



CITY of NOVI CITY COUNCIL

Agenda Item F
February 11, 2013

SUBJECT: Approval of Decorative Street Sign Support Agreement as requested by Walden Woods II Homeowners Association for the installation of decorative traffic control sign posts within the public right-of-way.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *BIC*

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Homeowner's Association for Walden Woods II Subdivision (located south of 11 Mile and west of Taft Road) is requesting approval of a Decorative Street Sign Support Agreement to allow the Association to construct and maintain decorative street sign supports within the subdivision. Section 31-55 of the Novi Code of Ordinances allows the placement of decorative street sign supports within a subdivision as long as the Association agrees to the terms of this agreement.

The request from the Association is in response to a right-of-way permit violation issued in October 2012 for the installation of street sign supports within the public right-of-way without a permit. The right-of-way permit process provides an opportunity for staff to review plans for conformity with current standards prior to installation. New federal mandates requiring the City to meet new street sign standards have recently changed the way the City must regulate decorative signage in subdivisions. The installed signs and posts do not meet City, State or Federal standards with respect to mounting height, crashworthiness, font style or size.

Staff has worked with the Association and the City Attorney to prepare a revised agreement containing language to address the non-conformance of the installed signage to allow the Association to delay removal and reinstallation costs for a period of eight years. Paragraph 1 of the Agreement stipulates the non-conformity, provides indemnification for the City related to the non-standard sign installation, and requires replacement of all signage with eight years with signage that meets current standards. The City can require the removal of work that is completed within the right-of-way without a permit. In this case, the Association requested a compromise because of the large financial investment that was made to improve the aesthetics of the subdivision signage. Staff recommends a compromise that would allow the installation to remain for eight years because a definitive replacement plan would be compliant with the federal sign standards and the language in the agreement provides indemnification for the City. The Association agrees to obtain permits prior to any future work within the right-of-way to allow staff the opportunity to review the proposed signage for compliance with current standards.

The new Decorative Street Name Sign Agreement template was prepared by the City Attorney and has been executed by the Association. Staff recommends approval of the agreement.

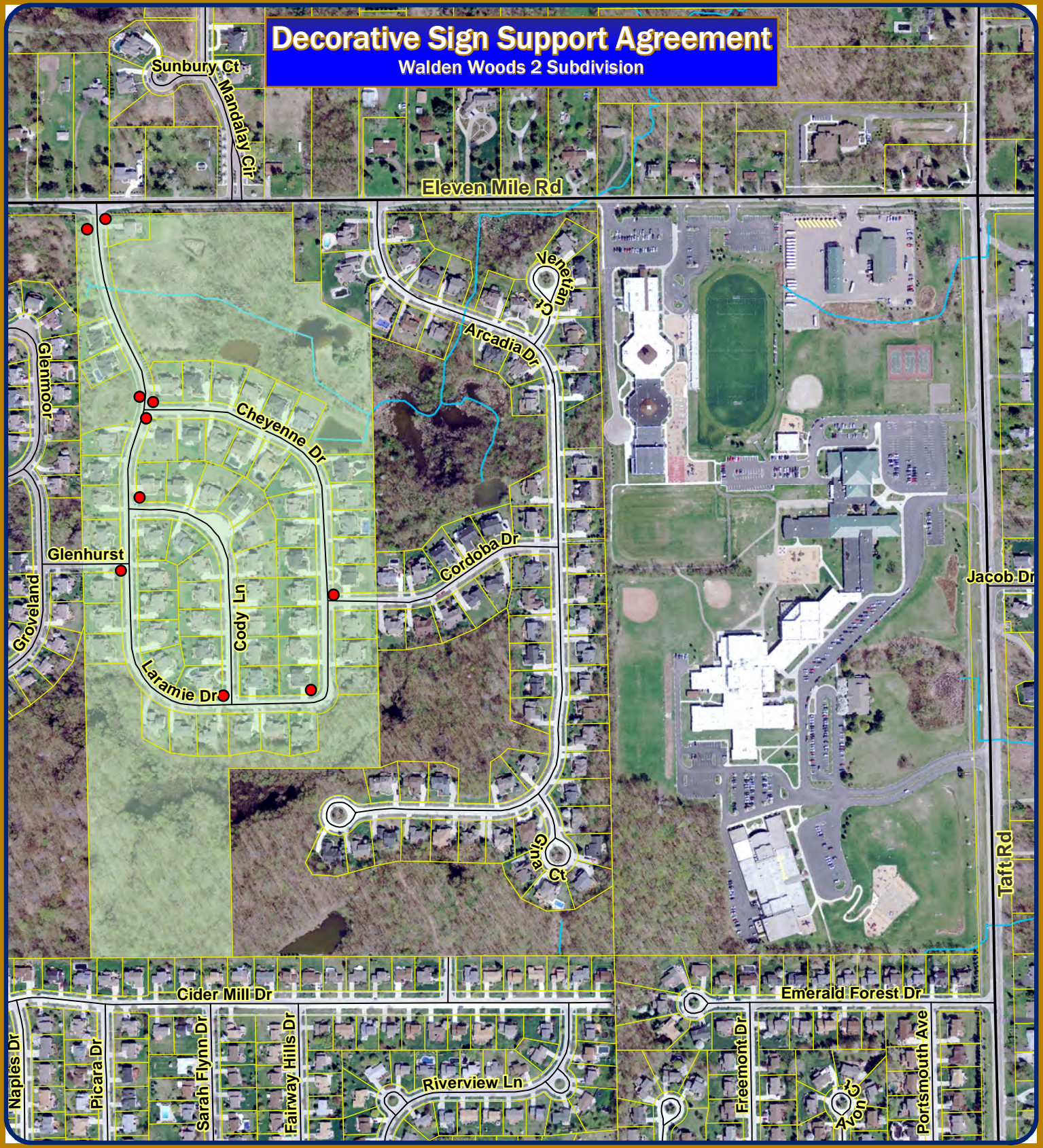
RECOMMENDED ACTION: Approval of Decorative Street Name Sign Support Agreement as requested by Walden Woods II Homeowners Association for the installation of decorative traffic control sign posts within the public right-of-way.

	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				

Decorative Sign Support Agreement

Walden Woods 2 Subdivision

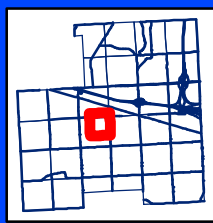


Map Author: Brian Coburn
 Date: 2/4/13
 Project:
 Version #:
 Amended By:
 Date:
 Department:

MAP INTERPRETATION NOTICE
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

- Decorative Sign Supports
- Walden Woods 2 Subdivision



City of Novi
 Engineering Division
 Department of Public Services
 26300 Lee BeGole Drive
 Novi, MI 48375
 cityofnovi.org



1 inch = 455 feet

DECORATIVE STREET SIGN SUPPORT AGREEMENT

Made this 23 day of January, 2013, by and between the City of Novi, a Michigan municipal corporation, whose principal offices are located at 45175 West Ten Mile Road, Novi, Michigan 48375 ("City"), and the Walden Woods II Homeowners Association, a Michigan non-profit corporation, the address of which is 25687 Cody Lane, Novi, MI 48374 ("Association").

WHEREAS, the Association desires to construct, pay for, and maintain decorative street name sign supports within the Walden Woods II Subdivision so the sign supports will be more aesthetically pleasing and compatible with the subdivision than standard street sign posts.

WHEREAS, Section 31-55 of the Novi Code of Ordinances allows the placement of decorative street sign supports within a subdivision by a subdivision association so long as the Association placing them agrees to the terms and conditions of this Agreement.

NOW, THEREFORE, the parties agree:

1. The Association stipulates that existing decorative street sign supports within the Subdivision were installed within the right-of-way without a permit and without prior approval by the City. The Association further stipulates that the decorative sign supports as installed do not meet current city, state, or federal standard with respect to, but not limited to, mounting height, crashworthiness, font style or size. The Association agrees to indemnify and hold harmless the City, Novi City Council and all City agents, officials, employees, volunteers and representatives from any and all claims, demands, suits liability, losses, damages or costs (including reasonable attorney fees and costs)

arising out, of or resulting from for bodily injury, illness, death and personal injury and property damage arising out of or related to the installation and maintenance of the existing signs within the right-of-way. The Association further agrees to replace all non-conforming signage and sign supports within the Subdivision with new signs and sign supports that meet all current city, state, and federal standard within eight years of the date of this agreement. If the Association fails to replace the signs and sign supports within eight years, the agreement will be terminated and the City will replace all non-standard signs as outlined in paragraph 8 below.

2. The Association shall obtain a right-of-way permit to install, maintain, or replace any decorative street sign supports within the right-of-way. The application shall City to review the application. Any new signs placed within the right-of-way pursuant to this Agreement shall be of the height, size, and design specified by City Ordinance and the most recent edition of the Michigan Manual of Uniform Traffic Control Devices, as amended. All signs and their supports shall conform to the applicable City, State, and Federal standards with respect to safety, including, but not limited to, location, text, font, color, retroreflectivity, and size. Only approved signs and sign supports shall actually be placed and maintained by the Association within the right-of-way. All signs and sign supports installed under this agreement shall be inspected by the City following installation.

3. The Association shall bear the cost of any decorative sign supports placed in the right-of-way under this Agreement. Once the signs and supports are placed, they shall be maintained, repaired, and replaced as necessary, or when directed to do so by the City, at the sole cost of the Association.

4. The Association shall immediately repair, replace, or re-erect any sign that is damaged, knocked down, or destroyed at their own cost. The City may, at any time and at the sole cost of the Association, place a standard traffic sign until the Association has acted to repair, replace, or re-erect the sign when it is determined by the traffic engineer that the temporary sign is required for safety.

5. If upon receiving notice to repair or replace a traffic sign erected pursuant to this Agreement, the Association fails to do so for a period of fourteen (14) days, the City may replace any or all of the signs in the subdivision with standard signs, and the right to place other signs as provided herein shall be lost.

6. If there is a change in the statute, ordinance, standards, or general requirements for signs and sign supports covered by this Agreement requiring a change in the installation, the Association shall, upon written notice by the City, replace the decorative signs and sign supports to meet the new requirements. Failure to replace signs and sign supports that deemed as non-conforming by the City within the period specified in the notice will result in termination of this agreement and cause the City to install the signs and sign supports to meet the new requirements.

7. This Agreement grants the Association a privilege and does not confer any rights upon the Association nor shall anything in this Agreement be construed to create any right to compensation, damages, or claims against the City for any cost associated with such signs. If the street name signs and supports erected by the Association are taken down and replaced by standard signs as provided herein, the City shall have no responsibility as far as any cost, payment, or other obligation whatsoever.

8. The parties may at any time agree to terminate this Agreement, or the City, upon thirty (30) days written notice, may terminate the Agreement for any reason at its sole discretion, and the City shall have no responsibility to the Association other than to return the signs to the Association. Within thirty (30) days of receiving a bill, the Association shall pay to the City any costs of replacing the signs with standard signs. In the event the Association (or its successors and assigns) fails or refuses to pay the cost of replacing the signs in accordance with this Agreement, the cost of the signs shall be assessed proportionately to each lot or unit within Walden Woods II Subdivision. If any such assessment is not paid within thirty (30) days of a billing by the City the assessment shall be deemed to be delinquent and shall become and constitute a lien upon each such lot or unit. Such lien may be recorded with the Oakland County Register of Deeds. From the date of delinquency of any such assessment, interest at the highest lawful rate per annum shall be added to the delinquent balance.

9. Upon approval by the City and completion of the installation of the signs, the Association agrees to save harmless, indemnify, represent, and defend the City from any and all claims for bodily injury or property damage or any other claim relating to or arising out of the negligent or tortious acts or omissions in design, placement or existence of signs within the public right-of-way by the Association, or its agents, or employees,.

10. The provisions of this Agreement shall inure to the benefit of and be binding upon the parties hereto, their successors and assigns.

WITNESSES:

CITY OF NOVI

ROBERT J. GATT - MAYOR

MARYANNE CORNELIUS - CITY CLERK

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

On this ____ day of _____, 20____, before me, a Notary Public, personally appeared David Landry and Maryanne Cornelius, respectively the Mayor and City Clerk of the City of Novi, Oakland County, Michigan, a Michigan municipal corporation, who after being first duly sworn, acknowledged the foregoing Agreement and executed same on behalf of the City.

Notary Public
_____ County, Michigan
My Commission Expires: _____



October 25, 2012

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Terry K. Margolis

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

City Manager
Clay J. Pearson

**Director of Public Services/
City Engineer**
Rob Hayes, P.E.

Rodney Falsetti
Walden Woods 2 Homeowners' Association
25687 Cody Lane
Novi, MI 48374

Re: Street Signs in Walden Woods 2

Dear Mr. Falsetti:

It has come to our attention that decorative street sign posts have been installed within Walden Woods 2 subdivision. Please be advised that all work within the public right-of-way of City streets requires a permit from the City of Novi Engineering Division. The permit process allows City staff to review the proposed work for compliance with City, state and federal standards. There is no record of a right-of-way permit application on file for the installation of these signs and therefore the installation is in violation of Section 31-1 of the City of Novi Code of Ordinances.

Additionally, non-standard decorative street sign support agreements are required by City Ordinance when subdivisions request sign posts that are ornamental. In those cases, the subdivision accepts responsibility for the ongoing maintenance and replacement of the sign or post should it become damaged or approach the end of its useful life. Under these agreements, the sign itself must meet federal, state and local standards as outlined in the attached documents.

New federal mandates requiring the City to meet new street sign standards have recently changed the way the City regulates decorative signage in subdivisions. Upon initial review in the field, the existing signage within Walden Woods 2 may not meet current standards related to size, font, color, mounting height, crashworthiness, or reflectivity.

The Association must submit the enclosed right-of-way permit application within 14 days of this letter and provide details about the sign posts and provide a map showing the locations in which they were installed for further review by staff. Following review, we will be able to provide approval, or a list of deficiencies that must be corrected to allow the signs to remain as installed. We will also provide additional requirements, such as the above referenced sign agreement that may need to be executed.

Department of Public Services
Field Services Complex
26300 Lee BeGole Dr.
Novi, Michigan 48375
248.735.5640
248.735.5659 fax

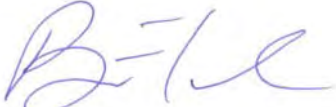
cityofnovi.org

I have enclosed additional information regarding the City standards for street signs and decorative sign posts, a copy of the right-of-way permit application that must be returned within 14 days, and a brochure regarding the right-of-way permit process.

Please contact Erica Morgan at 248-347-0508 with any questions or for assistance in completing the ROW permit application.

Sincerely,

ENGINEERING DIVISION



Brian T. Coburn, P.E.
Engineering Manager

Enclosures

cc: Kerin Borland, 25797 Cheyenne, Novi 48377
Rob Hayes, Director of Public Services/City Engineer
Matt Wiktorowski, Field Operations Senior Manager
Maureen Underhill, Code Enforcement
Erica Morgan, Engineering





Frequently Asked Questions SUBDIVISION STREET SIGNS

Department of Public Services
Engineering Division
(248) 347-0454

Can my subdivision remove and/or install its own street name signs, stop signs, etc?

No, not until a representative of the subdivision association has contacted the Engineering Division and has the signs and posts approved and permitted. A right-of-way permit is required for any and all work within the public right-of-way, including sign installation. All street signs on public streets are owned and maintained by either City of Novi or Road Commission for Oakland County, which is why a decorative street sign agreement must also be executed requiring the association to maintain a specialized sign and post. All signs and posts must meet the minimum standards required by law. If you live in a subdivision with private streets you must also meet minimum requirements in the ordinance and should contact the Engineering Division at 248-347-0454 for assistance.

Why are a permit and an agreement required for my subdivision to install its own signage?

A right-of-way permit is required under Section 31-1 of the City of Novi Ordinance for all work within the right-of-way, which includes replacing driveways, work within a ditch and sign installation as examples. The decorative street sign agreement is required by Section 31-55 of the ordinance to ensure that public safety vehicles can see street name signs to find your home in an emergency. The permit process allows staff to review the signs and posts to make sure they meet minimum standards.

What are the minimum standards that must be met for street signage?

State and federal regulations require uniformity of traffic control signs (stop signs, speed limit signs, street name signs, etc.) for the overall safety of the public. For this reason, stop signs are always red and octagonal and of a certain size so they can be seen. Likewise, street name signs must meet minimum federal and state standards, such as minimum lettering height, letter color, background color and reflectivity. The minimum standards have been established based on applied research to ensure that the traffic signs are visible to drivers from a proper distance to improve safety.

What are the minimum standards that must be met for sign posts?

A fixed object in the right-of-way, such as a steel post with a concrete foundation, can be hazardous because it does not move when struck by a vehicle and can increase the severity of injuries to the driver. For this reason, objects are not permitted in the right-of-way of public roads unless they are deemed as crashworthy. Sign posts are crashworthy when designed to breakaway, or yield, when struck by a vehicle. This can be accomplished using shear bolts to attach the sign post to the foundation or using specially designed sign posts (such as the u-channel posts installed by the city). These standards are in place to improve the overall safety of the motoring public. The Engineering Division staff can assist you in meeting these requirements.

How long does the approval process take?

If all information is provided at the time the right-of-way permit application is submitted, the process should only take a maximum of two weeks, but most often takes less time. The permit application is available on our website: cityofnovi.org under Reference, then Forms & Permits, then Public Services.

What happens if we install signs without a permit and an agreement?

Sometimes this does happen and unfortunately the Association is responsible for the removal and replacement costs of signage that does not meet requirements. For this reason, we encourage the Association to contact us and apply through the permit process.



TRAFFIC CONTROL SIGN STANDARDS

All Traffic Control Signs shall have High Intensity Prismatic (HIP) sheeting to meet retroreflectivity requirements, shall meet all requirements of the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) and shall meet the following standards:

Posts—All signs shall be mounted on galvanized 3 lb. (min.) U-channel posts unless the number or weight of the signs dictates a heavier post. *Decorative sign posts are not allowed unless approved by the City through the right-of-way permit process with an executed agreement.*

Street Name signs shall be constructed from an HIP reflective white blank with green overlay. All street name signs shall have a green field, white letters, and a white border. The text shall consist of capitalized first letter with the remaining letters lowercase and shall be Clearview font. The bottom of the sign shall be mounted at least 7 feet above ground elevation. Street name signs located adjacent to a road with a speed limit of 30 mph or more shall have a minimum sign height of 12 inches and minimum lettering height of 8 inches for the initial upper-case letters and 6 inches for lower-case letters. Street name signs at residential street intersections shall have a minimum sign height of 8 inches and minimum lettering height of 4.5 inches. Supplementary lettering to indicate the type of street (drive, avenue, etc) may be in smaller lettering may have a minimum lettering height of 3.5 inches.

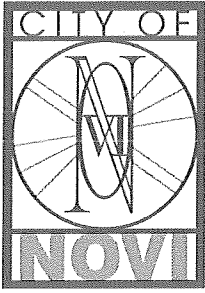
Stop signs shall be installed at the locations shown on the approved site plan ONLY. The signs shall be constructed using HIP sheeting and a minimum size of 30" x 30". They shall be 7 feet in height and 2 feet from the edge of the sign to the curb face. If in an uncurbed area, signs shall be a minimum of 7 feet in height and 6 feet from the road edge.

Yield Signs shall be installed at the locations shown on the approved site plan ONLY. The signs shall be constructed using HIP sheeting and a minimum size of 30" x 30". They shall be 7 feet in height and 2 feet from the edge of the sign to the curb face.

Speed Limit signs shall have minimum size of 24" x 30" shall be made using HIP sheeting and shall be located at the entrance of the subdivision off the major road only.

All other signs shall be installed per the approved plan and shall meet the requirements of the MMUTCD.

If the developer/association intends to use decorative sign posts, all above requirements remain in effect, only the post specifications would change. Please refer to the Subdivision Street Sign FAQ and Decorative Sign Post Agreement Template for additional information.



December 28, 2012

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Terry K. Margolis

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

City Manager
Clay J. Pearson

**Director of Public Services/
City Engineer**
Rob Hayes, P.E.

Rodney Falsetti
Walden Woods II Homeowners' Association
25687 Cody Lane
Novi, MI 48374

Re: ROW Permit Application PROW-12-107

Dear Mr. Falsetti:

We have completed the review of your right-of-way application provided following the installation of decorative street sign supports within the City right-of-way without a permit. Our review of the application and subsequent field inspection has identified the following deficiencies:

1. The distance between the bottom of the sign and the ground is less than seven feet.
2. The decorative sign posts are not designed to break-away when struck by a vehicle to meet crashworthiness standards.
3. The font used on the street name signs does not meet City standards.
4. "ALL WAY" (R1-3P) placards are required below the three stop signs installed at the intersection of Laramie and Cheyenne.
5. A Decorative Street Sign Support Agreement must be executed by the Association and approved by City Council.

It is our understanding that items 1, 2, and 3 above cannot be resolved without reinstallation of the street signs at a significant cost to the Association. As such, the City has prepared the agreement required in item 5 above to address these concerns by requiring the Association to replace the signage within five years to meet all requirements and to indemnify the City regarding damage or injury caused by the non-conforming sign supports.

Your sign contractor must install the "ALL WAY" placards (R1-3p) required in item 4, above, and then contact me to schedule an inspection. The signs must meet the standards in the Michigan Manual of Uniform Traffic Control Devices.

Please have both copies of the attached agreement signed and notarized prior to returning to our office. Once received, we will prepare it for City Council consideration on the next available agenda.

Department of Public Services
Field Services Complex
26300 Lee BeGole Dr.
Novi, Michigan 48375
248.735.5640
248.735.5659 fax

cityofnovi.org

Your permit application will be approved following City Council approval of the agreement and after a passing inspection of the "ALL WAY" placard installation.

Please note that any future installation, replacement, construction, or other work within the right-of-way not specifically included in the current application may require a permit. You are encouraged to contact the Engineering Division at 248-347-0454 during the planning phase of any future mailbox, sign, landscaping, or beautification project for information regarding permit requirements.

Please feel free to contact me if you have any questions at 248-735-5632.

Sincerely,

ENGINEERING DIVISION

A handwritten signature in black ink, appearing to read "B. T. Coburn". The signature is fluid and cursive, with the first name "Brian" and last name "Coburn" clearly distinguishable.

Brian T. Coburn, PE
Engineering Manager

cc: Rob Hayes, PE; Director of Public Services/City Engineer