



**CITY of NOVI CITY COUNCIL**

**Agenda Item 1  
September 24, 2012**

**SUBJECT:** Consideration of a resolution to amend the City's public street light policy.

**SUBMITTING DEPARTMENT:** Department of Public Services *RA*

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

The Department of Public Services completed a comprehensive review of the City's public street light system in April 2012. In addition to identifying inoperable street lights and working with DTE to get them fixed, DPS staff discovered and the City received a credit for nearly \$34,000 in energy costs incorrectly billed to the City over the past seven years.

The other significant review finding was that the City's 1988 Street Light Policy (attached) no longer matches the established and largely successful practice that the City has used to provide street lights for residential entrances along major roads (please refer to the attached September 13, 2012 memorandum for detailed background information relative to the existing policy).

The enclosed policy resolution would amend the 1988 Street Light Policy by clearly differentiating between street light requests for residential entryways on major roads (whereby the City would pay the non-DTE installation cost and ongoing energy costs) from all other requests (whereby the petitioner would pay for installation and ongoing energy costs). The amended policy also describes how requests for decorative street lights at residential entrances along major roads would be handled (petitioner pays installation cost, and the City pays ongoing energy costs).

**RECOMMENDED ACTION:** Consideration of a resolution to amend the City's public street light policy.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				



**CITY OF NOVI**

45175 west ten mile road / novi, michigan 48050 / phone: (313) 349-4300

**CITY COUNCIL**

Mayor  
Matthew C. Oulnn  
Mayor-Pro-Tem  
Edward R. Leininger  
C. Covert  
D. Crawford  
Martha L. Hoyer  
Joseph G. Toth  
Ronald A. Watson  
City Manager  
Edward F. Kriewall  
City Clerk  
Geraldine Stipp

**RESOLUTION  
STREET LIGHT POLICY**

WHEREAS, the City of Novi has received requests for the installation of Detroit Edison street lighting along roadway right-of-way, and,

WHEREAS, the City of Novi has historically allowed special assessment arrangements for the installation of street lighting, and,

WHEREAS, the Novi City Council deems the facilitating of street lighting to be a proper community service.

NOW, THEREFORE, BE IT RESOLVED, that the Novi City Council hereby establishes the following policy for allowing singular street light installation within the City of Novi.

The City will contract with Detroit Edison for the installation of a street light with the following conditions:

1. Lights shall only be allowed on mile roads or arterial roads.
2. The property owner must enter into a 20-year agreement for the term of installation in which the contract could become a lien against the property.
3. The property owner will be billed annually.
4. The City will be authorized to collect a 10% administrative fee added to the cost of the Edison annual service charge.
5. Any increase in Edison annual charges must be assumed by the street light petitioner.

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi at a regular meeting held this 19<sup>th</sup> day of December, 1988.

*Geraldine Stipp*  
Geraldine Stipp  
City Clerk

**RESOLUTION FOR AMENDED STREET LIGHT POLICY**  
**CITY OF NOVI,**  
**\_\_\_\_\_ , 2012**

City of Novi  
County of Oakland, Michigan

Minutes of a regular Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on \_\_\_\_\_, 2012, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_  
\_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

WHEREAS, on December 19, 1988, Novi City Council adopted a "Street Light Policy" to address requests for street light installation in the City of Novi; and,

WHEREAS, said 1988 Street Light Policy needs to be updated to address different types of street lighting requests and to encompass established and successful practices; and,

WHEREAS, alternatives to establishing a Special Assessment District (SAD) for street lighting shall exist to accommodate street light installation requests from individual petitioners; and,

WHEREAS, street lights provide a public safety benefit and serve as a valuable way-finding tool; and,

WHEREAS, street lights in the public rights-of-way are typically installed, owned and operated by DTE Energy (DTE) under agreements between DTE and the City of Novi; and,

WHEREAS, the City of Novi deems the facilitating of street lighting to be a proper public service.

NOW, THEREFORE, BE IT RESOLVED, that the City of Novi City Council hereby effectively amends the 1988 Street Light Policy by establishing the following policy for street light installations that are not associated with an SAD within the City of Novi:

For single standard street lights requested for installation in the public right-of-way at major road entrances of residential developments:

1. The City will contract directly with DTE for the installation and operation of a single standard entryway street light, defined as a steel pole with a single "cobra head" fixture fed by an underground electrical conduit.
2. The City will pay for the non-DTE share of the installation cost (DTE pays for a portion of the installation cost equal to the first three years of revenue DTE will receive for operation).
3. The City will pay for ongoing energy costs for perpetuity.
4. Installation will only be made in cases where electrical service for the street light is available within one hundred (100) feet of the proposed street light location. Otherwise, the petitioner would bear the additional installation cost.
5. If the request is for a decorative/non-standard street light, then the petitioner shall bear the non-DTE cost of the installation.

For all other street light requests from individual petitioners:

1. The City will contract directly with DTE for the installation and operation of the type and number of poles and fixtures requested by the petitioner.
2. The City will contract with the petitioner as a means to recoup installation costs immediately and operating costs over a renewable 20-year term.
3. The City will pay for the non-DTE share of the installation costs.
4. The City will be reimbursed by the petitioner for installation costs upon execution of the agreement.
5. The City will pay for energy costs; and bill annually and be reimbursed by the petitioner.
6. The City will be authorized to collect a 10% administrative fee added to annual energy costs.
7. Any increase in DTE's energy costs must be assumed by the street light petitioner.

AYES: Councilmembers \_\_\_\_\_

\_\_\_\_\_

NAYES: Councilmembers \_\_\_\_\_

\_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
MARYANNE CORNELIUS, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at \_\_\_\_\_ meeting held this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MARYANNE CORNELIUS, City Clerk

# MEMORANDUM



**TO:** CLAY PEARSON, CITY MANAGER  
**FROM:** ROB HAYES, P.E.; PUBLIC SERVICES DIRECTOR/CITY ENGINEER  
**SUBJECT:** AMENDED PUBLIC STREET LIGHT POLICY  
**DATE:** SEPTEMBER 13, 2012

*9/13/12  
To: Mayor & City  
Council Members*

*For future consideration*

The purpose of this memorandum is to resurrect an issue raised earlier this year: public street lighting. You may recall that DPS did a comprehensive review of the City's street lighting system this past spring (please see DPS's April 30, 2012 memorandum, attached). As a result of this review, DPS has been working with DTE to get inoperable lights working again and to have credits issued for inaccurate electricity bills. One thing that has not yet been resolved is amending the City's street lighting policy, which was adopted in 1988. The policy needs to be amended because of the divergence of past and current practice from the policy, as elaborated in the April memo.

The attached policy resolution updates the City's street lighting policy by mirroring current practice. Specifically, the amended policy calls for the City to pay the capital cost of one standard street light in the right-of-way along major roads at entrances to residential neighborhoods, when requested. Further, the City would pay for the operating costs of those lights for perpetuity. It also discusses how requests for decorative lights (in lieu of standard street lights) at residential entrances would be handled.

The amended policy goes on to indicate that requests for all other types of public street lights (i.e., lights in the public right-of-way, but not along residential entrances on major roads), except for petitions to establish special assessment districts, would require the petitioner to pay all capital and operating costs for those street lights.

Amending the existing policy would provide staff with clear direction on how to handle all types of public street lighting requests in the future. We plan on bringing this amended policy forward for City Council's consideration at a future Council meeting. Please let me know if you have any questions, comments or concerns in regard to the amended policy's intent or language.

cc: Victor Cardenas, Assistant City Manager  
Brian Coburn, Engineering Manager  
Marina Neumaier, Interim Finance Director

**RESOLUTION FOR AMENDED STREET LIGHT POLICY**  
**CITY OF NOVI,**  
**\_\_\_\_\_ , 2012**

City of Novi  
County of Oakland, Michigan

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PRESENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_  
\_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

WHEREAS, on December 19, 1988, Novi City Council adopted a "Street Light Policy" to address requests for street light installation in the City of Novi; and,

WHEREAS, said 1988 Street Light Policy needs to be updated to address different types of street lighting requests and to encompass established and successful practices; and,

WHEREAS, alternatives to establishing a Special Assessment District (SAD) for street lighting shall exist to accommodate street light installation requests from individual petitioners; and,

WHEREAS, street lights provide a public safety benefit and serve as a valuable way-finding tool; and,

WHEREAS, street lights in the public rights-of-way are typically installed, owned and operated by DTE Energy (DTE) under agreements between DTE and the City of Novi; and,

WHEREAS, the City of Novi deems the facilitating of street lighting to be a proper public service.

NOW, THEREFORE, BE IT RESOLVED, that the City of Novi City Council hereby effectively amends the 1988 Street Light Policy by establishing the following policy for street light installations that are not associated with an SAD within the City of Novi:

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3. The City will pay for ongoing energy costs for perpetuity.
4. Installation will only be made in cases where electrical service for the street light is available within one hundred (100) feet of the proposed street light location. Otherwise, the petitioner would bear the additional installation cost.
5. If the request is for a decorative/non-standard street light, then the petitioner shall bear the non-DTE cost of the installation.

For all other street light requests from individual petitioners:

1. The City will contract directly with DTE for the installation and operation of the type and number of poles and fixtures requested by the petitioner.
2. The City will contract with the petitioner as a means to recoup installation costs immediately and operating costs over a renewable 20-year term.
3. The City will pay for the non-DTE share of the installation costs.
4. The City will be reimbursed by the petitioner for installation costs upon execution of the agreement.
5. The City will pay for energy costs; and bill annually and be reimbursed by the petitioner.
6. The City will be authorized to collect a 10% administrative fee added to annual energy costs.
7. Any increase in DTE's energy costs must be assumed by the street light petitioner.

AYES: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

NAYES: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
MARYANNE CORNELIUS, City Clerk



**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at \_\_\_\_\_ meeting held this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MARYANNE CORNELIUS, City Clerk

# MEMORANDUM



TO: CLAY PEARSON, CITY MANAGER  
FROM: ROB HAYES, DPS DIRECTOR/CITY ENGINEER  
SUBJECT: PUBLIC STREET LIGHTING SYSTEM  
DATE: APRIL 30, 2012

*RH*

*5/2/12  
To: Mayor & City  
Council Member*

*Large research/inventory  
project completed with  
recommendations coming  
for your consideration*

DPS recently completed a comprehensive review of the City's public street lighting system by researching files, collaborating with DTE Energy and City Finance Department staff, and conducting field inspections at night. This memorandum describes the public street lighting system, explains DPS's role in operating and maintaining the system, discusses past policies and practices associated with the installation of street lights, and presents a policy recommendation to address future street light installations and ongoing operating costs. ))

## Public Street Lighting System – File Review

The City's street lighting system currently consists of 509 street lights located in public rights-of-way. These street lights are at intersections and near freeway interchanges, at residential entryways on major roads, in special assessment districts (SADs), and along local/neighborhood roads under separate agreements with private entities. The attached Table 1 provides a summary of each of these different public street light categories.

To varying degrees, the City of Novi is responsible for all street lights in the system inventory. Most of the lights (406) are owned and maintained by DTE Energy, while some (103) are owned and maintained by the City. Energy costs for all lights are billed to the City; however, a significant fraction of these charges is passed-through to others. Each year on average it costs the City \$88,000 to power and maintain street lights at intersections, near interchanges and at residential entryways. In addition, approximately \$41,000 in DTE charges are passed-through to parties that have street light agreements with the City, and approximately \$23,000 is charged to operate and maintain the lights in street lighting SADs.

The City has established four street lighting SADs as shown on Table 1. All but one of the SADs, SAD 108/Town Center, have lights that are owned and maintained by DTE. The proposed FY12/13 budget includes a project to rehabilitate the City-owned Town Center lights and underground infrastructure, which have not been updated since their installation in the 1980s. ))

Table 1 also shows a summary of street lights covered by seven street lighting agreements with eight different private entities. Each of the lights under these agreements was installed in the public right-of-way per the adjacent property owner's request. In general, for each agreement the City contracted with DTE for installation and operation, and then contracted

with the property owner to provide reimbursement back to the City for capital and energy costs.

Additional details pertaining to these agreements are as follows:

Agreement Date	Property Owner	Scope of Agreement
May 26, 1971	Olde Orchard Condo Association	22 street lights in ROW of local streets (interior street lighting).
November 19, 1985	O'Brien/Sullivan Funeral Home	2 standard street lights in ROW of major road.
April 3, 1989	Harbor Cove Condo Association	1 standard street light in ROW of local street.
December 4, 1989	Stonehenge Condo Association	16 street lights in ROW of local streets (interior street lighting).
November 6, 1995	Country Place & Glen Haven Condo Associations	70 street lights in ROW of local streets (interior street lighting).
August 27, 2007	Arrowon Pines Condo Association	1 decorative entryway street light in ROW of major road.
August 11, 2008	Roma Ridge HOA	1 decorative entryway street light with 2 lamps in ROW of major road.

#### Public Street Lighting System – Field Review

A DPS field crew inventoried all street lights in the system in late March 2012. Using the DTE database (for DTE-owned lights) and the City's GIS-based database (for City-owned lights), the crew verified each light's location and noted the type and whether it was operating properly. Also, the crew noted areas in the City where additional street lighting (especially along established walk-to-school routes) would be beneficial to enhance public safety.

As a result of the field review, DPS found a total of 64 lamps that were either burned-out or not operating properly. These findings have been reported to DTE and the City's electrical contractor (for City-owned/maintained lights). We expect that all issues will be addressed by mid- to late May 2012.

Also, DPS discovered that 14 street lights that were included in DTE's database for Windridge Place subdivision do not exist. Upon further review it was revealed that the City has been billed energy costs for these non-existent lights for the past 6.5 years; therefore, we are currently seeking a credit from DTE in the approximate amount of \$30,000.

Finally, DPS's field review also demonstrated that there is not an established standard type(s) of street light for various applications. DPS staff recently met with DTE Energy engineers to discuss developing a standard list of acceptable types of street lights for future installation. We plan to share the outcomes of that meeting along with a list of additional street light locations to better illuminate specific areas over the next couple of weeks.

### **Street Light Policy Compared to Established Practices**

In 1988 City Council adopted the attached Street Light Policy, which pertains to requests for single street lights that would be installed in the right-of-way of major roads. The policy indicates the City will contract with DTE and facilitate the installation of a single light, and the property owner and City would enter into an agreement whereby the owner pays for the cost of the street light (presumably installation and electricity costs) annually for 20 years. Because the policy is vague, DPS staff worked with other City staff to determine if this policy was ever clarified, or if there is documentation in existence to help explain how the policy is supposed to work. To date, we have been unable to determine the true intent of this 23-year old policy. In addition, only two street light agreements were established since the policy was adopted on December 19, 1988, and neither followed the policy.

### **Entryway Street Lights**

Notwithstanding the 1988 policy, the City's long-established *practice* for entryway lighting for residential developments on major roads since at least the mid-1990s has been that the City will:

1. Contract directly with DTE for the installation and operation of a single standard entryway street light, defined as a steel pole with a single "cobra head" fixture fed by an underground electrical conduit (see photo below).
2. Pay for the non-DTE share of the installation cost (DTE pays for a portion of the installation cost equal to the first three years of revenue DTE will receive for operation).
3. Pay for ongoing energy costs for perpetuity.



**Standard Entryway Street Light**

The two exceptions to this practice are the decorative entryway lights covered by City agreements: Arrowon Pines and Roma Ridge (see photos below). Both associations requested decorative lights to replace standard lights they once had. While both associations paid for installation, the City pays the DTE charges for one of Roma Ridge's two lamps (the association pays for the other) and Arrowon Pines pays the energy costs for its single lamp.



**Arrowon Pines Entrance – Decorative Street Light**



**Roma Ridge Entrance – Decorative Street Light**

All Other Public Street Lights (excluding SADs)

The City's established practice for single petitioner requests that do not involve street lights at major road entrances (such as for interior lighting in residential developments like Country Place) calls for the City to:

1. Contract directly with DTE for the installation and operation of the type and number of poles and fixtures requested by the petitioner.
2. Contract with the petitioner as a means to recoup installation costs immediately and operating costs over a 20-year term.
3. Pay for the non-DTE share of the installation costs.
4. Get reimbursed by the petitioner for installation costs upon execution of the agreement.
5. Pay for and get reimbursed annually by the property owner for energy costs on a pass-through basis.


This particular practice appears to have worked without any major issues over the years.



### Recommendations

I recommend that City Council adopt an updated street lighting policy to match current practices. Doing so would clearly differentiate public street lights to be installed at residential entrances on major roads from all others (see draft policy, attached). 

Because a clearer policy may prompt requests from residential developments for entrance lights, DPS estimated the potential cost to add new entryway lights. There are currently 52 residential development locations (subdivisions, condominiums, apartment complexes, and mobile home parks) without single entryway lights on major roads that could potentially request one (see Table 2, attached). Assuming an average installation cost of \$3,000 each for a standard light, the City's financial exposure would be up to \$156,000 if all entities requested entry lights. Average energy costs of \$350 per year light would result in operating costs of up to \$18,200 per year. To control future installation costs, please note that the draft policy indicates that electrical power to serve a single residential entryway light must be available within 100 feet of the proposed location in order for the request to be honored. |

To correct the inequity associated with the Arrowon Pines agreement, I suggest that the agreement be amended (or terminated, if appropriate) to eliminate the requirement for Arrowon to pay energy costs. By the City paying energy costs going forward, Arrowon's entrance street light would be consistent with all others in the single/residential category. 

If City Council is amenable to these changes, we would bring the proposed policy forward for consideration at a future Council meeting and work with the City Attorney on amending the Arrowon agreement.

In addition to standardizing street light types, future work by DPS will be to evaluate retrofitting existing street lights to make them more energy efficient. This work would be part of our overall effort to help reduce the City's annual energy costs.

Please let me know if you have any questions, comments or concerns relative to this matter.

cc: Victor Cardenas, Assistant City Manager  
Kathy Smith-Roy, Finance Director  
Matt Wiktorowski, Field Operations Sr. Manager  
Tom Schultz, City Attorney  
Maryanne Cornelius, City Clerk

**Table 1  
City of Novi Public Street Lighting System  
Inventory Summary**

<b>Owned &amp; Maintained By:</b>	<b>No. of Lamps</b>	<b>Description</b>	<b>Installation Cost Paid By: *</b>	<b>Energy Cost Paid By:</b>	<b>Notes</b>
<b>DTE Energy</b>	254	Intersections, interchanges, residential entrances	DTE/City of Novi	City of Novi	
	1	Agreement with Arrowon Pines	DTE/Arrowon Pines	Arrowon Pines	Decorative entryway light
	70	Agreement with Country Pl/Glen Haven	DTE/Country Pl/Glen Haven	Country Pl/Gl Haven	Interior streetlighting on local streets
	1	Agreement with Harbor Cove	DTE/Harbor Cove	Harbor Cove	Standard light, not on major road
	2	Agreement with O'Brien Funeral Home	DTE/O'Brien	O'Brien	Standard entry lights on major road
	22	Agreement with Olde Orchard	DTE/Olde Orchard	Olde Orchard	Interior streetlighting on local streets
	2	Agreement with Roma Ridge	DTE/Roma Ridge	Roma Ridge & City (1 ea)	Decorative entryway light (2 lamps)
	17	Agreement with Stonehenge	DTE/Stonehenge	Stonehenge	Interior streetlighting on local streets
	17	SAD 81-01, 81-02: West Lake Drive Area	DTE/SAD 81-01, 81-02	SAD 81-01, 81-02	
	1	SAD143: Grand River/Providence Hospital	DTE/SAD 143	SAD 143	
19	SAD 109: West Oaks	DTE/SAD 109	SAD 109		
<i>Sub-Total:</i>	<b>406</b>				
<b>City of Novi</b>	89	SAD 108: Town Center	SAD 108	SAD 108	
	14	Twelve Mile Rd/Cabaret to 12 Oaks Mall	City of Novi	City of Novi	
<i>Sub-Total:</i>	<b>103</b>				
<b>Grand Total:</b>	<b>509</b>				

\* - DTE shares in the installation cost by discounting a portion of the cost by the amount of revenue DTE is expected to earn during the first three years of operation.



**city of novi**

45175 west ten mile road / novi, michigan 48050 / phone: (313) 349-4300

**CITY COUNCIL**

Mayor  
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**RESOLUTION  
STREET LIGHT POLICY**

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5. Any increase in Edison annual charges must be assumed by the street light petitioner.

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi at a regular meeting held this 19th day of December, 1988.

*Geraldine Stipp*  
Geraldine Stipp  
City Clerk



**RESOLUTION FOR AMENDED STREET LIGHT POLICY**  
**CITY OF NOVI,**  
**\_\_\_\_\_ , 2012**

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5. The City will pay for energy costs; and bill annually and be reimbursed by the petitioner.
6. The City will be authorized to collect a 10% administrative fee added to annual energy costs.
7. Any increase in DTE's energy costs must be assumed by the street light petitioner.

AYES: Councilmembers \_\_\_\_\_

\_\_\_\_\_

NAYES: Councilmembers \_\_\_\_\_

\_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
MARYANNE CORNELIUS, City Clerk

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\_\_\_\_\_  
MARYANNE CORNELIUS, City Clerk

**Table 2 No Street Lights at Residential Development Major Road Entrances**

Subdivisions	Apartments	Condominiums	Mobile Home Parks
Beckenham (Kensington Blvd and Nine Mile)	12 Oakes II Townhomes	Andes Hills	Novi Meadows
Bella Terra	Beachwalk	Chelsea Knolls	Country Cousins
Bellagio	Central Park at Central Park Blvd	Gateway Village	Chateau Estates
Birchwood	Fountain Park	Hampton Woods	Highland Hills
Brookhaven	Harbor Cove	Maples	
Camden Ct	Highline Club		
Chase Drive at Nine Mile	Novi Ridge		
Club Ln	Pavilion Park		
Island Lake at Island Lake Dr	Portsmouth		
Island Lake at Ravine Dr	Saddle Creek Apts		
Island Lake at Seagal Dr	Springs		
Island Lake at Tera Del Mar	Treetop Meadows		
Jamestowne at Jamestowne Dr	Waterview		
Kirkway	Westgate		
Knightsbridge	Wexford Townhomes		
Lenox Park			
Liberty Park at Declaration (North and South Entrance)			
Maybury Park Estates			
Meadowbrook Manor (Llewelyn and Meadowbrook)			
Mirabella Estates			
Normandy Hills			
Saratoga Cir			
Taft Knolls			
Tollgate Woods			
Tumbery Estates			
Tuscany Reserve			
Vista Hills			
Willowbrook Farm #4 (Amanda Ln and Ten Mile)			

Total = 52