correctly thousands of times. She asked the Chief of Police what policy we would use to access another communities data.

Chief Dwojakowski replied that they would ask the community for permission to query their data for a license plate, and that sharing data with surrounding communities is very helpful in police investigations.

Councilwoman Ziarko asked how this data might be used in the example of a traffic violation.

Chief Dwojakowski stated that it would only be used if there is a witness who was willing to sign a complaint and show up in court to testify. There is still police investigative work that would have to be done to determine who was driving the car.

Councilwoman Ziarko noted that forfeiture funds from illegal activity will be used to purchase this system. She inquired if the locations where the 22 cameras are installed will be public knowledge.

Chief Dwojakowski said they have been meeting with Flock representatives about camera placement, and gathering information from the Detectives and road Patrol Officers to determine which routes are used in criminal activities. He also stated that it would be counterproductive if criminals know where the cameras are located because they could just avoid those routes when fleeing a crime. However the policy, how many cameras are installed, and the auditing mechanisms in place will be on the City's website.

Councilman Yanez noted that because the renewal fee will also be paid forfeiture funds, and that Council controls spending of forfeiture funds, it could be un-fund during budget time if anyone has a problem with it at renewal time. He asked the Police Chief about the General Order in place and where it came from.

Chief Dwojakowski stated that Flock representatives shared policies from other cities who have gone through the review process and then they were customized to Sterling Heights. This General Order is currently going through reviews including the Command Staff and the Detective's Bureau.

Councilman Yanez asked Ms. Holland about the first community to use their system.

Ms. Holland said their first customers were in the Atlanta, Georgia area in 2017 and they originally worked with neighborhood associations and homeowners

associations. She stated that they were contacted by law enforcement agencies about using the technology, and then began developing policies regarding privacy protection.

Councilman Yanez inquired about what the company does with the data that's collected, where the 30 day guideline came from, and has there been any instances of misuse of the data by the law enforcement agencies that use their system.

Ms. Holland said the City owns the data and the Flock system is simply a conduit for which they store it in a cloud server. They provide the cyber security protection as part of the agreement, and they don't sell or share the collected data. She noted that the retention of 30 days of data is a best practice that was recommended by their law enforcement advisors. Ms. Holland also stated that there has not been any cases of misuse across the board, and if there are any instances of misuse they are able to identify it quickly during the audit process provided and take corrective action.

Councilman Yanez wanted to know if there are any statistics on crimes that have been solved using collected data through this system.

Ms. Holland said there are a lot of case studies that she can provide through Chief Dwojakowski, but she also wanted to note that they have seen this system deter crimes in communities.

Councilman Yanez asked for more information on information is collected.

Chief Dwojakowski stated that a photo of the license plate, along with a GPS location of the vehicle.

Mayor Pro Tem Sierawski requested that Ms. Holland expand on the phrase she mentioned of “principals of civil liberties” that are built into their system.

Ms. Holland explained that this includes language in within the contract terms that state a standard data retention policy and that the City owns the data collected, requiring a reason for the requested search and providing this data for auditing, and requiring training to users who access the system.

Mayor Pro Tem Sierawski asked Chief Dwojakowski if every officer will be trained to use the system, and how the audits will work.

Chief Dwojakowski replied that all officers will eventually be trained, and that the Flock system will send a list of all searches sorted by user so that an audit can be conducted. In addition to this, the Chief will pull ten random searches each year for review.

Councilwoman Koski asked the Police Chief if there were other companies that supply this service.

Chief Dwojakowski stated that in 2012 they explored a product by Federal Signal and equipped one car with that system as a trial, but they discovered that the camera system was not robust enough. He noted that there are currently many companies that provide license plate reader technology, and they went with Flock system after the City of Warren and other communities in the area implemented it and reported success stories of crimes being solved using the data collected in just the first two months of use as well as positive feedback of the technology and

equipment. Chief Dwojakowski said that based on this information, when it came time to choose a system, it made sense to go with Flock system.

Councilwoman Koski asked about the term of the contract.

Chief Dwojakowski stated it is an initial two year contract, and then renewed annually after that, and the initial contract includes a \$3,000 installation fee. He also thought it was important to note that the City would be leasing the equipment from Flock Group, so if for any reason they decide to stop using it there is no monetary loss of equipment cost.

Councilwoman Koski asked the Police Chief to explain exactly how it works and if there is video collected.

Chief Dwojakowski indicated that no video is taken, only a photo of the back of the car with an infrared image so that even in total darkness and at speeds of 100 miles per hour it is able to capture a clear image of the license plate. This image is also has a GPS and time stamp, and with enough light a color of the car can also be seen.

Councilwoman Schmidt asked how the camera is able to capture a photo of every car in different traffic conditions.

Ms. Holland explained that the cameras are motion activated and take a series of about 7 seconds worth of footage and sends the best image each car to the cloud for storage.

Councilman Radtke asked the Police Chief if there are limits to which instances warrant use of the data and if it would be limited to only those involving a crime and not to lost individuals for example.

Chief Dwojakowski stated that if a family reports a missing person and ask for assistance then an alert can be put out to surrounding communities to try and locate the car using this technology.

Councilman Radtke again voiced concern about an invasion of privacy and potential for misuse.

Mayor Taylor stated this is another form of police surveillance albeit on a much larger scale, and is curious to review the data collected on crime prevention. Mayor Taylor asked Chief Dwojakowski in the case of an Amber Alert where they have a license plate is this information entered into the Flock system.

Chief Dwojakowski and Ms. Holland responded that information is shared between the Flock system and the National Crime Information Center and the National Center for Missing & Exploited Children databases.

Ms. Holland explained that there is a proactive feature where the police department will receive information from national organizations about things like a missing or endangered persons or someone who has an active warrant. The other feature is the investigative portion that is used for solving crimes.

Mayor Taylor inquired if there is description of a vehicle involved in a crime and the Flock database is able to identify a vehicle in the area of the crime that fits the description, is that probably cause to stop that car.

Ms. Holland explained that the list of vehicles that meet the criteria would then be used by law enforcement to do their investigative work. She also noted that the

camera takes a photo of the back of the vehicle that could provide other identifying features in addition to the license plate like color of the vehicle or bumper stickers. Mayor Taylor concluded by saying that this is a difficult decision and that although the benefits are numerous, in his opinion the technology is problematic in many ways. He plans on monitoring and is looking forward to seeing the data from it, but is hopeful that it will be used proactively and that the results will be there.

Mayor Taylor asked that Chief Dwojakowski please use an abundance of caution in how this is used and deployed including making sure that officers are properly trained.

Councilman Yanez asked Chief Dwojakowski if the County's COMTEC electronic surveillance system record anything or is it just traffic cameras.

Chief Dwojakowski replied that some of the cameras do record the intersections and they have used that data in the past for cases of fleeing suspects or crash accident scenes.

Councilman Yanez asked if the Flock system could be used to track a vehicle across the city.

Chief Dwojakowski stated that the limited number of Flock cameras will only be placed at locations that are beneficial to law enforcement, and it would require a network of cameras to be able to track a vehicle around the City.

Mayor Taylor asked Chief Dwojakowski what would prompt the police department to enter a license plate into the system to be tracked.

Chief Dwojakowski responded that it would start with an investigative lead where a detective is looking for information on a suspected vehicle, and it would have to be related to an actual case.

Roll Call Vote: Yes: Schmidt, Sierawski, Taylor, Yanez, Ziarko, Koski.
No: Radtke. The motion carried 6/1.

11. **COMMUNICATIONS FROM CITIZENS**

Mayor Taylor opened the floor for comments from the audience.

- Ken Nelson – spoke about the Corridor Improvement Authority, the Master Plan and the Marijuana Forum.
- Brandy Wright – Availability of water usage tracking on website, possibility of City giving free trees for residential plantings.
- Scott Townsend – City council packet on website, boil water alert.

12. **REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL**

Mayor Taylor stated that in regards to the water main break/boil water alert, the City's social media accounts were updated within close proximity to the time that the media reports were going out. Mayor Taylor checked the City's website and there was a red emergency banner that went up on Saturday afternoon that gave information from GLWA regarding Sterling Heights.

Mayor Taylor asked Mr. Vanderpool to give a report of the timeline that boil water alerts went out to the public.

Mr. Vanderpool stated that Community Relations was providing updates as quickly as they were receiving information from the GLWA, online throughout the day as well as on the list serves that go out to over 40,000 residents. He encouraged residents to sign up for news alerts on the City's website to receive

emergency notices, including snow emergencies, construction updates, etc. Mr. Vanderpool reiterated that the City did notify the community as soon as they received word from GLWA. A map was also posted showing the affected communities. Mr. Vanderpool confirmed that Sterling Heights did not lose any water pressure and city workers were out throughout the day monitoring and testing the water. When the boil water alerts were lifted, the City notified residents immediately. Mr. Vanderpool noted that if GLWA had not lifted the boil water alert, the City would have petitioned for the lift because the water was safe.

Mr. Vanderpool notified City Council within fifteen minutes of receiving the information from GLWA, after pulling together the response team. Mayor Taylor stated that the City Council was provided an update on Saturday at 10:51 am and it was on the City's Facebook page by 11:20 am. The City's response team monitored the situation throughout the day. Mr. Vanderpool stated that updates were posted throughout the day, including the website, social media outlets, cable channels and list serves.

Mayor Taylor inquired why we could not use the emergency broadcast system. Mr. Vanderpool stated that the emergency broadcast system was not activated because there was no imminent danger. Water pressures were very solid, the boil alert was a precautionary measure as stated by GLWA. The emergency broadcast system is reserved for the most severe life threatening emergencies.

Mayor Taylor stated that he appreciated residents coming to the meetings to make suggestions for positive improvement. He explained that the Council

members do this job to benefit the community. That the staff works hard to do what is best for the residents every time.

Mr. Vanderpool commented on the North Van Dyke master plan, stating that it has been widely publicized, there have been numerous public hearings regarding it. There was also discussion at the forums that were held for the American Recovery Program Plan, during the budget hearings, strategic planning, Council meetings, and numerous community events.

Mr. Kaszubski stated there are no reports for tonight.

Mayor Pro-Tem Sierawski requested that the City fly the Ukrainian flag next week and light the halo with the Ukrainian National colors, August 21-27, in honor of Ukrainian Independence Day. She stated that this represents a sign of solidarity with our Ukrainian friends.

Mayor Taylor, hearing no objections, directed Mr. Vanderpool to process Mayor Pro-Tem Sierawski's request.

Councilman Radtke recalled when Covid-19 swept the country, Council was meeting frequently to chart a path forward for the City. Multiple hour long meetings took place, where members worked hard to make sure that residents were protected and business could still be conducted in the City. Councilman Radtke stated that the North Van Dyke project has been going on for years with multiple meetings taking place with many different communities, residents and business owners involved. Councilman Radtke thinks that the project is on the right track to go from an underutilized corridor to a downtown pedestrian district.

Councilman Radtke stated that the Marihuana Forum is more of a feedback session, intended to receive feedback from residents.

Councilman Yanez stated that several apartment complex plans have been brought to Council lately. He has reached out to recent applicants to see how their experience was with the City. Councilman Yanez stated that he is very frustrated that a stigma about apartment complexes exists. All people deserve good housing and they deserve to live in a good community with good schools and nice parks.

He wants to fight the “demographic shift” stigma.

13. **UNFINISHED BUSINESS**

There was no unfinished business.

14. **NEW BUSINESS**

There was no new business.

15. **CLOSED SESSION PERMITTED UNDER ACT 267 OF 1976**

Mr. Kaszubski stated there is nothing for tonight.

16. **ADJOURN**

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to adjourn the meeting. The motion carried and the meeting was adjourned at 10:16 p.m.

MELANIE D. RYSKA, City Clerk