

MINUTES  
CITY OF FARMINGTON HILLS  
CITY COUNCIL STUDY SESSION MEETING  
CITY HALL – COMMUNITY ROOM  
SEPTEMBER 22, 2014 – 6:00PM

The Study Session meeting of the Farmington Hills City Council was called to order by Mayor Brickner at 6:00pm.

Council Members Present: Brickner, Bridges, Bruce, Knol, Lerner, Massey and Steckloff

Council Members Absent: None

Others Present: City Manager Brock, City Clerk Smith, Assistant City Manager Boyer, Assistant to the City Manager Geinzer, Director Gardiner and Attorney Joppich

**DISCUSSION OF RENTAL INSPECTIONS:**

City Manager Brock stated that they are bringing this issue back to Council at their request. He mentioned that the issue of a rental inspection ordinance was previously discussed and a draft ordinance prepared. He stated that staff still believes that the maintenance issues discussed will not be addressed through a rental inspection ordinance. Mr. Brock added that it has been very difficult for the Planning Department to find qualified part-time staff. He suggested if Council desires to move forward with an ordinance, that perhaps the City could try using a contracted worker for the inspections.

Mr. Brock added that foreclosures and vacant properties seem to be more of an issue with regard to maintenance and a rental inspection ordinance would not address those issues.

Planning & Community Development Director Gardiner reported that issues with regard to vacant properties and weed cutting have improved with the economy getting better and vacant homes being purchased and better maintained. He added that overall property maintenance issues have declined.

Mayor Pro-Tem Bruce expressed concern with the ongoing maintenance of rental properties and feels that it is better to stay ahead of the issue rather than address it when problems occur.

Councilmember Knol agreed with Dr. Bruce and also felt that such an ordinance would provide for preventative measures to maintain properties and sends a message that the city cares about the neighborhoods. She believes that blight invites more blight and that upkeep of the neighborhoods is important. She suggested implementing a rental inspection program and if it is not working, Council could revisit the issue.

Councilmember Steckloff agreed with having such a program and stated that her concern is with protecting the renters.

Councilmember Lerner commented that the City already has ordinances in place to deal with blight and maintenance issues and he did not feel that another ordinance was needed. He stated that the proposed ordinance would only allow staff to inspect the exterior of homes as it can do now under current ordinances.

Discussion was held on foreclosed homes versus rental homes and the issues with each. City Manager Brock commented that many of the complaints are with regard to foreclosed or vacant homes, which staff

is already addressing through existing ordinances and a rental program would not alleviate those issues. He added that it is more difficult to deal with a bank-owned property in a foreclosure and getting compliance than it is with a renter.

Director Gardiner added that it is often difficult to find homeowners or they run into a situation where the property recently turned over to a new owner or there are absentee owners who live out of state. He stated that staff has the tools to deal with the issues now; but there are some challenges.

Councilmember Bridges agreed that the current ordinances were sufficient to deal with the issues discussed.

Councilmember Knol commented that she does not mean to imply that staff is not enforcing the current ordinances, but often issues are only discovered when a code enforcement officer happens to drive by or through reported complaints. She feels that by requiring homeowners to register their homes as rental property, this will provide staff information as to where the rental properties are located so that they can focus on those areas and be proactive. She added that she would expect staff to continue to work with homeowners as they do now and that the program is not mean to be adversarial.

Mayor Pro-Tem Bruce agreed and commented that the housing stock is aging and this would start the process for the city to identify rental properties. He stated that renting property is a business and it should be held to those standards. He feels it is a means for the city to be proactive with regard home maintenance.

Councilmember Massey stated that staff could review the homestead exemptions filed to help determine which properties may be rental properties. He mentioned that some rental inspection programs allow for inspectors to enter the home explaining that it helps to protect housing stock, neighborhoods and protects the rights of the renters. He stated that there are several rental properties in his subdivision that the neighbors have complained about with regard to maintenance. He is in favor of moving forward with an ordinance.

Councilmember Lerner inquired if apartments would be inspected and what the cost would be for an inspection.

Mayor Brickner clarified that the proposed ordinances only covers single-family homes and stated that there would be a fee for the inspection. He commented that most inspections fees are approximately \$200.

City Attorney Joppich clarified that the proposed ordinance as previously presented to Council required an inspection every 3 years.

Mr. Lerner stated that he is not convinced that the ordinance would make any difference and he feels the city already has ordinances to deal with these issues. He also felt that an inspection fee of \$200 would only cover a cursory inspection.

Mayor Brickner stated that he deals with landlord/tenant issues often and getting the landlord or homeowner to comply can be difficult. He expressed concern with the time and money it would cost conduct the inspections and having enough staff.

Discussion was held on the process, locating the rental inspections, staff time and costs involved.

The majority of Council was in favor of moving forward with the ordinance.

City Manager Brock suggested that he place the ordinance on a future agenda. He requested that Attorney Joppich forward a copy of the ordinance to all Council Members for review and if they had any comments or suggested changes to submit those to Attorney Joppich directly.

With regard to evaluating costs, Mr. Brock stated that this would be difficult until an RFP is prepared; however, staff could estimate the costs.

Attorney Joppich clarified that the proposed ordinance includes only single-family homes and calls for exterior inspections only unless; however, something on the exterior would indicate that there are interior issues and then there is the possibility the inspection could expand to the interior of the home.

The consensus was to move forward as suggested by City Manager Brock. Attorney Joppich indicated that he would forward a copy of the ordinance to all Council members and they could provide feedback to him directly. The ordinance would be placed on the agenda at a future regular meeting.

#### **DISCUSSION OF COMMERCIAL SIGNS:**

Director Gardiner explained that the issue of freeway signs was previously discussed by City Council and at that time staff was asked to review what other communities allow with regard to the size of freeway signs and if they require a registration and charge a fee for such signs. He provided Council with the requested data from several surrounding communities, commenting that none of the communities allowed for larger freeway signs. He stated that may be due to the fact that they allow for larger signs in general. He noted that a couple of communities require the signs to be registered and charge a fee and several communities require the signs to be removed after a certain period of time.

Mr. Gardiner stated that Council has not been in favor of expanding the size of signs in general for the city, but could consider allowing for larger signs along the freeway and the possibility of regulating those signs through a registration and fee and providing for a time frame.

Mayor Pro-Tem Bruce liked the idea of a registration process for commercial freeway signs as he felt this would require the signs to be maintained and removed when no longer needed. He also agreed with charging a fee for the sign registration.

Councilmember Massey agreed with allowing for larger signs along the freeway. He was not certain a fee should be charged but felt there should be time frames imposed.

Mr. Gardiner cautioned that if a time frame was imposed without a fee, potentially someone could take down their sign and then put it back up. He suggested that by charging a fee, the business would then have to make the determination if the need was worth the cost.

Attorney Joppich commented that an annual registration renewal is a way to track the signs and the continued need as it would be difficult to determine if a company still has vacancies or not.

Councilmember Massey commented that the signs look bad and questioned the monetary value of the sign. He stated that he does not believe most businesses are looking for signs to find a property to lease and would get that information elsewhere.

Attorney Joppich commented that this brings up the issue of prohibiting the signs on the basis they are an outdated marketing tool and not necessary. He stated that this is a new concept and a legal question that he could review.

Mayor Pro-Tem Bruce stated that he believes the signs are serving more as advertisements for the firms and agrees that most people would go on-line to find that information. He feels that many of the existing signs block views and are not functional any longer.

Councilmember Bridges concurred that the signs served as more of an advertisement and he would like to see the City limit the time frame that the signs can be up as other communities have done.

The consensus was that Council would like to review the following: allowing for larger signs along the freeway, registration and fee options, imposing time lines, particularly commercial real estate signs; and the possibility of prohibiting such signs.

An ordinance would be presented to Council for consideration at a future regular meeting.

**DISCUSSION OF CITY MANAGER REVIEW:**

Mayor Brickner indicated that the idea was brought forth about having a more formal review process for the City Manager. He stated that options were to maintain the current process, with an oral review or having a more formal written review.

Attorney Joppich indicated that he was asked to provide information on this issue as to whether written personnel performance evaluations and reviews are required to be disclosed under the Freedom of Information Act (FOIA). He explained that such documents must be disclosed under FOIA, unless they fall under the exemptions provided under the FOIA, with regard to personal privacy or frank communications. He noted that disclosure is required even if the documents are considered and discussed in closed session.

Councilmembers Bruce, Lerner and Massey expressed that they did not feel there was a need to change the current review procedures.

Councilmember Bridges commented that he would like to have a formal review process outlining goals and objectives and a process for measuring those for the City Manager. He feels the current process is inadequate and that a formal review process would benefit the City as well as City Manager Brock.

Councilmember Knol stated that she would be in favor of a simple questionnaire by the Council with regard to goals and objectives that would be provided to the Mayor and for the Mayor to conduct the review. Councilmember Steckloff concurred.

Mayor Brickner stated that he did not feel there was a need to change procedures, which seemed to be the consensus. He stated that he would be happy to accommodate the desire of the other Councilmembers and have them submit written questions to him, but to be discussed as a group as done in the past.

**ADJOURNMENT:**

There being no further discussion, the meeting adjourned at 7:22pm.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Smith', with a stylized flourish at the end.

Pamela B. Smith, City Clerk