



# Rochester Hills Minutes

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## Historic Districts Commission

*Chairperson Brian R. Dunphy, Vice Chairperson Maria-Teresa L. Cozzolino*  
*Members: John Dziurman, Nicole Franey, Micheal Kilpatrick, Melissa Luginski,*  
*Paul Miller, Dr. Richard Stamps, Jason Thompson*

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Thursday, January 14, 2010

7:00 PM

1000 Rochester Hills Drive

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**MINUTES** of a **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 Dunphy called the meeting to order at 7:12 PM.

### 2. ROLL CALL

**Present** 6 - John Dziurman, Paul Miller, Richard Stamps, Brian Dunphy, Jason Thompson and Nicole Franey

**Absent** 3 - Maria-Teresa Cozzolino, Micheal Kilpatrick and Melissa Luginski

Also Present: Derek Delacourt, Deputy Director, Planning Department  
Judy A. Biak, Recording Secretary

Chairperson Dunphy stated for the record that Ms. Cozzolino and Mr. Kilpatrick provided prior notice they were unable to attend this meeting and were excused. He noted for the record that Ms. Luginski would not participate in this meeting although she was present in the audience.

### 3. DETERMINATION OF A QUORUM

Chairperson Dunphy announced a quorum was present.

### 4. STATEMENT OF STANDARDS

All decisions made by the Historic Districts Commission follow the guidelines of the Secretary of the Interior's Standards for Rehabilitation, MLHDA Section 399.205, and local Ordinance Section 118-164(a).

### 5. APPROVAL OF MINUTES

#### 5A. 2010-0018 Minutes of the October 8, 2009 Regular Meeting

Chairperson Dunphy asked for any comments or corrections to the October 8, 2009

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

**A motion was made by Dziurman, seconded by Miller, that the Minutes be Approved as Presented. The motion CARRIED by the following vote:**

**Aye** 6 - Dziurman, Miller, Stamps, Dunphy, Thompson and Franey

**Absent** 3 - Cozzolino, Kilpatrick and Luginski

**RESOLVED** that the Minutes of the October 8, 2009 Regular Historic Districts Commission Meeting be approved as presented.

## 6. ANNOUNCEMENTS / COMMUNICATIONS

### 1. Copy of 11-23-09 Letter re 3610 S. Livernois

Chairperson Dunphy noted it appeared this letter had not been included in the packet materials.

Mr. Delacourt explained that 3610 S. Livernois was the white farmhouse located on the corner of Livernois and Ruby Avenue. He noted the property also contained a barn structure that was starting to fall into some state of disrepair. The first step was to send a polite letter identifying the historic designation of the property and the duty to maintain and repair section of the Ordinance, along with a copy of the Property Owner's Guide, which was done on November 23, 2009. He stated the City's Ordinance Enforcement Officer had also been to the site because the current condition of the barn structure violated some of the Property Maintenance Codes. He wanted the Commission to know Staff was aware of the situation and if the structure continued to deteriorate, a request for a demolition by neglect motion would be brought before the Commission.

Mr. Dziurman stated he noticed there was a house on Washington Road that was for sale that had a fence that ran across the front of the property. He noted the fence was in pretty bad condition and he thought a letter should be sent, although he had not obtained the address for the property.

Mr. Delacourt stated Staff would check into the situation and would send out a similar letter in an effort to begin a dialog with the homeowner about what they were responsible for as the owners of a designated property.

Mr. Delacourt asked that any Commissioner who noticed a similar situation on a designated property forward that information to Staff.

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

## 7. PUBLIC COMMENT (Non-Agenda Items)

Chairperson Dunphy asked if there were any public comments. He advised the audience members in attendance that if they wished to speak on any non-Agenda items, they should complete a speaker's card and turn it in to the recording secretary.

**Melinda Hill, 1481 Mill Race Road**, stated she was curious about where this body stood on the Dunn property located on Crooks Road, the former O'Neill Pottery house, and what action was being taken now that the Commission had denied the demolition request. She knew it had been requested about going to Circuit Court and going in and stabilizing and making sure the house was not deteriorating any further. She presumed the Commission was still asking that direction be followed, and if not, she hoped the Commission would make another motion to do so.

**Ms. Hill** stated that the house on Washington Road was 1431 Washington and was in foreclosure and was presently up for bank sale. She stated she had been through it and unfortunately the prior owners ruined the home, stripped the floors, etc. and it was a mess. She stated it was more cosmetic and probably a nice deal for anyone looking for a 2-1/2 acre parcel.

**Ms. Hill** stated that the Ross School at the corner of Tienken and Brewster had sold and was one of our designated districts. She stated she went through that as well because she was curious and someone received a pretty nice deal. She hoped the City sent a letter indicating it is a designated district just in case the property owner who has now purchased it had no clue. She knew there had been a lot of traffic there and they were obviously doing some work internally which needed to be done in order to make that a livable home. It would nice to start right from the "get go" and inform the owners that they do have an obligation and that they live in one of our prized historic districts in the Community.

**Ms. Hill** stated she was curious as to the how things were progressing with the former Prewitt property which she knew was being rehabbed and looked like it was moving forward although the weather had been pretty cold recently. She would appreciate any update on the Dunn or the former Prewitt properties.

Mr. Delacourt stated City Staff had not been notified that the Ross School House property had been sold. Staff would determine who the new owners were, noting the City's records were updated through Oakland County, which sometimes took a bit of time to update. He stated the former owner of the property was aware of the designation and had been requested to inform prospective purchasers it was a designated district. Information would be mailed out once the new owner information is received.

Mr. Delacourt referred to 1841 Crooks Road, the Dunn house, and explained the City Attorney had all the information and it was up to him to schedule court dates to

request entrance to the property. He believed the City Attorney was actively pursuing the matter. He noted that Mr. Dunn had filed an Appeal to the State Historic Preservation Office regarding the denial for demolition. Mr. Delacourt stated he had met with the City Attorney to discuss what that meant as far as pursuing the demolition by neglect. Staff thought it could be pursued concurrently and did not have to wait for the Appeal to be completed, but that was a matter for the City Attorney to decide. He stated he would request a formal update from the City Attorney and would provide the update to the Commission. The Appeal Hearing was originally scheduled for January 12, 2010, but due to time limitations between the receipt of the notice and the hearing date, the Hearing was postponed to allow preparation time. He did not have the new hearing date at this time.

Mr. Dziurman asked if the Chairperson was going to attend the Appeal Hearing. Mr. Delacourt stated it would be up to the City Attorney. Mr. Dziurman thought a representative from the Commission should be at the Hearing. Mr. Delacourt stated he would pass that along to the City Attorney.

Mr. Delacourt referred to 1046 E. Tienken (former Prewitt House) and stated the property owner had been to the City requesting building permits. An issue arose that the exposure of the siding being put on the home was too wide compared to the previous exposure. He had spoken with the owner who agreed to remove that siding and put it back on. Although the owner was using the approved material, the exposure of the clapboard was too wide. It was almost a full seven inches and the previous was anywhere between four and a half inches and five inches. The owner agreed to put the siding on with an exposure of no more than five inches.

Mr. Delacourt stated that the original driveway that was proposed for the house was approved on the east side of the house; then it was revised and approved for the west side of the house, and it was now back to the east side of the house due to septic field issues. He had signed off on that change because it was previously approved by the Commission. It had actually been approved on both sides of the house at different times.

Mr. Delacourt explained there was one other change that had been signed off on. The proposed wooden deck would no longer be constructed. A plain paver patio would be installed in its place, which was much smaller in size. That change was requested to allow access to the basement.

Mr. Delacourt stated the owner was working on permit issues for interior work with the Building Department and for some of the exterior renovations. He believed all the permits had been issued and the owner was moving forward.

Mr. Delacourt stated Staff would look into the 1431 Washington Road matter. He was not sure how that would be handled with a bank-owned foreclosed property as this would be the first time a duty to maintain issue would be pursued with a bank.

He agreed the bank needed to know the property had to stay in conformance with Code, and asked if the name of the bank was known. Ms. Hill stated she could email the realtor's name to Mr. Delacourt and they were keeping an eye on it.

Ms. Franey asked if documents were posted identifying a designated district when properties were turned over to a new owner.

Mr. Delacourt stated all the designated properties had paperwork included with their title work identifying the designation. He was not sure what depth the title work was reviewed by new owners. He explained there had been plenty of instances where property owners said they were not aware a property was designated. City Staff tried to send letters and other information about the designation once they were aware there was a change in ownership. Unfortunately, most of the change in ownership information was filed with the County and it took some time for the City to become aware ownership had changed.

Ms. Franey referred to foreclosure situations and asked if the City would contact listing realtors and let them know. Mr. Delacourt stated if the City was aware a property was listed, Staff tried to contact the realtor. How successful the City was in convincing the realtor to explain it to potential purchasers was unknown. He commented the more likely scenario is that the City is contacted, such as the realtor realizing the home is in a historic district, and contacting the City to find out what that meant. He stated that was certainly the case with the Ross School property as Staff had received numerous calls about that property.

Chairperson Dunphy called for any other public comments. No other public comments were received.

## **8. NEW BUSINESS**

### **8A. 2010-0023 Vacant Parcel - Winkler Mill Pond Historic District**

- Discussion
- N. Brock (Proposed Barn Move) (HDC File #08-001)

Nathaniel Brock, 6425 Winkler Mill Road, was present and came forward to the presenter's table.

Mr. Delacourt stated Mr. Brock had lived in the Winkler Mill Pond Historic District for some time and owned three parcels, including the parcel his home is situated on; the parcel that contains the restored orchard previously before the Commission, and a vacant property in question which was the old mill property. Mr. Brock had approached the City about the possibility of relocating a barn structure to the vacant parcel. There were several issues involved, which included setbacks, zoning, and

building code. A discussion needed to take place early on with the Commission regarding the implications of moving a barn structure to the site and how that related to the Secretary of the Interior's Standards and the criteria that would have to be met.

Mr. Delacourt stated it was important for Mr. Brock to appear before the Commission to discuss the idea before going any further to determine whether the Commission felt this was in keeping with the Secretary of the Interior's Standards or could be done in such a way that ultimately could be approved by the Commission. He explained he had previously forwarded an email requesting input from the Commission, which email had also been sent to the State Historic Preservation Office, the City's preservation consultant, and members of the Rochester-Avon Historical Society requesting input so Mr. Brock could better prepare for tonight's meeting. Subsequently, he had a discussion with the City Attorney about whether that email was a violation of the Open Meetings Act. The email was not a violation, but was something that could spiral into a violation. He wanted it on the record that the email was sent, and had only been done in an attempt to provide as much information as possible to a resident dealing with a historic property. There was no violation, but if someone had additional information about this matter, email responses should be sent directly to Staff and they would be packaged up and sent to the applicant, thus avoiding an email-string dialog taking place among the Commissioners.

Chairperson Dunphy stated he was relieved to see that the email discussion did not take on a life of its own. However, he did see that Mr. Dziurman had a number of questions about the structure and how it would be situated on the property, which would be addressed at this meeting.

Mr. Delacourt stated the intent and goal of the email was to give Mr. Brock the opportunity to prepare answers to those types of questions prior to attending the meeting.

Mr. Miller asked if it was appropriate for a property owner to email the Commissioners and receive comments back individually.

Mr. Delacourt stated it was probably fine on an individual basis. However, utilizing the "reply to all" email response feature could give the appearance the Commission was deliberating amongst themselves about an item they may ultimately make a decision on. There was no request made in this instance and no deliberation back and forth between the Commissioners, so it did not come close to meeting that standard. It would be appropriate to respond if a property owner sent an email and asked a direct question, but it would be inappropriate to forward the email to the rest of the Commissioners and solicit their opinion before responding.

Mr. Miller stated he understood that. He stated he read the responses and did not have anything to add and stayed hands off. He commented it was similar to his contacting a City Council member to discuss something and get some feedback, which would be appropriate.

Chairperson Dunphy clarified individual back and forth emails were not a problem. When it became a matter of mass emails back and forth about an issue that would come before the Commission was when the flags started to go up. He reminded the Commissioners their business was conducted in public and was not conducted by email. That was a matter of law and was an ethical responsibility shared by the Commissioners. He then asked the applicant to provide a summary of his proposal.

Mr. Brock stated his property did not have a garage on it and it never had. That was one interest in the proposed barn project. He and his family had some other ideas about uses for the barn structure. He then had the idea it would be nice to find a barn that was slated for demolition or on its way out and he could bring into the area and onto the site. He did not want to do that if it was not something that worked with the Secretary of the Interior's Standards. He loved the idea of historic preservation, but was did not know if bringing a building in to the District was acceptable. He was before the Commission to hear their thoughts and comments. He provided a site plan prepared by a surveyor depicting the property.

Mr. Brock pointed out the location of the Winkler Mill that burned down in 1985, and noted the portions of the mill's foundation that still remained on the site. He pointed out the level area of the site, and the location of Winkler Mill Road, and the main driveway to his house. He asked what the Commission thought about the proposal.

Mr. Miller thought it was a great idea, noting this was one of the few properties left in Rochester Hills where they could actually have a pony. He understood about moving an older structure in and thought it was more appropriate to try to save an existing structure than to build a brand new one. The Commission allowed building brand new structures in historic districts which had been done repeatedly. He stated the proposed parcel was a separate parcel from the parcel which the house sat on, but they were contiguous and were used together as one yard and it was an imaginary boundary that separated the two parcels. It came down to what sort of structure it would be, although he understand Mr. Brock had not found one yet. He did not have a problem with the type of design the applicant was looking for, as it was probably the most common design used for accessory structures. He was in favor of the idea and thought it was an exciting idea. He commented there used to be a lot of barns in the City and almost all of them were demolished or burned. He recalled two on this site before the mill burned down back in the late 1960s. He thought this was adaptive on-going use and viewed it favorably. He pointed out the City's Ordinances were set up for much more of an urban environment, although the City still had very rural areas such as where the applicant resided.

Dr. Stamps thanked the applicant for being supportive of the historic district and being sensitive to the issues and for wanting to put something in that would be compatible. He appreciated that this was a nice family activity. He pointed out the survey identified two old mill foundations, and envied the applicant having that archeological resource in his backyard. He hoped that any activities would be sensitive to those potential archeological resources. Even if the applicant's house was not historic, the property did have history in those archeological resources.

Dr. Stamps referred to the 60-foot future right-of-way and 40-foot right-of-way setback depicted on the survey, and asked if Winkler Mill Road was being widened.

Mr. Delacourt explained every road had a defined right-of-way that is wider than the curb to curb radius. There was no proposed expansion of the road, but City Code required the proposed right-of-way be identified on plans because that is where setbacks are measured from. Right-of-way on residential streets is usually 60-feet wide or 30-feet from center on either side. The 30-feet is measured from the center line and that is where setbacks are measured from. He stated those lines are shown strictly as a dimensional requirement for setbacks. He explained the 40-foot setback is identified for the building from the proposed right-of-way. The proposed right-of-way is identified in the City's Master Thoroughfare Plan.

Dr. Stamps asked if he could cross out "future" right-of-way on the plan. Mr. Delacourt stated future right-of-way was the appropriate term. Future right-of-way or proposed right-of-way were the accepted terms and explained any road anywhere has a future or proposed right-of-way associated with it.

Chairperson Dunphy asked if the applicant's property was considered contributing or non-contributing. Mr. Delacourt responded he did not have the information with him. He asked when the applicant's house was built. Mr. Brock stated it was built in 1826. Mr. Delacourt thought the house was contributing and since the vacant parcel was the old mill property with the foundations still remaining, in his opinion all the properties contributed to the District.

Mr. Miller inquired about the 33-foot right-of-way line noted on the survey. He assumed the property was a metes and bounds parcel. Mr. Delacourt agreed it was a metes and bounds parcel.

Mr. Miller asked why the setbacks had to be measured from a future right-of-way line, since it did not currently exist. Mr. Delacourt explained all setbacks since the inception of the City's Ordinance have been measured from either existing or future right-of-way whichever is greater.

Mr. Miller understood that for planning purposes. However, very few of the existing buildings in the historic districts met that setback requirement. He asked if it was common for those property owners to appear before the Zoning Board of Appeals (ZBA) and receive consideration for their proposal because of that situation. Mr. Delacourt stated the Master Land Use Plan and the City have always supported historic designation as a valid argument for dimensional relief from the City's zoning ordinances. He believed that as a planner, and believed that helped it meet the criteria, although there were other criteria that had to be met. The historic designation and the nature and character of the area were valid reasons to be considered for either a dimensional or use variance.

Mr. Miller asked if that included an outbuilding on a vacant parcel. Mr. Delacourt responded potentially yes. Mr. Miller thought that was an acceptable historic use in a historic district. Mr. Delacourt stated if a building was to be built on a property that was contiguous or abutted a parcel under common ownership, which is a reason in and of itself, and the structure being placed on the property, even though there's no main structure, increased the integrity of the district, he would argue that was a valid reason for consideration of a variance.

Mr. Brock stated he would like to keep the parcels separate if he can, but was also open to joining them if need be. However, then he would have the issue of limitations on accessory structures.

Mr. Dziurman stated the questions the applicant asked were good. He provided some history stating that a long time ago the Commission and the City were able to come to agreement that the ZBA would take into consideration historic properties if the Commission would submit something for their consideration, which was a positive.

Mr. Dziurman stated there were a couple other issues and he talked to the applicant about them. He stated the Zoning Ordinance was written by technical planners, and the only way an outbuilding could be built today was to make it like a garage. That was an issue because he knew the applicant's neighbors across the street wanted to build a stable and they ended up putting up a stable that looked like a garage. He thought that was about twenty years ago, and was part of what led to the Commission talking to the ZBA about those types of issues.

Mr. Dziurman stated the applicant was right about the empty lot without a house on it. That was another issue that would have to be decided upon because it was against the Zoning Ordinance.

Mr. Dziurman stated if this project moved forward, he thought a Phase I archeological survey would be required for that property before anything happened on the site. He explained that was an investigation to see if anything worthwhile was on the site, and was not a full-blown dig, but that was a very historic piece of property. It would be his recommendation before anything was done construction-wise that a Phase I survey took place.

Mr. Dziurman stated he made mention in his email that he looked at this as a new building coming on the site, which is what it would be, because the applicant would take it apart and put it back together, not just move it. The Commission would have to issue a Certificate of Appropriateness.

Mr. Dziurman asked where the barn at 6081 Winkler Mill Road was located. Mr. Brock stated that was the Duffield Estate, which was around the corner. Mr. Dziurman clarified just a bit north of the applicant's property. Mr. Brock responded yes. He noted that within a short distance of that barn were two barns at the corner of Winkler Mill and Mead Road in Oakland Township. Mr. Dziurman noted those were not in the historic district. Mr. Brock agreed, but stated those barns were similar gambrel roof barns.

Mr. Dziurman stated the key was that they were all gambrel in that area, which was the style shown in the photograph of the Meadowbrook barn provided by the applicant.

Mr. Dziurman stated he just wanted to point out those items that had to be handled which the Commission needed to understand because the Commission might want to support this but there might be other factors that would prevent it from being done.

Mr. Delacourt stated the conversation with the Commission was very important when it came to the consideration of the variances and the location. If this enhances the integrity of the District and is a bonus for preservation and enhances the integrity of the Winkler Mill Pond Historic District as a whole, then those are valid reasons for variances. If it just similar to any other garage and treated that way and does not increase the integrity and the record does not reflect that as the matter is reviewed, it may be treated by the ZBA as any other out building or structure.

Mr. Delacourt asked what the Commission thought about the proposal if it was done appropriately and within the Secretary of the Interior's Standards, and if the proposed barn would enhance the integrity of the District, without violating the rules regarding replicating. The applicant needed to know that before he went forward pursuing the other necessary items.

Mr. Dziurman stated he would not know if the proposed barn increased the integrity until he saw what was proposed. He thought he understood the applicant was going to make a workshop out of the barn or some sort of educational item. Mr. Brock clarified that was another project he was thinking about.

Mr. Dziurman asked if that other project was more on the site of the original mill. Mr. Brock responded possibly.

Mr. Miller stated the applicant had referenced agricultural interests as part of his desire for this project. He referred to the survey sheet for the barn located at 6081 Winkler Mill which indicated the area of significance as being agriculture and architecture. The applicant's proposed project, if handled in the way the applicant is trying to do by being extremely sensitive to the area, he thought would increase the integrity of the District. He thought it was important for the Commission to remember that along with trying to preserve history, the Commission's decisions create history as well. Decisions such as whether or not to allow some agricultural use even though it was within the City limits, was part of that effort to continue to preserve and help make history in a way that connects directly to the earlier history of the Community. He thought the fact it was architectural and agricultural was aligned exactly with the Commission's mission as well as their interests. He was happy to see the proposal met the setback requirements and the applicant's sensitivity for the project.

Mr. Thompson stated he supported the idea based on what had been shown so far. He agreed it needed some further development but thought the applicant was on the right track. He noted that if the project moved forward, there would need to be some distinction that the structure was not originally on the parcel, but was moved there. The structure may be within the time frame, but was not part of the original parcel.

Mr. Brock stated he had planned to come with photographs of ideas, but it was a tedious process looking for or hunting down a barn that was very specific in size. He noted if the Commission did not agree with his proposal, he had not wanted to spend time on that part of the project. He explained the barn contractor he had discussions with believed they could find something similar proportionately to the Meadowbrook barn. He stated he would bring photographs if he brings this matter back before the Commission.

Dr. Stamps thought the proposed barn had the potential to enhance the District and he was in favor of supporting it. He agreed the Commission would like to see photographs of the actual structure and further detail.

Chairperson Dunphy stated he was also generally supportive of the proposed project. He agreed with Mr. Thompson's comment, which was also part of Ms. Kidorf's recommendation, that the Commission would want to be sure that the historic record remained accurate and the project did not do anything to suggest it was original to property. The Commission had to maintain the integrity of the historic record. He thought that was something the Commission could deal with at the time.

Mr. Dziurman stated the appropriateness was helped by the fact the structure would be on another site. It was not part of the original parcel and he thought that helped. He encouraged the applicant to keep on going to see what happens.

Mr. Brock stated that some places tell him he could have the barn if he would just come and take it and clean up the site. He stated it was all over the map in terms of what was out there and available.

Mr. Dziurman commented it was probably a matter of finding the right size within a reasonable distance.

**Melinda Hill, 1481 Mill Race Road**, concurred with a lot of what had been said by the Commission and certainly encouraged Mr. Brock to pursue this. She thought he was well aware of some of the difficulties but she believed the Commission was favorable. That would help to at least go and have this discussion with the ZBA. She thought that is probably what will be needed to really see how these challenges can be overcome or worked out. She agreed with Dr. Stamps and hoped that there would be some archeological study or some attempt to do that. This property has remained pretty much the way it's always been since the mill was burnt down. There actually is a State Historic Marker and she thought if this all moves through and becomes a reality, it would be lovely to see some other type of interpretive marker in conjunction with that one placed back on the property. She thought this helps to promote history and guessed she would be cautious to say "does it enhance the integrity of the District", but with what's been said she agreed with Mr. Dziurman in saying that this is not on the parcel the home is on but is on a piece that we are well aware of what was there before. She thought if we treat this in an appropriate manner, that it can be a real plus. As a neighbor and as part of the historic district she certainly could see this being a nice addition. She also wanted to say this was not the first time - if one looks at the Cockey residence across the way - that was a log cabin brought in from Canada, not original to the District and it was not a contributing resource and has been added to since the cabin was first re-erected on the site, but they have maintained some of the outbuildings to their original integrity. We do have precedence of this happening within the Winkler Mill Pond Historic District. She wanted to make the Commission aware of that as well from that standpoint. She certainly encouraged the applicant and wished him the best of luck because she thought it would be a plus.

Dr. Stamps referred to the old mill foundations depicted on the survey, noting the angle of the two did not look like they were for the same structure. His image of the mill was that it was a big rectangular shaped building.

Mr. Brock stated one of the walls was actually curved or bowed and stated he had some great photographs showing the mill and the wall. He pointed out the location of the mill and stated the wall was not attached to the mill but was part of the retaining wall.

Dr. Stamps asked if the foundation actually went away from the road. He hoped the applicant would be sensitive to whatever resources are there, even if the applicant just did some kind of a survey to locate where the foundations were and planted short hedges to depict the dimension of the old mill, or mowed the grass and put in a little gravel pathway to depict the dimensions of the mill and the location of the wheel. Some kind of interpretive item. He commented it appeared the location where the barn was being proposed would not impinge on the former mill area.

Mr. Brock invited any of the Commissioners who were interested to visit the site firsthand.

Chairperson Dunphy asked if the Commissioners had any other questions for the applicant.

Mr. Delacourt stated he had heard that it appeared this could be done in an appropriate manner and that it should be distinguished so it does not appear to have been original to the site. He asked for suggestions on how to distinguish the barn other than foundation materials. If the applicant were to dismantle an older structure that was appropriate for the District, bring it to the site and re-establish it, could that be accomplished in a way that would be acceptable to the Commission. In other words, allowing the structure to be placed on the site, but still having it be distinguished or obvious it is not original to the site.

Mr. Miller stated that quite commonly when barns were erected, they had a cornerstone or some part of the barn that said directly when it was built. If the applicant incorporated something like that in an obvious manner that said "this barn was moved from so and so and re-erected on this site" that would clearly put a physical record on the structure itself. He thought that would take care of the issue as long as it was a permanent sign. He noted it would all be included in the historic record through the Commission's Minutes and approvals, as well as the Minutes of any other board the applicant appeared before.

Dr. Stamps referred to the image of the Meadowbrook barn noting it showed the barn on a cobblestone foundation. He thought putting the barn on a modern-day cement block foundation would be another marker and it would be clear it was a newer foundation. He agreed some signage would be helpful. He referred to the barn that was moved to Cranberry Lake in Oakland Township. He explained they got a group together and it was a great learning experience because they had a barn taking down and a barn raising and it was a good Community and educational activity. He stated they made a video which the applicant might want to look at to get an idea of the magnitude of the project and the number of hours involved.

Mr. Delacourt asked if there were any concerns with the proposed location as it was conceptually noted on the survey, or if there were any concerns with the style of the barn architecturally as it was proposed. He asked if Commissioners felt that was the most appropriate style for the District. He wanted to provide as much information as possible to the applicant.

Mr. Dziurman thought the roof style suggests the location well. He stated he would prefer that because there was one down the street and more to the north. It appears that was the style for that area.

Chairperson Dunphy thought the Commissioners seemed to be comfortable with the proposal. He called for any other discussion from the Commission. No other discussion was heard. Chairperson Dunphy wished the applicant well.

Mr. Brock stated he planned to come back with more formal plans.

Mr. Dziurman added that if the applicant needed any assistance before the ZBA, the Commission might want to provide that assistance. Mr. Delacourt stated the Commission would be notified if the applicant appeared before the ZBA.

Mr. Dziurman stated the Commission could provide a letter of support. Chairperson Dunphy stated the Minutes from this meeting would reflect the Commission's general support.

Mr. Delacourt stated if the matter moved forward, Staff could prepare a resolution of support for the Commission to review.

**This matter was Discussed**

**8B. 2010-0019 Establish 2010 Meeting Schedule**

Chairperson Dunphy stated the Commissioners had received copies of the proposed 2010 Meeting Schedule and a resolution to establish the schedule. He asked if there was any discussion regarding this matter.

Mr. Miller moved the following resolution to adopt the 2010 meeting schedule, seconded by Ms. Franey. Chairperson Dunphy called for discussion on the proposed motion on the floor. Upon hearing none, he called for a voice vote on the motion to approve.

**A motion was made by Miller, seconded by Franey, that this matter be Approved.  
The motion CARRIED by the following vote:**

**Aye** 6 - Dziurman, Miller, Stamps, Dunphy, Thompson and Franey

**Absent** 3 - Cozzolino, Kilpatrick and Luginski

**RESOLVED** that the Rochester Hills Historic Districts Commission establishes the 2010 Regular Meeting Schedule as follows:

*The regular meetings will be held on the second Thursday of each month at the Rochester Hills Municipal Offices, 1000 Rochester Hills Road, Rochester Hills, Michigan beginning at 7:00 PM Michigan Time*

**2010 MEETING DATES**

<b>January 14, 2010</b>	<b>July 8, 2010</b>
<b>February 11, 2010</b>	<b>August 12, 2010</b>
<b>March 11, 2010</b>	<b>September 9, 2010</b>
<b>April 8, 2010</b>	<b>October 14, 2010</b>
<b>May 13, 2010</b>	<b>November 11, 2010</b>
<b>June 10, 2010</b>	<b>December 9, 2010</b>

2010-0019

Chairperson Dunphy noted for the record that the 2010 Meeting Schedule had been established.

8C. 2010-0020

Election of Officers

- Chairperson
- Vice Chairperson
- Secretary

A. Chairperson

Chairperson Dunphy opened the floor for nominations for the position of Chairperson. Mr. Thompson nominated Brian Dunphy, which nomination was seconded by Dr. Stamps. Mr. Dunphy stated he would be happy to continue to serve. He then called for any other nominations. No other nominations were made and the Chairperson closed the floor for nominations. **Brian Dunphy** was unanimously elected to the office of Chairperson of the Rochester Hills Historic Districts Commission.

B. Vice Chairperson

Chairperson Dunphy opened the floor for nominations for Vice Chairperson.

Mr. Thompson asked if the current Vice President wished to continue to serve.

Chairperson Dunphy stated he had not had any conversations with Ms. Cozzolino about that.

Mr. Miller stated this was the last year of his current term and stated he would be willing to serve as an officer. Mr. Dziurman nominated Paul Miller, which was seconded by Dr. Stamps. Chairperson Dunphy called for any other nominations. No other nominations were made and Chairperson Dunphy closed the floor for nominations. **Paul Miller** was unanimously elected to the office of Vice Chairperson for the City of Rochester Hills Historic Districts Commission.

C. Secretary

Chairperson Dunphy opened the floor for nominations for Secretary. Mr. Thompson stated he would nominate Jason Thompson to continue serving in the capacity of Secretary, seconded by Dr. Stamps. Chairperson Dunphy called for any other nominations. No other nominations were received and Chairperson Dunphy closed the floor for nominations. **Jason Thompson** was unanimously elected to the office of Secretary for the City of Rochester Hills Historic Districts Commission.

**This matter was Approved**

8D. 2010-0021 2010 Earl Borden Award  
- Discussion Regarding 2010 Nominees

Chairperson Dunphy stated the Commissioners had received a list of the past awardees and the criteria used to give the award. He suggested the Commissioners review the process. He stated they were at the point where they normally begin the nomination process, noting the procedures called for nominations to be made at either the January or February meeting, with the selection made at either the February or March meeting, with the award presented in either April or May.

Mr. Dziurman stated that a couple years ago the Commission had awarded the members of the Save Open Space and Greenspace Yes! Committees. He thought the Commission should consider the Tienken Road group that worked diligently to preserve the Village because he thought they would be an excellent nominee for the preservation leadership award.

Mr. Miller thought that was a good idea but perhaps the Commission should have further discussion. He thought they had shown leadership and their interest was preservation. He mentioned that the Commission had always thought that the Stoney Creek Village was a real jewel and for a long time the Prewitt house was considered the black sheep of the Village. He was excited there was a person who had purchased the house and planned to fix it up and had obtained the necessary approvals from the Commission, although it might be premature to consider that structure for a nomination until the renovation work was complete.

Chairperson Dunphy agreed and hoped if the project was completed, the Commission would have a structure that was worthy of the award in another year or two.

Chairperson Dunphy stated the Commission needed to make the nominations at either this meeting or the next meeting. He presumed there would be a meeting in February.

Mr. Delacourt stated he did not know if there would be any applications or requests for the February meeting, although the Commission could have a meeting. He noted the Historic Districts Study Committee would be holding three Public Hearings that evening. He stated the Commission could hold a meeting in February to discuss the award. He cautioned that if the Public Hearings ran long, the Commission's meeting might be delayed in starting.

Mr. Thompson stated as Chair of the Study Committee, he would try to have the Public Hearings completed so as to not delay the Commission's meeting. He asked if the Commission could vote on the nominations by email.

Mr. Delacourt cautioned that based on the prior discussion, any action taken by the Commission should be deliberated and decided upon at an open meeting. He agreed nominations could be forwarded to Staff via email, but the formal nominations and formal decision should be decided at an open meeting.

Dr. Stamps stated the Commission had started a list and could think about it and finalize the list at the next meeting and vote on it. He thought there was a Stoney Creek Village Residents group although he was not sure of their exact name or who was involved. He agreed Tienken Road was important and they deserved recognition for that. The Village residents group was more of a long-term group and was trying to put together a master plan for the Village. He stated there might be two groups to put on the list.

Chairperson Dunphy asked the Commissioners to bring any information they could about the groups to the next meeting, such as who they are and what they do to help the Commissioners make an appropriate decision.

Mr. Miller asked if there was a residence or a structure the Commissioners were aware that might be worthy of the award. He inquired about whether the shelter at Bloomer Park was historic or designated, as he recalled it had been redone a few years ago. Mr. Delacourt stated he did not know if it was a designated structure but could look into the matter.

Chairperson Dunphy noted the criteria required that a structure be a local, state or nationally registered facility.

He encouraged the Commissioners to think about a structure that was worthy of recognition. He stated the nominations would be discussed at the next meeting.

**This matter was Discussed**

**8E. 2010-0022 2009 Annual Report**

Chairperson Dunphy stated the Commissioners had received a draft of the 2009 Annual Report which was now a requirement because of the City's Certified Local Government (CLG) status. He found the report to be very well done. He asked if the Commissioners had any additions or revisions to the report.

Mr. Miller agreed the report was well done. He did not have any additions or corrections.

Chairperson Dunphy stated if there were no other comments on the report, it would be considered unanimously accepted by the Commission and would be forwarded to the State Historic Preservation Office.

**This matter was Approved**

**9. ANY OTHER BUSINESS**

Chairperson Dunphy called for any other business, noting the next meeting was scheduled for February 11, 2010.

Dr. Stamps stated the City had received the Certified Local Government (CLG) designation, and asked what grants were available or how other cities had used grant funds. He thought that information would be helpful for the Commission to determine if there were grants the City might want to apply for.

Mr. Delacourt stated the CGL designation made the City eligible for CLG grants and had not changed the City's eligibility status for other types of grants. He noted what had been helpful was having an assistant to the Mayor who focused on grant work. He had a listing of all grants available in addition to the CLG, some of which did include preservation work. He was reviewing those available grants with a view toward potential projects that might come forward to the Commission, such as monument or marker replacements for Brewster Cemetery. He noted that part of the reason he had not yet applied for any CLG grants was because he was trying to figure out the best combination of grants to go forward with. He stated information would be provided to the Commission about the grants.

Dr. Stamps asked if grant funds were available to obtain markers for the designated structures, which he thought would help identify those properties particularly when they were placed up for sale. He thought that might help clear up some of the confusion when designated properties were sold and the new owners were unaware of the historic designation. He thought that was the type of project that should be considered.

Mr. Delacourt stated CLG funds could be used for that type of project, and noted that a sign program was discussed at the joint meeting between City Council, the Commission and the Study Committee. He noted that there had been some deterioration of the head stone markers at the Brewster Cemetery, and grant funds were being researched for that project.

Chairperson Dunphy commented those were both good projects.

Mr. Miller stated that there had been grant funds and stimulus spending available for energy efficiency. He felt the Commission should be considered support and the "best friend" of the designated structures, rather than just policing them. He stated he knew of a person who had received \$700,000 in a Federal grant to rehabilitate in terms of energy efficiency such as installing energy efficient heating systems. He asked if a grant would be available that the Commission could offer homeowners of historic structures.

Mr. Miller commented that the Commission appeared to have a vacancy and inquired about the fact that the Commission no longer had a City Council representative on the Commission.

Chairperson Dunphy stated that the Historical Preservation Ordinance had been amended per State Law, and City Council representatives were no longer allowed to serve on the Commission.

Mr. Miller asked if certain criteria had been established or required for members of the Commission.

Chairperson Dunphy stated that the Ordinance specified the criteria for Commission members, and noted City Council made the appointments. He assumed the opening would be posted, and applications would be forwarded to City Council for review and to make the appointment.

Mr. Delacourt stated that the Ordinance had been amended per the State Attorney General's Opinion that City Council Members not serve on the Commission because they could ultimately be required to vote on preservation-related issues.

Mr. Delacourt stated the City had received about \$648,000 in energy efficiency grant funds that would be split amongst three projects. One project puts the City's Building Department in the position to conduct residential energy audits for single family residences. That project was being tied to the Community Development Block Grant (CDBG) Program, and it was anticipated the audits would provide a prioritized list of energy efficient projects that homeowners can follow up on. If the homeowner is CDBG eligible, they can apply for the block grant dollars. It is anticipated the fund will revolve and re-establish itself.

Mr. Dziurman referred to the possibility of markers for designated structures and commented they would have to be vandal-proof. He stated there was also an issue of acceptance by the homeowner and the legality of it, noting the homeowners would have to agree to the marker. He referred to the energy grants and commented that every homeowner can apply for grants and rebates. He did not think there was much the Commission could do in that area, although he thought the audit program was good for the City.

Mr. Delacourt stated some of the energy efficiency grant funds were used to purchase about 20,000 cfl light bulbs for an exchange program, although the details had not been completed yet. In order to participate in the exchange, a packet of information will be provided about how to apply for grants or the energy audits. The program hoped to make residents aware the audits were available and how to follow through with energy efficiency.

Mr. Dziurman thought DTE Energy offered energy audits although there might be a charge for them, but there were a lot of benefits to having the audit done.

Mr. Dziurman referred to the Tienken Road Bridge over the Stoney Creek in the Stoney Creek Village. He did not think the issue was ever resolved regarding the cross walk from the school on the west side before the bridge. He thought it offered the opportunity to create a significant gateway into the Village, although the Commission did not take advantage of it during that discussion. He thought the Commission needed to do something and also needed to calm the traffic down, and he thought the two could be related to each other. He did not want to wait on this and thought the Commission should be more proactive and make sure the cross walk is done in such a way that it helps the Village calm traffic and also introduces the historic village to drivers. He did not want that part to be forgotten and thought it should be brought up at a future meeting.

Chairperson Dunphy stated he had not heard anything recently about where the Road Commission for Oakland County (RCOC) stood on the current process for the bridge replacement. He assumed they were well into the design phase and would be letting contracts soon.

Mr. Delacourt stated that pre-construction meetings had already started. He guessed the boring equipment would be on site soon for the relocation of utilities. Construction would be done during the Spring and Summer prior to the next school year beginning in the Fall.

Mr. Dziurman inquired about the cross walk.

Mr. Delacourt explained the Commission approved a mid-block crossing. Any lighting and any signage that the RCOC may propose will come back before the Commission.

Mr. Miller asked if the RCOC could be advised that the Commission was interested in discussing signage for the Village or perhaps traffic calming uses.

Mr. Delacourt explained that any signage for the Village would be paid for by the City and would be handled through the City Engineer and City Council. He stated the Road Commission would not propose any signage other than what would be necessary for traffic safety.

Mr. Miller stated he was sent a document that was dated well after the Commission's last meeting and discussion with the Road Commission. In that document, the Road Commission clearly put forward that they were using Federal money on this project. He only mentioned it because he thought it was important and to his knowledge this was the first time the Commission had ever asked the Road Commission to come before the Commission. Yet, they had done work in front of probably most of the designated districts and in most of the designated districts. He commented the Commission had this discussion before about DTE Energy. He thought in terms of going forward, the Commission wanted to be very straightforward such that if work is going on in a District, whether it was the Road Commission or DTE Energy or the City or anybody else, that is likely to have an impact on a Designated District, there should be discussion beforehand. It should not be "oh we thought we did not have to" type of situation. Other governmental agencies or quasi-public monopolies are not exempt from the Ordinance as it is written.

Mr. Delacourt clarified it if work in the District it had to come before the Commission. If the work is in front of the District, it did not.

Mr. Miller provided an example of when Detroit Edison installed three transformers in front of his house. He was told at that time that the City did not have anything to talk to Detroit Edison about.

Mr. Delacourt asked if the work was done within Edison's utility easement. Mr. Miller stated it was clearly within the District because his Deed extended to the middle of the road and there was no formal right-of-way given to the utility company. He stated this was not on-going maintenance, but was new construction.

Mr. Delacourt stated that questions like that should be directed to the City Attorney as he could not pretend to understand all the legalities involved in that situation. He stated in the instance of the Road Commission and the Tienken Road Bridge that was clearly within the boundaries of a contiguous district. At one time, the boundaries of the individually designated districts were the structure and everything within 100 feet. Those boundaries were later changed to the parcel lines. He stated there had been debate about whether the parcel lines stopped at the impeded right-of-way, even though the parcel goes to the center of the road, but because of the implied right-of-way, that would have to be discussed with the City Attorney.

Mr. Miller stated that the Tienken Road Bridge was clearly within the implied right-of-way. Mr. Delacourt stated the bridge was within the boundary of a contiguous district. The whole roadway ran through the middle of the District. The difference with Mr. Miller's property was the question of whether the boundary stopped in the middle of the road where the metes and bounds parcel ran, or if the easement up until the implied half 60-foot roadway dictated, which is a legal question. Staff would defer to the City Attorney's opinion. He asked if Mr. Miller understood the difference. Mr. Miller indicated he did.

Mr. Dziurman stated that everyone used cell phones and cell towers were required for that usage. He referred to the Goodison area where there were huge towers right in the middle of that Community. He stated he saw an article in the paper about a new cellular tower facility being proposed at the Onyx Ice Arena on Dequindre Road in Rochester, Michigan. He suspected that would be visible from the Stoney Creek Village and the Winkler Mill District. He stated if the Commission believed that had a detriment on those sites, they should make their voice heard. He indicated that was part of the Federal requirement for historic preservation. He stated it had changed a lot because the State Historic Preservation Office (SHPO) seems to have softened their position about it because "they were just going everywhere now". He thought in some places they were not appropriate. He indicated he was not saying the Onyx site was not appropriate as he did not even know. What he was saying was that they were becoming more and more prolific everywhere around and he did not think anybody was watching. He suggested if the Commission saw something, they might want to say something.

Mr. Delacourt stated if the Commission wanted to see a set of the plans, he assumed he could request them and provide them to the Commission.

Mr. Dziurman stated this was in the City of Rochester. Mr. Delacourt stated he could still ask for them if the Commission wanted to review them and make a resolution to send to the City of Rochester. Mr. Dziurman stated he would like to know how high it would be. Mr. Delacourt stated he could ask for the plans.

Mr. Dziurman stated it was a formal action that was just advertised in the paper, and agreed that information could be requested.

Chairperson Dunphy called for any other business. No other business was presented.

**10. ADJOURNMENT**

Upon motion duly made and seconded, Chairperson Dunphy adjourned the meeting at 8:44 PM.

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Brian Dunphy, Chairperson  
City of Rochester Hills  
Historic Districts Commission

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Judy A. Bialk, Recording Secretary

Approved as \_\_\_\_\_ at the \_\_\_\_\_, 2010 Regular Historic Districts Commission Meeting.

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