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July 29, 2009

VIA U.S. MAIL & E-MAIL

Mr. Greg Hooper, President
City Council
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Re: ***Historical Preservation Ordinance Amendment***

Dear President Hooper:

In furtherance of your request, I have prepared and enclosed an ordinance amendment to reserve to the City Council the final decision-making authority on public improvement projects within a historic district. The proposed ordinance will, if adopted, accomplish this by adding new section 118-170 to the Code of Ordinances to designate the City Council as the final decision-maker on applications proposing work on public-owned resources, after review and recommendation for decision by the Historic Districts Commission. Therefore, the proposed ordinance would relegate the Historic Districts Commission to a recommending body, and the City Council would be the final decision maker on such public improvement projects located in the historic district.

In submitting this ordinance to you, I must also caution you that by inserting the City Council as the final decision maker, instead of the HDC, on such projects, the City ordinance will diverge from the procedure specified in the local Historic Districts Act, which is the state enabling legislation for historic regulation. This could potentially spawn legal challenges and may disqualify the City from further participation in the Certified Local Government ("CLG") Program.

Other ways the City Council may, if it desires, reduce the HDC's role and/or increase the City Council's role concerning public improvement projects proposed within the historic district may involve or include:

- Amending the definitions section in the historical preservation ordinance to remove public infrastructure and public utilities from regulation altogether. This step would be more drastic than what is proposed in the enclosed, proposed ordinance. The proposed ordinance still regulates public infrastructure projects, but simply inserts the City Council as the final decision-maker. Amending the

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definitions, however, would remove such projects from historic regulation altogether.

- Another option would be to undergo the process laid out in the historical preservation ordinance and the local Historic Districts Act to modify the historic district to eliminate the publicly-owned resource from the historic district. This process can be time consuming and involves at least one public hearing and a report by the Historic Districts Study Committee, but ultimately the City Council controls, by ordinance, the boundaries of the historic district.

Of course, the options I described above vary in their degree of severity and potential for controversy. They are, however, options that are available to the City Council. Meanwhile, I will be happy to discuss this further with you and the City Council.

Very truly yours,



John D. Staran

JDS/ijd
Enclosure

cc: Mayor Bryan K. Barnett (w/enc.)