

Minutes of a Meeting of
ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

held October 28, 2013

6:00 p.m.

Present: Councilman Dwight Clark, Chair
Councilwoman Karen Lieske
Councilman Mike Young

Also Present: Councilman Steve Lee, Councilman Clete Miller, Councilman Dave Tadych,
Interim Police Chief Holliday

Audience: John Suter, Bill Clements, Denny and Tara Wendell, Pat McGannon, Tom Carey,
Brenda O'Reilly, Jennifer Smillie, Joyce VonSickle, Carl and Laura Gonzalez,
L. Faulkner, Peggy Ludwig, Warren Remein

Chairman Clark called the meeting to order at 6:00 p.m. Mr. Clark thanked everyone for their attendance this evening.

Bicycle Ordinances

Mr. Clark introduced Mr. Pat McGannon and the contingency of members of the Village Bicycle Cooperative present at the meeting, and noted that these individuals have worked very hard to see if they could align the existing City of Bay Village ordinances with changes in Ohio Revised Code. Whatever is adopted by the city will be done in cooperation with the Police Department and the Law Department.

Mr. Pat McGannon gave a Power Point presentation entitled "Revisions to the Bay Village Bike Ordinances, dated October 28, 2013, attached to these minutes as Exhibit "A."

Mr. McGannon stated that the City of Bay Village bike ordinances are to be revised in the interest of safety. The ordinances, as they exist, aren't enforced but if they were it would actually create an unsafe environment. The second reason is to be in compliance with State of Ohio House Bill 389 enacted in 2006. The third reason is for uniform rules of the road, in order to provide continuity in biking from one city to the next. The final reason is to allow the city to apply for a Bicycle Friendly Community designation from the League of American Bicyclists. As the ordinances currently stand, the city would be denied that designation because of the existing ordinance prohibiting bicycling on streets. The designation will be listed on the city's website and signs will be permitted to be posted at the entrance of the city to show that Bay Village is a Bicycle Friendly Community. Application for the designation is due in February and the designation is granted in May.

Environment Safety & Community Services Committee
Minutes of Meeting
October 28, 2013

Mr. Clark asked the committee members for their thoughts on what they have seen in Mr. McGannon's presentation and request to update the City of Bay Village bicycle ordinances.

Mr. Young suggested that the ordinances be updated through the work of the Walter Drane Company in the codification of city ordinances and the addition of revised state codes, which is done annually.

Mrs. Lieske suggested conferring with Law Director Ebert to proceed with the process of updating our local bicycle ordinances.

Mr. Clark noted that Bay ordinances are incongruous with the 2006 House Bill 389. They should be reviewed and updated quickly. Other changes in the ordinances should be cycled through the Police Department and Law Department. It is hoped that the work could be finished in time to apply for the Bicycle Friendly Community Designation in February of 2014.

Mr. Young suggested further discussion concerning the three foot passing requirement when passing a bicycle on the street. The other ordinance changes could be adopted readily.

Mr. Clark commented that there is enough subject matter to be discussed through three readings of the legislation to properly vet this through the Council of the Whole.

Chief Holliday stated that the Police Department would like to be up-to-date with the requirements set forth in the Ohio Revised Code.

Mrs. Lieske added that she would like the Police Chief and the Law Director to look closely at the enforcement in the event of violation of a code. There is reference in the documents that states that if there is a violation of traffic law in certain cases you may have to successfully complete a court-approved cycling knowledge course. Mrs. Lieske would like it to be clear that we have those things that are referenced in place for accessibility.

Mr. Clark thanked Mr. McGannon, the Village Bicycle Cooperative, and the Green Team for their support in this effort and assured them that the committee will start working on the update of our local bicycle ordinances immediately.

Mr. John Suter commented that if anyone has driven along the newly repaved section of Lake Road and looked at the covers for the water where it goes down, it is depressed at least two to three inches, and this is a biking hazard. It is a safety issue and needs to be addressed.

Mr. McGannon stated that this is something that they have talked about with the city prior to the repave. They wanted to make sure things were flat.

Mr. Young stated that he understands that from the beginning they thought they would not actually pave the curb and when they paved the curb that created the problem.

Mr. Clark suggested reporting this to Assistant Service Director Jim Sears.

Jennifer Smillie responded to Councilwoman Lieske's comment about the educational process. The Village Bicycle Cooperative and other sponsors are going to come in with an education campaign and ideally educate people prior to being cited for improper vehicular cycling. If there were cases where people were given citations, the Village Bicycle Cooperative is licensed through the League of American Bicyclists to teach Traffic Safety 101 and Traffic Safety 201, and other courses.

Mr. Carey asked if motorists are allowed to pass bicycles on a double-striped road, which is what most of Lake Road is. Mr. McGannon stated that motorists are allowed to pass a double yellow line if it is safe to do so when passing slow moving vehicles. It is state law.

Mr. Carey noted that he has observed bicyclists going right through the red light at Clague and Wolf Roads. Mr. McGannon stated that the offenders should be ticketed.

School Crosswalks

Mr. Clark stated that he has received several inquiries on the establishment of parameters for school crosswalks.

Laura Anderson, Bates Drive resident, and her son, Ben Anderson, were present to address the committee regarding their specific situation. Mrs. Anderson and her neighbors have been concerned about the fact that there is no crosswalk to get from the west side to the east side of Walmar Drive where Wolf Road dead-ends with Walmar Drive. Walmar is the street that is notorious for speeding drivers trying to get to the freeway in the morning, and there is no good place to cross. There is no place where the sidewalk ends on Wolf Road where you can get over to Walmar. There is a crosswalk on Osborn Road that has a state law symbol and painted lines on the ground. If nothing else, an actual concrete path going directly across from where the sidewalk ends would alert drivers to the fact that there are dozens of kids that live on the west side of Walmar that are crossing there on a daily basis. Especially now, with the incidents of strangers of approaching kids, which has happened on their street twice now.

Ben Anderson commented that with the Bike to School Challenges and other events, last year he was riding his bicycle to school every day at the end of the school year and had to cross Walmar.

Mrs. Anderson noted that where Wolf dead-ends there is a utility pole that was actually crashed into recently and finally got replaced. There are supporting wires which block exactly where a crosswalk would go. It seems like it would more sense on the south side of Wolf Road, across Walmar but the way it stands now if you went right across the sidewalk from Wolf to the other side of Walmar it would run right into the cables.

Mr. Young cited the crosswalk on Dover Center Road installed for park accessibility as being a great example of a highlighted crosswalk with pre-warning to motorists that the crosswalk is imminent. He noted further that there are crosswalks on Osborn that were installed with the schools' assistance and advice in order to safely cross children enroute to school.

Environment Safety & Community Services Committee
Minutes of Meeting
October 28, 2013

Mr. Young noted that there is no crosswalk on Walker Road for children to cross on their way to school, or to the Walker Road Park. There are also several points on Bradley where there is no ability or assistance for people to cross, for example at Ashton Lane and Bradley Road, and at Bradley Park. Mr. Young distributed photographs that he took of crosswalks. Type 1 is the Dover Center Road crosswalk, and Type 2 is the boldly painted crosswalk. Mr. Young included a list of areas in Ward 4 that he would like to see either Type 1 or Type 2 crosswalks installed to address the safety issues in the ward. He noted this is something he would like to see considered across the city.

Mr. Suter asked if there are state guidelines.

Mr. Clark stated that this is one of the questions he would like to open up tonight. Part of this work is gathering information to figure out what the state is doing, what other communities are doing, are we in partnership with the schools, etc. We have to be sensitive to the concerns of residents and make sure that the right thing is done in this decision.

Interim Police Chief Holliday stated that the installation of crosswalks is both resident driven and by following process. If too many crosswalks are installed, the effect is lost and the police have always worried about creating a false sense of security. The Police Department wants people to proceed safely from one part of the city to the other, and at the same time want to be in compliance with state laws. It is a long process but they are happy to work with everyone.

Ben Anderson commented that the school teachers tell children not to cross where there is no crosswalk. He questioned this, noting that this instruction is puzzling if there is not a crosswalk.

Councilman Miller commented that his firm has done roadways for developments, projects, and school districts. Ohio Revised Code 4511.46 is the right-of-way of pedestrians within crosswalks law that, if violated, is a misdemeanor which escalates to a higher offense if repeated.

Mrs. Lieske question that when looking at crosswalks citywide is there a need for an estimate or count of how many cars pass through the area. Interim Police Chief Holliday stated that there are certain criteria that have to be met. The side street of Walmar Road would be a different issue than a major thoroughfare such as Bradley and Wolf, and during rush hours as well.

Mrs. Lieske questioned whether a crosswalk would dictate the need for a school guard.

Mr. Clark stated that he did speak to Superintendent Keener on this topic. The schools primary responsibility is to properly staff the crossing guards at those primary points where children are crossing the street. The process we are speaking of tonight would fall under the city's jurisdiction to see what the next steps are and to do it properly.

An audience member commented about the Safe Routes to School Program. It is a national program put out by the Ohio Department of Transportation that allows school districts to go through planning processes for identifying safe routes to schools. Mr. McGannon will be sent a link and he will forward it to the committee members. The application process kicks off in

December. It is fully funded through ODOT, so there are no monies needed. They work with the school and the PTA to identify the safe routes to schools. Once the travel plan is completed the cities and the schools districts can apply for infrastructure improvements like advanced cross walks and educational programs for children.

Mr. Clark thanked everyone for their time. Mrs. Lieske thanked young Ben Anderson for becoming involved in this effort and speaking on behalf of the children.

Deer Fencing

Mr. Clark advised that resident Tom Carey is here to relate his problems with deer invading his property. Mr. Carey had this issue with deer several years ago as well. At that time, the City Council enacted an ordinance about residents feeding deer.

Mr. Tom Carey, Lake Road resident, stated that his major reason for being in attendance this evening is because we live in a community that is considered a suburban community and you would expect a normal amount of wildlife. However, the problems faced personally and others have faced is we have an inordinate number of deer milling around Bay Village. It is a regional problem recognized in the state. You know there is an overpopulation of deer when in the Cuyahoga forest they are actually culling the deer population. They are actually walling off sections of their undergrowth in the Metroparks because the deer have eaten so much of the natural undergrowth. What used to be native, migratory bird habitats are disappearing because the deer have cleaned out the low brush.

Mr. Carey stated that he has no idea of what the history of the fencing ordinances are in Bay Village, or what the purpose is of no fencing or the limited, short fencing in Bay. His guess is that it makes for a nice esthetic, keeping homes and sight lines open. But, we have no animal control officer to control when there is deer in the back yard. Mr. Carey stated some of the damage due to the trees and vegetation on his property. A fence would provide homeowners to take some measure to protect their backyards from deer. Mr. Carey said that he spent a lot of money to install the temporary vegetation fencing that was enacted by ordinance through Council, only to have the more aggressive deer take their hoofs and slash the fence and leap through.

Mr. Carey asked that residents be allowed to erect permanent fencing of the type he saw at Hyde Park. It is basically a square grid, vinyl coated fence, permanently installed like a chain link fence that is 8' high, and does not obstruct the sight lines. This fencing is virtually invisible from a distance as is the deer netting that we are allowed to use now. It is a positive, pro-active way that will prevent 99.9% of deer invasion into yards. It is appropriate in Bay Village to allow residents to protect their yards.

Mr. Clark noted that probably the largest vegetative plot of land in the City of Bay Village is the Community Garden. Brenda O'Reilly of the Community Garden Committee stated that they have a fence that is 7 feet tall and it has kept the deer out for three years now. The fence was ordered from a company in Pennsylvania that specializes in deer fencing. It is not taken down,

Environment Safety & Community Services Committee
Minutes of Meeting
October 28, 2013

as required by ordinance, in November because it does not disturb anyone. Taking it up and down would hurt the integrity of the fence.

Mr. Tadych stated that if the fence doesn't come down, maybe the deer get the point that the area is off-limits at all times. Maybe having the fence stay up is the answer.

Mr. Bill Clements commented that years ago there were no deer in Bay Village, and now they are to the point that he cannot have a garden at his house. They have eliminated everything in the garden; they eliminated almost everything growing in the yard. They eat Impatiens, Begonias, and just ate all the green tomatoes. He sprays the yard with deer repellent every week throughout the summer, to the point of spending \$300 to \$350.00 on the deer repellent. The city and the Council told Mr. Clements that they cannot control the deer population. He stated that hopefully someone can come up with a poison that as a resident he can put on his property to kill the deer that come into his property. Some years ago the city supplied poison to residents to eliminate rats. There is a phobia against rats; therefore you can buy rat poison. The destruction is so great from the deer something has to be done to protect property. Fencing is apparently the only way today.

Mr. Young stated that the animal control officer did not handle deer; that is done by the Department of Natural Resources. Secondly, in terms of rats and rat poison, the county puts out bait traps. If you drive behind Heinen's you will see the little black box put up against the wall. Council has looked at garden protection for deer control as opposed to whole back yards. Mr. Young noted that he had to replace Holly bushes at a cost of approximately \$600 due to the deer.

Mr. Clark stated that if there is a way to strengthen the fence ordinance in a way that is still aesthetically acceptable to Bay residents it would make sense for Council to look at that possibility. The type of fencing and the duration of the fencing would be the two things that would have to be discussed.

Mrs. Lieske asked if a survey needs to be done of property in order to put up a temporary fence. Mr. Carey stated that he read the ordinance carefully and it does not say there is any requirement for a survey.

Mr. Carey asked why the City of Bay Village is so strict about fencing. Mr. Remein commented that there is a safety issue related to firefighting access to the rear of the home. That is probably part of the determination for eliminating the size of the higher fencing.

Mr. Miller asked if any of the Council has actually spoken with the Ohio Department of Natural Resources in terms of the city's situation. Have we actually asked the Ohio Department of Natural Resources to come to our city and do some kind of survey?

Mr. Young stated that the City of Avon Lake officials are considering deer culling at Walker Road Park. They are waiting for another year due to the resignation of the Chief of Police. The Ohio Department of Natural Resources requires a helicopter survey of the deer population, which

Environment Safety & Community Services Committee
Minutes of Meeting
October 28, 2013

is extremely expensive. Police officers will do the culling. Mr. Young noted that a certain amount of acreage is required to accomplish this safely.

Mrs. Lieske advised that the City of Avon Lake recently did a survey of residents about the deer population, which Mrs. Lieske will share with those interested.

Mr. Clements noted that the deer in Bay Village are tame. They are out during the daytime. They have totally taken over; it is out of control. Mr. Clements noted further that he submitted a number of years ago to the Council the rules and regulations of the Ohio Department of Natural Resources to apply for a permit for culling of deer.

Mr. Clark suggested learning from what the Community Garden has done with the fencing and make vegetation fencing aesthetically pleasing with a potential revision of the ordinance.

Mrs. Lieske asked about the possibility of obtaining signs to warn motorists where the deer are in abundance. Chief Holliday will accommodate those requests.

Mr. Carey stated there seems to be resistance to addressing the fencing ordinance. Mr. Ebert stated it has to do with aesthetics, height, location, and property lines. All these issues must be reviewed when discussion permanent fencing.

Mr. Clark will pursue a review and potential revision of the temporary fencing ordinance to protect vegetation.

There being no further business to discuss this evening, the meeting adjourned at 7:10 p.m.

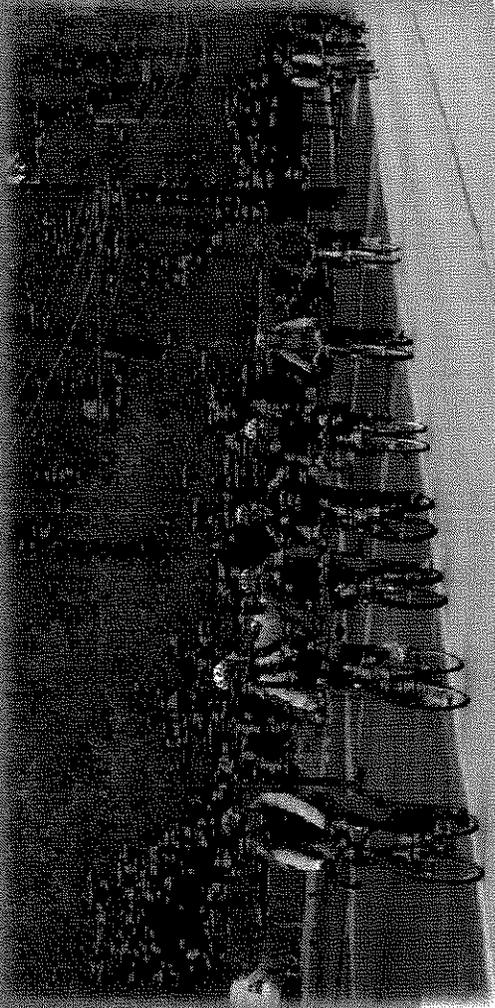
Dwight Clark, Chair

Joan Kemper, Secretary

Exhibit A - Environment & Safety Committee
10-28-13

Revisions to the Bay Village Bike Ordinances

Presented Oct. 28, 2013

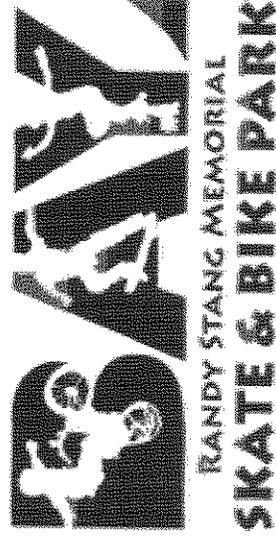
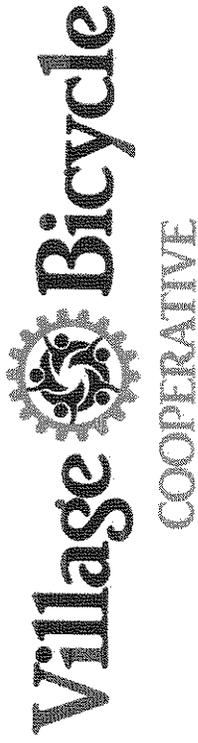
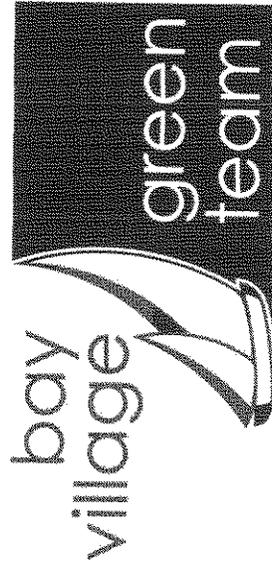


Presented By

Patrick McGannon

- * Bay Village resident and property owner - 30+ years
- * Village Bicycle Coop board member – Safety and Advocacy
- * Bay Village Green Team member
- * Bay Village Master Plan Re-Write Committee member
- * Avid biker – Transportation
- * Traffic Skills certified by League of American Bicyclists

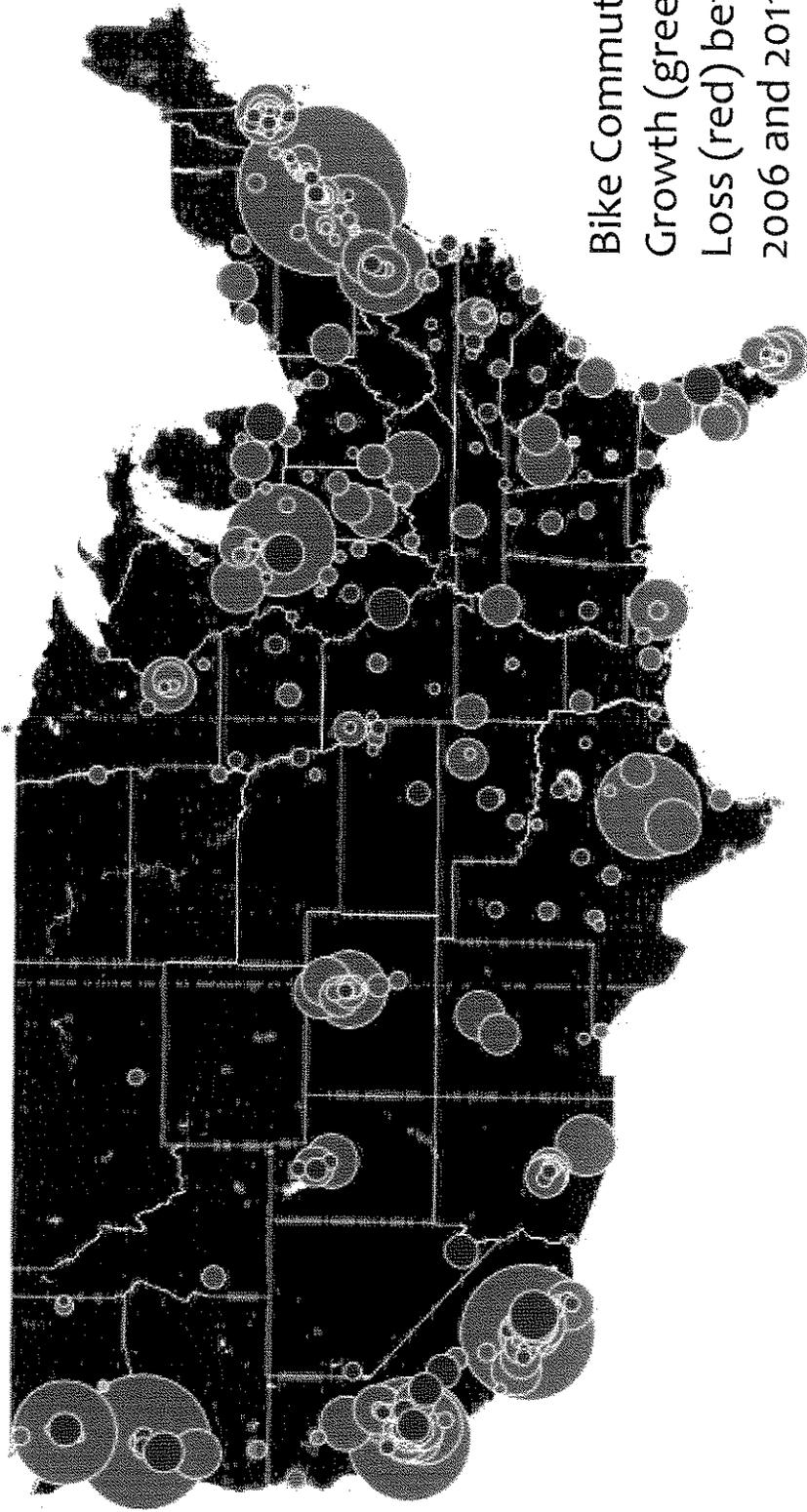
Sponsors



National View

- * 70% of Americans think that having bike infrastructure in their community is important, according to a study by the U.S.D.O.T.
- * Annual miles traveled by car among 16- to 34-year olds dropped 23 percent from 2001 to 2009 according to a study from the Frontier Group
- * The percentage of American households without a car has doubled over the past two decades—and is now approaching 1 in 10 according to research by CNW Marketing
- * Northern Tier Bike Route travels through Bay Village via Lake Road

National View



Bike Commuter
Growth (green) and
Loss (red) between
2006 and 2011.

Source: <http://www.governing.com/gov-data/bicycle-trend-data-usa-cities-map.html?r44b=no>

State View

- * In 2006 H.B. 389 updated Ohio Revised Code with new bike laws in an effort to make Ohio more bike friendly
- * Key updates of H.B. 389: Bicycles defined as vehicles and municipalities prohibited from outlawing bikes on public streets
- * 2010 census showed state population growth from 2000 – 2010 significantly lagged behind other states - Ohio ranked 47 out of 50

Regional View

- * From 2000 to 2010, bicycle commuting in Cleveland increased 280%, to an estimated 3,200 commuters daily
- * 2009: Bike Cleveland formed
- * 2011: Cleveland passed Complete and Green Streets ordinance
- * 2012: Cleveland passed ordinance requiring 3ft passing

Regional View

- * 2013: One in four Cleveland households does not own a car
- * 2013: NOACA listed Lake Road as part of Regional Priority Bikeway Network
- * Cities approving Bike Master Plans include: Cleveland, Fairview Park, Lakewood, Westlake, and Rocky River
- * Bike clubs, such as Silver Wheels, regularly biking through Bay Village
- * Pedal to the Point using Lake Road

Bay Village View

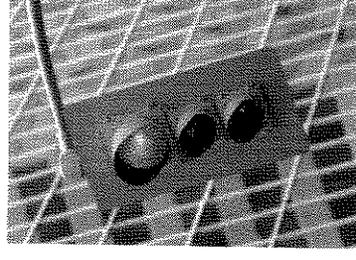
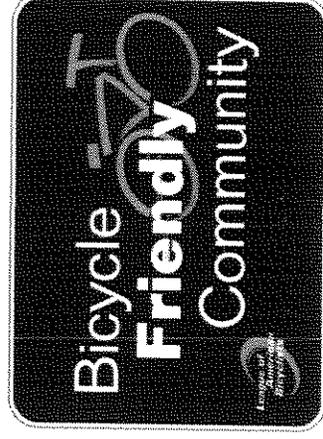
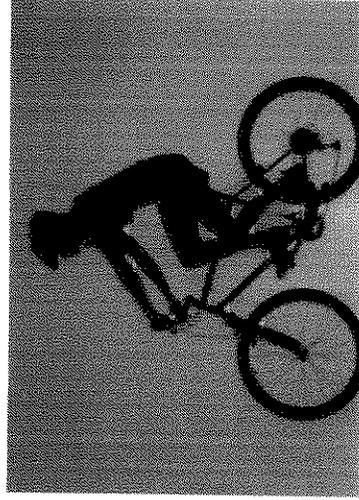
- * 2004: Bay Bike Taskforce presented findings to council. Recommended replacing bike ordinances.
- * 2005: Bay Bike and Skate Park Foundation founded
- * 2006: Existing Bay Village bike ordinances came into conflict with state law
- * 2007: Bay Village Green Team formed
- * 2008: Bay Bike to School Challenge started. Largest and most successful in the country. In 2013, students logged over 28,000 biking miles.

Bay Village View

- * 2010: Census showed 1.5% of Bay residents bike or walk to work
- * 2012: A total of 64 Share the Road signs added to city streets to warn drivers of the likelihood of encountering a bicycle on the road
- * 2012: Village Bicycle Cooperative was, in part, formed to make our region more bicycle-friendly
- * 2013: Bay ranked #1 regionally in the National Bike Challenge with 27 riders logging over 27,000 miles during a 5 month period this past summer. More than 50% of those miles were transportation miles.

Why Update?

- * Safety
- * Compliance with State Law
- * Uniform Rules of the Road
- * To allow us to apply for “Bicycle Friendly Community” designation from the League of American Bicyclists.



What do the Updated Ordinances Address?

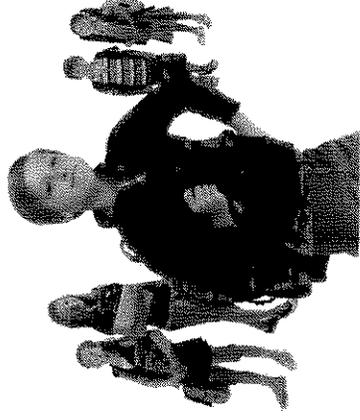
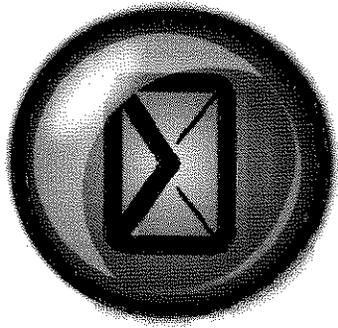
- * Views bicycles as vehicles used in transportation rather than toys or recreational items
- * Changes definition of vehicle to include bicycles, bringing it in line with state laws passed in 2006
- * Eliminates all language that prohibited biking on streets (state requirement)
- * Defines a safe passing distance as minimum 3 ft when passing a bicycle

What do the Updated Ordinances Address?

- * Accounts for stop light vehicle detectors which fail to detect bicycles
- * Provides a civil route for harassment of bicyclists
- * Updates nighttime lighting requirements
- * Overall, creates policy that encourages biking and discourages unsafe behavior by both motorists and cyclists

Education Campaign

* Once the ordinances are passed, the sponsors, in collaboration with the City of Bay Village, will create an education campaign to inform the public about the changes. We will utilize our Facebook Pages, Email Blasts, local newspapers, and schools.



Thank You

- * Bay Village City Council
- * Ordinance Sponsors
- * Fred Oswald of Middleburg Heights
- * Tara and Denny Wendell