

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 6, 2023 AT 7:00 P.M.**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Crawford, Fischer, Smith, Thomas

ALSO PRESENT: Victor Cardenas, Interim City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 23-02-016 Moved by Crawford, seconded by Smith; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

**Roll call vote on CM 23-02-016 Yeas: Staudt, Casey, Crawford, Fischer, Smith,
Thomas, Gatt
Nays: None**

PUBLIC HEARINGS: None

PRESENTATIONS:

Legislative Update - State Senator Rosemary Bayer, Senate District 13

State Senator Rosemary Bayer said she was happy to be there that evening as your new state senator. She said she would come when she could. She wanted to introduce herself and tell everyone a little bit about what is going on. She stated then we can talk about future stuff a little bit. She noted that if you have been watching the news, she has actually been a Senator for four years, so she is relatively new to the legislature. She said she was an engineer before that and a business owner and come in to work on some very specific problems to solve and she will continue to do that. She said she lived in West Bloomfield, and this district is new, District 13 covers Keego Harbor, Sylvan Lake, Orchard Lake, West Bloomfield, Walled Lake, part of Commerce, Novi, Northville, Northville Township, Plymouth, and Plymouth Township, so it is kind of southern Oakland and Western Wayne Counties. She thought it was fun community, lots of great towns. She said she wanted to come every once in a while and give you an update, but if you need me, you get to call her and she will come, that is how it works. She said she will always be available to everyone.

She stated right now at the beginning of this new legislative session and the new governor session, they kicked off with some big priorities this year. She said right now, the big focus is an immediate financial health, for cut for people of all different stages. She said they have a huge increase in the earned income tax credit for working families. She said 700,000 families will get an increase, an annual increase of over \$3,000 for those working

families that need an extra boost, they also did a repeal on the pension tax, which was part of the governor's promise originally when she ran for office, she said they had to change laws to do that. She said they have a repeal, and they are voting on that hopefully tomorrow. She said these things are brand new, but that should go through tomorrow, or this week. She said that would help about 500,000 individuals and about \$1,000 a year in savings on the pension tax. She explained the pension tax is for pensions, as well as 401Ks and IRAs with a few small limitations that we are actually working to see if they can even eliminate those. She said they are trying to get that relief to all our seniors is the goal. She said yesterday, was announced that we were going to do because we have a little extra cash on hand right now, so to do a little tax relief for everyone, and send a check to every filing, Michigan citizen tax filing citizen of \$180, so that will happen at tax time, just a little bit to help people get by. She said they wanted to try to help everybody so they did what they could to do that. She stated the top priorities for this session coming up is again they will continue with their focus on education. She said the plan is to continue every year in the last four years, we have increased the per pupil allocation of funding, they are also going to continue to increase the number of four-year-olds that can go to preschool, they get free preschool through our Great Start Program, which is one of the best programs in the country. She stated in her former life, one of her data and analytics projects was working with the long-term value of preschool, what does it do for people for their whole family, for their life. She said one year of preschool, four years old, equates to about a million dollars in earnings. She said if they can get in the goal, the Governor announced her goal is to get all four-year-olds into preschool for one year. She thought that will be great, we are going to work towards into preschool for one year. She thought that would be great as they were going to increase it every year. Hopefully they will get to where all our four year olds have that same kind of advantage. She stated they are expanding the reconnect program, which is the other end of the scale, and making sure that everybody has access to two years of community college, or some kind of certificate program or some kind of skills training. She stated it is going to be expanded to people who are 21 years old or older instead of 25. She said they had a lot of younger people that missed the college window, did not know what to do, and then they were there at 22 years old, and they do not know where to go, so this way it will give them a boost as well. She said that is a lot more people getting a lot more education which is a huge priority.

She said they are focused on business development, you see that a lot in some big awards, but they are very much going to focus on small business this year. She stated the next two years have a lot of new program opportunities for small business advancements, and a huge focus on clean energy, and electrification, you may have already seen some of the announcements on that already. She noted that it is a big part of how they are making our State, the future, how we are bringing this strong new technology to Michigan and bring new companies to Michigan. She said they have added a lot of jobs already in the last few years, they are going to continue that.

She said the other part of that is basic needs. She was just talking about water; we are determined to have safe and affordable water to every citizen of Michigan.

She stated they are working toward a water affordability program and water systems upgrades to make sure that the water that everyone gets is safe, so lead and water pipes that are decayed or that are broken, we have all kinds of major leaks. She said they have seen some in Novi, even in a new community like this one, so a lot of work to do on the water systems as a whole the clean water, but as well as the dirty water. She said to make sure that we have storm systems that work and that we have drains that work, all the things that have sort of been decaying for the last 100 years is where they are going to finally start to seriously invest in some of those things.

She mentioned that they wanted to invest in safe communities. They are working on what they can do about escalating gun violence and how they will make sure that they do their best to take care of our kids in school and to take care of our communities. She said they will be working on what they can do about escalating gun violence and how they can make sure that they are doing their best to take care of our kids in school and to take care of our communities. They will work on regulations in some cases, different kinds of intervention programs, risk reduction programs and things like that. She said they have had pilots, she had one in her district this last year, it was a pilot program with Birmingham Police, Bloomfield Township Police and Auburn Hills Police and they loved it. She explained that it was a pilot test where they had a social worker that they shared, and she would go on rides with them to calls, and they all called and said we have to continue this, we need to hire our next person needs to be one of these, it really makes a difference in policing these days to be able to do that kind of stuff. She said more of those kinds of intervention programs are going to be important for us.

She said another announcement was about housing, we know there is a big shortage of affordable housing all over the state, everything from apartments to house the average middle wage person, a family can afford to have a house, and there is just no stock in that in those lower ranges right now, and there are hardly any apartments available. She stated there is going to be a big focus and a lot of incentivization for development in new housing at those lower levels, you are going to see a lot of that, and that is going to be good for our economy as well. She stated it is a lot of good new business, a lot of good work for people who need good, well-paying jobs, so that will help in a lot of different ways also. So those are in the clean energy and electrification.

She stated the Healthy Climate piece is a big part of the governor's goal, she introduced a healthy climate plan about a year ago, and more and more we are moving in those directions. She stated they had a good meeting today, in fact, with the Public Service Commission, talking about how we are going to enable more distributed systems for providing energy for so that our electrical system, our grids are more durable, they are more distributed, and there are more places to store energy. She said when something goes wrong in this system, there is a lot more backups, there is a lot more ways we can make sure that people and communities maintain their power, those are all the kind of big priorities.

She said she is personally working on many of the committees that address those issues. She said she is the chair of the Budget Committee for the Department of Education, she is on appropriations in a larger sets, but she also is working on Health and Human Services, the housing, there is a new committee that is Housing and Human Services and she is part of that, there is a big focus now what we will see this year and going forward and consumer protection which is something that came out of her historical back in technology as well, consumer protecting online, so we have a big new at that they are going to try to launch this year called the Michigan Personal Privacy and Data Protection Act. She noted stated they are going to start working with the Attorney General's Office, that is a big priority for her too, protecting our consumers, our communities, all of those things are important. She said she is on local government for the first time, and she was excited about that. She said they have man goals for helping out there, and part of it is just increasing that revenue share as much they can, continuing to take care of that. She said one of the reasons she asked to be a part of local government is that she found that she kept working in local government with the local government teams, because she wanted to make sure that we protect our local control where it makes sense. She stated that they don't simply give up, the idea of a mine in your backyard is just horrifying to her. She said they need to make sure that we maintain those things that are important to the local community. She said that is kind of the rundown of the things that are happening right now, we are just getting started. We have a long agenda for the next couple of years and they are really excited bout all of that.

She announced they are having a virtual coffee hour this Thursday at 12:30 p.m. We will have our in-person coffee hour next Friday at 10:00 a.m. at the Novi Public Library, which is our first in person coffee out of the year, so she was excited to do that here and she hoped people can come. Information on all their events is available on our website at www.senatorbayer.com, you can see information on events, see information on how to reach them or you can call their office at (517) 373-2417, either of those things to find out about events if you want to come to the coffee hours or dial into the coffee hours. She stated if you have a question or if you have a comment or if you have a problem and you need some help.

She mentioned they helped almost 5000 people with the unemployment since COVID. She said they get a lot of calls, so they are her for you, that is a big part of their job. She said you can call about anything, if they can help, they will try their best. She said they do a lot of stuff that has to do with state systems if they can help with things like that. She asked if anyone had any questions.

Mayor Gatt said first of all, Senator, he wanted to say thank you for coming. He congratulated her, we think that you represent the best District in the State. He certainly appreciated her offer and her willingness to help us, things do come up throughout the year where we could use some help from Lansing, and we have always been very fortunate to have private cell numbers, and so on and so forth on our website. He hoped they could do the same with you guys. He said normally they do not ask questions during a presentation like this, but he was going to if you're willing, we will open it up. He said he would start if you said you mentioned that you oversee the Public Services Commission,

if he heard her right. Senator Bayer said they are independent, she had a meeting with them today, we work with them. Mayor Gatt said last year, we had a representative out here, everybody in the communities are very aware of power outages in Novi, they seem to be more frequent here than in most other communities, and sometimes we are lacking in the response. He said, however, though, after the meeting we had right here at the table, the Attorney General's here and representatives from all over the state, he noticed we got a little bit better service. He hoped that she would stay on that and oversee that, and advocate for your community. Senator Bayer said yes, absolutely you can call her anytime, they are happy to intervene and help things get fixed fast. She said it is also one of their priorities to fix the system, right to build a better grid to build a better system. She said this is a great place to try things on. She said in fact, anytime you are doing a new project, if you have something that there is a lot of grant opportunities at the state, right. She said there is a lot of different kinds of water grants, we have this new set of legislation that just passed at the end of last year about landfills, and rules about solid waste management. She said every community is going to have not just trash pickup, but recycling and compost, so there is a lot of opportunity for help on things. She said if you come up with projects that you think the State might be able to help with just call. She said they will help in any way they can, and if you do apply for something, you can call their office and they will help push it through. Mayor Gatt said he will let each councilmember ask one question if they choose. He asked if there was anybody that had a question, it looked like all their questions were answered previously. He thanked her again for the comprehensive legislative update and said they looked forward to working with her. Thank you.

BOARDS AND COMMISSIONS PRESENTATIONS

Mayor Gatt explained the Council Rules on Boards and Commissions Presentations. He said everybody who is going to present to understand that they have your application, and in most cases, we have your resume, we have studied that. He said that evening they were going to allow each presenter two minutes to come to the podium and tell them why they want to be named to a committee. He stated they will not make any decisions that evening. He said three weeks from tonight at the next City Council meeting they will make their decisions. Each presenter will have two minutes and at the end of the two minutes he said he will cut them off, so we are fair to everybody. He said he will say thank you and it will move on to the next person. Having said that, he called the first presenter to the podium, Jan Lach.

1. Jan Lach – Beautification

Jan Lach stated she has been with the Beautification Commission for two years now. She said she has attended every one of the meetings. Her claim to fame is that she rewrote the Neighborhood Grant packet. She said she lived for paperwork just to make it a little more streamlined. She said it was one of those documents that people just added things to it overtime and she thought it was confusing. She said she made it easier for them to make choices and also for the City so that the city side of it will be a little faster as well. She looked forward to doing more things with the group. She said they have a lot of plans

and ideas, but part of the issue is that they have is that they do not have enough members to do a quorum. She stated they are down two people now that have resigned and those seats have not been filled yet. She said they are trying to get more people involved and do more of the work that they are supposed to be doing.

2. William Bluford - Building Authority

William Bluford thanked Council for having him that evening. He said he has been a Novi Resident since 2008 and has been on the Building Authority since 2019. He said he was appointed to a partial term in 2019 and full term in 2020 during COVID. He said he would like to go over all of his accomplishments on the Building Authority, but, unfortunately, we haven't met. He said he wanted to continue his commitment and strengthen his commitment to Novi. He joined the CERT Team in 2021 and he has been asked to present on cybersecurity which is what he does in his professional life. He said he would like to continue to serve on the Building Authority or any way that the Council sees fit.

3. Patrick Torossian – CBA

Patrick Torossian said he has been a Novi resident since 1987 and he was seeking reappointment on the Construction Board of Appeals. He said for the past two years he has enjoyed supporting Novi on this Board and going through multiple situations with the homeowners and builders for variances or how to deal with variances. He stated he was an engineer by trade for more than 35 years. He said he has lived in Novi for 35 of those years and his wife and I have built three homes in Novi, so they have dealt with builders, developers, as well as the city before. He said they have participated in multiple homeowner's associations. He said he could appreciate the value and consistency, as well as the value of participation from homeowners like himself for homeowners and builders looking for support. So, with that, he said he would like to give back a little to the community and he looked forward to continuing to make Novi the best City there is.

4. Adrienne Breznau – Library – (absent)

Mayor Gatt said Adrienne was not there that evening, he said they have her application and resume, and she will be given full consideration for that spot.

5. Priya Gurumurthy - Library

Priya Gurumurthy said she was Global Director of Yanfeng International in Novi. She believed in giving back to the community and through this one-year term on the Board, she was able to contribute to the betterment of the library which she felt is the central place where all community members come there. She said even though they were able to accomplish a lot during the term as a board member she thought she had a lot of things to do yet. She said especially as they just kicked off the strategic planning activity. She said in the short term, she was not only able to understand in detail all the policies and procedures of the library, but also was able to contribute to the library in three basic core committees. Firstly, she said as a Strategic Planning Committee member, she was

proud that they were able to kick off the strategic planning diversity. Secondly, she said as a DEI Committee member, she was able to provide review and approval of the collection's development policy and doing a presentation of Indian culture and tradition to the staff of the library. She mentioned as an Events and Marketing Committee member, she was hoping to continue her work helping the library reach the marketing and fundraising goals for financial sustainability. She said she would like to continue to be that advocate for the library and the mission. She wanted to be there as an individual to support Julie and her team to execute everything they wanted to do without any issues. She established a great relationship with the other trustees, and she was ready to execute to soon to be determined five-year plan to being on Board for one years was great, but very short. She stated with this experience and understanding she was energized to do more, along with the other esteemed leaders on the board. She said she was so proud to be part of the Novi Library Board and requested all of you to consider her to not put a period to what she is serving to the library but put a comma by the reappointment. She thanked Council again for giving her the opportunity that evening.

Mayor Gatt thanked everyone for coming out that evening. He said there was one more applicant, Latasha Keller who afford the Library as she could not be there that evening. He explained she was traveling on business, but her application will also be given full consideration. He asked is Adrienne Bridgestone was there that evening. He said no. He thanked everyone for their presentations and said there will be no decision made that evening. He said three weeks from tonight at our next meeting people will be notified whether they were chosen or not.

MANAGER/STAFF REPORT:

Interim City Manager Cardenas noted that the time clock on the wall was not working properly. He said the Clerk will be keeping the time with her phone for any public speakers they have that evening. Mayor Gatt thanked him for that information.

ATTORNEY REPORT: None

AUDIENCE COMMENTS: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 23-02-017 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 January 23, 2023 - Regular Meeting
- B. Approval of a resolution consolidating Precincts 16 & 17 and 24 & 25 for the May 2, 2023 election.

- C. Approval to award bid for the Novi Firearms Training Center annual bullet trap clean-out and rubber replacement to Best Technology Systems, Inc., the only qualified bidder, in the amount of \$39,500
- D. Approval of Resolution Appointing Julie Maday and John Samulak to the Economic Development Corporation Board of Directors and, conversely, remove Jeff Wainwright from the board.
- E. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Lineage Logistics, LLC for Lineage Logistics Parking Lot Expansion, located on the North of Twelve Mile Road between Magellan and West Park Drive (parcel 50-22-09-176-019).
- F. Acceptance of two sidewalk easements and one highway easement associated with the Wixom Road Rehabilitation project in the amount of \$3,265.85.
- G. Consideration of request to transfer ownership of a Resort Class C and SDM licensed business from Steve & Rocky's of Novi, Inc. to RJ Loomis Productions, LLC., 43150 Grand River Ave., Novi, with Sunday Sales Permit (AM and PM).
- H. Approval to award Miracle Method Surfacing Refinishing the tile and partition refinishing project in the four restrooms on the City Hall side of the Civic Center in the amount of \$79,840.00.
- I. Approval of claims and warrants – Warrant 1125

Roll call vote on CM 23-01-005

Yeas: Casey, Crawford, Fischer, Smith, Thomas, Gatt, Staudt

Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. Approval to enter an agreement with Axon Enterprise, Inc., sole source provider for the purchase of In-Car Camera and Body Cameras for the Novi Police Department in the amount of \$963,095.70, with final language and execution to be completed by the City Manager and City Attorney and amend the budget.**

Interim City Manager Cardenas said the City of Novi Police Department has had dash cameras in our vehicles for over 21 years now. He said unfortunately, the latest version of those cameras is out of warranty, and they are no longer serviceable. He stated this is something that our staff has worked hard on to try to identify a replacement they have done so, but it was in our budget, the CIP for next year. He said for the next fiscal year, they were hoping that they could pull that forward and get it ordered because there is a year lead time. He said unfortunately, if they had to wait until July, they will be waiting another year and the cost keeps on going up. He said in addition to that they have been tossing around for quite some time, the addition of body cameras, which is the next

evolution of safety for our officers. As he said earlier, we have cameras and recorders in our vehicles when our officers interact with people in their vehicles. He explained this just adds another layer of surveillance and protection when they are on foot or leaving their vehicles. He said we have all of our staff, police and we have City Attorney Schultz's knowledge here as well, his office is well versed in the policies and procedures of body cameras at other departments. He noted the body cam lead time is six months. He said they are just trying to get ahead of this now, ordering now, so that it will come down the road. He said they will leave it up for your consideration and deliberation and they are ready for any questions that you might have.

Mayor Gatt noted that he saw the Police Chief and Assistant Chief here, he asked them to come down to the podium in case there are questions from any councilmembers. He asked them if there was anything that they would like to put down on the record first before he opened it up to Council.

Chief Zinser stated our car cameras are at the end of life, and are out of warranty, getting parts and service for those cameras is getting more difficult so that is why they are asking to pull this forward in the budget. He explained that body cameras, it is really about accountability, it is about building public trust, it is about transparency, it is about protecting our agency, it is about protecting the City of Novi, the technology is out there. He said oftentimes, we capture what they need to capture through the audio of our in-car cameras, but when you get away from the car, when you go into a business, if it is close enough to the car, the audio will pick up the conversation that is going on inside. He said if you are at a home, it will pick up if you are in the house, if you are parked near the house that you are in, the audio will pick up, but if you get two or three houses away, the audio starts losing its integrity, cracking up. He said we need to for our accountability and our transparency, we want to be able to capture what is going on away from the car cameras. He stated that is why they are pulling it forward, and that is why they are now asking for body cameras as well.

Mayor Gatt said before he opened it up to the Council he was going to put some comments on the record, in the fact that he was a police officer for so long. He mentioned toward the end of his career, we did move toward the cameras in the car, the officers had some sort of device on their belt, that would be audio and you had to turn it on and off, and if you forgot to do that there would be trouble. He said that was a long time ago, and things have changed dramatically as far as technology. He said he could not think of a better time to be talking about this with all this stuff in the news about some heinous acts of some officers down south. He said luckily, there was some cameras somewhere that captured all that those five officers will get what they deserve. He said they will get what they deserve because it was captured on tape and the whole world was there to witness it. He said imagine if there was no camera. Imagine if there was no technology that would have caught that or for the act that we saw a couple of years ago with George Floyd. However, those two incidents are two out of probably millions of stops and interactions between police in this country and he did not want to talk about this country. He wanted to talk about Novi and we at the City Council believe that our Novi Police Department is the finest police department anywhere. He said they are

clearly certified, but more than that, more than just a piece of paper, they are educated, they are trained, they are the best of the best, we say that, and they mean that. He said to his knowledge there has never been an incident to his knowledge, never been an incident where one of our officers have been accused of something illegal, unlawful and that accusation has been sustained. To his knowledge that has never happened in the whole history of the Novi Police Department, and he did not know how many police departments could say that. He said to his knowledge that is the way Novi is, but that does not mean that tomorrow will not be different or tonight. He believed that the cameras are there and chief you said it is the same basically, the cameras are there to protect the citizens, the city, and the officer. He stated that in today's world, today's litigious world, so many people, traffic, or a police interaction, they can make any accusation that comes to mind. He stated if there is no proof, it is he said, she said or my word against yours. The officers are tainted, the city's tainted, the police department is tainted, and without proof that leaves so many questions, so many doubts. He said he knew there are concerns amongst the councilmembers here, and he was sure they were going to hear about them in a minute regarding privacy, regarding the police officer and how many times we have been in people's homes, where, there is some private moments that the police are invited there because there is a fight, there is a family fight, or whatever reason they are there. He said sometimes the appearance of the people on camera are not for publication, they do not want it on television. He believed, and he wanted City Attorney Schultz to reiterate if he was right or wrong, but he believed there are plenty of laws on the books that will protect the Novi residents, or anybody who is stopped by the police, any interaction that will protect them from being exposed in instances where they should not be exposed. He asked City Attorney Schultz if he could tell them a little bit about the law when it comes to that.

City Attorney Schultz said his firm does a lot of this work. He stated it was not necessarily him doing it, it is Carlito Young, and Holly Battersby have been presenting on this for quite a while around the state. He stated there are a variety of laws and rules in place that are intended to protect privacy. He said the 2017 Act specifically aimed at body worn cameras is entitled a Privacy Act. He said they have FOIA exemptions, they have another state law, the name of which escaped him at the moment, which also governs release of private information, miners, things like that. He stated there are a number of avenues for the City to look to, before having to release something that people might consider to be private. He said it is sort of an ongoing area of developing law, but the intent is certainly there that these are tools, but they are not intended to be used for violation of people's privacy.

Mayor Gatt said there was a very famous incident that was on television just in the last few weeks regarding a nationally known figure, the husband of a nationally known politician captured in his own house. He said it was not a pleasant situation, how did that make the news? He wondered how that got on CNN. City Attorney Schultz replied that he has read the news stories, but he has not looked onto the laws out in California, but his understanding was that the footage was used in an open court session and sort of became visible to the public in that way. He thought the court ordered the release of that information as opposed to the city or the prosecution simply giving that up. He said

if the court decides it up, the footage exists, and the court decides that it will be public, for various reasons. He said that could happen under our current situation with the existing camera systems that we have, the recordings that we have now. He said we take advantage of the FOIA exemptions, which you are not obligated to do, but typically, communities do. He said ultimately, sometimes things get released that is part of the business of having a public record. Mayor Gatt asked is there are federal laws overseeing this or does each state have their own set of laws. City Attorney Schultz replied, for this, it would be a state law essentially, there is a federal FOIA, but hose decision and that jurisdiction is not applicable here. Mayor Gatt asked what happened in California may not have happened in Michigan, not saying it wouldn't, it may not. City Attorney Schultz apologized, he said he has not followed that, that closely, but he would imagine court rules, California FOIA, any privacy acts that they have, he said all we can do right now is point primarily to the body worn camera Privacy Act and FOIA. He stated they read that pretty clearly that the intent is not to invade private situations.

Mayor Gatt thanked City Attorney Schultz for his explanation. He reiterated that he thought it is time for the Novi police to move up to that level of technology availability, that will protect the citizens, that will protect the public, that will protect the officer, and will protect the city, that will protect the department. He said he has not heard any motions yet, but if there is a motion to support this, he will support that motion.

Mayor Pro Tm Staudt said looking at the recommended action it talks about amending the budget, do we need to put anything in it that specifies where these funds are going to come from. Interim City Manager Cardenas replied, that would be completely within your wherewithal, yes, right now they would pull it from Fund Balance because it is not in the current budget, they are pulling it forward from next year's budget. He said then we can move over funds at that point, but that would be our intention. Mayor Pro Tem Staudt so the intent of the motion is to put it in our current 2022-2023 budget and not to put it into the 2023-2024 budget.

CM 23-02-018 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval to enter an agreement with Axon Enterprise, Inc., sole source provider for the purchase of In-Car Camera and Body Cameras for the Novi Police Department in the amount of \$963,095.70, with final language and execution to be completed by the City Manager and City Attorney and amend the budget.

Member Fischer directed his question towards City Attorney Schultz. He stated that it was his understanding that the ability of the city to withhold information from the body worn cameras differs between whether it is taken at a public place or a private place, he asked City Attorney Schultz if he could comment on that and give us some context for that. City Attorney Schultz said the way the Privacy Act is set up in the body worn camera the Privacy Act starts out with the concept that video taken in the private place, which is defined sort of generally, but you know, places, people expect privacy, places the public is not generally allowed, is exempt or, you know, you cannot produce it under

FOIA. He stated it is a law that says it is not produced. He noted there are some other exemptions if there is an ongoing investigation or things like that, that several other ways that production is exempt. He said that leaves public and sort of semipublic areas and the way we will deal with that, and your policies have not been written. He said if we we're going to pass this, we would work with the police department to write policies based upon the existing FOIA laws and the victim rights laws. He said you have the usual privacy exemptions, you have the usual ongoing investigation exemptions, so yes, it would, for the things that are not exempt, exempt under that specific act. He said we are looking at applying FOIA the way we do now. Member Fischer said his question being some sort of heinous crime takes place at the mall, and our officers are first on the scene, what would we be able to withhold, what would we be able to redact in that sort of situation and by heinous crime, he is literally talking about some sort of injured person, potentially dead person on the ground. City Attorney Schultz said if that would happen today, and for some reason, there was a video in possession of the city, we would point it we would likely say in response to a request that we would review it under the case law for FOIA for essentially the privacy exemption, so unnecessary interference into somebody's expectation that these things be private, no governmental purpose, necessarily being served by putting that information out there. He said what we would do today is, to make our evaluation, talk to the police department, potentially declined to extract or to produce that document or that video. He said that could be challenged, then you go to court, you go to the circuit court and apply the exemptions, the case law, and say why we think it fits the exemption. He stated the court will decide which may be what happened and, in some way, in California. Member Fischer said that is kind of where he was going with his next question. He understood those California laws are somewhat similar, and that is exactly what happened, correct? He said this really is oftentimes when people talk about the body worn cameras, as the Mayor alluded to, when he talked about situations like what we saw down south, there is clearly benefit to having these. He said this question is not exactly cut and dry because of the privacy, and it is not about it is absolutely about accountability for our police officers protecting our residents, but again, the police do show up when people need it. He stated a lot of times, they are in a vulnerable situation, whether it be domestic crimes, rapes, human trafficking, and those are the victims that he worried about. He said thankfully, he did have the opportunity to sit with the Assistant Chief and Chief for a good 45 minutes to an hour to go through some of his concerns. He stated that while he does have these concerns, and he will continue to have these concerns, he will support the motion. He thought this is the future where policing is going. He mentioned that some information he was provided that about 85% to 90% of surrounding communities in Southeast Michigan already have body worn cameras or are 100% going that way. He would just implore our City Administration and our City Attorneys to diligently apply whatever we can to ensure that the privacy of any victims of crimes, people in their toughest moments are protected to the extent that we can. He said if we have to go and fight that in court, he will support the City doing that 110% all day long, So with that, he will support that motion with that comment on the record.

Member Casey thought a lot of the early questions that she had about the personal privacy of the residents had been addressed through this conversation and some

previous insight that she received from asking questions. She asked for clarification to understand more specifically, because we are talking about using our vendor to store all these recordings. She said her questions were going to go down that path. She said there is a minimum retention, she believed she understood that was 30 days from the state that we must retain copies, what is our maximum. She wondered if we set a policy for how long we will keep the recordings generally, or are we going to just kind of delete them, if you will, at that 30-day mark, or, while the state statute was 30 days, that is the state statute. Chief Zinser explained that when it comes to FOIA retention, we follow the state statute. He said in the case of body cameras, it is 30-day retention period. He said if it is something that has an ongoing investigation, where we need to keep that video for longer or something that is eventually going to go to court, we need to keep that for evidence. He said we hold that until we do not need it any longer. He said also, with body cameras, if there is a complaint against the department and officer, they must keep that video for a minimum of three years. Member Casey thanked him for his answer to her first question. She said her next question was regarding what accessibility the vendor will have to our data; how much they will be able to get into. She called it a database for lack of much more specific term that she was sure exists. Will they have any ability to get into our database and access any of these videos, recordings. Chief Zinser stated that he knew it was controlled, it is restricted. He was not sure if it was audited. Assistant Chief Baetens responded to the question and said they will not, that is our proprietary information belonging to the city of Novi, held in the cloud through Axon. He said it has the same digital footprint that our evidence room might have when you are accessing the secure information on that server. He stated it is logged, it is tracked, and it is audited internally by us, so the answer to that question is no. Member Casey thanked him for that detail, she appreciated that. She said she was going to add to that, she would expect that in the agreement that we signed, there is going to be a clause of some sort that stated the data is ours and must be returned to us upon dissolution of the agreement, however that gets worded. She wanted to put that thought on the record too. She said her last question was regarding the need to replace all this equipment every five years, because it is an expensive proposition. She wondered if it had a five-year lifecycle, or do we think that it is going to be able to eke out a little bit longer. Chief Zinser said it is hard to say, the in-car cameras that we have now is a five-year lifespan. He assumed, or he would venture to guess that it is going to be something like that. He said it is all part of the contract, it is built in for three refreshers of the product. Member Casey thanked him for the answer. This is not cheap. She stated she has some privacy concerns; she was very comfortable with how we would handle them. She said she needed to get her concerns resolved about how our relationship with the vendor would work, she thanked them for answering those questions. Generally, she supported this opportunity, this initiative and looked forward to getting this into the hands of our officers for both trust and accountability for the officers and for the citizens as well. Thank you.

Member Smith stated he has been in tech for 35 plus years, and the success or failure of any tech system comes down to the people using it and the training. He said he did not see a specific all out in that quote for training and support. He wondered if there would be a training period for officers and anyone accessing the data. Chief Zinser said just like every other new piece of equipment that we get; everybody is fully trained before we

go operational with it. Member Smith said so that is built into the code. Chief Zinser said yes. Member Smith thanked said thank you.

Mayor Pro Tem Staudt stated one of the things that is required, and we talked a little bit about this before the meeting is a FOIA officer, at least one, do you anticipate asking for an additional officer in the next budget. Chief Zinser noted that they have had an unfilled clerk's position in the budget for several years and we would be looking to fill that position to handle FOIA requests for video as part of this project. He said for instance, our clerk now that processes FOIA downloads all of our in-car video that gets a FOIA request, a fifteen-minute traffic stop could take her up to an hour to download and redact. He said we anticipate an increased workload, and therefore we would be looking to fill that spot that we have not filled over the years for that purpose. Mayor Pro Tem Staudt said that position, if he remembered correctly, was not funded in prior budgets, or was it. Chief Zinser replied that it has always been funded. Mayor Pro Tem Staudt wondered if they needed any additional headcount. Chief Zinser said no. Mayor Pro Tem said thank you.

Mayor Gatt thanked them for a very comprehensive presentation. He looked forward to coming into the century, if you will, and under your guidance, he was sure everything is going to be very smooth and very professional.

Roll call vote on CM 23-02-018

**Yeas: Crawford, Fischer, Smith, Thomas, Gatt,
Staudt, Casey**

Nays: None

Mayor Gatt thanked Chief Zinser and asked him to keep Council posted. Chief Zinser thanked Council for all their support.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:50 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: February 27, 2023