

Be It Further Resolved, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within State trunkline right of way on behalf of the GOVERNMENTAL BODY.

Paul M. Davis, P.E. - City Engineer
Paul Shumejko, P.E. - City Transportation Engineer

Enactment No: RES0033-2004

2004-0083

Authorization to participate in the 2004 Tri-Party Program for road improvement funding with Oakland County

Attachments: Master Report.pdf; Agenda Summary.pdf; OCRC Program Information.pdf

This matter was Adopted by Resolution.

Whereas, the City of Rochester Hills has previously participated in the Tri-Party Program with the Oakland County Board of Commissioners and the Road Commission for Oakland County for road improvement projects, and

Whereas, the City desires to continue this joint participation for the 2004 fiscal year with the intent to undertake a road improvement project on Tienken Road, Livernois to Rochester Road, and

Resolved that the City of Rochester Hills agrees to participate in the proposed fiscal year 2004 Tri-Party program. The City's contribution shall equal \$104,116.00 toward the total proposed program allotment of \$312,347.00.

The motion carried.

Enactment No: RES0047-2004

2004-0105

Approval of Mechanical and Electronic Amusement Device License for Tappers Pub to be located at 877 E Auburn Rd

Attachments: Master Report.pdf; Agenda Summary.pdf; Application, Kott.pdf; Application, Union Music.pdf; Payment Receipt.pdf

This Matter was Adopted by Resolution on the Consent Agenda.

Whereas, the applicant known as Tappers Pub (James Kott, Owner) has applied for a Mechanical Amusement Device License, has met the criteria for the license pursuant to Chapter 10, Amusements/Entertainment and is in compliance with Chapter 138, Zoning Ordinance of the City of Rochester Hills Code of Ordinance;

Resolved that the Rochester Hills City Council hereby approves the Mechanical Amusement Device License as requested by James Kott, Owner, Tappers Pub; located at 877 E Auburn Rd in accordance with Chapter 138, Zoning Ordinance of the Code of Ordinances of the City of Rochester Hills

Be It Further Resolved, that the City Clerk is authorized to issue the license.

Enactment No: RES0034-2004

2004-0128

Adoption of Resolution to change location of Wednesday, February 25, 2004 City Council Work Session to the Dairy Barns at the Rochester Hills Museum at Van Hoosen Farms

Attachments: Master Report.pdf; Agenda Summary.pdf

Whereas, the Rochester Hills City Council recognizes the continual need and is committed to the protection of the natural environment and the prevention of toxic materials from entering our waterways and landfills; and

Whereas, a No-Haz Inter-local Agreement has been drafted setting forth the administrative duties and obligations of the County, participating communities and the City of Rochester Hills under the No-Haz program.

Now Therefore It Be Resolved that the Rochester Hills City Council hereby approves the attached Inter-local Agreement and authorizes the Mayor to execute it.

Be It Further Resolved that the Rochester Hills City Council authorizes a blanket purchase order to Oakland County in the amount not-to-exceed \$35,000.00 for administration and collection costs of participation in the household hazardous waste program.

The motion carried by the following vote:

Aye: Dalton, Barnett, Duistermars, Hill, Holder, Raschke and Robbins

Enactment No: RES0038-2004

2004-0073

Request for Purchase Authorization: Mobile Global Position Satellite (GPS) Data Collection Unit for City Traffic Operations, Purchase Order in the amount of \$3,845.00; Environmental Systems Research Institute, Inc., Redlands, CA

Attachments: Master Report.pdf; Agenda Summary.pdf; Tabulation.pdf; Product Information.pdf

Mr. Roger Rousse, Director of DPS/Engineering, explained that these labor saving devices are used to collect GIS data for infrastructure management programs. To inquiries by Mr. Barnett and President Dalton, Mr. Rousse explained that the two (2) devices currently in use are ten (10) years old. He noted that these new devices are state-of-the-art and are expected to last another ten (10) years. He explained that he considers these two (2) requested devices a "test case," with the anticipation that, if successful, more of these devices will be purchased in the future.

A motion was made by Council Member Robbins, seconded by Council Member Duistermars, that this matter be Adopted by Resolution.

Resolve, that the Rochester Hills City Council awards the bid for a Mobile Global Position Satellite (GPS) Data Collection Unit for the management of the City's traffic operations to Environmental Systems Research Institute, Inc. as the lowest responsive, responsible bidder in the amount of \$3,845.00.

The motion carried by the following vote:

Aye: Duistermars, Hill, Holder, Raschke and Robbins

Nay: Dalton and Barnett

Enactment No: RES0040-2004

2004-0124

Approval of Road Improvement Agreement made by and among Curtis Properties (Curtis Properties) Group, L.L.C., Tienken Partners, LLC, (Tienken Partners) and the City of Rochester Hills as a condition of approval of the Papa Joe's Planned Unit Development and the City Walk Planned Unit Development

Attachments: Agenda Summary.pdf; TIENKEN-REZONING - Road Agreement (00196148[2].pdf; 2004-0124 Master Report.pdf

and cannot be approved until the respective PUD agreements are approved.

Mr. Ed Anzek, Director of Planning/Development, indicated that the next six (6) agenda items are inner-related and explained the order in which they would be presented to Council. He noted that the road improvement agreement would be handled jointly by the two applicants, Curtis Properties and Tienken Partners.

Mr. John Gaber of Williams, Williams, Ruby & Plunkett, 380 North Old Woodward Avenue, Birmingham, identified himself as representing Tienken Partners (the City Walk development); Mr. Joseph Galvin of Miller, Canfield, Paddock and Stone, PLC, 150 West Jefferson, Detroit, identified himself as representing Curtis Properties (the Papa Joe's development); Mr. Michael Labadie, Traffic Engineer from Tetra Tech MPS, 26600 Telegraph Road, Southfield, identified himself as the traffic consultant representing both parties.

Mr. Labadie explained that all of the road improvements outlined in the agreement will be funded by the two (2) applicants. He then presented a brief overview of the proposed improvements, which included the following:

- * A right-turn lane on Rochester Road for north bound right turns.
- * East and west bound Tienken will have dual left turn lanes.
- * East and west bound Tienken will have a through lane and a through right turn lane on each approach to allow significantly more capacity to the intersection.
- * The center lane for left turns will be extended to accommodate the driveways, with appropriate tapers on either end to allow transition from the two lanes back to one lane east and west of both developments.
- * Significant changes in the signal timing phasing.

Mr. Labadie described the road improvements as "fairly significant and expensive," and estimated that they would cost between \$800,000 and \$1 million. He assured Council that concerns regarding such issues as taper lanes and the preservation of two oak trees will be addressed in the final road improvement agreement.

Mr. Paul Davis, City Engineer, stressed that these plans are very preliminary and this portion of Rochester Road is under the jurisdiction of MDOT. Thus, any decision must still be approved by that body. The intent is only to agree to move forward with the road agreement. He noted that prior to the issuance of final permits by MDOT and the Oakland County Road Commission, other plan changes may be mandated. Mr. Davis assured Council that the resolution states that the City Engineer will be involved in this process until completion, thus maintaining a certain level of control. Mr. Davis also stressed that, with the implementation of the proposed changes, road conditions would "still be lousy" but they would be slightly better and will not be made worse. He acknowledged that there are existing traffic problems in this area that are beyond the scope of the applicants, and he noted that it cannot be predicted how these changes will impact areas beyond that which was specifically studied in the traffic model. In response to specific concerns raised by Ms. Hill, Mr. Davis further noted that the proposed resolution mandates the involvement of the City Engineer throughout the entire process and that the proposed tapers will result in as smooth a traffic transition as possible.

Mr. Gaber offered the following observations and perspective on the road agreement:

- * The applicants are donating the right-of-way.
- * Dual left-hand lanes were added to east bound Tienken at the behest of City Council and the Planning Commission.
- * The final road improvement agreement will assure the City that the improvements will be made.
- * The applicants have agreed to deposit escrow funds for road improvements.
- * No construction permits will be issued unless the escrow money is set aside.

* *If the developers do not follow the road improvement agreement, the City can assume control of the project using the applicants' escrow funds.*

PUBLIC COMMENT:

Ms. Sue Cline, 420 Cherry Blossom, questioned whether the traffic changes suggested can accommodate the new traffic generated by the proposed retail. She expressed her concern for traffic and safety issues if Papa Joe's customers can access Rochester Road directly. She noted the traffic congestion created by Papa Joe's in Birmingham.

Mr. Pasquale "Lino" Borraccio, 50 West Tienken Road, owner of Lino's Restaurant, noted that he has been observing the traffic at this intersection for twenty-three (23) years and expressed his belief that these developments "will be a great improvement."

Discussed

Enactment No: RES0067-2004

(Recess 9:11 p.m. to 9:27 p.m.)

ORDINANCE FOR INTRODUCTION

2004-0070

Rezoning Request (City File No. 98-047.2, City Walk): A request to amend Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to rezone three parcels of land totaling approximately 12.4 acres from ORT (Office, Research, Technology) to B-2 (General Business), located east of Rochester Road and south of Tienken, known as Parcel Nos. 15-11-101-027, 15-11-101-029 and 15-11-101-030, Tienken Partners, L.L.C., applicant

Attachments: Agenda Summary 20040303.pdf; AgendaSummary 20040218.pdf; Map, Aerial.pdf; Staff Report.pdf; Minutes, PC 20040113.pdf; 2004-0070 Master Report 2.pdf; Ord 1 City Walk.pdf

Mr. John Gaber of Williams, Williams, Ruby & Plunkett, 380 North Old Woodward Avenue, Birmingham, briefly explained Tienken Partners' plans for the new development:

- * *Demolish the existing building and redevelop a blighted part of the City.*
- * *Build a neighborhood center that would draw from a three-mile radius.*
- * *Create a unique seven (7) building development of 107,000 square feet.*
- * *Maintain the same quality architecture and improvement in the tax base.*

Mr. Gaber then introduced Mr. Greg Tysowski of JPRA Architects, 31000 Northwestern Highway, Farmington Hills, architect of the proposed development, and Mr. Paul Aragona, Aragona Properties, 37020 Garfield, Clinton Township.

Mr. Tysowski, using visual aids displayed before Council, described the architectural plans for the new development:

- * *Group of seven (7) buildings surrounded by perimeter lighting with pass-throughs between buildings.*
- * *Mixed development to include such uses as cafe dining, small dental office and retail as well as large users.*
- * *Multi-building configuration consists of a community drugstore.*
- * *Frontages will be combined to "read" as one continuous store front with entrance arches.*
- * *Non-conventional community CVS drugstore.*

City Council Agenda Summary Sheet (Non Purchases)

Agenda No: 2004-0083
Date: February 4, 2004
Prepared By: Kim Murphey, DPS, 841.2492
City File No: E03-001, Tri-Party Program - 2004

Meeting Date: February 18, 2004

PURPOSE:

To gain City Council approval to participate in the 2004 Tri-Party Program for road improvement funding with Oakland County.

DISCUSSION:

Attached is a letter dated November 19, 2003 from the Road Commission for Oakland County (RCOC) that provides information regarding the 2004 Tri-Party Program.

The following project is being proposed by the Administration for 2004 Tri-Party consideration, construction funding, and approval:

- Tienken Road Improvements, Livernois to Rochester Road, Bridge Replacement, and Traffic Signal.

The project was approved in the 2003 Capital Improvement Plan (MR-06A & B) and incorporated into the 2003 and 2004 annual operating budgets.

FISCAL INFORMATION:

Estimated costs for proceeding with the project are \$3,000,000.00. Tri-Party funds in the amount of \$1,479,494.00 have been designated for the Tienken Road Corridor Project through 2003. The program allotment for this year is \$312,347.00, of which the City's share will be \$104,116.00.

A consulting company will be contracted to design the proposed project. There are typical staff impacts for administering the design and construction contracts, submitting project reimbursement requests to the County, and for consultant design review.

RECOMMENDATION:

The Department of Public Service recommends that the Rochester Hills City Council agrees to participate in the proposed fiscal year 2004 Tri-Party program. The City's contribution shall equal \$104,116.00 toward the total proposed program allotment of \$312,347.00.

ATTACHMENTS:

RCOC letter dated November 19, 2003 with supporting documentation.

Department Authorization: Roger Rouse, Director

Reviewed by:

Fiscal: *Jean Farris*

Clerks: *Susan Koliba-Galeczka*

Approved by: *Pat Somerville*

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA



November 19, 2003

Ms. Patricia Somerville, Mayor
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309-3033

Re: FY 2004 Tri-Party Program

Dear Mayor Somerville:

Your participation is requested in the FY 2004 Tri-Party Program for road improvements. The fiscal year governing this program is October 1, 2004 through September 30, 2004. The Oakland County Board of Commissioners has approved a Tri-Party budget of \$1,500,000 to create a \$4,500,000 program for FY 2004. \$2,250,000 will be designated for townships and \$2,250,000 for cities and villages.

The distribution formula and method of calculation of Tri-Party allocations have remained the same. For cities and villages, it includes RCOC Road Miles and three-year average annual accidents. For townships, the most recent census population figures are combined with RCOC Road Miles and three-year average annual accidents. The figures for these three factors (population, miles and accidents) are calculated as the individual community's percentage of the total of each factor in each type of community. For example, county road accidents in a city or village are divided by the total of all county road accidents in all cities and villages. The distribution formulas have been used for years in an attempt to most equitably distribute the Tri-Party dollars.

Separate formulas are used because population in the city/village equation would skew the results toward more densely populated cities with fewer RCOC road miles. In Townships on the other hand, population has been used as a determining factor to prevent the distribution from being skewed toward townships with high road miles but small populations.

Board of Road Commissioners

Richard G. Skarritt
Chairman

Rudy D. Lozano
Vice-Chairman

Larry P. Crake
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

Programming Division
Engineering Department

31001 Lahser Road
Beverly Hills, MI
48025

248-645-2000

FAX
248-645-0618

TDD
248-645-9923

www.rcocweb.org



A list of suggested project locations is attached. The list indicates some project possibilities collected from local officials, citizens, police reports, accident locations, Department of Citizen Services, and Road Commission staff. The list is not in priority order and most do not yet have cost estimates. Also shown are some typical costs for comparison purposes.

In addition, a historical report of your community's Tri-Party Program participation is also attached. The report lists the projects that have been completed with their associated costs. The report also shows the allocations that have been reserved for future Tri-Party projects.

Please contact me at (248) 645-2000 extension 2266 for further discussion or assistance.

Sincerely,

Dylan Foukes, P.E.
Programming Supervisor

DF/cmd

**ROAD COMMISSION FOR OAKLAND COUNTY
TRI-PARTY PROGRAM
1980-2003**

PROJECT DESCRIPTION	PROJ. C NO.	1980-84	1985	1986	1987-88	1989-91	1992-93	1994-95	1996-97	1998-99	2000-01	2002-03	PROJ TOTAL
		Tri-Party	Tri-Party	Tri-Party	Tri-Party	Tri-Party	Tri-Party	Tri-Party	Tri-Party	Tri-Party	Tri-Party	Tri-Party	TOTAL
ROCHESTER HILLS (11-Tom McMillin, 12-Sue Ann Douglas, 13-Martin J. Knollenberg)													
4 Approaches*	* 35362		90,000										90,000
Avon, Rochester to Mall-add right turn lane*	* 36451			80,986									80,986
Livernois @ Tienken-extend tapers 425ft*	* 36461			41,222									41,222
Crooks @ Star-Batt-extend passing lane*	* 36471			11,657									11,657
Approaches (various)*	* 37681				313,611								313,611
Tienken @ Sheldon*	* 38742				9,932								9,932
S Blvd @ Pine Tr*	* 39551					46,952							46,952
Adams @ Avon*	* 39561					39,154							39,154
Adams @ Powderhorn*	* 39571					65,496							65,496
Dequindre @ Hamlin*	* 40661					38,685							38,685
Orion @ Rochester*	* 40851				67,213	426,104	269,710	244,422					1,007,449
Tienken @ Rochester (MDOT)*	* 40861					32,000			5,354				37,354
Crooks @ Star-Batt*	* 41261					352	165,000						165,352
Livernois/Tienken/Brewster/S Blvd*	* 43951							167,813	63,952	35,587			267,352
Avon (Crooks-Old Perch) see #43951	42871												0
Tienken (Livernois-Rochester)	45291 (No Agreement)								0	505,856	270,722	702,916	1,479,494
Tienken @ Sheldon (PE/roundabout)!*	* 46181							14,924	85,076				100,000
Tienken @ Sheldon (CONST)!*	* 46181								271,812		270,721		542,533
future project												0	0
TOTAL			0	90,000	133,865	390,756	648,743	434,710	427,159	426,194	541,443	702,916	4,337,229

*means project is complete and/or has used all the available tri-party
!means the project is being administered by the community

2004 TRI-PARTY PROGRAM

CITY: ROCHESTER HILLS

ALLOCATION FOR 2004: \$312,347

The following list contains typical safety projects with general costs for your information. Actual project costs will vary depending on location and a preliminary concept and estimate should be requested. Below is the list of potential project sites recommended over the past year or so by citizens and officials; many of these have not been field checked.

SAFETY PROJECTS

GENERAL COSTS

Additional lane at intersection	\$100,000 per approach
Approach paving - Sub Street	\$ 50,000
Approach paving - Major Road	\$ 75,000
Passing lane	\$ 60,000
Center left turn lane	\$200,000
Shoulder paving	\$ 45,000 per mile

POTENTIAL PROJECT LOCATIONS

Adams Road, south of M-59 interchange	Realignment
Crooks, South Blvd. to Hamlin	Widening (Local match)
Dequindre; South Blvd to Runyon	Improvements and realignment at Avon and 23 Mile Road
Livernois, Hamlin to Avon	Widen
South Boulevard at Livernois	Westbound right turn lane
South Boulevard at Dequindre	Eastbound right turn lane
Tienken Road	Corridor Improvements
Washington; Tienken to Dequindre	Pave (with Rochester)



City / Village Formula:

$$\text{Community Allocation} = \text{Ad}_{\text{CV}} \frac{(\text{Ca} + \text{Rm})}{2}$$

Where: Ad_{CV} = Total Amount for distribution to cities and villages
 Ca = Community % of total accidents on county roads in cities and villages
 Rm = Community % of total county road miles in cities and villages

(Note that accidents are an annual average for a three year period)

Township Formula:

$$\text{Community Allocation} = \text{Ad}_{\text{T}} \frac{(\text{Ca} + \text{Pc} + \text{Rm})}{3}$$

Where: Ad_{T} = Total Amount for distribution to townships
 Ca = Community % of total accidents on county roads in all townships
 Pc = Community % of total population in all townships
 Rm = Community % of total county road miles in all townships

(Note that accidents are an annual average for a three-year period)

Although the method of calculation and the factors involved have remained the same, the data on which those calculations are based has changed.

Population data is changed only after a decennial census or if the Census Bureau issues revised numbers. The new data includes the most recent counts from the 2000 Census.

As in the past, RCOG road miles change only to reflect abandonments, transfers of jurisdiction, or the addition of new roads.

The most recent traffic accident data available from the Traffic Improvement Association of Oakland County is used. Currently, the average annual crash data from 2000 to 2002 is being used.

Your program allotment for this year is \$312,347 of which your share will be \$104,116. Any funds remaining from previous years or earlier projects may be added to this amount for use in 2004. You may use these funds to select a new project, continue funding a previous project, or save them to fund a future project. If you do not wish to participate in this program, please contact me as soon as possible, so your program allotment can be distributed as necessary.



The program operates as follows:

1. Projects intended for 2004 construction must be selected and submitted with a local board or council resolution by February, 2004.
2. Project locations and concepts must be approved by the County Board and the Road Commission.
3. Projects that cost more than the allocation may be selected if the community provides the additional funding.
4. Funding agreements must be executed before bids are accepted. On larger projects, a separate agreement for preliminary engineering or right of way may be executed prior to initiation of these phases.
5. Projects that improve road safety take precedence over other project types, i. e. congestion or drainage.
6. Due to the Road Commission's current road project commitments, preliminary and construction engineering may need to be provided by community engineers at a maximum rate of 10% and 15 %, respectively, of estimated construction costs.

A schedule of events has been established as detailed below. If you are unable to meet any of the dates below, please inform me as soon as possible.

<u>DEADLINE</u>	<u>ACTIVITY</u>
January, 2004	Potential project locations submitted to Programming Division for review.
February, 2004	Local council resolutions and project commitments submitted for projects to be constructed in 2004.
March, 2004	Project approval by Road Commission and County Board.
April – November, 2004	Design, bidding and/or construction period.

I urge you to consider your options for projects now and involve your council members early in the process. Please contact me as soon as possible for cost estimates. The closer we follow the above schedule, the more successful our 2004 Tri-Party construction season will be.



Rochester Hills Master Report

1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660
Home Page:
www.rochesterhills.org

File Number: 2004-0105

File Number: 2004-0105	File Type: License	Status: Consent Agenda
Version: 1	Reference:	Controlling Body: City Council
Requester: City Clerk	Cost:	Introduced: 02/09/2004
File Name: Tappers Pub - License		Final Action:

Title: Approval of Mechanical and Electronic Amusement Device License for Tappers Pub to be located at 877 E Auburn Rd

Notes:

Code Sections:

Indexes: Licenses

Sponsors:

Attachments: Agenda Summary.pdf, Application, Kott.pdf, Application, Union Music.pdf, payment receipt.pdf

Agenda Date:

Agenda Number:

Enactment Date:

Enactment Number:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 2004-0105

..title

Approval of Mechanical and Electronic Amusement Device License for Tappers Pub to be located at 877 E Auburn Rd

..body

Whereas, the applicant known as Tappers Pub (James Kott, Owner) has applied for a Mechanical Amusement Device License, has met the criteria for the license pursuant to Chapter 10, Amusements/Entertainment and is in compliance with Chapter 138, Zoning Ordinance of the City of Rochester Hills Code of Ordinance;

Resolved that the Rochester Hills City Council hereby approves the Mechanical Amusement Devise License as requested by James Kott, Owner, Tappers Pub; located at 877 E Auburn Rd in accordance with Chapter 138, Zoning Ordinance of the Code of Ordinances of the City of Rochester Hills

Be If Further Resolved, that the City Clerk is authorized to issue the license.

NEXT AGENDA ITEM