

**MEETING MINUTES
CITY COUNCIL STUDY SESSION MEETING
CITY OF FARMINGTON HILLS
FEBRUARY 10, 2014 – 6:00PM
CITY HALL – COMMUNITY ROOM**

The City Council study session meeting was called to order by Mayor Brickner at 6:05p.m.

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

Councilmember Lerner suggested discussing the two items on the agenda in reverse order as the rental inspection ordinance may require more time and discussion.

DISCUSSION ON LIQUOR LICENSE PROCESSING:

Mayor Brickner pointed out that the current City ordinance regulating alcoholic liquor states that liquor license transfers have to be approved by City Council and that the license must be used in conjunction with a bona fide restaurant operation. He stated that he was concerned that the Liquor Control Commission changed its procedures and was eliminating the requirement for local input on these issues; therefore, he requested that the City review the option of a special use permit for liquor licensed establishments so as not to lose some of that local control.

Mayor Brickner inquired if anything further was needed since this language already exists in the current ordinance.

Attorney Joppich stated that legally nothing else is required; however, he noted that the other concern was that there seemed to be some legislative movement where the Liquor Control Commission Rules would become law, which would have taken away the City's ability to approve any transfers of liquor licenses. This was another reason the City was considering the special use permit.

Councilmember Knol mentioned that she has confirmed that legislators are working on a Bill that would codify local control with regard to liquor licenses, but it has not been introduced to date.

It was the consensus of City Council that the ordinance as written was sufficient at this time.

DISCUSSION ON SINGLE-FAMILY RENTAL INSPECTION ORDINANCE:

Mayor Brickner mentioned that this item was discussed at the City Council Goals Session at which time Council requested further discussion on the topic. He mentioned that the last time such an ordinance was brought forth to City Council for Introduction, it failed.

City Attorney Joppich confirmed that the ordinance failed to be introduced by City Council at a past meeting as there was no interest in pursuing the issue at that time. He noted that from that discussion, some changes were proposed and Council has been provided a redlined version of the Ordinance showing the revised language. He stated that he would be happy to go through the proposed Ordinance with City Council and pointed out that it mainly addresses the exterior of single-family homes.

Mayor Pro-Tem Bruce stated that he felt the wording proposed to be removed from Page 1 of the

Ordinance should remain as it further justifies why the City would be passing such an Ordinance. He inquired about how this would apply to condominiums where a company actually owns the structure and they maintain the exterior.

City Attorney Joppich responded that as defined in the ordinance, an attached condominium would not be considered a single-family dwelling and this ordinance would not apply. He clarified that detached condominiums would be considered a single-family dwelling by definition, but a duplex would not.

Councilmember Knol expressed concern that duplexes would not be covered by this ordinance and suggested there may be another way to define single-family homes.

Councilmember Massey suggested discussing the concept as a whole to determine if there is interest amongst City Council for such an ordinance before discussing any specific language.

Mayor Brickner inquired as to the Planning Department's feeling on this ordinance. Director of Planning and Community Development Gardiner responded that the City adopted a Property Maintenance Code, which allows for staff to review the exterior of all property in the City. If there are issues, the City will cite the owner. He noted that typically concerns are brought forward by complaints. He added that the Code strictly deals with exterior property maintenance and includes all properties and not just rentals. In answer to Mayor Brickner, Mr. Gardiner stated that staff does not know for certain how many rental properties exist as it does not differentiate between rentals or non-rentals at this time.

Councilmember Lerner commented that the City already has ordinances in place to address the exterior of the homes, and he feels the issue is with enforcement and having to provide for proper notice and provide an opportunity for the owner to fix the problem before the City can intervene. He stated that he sees nothing in the proposed ordinance that would address this issue. He suggested that if an ordinance is passed to include language that would allow for expedited enforcement by the Zoning Department.

Councilmember Bridges inquired if the City has the staffing to enforce a rental inspection ordinance and if anything can be done to expedite the process.

City Manager Brock responded that he feels one additional staff member would be needed if the Council were to pass this ordinance as presented.

Attorney Joppich responded that there is no time frame set by statute only that the owner must receive notice and be given reasonable time in which to remedy the problem, which is typically 10-30 days. He cautioned that setting a specific time frame may not be a reasonable amount of time for all depending on the circumstances.

Councilmember Bridges inquired if staff felt there was a wide-spread issue with rentals not being maintained. Mr. Brock commented that he feels the situation has worsened due to the economy.

Councilmember Bridges stated that he could see the benefits of expediting the process if that can be done.

Mayor Pro-Tem Bruce stated that he feels this is a health and safety issue and that he has seen some rundown homes that are rentals due to distant landlords. He feels that there is an issue and that rentals should be subjected to greater restrictions.

Councilmember Knol stated that she is in favor of expediting the process, but feels it would be very difficult to do. Overall she believes that code enforcement does a good job but often issues are only caught when the city receives a complaint or on occasion when code enforcement is driving in the area.

She is in favor of reviewing this ordinance further as she feels that when people know that an inspection will be required prior to renting out the home, it will be in better condition to start out and the ordinance would provide the city with the tools to maintain the properties.

Councilmember Lerner did not feel that the proposed ordinance offered any further tools for enforcement that the City did not already have in place.

Councilmember Steckloff commented that a rental inspection ordinance may also serve to protect the renters from being taken advantage of by homeowners, and she feels it is important to further review the ordinance.

Councilmember Massey stated that he believes there is an issue with rental homes not being maintained and while there may not be a huge change in the enforcement, he agreed that residents knowing that they would require an inspection may be a way to get them to address some of the issues. He suggested considering a private enforcement company to handle enforcement with appropriate fees to cover the costs. Mr. Massey felt that such an ordinance would send a message to residents that the City is paying attention to its housing stock.

Further discussion was held on the ordinance, notification requirements, due process and reasonable access for inspection and/or repairs.

City Manager Brock commented that the City could try to speed up the process through the courts, etc. He added that if the City were going to require an inspection, he feels we would want staff to handle that and not a private company.

Director Gardiner mentioned that some communities target areas for enforcement by notifying the homeowners in that area ahead of time that an inspector will be in their area on a certain date. He stated that this is an approach that the City could take as their code enforcement officers are responsible for certain sections of the City. They could enforce their sections of the City on a rotating basis, and this may help to get homeowners to take action and fix a problem.

Mayor Brickner liked this idea and commented that he is not convinced a rental inspection ordinance would do any good and that the issues are not only with rental homes.

Councilmembers Bridges and Lerner concurred and preferred to look into speeding up the notification process and enforcing as Director Gardiner has suggested.

Councilmembers Bruce, Massey, Knol and Steckloff were interested in considering a rental inspection ordinance.

Councilmember Steckloff stated that renters are also residents of the City and she feels an ordinance could help to protect their rights as well.

City Manager Brock suggested that City Council review the draft ordinance and submit any suggested changes or additions to Steve Joppich or to him.

It was determined that this item would be brought back to City Council at another study session for further review.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

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

Pamela B. Smith, City Clerk