

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Monday, December 9, 2019

4:30 PM

Committee Room

SPECIAL AFFAIRS COMMITTEE

Eric Mays, Chairperson, Ward 1

*Maurice D. Davis, Ward 2
Kate Fields, Ward 4
Herbert J. Winfrey, Ward 6
Allan Griggs, Ward 8*

*Santino J. Guerra, Ward 3
Jerri Winfrey-Carter, Ward 5
Monica Galloway, Ward 7
Eva L. Worthing, Ward 9*

Inez M. Brown, City Clerk

Davina Donahue, Deputy Clerk

ROLL CALL

READING OF DISORDERLY PERSONS CITY CODE SUBSECTION

Any person that persists in disrupting this meeting will be in violation of Flint City Code Section 31-10, Disorderly Conduct, Assault and Battery, and Disorderly Persons, and will be subject to arrest for a misdemeanor. Any person who prevents the peaceful and orderly conduct of any meeting will be given one warning. If they persist in disrupting the meeting, that individual will be subject to arrest. Violators shall be removed from meetings.

REQUEST FOR CHANGES AND/OR ADDITIONS TO AGENDA

Council shall vote to adopt any amended agenda.

EXECUTIVE (CLOSED) SESSION

The Department of Law requests an Executive Session for the purpose of updating the City Council regarding Leigh Golden v. City of Flint, Case No. 16-108027-CD.

PUBLIC SPEAKING

Members of the public shall have no more than two (2) minutes to address the City Council on any subject.

COUNCIL RESPONSE

Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two (2) minutes and is subject to all rules of decorum and discipline.

RESOLUTIONS (POSTPONED)

[NOTE: Resolution No. 190454 was POSTPONED from the December 4, 2019 Committee meetings to this Special Affairs agenda due to the lack of a quorum.]

190454 Budget Amendments/Transfer of Funds/Water Fund/Sewer Fund/Unfunded Positions

Resolution resolving that the appropriate city officials are authorized to do all things necessary to process a budget amendment to the FY2020 adopted budget allocating funds from 591 Water Fund balance in the amount of \$166,833.71 to the following personnel accounts: Wages & Standby Pay Acct. No. 591-540.100-702.000 = \$90,678.72; Direct Fringes Acct. No. 591-540.100-719.000 = \$8,161.08; Indirect Fringes Acct. No. 591-540.100-719.200 = \$14,498.22; and Defined Benefit Acct. No. 591-540.100-719.150 = \$53,495.69; AND, allocating funds from 590 Sewer Fund balance in the amount of \$166,833.71 to the following personnel accounts: Wages & Standby Pay Acct. No. 590-540.100-702.000 = \$90,678.72; Direct Fringes Acct. No. 590-540.100-719.000 = \$8,161.08; Indirect Fringes Acct. No. 590-540.100-719.200 = \$14,498.22; and Defined Benefit Acct. No. 590-540.100-719.150 = \$53,495.69, as requested by Water and Sewer. [NOTE: The positions of Water Distribution and Sewer

Maintenance Supervisor were inadvertently removed from the current fiscal year budget and are critical to the operation of these departments.]

RESOLUTIONS

APPOINTMENTS (POSTPONED)

[NOTE: Appointment No. 190197 was POSTPONED from the December 4, 2019 Committee meetings to this Special Affairs agenda due to the lack of a quorum.]

190197 Reappointment/Hurley Board of Managers/Dr. Ronald Stewart/Ward 2

Resolution resolving that the Flint City Council approves the reappointment of Dr. Ronald Stewart (2425 Welch Blvd., Flint, MI 48504 - Ward 2) to a five-year term on the Hurley Board of Hospital Managers, commencing May 15, 2019, and expiring April 30, 2024, as recommended by Mayor Karen W. Weaver.

APPOINTMENTS

ORDINANCES (POSTPONED)

[NOTE: Ordinance No. 190439.1 was POSTPONED from the December 4, 2019 Committee meetings to this Special Affairs agenda due to the lack of a quorum.]

190439.1 Amended Ordinance/Amendment/Chapter 12 (Business and Occupations Generally)/Sections 12-273 through 12-283

An amended ordinance to amend the Code of Ordinances for the City of Flint by amending Chapter 12 (Business and Occupations Generally), by the addition of (Article XXX), Sections 12-273 through 12-283 concerning Surveillance Cameras Required for Certain Businesses. [NOTE: Ordinance amended by Administration.]

ORDINANCES

DISCUSSION ITEMS

ADDITIONAL COUNCIL DISCUSSION

ADJOURNMENT

190454

RESOLUTION NO. _____

PRESENTED: 10-23-19

ADOPTED: _____

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT
ALLOCATING \$166,833.71 FROM SEWER (590) FUND BALANCE AND
\$166,833.71 FROM WATER (591) FUND BALANCE TO THE WATER
AND SEWER FY2020 BUDGET**

BY THE CITY ADMINISTRATOR:

WHEREAS, the City of Flint, Department of Public Works, Water and Sewer Departments, desires to amend the FY19-20 approved budget for the purpose of funding the Water Distribution and Sewer Maintenance Supervisor positions which were inadvertently removed from the current fiscal year budget and are critical to the operation of these departments; and

WHEREAS, the FY19-20 year-end budget for Water Distribution and Sewer Maintenance has a positive balance and sufficient funding exists in the 591-Water and 590-Sewer Fund balance.

THEREFORE BE IT RESOLVED, that the appropriate City Officials authorize to do all things necessary to process a budget amendment to the FY 20 adopted budget allocating funds from 591- Water Fund balance in the amount of \$166,833.71 to the following personnel accounts:

591-540.100-702.000 - \$90,678.72 wages and standby pay
591-540.100-719.000 - \$8,161.08 direct fringes
591-540.100-719.200 - \$14,498.22 indirect fringes
591-540.100-719-150 - \$53,495.69 defined benefit

AND 590 - Sewer Fund balance in the amount of - \$166,833.71 to the following personnel accounts:

590-540.100-702.000 - \$90,678.72 wages and standby pay
590-540.100-719.000 - \$8,161.08 direct fringes
590-540.100-719-200 - \$14,498.22 indirect fringes
590-540.100-719.150 - \$53,495.69 defined benefit

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:



Tamar Lewis, Deputy Finance Director

FOR THE CITY OF FLINT:



Steve Branch, City Administrator

APPROVED BY CITY COUNCIL:

Herbert Winfrey, City Council President

RESOLUTION STAFF REVIEW

DATE: 8-6-19

Agenda Item Title: FY 19-20 Adopted Budget Correction

Prepared By: Cheri Priest, WSC Administrative Manager

Background/Summary of Proposed Action: The City of Flint Water and Sewer Departments are requesting an amendment to the adopted FY19-20 budget. The Water Distribution and Sewer Maintenance Supervisor (water department) and Sewer Systems Supervisor (sewer department) were both inadvertently removed from the budget. These positions are crucial to the operation of the Water and Sewer Departments. An eligibility list exists for both positions. As soon as the positions are added back into the adopted budget, interviews will be held, selections made, positions filled and budgeted accordingly.

Financial Implications: Adequate funding has been allocated in the below listed accounts.

Budgeted Expenditure? Yes No Please explain if no: *mm*

Account No:	591-540.100-702.000	\$ 90,678.72	<i>if</i>	590-540.100-702.000	\$ 90,678.72
	591-540.100-719.100	\$ 8,161.08		590-540.100-719.100	\$ 8,161.08
	591-540.100-719.200	\$14,498.22		590-540.100-719.200	\$14,498.22
	591-540.100-719.150	\$53,495.69		590-540.100-719.150	\$53,495.69
		<i>\$166,833.71</i>			<i>\$166,833.71</i>

Pre-encumbered? Yes No Requisition # N/A

Other Implications (i.e., collective bargaining): None

Staff Recommendation: Recommend Approval

Staff Person: Robert Bincsik
Robert Bincsik, Director of Public Works

*Total BIA
AMT
\$ 333,667.42*

WATER SERVICE CENTER

Action	ID	Position	Full Name	FTE	Dept ID	Bargain Unit	Retirement Plan	Base Salary	GL Number	GL Distrib %	2019-2020 Wages	2019-2020 Direct Fringe	2019-2020 Indirect Fringe	2019-2020 Defined Benefit	2019-2020 Hybrid DB	2019-2020 Hybrid DC	2019-2020 HCSP	Total Year
1	2496	Sewer Systems Supervisor	Vacant	1	2496	Exempt	Defined Benefit	90678.72	590-540-208-702.000	1.00	782,000	719,100	9,000%	69,012.00	719,152	719,157	3,500.00	1,66,833.71
2	2493	Water Distribution Supervisor	Vacant	1	2493	Exempt	Defined Benefit	90678.72	591-540-100-702.000	1.00	782,000	719,200	13,768.00	53,495.69	719,152	719,157	3,500.00	1,66,833.71

Resolution Routing

TO: Resolution Signatories
FROM: DPW/Utilities Water Service Center
SUBJECT: RESOLUTIONS FOR APPROVAL

This RESOLUTION have been forwarded to you for your respective review and approval.

Date recorded: October 2, 2019 No. 19-8158

* All documents should be reviewed within three (3) working days after receipt by your office

Contractor:

Resolution Content: _____

The attached resolution is submitted to the Legal Dept. for approval as to form only:

The **Legal Department** reviewed this **RESOLUTION**, as to form and by signing this form approves as to **FORM ONLY**.

Review and Approval:	<u>IN</u>	<u>OUT</u>	<u>APPROVAL</u>
1. City Attorney (Form Only)	<u>10-2-19</u>	<u>10-2-19</u>	<u><i>File</i></u>
2. Finance Director	<u>10-2-19</u>	<u>10-4-19</u>	<u><i>See Reso Attached</i></u>
3. Mayor	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

Please call Cheri Priest @ ext.3408 for pick up Thank You.

190197

RESOLUTION NO. _____

PRESENTED: 5-22-19

ADOPTED: _____

**RESOLUTION APPROVING THE RE-APPOINTMENT OF DR. RONALD STEWART
TO
THE BOARD OF HOSPITAL MANAGERS**

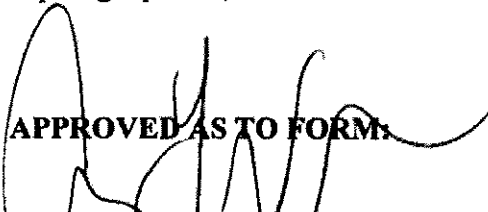
BY THE MAYOR:

Mayor Karen W. Weaver desires to re-appoint Dr. Ronald Stewart, (2425 Welch Blvd., Flint, MI 48504) to the Board of Hospital Managers, and,

Mayor Karen W. Weaver recommends the appointment of Dr. Ronald Stewart to serve another five-year term on the Board of Hospital Managers, commencing May 15, 2019, and expiring April 30, 2024.


IT IS RESOLVED, that the Flint City Council approves the appointment of Dr. Ronald Stewart to a five-year term on the Board of Hospital Managers, commencing May 15, 2019, and expiring April 30, 2024.

APPROVED AS TO FORM:



Angela Wheeler, City Attorney

FOR THE CITY OF FLINT:



Dr. Karen W. Weaver, Mayor

APPROVED BY CITY COUNCIL:

Herbert Winfrey, City Council President

EM SUBMISSION NO.: EME2732014

PRESENTED: 5-14-14

ADOPTED: 5-15-14

**RESOLUTION APPROVING THE APPOINTMENT OF DR. RONALD STEWART TO
THE BOARD OF HOSPITAL MANAGERS**

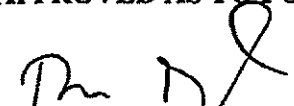
BY THE EMERGENCY MANAGER:

Emergency Manager Darnell Earley desires to appoint Dr. Ronald Stewart to the Board of Hospital Managers to replace Dr. Samuel Dismond whose term expired April 30, 2014; and,

Emergency Manager Earley recommends the appointment of Dr. Ronald Stewart (2425 Welch Blvd., Flint, MI 48504) to a five-year term on the Board of Hospital Managers, commencing May 15, 2014, and expiring April 30, 2019.

IT IS RESOLVED, that Emergency Manager Darnell Earley approves the appointment of Dr. Ronald Stewart (2425 Welch Blvd., Flint, MI 48504) to a five-year term on the Board of Hospital Managers, commencing May 15, 2014, and expiring April 30, 2019.

APPROVED AS TO FORM:



Peter M. Bade, City Attorney

EM DISPOSITION:

ENACT ✓ FAIL _____



Darnell Earley, Emergency Manager

DATED: 5-15-14

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally.

IT IS HEREBY ORDANIED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally, In General, by adding Article XXX, Sections 12-273 thru 12-283, Surveillance Cameras Required for Certain Businesses, which shall read in its entirety as follows:

§12-273. PURPOSE.

THE CITY COUNCIL RECOGNIZES THAT CERTAIN BUSINESSES HAVE CHARACTERISTICS THAT MAY TEND TO INCREASE THE POTENTIAL RISK OF CRIMINAL ACTIVITY ON THEIR PREMISES. THIS CHAPTER IS ENACTED TO REDUCE THE LIKELIHOOD THAT EMPLOYEES AND PATRONS OF THOSE BUSINESSES WILL BE EXPOSED TO POTENTIAL DEATH AND/OR INJURIES BECAUSE OF CRIME OCCURRING ON THE PREMISES. IT IS ALSO INTENDED TO ASSIST LAW ENFORCEMENT WITH THE CRIMINAL INVESTIGATION OF CRIMES ON THE PREMISES OF THE BUSINESSES WHICH ARE THE SUBJECT OF THIS CHAPTER.

§ 12-274. DEFINITIONS

(A) THE DEFINITIONS AND PROVISIONS CONTAINED IN THIS SECTION SHALL

GOVERN THE CONSTRUCTION, MEANING, AND APPLICATION OF THE FOLLOWING WORDS AND PHRASES USED IN THIS CHAPTER.

- (1) **LUMEN.** THE SI DERIVED UNIT OF LUMINOUS FLUX; A MEASURE OF THE TOTAL AMOUNT OF VISIBLE LIGHT EMITTED BY A SOURCE.
- (2) **MEDIA.** MATERIAL ON WHICH AUDIO, VIDEO, AND ELECTRONIC DATA CAN BE RECORDED FOR THE PURPOSES OF MAKING A PERMANENT RECORD TO AID IN A CRIMINAL INVESTIGATION, THAT CAN BE ENLARGED THROUGH PROJECTION OR OTHER MEANS, IN A FORMAT ABLE TO BE UTILIZED BY THE POLICE DEPARTMENT, COUNTY PROSECUTOR, AND /OR OTHER LAW ENFORCEMENT AGENCY.
- (3) **OWNER.** THE INDIVIDUAL, CORPORATION, LIMITED COMPANY, PARTNERSHIP, JOINT VENTURE, OR OTHER GROUP ENTERPRISE LICENSED TO DO BUSINESS OR OTHERWISE OPERATING A BUSINESS ESTABLISHMENT AT A LOCATION WITHIN THE CITY.
- (4) **VIDEO SURVEILLANCE SYSTEM.** A CONTINUOUS DIGITAL SURVEILLANCE SYSTEM CONSISTING OF CAMERAS, CABLING,

MONITORS, AND DIGITAL VIDEO RECORDERS (DVR) THAT RECORD IN COLOR WITH CAMERAS AND LENSES OF A TYPE, MINIMUM RESOLUTION, NUMBER AND LOCATION APPROVED BY THE CHIEF OF POLICE OR HIS OR HER DESIGNEE.

(5) **BUSINESS**

ESTABLISHMENT OR ESTABLISHMENT. MEANS THOSE ESTABLISHMENTS LISTED AND DEFINED IN THIS SUBSECTION AS FOLLOWS:

- a. **BANK OR FINANCIAL INSTITUTION.** AN ESTABLISHMENT WHOSE PRIMARY FUNCTION IS RELATED TO THE CUSTODY, LOAN, EXCHANGE, ISSUANCE OF MONEY, EXTENSION OF CREDIT, OR TRANSMISSION OF FUNDS, AND INCLUDES BANKS, CREDIT UNIONS, OR SAVINGS OR LOANS.
- b. **CARRY OUT- FOOD AND DRINK.** AN ESTABLISHMENT WHOSE PRINCIPAL BUSINESS IS THE SALE OF FOOD AND BEVERAGES IN DISPOSABLE CONTAINERS IN A

READY-TO-CONSUME STATE FOR CONSUMPTION EITHER WITHIN THE BUILDING OR FOR CARRY-OUT WITH CONSUMPTION OFF THE PREMISES, WHOSE CASH REGISTER IS VISIBLE TO THE PUBLIC VIEW. NOTWITHSTANDING THE FOREGOING, A CARRY OUT-FOOD AND DRINK ESTABLISHMENT SHALL NOT BE SUBJECT TO THIS CHAPTER IF IT EITHER (A) SHARES A COMMON AREA WITH OTHER BUSINESSES OR (B) DOES NOT HAVE ITS OWN ENTRANCE OR EXIT. STRICTLY, FOR PURPOSES OF ILLUSTRATION, A BUSINESS, WHICH IS PART OF A SO CALLED FOOD COURT, SHALL NOT BE SUBJECT TO THIS CHAPTER.

- c. **CHECK CASHING BUSINESS.** A BUSINESS OFFERING PAYDAY LOANS, CASH ADVANCES, OR CHECK ADVANCE LOANS, AND WHICH IS REGULATED UNDER THE STATE

OF MICHIGAN
DEFERRED
PRESENTMENT
SERVICES
TRANSACTION,
PUBLIC ACT 244 OF
2005, AS AMENDED,
OR ANY SIMILAR
LAW.

- d. **COIN DEALER.** ANY ESTABLISHMENT THAT, AS A SUBSTANTIAL PORTION OF ITS BUSINESS, BUYS AND SELLS COINS, GOLD OR OTHER PRECIOUS METALS.
- e. **CONVENIENCE STORE.** A BUSINESS WHICH SELLS AT RETAIL BOTH GASOLINE AND MORE THAN 20 "CONSUMER PRODUCTS" AS THAT TERM IS DEFINED BY 15 USCS §2052 (5) [TITLE 15. COMMERCE AND TRADE; CHAPTER 47. CONSUMER PRODUCT SAFETY], OR ANY APPLICABLE SUCCESSOR LAW.
- f. **FIREARM DEALER.** AN ESTABLISHMENT REQUIRED TO OBTAIN A FEDERAL FIREARMS LICENSE TO SELL FIREARMS AND WHICH ENGAGES IN

FIREARMS
TRANSACTIONS.

- g. **GAS STATIONS.** A RETAIL ESTABLISHMENT AT WHICH MOTOR VEHICLES ARE REFUELED.
- h. **HOTEL OR MOTEL.** ANY BUILDING OR STRUCTURE EQUIPPED, USED, ADVERTISED AS, OR HELD OUT TO THE PUBLIC AS A FACILITY OR PLACE WHERE SLEEPING QUARTERS OR OTHER SIMILAR ACCOMODATIONS ARE FURNISHED FOR A FEE TO TRANSIENT GUESTS.
- i. **LIQUOR OR ALCOHOL BUSINESS.** ANY RETAILER REQUIRED TO OBTAIN A PERMIT BY THE MICHIGAN LIQUOR CONTROL COMMISSION, WHICH AUTHORIZES THE SALE OF BEER, WINE, OR DISTILLED SPIRITS TO BE CONSUMED ON, OR OFF THE PREMISES WHERE SOLD, AND INCLUDES BREW PUBS, DISTILLERIES, OR OTHER SIMILARLY LICENSED

FACILITIES. IT SHALL ALSO INCLUDE THOSE FACILITIES NOT REQUIRED TO OBTAIN SUCH PERMIT BUT WHICH, DIRECTLY OR INDIRECTLY THROUGH A LEASE OR RENTAL OF THE PREMISES, ALLOWS BEER, WINE, OR DISTILLED SPIRITS TO BE CONSUMED ON PREMISES.

- j. **MOBILE COMMUNICATIONS DEALER.** ANY RETAILER OF A WIRELESS TWO-WAY COMMUNICATION DEVICE, INCLUDING A TELEPHONE USED IN CELLULAR TELEPHONE SERVICE, WHICH REPRESENTS, ALONG WITH ACCESSORIES RELATED THERETO, MORE THAN 50% OF THE GOODS DISPLAYED FOR RETAIL PURCHASE.
- k. **MONEY TRANSMISSION SERVICES.** A RETAILER SELLING OR ISSUING PAYMENT INSTRUMENTS OR STORED VALUE DEVICES OR IS RECEIVING MONEY

OR MONETARY VALUE FOR TRANSMISSION.

- l. **PHARMACY.** A FACILITY OR PART OF A FACILITY THAT DISPENSES PRESCRIPTION DRUGS, OR PREPARES PRESCRIPTION DRUGS FOR DELIVERY OR DISTRIBUTION, BUT DOES NOT INCLUDE THE OFFICE OF A DISPENSING PRESCRIBER OR AN AUTOMATED DEVICE.
- m. **SCRAP METAL DEALER.** MEANS ANY PERSON OPERATING A BUSINESS AT A FIXED OR MOBILE LOCATION THAT IS ENGAGED IN ONE OF THE FOLLOWING ACTIVITIES:
 - i. BUYING, SELLING, PROCURING, COLLECTING, GATHERING, SOLICITING, OR DEALING IN SCRAP METAL.
 - ii. OPERATING, MANAGING, OR MAINTAINING A SCRAP METAL YARD.

§12-275 LIGHTING.

EVERY BUSINESS ESTABLISHMENT IN THE CITY, UNLESS THE STORE IS NOT OPEN FOR BUSINESS AFTER SUNSET AND BEFORE SUNRISE, IS HEREBY REQUIRED TO INSTALL AND PROVIDE LIGHTING FOR ITS PARKING AREA DURING ALL HOURS OF DARKNESS WHEN EMPLOYEES AND/OR CUSTOMERS ARE ON THE PREMISES. SUCH LIGHTING SHALL BE AT A MINIMUM AVERAGE OF TWO LUMENS PER SQUARE FOOT.

§ 12-276 VIDEO SURVEILLANCE SYSTEM REQUIRED.

(A) EVERY BUSINESS ESTABLISHMENT, AS DEFINED IN THIS CHAPTER, IS HEREBY REQUIRED TO INSTALL A VIDEO SURVEILLANCE SYSTEM IN ACCORDANCE WITH THIS CHAPTER AND TO PROVIDE THE CHIEF OF POLICE OR HIS/HER DESIGNEE AN ADDRESS AND PHONE NUMBER TO BE USED FOR PURPOSES OF OFFICIAL NOTIFICATIONS REGARDING ENFORCEMENT OF THIS CHAPTER.

(B) ALL VIDEO SURVEILLANCE SYSTEMS SHALL:

- a. BE MAINTAINED IN PROPER WORKING ORDER AT ALL TIMES; AND
- b. BE KEPT IN CONTINUOUS OPERATION 24 HOURS A DAY, 7 DAYS A WEEK; AND

c. MEET MINIMUM TECHNOLOGICAL STANDARDS ESTABLISHED IN THIS CHAPTER OR BY RESOLUTION OF CITY COUNCIL.

(C) ALL ESTABLISHMENTS SHALL RETAIN THE IMAGES RECORDED BY ITS VIDEO SURVEILLANCE SYSTEM FOR NO LESS THAN THIRTY (30) DAYS.

(D) A MINIMUM OF THREE HIGH RESOLUTION SURVEILLANCE CAMERAS LOCATED IN THE PUBLIC AREAS OF A BUSINESS ESTABLISHMENT ARE REQUIRED OF EACH VIDEO SURVEILLANCE SYSTEM. AT LEAST ONE CAMERA SHALL PROVIDE AN OVERALL VIEW OF THE COUNTER AND REGISTER AREA; AT LEAST ONE CAMERA SHALL BE POSITIONED TO PROVIDE A CLEAR, IDENTIFIABLE, FULL-FRAME IMAGE OF THE FACE OF EACH PERSON ENTERING AND LEAVING THE BUSINESS ESTABLISHMENT; AND THE LEAST ONE CAMERA SHALL BE POSITIONED TO PROVIDE AN OVERALL VIEW OF THE BUSINESS ESTABLISHMENT'S PARKING LOT. CAMERA VIEWS SHALL NOT BE OBSTRUCTED BY STORE FIXTURES OR DISPLAYS.

(E) BUSINESS ESTABLISHMENTS, WHICH INSTALLED VIDEO SURVEILLANCE SYSTEMS PRIOR TO THE EFFECTIVE

DATE OF THIS CHAPTER, MUST ENSURE THEY ARE IN FULL COMPLIANCE WITH THIS CHAPTER.

(F) DOCUMENTATION EVIDENCING THE INSTALLATION OF SUCH SYSTEM MUST BE PRESENTED TO THE POLICE DEPARTMENT, WHO SHALL VERIFY COMPLIANCE WITH THIS CHAPTER. THE SUFFICIENCY OF SUCH DOCUMENTATION SHALL BE DETERMINED AT THE DISCRETION OF THE POLICE CHIEF OR HIS OR HER DESIGNEE. UPON APPROVAL OF SUCH DOCUMENTATION, THE POLICE DEPARTMENT WILL ISSUE A WRITTEN APPROVAL NOTICE, WHICH WILL BE PLACED IN PLAIN VIEW INSIDE THE PREMISES. THIS APPROVAL NOTICE WILL ALSO INFORM CUSTOMERS AND EMPLOYEES OF THE EXISTENCE OF THE VIDEO SURVEILLANCE SYSTEM. A COPY OF THE APPROVAL NOTICE OR OTHER VERIFICATION OF COMPLIANCE SHALL THEN BE TRANSMITTED BY THE POLICE DEPARTMENT TO THE CITY CLERK. SUCH VERIFICATION MUST BE ON RECORD AND UP-TO-DATE AT THE TIME OF A BUSINESS ESTABLISHMENT'S APPLICATION FOR OR RENEWAL OF A BUSINESS LICENSE OR SUCH LICENSE SHALL BE DENIED.

§12-277 ACCESS TO MEDIA.

IF A CRIME OCCURS OR AN EMPLOYEE OF A BUSINESS ESTABLISHMENT BELIEVES A CRIME HAS OCCURRED, THE POLICE DEPARTMENT SHALL BE CONTACTED IMMEDIATELY, AND THE BUSINESS ESTABLISHMENT SHALL RETAIN THE CONTINUOUS DIGITAL IMAGES OF THE EVENT RECORDED BY THE VIDEO SURVEILLANCE SYSTEM FOR NO LESS THAN 60 DAYS. SUBJECT TO ANY CONSTITUTIONAL RESTRICTIONS, UPON REASONABLE NOTIFICATION, THE BUSINESS ESTABLISHMENT SHALL PROVIDE ACCESS TO THE MEDIA CONTAINING THE RECORDED EVENT TO THE POLICE DEPARTMENT. FAILURE TO PROVIDE ACCESS TO THE VIDEO SURVEILLANCE SYSTEM MAY RESULT IN THE POLICE DEPARTMENT OR OTHER LAW ENFORCEMENT AGENCY MAKING A REQUEST FOR A SEARCH WARRANT TO SEIZE THE VIDEO SURVEILLANCE SYSTEM, OR ANY PART OR UNIT OF THE SYSTEM, DEPENDING ON THE NATURE OF THE INCIDENT.

§12-278 MINIMUM TECHNOLOGICAL STANDARDS.

THE VIDEO SURVEILLANCE SYSTEM MUST BE CAPABLE OF DELINEATING ON PLAYBACK OF THE SYSTEM THE ACTIVITY AND PHYSICAL FEATURES OF PERSONS OR AREAS WITHIN THE PUBLIC AREAS OF THE PREMISES AND MUST BE ABLE TO RECORD SUCH IMAGES ON AN APPROVED FORM

OF EXTERNAL MEDIA. THE CONTINUOUS DIGITAL IMAGES RECORDED BY ANY VIDEO SURVEILLANCE SYSTEM SHALL BE RETAINED FOR NO LESS THAN 30 DAYS. CAMERAS PLACED OUTDOORS OR IN LOW LIGHT AREAS MUST HAVE INFARED ILLUMINATORS. ADDITIONAL MINIMUM TECHNOLOGICAL STANDARDS ARE REQUIRED FOR VIDEO SURVEILLANCE SYSTEMS SHALL BE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL, WHICH MAY BE UPDATED PERIODICALLY. THE POLICE DEPARTMENT SHALL REVIEW THE VIDEO SURVEILLANCE SYSTEM STANDARDS BI-ANNUALLY TO ENSURE THAT THEY ARE CONSISTENT WITH CURRENT TECHNOLOGY AND SHALL RECOMMEND APPROPRIATE UPDATES TO THE CITY COUNCIL WHEN NECESSARY.

§12-279 INSPECTIONS.

THE VIDEO SURVEILLANCE SYSTEM SHALL BE SUBJECT TO INSPECTION BY THE CHIEF OF POLICE OR HIS/HER DESIGNEE, WHO IS AUTHORIZED TO INSPECT ANY SUCH SYSTEM AT REASONABLE TIMES TO DETERMINE WHETHER IT CONFORMS WITH THIS CHAPTER AND REGULATIONS AND STANDARDS ADOPTED BY CITY COUNCIL RESOLUTION PURSUANT THERETO. IF THE VIDEO SURVEILLANCE SYSTEM DOES NOT SO CONFORM, THE

ESTABLISHMENT IN QUESTION SHALL TAKE IMMEDIATE STEPS TO BRING THE SYSTEM BACK INTO COMPLIANCE THEREWITH.

§12-280 ENFORCEMENT

- (A) BUSINESS ESTABLISHMENTS SUBJECT TO THE MANDATORY REQUIREMENTS OF THIS CHAPTER SHALL HAVE ONE YEAR FROM THE EFFECTIVE DATE OF THIS CHAPTER TO COMPLY WITH THE REGULATIONS SET FORTH HEREIN.
- (B) VIOLATION OF ANY PROVISION OF THIS CHAPTER BY ANY OWNER OR PRINCIPAL OPERATOR OF AN ESTABLISHMENT SHALL RESULT IN A NOTICE OF VIOLATION FROM THE CHIEF OF POLICE OR HIS/HER DESIGNEE TO SAID ESTABLISHMENT AT THE ADDRESS PROVIDED BY THE ESTABLISHMENT PURSUANT TO §12-276(A).
- (C) THE NOTICE OF VIOLATION REQUIRED UNDER THIS SECTION SHALL BE IN WRITING, SET FORTH THE BASIS OF THE VIOLATION, AND INFORM THE OWNER OR PRINCIPAL BUSINESS OPERATOR OF THE ESTABLISHMENT THAT HE/SHE HAS TEN DAYS FROM THE DATE OF MAILING OF THE NOTICE TO FILE A WRITTEN REQUEST FOR AN ADMINISTRATIVE HEARING TO APPEAL THE FINDING OF

VIOLATION TO THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE. THE ADMINISTRATIVE HEARING SHALL BE HELD WITHIN 10 DAYS AFTER THE POLICE DEPARTMENT RECEIVES A TIMELY REQUEST FOR A HEARING, BUT IN NO EVENT SOONER THAN FIVE DAYS OR LATER THAN 20 DAYS AFTER RECEIPT OF A TIMELY REQUEST FOR A HEARING.

(D) AT THE ADMINISTRATIVE HEARING, FORMAL RULES OF EVIDENCE SHALL NOT APPLY. THE PARTY FOR WHOM THE NOTICE OF VIOLATION WAS ISSUED SHALL BE ENTITLED TO PRESENT EVIDENCE, INCLUDING THE TESTIMONY OF WITNESSES AND ARGUMENT AS TO WHY THE FINDING OF A VIOLATION WAS INCORRECT.

(E) FOLLOWING THE HEARING, THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE SHALL RENDER A WRITTEN DECISION EITHER SUSTAINING OR REVERSING THE FINDING OF A VIOLATION. WITHIN ONE-WEEK FOLLOWING THE HEARING, THE POLICE DEPARTMENT SHALL SEND THE WRITTEN DECISION TO THE PARTY FOR WHOM THE NOTICE OF VIOLATION WAS ISSUE.

(F) IF NO REQUEST FOR ADMINISTRATIVE HEARING IS FILED, OR IF A HEARING IS REQUESTED BUT THE FINDING

OF A VIOLATION IS THEREAFTER SUSTAINED, VIOLATORS SHALL HAVE 30 DAYS AFTER RECEIPT OF THE NOTICE OF VIOLATION OR DECISION SUSTAINING THE FINDING, AS THE CASE MAY BE, TO PROVIDE THE POLICE DEPARTMENT PROOF THE VIOLATION HAS BEEN CORRECTED. IF THE VIOLATION CONTINUES AFTER THE 30-DAY PERIOD, THE CHIEF OF POLICE OR HIS OR HER DESIGNEE SHALL REFER THE MATTER TO THE CITY ATTORNEY'S OFFICE FOR PROSECUTION AS PROVIDED BY LAW.

(G) ANY VIOLATION OF OR FAILURE TO COMPLY WITH THIS CHAPTER OR ANY OF THE REQUIREMENTS THEREOF, SHALL BE PROSECUTED WITHIN THE LIMITS PROVIDED BY STATE AND LOCAL LAWS. SAID PROSECUTION BY MEANS OF A CITATION FOR MUNICIPAL INFRACTION FOR PURPOSES OF THIS CHAPTER. EACH 30 DAY PERIOD THAT A VIOLATION CONTINUES SHALL BE A SEPARATE VIOLATION.

§12-281 EXEMPTIONS.

A BUSINESS ESTABLISHMENT WHICH IS REQUIRED TO INSTALL A VIDEO SURVEILLANCE SYSTEM MAY BE EXEMPT FROM THE REQUIREMENTS OF THIS ORDINANCE IF

(A) THE ESTABLISHMENT IS NOT REGULARLY OPEN TO THE PUBLIC (INCLUDING STRICTLY BY WAY OF EXAMPLE, A HOME BASED BUSINESS)

(B) THE ESTABLISHMENT HAS TAKEN OR WILL TAKE ALTERNATIVE SECURITY MEASURES AND PROCEDURES WHICH ARE SUBSTANTIALLY EQUAL TO OR MORE EFFECTIVE THAN THE REQUIREMENTS OF THIS CHAPTER IN PREVENTING CRIMINAL ACTIVITY AND ASSISTING IN THE APPREHENSION OF THE PERPETRATORS OF CRIME OR THE PROTECTION OF EMPLOYEES AND PATRONS; AND

(C) THE ESTABLISHMENT HAS BEEN AUTHORIZED BY THE CHIEF OF POLICE OR HIS/HER DESIGNEE TO IMPLEMENT ALTERNATE SECURITY MEASURES AND PROCEDURES ON AN EXPERIMENTAL BASIS. WITHIN TEN DAYS OF MAILING OF THE WRITTEN NOTICE OF VIOLATION, THE OWNER OF THE BUSINESS ESTABLISHMENT MAY APPEAL THE ALLEGED VIOLATION BY REQUESTING A HEARING BEFORE ADMINISTRATOR OR THEIR DESIGNEE. SUCH A REQUEST MUST BE MADE IN WRITING AND MUST SET FOR THE SPECIFIC GROUNDS FOR APPEAL.

(D) THE ESTABLISHMENT IS A MEDICAL MARIHUANA

FACILITY AS DEFINED IN §50-183 AND SUBJECT TO THE SECURITY REQUIREMENTS OF §50-183(E) (2)(XIII).

ANY ESTABLISHMENT, WHICH SEEKS AN EXEMPTION PURSUANT TO THIS SECTION, SHALL APPLY, ON AN ANNUAL BASIS, TO THE CHIEF OF POLICE OR HIS/HER DESIGNEE FOR EXEMPTION FROM THE PROVISIONS OF THIS CHAPTER. THE APPLICATION SHALL BE IN WRITING AND SHALL STATE THE BASIS FOR THE EXEMPTION SOUGHT IN SUFFICIENT DETAIL TO ENABLE THE CHIEF OF POLICE OR DESIGNEE TO DETERMINE WHETHER THE PURPOSES OF THIS CHAPTER WOULD STILL BE MET IF THE EXEMPTION WERE GRANTED.

AN EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CARRY A MAXIMUM DURATION OF TWELVE MONTHS. ANY ESTABLISHMENT SEEKING TO EXTEND STATUS MUST REAPPLY FOR AN EXEMPTION NO LATER THAN 30 DAYS PRIOR TO THE END OF THE EXEMPTION PERIOD.

ANY ESTABLISHMENT WHICH HAS BEEN GRANTED AN EXEMPTION UNDER THIS SECTION, OR AN EXTENSION THEREOF, WHICH DOES NOT SEEK TO FURTHER EXTEND THE EXEMPTION PURSUANT TO SECTION, SHALL OBTAIN THE CITY'S APPROVAL OF A VIDEO

SURVEILLANCE SYSTEM NO
LATER THAN 30 DAYS PRIOR TO
THE END OF THE EXEMPTION
PERIOD.

THE CHIEF OF POLICE OR HIS/HER
DESIGNEE MAY ALSO AUTHORIZE
TEMPORARY EXTENSIONS OF
TIME FOR INSTALLATION OF A
VIDEO SURVEILLANCE SYSTEM
WHEN AN ESTABLISHMENT
DEMONSTRATES TO THE
SATISFACTION OF THE CITY THAT
IT IS TEMPORARILY UNABLE TO
COMPLY FOR GOOD CAUSE
SHOWN.

ANY PARTY AGGRIEVED BY THE
DENIAL OF AN EXEMPTION
UNDER THIS SECTION MAY
REQUEST A HEARING AS
PROVIDED IN SECTION 12-281. THE
DECISION RENDERED PURSUANT
TO SECTION 12-281 SHALL BE THE
FINAL DECISION OF THE CITY.

Sec. 2. This ordinance shall become
effective immediately upon publication.

Adopted this _____ day of
_____, 2019 A.D.

Dr. Karen W. Weaver, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler, Chief Legal Officer