

Minutes of a Meeting of
ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE
held June 5, 2023
Council Chambers

6:00 p.m.

Present: Councilman Thomas Kelly, Chairman
Councilman David L. Tadych
Councilwoman Sara Byrnes Maier

Also Present: Councilwoman DeGeorge, Councilman Winzig, Law Director Barbour,
Police Chief Gillespie.

Audience: Kristine and Douglas Gambrell

Zoom: There were no participants by Zoom.

Chairman Tom Kelly called the first meeting of the Environment, Safety and Community Services Committee in 2023 to order at 6:00 p.m., with committee members Councilman David L. Tadych, and Councilwoman Sara Byrnes Maier.

Mr. Kelly stated that this evening the Environment, Safety and Community Services Committee will discuss a variety of subcategory of vehicles with respect to the Ohio Revised Code, specifically ORC 4511, 214, and 214.

A memorandum was provided by Law Director Barbour to the members of the committee. Mr. Kelly asked Mr. Barbour to describe the subcategory of vehicles.

Law Director Barbour stated that in 2017 Ohio law changed that certain “golf carts” were permitted to be operated in the State of Ohio under certain conditions. They had to be “street legal,” meet certain provisions of the Ohio Revised Code, be registered, licensed, have identification, etc. This is coming up now, even though it is a 2017 change, because there are residents who are interested in purchasing them, and there is at least one resident who has purchased one. If one of these vehicles is seen on the street, there may be questions as to whether they are legal, their status, etc. It is a good opportunity to be informed about the status of the law.

The vehicles you may see on the roadway in Bay Village resemble golf carts. Those are generally two kinds: An under-speed vehicle or a low-speed vehicle. An under-speed vehicle is basically a golf cart that can reach a speed of twenty miles per hour. A low-speed vehicle, to the naked eye looks identical, but it is faster. It can exceed 20 mph, although by the revised code it is generally recognized as 25 mph. The revised code section is not a model of clarity, however, what it does say is that most vehicles are legal on streets with speed limits not to exceed 35 mph. All streets in Bay Village have a speed limit of 35 mph. Underspeed vehicles can only be

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operated in a city when the city passes a resolution or an ordinance authorizing their use. Bay Village has no such ordinance. The revised code, as the memo says, gives municipalities or cities the opportunity to pass more restrictive or additional ordinances regarding operation of these vehicles, including speeds. Rather than get calls from constituents inquiring the legality of golf carts, it thought it would be beneficial at this time to discuss the issues and review whether to allow underspeed vehicles (USV), which would require passing an ordinance, or change any of the permission regarding low-speed vehicles (LSV.) Copies of the Ohio Revised Code sections and Mr. Barbour's memorandum are attached to these minutes as if incorporated herein.

Mr. Barbour stated that utility vehicles tend to have more robust tires and are intended for some type of agriculture operation. Those are not permitted on city streets without special permission. The only one that doesn't need City Council permission is the low-speed vehicle (LSV). City Council is permitted to be more restrictive with these vehicles, if that is what Council decided they wanted to do. At present LSV(s) can be operated on roads up to 35 mph, which is inclusive of all roads in the City of Bay Village.

Mr. Kelly called for questions from the members of the Committee.

Ms. Maier asked how golf carts qualify as LSV versus USV vehicles.

Mr. Barbour stated that the manufacturer makes that designation. By looking at a golf cart it is very difficult to determine if it is a USV or an LSV. Information must be obtained from the manufacturer. It is unknown as to the percentage of USV(s) to LSV(s). Mr. Barbour stated that the golf cart industry can provide that information.

One Bay Village resident owns one of these vehicles. Two or three others have inquired. Before there is an issue, Mr. Barbour felt it would be wise for the Environment and Safety Committee to be aware and decide if it should go before the whole body of Council, and if the regulations in the Ohio Revised Code are sufficient.

Mr. Tadych asked if the USV(s) and LSV(s) are allowed on bike paths. Mr. Barbour stated that they are not allowed on bike paths, sidewalks or trails. They are treated as vehicles, registered, with license plates, and safety features.

Audience member and resident Kristine Gambrell stated that she owns an LSV. She noted that she is the Tennis Director for the City of Bay Village. While teaching a lesson on the courts, a police officer arrived and told her she was not allowed to be teaching on public courts. Recreation Director Enovitch was called and informed the police officer that Ms. Gambrell was allowed to teach because she is the Tennis Director.

Mr. Kelly stated that the concern has been raised, and the focus is on the question of whether these vehicles become more prevalent and widespread, is there an impact on the community at large, and if so, is that positive, neutral or adverse. If it is adverse, is it appropriate that this committee recommend further action. The inclination is not particularly strong at the moment.

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He asked Ms. Gambrell the top speed of the LSV that she owns. Ms. Gambrell stated that the top speed of her vehicle is 35 mph.

Mr. Gambrell stated that he provided a cut sheet to the members of the committee, which is clear about the speed and describes the other safety features of the vehicle. It is a vehicle permitted under the law.

Mr. Barbour stated that in response to Mr. Gambrell's email they have been advised, on June 4, 2023, an LSV can be operated in Bay Village.

Mr. Kelly stated that the Environment and Safety Committee is charged with reviewing this matter. When looking at the document provided, it says maximum speed of 25 mph. There are any number of vehicles permitted on roadways that Mr. Kelly would not necessarily employ himself. He is looking at the fact that there are primarily two east/west thoroughfares, that are subject to the majority of traffic in Bay Village. They are both single lane in each direction. The maximum speed is 35 mph. To the extent that one is being driven at 25 mph during a time of congestion, morning and evening rush hour, there is some concern as to how that would impact the thousands of other people who live in Bay Village who have not chosen to implement an LSV.

Mr. Gambrell noted that a car can be driven at 25 mph.

Mr. Kelly stated that most people tend to go the speed limit or slightly above, and this vehicle claims a limitation of 25 mph.

Mr. Gambrell offered to provide documentation that the LSV vehicle can exceed the speed of 25 mph.

Mr. Kelly stated that he understands Mr. Gambrell's willingness to express their concerns, and is grateful for their input.

Mr. Kelly asked if there is an opportunity for City Council to take more aggressive action. His inclination, based on the fact that there are diverging technologies and other types of vehicles that could end up under this designation, he is not inclined in that direction. This is his perspective, and he called upon the other members of the committee for additional feedback.

Ms. Maier stated that her concern is more on the safety side since the vehicles do not have the same level of safety features. Bicycles tend to ride on the right side of the street and are able to be passed. The issue with the vehicles is that if one is going slower than normal traffic speed. If LSV(s) are allowed, the City can always take a more hesitant stance and see if there is any more additional legislation. We have interest from a few residents, and it is unknown if it will grow beyond a few. Council does not legislate for one or two people; that is not the best course of action. Ms. Maier stated that she definitely would want to find out more information about how the typical LSV, or golf cart, is made, what class it is, if it is up to 20 mph or above. That would be a concern as well. Ms. Maier state there is confusion when people are buying them, if

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someone gets something and it is 18 mph. That would be a concern as well. Ms. Maier stated that she does have issues with safety.

Mr. Barbour stated that the manufacturers in Ohio do seem to make an effort do differentiate their vehicles and marketing materials as to a USV or LSV, because of the way the law is written. Mr. Barbour noted that in his experience they do have some input in the writing of the law so they market the vehicles as identified on the cut sheet Mr. Gambrell provided.

Mr. Tadych asked the results of safety on the LSV(s) state wide or nationwide including accidents.

Mr. Barbour stated that he does not have that information. The reason he brought it forward to the committee is to make them aware of it because as the weather gets nicer there may be more seen on the roads. It is unknown what other cities have done. As use becomes more prevalent, the Council is going to want to know about this because constituents do inquire and Council may want to make changes if there is the opportunity. Mr. Barbour noted that his personal view is that he would not want to operate one in Bay Village because people are distracted, there is disparity on the size of the vehicles, the golf cart vehicle driver has the disadvantage and the vehicle is open. But, if someone wants to do that it is their choice.

Mr. Tadych noted that he observes parents riding bicycles with their very young children being pulled on the back of the bicycle in wagon-type attachments. It seems to be their choice of safe or unsafe going down Wolf Road. In regard to a safety issue for people using the vehicles...it is their life. Mr. Tadych stated that he does not understand how Council could limit it in Bay Village if they are coming from Rocky River and it is perfectly alright if it is permitted in Rocky River.

Mr. Barbour stated that it is like a speed limit that can change from one city to another. He noted that restrictions, and even banning can be placed on the vehicles, stressing that he is not advocating that, but just wants Council to be informed. He commented that there is not the opportunity to pass safety legislation with motorcycles, but there is with the golf cart vehicles.

The definition of LSV under the revised code is a three-or four-wheel motor vehicle with an attainment speed in one mile on a paved, level surface of more than 20 mph, but not more than 25 mph with a gross vehicle weight rating less than 3,000 pounds. A USV has an attainment speed of 20 mph or less.

Mr. Kelly noted that the vehicles are permitted to operate on roadways with a speed limit of 35 mph.

Mr. Kelly summarized the vehicle discussion by stating that what he is hearing is largely in favor of a wait and see approach, or nothing at the moment. The Ohio Revised Code says what it says and there is not a reason to expand on it at the moment.

Mr. Tadych stated that he would like to know the accident history on these vehicles.

Mr. Kelly asked Police Chief Gillespie to find this type of information.

Mr. Tadych also noted that Bay Village roads are narrow.

Ms. Maier stated that she would also like to know the safety status. How many registrations are we getting for these vehicles in the state, and in our area? Is it going to be something where it is such a low percentage of all the vehicles, and we will just encounter them from time to time? Some areas will have more than others. Her concern is the safety due to the size and the fact that many people have large vehicles of 6,000 pounds or more. We can do a little bit more research; it seems the issue at point with the Gambrell's is they have the permission they need to operate their vehicle as it stands. Ms. Maier stated that she is not convinced one way or another at this point.

Mr. Tadych noted that he has a handicapped resident in Ward 1 and he rides his handicap vehicle on the bicycle lanes in the street.

Ms. Maier stated that she would be concerned about the use of LSV(s) or USV(s) being used on the trails or sidewalks. Education through signage would be required.

Mr. Barbour stated that the vehicles are licensed, just like an automobile. Automobiles are not permitted to be operated on a trail or sidewalk. The same traffic laws apply in Bay Village.

Mr. Kelly stated that the matter of these vehicles will be brought forward by the Environment and Safety Committee again in September, allowing time to gather more information and statistics.

Mrs. Gambrell noted that she drives her vehicle on the backroads, and purchased it for fuel efficiency purposes when work on roadways in Bay Village required a detour that would have taken her through Westlake to get to the tennis courts.

Mrs. DeGeorge noted that Council cannot legislate for everyone to drive the vehicles on backroads. She asked what the vehicle owned by Mrs. Gambrell is called. Mrs. Gambrell stated that their vehicle is an LSV.

Mr. Barbour stated that under the Ohio Revised Code a golf cart is a USV.

Mr. Kelly thanked everyone for their interest and input on the matter of the golf cart vehicles.

TRAFFIC CALMING

Mr. Kelly called upon Council Representative Sara Byrnes Maier to discuss traffic calming. Ms. Maier distributed information from the Northeast Ohio Areawide Coordinating Agency (NOACA) entitled "Street Supplies Update," a copy of which is attached to these minutes as if fully incorporated herein.

Ms. Maier stated that the Ohio Department of Transportation (ODOT) has a similar program as NOACA where communities can actually get this equipment for demonstrating street scapes like what was done outside Blackbird Bakery on Detroit Road before the intersection work was done. These kits of street supplies exist, and the materials are from a presentation made to NOACA's high school pedestrian advisory committee. They have had these street supply kits for a number of years now. A Memorandum of Understanding (MOU) is signed with NOACA to borrow the equipment, and if it is destroyed the borrower replaces the equipment. They are intended to be very quick demonstration projects, so communities can decide if it is worth doing something permanent. Getting community feedback is a big part of demonstrating the utilizing of these materials. There is different content of the materials they have. Some is very basic signage and more recently they have gotten other things such as the speed tables. These have been used quite a bit in Lakewood, who has a speed table program and traffic calming program where residents, in order to do a demonstration project, have to all agree. There has to be a certain majority of residents on the street that will sign on to have permanent investments made. That helps if there are just a few people that are really adamant about getting some sort of traffic calming, to get the whole neighborhood on board with it. There are a number of things that you can borrow from the street supply kit, but the speed tables are the ones that are of interest for issues with speeding on Bay streets. Walker Road has been an issue, Ashton Lane has been an issue, and if you ask any resident they will probably say their street is an issue. This is something that could be tested out to see if it will help here, especially since they are being used in other areas in the region. The City of Cleveland is investing more money into the speed tables. The speed tables have low clearance and there are signs that are put in front of the speed tables. The demonstration speed tables are rubber mats and can withstand being whacked a few times. It is a misnomer when people say you can't do that in Northeast Ohio.

Ms. Maier pointed out the speed table in the brochure as pictured is in the City of Euclid. It is not too high, but enough that requires the driver to slow down in order to mount and dismount the speed table. There are other things that can be done for traffic calming, but the speed tables seem like the most relevant. There is additional signage that can be done. The radar signs seem to be helpful as well. Information can be tracked on those signs. A lot of it contributes to behavior modification, as well as perhaps getting vehicles to divert off of some of the cut-through streets that are 25 mph to 35 mph streets.

Mr. Tadych asked who pays for the equipment. Ms. Maier stated that the equipment is free, it was purchased through grant funds and is made available to all the communities within the NOACA area.

Mr. Tadych asked if it will be replaced by NOACA when it is damaged by a snow plow.

Ms. Maier stated that the lifetime of all of the street supplies varies, and it is understood that they don't all come back in perfect condition. If the damage is major, i.e., caused by vandalism, the City would have to replace it. All of those details are covered in the MOU.

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Mr. Kelly noted it is similar to borrowing a book from the library. If the book is damaged while in your possession, the borrower is responsible.

Discussion followed concerning methods used in other cities for traffic calming, such as Chicanes that require slowing down and tight turns.

Mr. Kelly asked Ms. Maier to further explain what defines a speed table as opposed to a speed bump. What are the advantages of a speed table and why are they the new preferred methodology?

Ms. Maier stated that the speed bumps are more of an issue with plows. The speed tables have the same effect without having the impact of speed bumps. Mayor Koomar noted that the speed bumps tend to have more noise which results in more residents complaining about the noise than the speed. With the speed tables the driver must still slow down, but the angle of it is not as severe.

Engineer Don Bierut stated that the speed table is more of a ramp. Mr. Kelly noted that it appears to be the length of a vehicle. Ms. Maier noted that the rubber mat is not going to cause issues; signage can be put in front of it to alert snowplow drivers to raise their plows. There were no issues when tested with snowplow drivers.

Mr. Bierut explained the protocol for use of speed tables in the City of Cleveland. They are used in areas where there are 1,000 to 4,000 vehicles travelling a day, a speed limit of 25 mph, and a tendency for vehicles to go more than 6 mph over the speed limit.

Ms. Maier stated that the speed tables in Bay Village would have to be targeted to those streets where a problem is known to exist, and there is agreement with the residents of the neighborhood. The project would indicate whether the situation has improved in regard to speeding, and if they want a permanent solution. The demonstration materials are becoming more utilized around the area. There are areas in Bay Village where people do exceed the speed limit by a measurable amount, and this would possibly change some of that behavior.

There is an opportunity to purchase more speed monitors. One was tested on Walker Road, but there is nothing going west bound. There were two or three on Ashton Lane. They are not a large purchase, somewhere in the \$5,000 range. The signs remind drivers to slow down, but when they reach the end of the street they resume the previous speed.

Councilwoman DeGeorge stated that requests for traffic signals or some change in signalization or signs has always resulted in the comment that a traffic study must be made. Is a traffic study necessary before using the traffic calming devices?

Mr. Bierut stated that the Police Chief would have the data necessary to warrant the need for a traffic calming device. The Mayor stated that in the City of Cleveland pilot areas there were ranges of minimum and maximum vehicle traffic. There was a sufficient number of cars needed to warrant the expenditure, but not so many as it would cause a traffic delay. Mr. Bierut noted

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that they are used only on 25 mph streets. Ms. Maier commented that the 35 mph streets are designed differently to handle that speed. Ms. Maier also noted that traffic counts are also available through NOACA.

The Mayor commented that they may give consideration to purchasing additional electronic speed detection signs as well. Looking at the data, Ashton Lane and Walker Road might have the volume needed to start using the traffic calming techniques.

Mr. Tadych asked the width of the traffic calming tables. Ms. Maier stated that they are small, the width and length of a car. They can even be obtained in a more decorative way, looking as though the base is colored concrete with a brick design included. Mr. Kelly noted that he has also seen them with a carve out for bike lanes.

The next steps would be to get on the list with NOACA for the speed tables. The equipment can be borrowed for a season or two, but less time if other cities are waiting.

Mr. Tadych stated he would like to try them in all four wards.

Ms. Maier stated that they need to be located where they are actually needed.

Mr. Tadych stated that he thinks every ward has a street that could use the traffic calming mats.

The Mayor replied that he would rather pilot the use of these mats on two streets that are clearly above the rest. Ashton Lane and Walker Road would be the best candidates.

There being no further discussion, the meeting adjourned at 6:50 p.m. Mr. Kelly thanked everyone for their attendance.

Thomas Kelly, Chairman

Joan Kemper, Secretary