

~~of Transportation's (MDOT) noise barrier construction and design services for the Widening Project, which are not a part of Stimulus Funding. He noted that the water main replacement could be completed separate from the Widening Project; however, it was determined to be cost-effective to remove and improve the remaining piece of six-inch water main during freeway construction. He noted that MDOT will cover the portion of water main that it is responsible for as a part of its project, however, the remainder is the City's obligation. He commented that 6A stone is included in the project due to poor soil conditions encountered in this area.~~

**A motion was made by Webber, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:**

**Aye** 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0265-2009

**Whereas**, due to construction coordination with the Michigan Department of Transportation on the M-59 Water Main Improvement Project, and per Article VI, section 2-281 of the Rochester Hills City Ordinance, the Department of Public Service is requesting that City Council waive the Purchasing Ordinance Section 2-275-c-1, **Firm Competition Required**.

**Resolved**, that the Rochester Hills City Council awards the contract for the M-59 Water Main Improvements to Dan's Excavating, Inc. of Shelby Township, Michigan in the amount of \$99,052.00 and authorizes the Mayor and Clerk to execute a contract on behalf of the City.

**Be It Further Resolved**, that City Council approves a 10% contingency for the project in the amount of ~~\$9,905.20~~ for a total amount not to exceed ~~\$108,957.20~~.

2009-0387 Request to eliminate the locally designated historic district located at 1585 S. Rochester Road

**Attachments:** [Agenda Summary.pdf](#)  
[082809 VVWRP Ltr.pdf](#)  
[TAB A - Exterior photos.pdf](#)  
[TAB B - Historic Survey.pdf](#)  
[TAB C - Historic Survey Map.pdf](#)  
[TAB D - Finnicum Brownlie Architects.pdf](#)  
[TAB E - Architect Letter 080609.pdf](#)  
[TAB F - Restoration Estimates.pdf](#)  
[TAB G - Restoration Scope of Work.pdf](#)  
[TAB H - Utility Bill.pdf](#)  
[TAB I - Interior Photos.pdf](#)  
[TAB J - HDSC Minutes Excerpt 110807.pdf](#)  
[TAB K - Incident Report.pdf](#)  
[TAB L - HDSC Report.pdf](#)  
[Resolution.pdf](#)

**John Gaber**, Attorney, Williams, Williams, Rattner & Plunkett, P.C. representing G&V Investments, stated that the subject property at 1585 S. Rochester Road has been owned by G&V Investments for a long time and noted that the developers have been contributing to the development of this community since the 1970s. He explained that the property, just north of Bordine's, encompasses 27 acres with a 3,500 square foot home and is subject to a Planned Unit Development (PUD)

approved in 2004/2005, which proposed to relocate the house. He stated that since that time, prospects have changed for the property and the PUD is no longer considered marketable; therefore, the developers are now requesting the elimination of the historic district in order to remove the house. He noted that this plan is subject to modifications of the PUD.

He stated that the City deemed this property historic in the 1970s, however, the historic value of the house is minimal and marginal. He listed the reasons why the designation should be lifted and the house should be demolished:

- The Neoclassical porch is listed on the survey sheet as a sole reason for its designation. The porch feature was actually a later addition.
- A garage and second floor are later additions to the home.

Mr. Gaber noted that William Finnicum, Architect, renowned in his field and Chair of the Historic Districts Commission in Franklin, and an award-winning historical architect for over 35 years, reported that this property does not meet the criteria for historic designation. He explained that Mr. Finnicum prepared a scope of work required to restore the property; and Frank Rewold and Son, Inc., General Contractors, provided a cost estimate for this work. He noted that it is not feasible to consider restoring the house back to a single family home, as the contractor's estimate is in excess of \$950,000 and encompasses the repair of substantial damage, both interior and exterior. He commented that the character of development surrounding the property, along with its location on a five-lane road, is not conducive to recovering its cost as a single family home. He pointed out that Mr. Finnicum's estimate for restoration does not include addressing any ADA (Americans with Disabilities Act) requirements such as elevators, or restroom modifications; therefore, restoration for commercial purposes is more costly and less feasible. He noted that the home also has black mold, presumed to be due to vandalism which occurred in 2007 where water was turned on and allowed to flow throughout the house. He explained that the developers discovered the water damage upon receiving a \$5,000 water bill. He noted that the conditions in the home were so hazardous that it was difficult to obtain a safety inspection of the property by the City.

Mr. Gaber noted that although the Historic Districts Commission (HDC) inferred that the property experienced demolition by neglect of structure, the developer has performed repairs to address these concerns. He stated that the building can not obtain property insurance, and is an attractive nuisance for thieves and vandals. He commented that the layout of the home, with its many small rooms and circulation problems, renders it less than ideal for retail, restaurant or office use and its wood and plaster structure is not conducive to the installation of modern technology. He stated that for these reasons, adaptive reuse is out of the question.

Mr. Gaber stated that in 1996, the HDC approved the demolition of the Bordine House just to the south of this property, noting that their approval determined that the Bordine House was of similar age, had additions of no value and was too small to use as a business office. He drew parallels between the two buildings, noting that the Bordine House was allowed to be demolished.

He noted that nothing in the PUD states that the PUD was developed for the purpose of preserving the house. He stated that the developer would request that the PUD be modified and the result would be less density. He stated that if Council deemed it appropriate to send this to the Historic Districts Study Committee (HDSC) for review and report, he would request that a shorter timeframe be established for completion of that phase. He also commented that a member of the HDSC might have a prior conflict with Mr. Gilbert and noted that the developer would suggest that this member recuse himself from participating in the review so that an unbiased report can be obtained. He questioned whether the City's consultant could be used to provide the preliminary report instead of the HDSC.

**Public Comment:**

**Melinda Hill**, 1481 Mill Race, stated that she was disheartened to see this item on the agenda and questioned whether the HDSC and HDC were notified of this request. She commented that this property has been determined a demolition by neglect concern by the HDC for over four years and stated that many minutes exist to confirm this concern. She commented that the owner has had many opportunities to rectify these conditions and pointed out that the owner has demolished barns and outbuildings, pointing out that this demolition is against the City Ordinance. She stated that many historic buildings in the area have gone through the rehabilitation process and questioned whether considering the delisting is against the PUD. She commented that if this request goes forward, the HDSC should be required to do a complete study, with a timeframe of one year to do so. She stated that it is unsatisfactory to accuse individuals of these boards of not being unbiased.

**President Hooper** requested that Mr. Delacourt confirm that Council had three options: To refer the request to the HDSC for a report; to refer the request to the City's Historical Consultant for a report; or to approve or deny the request outright. He questioned whether the HDC and HDSC were notified of this request and what the timeframe would be for referring to the HDSC.

**Derek Delacourt**, Deputy Director of Planning, responded that e-mails were sent to the HDSC and HDC, letting them know that this would be on the Agenda, and the item was mentioned at the HDSC's last meeting. He stated that the HDSC must bring the report forward within one year from the public hearing and noted that there is no timeframe for the preliminary report. He commented that Council could establish a time limit for a preliminary report.

**John Staran**, City Attorney, commented that there is some precedent for Council to set a time limit, noting that this was done for Rochester College; however, he stated that sufficient time should be allowed for the study, which must then be transmitted to the Planning Commission and the State. He noted that the State Local Historic Districts Act requires a 60-day minimum waiting period between the Preliminary Report before a Public Hearing can take place. He stated that after the Public Hearing, the HDSC will complete a final report including input from the public hearing, the State, the Planning Commission, the Historic Districts Commission and any other agency; and noted that in the past, at least 90 days is recommended.

**Mr. Gaber** commented that he represented Rochester College and stated that an abbreviated time period of four or five months was given to the HDSC to prepare a preliminary report, hold the Public Hearing and present the final report.

**President Hooper** asked Mr. Finnicum to elaborate on the scope of work.

**William Finnicum**, Architect, Finnicum Brownlie Architects, stated that the estimates are within the range he would expect for this type of work. He pointed out that the PUD actually calls for the building to be relocated, which would add an additional estimated \$274,000, bringing the cost of the restoration to approximately \$1,230,000. He explained that he has made a career of historic preservation and adaptive reuse and commented that this project is not economically feasible in the development arena. He noted that while this building could be saved, it needs public money, or a private owner wishing to expend a significant amount on it.

**President Hooper** requested that the owner address notices received in 2007 regarding demolition by neglect.

**Bill Gilbert**, G&V Investments, commented that during that period of time, the owner requested a total inspection of the building, including all mechanical, to obtain a better cost estimate. He noted that a mold inspector was also called in at that time and stated that he met with the Mayor and City staff and agreed to do some remedial repairs to secure the exterior of the building. He explained that prior to this time, someone broke in and took the kitchen cabinetry and fixtures and stated that the fire insurance cannot be obtained. He commented that tenants cannot occupy the building as maintenance and utility costs are too high.

**President Hooper** noted that on November 8, 2007, the Historic Districts Commission passed a resolution to compel the property owner to move forward to securing the property against damage by elements. He questioned whether the owner had made any response to that motion by the HDC.

**Mr. Gilbert** stated that after the meeting with City staff, and after work was done to secure the house, to his knowledge they had no further correspondence from anyone. He commented that it was his assumption then that they had complied with the requirements.

**Scott Cope**, Director of Building/Ordinance Compliance, stated that a Duty to Maintain letter was sent on August 27, 2007, and subsequently, a Code Compliance Request was sent from the Building Department. He noted that a meeting was held with the owner in December and at that time, the owner agreed to minimal work to secure the building and prevent weather from doing further damage. He stated that this was resolved on December 31, 2007.

**President Hooper** questioned whether the action taken was sufficient to comply with HDC.

**Mr. Cope** responded that it was.

**Council Discussion:**

**Mr. Yalamanchi** questioned why the PUD is no longer considered viable.

**Mr. Gaber** responded that Mr. Gilbert has appeared before the Planning Commission to discuss the changing market conditions since the PUD was approved. He explained how the property has been marketed since 2004, and stated that since the portion of the property containing Fifth Third Bank was developed and economic conditions have declined, no additional interested parties have come forward to pursue the property. He noted that the owner is requesting delisting now, and will request the Planning Commission consider a redesign, redesignation or redefining of the PUD to allow more flexibility in developing the site, and stated that the market will not support the current PUD design.

**Mr. Yalamanchi** questioned whether 180 days would be sufficient for the HDSC to complete the study process.

**Mr. Delacourt** responded that this would be enough time to prepare a preliminary report and hold a public hearing; however, he is uncertain that this would be enough time to generate the final report. He commented that he would be hesitant to guarantee 180 days for the entire process, noting that this timeframe will depend on the response of the State.

**Mr. Gaber** stated that the process was completed for Rochester College in that time period.

**Mr. Ambrozaitis** stated that he had deep concerns of modifying the PUD, noting that at one time there had been discussion with Robertson Brothers for a condominium development utilizing the house as a clubhouse. He stated that he would like to see this building maintained and preserved and noting that he would support referring this property to the HDSC for a 180-day study period.

**Mr. Gaber** asked that benchmarks be used to ensure timely completion of the requirements and expressed concern over potential conflicts with HDSC or HDC members.

**Mr. Ambrozaitis** commented that he would never support the removal of any member of any Board of the City. He questioned how timelines could be incorporated into the process.

**Mr. Staran** commented that he would not recommend including specific benchmarks in the timelines beyond the maximum 180-day study period, stating that it would depend on the consultant's work and data to be discovered. He commented that it is the HDSC's task to do this work and they should be able to complete it in a timely manner. He noted that the HDSC could request additional time if delays were encountered gathering data or with State review. He pointed out that the Rochester College study did not set benchmarks beyond an end date.

**Mr. Brennan** stated that from his perspective this structure does not meet the National Register Criteria for Designation. He commented that the cost of restoration is excessive and does not include relocation. He commented that there would be more replication involved than restoration and stated that it was time to allow this building to be removed.

**Mr. Pixley** questioned whether this could be referred to a consultant rather than sent to the HDSC.

**Mr. Staran** responded that the State Law is very clear, commenting that Council has the option of not referring this to the HDSC if it is the decision not to eliminate the district; however, if Council wishes to thoughtfully consider the request, the Law requires that it be referred to the HDSC.

**Mr. Rosen** commented that the PUD is a contractual agreement between the City and the developer, granting rights in exchange for doing things it would not otherwise be able to do. He stated that the house is part of this PUD and was intended to be moved and maintained. He cited the adaptive reuse of the building located at 71 North Livernois and stated that he is not certain that the PUD would have been granted originally without including the house in the plan. He commented that a review by HDSC is warranted, however, he stated that a review is necessary of all the contractual PUD arrangements, including minutes from the Planning Commission during the time the PUD was approved. He stated that 180 days is the earliest reasonable maximum timeline that should be specified to complete the study and noted that additional time could be requested if that timeline cannot be met. He noted that while he sympathizes with the developer, investing in real estate in this economy is not without risk.

**Mr. Ambrozaitis** concurred with Mr. Rosen's concerns of amending the PUD and stated that a review of this information would be warranted.

**Mr. Staran** noted that a review of the PUD agreement process could be done simultaneously with the HDSC's study.

**Mr. Delacourt** acknowledged that if Council moved to delist the property, the PUD would have to be amended.

**Mr. Brennan** requested that Mr. Staran clarify the State Law and questioned how it applied to the City's Ordinance about Historic Districts.

**Mr. Staran** responded that City Council may establish, modify or eliminate historic districts, however, State Law prescribes a procedure that must be followed. He stated that this portion of the City's Ordinance was amended in January of this year, and has been reviewed by the State Historic Preservation Office. He noted that prior to this Ordinance Amendment, the HDSC was able to initiate studies without Council direction. He pointed out the case of the Wayside Park property, where Council recognized that the HDSC had identified some good sound reasons to regulate the property for historic purposes, but other considerations led Council to determine that it was not the time to designate this property. He noted that while the Ordinance provides Council with discretion, it does not mean that Council can bypass the HDSC.

A motion was made by Ambrozaitis, seconded by Yalamanchi, that this matter be Adopted by Resolution. The motion CARRIED by the following vote:

Aye 7 - Ambrozaitis, Brennan, Hooper, Pixley, Rosen, Webber and Yalamanchi

Enactment No: RES0266-2009

**Resolved**, that the Rochester Hills City Council refers the request to eliminate the locally designated historic district located at 1585 S. Rochester Road, Rochester Hills to the Historic Districts Study Committee for review and to conduct a study, and to report back to Council with a complete report of their findings and recommendations within a maximum of 180 days; and concurrently request a thorough review of the Planned Unit Development (PUD), the contractual obligation, and the decision records leading up to the PUD, delivered at the same time.

~~2009-0388~~

~~Deer Management Advisory Committee final report and recommendations to City Council~~

~~**Attachments:** [Agenda Summary.pdf](#)  
[DMAC Final Report.pdf](#)  
[Deer Mgmt Plan Presentation.pdf](#)  
[Resolution.pdf](#)~~

~~**Jim Kubicina**, Chairperson of the Deer Management Advisory Committee (DMAC) presented the Committee's report and recommendations for the 2010 Deer Management Program:~~

~~**DEER MANAGEMENT ADVISORY BOARD RECOMMENDATIONS FOR 2010:**~~

~~Committee Members:~~

- ~~- Citizen Members: Monique Balaban, William Carlson, Allen Decker, Jim Kubicina (Chairperson), Thomas McDonald, Joseph Podvin, Linda Raschke  
- City Council Members: J. Martin Brennan, Michael Webber  
- Youth Council Member: Rachel Schlagel  
- Parks and Forestry Department/Staff Members: Michael Hartner, Lance DeVoe~~

~~Feeding Ban Ordinance:~~

- ~~- Continue the ban on feeding wildlife (with the exception of birds).  
- Increase the number of public reminders to city residents to ensure awareness of the Ordinance.  
- Strongly enforce this Ordinance to ensure compliance.~~

~~Educational Component:~~

- ~~- Target educational focus during months of September through December and during peak hours of dawn and dusk.  
- Designate October as "Deer Awareness Month".  
- Offer more homeowner tactics, seminars, and programs on dealing with the city's deer population.~~