

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL STUDY SESSION
CITY HALL – COMMUNITY ROOM
FEBRUARY 9, 2015 – 6:00 PM

The Study Session meeting of the Farmington Hills City Council was called to order by Mayor Brickner at 6:05pm.

Council Members Present: Brickner, Bridges, Bruce, Knol, Lerner (arrived at 9:25am), 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 Mekjian and Attorney Joppich.

DISCUSSION ON STORAGE OF RECYCLING AND REFUSE CONTAINERS:

City Manager Brock stated that the city has had a couple of calls from residents complaining about recycling containers not being stored being visible from the street. He stated that there is no ordinance in place at this time to address where or how the containers must be stored; however, the city does regulate when trash containers may be put out at the curb for pick-up. He stated that residents asked for staff to bring this issue before City Council for review and mentioned that Mr. Thurman, resident, is present this evening to make a few comments.

Councilmember Steckloff stated that her condominium association has regulations and agrees that it is difficult to conceal the containers when you have no garage. She inquired about the neighborhood associations regulating this issue.

City Manager Brock stated that some associations have regulations in place. Mayor Brickner added that if an association does not already have regulations in place, it would mean amending their deed restrictions.

Councilmember Lerner suggested starting with educating the residents through articles in the FOCUS newsletter providing for better options and ideas for storage. He did not feel that an ordinance was needed at this time.

City Manager Brock stated that the City provided education on the containers when they were first distributed but perhaps was time to do this again.

Councilmember Bruce stated that he also did not feel an ordinance was needed at this time and agreed with providing alternative storage suggestions to residents.

Councilmember Bridges inquired what would take precedent – an ordinance or deed restrictions.

Attorney Joppich explained that the city cannot enforce association deed restrictions but someone could be ticketed by the city for violating a local ordinance. He added that if the City's ordinance prohibits something that would be allowed under the association deed restrictions, the ordinance would prevail.

Mayor Brickner added that if the association deed restrictions were more restrictive than a local ordinance, then the association could enforce those restrictions, but the city could not.

Further discussion was held and it was indicated that while the Council would like to address the matter, they did not feel an ordinance was necessary and they also did not want to discourage recycling.

Mr. Thurman, resident of Canterbury Commons, stated that this was an issue even before the new recycling containers were distributed and he feels it may also be due to the turnover in homeowners in his subdivision. He stated that he was not necessarily asking for the city to adopt an ordinance but wanting the City to provide information and suggestions to further educate residents as was suggested.

Councilmember Knol suggested focusing not just on the aesthetics but the potential health issue with animals getting into trash containers, etc.

It was suggested that an article is placed in the FOCUS newsletter that is distributed to all homeowners to address the storage of both recycling and refuse containers and also to reiterate some of the refuse regulations and why they were put in to place, etc.

Mayor Brickner stated that he could also mention this issue at the next Council of Homeowners Association (COHA) meeting so that they could disseminate this information to the neighborhood associations. Mayor Brickner thanked Mr. Thurman for bringing this matter before Council.

DISCUSSION ON CHARTER REVIEW:

Councilmember Bruce stated that this issue came about when an ordinance was brought before City Council to sell city property, which was required by City Charter. He didn't feel that it made much sense to require an ordinance and two meetings to sell property and suggested reviewing a possible Charter amendment. While City Council was reviewing this portion of the Charter, it was suggested that Council review the entire Charter for other possible amendments.

Mayor Pro-Tem Massey stated that the only thing that he thought may possibly need to be changed was with regard to the requirement to publish notices in newspapers. He feels more people are obtaining their information from the internet and this may need to be revised to remain current.

Attorney Joppich mentioned that there was some legislation proposed with regard to publishing notices and moving towards use of the internet, which he has been discussing this with the City Clerk; but that legislation did not go through.

Councilmember Lerner stated that he feels if City Council is going to put any Charter Amendments before the voters, that it should be significant. He did not feel the climate was good for proposing Charter Amendments at this time.

Councilmember Bridges stated that he would like the Charter to be reviewed on a regular basis and questioned if it is consistent with State Law.

Attorney Joppich stated that he reviews the City Charter often as he is always working within it and reviewing it as questions arise; and yes, the City Charter is consistent with State Law.

Councilmember Bridges requested a full review of the Charter by the City Attorney.

Discussion was held on certain sections of the ordinance that seemed to be outdated as well as making the Charter gender neutral. Attorney Joppich stated that making the Charter gender neutral is one area that could be reviewed.

Discussion was held on the special assessment district process, the assessment as a lien on the property and what one can do if they can't afford it.

Attorney Joppich explained that the special assessment is placed on the tax roll and he believes that when a home is sold, the title company requires the assessment to be paid in full. He added that there are deferment programs available for those who qualify.

Councilmember Bruce requested having the Charter more easily accessible on the city's website as it was hard to find.

Mayor Pro-Tem Massey stated that he felt a full review of the Charter by the City Attorney would be a waste of time as City Council has just reviewed the document and Attorney Joppich is reviewing this on a regular basis already. The majority of Council concurred.

Councilmember Knol suggested that if the Council were to propose any Charter amendments that it is done in conjunction with an odd year City Election.

Councilmember Bridges clarified that he wanted to make sure that the content of the Charter meets state law.

Attorney Joppich confirmed that the Charter is in conformance with the Home Rule Cities Act on which it was based.

The consensus of City Council was not to consider any Charter amendments at this time but that if there were additional amendments suggested in the future, City Council would consider the amendments for placement on a ballot at an odd year November Election.

ADJOURNMENT:

There being no further discussion, the meeting adjourned at 7:10 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Smith', written over a horizontal line.

Pamela B. Smith, City Clerk