



CITY of NOVI CITY COUNCIL

Agenda Item C
February 11, 2013

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.264 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2511, "Exterior Lighting" in order to require and establish standards for lighting at residential development entrances.
SECOND READING

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Bailey}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Community Development Department has reviewed the Zoning Ordinance provisions and suggested a possible amendment to require new residential developments to provide street lighting for road and driveway entrances at major thoroughfares. This amendment is being proposed in response to discussion by the City Council that street lighting is desired at main entrances to subdivisions. It is expected that the ordinance will complement the recently updated and adopted "Street Light Policy".

Ordinance Amendment

The amendment would require developers of any residential projects receiving approval after the adoption of the ordinance to provide lighting at each residential entrance intersecting with a major thoroughfare to sufficiently illuminate the entrance of the development. Lighting could be installed on either the private property of the development or within the right-of-way. Fixtures installed within the right-of-way would follow the provisions outlined in the Street Light Policy. Fixtures would be limited to a height of 25 feet so as to prevent glare and direct illumination away from adjacent properties.

Additionally, any fixtures would need to be in accordance with Section 2511 'Exterior Lighting' of the Zoning Ordinance. A provision requiring entrances to have a minimum illumination of 0.2 foot-candles (equivalent to the City's requirements for parking areas) has been included.

LED lighting

The ordinance currently does not restrict exterior lighting to any particular type of lamp, but encourages metal halide over high or low pressure sodium lights. The use of LED (Light Emitting Diode) lighting would be permitted in private developments under the current provisions of the ordinance, provided the lighting otherwise meets the standards of the ordinance for minimum levels of illumination, and the fixtures are adequately screened to prevent unnecessary glare, reduce spill-over onto adjacent properties and reduce unnecessary transmission of light into the night sky.

Street Light Policy

Staff has reviewed the proposed ordinance to ensure consistency with the adopted Street Light Policy and with the existing practices of the DPS and determined there are no conflicts or concerns regarding the implementation of the ordinance.

Planning Commission Action

The Planning Commission first considered the matter at the October 24, 2012 Planning Commission meeting. At that meeting, the Commission had some additional questions, particularly in regard to whether LED lighting would be permitted.

Staff made some minor revisions to the ordinance and the Planning Commission held the public hearing and recommended approval of the proposed amendment on December 12, 2012. All relevant Planning Commission minutes are attached.

The City Council approved the first reading of the proposed amendment on January 28, 2013. Relevant meeting minutes are attached.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.264 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2511, "Exterior Lighting" in order to require and establish standards for lighting at residential development entrances. **SECOND READING**

	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				

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 13- 18 – 264

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2511, EXTERIOR LIGHTING; IN ORDER TO REQUIRE AND ESTABLISH STANDARDS FOR LIGHTING AT RESIDENTIAL DEVELOPMENT ENTRANCES.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

ARTICLE 25. GENERAL PROVISIONS

Section 2500. – Section 2510. [Unchanged.]

Section 2511. Exterior Lighting

1. [Unchanged.]
2. *Approved lighting plan.* Whenever the installation or modification of outdoor lighting is a required condition under this section, or part of a development plan that requires site plan approval, the approving body shall review and approve all proposed lighting as part of its site plan approval process.
 - a. – b. [Unchanged]
3. Required conditions. When site plan approval is required for the installation or modification of exterior lighting, the following conditions shall apply:
 - a. – m. [Unchanged.]
 - n. All residential developments receiving site plan approval after the adoption of this ordinance shall provide lighting at each entrance intersecting with a major thoroughfare sufficient to illuminate the entrance of the development. A major thoroughfare shall be defined as a major arterial, arterial or minor arterial road as designated in the City of Novi Master Plan's Thoroughfare Classification Map. Minimum illumination shall be 0.2 foot-candles. Fixtures shall not exceed 25 feet in height. Lighting shall be subject to the requirements of this Section of the Zoning Ordinance. If the proposed lighting is within the right-of-way, installation, maintenance and operating costs and responsibilities shall be in accordance with the amended Street Light Policy adopted by the City Council on September 24, 2012.
4. – 5. [Unchanged.]

Section 2512. – Section 2524. [Unchanged.]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2013.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 13- 18 – 264

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4. – 5. [Unchanged.]

Section 2512. – Section 2524. [Unchanged.]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

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PART V.

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MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2013.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**CITY COUNCIL
MEETING MINUTES - EXCERPT
JANUARY 28, 2013**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 28, 2013 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis (absent, excused), Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM-13-01-007 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM-13-01-007	Yeas: Staudt, Casey, Fischer, Mutch, Wrobel, Gatt
	Nays: None

MATTERS FOR COUNCIL ACTION:

3. Approval of Zoning Ordinance Text Amendment 18.264 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2511, "Exterior Lighting" in order to require and establish standards for lighting at residential development entrances. **FIRST READING**

City Manager Pearson said this was a referral from Council to look at residential lighting standards somewhat similar to a commercial business. It is to prevent intrusive lighting from one property to another.

Member Mutch felt this amendment is a logical approach to take. Those who develop commercial properties in the City are asked to put in the infrastructure at the time of development but we leave it to the homeowner associations to petition for a street light at the entrance of a residential development. This change will add that requirement for additional street lighting to be done at the time of development so that the burden won't be put on future homeowner's. We have seen a number of subdivisions in the City still without street lights at their entrances. He said having lighting at the entrances is a matter of public safety.

CM-13-01-011 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Zoning Ordinance Text Amendment 18.264 to amend the City of Novi Zoning Ordinance at Article 25, "General

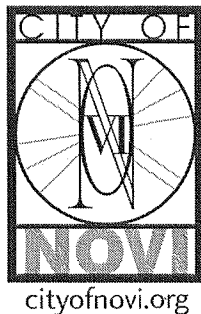
Provisions" Section 2511, "Exterior Lighting" in order to require and establish standards for lighting at residential development entrances. FIRST READING

Roll call vote on CM-13-01-011

Yeas: Wrobel, Gatt, Staudt, Casey, Fischer, Mutch

Nays: None

**PLANNING COMMISSION
MEETING MINUTES - EXCERPT
DECEMBER 12, 2012**



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

December 12, 2012 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Member Anthony, Member Greco, Member Lynch, Chair Pehrson, Member Prince

Absent: Member Gutman, (excused), Member Zuchlewski (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Gary Dovre, City Attorney; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Adam Wayne, Engineer; Rod Arroyo, Traffic Consultant

PLEDGE OF ALLEGIANCE

Member Anthony led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Anthony:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:

Motion to approve the December 12, 2012 Planning Commission Agenda. Motion carried 5-0.

PUBLIC HEARINGS

4. ZONING ORDINANCE TEXT AMENDMENT 18.264 TO PROVIDE LIGHTING AT RESIDENTIAL ENTRANCES ON MAJOR THOROUGHFARES

Public hearing for Planning Commission's recommendation to the City Council for an Ordinance to amend the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2511, Exterior Lighting in order to modify the standards for lighting at residential development entrances.

Planner Kapelanski noted the City Council has expressed an interest in ensuring residential development entrances are easily identifiable through proper lighting. Staff has suggested a possible amendment requiring street lighting for proposed residential developments. This would only apply to newly proposed single and multiple-family developments and to entrances on a major thoroughfare. Any existing residential developments that wish to install entranceway lighting could do so in accordance with the recently adopted Street Lighting Policy. This amendment was brought before the Planning Commission at their October 24th meeting. At that time, the Planning Commission asked that staff address their comments with a revised amendment. Staff has reviewed the meeting minutes and added language that would require a minimum illumination of 0.2 foot candles, equivalent to the amount of lighting required for parking areas. Any type of lighting would be permitted provided it could meet the minimum illumination requirements. The public hearing notice incorrectly noted the number of the proposed text amendment. For the record, this is Text Amendment 18.264. The Planning Commission is asked to hold the public hearing and forward a recommendation to the City Council.

City Attorney Dovre recommended that in the text of the ordinance the actual date of the Council resolution of September 24 be inserted in the front of 2012. Another minor change was also sent over to the staff earlier but it does not change the substance of the proposed changes.

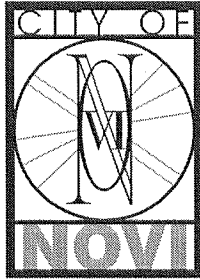
No one from the audience wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Moved by Member Lynch and seconded by Member Anthony:

ROLL CALL VOTE ON APPROVAL RECOMMENDATION MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:

Motion to recommend approval to the City Council of Text Amendment 18.264 regarding lighting at residential entrances on major thoroughfares incorporating the comments provided at the meeting by the City Attorney. *Motion carried 5-0.*

**PLANNING COMMISSION
MEETING MINUTES - EXCERPT
OCTOBER 24, 2012**



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

October 24, 2012 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Member Anthony, Member Lynch, Chair Pehrson, Member Zuchlewski

Absent: Member Greco (Excused), Member Gutman (Excused), Member Prince (Excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Gary Dovre, City Attorney; Kristen Kapelanski, Planner

PLEDGE OF ALLEGIANCE

Member Anthony led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Anthony:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:

Motion to approve the October 24, 2012 Planning Commission Agenda. Motion carried 4-0.

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.264 TO PROVIDE LIGHTING AT RESIDENTIAL ENTRANCES ON MAJOR THOROUGHFARES

Recommendation to City Council for an Ordinance to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2511, Exterior Lighting; in order to modify the standards for lighting at residential development entrances.

Planner Kapelanski said this is in response to the City Council expressing an interest in assuring residential development entrances are easily identifiable through proper lighting. Staff has suggested a possible amendment and this would require street lighting for proposed residential developments. It would only apply to newly-proposed single and multiple-family developments with entrances on a major thoroughfare. Any existing residential developments that wish to install entranceway lighting could do so in accordance with the Street Lighting Policy adopted by the City Council on September 24, 2012. The Planning Commission is asked to hold the public hearing and forward a recommendation to the City Council.

The public hearing was opened. No one wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Chair Pehrson asked Planner Kapelanski if the ordinance itself allowed for different types of lighting, such as incandescent versus LED and does it specify the lumens required.

Planner Kapelanski answered in saying it does not specified the lumens required. As of now, it just reads "sufficient to illuminate the entrance". Staff could add requirements that perhaps would be equal to what's required for parking lots or something similar. Any type of lighting would be permitted. The Street Lighting Policy that was recently approved by the City Council talks about the types of maintenance and cost that would be covered by the City. The standard cobra head fixture is the one that the City would cover the parts and maintenance for. The City would maintain other types of fixtures provided

the development stocked the parts.

Chair Pehrson said he thought it would be worthwhile to add in some of those considerations; maybe there is a range that could be considered for both the lumens themselves as well as the dispersion pattern. Staff should look at the differences between the incandescent and LED.

Member Zuchlewski suggested the City require either mercury vapor or high pressure sodium so that the lighting itself is all one color.

Member Lynch asked if the ordinance only allowed street lights that shine down.

Planner Kapelanski said that some subdivisions might elect to have a decorative fixture that doesn't necessarily have a full cut off. Some of the decorative ones are more of the pedestrian style lighting that tends to shine in all directions.

Member Lynch asked Planner Kapelanski if it was only in the main entrances.

Planner Kapelanski answered in saying it is only at a main entrance at a major thoroughfare.

Chair Pehrson stated asked if previously constructed developments would have to install lighting.

Planner Kapelanski answered developments that have already been constructed before the ordinance is in place would not be required to comply.

Deputy Director McBeth suggested that staff could re-work this ordinance and bring it back to the Planning Commission if Planning Commission wishes to do so.

Motion made by Member Zuchlewski and seconded by Member Lynch:

ROLL CALL VOTE ON MOTION TO POSTPONE CONSIDERATION OF TEXT AMENDMENT 18.264 MADE BY MEMBER ZUCHEWSKI AND SECONDED BY MEMBER LYNCH:

Motion to postpone consideration of Text Amendment 18.264 in order to modify the standards for lighting of residential development entrances so that the staff may address the issues raised by the Planning Commission. *Motion 4-0.*

STREET LIGHTING POLICY

RESOLUTION FOR AMENDED STREET LIGHT POLICY
CITY OF NOVI,
September 24, 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 September 24, 2012, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers: Gatt, Staudt, Casey, Fischer, Margolis, Mutch, Wrobel

ABSENT: Councilmembers: None

The following preamble and Resolution were offered by Councilmember Margolis and supported by Councilmember Fischer.

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: Gatt, Staudt, Casey, Fischer, Margolis, Mutch, Wrobel (7)

NAYES: Councilmembers: None (0)

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 a regular meeting held this 24th day of September, 2012.


MARYANNE CORNELIUS, City Clerk

Excerpt from

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, SEPTEMBER 24, 2012 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

MATTERS FOR COUNCIL ACTION

1. Consideration of a resolution to amend the City's public street light policy.

City Manager Pearson said the Department of Public Services determined that our current practices haven't matched an old resolution that has been in force. Member Mutch initiated this topic for research. This resolution is a modernization of the existing street light policy that the City uses when subdivisions ask for lighting.

Member Mutch wanted to clarify the reference in the policy to installation of a single street light at the entrance to subdivisions. He asked if the policy applies to a single entrance at the subdivision or does every subdivision entrance in a development qualify for the "free" street lighting.

Rob Hayes, Director of Public Services, answered that it would be for every entrance.

Member Mutch noted that the chart indicated 52 street lights.

Mr. Hayes said that there are 52 residential entrances that do not currently have street lights and would be covered under the policy.

Member Mutch confirmed with Mr. Hayes that the policy as currently written would apply to any residential development whether it is a single family or multi-family and that the 52 number included apartment complexes and mobile home parks. He asked, whether under the current policy, if the City would pick up the cost for an apartment complex if they want a street light. Director of Public Services Hayes said that was correct. Member Mutch said that was one point he had an issue with. A mobile

home park or an apartment complex is really a commercial development that is serving hundreds of apartments or mobile homes. He felt that they were different than a residential subdivision in how they operate for profit. He thought it wasn't appropriate for the City to bear the cost of it. There has been discussion about other locations within the City that do not have street lights and were not covered in the policy. How is the City administration going to address those locations?

Director of Public Services Hayes said that it was an on-going process in identifying those locations. A comprehensive list of the locations will be presented to Council with a proposal to get them funded.

Member Mutch questioned the execution of the policy with new subdivisions that would qualify under the policy and how they would be made aware of this opportunity. Will the City pro-actively contact subdivision associations or will we leave it up to them to ask the City?

Director of Public Services Hayes said they would leave it up to them to submit a request to the City and for proposed developments, it would require an amendment to the zoning ordinance to require the developer to provide the street light in advance.

Member Mutch thought it depends on the location but some of the existing subdivisions would benefit from a street light installed at the entrance to the sub. The City has existing subdivisions where there are a number homes built without a homeowner's association in place to initiate the request. He would like to see the City administration to be more pro-active and identify a homeowner's association or identify a process for residents of the subdivisions to get them installed. It not only benefits residents of the subdivisions but also benefits the public at large.

CM-12-09-164 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve consideration of a resolution to amend the City's public street light policy.

Roll call vote on CM-12-09-164 Yeas: Casey, Fischer, Margolis, Mutch, Wrobel, Gatt, Staudt

Nays: None