



Proposal for a New  
Rochester Hills Charter  
Amendment



By  
Citizens of Rochester Hills

# Background

Gary W. Uhl

President

Bridgewood Farms Homeowners Association

# Why People Live in Rochester Hills

---

- Quality of life provided here by
  - Parks - Trails
  - Green Space - Bike Paths
  - Small Town Charm - etc.
- Acknowledged by residents over the years
  - Millage to fund a bond to buy park land (1988)
  - Millage to purchase green space (2005)

# Why People Live in Rochester Hills

---

- This fact is recognized in City's Mission Statement:

“To sustain the City of Rochester Hills as the premier community of choice to live, work and raise a family by enhancing our vibrant residential character complemented by an attractive business community.”

# Background

---

- Over the last few years City Councils have viewed Parks as “free land”
  - Riverbend Park – Lifetime Fitness
  - Various Parks – Water Reservoirs
- Each time citizens have strongly voiced their objections
- Water tank proposal made it clear that park land is important and changes are needed
  - 350 people crammed City Hall on Jan. 31, 2011

# Background

---

Council's Efforts with City Attorney to Protect Parks and Green Spaces:

- Defined differences between parks and green spaces
- Recommended several legal procedures
  - Resolutions of Intent
  - Council Policies
  - Restrictive Covenants or preservation easements
  - Ordinances

**None would prohibit a Council from redesignating parks if it so chose**

# Background

---

- In February a group of homeowner associations met to find a way to permanently protect parks
- Determined a City Charter Amendment was the only way to permanently address issue
- After objective and intent was defined, a search was conducted for similar charter language that worked for other communities
- Discovered the West Linn, Oregon City Charter that was created in 2001 due to similar circumstances

# Background

---

- Contacted West Linn Parks & Rec. Director
- West Linn experience:
  - Initial reaction in city was mixed, now a matter of course
  - Since 2001 four (4) nonauthorized park uses have been put before the voters – all passed
  - Weakness in this charter is that if City Council designates the use of a property, it can change its designation later



# Background

---

Green Space Advisory Board (GSAB) reviewed Amendment on May 24, 2011

- Liked intent
- Millage language to “permanently preserve” green space is stronger than proposed Amendment
- Revise Amendment to exclude land purchased with millage
- Concern regarding parks designated to other uses prior to Amendment taking effect

# Background

---

## Communication with Council

- May 11, 2011 – First draft sent to Mayor and Councilmen
- June 2, 2011 - Revised Amendment sent to Mayor and Councilmen with changes addressing GSAB and West Linn concerns
- June 6, 2011 – Council advised that this presentation would be made today and asked for approval on June 20, 2011 for inclusion on November ballot
- June 15, 2011 City Attorney, John Staran provided legal opinion and revised Charter Amendment language

---

# Proposed Charter Amendment

Susan Bowyer  
President  
Cumberland Hills Homeowners Association

# Proposed Charter Amendment

---

Taken almost verbatim from West Linn City Charter but with Mr. Staran's revisions:

1. City shall not lease, sell, transfer, exchange or use for nonauthorized use City-owned parks or open space without a vote of the people at a primary, general or special election.
2. Each proposal is separate; multiple proposals can be placed on the same election ballot

# Proposed City Charter Amendment

---

## 3. Defines nonauthorized uses as:

- Not directly related or incidental to the park's use or maintenance
- Water reservoirs, water tanks, telecom towers, residential housing, municipal offices, commercial buildings, wind turbines, parking lots and roads not needed by park
- Exempts temporary construction authorized by Parks & Rec. for picnics, fairs, sports events, parades, and celebrations
- Exempts temporary constructions authorized by the Mayor for emergencies or disasters
- Exempts uses that exist in parks on the effective date

# Proposed City Charter Amendment

---

4. Defines “open space”
5. Excludes green spaces purchased by 2005 millage and reaffirms millage language “of permanently preserving” this property
6. Applies to all past and future acquisitions
7. Designates properties per the Parks and Recreation Master Plan 2011-2014
8. Requires Council to determine property designation within 60 days of purchase
9. Requires City to keep an inventory of parks and open spaces
10. Once a property is designated as a park or open space, that designation cannot be changed without a vote of the people

# Proposed City Charter Amendment

---

Intent of this Charter Amendment is to:

- Preserve City-owned park and open space for recreational use and environmental preservation and enhancement
- Prevent parks and open space from being used for other purposes or leased, sold, transferred or exchanged without voter approval

# Benefits and Next Steps

Steve McGarry

President

Heritage Oaks Homeowners Assoc.

Chairman

Brownfield Redevelopment Authority



# Benefits of Charter Amendment to Rochester Hills

---

- Protection of park land for its intended use
- Transparency for any proposed park and open space use other than originally intended
- Flexibility for possible future alternative uses
- Resident engagement for any proposed nonauthorized use
- Improved communication and cooperation between residents and City leaders
- Elimination of voter outrage, antagonism and resentment

# Next Steps to Protect Our Parks

---

Two Courses of Action for Proposed Amendment:

1. Council approves Amendment to be placed on November ballot

OR

2. Citizens obtain signatures on petitions requesting Amendment be put on ballot
  - Deadline for petitions is Aug. 2<sup>nd</sup>
  - Petition language is largely ready
  - Team comprised of many Homeowner Associations is ready to go door-to-door

# Collaborate with Council

---

**Preferred path is to work with City leaders to place Amendment on the ballot**

- Ballot language will have City legal review
- Harmonious with City Charter
- Avoid conflicts
- Provide City leaders opportunity to work with residents “to do the right thing”

# We Request That You

---

- Approve this Charter Amendment tonight for inclusion on the November ballot with the change of adding the words “not limited to” or similar language suitable to Mr. Staran with the same intent regarding the list of nonauthorized park uses.



*Thank You for Your Consideration*

