

**Michigan Historical Center  
State Historic Preservation Office**

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**Rochester Hills Certified Local Government Application  
Staff Review, January 8, 2004**

**Letter of Support**

The letter included with the application was not on letterhead or signed by the mayor. An official, signed copy of the letter of support must be included before the CLG application can be approved.

**Qualifications of Historic District Commissioners**

Our review showed that of the 9 commissioners, 3 meet the National Park Service's 36 CFR 61 Professional Qualifications: John Dzuirman, Historic Architecture; Richard Stamps, Archaeology; Robert Szantner, Historic Architecture. In order for us to certify that Judith Dressel meets the qualifications for historian we need to know the fields in which she received her bachelor's and master's degrees. There was no resume included in the application for Jason Thompson so we could not certify his credentials. A copy of his resume must be submitted before the CLG application can be approved.

**Historic District Ordinance**

The definitions for "historic resource" and "resource" found in the ordinance do not include the term "object" or "open space" as set forth in the definitions for these terms in Public Act 169 of 1970, as amended. A Certified Local Government should have the full range of review powers provided for in PA 169. (In a recent court decision in Traverse City, a judge ruled that the historic district commission could not review the placement of electrical towers in the historic district because the city's historic district ordinance limited review to buildings in its definition of the terms "historic resource" and "resource." The limitation was viewed as purposeful since PA 169 offered broader review powers than the ordinance.) The terms "object" and "open space" must be added to the definitions of "historic resource" and "resource" before the ordinance can be certified.

The definition of the term "historic" in the ordinance is confusing. The Secretary of the Interior has defined "historic" to mean a resource that is 50 years old or older unless it shows exceptional significance; retains a high degree of integrity which comprises seven qualities: location, setting, feeling, material, craftsmanship, design, and association; and is significant at the local, state, or national level for its association with significant people or events, its design or construction techniques, or its ability to yield more information. The definition in the ordinance appears to be trying to get across the idea that the commission reviews work to both historic and non-historic resources in the district and is not really a definition of historic. We recommend revising the definition of the word "historic" in the ordinance.

Section 118-129 of the ordinance limits the power to request a historic district study to property owners in the city. Public Act 169 does not impose this type of restriction. Information about a resource's historic significance is often obtained through academic research. Requesting a study should not be based on property ownership, it should be based on knowledge of the significance of the historic resource. This may come from a variety of outside sources, such as a professor studying a specific topic, an organization such as MotorCities-Automobile National Heritage Area that has discovered a link to a resource in the city, or a former resident knowledgeable about the community's history who has since moved out of town. This restriction must be removed from the ordinance before it can be certified.

Though you have include a statement in the application, we recommend that the ordinance or the historic district commission by-laws specifically state that commission records shall be kept in compliance with the Freedom of Information Act, Public Act 442.

Section 118-169 (e) of the Rochester Hills historic district ordinance states that if the historic district commission denies the building department's decision for permission to demolish a building, the appeal by the building department would go to the city council. Section 399.205 (1) of Public Act 169 of 1970, as amended includes an "agency of government" among the list of those that shall follow the procedures for review of work in a historic district as set forth in the Act. Section 399.205 (6) of PA 169 states that inappropriate work in a historic district, including demolition, is permitted "by a finding by the commission." Section 399.209 (1) of PA 169 states "If a permit application is denied, the decision shall be binding on the inspector or other authority." This section also sets forth the process for appealing historic district commission decisions to the State Historic Preservation Review Board and then to circuit court. Therefore, the process in your ordinance that gives the city council the power to override the commission's decisions on demolitions is not pursuant to Public Act 169 of 1970 as amended and must be removed before the ordinance can be certified.

When the ordinance is updated please change "bureau of history, department of state" to "State Historic Preservation Office, Michigan Historical Center" whenever it appears in the document as we are no longer under the Department of State.

#### **Survey Program**

The application does a good job of explaining the on-going survey program in Rochester Hills.

#### **Goals**

Some strong, but achievable goals, have been set forth in the application.

Regarding Goal One, you may want to be more specific and actually name the top sites that you intend to designate from the prioritized list. This will give you a measure to determine if you have been successful in meeting your goals. You may also want to assign the years for their completion. For example this goal might read:

The city intends to designate 4 sites to the National Register by 2007:

Thomas Farmer House	2004
Gene Wilder House	2005
Karn's Dairy	2006
Smethkamp School	2007



JENNIFER GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF HISTORY, ARTS AND LIBRARIES  
LANSING

DR. WILLIAM ANDERSON  
DIRECTOR

January 9, 2004

Ms. Michelle L. Cousineau  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309-3033

Dear Ms. Cousineau:

Staff members of the State Historic Preservation Office have reviewed the Certified Local Government application submitted by the city of Rochester Hills on October 17, 2003. Our comments are enclosed.

Before we can forward the application to the National Park Service for certification, the issues outlined in our comments must be addressed. If you have any questions, please contact Amy Arnold at [ArnoldA@michigan.gov](mailto:ArnoldA@michigan.gov) or 517-335-2729.

We are pleased that the City of Rochester Hills is interested in taking advantage of the opportunities and incentives offered by the Certified Local Government program in order to preserve its historic resources. We look forward to hearing from you.

Sincerely,

Brian D. Conway  
State Historic Preservation Officer

BDC:ALA

