

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL STUDY SESSION MEETING
CITY HALL – COMMUNITY ROOM
OCTOBER 13, 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 Clerk Smith, Assistant City Manager Boyer, Assistant to the City Manager Geinzer, Director Gardiner and Attorney Joppich

DISCUSSION ON ANIMAL ORDINANCE – LEASH PROVISION:

Attorney Joppich stated that City Council had requested sample ordinances from other communities when this issue was last discussed, which he has provided this evening. He stated that many of the ordinances had language with regard to controlling the animal and requiring leashes.

Mayor Brickner commented that one question that came up after the last study session was whether dogs could run free on their own property. He added that Council discussed removing the language that referred to keeping a dog under “oral control” and to include language requiring a dog to be on a leash when off of their own property. He clarified that an animal would not be required to be on a leash when on their own property.

Mayor Pro-Tem Bruce stated that he is in favor of revising the ordinance to require a leash as part of keeping the animal under “reasonable control” and suggested changing the ordinance to require no more than a 6 foot leash. He stated that he also liked the verbiage included the ordinance from Bloomfield Townships that further defined “reasonable control” by indicating that the person securing the animal should be of suitable age and strength.

Councilmember Lerner stated that he feels the issues are more about enforcement and that they can be addressed under the current ordinance. He suggested having a sunset clause in the ordinance of one year to determine if this has made a difference.

Councilmember Massey concurred with both Dr. Bruce and Mr. Lerner, but felt that requiring a leash was reasonable. He did not feel it was necessary to include the same language as Bloomfield Township.

Councilmember Knol also felt that requiring a leash was reasonable but did not feel they needed to change the length of the leash or include the language from Bloomfield Township.

Councilmember Bridges stated that he did feel enforcement was an issue but agreed that requiring a leash was appropriate when an animal was not on their own property.

Councilmember Steckloff also liked the language included in the Bloomfield Township ordinance and agreed with the proposed change to remove the language with regard to “oral control”.

Attorney Joppich clarified that the current ordinance already contains some language with regard to the person who is keeping the dog under reasonable control. He read that language to Council and they were content with the current language.

It was the consensus of City Council to remove the language with regard to “oral control” so that an animal would be required to be on a leash when not on their own property.

Attorney Joppich stated that he would also need to include a provision in the ordinance allowing for exceptions to the leash requirement for publicly owned and operated dog parks that have a rule that dogs may not be on a leash while in the park.

Judith Roberts, resident of Ontaga, stated that she was attacked by a neighbor’s dog on two occasions and felt that a 6 foot leash was reasonable.

Other residents present also expressed concern with issues they have had with neighborhood dogs and concern with the response by the Police Department to their complaints. They also suggested that a 6 foot leash would be reasonable.

Mary Fayne, resident of Bella Vista, agreed that a 15 foot leash is too long and that a 6 foot leash is reasonable. She commented that enforcement is an issue with any ordinance, but she feels that requiring a leash will help.

It was explained that these issues would not be addressed by the ordinance being discussed this evening and that they would fall under the Dangerous Animal Ordinance. Residents were encouraged to contact the Police Department and file a formal complaint as that is the only way that this issue could be addressed.

City Manager Brock stated that he would pass along the complaints to the Police Department to be addressed, but that it is difficult for them to pursue the issue if the person calling will not file a formal complaint.

DISCUSSION ON ANTI-DISCRIMINATION ORDINANCE:

Attorney Joppich stated that there was some general discussion on this topic at the last Study Session meeting and Council suggested reviewing other ordinances and information provided by Jay Kaplan of the ACLU, which he received and used to prepare the working draft ordinance that he presented to Council this evening. He noted that 35 other communities have adopted an ordinance to date according to the ACLU and 6 of those communities are in Oakland County. He noted that he included information in the draft ordinance from communities that were similar in size to Farmington Hills and commented that the draft ordinance is a working draft to generate discussion on the topic. He reviewed the ordinance with City Council.

Councilmember Bridges inquired how common it was, based on the other ordinances reviewed by Attorney Joppich, to have an exception for religious organizations.

Attorney Joppich stated that this exception was included in most of the ordinances he reviewed.

Councilmember Lerner inquired why violations would be handled in circuit court and not in the district court.

Attorney Joppich explained that if the City requested documents to be presented in the course of investigating a complaint and someone did not comply, the ordinance allows for him to subpoena that information through the Circuit Court.

Mayor Pro-Tem Bruce stated that he feels the ordinance is excellent and that the language with regard to investigating the complaint is reasonable. He feels it is abhorrent to discriminate against people in general and it has been left to the local government to correct this. He feels the ordinance will make a statement that the City values its residents and will take action.

Councilmember Massey stated that he likes the ordinance and the idea of trying to work through the issue between the parties involved. He expressed concern with allowing 180 days in order for someone to file a complaint and felt that was too long and would be more difficult to resolve the issue after that time frame.

Attorney Joppich stated that the time frame was discretionary but had to be a reasonable time frame. He believed that the Open Meetings Act set a statutory precedence of 120 days, so he would not suggest any shorter of a time frame than 90 or 120 days.

Councilmember Knol inquired what would happen if the City Manager determined that there was no discrimination involved. Attorney Joppich responded that the person would still have the right to pursue the matter on their own; however, the matter would be closed from a City standpoint.

Councilmember Steckloff stated that it takes courage to file such a complaint and she felt that 180 days was too short and would suggest increasing the time frame to allow for someone to file a complaint up to one year from the incident. She inquired how this compared to other community ordinances.

Attorney Joppich stated that he is not certain of the time frame included in all of the other ordinances, but he did not believe the time frame was any less than the 180 days he has proposed.

Ms. Steckloff also expressed concern that the ordinance allows for discrimination against a person who identifies themselves with the opposite gender with regard to use of restrooms or locker room facilities.

Councilmember Lerner inquired if the City Ordinance would take precedence in the schools. Attorney Joppich responded that the schools would fall under the exceptions as a governmental institution that may have its own policies.

Councilmember Massey commented that after hearing more discussion and other reasons for allowing a longer time frame for someone to file the complaint, he would not object to the 180 days as proposed in the ordinance.

Gillian Talwar, Chair of the Oakland ACLU, urged the Council and City Attorney to further discuss the issue of transgender with Jay Kaplan of the ACLU. Her main concern was with regard to the exemption for religious institutions and the broad language used in the ordinance with regard to that exception.

Mayor Brickner requested that Mr. Talwar have Mr. Kaplan contact Attorney Joppich on those portions of the ordinance to provide more information.

Councilmember Steckloff reiterated that she does not agree with the exception included in the ordinance with regard to use of restrooms and locker room facilities based on gender identity.

The consensus of City Council was to bring the ordinance back to City Council for consideration at a regular meeting.

ADJOURNMENT:

There being no further discussion, the meeting adjourned at 7:27 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