



Rochester Hills Minutes

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Historic Districts Commission

Chairperson Melinda Hill, Vice Chairperson Brian R. Dunphy
Members: Maria-Teresa L. Cozzolino, John Dziurman, Micheal Kilpatrick, Paul Miller, Micheal Sinclair, Dr. Richard Stamps, Jason Thompson

Thursday, February 14, 2008

7:30 PM

1000 Rochester Hills Drive

MINUTES of the **REGULAR ROCHESTER HILLS HISTORIC DISTRICTS COMMISSION MEETING** held at the Rochester Hills Municipal Building, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan.

1. CALL TO ORDER

Chairperson Hill called the meeting to order at 7:30 PM.

2. ROLL CALL

Present 5 - **Brian Dunphy, Melinda Hill, Richard Stamps, Jason Thompson and Paul Miller**

Absent 4 - **Micheal Kilpatrick, Michael Sinclair, John Dziurman and Maria-Teresa Cozzolino**

Also Present: Derek Delacourt, Deputy Director, Planning & Development Department
Judy A. Bialk, Recording Secretary

3. DETERMINATION OF A QUORUM

Chairperson Hill announced a quorum was present.

4. STATEMENT OF STANDARDS

Chairperson Hill read the following Statement of Standards for the record.

“All decisions made by the Historic Districts Commission follow the guidelines of the Secretary of the Interior’s Standards for Rehabilitation, MCL Section 399.205, and City Code Section 118-164.”

5. APPROVAL OF MINUTES

5A. 2008-0065 Minutes of the January 10, 2008 Regular Meeting

Chairperson Hill asked for any comments or corrections regarding the January 10,

2008 Regular Meeting Minutes. Upon hearing none, she called for a motion to approve.

A motion was made by Stamps, seconded by Dunphy, that this matter be Approved as Presented. The motion CARRIED by the following vote:

Aye 5 - Dunphy, Hill, Stamps, Thompson and Miller

Absent 4 - Kilpatrick, Sinclair, Dziurman and Cozzolino

RESOLVED that the Minutes of the January 10, 2008 Regular Historic Districts Commission Meeting be approved as presented.

6. ANNOUNCEMENTS/COMMUNICATIONS

- A. MHPN Network News, Winter 2008 Edition
- B. 2007 Year End Report, Planning & Development Department
- C. Memorandum re 1841 Crooks Road (Agenda Item 10A)

Chairperson Hill stated that the Commissioners had received copies of the above documents, and called for any other announcements or communications.

Chairperson Hill stated she received a copy of the Michigan Historic Preservation Network (MHPN) Annual Conference brochure, which will be held in Dearborn, Michigan, on May 8, 9 and 10, 2008. She noted the conference dealt with preservation and green building, and the brochure was available on the MHPN website.

Chairperson Hill called for any other announcements or communications. No other announcements or communications were presented.

7. PUBLIC COMMENT

Chairperson Hill asked if there were any public comments. There were no public comments.

8. UNFINISHED BUSINESS

Chairperson Hill asked if the Commissioners would prefer to discuss Agenda Item #8B (Earl Borden Award) prior to discussion Agenda Item #8A (Review of revised Property Owner Guide). The Commissioners agreed to proceed through the Agenda Items in the order they appeared.

8A. 2007-0577

Review

- Revised "What every historic property owner needs to know" Guide

Chairperson Hill referred to the Memorandum from Staff that pointed out several sections of the proposed Guide that the Commission should discuss; paying

particular attention to the sections entitled “What Requires Review,” “Application Requirements” and “Administrative Approvals”.

Chairperson Hill explained the current version reflected the original version of the Guide, as well as the suggested revisions. She asked for comments from the Commissioners.

Chairperson Hill referred to the suggested changes regarding the paragraph entitled “Who is the Historic Districts Commission?” The sentence about some Commissioners residing in designated historic properties was discussed. Commissioners discussed whether the fact some Commissioners resided in designated properties was relevant to the Guide. Mr. Dunphy noted that from the standpoint of a property owner, the intent of that statement would show that members of the Commission have a direct understanding of what it is like to own and maintain a historically designated property. The Commissioners agreed to revise the sentence to read “Some of these volunteer Commissioners *may* reside in” as it was not a requirement of the Ordinance for a Commissioner to reside in a designated property.

Commissioners clarified the first sentence of that paragraph would read “The Historic Districts Commission is a nine member board....”.

Commissioners discussed the proposed changes to Page 5 of the proposed Guide, entitled “Benefits of a local designated historic district”. Mr. Miller remarked that some of the sentences might be more understandable or specific if the word “historic” was included.

Mr. Delacourt noted that most of the proposed changes did not significantly change the proposed Guide, and indicated that the changes would be made and the Guide finalized unless the Commissioners had other suggested changes. He stated that if there were any changes that required additional clarification, that wording would be brought back to the next meeting for review by the Commission.

Mr. Miller commented that some of the proposed changes were making the Guide stricter or tougher. Chairperson Hill stated she had made many of the suggested changes, and had taken them directly from the Ordinance. She clarified she had used the Ordinance wording to prevent any misrepresentation.

Mr. Miller stated he felt the language should be as user-friendly as possible, although it should be as close to the Ordinance as possible to give the most accurate information available. He noted if the Commission stuck to the exact definitions within the Ordinance, the wording would seem stricter and tougher.

Mr. Miller referred to the difference between what required approval versus what was ordinary maintenance of landscape features, and noted what he considered

significant might differ from what the Commission felt was significant. He was not sure how to address that issue.

Chairperson Hill agreed it was difficult, but pointed out it was similar for any other Board or Commission. There were things that were written that the Commission did look at, but noted overall the Commission had not been confronted with too much along that line. She commented the Commission considered streetscapes, tree lines and things of that nature that put the whole context of the site into more historic substance.

Mr. Miller agreed, noting he would like to see the Commission be more aggressive or progressive with expanding their scope on landscape features to help protect some of what is left in the City. He felt the Commission would also have to be careful not to become oppressive. He thought there was more the Commission could do in terms of historic trees or open space that could be considered historic. He pointed out there was a fine line between staying true to the Ordinance and how the property owners felt about historic designation.

Mr. Dunphy stated he had reviewed the proposed changes and was comfortable with the suggested changes. He commented from a user-friendly standpoint, clarity was a good thing. He agreed the Commission did not want to be oppressive, but noted the proposed Guide was intended to be a “how to” guide, and the more that was clarified, the more helpful it would be to future users.

Dr. Stamps referred to paragraph that referred to landscape features and clarified that language came from the Ordinance. He found the reference to “orchards” was interesting.

Chairperson Hill noted that language was most likely contained in the Secretary of the Interior Standards, not just the City’s Ordinance. She commented some communities had landscape ordinances; however, the City did not. She thought the language was open-ended enough to allow the Commission to review items, and did not prohibit anyone from coming in and making a request to remove, alter or change a landscape item. She felt the paragraph explained why the Commission would look at landscape features.

Chairperson Hill stated the Commission would discuss the sections noted in the Memorandum for discussion. She referred to Page 9, entitled “What Requires Review?”.

Chairperson Hill suggested renaming the columns as follows: Column 1 would be titled “Proposed Work (Requires approval)” and column 2 would be titled “Ordinary Maintenance (Does not require approval)”. She felt that defined the two

columns, and noted the Ordinance required review of “proposed work” on a property. She commented that both “work” and “ordinary maintenance” were defined in the Ordinance.

Mr. Dunphy thought that the columns should also include “Call the Commission before” and “Go ahead with your project when”, which would help clarify the column titles.

Dr. Stamps questioned whether cleaning the exterior required Commission approval. He asked if a property owner just wanted to use a power washer to clean the exterior, if that would require approval.

Chairperson Hill agreed that was her first thought, but pointed out if a building had a masonry exterior or wood siding, power washing might not be the suggested cleaning method. She noted that chemically washing an exterior was also not recommended for certain exterior finishes. She stated including the item under “requires approval” would help establish that the appropriate method was being used. Dr. Stamps agreed that made sense.

Mr. Delacourt stated that a couple of the items listed had been debated passionately on both sides, and asked if the Commission was ready to tell property owners “no” they could not use certain cleaning products on certain exteriors. He also asked how the Commission felt about exterior paint colors. He questioned whether the Commission was prepared to review all changes in exterior paint colors.

Mr. Miller stated he had some question about the paint colors. He understood that if the Commission regulated paint colors, they were stepping outside of the State Law. He was not sure if exterior paint color was referenced in the City’s Ordinance. He stated if it was not, it was his suggestion the Commission stay away from regulating it. He thought there might be some national historic structures, such as Monticello or Mount Vernon, that if a garden area or exterior paint color were changed, it could extremely change the historic significance of the structure. He did not believe there were any historic structures in the City’s Historic Districts that had maintained the same color, or that the paint color was historically significant. He agreed if there was some historic significance to the color, the Commission would be within its discretion to regulate that. However, without a corresponding reference in the State Law, he did not feel the Commission should regulate that.

Mr. Dunphy pointed out there was a reference on Page 11 regarding paint color change, and the City’s Consultant, Kristine Kidorf, had recommended the section be deleted as the City Historic Districts Commission did not regulate paint colors.

Chairperson Hill stated that based on the reviews held by the Commission, applicants had been asked for specific paint colors, which had been tied to the Certificates of Appropriateness. She noted the Commission had never denied an applicant based on paint colors. She asked if a resident wanted to change the color of their house, whether they would come before the Commission for a review.

Mr. Delacourt agreed the Commission had reviewed paint colors as part of any requested work. He asked if the Commission would define a change of paint color as an alteration under the definition of “work”, and require a property owner who was only changing the color of paint or trim on their house to come in and request approval. He commented he did not believe the Commission had ever reviewed a request for just a change in paint color.

Chairperson Hill asked if it was a matter of whether property owners had repainted and Commission was not aware the work had been done, or whether no paint change requests had been made if no other work was being done. She would rather that be an administrative approval from the standpoint of someone wanting to make a color change because then the Commission would be aware of what the color change was and that would help keep track of what was going on with the historic structures. She questioned what would happen if the property owner wanted to change the exterior colors to bright colors that had never been on that home historically. She noted bright colors would be appropriate if they were characteristic for a particular structure. She commented the Commission did not want to be the “paint police”, but would be hesitant to tell a property owner they were in a District that did not have any history to substantiate certain color choices.

Dr. Stamps thought the paint color change should be included. He noted if the property owner wanted to make a minor change, they would inform the Commission of their color choices, and the Commission would determine if that was appropriate. He stated if the colors were not appropriate, it was part of the Commission’s stewardship to explain the choices would really alter the nature of the District and were inappropriate.

Mr. Delacourt pointed out the matter of non-contributing resources located in a District that would also be required to request approval; and if the Commission regulated paint colors, it would also put the City in a Code Enforcement position with respect to paint colors.

Chairperson Hill noted the Commission had already seen an example of inappropriate paint colors with respect to 1046 E. Tienken. She explained the property owners received a Certificate of Appropriateness approving the home to be painted white with green shutters, and suddenly the exterior of the house had been painted beige.

Mr. Thompson did not think any property owner appearing before the Commission for approval of work had ever been denied based on the color of paint. He noted the Commission may have made suggestions, but did not say “no”. He agreed the paint color change should be left in the Guide as he did not believe it would become a big issue.

Mr. Miller also agreed it was a good idea to leave the paint colors in the Guide for a number of reasons. He pointed out it would give the property owners some notice that paint colors could be an issue, and it would give the Commission an opportunity to offer an opinion. He agreed the Commission would have to be very careful about appearing to be “paint police” because one person’s favorite color might not be the same as another person’s. He thought it was clear that Code Enforcement would have to use good judgment with respect to paint colors.

Mr. Delacourt stated the City could not decide what Code Enforcement should enforce or not enforce. He explained if someone painted without approval and the City was notified about it, Staff’s best judgment would be used. He noted that to date there had not been an instance where a historic structure, contributing or non-contributing, had been inappropriately painted. He stated if the proposed Guide was accepted by the Commission as its policy, once it was distributed and inquiries received, Staff would be required to inform property owners they had to submit samples and be approved.

Mr. Thompson asked if the decision could be made administratively.

Chairperson Hill agreed if it was only a paint issue, it could be Staff’s discretion. She noted if a request came in that did not appear appropriate, it could be brought before the Commission.

Mr. Delacourt pointed that requested work was usually reviewed against the Secretary of the Interior’s Standards, which did not seem to apply to paint.

Chairperson Hill stated if there was evidence that certain structures within certain types of houses and in certain areas were very bright colors, and provided the example that many of the houses on the East Coast were never white, but were very colorful. She thought Staff and the Commission had a pretty good sense of the Community.

Mr. Delacourt stated he understood how to apply when it was appropriate, but was not clear about how the Standards applied when the proposed colors had a negative impact on the integrity of the house. He asked if a Greek Revival House painted chartreuse had a negative impact on the resource or lessened the integrity of the structure.

Chairperson Hill commented there would be more to the decision, such as whether it was a stand-alone house or was within a District. She was not sure the City had a Greek Revival house located in a contiguous District. Mr. Delacourt pointed out that 1046 E. Tienken was a Greek Revival house. He suggested the Commission use that house as an example, and posed the question about if that property owner came in and said he wanted to paint the house chartreuse, whether that had a negative impact on the Greek Revival style, and if there was justification to deny the proposed color.

Chairperson Hill thought a determination would have to be made about what paint colors were the true colors for that period of time for that style of house. The Commission could also ask if the house was ever painted chartreuse.

Mr. Delacourt noted it was an interesting debate, and he wanted to be sure he understood what the Commission expected.

Mr. Miller thought the paint color item should remain in the proposed Guide, noting the discussion the Commission just held showed that if it came down to an applicant in front of them, they might want to consult with the City Attorney about whether their decision was defensible.

Mr. Thompson suggested if there were requests for change of paint color, that Staff email the Commissioners for input. He stated if the Commission was undecided, the matter could be scheduled for a formal meeting.

Mr. Thompson referred to the non-contributing homes in the contiguous Districts, and noted the Study Committee was working on redefining those Districts. He asked what would be done if a homeowner of a non-contributing resource in one of the Districts wanted to paint their house, particularly if the color was not considered appropriate. He pointed out the home was not really considered a resource and did not contribute to the history of the Community.

Chairperson Hill agreed the change of paint colors should remain in the Guide, and Staff and the Commission would have to make a decision if the question is asked. She noted that for the most part residents kept things compatible in the Community. She stated if a request had to come before the Commission, it would not be the Commission's taste that would be placed on a property owner, rather a decision would be made based on the Secretary of the Interior Standards; research, and the impact on the District.

Chairperson Hill stated the Commission would have to decide whether they wanted to have a paint request be administratively handled or whether administrative approval would only be for non-contributing resources within a contiguous District.

Mr. Delacourt asked if cleaning the exterior of a resource would require Commission review. He noted if the proposed cleaning would not cause harm to the structure or the structure was non-contributing, approval could be waived. He explained that a request could be waived in instances such as repainting an exterior from off-white to beige because it was considered close enough to the original.

Chairperson Hill suggested that those items be documented so that the information is in the record of the property. Mr. Delacourt stated if administrative approvals are given, those would be brought to the Commission on a quarterly basis for review. He noted the discussion gave him a good idea of how the Commissioners felt about the subject.

Dr. Stamps referred to the proposed changes regarding Roof Replacement, including the suggestion to eliminate one of the sections.

Chairperson Hill stated the first paragraph was going to be revised to read "Roof Replacement (a change from existing materials) which would cover historic and non-historic, noting it did not matter what the material was. She felt roof replacement of existing materials was considered ordinary maintenance, and the second paragraph was a duplicate of the prior paragraph.

Mr. Dunphy referred to Page 11, the paragraph titled "Paint Color Change" which was recommended by the consultant to be deleted. Mr. Delacourt stated that would be changed.

Chairperson Hill asked if the Commissioners wanted to include review of in-ground swimming pools in the Guide. She noted the Commission had reviewed in-ground pools in the past, which was a quick review. She commented if it was a non-contributing resource and the pool would not be detrimental to the rest of the District, she was inclined to say it could be done administratively. She explained the installation would require permits from the Building Department, and would have to meet codes. She stated if it was an in-ground pool in a designated District or a contributing resource, she felt the request should come before the Commission so the Commission could review how it would affect the rest of the resource or impact the District.

Chairperson Hill stated that with respect to homes located in the Stoney Creek Village, a pool could impact the Village itself. She commented that many of the pools being installed in the contiguous Districts were for the non-contributing resources.

Mr. Thompson asked if the Commission had reviewed an in-ground pool. Chairperson Hill stated the Commission had, but noted it had been some time since

that type of review was seen. She noted one in-ground pool was recently allowed administratively because it was a non-contributing resource and did not impact a designated resource or the District.

Mr. Delacourt stated the section would be completed and included in the Guide. He stated if a request was made, the Chair would be consulted as to whether it should be brought before the Commission or not. Chairperson Hill thought that would be acceptable, particularly if the request was made for a home located in the portion of a District that was likely to be eliminated from the District in the future if the boundaries are modified.

Chairperson Hill referred to the proposed administrative approval of the removal of dead, diseased or damaged trees. She noted the removal of large trees, shrubs or plantings was listed in the section titled "What Requires Review" as requiring review by the Commission.

Mr. Delacourt suggested that section remain as stated, and noted the administrative approval referred to "dead, diseased or damaged" trees which required a written statement from an arborist to verify prior to removal. He noted if the tree was on a non-contributing parcel, he would feel comfortable with an administrative approval, but other instances would be reviewable by the Commission.

Chairperson Hill stated the question was also asked about whether the Commission wanted samples of existing materials or whether photographs would be acceptable. Mr. Delacourt stated he was of the opinion that photographs were acceptable.

Chairperson Hill thought a photograph was fine, although it would nice if an applicant was able to name the type of materials, or provide a brochure that specified what was being proposed or the name of the manufacturer. She agreed it was nice to see samples, but it was not always possible to bring them in. She noted there was a lot of information available on the web that applicants could use to show the Commission what materials were being proposed.

Chairperson Hill asked if the Commissioners were comfortable with the proposed Guide, or whether there was anything else the Commissioners wanted to discuss.

Mr. Delacourt stated he was comfortable with the document, and it would be helpful for the residents. He noted if something needed to be revised, that section would be brought back before the Commission for review. He reminded the Commissioners it was a Guide and was not meant to replace the Ordinance. Rather, it was intended to be helpful for the property owners, and would give them an idea of how the process worked.

Chairperson Hill asked if the Guide would be available on the City's website, and whether paper copies or CD versions would be available. Mr. Delacourt stated it would be on the website, and it could be produced as CD's as well. He stated he hoped to distribute copies to the designated property owners after it was finalized.

Chairperson Hill commented a CD version could be mailed with a letter advising the property owners to contact the Planning Department if they wanted a paper copy. Mr. Delacourt stated he would look into that.

Dr. Stamps suggested it would be nice if designated property owners could be provided with a folder about their house, along with a copy of the Guide, and which included a letter thanking them for helping to preserve and protect the local history. He stated the folder would remain with the house, and would be helpful for a new owner. Chairperson Hill agreed it was a nice suggestion and a nice project that could be looked into down the road.

This matter was Discussed

8B. 2007-0897 2008 Earl Borden Award

Chairperson Hill stated that a nomination was made at the January meeting to present the award for the preservation of greenspace.

Mr. Delacourt asked if a name would be put on the plaque.

Chairperson Hill stated she liked the explanation offered by Dr. Stamps, which was reflected in the January meeting minutes. She noted that upon reflection, she agreed open space was part of preservation. She stated there were open spaces that had some history, and although much was gone, there were pieces that contained history whether it was in the ground or above the ground.

Chairperson Hill stated that at the January meeting, Dr. Stamps had suggested the award would go to the citizens group, with special recognition to the Krupp's for their leadership efforts through the years. She noted the minutes went on to state that Dr. Stamps explained the award would be given to the citizens of Rochester Hills for their vision in preserving the open space and its historic context, with recognition of the Save Our Open Space Group and all those involved who helped bring about the successful passage of the millage, and especially identified two individuals for their long-term involvement in the process, their leadership and continuity in bringing to a successful conclusion the preservation of open space.

Chairperson Hill thought that was a nice way of presenting the award, i.e., presented to the citizens, and those who helped with the millage, but the two recipients would be Pam Wallace and Andy Krupp. She noted the Krupp's would also be honored for their involvement in other historic preservation projects in the Community, such as their work with the Rochester-Avon Historical Society on the Elevator Project and other projects.

Chairperson Hill thought it would be nice if the Krupp's received a plaque, but she wondered if a similar plaque could be hung in City Hall. She suggested the plaque for City Hill contain the verbiage "to the citizens of..." and be hung with other plaques the City has received.

Mr. Delacourt clarified there would be two plaques, one for the citizens of the Rochester Hills and one specifically for the Krupp's.

Chairperson Hill clarified there would be two plaques identifying the award and all the reasons for the award; however, one would be for City Hall and one would be for the Krupp's.

Mr. Delacourt asked which Commissioner would work with Staff on the 2008 award. Mr. Miller stated he would assist Staff. Mr. Delacourt stated the language would be drafted. Chairperson Hill suggested Dr. Stamps' wording from the January meeting minutes would be a good place to start since it was such a good explanation.

Chairperson Hill verified the Award would be presented at a City Council meeting in May. Mr. Delacourt stated the Council Liaison would be notified about the Award, and the Council meeting held during week closest to Michigan Preservation Week selected.

Chairperson Hill suggested a picture of one of the open space areas be used on the invitation. She noted there was still time to put that together.

Chairperson Hill clarified the Commissioners concurred about the recipient of the 2008 Earl Borden Award. The Commissioners indicated they all concurred.

This matter was Discussed

9. DISCUSSION

9A. 2007-0898 2008 Resident Work Shops

Chairperson Hill reminded the Commissioners that the General Maintenance Workshop was scheduled for Saturday, March 8, 2008 at the Dairy Barn at the Van Hoosen Museum, and would begin at 10:00 AM. She hoped all the Commissioners could attend. She asked if there was anything the Commissioners needed to do in conjunction with the workshop.

Mr. Delacourt stated that the presenter and the location had been confirmed, and Mr. McKay was also sending out invitations in addition to the invitations mailed out by the Planning Department. He noted an RSVP had been requested, although Mr. McKay at the Museum was very flexible about the number of attendees.

Chairperson Hill asked if the Commissioners had any questions about the workshop. No questions were asked.

This matter was Discussed

9B. 2008-0066 Historical Preservation Ordinance Amendment

Chairperson Hill asked for a brief summary of the proposed Ordinance Amendment.

Mr. Delacourt stated the proposed Ordinance Amendment consisted of some housecleaning items, and items related to the City's Certified Local Government (CLG) application. He noted that after some discussion, a resolution on the Study Committee process outlined in the Ordinance had been agreed to by the Commission.

Mr. Delacourt stated there had previously been some discussion about whether the proposed Amendment should be taken directly to Council, or whether it would be beneficial to hold a joint workshop to discuss the proposed Amendments.

Mr. Miller thought a workshop would be beneficial. He thought that a workshop would promote closer relations between the Council and the Commission, and give the Commission an opportunity to reach some common ground with Council. He referred to Attorney Staran's comments about the term "open space" and noted he was in favor of keeping that term in the Ordinance, as he was not concerned with what the former Ireland Administration thought about that term. He commented he was more concerned with where the City was now and where it wanted to go in the future.

Mr. Dunphy appreciated Mr. Miller's comments, but noted the political realities should be approached as appropriately as possible. In particular, he assumed if the Amendment went forward to Council, it would be with Mr. Staran's letter which touched on issues with Mayor's of years back, but specifically had a bottom line message in it that stated making the Ordinance changes expanded the powers of the Commission and lessened Council's power to regulate certain areas. He suggested in taking the proposed Amendment forward to Council, the CLG advantages be explained for the reason if Council was expected to give something up, they should know what they would be getting in return.

Mr. Delacourt thought it was a good idea for the Commission to hold a workshop with Council, noting it had been done in the past, and was a good opportunity for the two boards to get acquainted. He suggested a meeting be set up between the

Commission Chairperson, the Mayor and the Council President to establish an Agenda for the items to be discussed. He noted the CLG application; Study Committee process and the demolition process could be Agenda items, rather than just presenting an Ordinance Amendment. That would allow the Commission to explain what needed to be changed to allow the City to be certified as a CLG.

Dr. Stamps inquired about the status of the CLG Application. He suggested Council be advised that the Commission had been trying to have the City certified as a Certified Local Government for years, and give them an understanding of what that was; what it meant, and how it could benefit the Community. He thought that context would make the most sense.

Chairperson Hill asked if once the Ordinance was amended, whether the City would receive the CLG. Mr. Delacourt stated he believed that was correct. He noted it had been awhile since the goals and objectives included in the application had been reviewed, and those may have to be updated with the revised submittal, but noted many of the goals had been accomplished already, such as the revised property owner's guide; the survey work; the proposed revisions to the Ordinance, and the outreach to the Community through the Open House and the workshops, all of which fell within the goals and objectives. It was his opinion that the answer was yes, or at least the City was very close, but the City would have to wait for formal certification from the State.

Chairperson Hill agreed the Commission seemed to be doing many of the things that were required for the CLG. She stated she agreed with holding a workshop with City Council, and agreed a workshop would increase Council's familiarity with both the Commission and the Study Committee. She commented it could appear that the proposed Ordinance Amendment would give the Commission more power; however, basically the power was still in the hands of City Council. She pointed out the Commission operated under Council. She noted one change was that in order for a study to be done, Council would have to determine it was appropriate. She felt the Commission wanted things to move along in a positive direction for the City.

Mr. Miller stated that when Council Members were sworn in, part of their charge was to uphold the City's Ordinances, including the Historical Preservation Ordinance. He thought it was important to hold a joint workshop where the Ordinance Amendments, the CLG and the benefit of having a Historical Preservation Ordinance could be addressed.

Mr. Dunphy asked if a motion was necessary to request the joint meeting be scheduled. Chairperson Hill stated if the Commission was in concurrence to request the meeting, it would be arranged through the Administration. Mr. Delacourt stated he would ask the Clerk's Office to request that the Council President meet with the HDC Chair to discuss the joint meeting. He asked the

Commission to forward any specific topics they wanted to discuss at the joint meeting to Staff, which would help in making a determination of whether a representative from the State Historic Preservation Office or the City's preservation consultant should also be present.

Chairperson Hill stated that the revised property owner's guide would be a helpful document to provide to Council because it described what the Commission did to uphold the City's Preservation Ordinance. Mr. Delacourt agreed that document would be helpful and could be provided to Council for their review prior to the meeting.

Mr. Thompson asked if the joint meeting would include the Study Committee. Chairperson Hill thought the Study Committee should be included. She noted Council appointed the Committee members, and although the two boards were separate, the Study Committee performed a function that was required under the Ordinance and that was separate from the HDC.

Mr. Thompson thought it was hard for Council to draw the distinction between the two boards, and this might be an opportunity to clarify that point. He noted one of the proposed amendments to the Ordinance affected the Study Committee process.

Chairperson Hill agreed because the Ordinance Amendment would put a request for a study before Council first, and if Council agreed the study should be conducted, it would move to the Study Committee.

Mr. Delacourt reminded the Commissioners they had representatives on the Study Committee. Chairperson Hill stated she would ask that the Study Committee also be included. She noted the logistics of scheduling the meeting would have to be worked out. Mr. Delacourt stated that could all be decided when the Council President and the HDC Chair met.

Chairperson Hill referred to page 2 of the proposed Ordinance Amendment, which included a definition for "open space" and noted she thought the "s" in the word "space" should be capitalized.

Chairperson Hill referred to page 4 of the Ordinance Amendment, under Section 118-130(3) which referred to the Michigan Department of History, Arts and Libraries, and stated she thought the entire name of the Department should be capitalized, as well as where it appears under Section 118-130(5) on page 5.

Mr. Delacourt commented that the State Historic Preservation Office (SHPO) wanted the name to read "State Historic Preservation Office, Michigan Historical Center;" however, the City Attorney stated the Act read Michigan Department of History, Arts and Libraries, and indicated his preference to use the language from the Act.

Chairperson Hill stated that SHPO had requested the elimination of Section 118-169 (Demolition of Hazardous Structures), which had been done by the City Attorney in the proposed Ordinance Amendment. She verified that was done because the Ordinance could not allow that if the City wanted to receive the CLG certification. Mr. Delacourt indicated that was correct.

Chairperson Hill clarified that decision would only be made by the HDC. Mr. Delacourt stated that was correct, and that decision could not be appealed to City Council, nor could the Building Director, under the Demolition by Neglect Code of Ordinances, take a request to or appeal the decision of the HDC. He explained that currently, if an applicant made a request to demolish and it was denied by the HDC, the matter went directly to the State Historic Preservation Office, and could not be appealed to City Council. However, the City also had the provision that if the Building Official for the City brought a request to the HDC under the Dangerous Building Code, and it was denied, the Building Official could then appeal the denial to City Council. He stated that was the provision that was being removed.

Chairperson Hill stated the provision had been added based on a situation that occurred back in the 1990's. She noted that same situation had not occurred since the provision was added to the Ordinance.

Chairperson Hill called for any other thoughts or comments regarding the proposed Ordinance Amendment. Nothing further was offered.

This matter was Discussed

10. ANY OTHER BUSINESS

- 10A. 2007-0899 **Update regarding Demolition by Neglect Districts**
- 1585 S. Rochester Road
 - 1046 E. Tienken Road
 - 1841 Crooks Road

Chairperson Hill noted the next item of business was an update on the demolition by neglect properties.

- 2007-0576 **1585 S. Rochester Road**
- **Update regarding Demolition by Neglect**

Mr. Delacourt stated that he had been trading telephone calls with the property owner on the ventilation issue, which was the remaining issue, and he was still waiting for information about how the ventilation should be properly installed. He hoped to receive some resolution in the next few weeks.

This matter was Discussed

2006-0105

1841 Crooks Road

- Update regarding Demolition by Neglect

Mr. Delacourt stated he had met with Mr. Dunn twice since the last Historic Districts Commission meeting. At the last meeting, Mr. Dunn submitted accurate plot plans for his variance request to the Zoning Board of Appeals. He stated Mr. Dunn had also submitted revised building plans that appeared to address the issues of the Building Department. He noted that Mr. Dunn indicated he had made all the modifications needed for the mothballing except one item. He noted Mr. Dunn stated that as soon as he receives a permit, he would begin work on the structure. Mr. Delacourt stated Mr. Dunn was moving forward and had been responsive.

Mr. Delacourt noted it appeared to be more of an issue of confusion on Mr. Dunn's part about what steps in the process came first and what had to be done, rather than any intent to do damage. He stated he had spent some time explaining to Mr. Dunn why the property was designated historic. He commented he would not say Mr. Dunn agreed with the designation, but understood the criteria and why the City had it designated. He stated he had discussed "themes" and how certain houses contribute to themes, and "integrity" versus "condition". They had discussed the fact that even the condition might be at issue, the integrity of the structure was extremely high.

Mr. Delacourt stated the Commission's direction to the City Attorney had been to move forward with the process, and noted Mr. Dunn appeared to be willing to protect the structure until he received a permit, and upon getting the permit, doing the additions in conformance with the Certificate of Appropriateness.

Chairperson Hill stated she was encouraged Mr. Dunn was moving along with the structure, although she questioned why he did not think his property was a historic district, based on the number of years the Commission had worked with him about the rehabilitation. Mr. Delacourt stated Mr. Dunn felt he had not been accurately informed as to why he was in a district. He noted Mr. Dunn had explained he had an enormous issue with the title company, because there was an Affidavit attached to the title work for the property indicating it was a historic district; however, the title company missed it prior to his purchase. Apparently, he spent some time in court with the title company because the Affidavit did not show up on the title work. He thought Mr. Dunn and his family had a different idea for the property when they purchased it, but it was a civil matter with the title company.

Chairperson Hill noted in any event Mr. Dunn was moving along. Mr. Delacourt agreed Mr. Dunn was moving forward and was interested in cooperating, and was not seeking demolition by neglect.

Chairperson Hill hoped that whatever needed to be done with the property to prevent further deterioration until Mr. Dunn was ready to proceed with

rehabilitation had been done. She did not want to see the property sit after this stir of activity, and four months from now nothing had changed or no work begun. Mr. Delacourt stated Mr. Dunn had gone through the mothball guidelines page by page and did have the utilities taken care. He commented Mr. Dunn indicated he had lifted the house and stabilized the foundation, and had done work to structurally stabilize the house. He noted Mr. Dunn now realized that there were other things that had to be done to keep the structure in good standing, but seemed fine with that.

This matter was Discussed

2005-0398 1046 E. Tienken Road

- Update regarding Demolition by Neglect

Mr. Delacourt stated he had met with the new owners who were builders and understood what they had purchased. He categorized them as builders who rehabbed residences and then sold them. He indicated they had a very good idea of what they had purchased, and a very good idea of what needed to be done to fix the house. He stated the new owners had come in to City Hall and met with him and the Building Department, and asked all the right questions. They left the meeting indicating they would go back out and do everything that was necessary to re-evaluate the work that was completed by the previous owner, and what needed to be done to fix the house up. They also indicated they had closed on the property and were not in a due diligence phase. He speculated the first thing they would do would be to resolve any outstanding issues with the purchase based on disclosures; and then they were proposing to put a step by step plan together as to how they would go about renovations. He noted they knew what the Historic Districts Commission was; asked for a copy of the Certificate of Appropriateness issued for the previous owner; were very pleased with the guidelines that were set forth, and felt it was something they could work with. He stated they intended to come up with a plan to be reviewed by the Building and Planning Departments regarding how they planned to go about the renovations.

Chairperson Hill noted there was still a “for sale” sign on the property, which was different from the sign that was there when the new owners purchased the property. She asked if the new owners would move forward under the same Certificate of Appropriateness received by the prior owners, or whether they would bring something before the Commission.

Mr. Delacourt stated they were going to develop a plan and understood if something changed from the scope of the Certificate of Appropriateness, they would have to come before the Commission. He stated it was the most positive meeting he had had about that house in the last six years. The tax credits had been explained to the new owners, and he had assured them he would go to Lansing with them to help facilitate the process of the tax credits, and he hoped they would attend the April 10, 2008 Tax Credit Work Session. He had informed them about the Earl Borden Award and the reasons why it was given.

This matter was DiscussedAny Other Business (continued):

Chairperson Hill called for any other discussion on the three demolition by neglect properties, or for any other business.

Chairperson Hill referred to the Heyniger residence at 1365 W. Tienken, just west of Livernois, and asked if it would be appropriate to send a positive note to the realtor reiterating they had one of the City's Historic Districts for sale and something about the great potential of the property, just to have something on record. She was not sure the house still met the criteria for designation because of the changes that were made to it; however, the barn on the property still met the designation criteria. She hoped to avoid someone purchasing the property thinking they could make whatever changes they wanted and not knowing it was a designated District. She suggested the Commission be proactive in checking if any of the Districts had for sale signs on them and sending a letter.

Mr. Delacourt stated he would ask the City's Ordinance Enforcement Officers to take note of whether any of the districts had signs in front of them, and also asked the Commissioners to provide addresses of any designated homes they saw with for sale signs to Staff. He stated an information type letter could be sent.

Chairperson Hill stated the letter would just be a friendly reminder, but would also put the real estate agent on notice that it was a designated property.

11. ADJOURNMENT

Upon motion duly made and seconded, Chairperson Hill adjourned the meeting at 9:18 PM.

Melinda Hill, Chairperson
City of Rochester Hills
Historic Districts Commission

Judy A. Bialk, Recording Secretary

Approved as presented/amended at the June 12, 2008 Regular Historic Districts Commission Meeting