



# City of Huntington Woods

## Historic District Commission

Minutes of September 04, 2019 Regular Meeting

The meeting was called to order by Chairperson Wibbleman.

**Present:** Richard Dimanin, Chris Vogelhelm, Jeff Samoray, Louise Wibbleman, Robert Lebow, Jim Malloure

**Absent:** Steven Behrmann, Mark Fink, Irene Jurewich

**Also Present:** Hank Berry, Zoning Administrator; Carol Rosati, City Attorney; Amy Sullivan, City Manager

### I. Approval of Minutes of August 7, 2019

Lebow inquired regarding the discussion of the Cibor residence which was tabled at the last meeting. That discussion does not appear in the minutes. Berry noted that the parliamentarian from the city indicated that the minutes should reflect what actions were taken rather than what was said. Berry stated that that policy was being reviewed.

**Motion by Samoray, supported by Lebow, to table approval of the minutes until the policy has been reviewed. Motion passed unanimously.**

### II. Applications

#### A) Public Hearing Regarding Proposed Cell Tower at Rackham Golf Course

Berry discussed the Historic District Commission's authority regarding this issue. He noted that, after discussion with the city attorney, the Commission appears to have purview over the building, but not the cell tower itself. Dimanin inquired regarding a certificate of need. Both Rosati and Berry indicated they were not aware of one. Berry noted that he did receive a letter from the FCC regarding a Section 106 review.

Mike Struther, Motorola Solutions, made a powerpoint presentation regarding the proposed public safety tower site. He is working with the City of Detroit and the Michigan State Police to install a public safety communication tower on a vacant piece of land next to another cell tower at the Rackham Golf Course. It would be a 350 foot self-supporting tower. The equipment necessary to run the site would be stored in an adjacent

building. The tower would intersect and improve a strategic microwave path that connects to the State of Michigan.

Berry requested more discussion regarding the use of the building. There are two air conditioner units on the outside. There is a large door built to accommodate the generator which would be vented to the outside through a muffler. Other computer and electronic equipment would also be located in the building. The proposed exterior of the building is brown stone aggregate trimmed in beige.

Berry noted that the proposed building would be diametrically different from existing structures on the golf course. He noted that plans for a more acceptable structure had been sent to Motorola. Struther indicated that they would be willing to revisit those plans including giving the building a pressed brick finish. Berry noted that the other buildings on the golf course also do not have flat roofs. Struther stated that the purpose of this building is different than some of the other buildings on the property. Some pavilions are just coverings for other installations. This building is designed to actually protect the equipment from the elements. Also, due to the fact that it will house equipment used by police, fire and EMS personnel, a higher level of security is necessary. Berry acknowledged those needs and suggested putting a more aesthetically pleasing pavilion over the top of the necessary structure. Struthers said it was possible, but there are some issues that need to be addressed including ventilating the generator and air conditioners. He suggested adding a pitched roof to the proposed structure.

Don from Pyramid Network Services stated that the building is 12 feet by 26 feet. It is nine feet tall and will be surrounded by an eight-foot fence. He indicated that an over-frame could be placed on top of the roof to make a pitched roof line with the same shingles as the existing structures. The only transmission from the building is to the adjacent tower. There was discussion regarding the optimal pitch of the roof. Don indicated that the city's proposed pitch -- 10/12 as opposed to 6/12 -- was achievable but not optimal given the proximity of the tower and ongoing maintenance costs. There was discussion regarding expectations for future maintenance costs.

The fence will be typical chain link with no barbed wire on top. Berry inquired whether a modular brick fence was possible. Site lines are necessary for security. Struther noted that they had planted arbor vitae around other installations that may address some of the aesthetic issues. There must be two feet between plants so it does not provide a 100% green screen.

There was discussion regarding the placement of the exterior air conditioning units. It was noted that the units are no louder than household air conditioners. It was suggested that arbor vitae could be used to both block the view and sound of the air conditioners. Motorola agreed to plant arbor vitae outside the fence in front of the air conditioner units.

Malloure inquired about the site selection process. Sergeant Bush from the City of Detroit responded that there was an Urban Security Area Initiative grant that helped fund this project. The grant required that Detroit own the property. He also noted that there was a deficit of overall coverage in this area that would be improved by this installation. He confirmed that it is the only site available for this purpose. There was discussion whether installing louvers in a building that would surround the proposed building would alleviate the airflow problems. Other air handling equipment would probably be necessary. Utility lines will be underground but the lines connecting the building to the tower would be installed on a ladder structure approximately 8 to 9 feet above ground.

Samoray inquired regarding construction time. The project would take approximately 60 to 70 days from ground breaking. Construction would not interfere with golf or other public events. He confirmed that there is no definitive design before the Commission at this time.

Vogelheim confirmed that the structure that is proposed is prefabricated with foundations. He inquired whether Motorola has ever installed equipment in a site-built structure. They have, but more modern installations rely on prefabricated structures to avoid a variety of weather related and construction issues as well as to lower the cost of the project.

Dimanin inquired regarding whether any complaints had been filed regarding the problems with the coverage area. Sergeant Bush discussed the overall issues with MPSCS coverage throughout Wayne, Oakland and Macomb Counties. No paperwork has been filed identifying the coverage problem. Dimanin raised concerns regarding a demonstrable need for improving coverage at this time. Struther noted that the state does prepare regular reports regarding coverage data.

Wibleman noted that the issue for the Commission is not about the tower itself, but rather the out building and its cohesiveness with the existing structures and the community. Wibleman inquired and Struther confirmed that the proposed structure can be improved with an installed pitched roof structure and arbor vitae on the golf course side. Berry indicated that if Motorola could provide the stamped brick façade, a roof with a pitch, with shingles in a color that would match the existing

surroundings, then the project would be much closer to moving forward. He also indicated that he preferred encircling the structure with arbor vitae rather than only planting them on the golf course side. He also indicated that the city would prefer the tower be decommissioned rather than leased once its public safety functions are no longer needed. The city of Detroit indicated that they would agree to that.

Samoray inquired regarding who would be responsible for cost overruns. It was confirmed that the cost to Huntington Woods would be zero. There was discussion regarding the fact that Commission would have no authority over the fence. The existing building for the old cell tower was constructed around the same time that the Historic District was established and was designed with similar characteristics as the historic Rackham building. There was discussion regarding whether the new building should resemble the old Rackham building or the old cell tower equipment building.

Lebow inquired whether the new building would be an accessory structure or infill. Berry indicated that the zoning ordinance is preempted by this project. There was discussion regarding the application of the zoning ordinances, the Historic District rules and standards, and state law. Rosati confirmed that state law regarding the cell tower and the adjoining building preempts the local ordinances. She suggested that, because the building is within the Historic District, the Commission can provide guidance to fit the new building with its surroundings.

There was discussion regarding the proper procedure for approval including administrative approval and the applicable time deadlines.

## **B) Public Participation**

Jim Schwartz, 10014 Ludlow, submitted his remarks in writing as well. He noted that all of Oakland County is moving to a unified communication system. He presented opposition to the tower itself. He discussed the deed restriction and court decision applicable to the tower site. He requested a postponement of any decision so that he could further research the law. Wibbleman confirmed that the Commission can only decide issues regarding the building, not the tower.

Dr. Ami Attali, 25217 East Roy Court, is an anesthesiologist at Henry Ford Medical Center. He indicated that he did not receive notice of this project and expressed concern whether any residents had been properly notified. He also expressed concern regarding health issues that may arise due to proximity to cell phone towers. Rosati noted that federal law prohibits denying the installation of cell towers due to health concerns. Wibbleman

confirmed that there are five existing towers within close proximity.

### **C) Commissioner Comments**

Wibbleman closed public participation and noted that the next meeting would be October 2nd where a full plan could be put in front of the Commission for a vote. The City of Detroit would need to waive the 60-day window to present a plan at that meeting. Sgt. Bush indicated that they would proceed with administrative review. They indicated that they could present a plan to Berry within two weeks.

Samoray indicated that the normal process would be to bring the plan to the Commission rather than leave it to administrative review. Berry noted that, without waiver of the 60-day timeframe, if the City does not act, the plan will proceed as currently presented.

Malloure and Rosati discussed the appeal process to the State Historic Commission. Rosati noted that the state would only review the city HDC's decision and whether it was procedurally correct. Malloure also inquired regarding whether the applications for this project had been submitted to the proper authorities. Berry and Rosati discussed their contacts with various state agencies and personnel and the history of the approval process. Rosati also summarized the legal research and review that went into her opinion letter.

Lebow noted that the cost of the project is not the primary concern of the Commission. He expressed that there is a strong need to conform the new building to the existing structures. He indicated that there were still other building options that could be considered. He also expressed his dislike of the proposed pressed brick option. He recommended a black, vinyl coated fence. He supported the planting of arbor vitae with the necessary irrigation.

Berry responded to Samoray's inquiry that the applicants do have images and drawings of the existing structures to refer to. Samoray expressed concern that no new design has been presented to the Commission since May. In response to Wibbleman's inquiry, Struther agreed to look at the drawings of the existing structure in preparing their new design plan. Berry read a question from a resident regarding liquid cooled generators. He indicated that the prefabricated structure has cooling equipment already installed. Struther also noted that the State has a standardized group of parts and supplies that support these structures on a statewide basis. Malloure discussed what parts of the project are flexible, which includes the items discussed at this meeting, versus the internal workings of the building which must be standardized per the State. Struther confirmed that they could be flexible regarding the aesthetics of the structure.

Samoray suggested that it would be preferable for design plans to be presented to the HDC for consideration. Sgt. Bush indicated that they would like to consult

with an attorney and deliver their findings to Berry within a day or so. Berry noted that there would not be another meeting of the HDC until October 2nd.

(Recess was called by the Chairperson at 8:49 p.m.)  
(Session reconvened by the Chairperson at 8:55 p.m.)

Samoray inquired whether there was a particular timeframe in which the tower had to be active. Bush responded that he was not aware of any deadline. He confirmed that there was some flexibility. Samoray reiterated his request to have plans submitted to the Commission. Bush stated that they would be willing to present to Berry an architectural drawing similar to the existing tower building. They committed to making it look as similar to the existing structure as possible and that they would submit within 14 days.

Vogelheim discussed the FCC assessment and approval process. He confirmed that his role is to acquire cooperation from the applicants to construct the building in the best interests of the Historic District.

**Motion by Vogelheim, second by Lebow, to issue a Notice to Proceed** provided that:

- a) the architecture will be revised to match the existing support building at the adjacent cell tower,
  - b) there be coloration of the fence,
  - c) there be appropriate landscaping and irrigation,
  - d) the tower be removed when decommissioned,
- and friendly amendment by Lebow,
- e) the entire project, including removal, be completed at zero cost to the City of Huntington Woods,
  - f) removal of the tower and structure would be completed within six months of decommissioning, returning the site to its original condition.

Dimanin inquired whether the Commission has the authority to bind the City of Detroit. Rosati confirmed that they did.

**Motion did not pass due to lack of majority.**

There was discussion that, without a decision from the Commission, the project would proceed as previously submitted. It was confirmed that the motion included that the design would be submitted to Berry for administrative approval. Berry indicated that he would share the plans with the entire Commission upon receipt. Wibbleman suggested scheduling a special meeting once the new plans are submitted. Samoray expressed support for the motion if the new plans would come before the Commission. The plans would be submitted to Berry within ten business days. There was discussion that a special meeting could be scheduled for September 18, 2019. The submitted plans would include elevations and

material schedules. The applicants agreed to the process as proposed.

**IV. Continuation of Meeting**

**Motion by Samoray, second by Dimanin, to continue at a special meeting on September 18, 2019, to consider plans submitted by the applicants for the tower outbuilding.**

**Motion carried unanimously.**

**VI. Motion to Move Agenda Item 3.B. to the October meeting.**

**Motion by Dimanin, second by Samoray, to receive the application for the Cibor residence at the October meeting.**

**Motion carried unanimously.**

**VII. Vacancy**

Irene Jurewich has resigned from the Commission. A replacement will be discussed at the next City Commission meeting.

**VIII. Adjournment**

With no further business and with unanimous support, Chairperson Wibbleman adjourned the meeting.

/dleg