

TRANSPORTATION ADVISORY COMMITTEE
WEBEX MEETING
FEBRUARY 24, 2021

Members Present

Sam Bell, Co-Chair
Charlie Mosbrook
Kathy Petrey
Howard Maier
Laura Marks
Joel Freilich
Eric Zamft
Karen Knittel
Mary Dunbar, Councilperson

Others Present

Dan Krisner
Allan Butler

Call to Order

The meeting was called to order at 7:00 p.m.

Minutes

The January 27, 2021 **Minutes as corrected were approved.**

New Business and Announcements

Sam Bell introduced City Forester Dan Krizner and Housing Director Allan Butler to continue the discussions about sidewalks and trees. Sam Bell stated that some neighboring communities repair sidewalks and then bill the residents as opposed to the way Cleveland Heights is doing it which is to have the residents completing the repairs themselves. Sam Bell asked Dan Krizner to explain some of the issues between sidewalks and trees.

Dan Krizner stated he is glad this conversation is being had. He said that he sees this issue from the perspective of preserving our tree canopy and our urban forest. He said that in his line of work he is asked if we want to be known as a 'Tree City USA' community or a "Sidewalk City USA". These two often do not co-exist, especially in communities like Cleveland Heights where we have a mature urban forest and hardscapes. He said that when they plant a tree they try to choose the tree and select a location that will not conflict with a sidewalk in the future. However, as far as tree preservation with the existing canopy, when sidewalks are leveled, tree roots are damaged. This opens up a path for decay and ultimately decline of the tree or failure.

Dan Krizner stated that we are talking about trees that are not in their natural environment, they are placed in the urban environment. He explained that as with all things, there are costs associated with being in an urban environment and maintenance that is associated with it. He stated that he feels for the residents who find themselves with unexpected expenses for sidewalk maintenance and that they often become anti-tree. He said that he tries to look at these on a case-by-case basis. He does not want to remove a tree because there is a sidewalk conflict.

Dan Krizner said that the general rule coming out now is that one major root can be cut within a 2½ times the trunk diameter. He said that most of the time there will be only 1 or 2 major roots raising the sidewalk blocks. He stated the City does not have control of this because he does not see the contractor who comes out or what they do. Dan Krizner stated there is a large cost involved. He explained that this is not just the cost of the concrete and the cost of installing a sidewalk. Dan Krizner said that he looks at it from the other perspective. He explained that it may cost \$400 to replace a sidewalk block, but if the tree was lost, we lose \$9,500 of tree value. He suggested that these topics need to be weighed out. He said that while some communities manage sidewalk repairs in-house, he does not know how they take into consideration the trees. He said that New York City has a special department just for the incidents where trees are involved. This department will come out and evaluate the sidewalk, inspect the tree and come up with an individual plan for each instance. He said this plan may be to route the sidewalk further away from the tree or using pavers, etc. Dan Krizner said that he has recommended using asphalt rather than concrete. Asphalt can be placed over the root; asphalt is flexible where concrete is rigid and cracks. He stated that the asphalt seems to last longer because it gives and does not break. He explained that from a foresters standpoint the cost and loss of tree value are the biggest things. Of course, there is no desire to have people trip and fall, but also arbitrarily cutting roots and leveling sidewalks also leaves us in a dangerous situation where we do not know what will happen with the tree that has had its roots cut.

Howard Maier said he had discussed with the Forest Hill Homeowners Association whether sidewalks could be a project managed by the Association for the individual homeowners. He also said that he also likes the concept of the city doing the work of hiring the contractor. Howard Maier asked if it is even possible to level a sidewalk or replace the sidewalk without harming the roots of adjacent trees. Dan Krizner explained that the challenge is that sidewalk companies are in the concrete business and are not arborists. Each situation needs to be reviewed to understand what may be the ‘offending’ root.

Kathy Petry said that other cities in the area are taking on sidewalk repair on a block by block basis and billing the residents. She said that Shaker Heights redid the sidewalks of the entire street where a friend of hers lives. She said they followed Statute Chapter 729 of the Revised Codes that specifically deals with repairs. She said that Shaker did the plans and specs, hired the contractor, and provided notice to the residents that they were going to do this, and gave them the opportunity to hire a contractor and do their own area. She said that if the property owner had not responded to the notice, the city would just proceed and do the work and send them the bill. She said if the bill is not paid the property would be put on the duplicate and they would have a set time frame in which to pay – she thought this may be 5 to 10 years. Her Shaker Heights friend said no-one on his block wanted to do it themselves and so sidewalks on both sides of the street got redone. She stated that probable the city dealt with the tree root problem in whatever manner they thought best.

Kathy Petry said that another city that has done this is Lyndhurst. She said she used to do municipal finance work and spoke with a former colleague. Her colleague said that major sidewalk repair is something a lot of cities have done and are interested in doing. Lyndhurst passed an ordinance where they made a finding that sidewalks in bad repair are a public nuisance and that they can abate the nuisance by fixing the whole sidewalk themselves. She said they have a city plan to replace all of the sidewalks by taking this approach. They don’t give the residents a chance to pay the cost of the sidewalk. Lyndhurst went ahead and assessed the cost of the work over a period of time.

Kathy Petrey said that Mayfield Heights passed an additional levy with a portion of this going to sidewalk repair. The city is doing the work and paying for it themselves.

Kathy Petrey said that during the last discussion, the committee got hung up in looking at which city department is responsible for sidewalks. She said that there is State Law out there that would allow the city to do this and that plans, inspection, and contracting would be done as a regular city works project.

Howard Maier said that this is also a component of Complete Streets. Kathy Petrey thought that this work could be done along with other projects like the repaving of streets or other street improvements.

Charlie Mosbrook asked Dan Krizner what is the downside of using asphalt Dan Krizner explained that people do not like it, it is not viewed as being as pretty as sandstone or concrete.

Kathy Petrey said that asphalt does have some environmental consequences and asked if it was toxic. She commented that if the city is handling sidewalk repair then the city will also be better able to manage the process to preserve the trees.

Mary Dunbar added that many homes have sandstone sidewalks which the owners want to maintain. She asked if sidewalks were inspected during the housing inspection process.

Allan Butler responded that the housing inspections department does inspect the public sidewalks. He said that single-family owner-occupied properties are inspected once every five years and rentals including commercial buildings are inspected every three years. He said so property owners do get violation notices that include the public sidewalks. He said that a public tree is causing the issue, they call and he tries to work with Dan Krizner to determine the best route is for the homeowner to follow. He said they are never happy when it is a city tree causing the problem. He said this problem has been recognized for some time. He shared notes from a 2004 meeting city staff to discuss options. They had come up with some options including allowing the sidewalk to meander around the tree, use alternative pavement such as pavers or asphalt, level and ramp the blocks to bridge over the roop. He said that it ultimately came down to how does the city pay for this program. He said that this was in 2004, and then there were some financial crises, the mortgage crisis and the great recession so this did not go forward.

Allan Butler said there are a few things they can put into practice. Dan does come out and the homeowner removes the blocks and forestry will evaluate and grind the root if appropriate. So the violations are being sent. It is just a question of what type of program you want to establish. Allan Butler said that public works has been doing the inspections for the gas line replacement. He said that maybe the sidewalks should be reviewed to see if a few more blocks could be replaced at the same time. He said that Joe Kickel has been working on the CDBG funded ADA curb cuts across the city. Allan Butler said that ultimately it comes down to do we have the manpower to do a program like this and how do we pay for it.

Kathy Petrey stated that most homeowners are aware that if some improvement were done to their sidewalk they would be responsible for paying for it either in a lump sum or spread out over a specific period. So, she would presume that this is how it would be paid for if other revenue sources are not available.

Kathy pointed out that the 2020 Resident Satisfaction Survey that had been on the city's website under the Transportation Section, city sidewalks had the lowest satisfaction score. She is not aware of anywhere in the city where sidewalks are good and that currently, the sidewalk maintenance results in a very piecemeal look and that this is why other communities are replacing whole blocks.

Allan Butler said this makes sense when you are doing a streetscape with new curbs and new sidewalks, but we do get folks who want the sandstone and they like the original look.

Mary Dunbar asked how long Shaker and Lyndhurst have been doing these programs. Kathy Petrey said she did not know, that she had learned about it from a friend. She said that Lyndhurst has been doing it for a couple of years and that Mayfield's program is earlier. She said her colleague had also mentioned west side suburbs that had undertaken larger sidewalk repair programs.

Howard Maeir volunteered to talk with Lyndhurst and find out how they do it and whether or not it is successful. Kathy Petrey said she is particularly interested in learning more about their approach of declaring the sidewalks a nuisance.

Allan Butler said that the city has used a nuisance ordinance to address a number of housing code violations. He said it should be possible to follow this same format for sidewalks.

Kathy Petrey stated that she thought there would be a significant economy of scales if the city had one contract to replace sidewalks for the entire job and it was all done at once.

Allan commented that it would also be the manpower of inspecting and marking the blocks on a street.

Allan Butler said that there are models that work for other cities and so if we could fund it we could do it.

Laura Marks added that the city was designed to have a street tree and a front yard tree in front of every house. She said that as she speaks to people about getting a free tree she also asks them if she can let the city that they need a tree lawn tree. She said the most frequent reason for not wanting a tree-lawn tree is sidewalks and sewers. She suggested if the individuals were not responsible for the sidewalks, there may be more interest in tree-lawn trees which would benefit everyone in the cities.

Kathy Petrey added that then sidewalks would do better in the resident satisfaction survey.

Sam Bell said that we have this complete and green streets policy and sidewalks are an important component of this. Is there some way we can make this have the force of doing something?

Howard Maier replied that if one street is a year is done that at least there is some progress.

Sam Bell asked for a motion.

Howard Maier asked if there should be an investigation of how to do this and there are a lot of reasons for having this done.

Kathy Petrey said it is also good for marketing the city. She stated that if this is to be investigated is the city currently too understaffed to investigate, at least the 3 cities discussed tonight. Laura Marks added that Dan Krizner had mentioned the New York City program.

Howard Maier said we have had local examples of Shaker, Lyndhurst, Maple Heights, and that as a committee the TAC could investigate this. Howard Maier said he would speak with Shaker and Lyndhurst and will prepare a report for the next meeting. He said this would give the committee some basis to move forward. Kathy said she may have information about at least two other communities and would email this information to Howard Maier.

Kathy Petry said that following the revised Code 729, individual property owners would be charged for the work and would pay upfront or the assessment will be filed and they will pay overtime. She said the city could borrow funds in anticipation of the payments.

Sam Bell asked Dan Krizner if there were grant opportunities for trees particularly tree lawn trees that he needed help in pursuing. Dan Krizner said there are some grant opportunities out there and he said a grant application was submitted for the Urban Tree Canopy grant. He said this would be the City's second application for these funds. He said the new request is for tree planting. Dan Krizner said he is grateful for the support of Cleveland Heights residents for forestry and particularly he wanted to thank Laura Marks and the Heights Tree People for the efforts to educate the public and work to plant trees.. Dan Krizner said that they planted just about 400 trees last year and that they hope to plant another 400 trees this year.

Dan Krizner said that the COVID protocols resulted in rethinking how his crews could plant trees. He said they broke the planting process down into different tasks assigned to different members. This resulted in one person who preps the area, the next person digs the hole, etc. This system was designed so that the crews were not working shoulder to shoulder.

Sam Bell thanked both Dan Krizner and Allan Butler for taking the time to participate in the TAC meeting.

There was a discussion about the residents who are interested in pollinators. Kathy Petry stated that she had some correspondence and that she believed there was a desire to create a Natural Resources Committee for the City. Mary Dunbar asked if this should be more of a regional committee since this is a larger issue than just Cleveland Heights. Kathy Petrey said she could get more information and bring it back to the committee.

Sam Bell said that on behalf of the committee he undertook to write a note to now Secretary Pete Buttigieg congratulating him on his confirmation and urging him personally to endorse the goals of the Vision Zero movement. Sam Bell said that he and Mary Dunbar had spoken to Council about this and that Council had not quite gotten around to doing anything.

Sam Bell made a motion to recommend to Council to endorse the goals of the Vision Zero Movement as expressed at the Vision Zero Network Organization's website (<https://visionzeronetwork.org/>) and also at the National Safety Council Organization's website (<https://www.nsc.org/road/resources/road-to-zero/call-on-president-biden-to-end-traffic-fatalities>).

Sam Bell stated that he was asking this committee to recommend to Council that they endorse the goals of Vision Zero which is that the acceptable number of traffic deaths should be zero. He stated that people are fallible, that mistakes will be made, and what we should do, as best we can make it so it is difficult for

people to get themselves killed in the ordinary course of business. Charlie Mosbrook seconded the motion. Motion carried.

Sam Bell stated that the next item on the agenda is the proposed State Legislation known as Hands-Free Ohio which would make the use of a handheld mobile device illegal as a primary offense for motor vehicle drivers in motion on public roadways. He stated this would mean no talking on a handheld cell phone. Sam Bell said that TAC should endorse this and should ask Council to endorse this.

The committee discussed the issue with using a handheld device. Sam Bell said that where this type of regulation is enforced, accidents rates are reduced to a degree. The committee agreed that a reduction is a good step. Mary Dunbar added that Bike Cleveland was advocating support for this.

Sam Bell made a motion for TAC **to recommend that Council endorse State Legislation known as "Hands-Free Ohio" which would make use of a handheld mobile device illegal as a primary offense for motor vehicle drivers in motion on public roadways.** Kathy Petrey seconded the motion, motion carried.

Eric Zamf and Karen Knittel reviewed the County Micro-Mobility Network. Micro mobility has been an evolving thing over the past few years expanding bike share to electric bikes to scooters and e-scooters. The city has been in discussion with the County and inner-ring suburbs about a shared micro-mobility network. This is being led out of the City of Cleveland but the desire is to have at least 10% of the activity be in the suburbs. Eric Zamft said that there were two tasks. The first is to identify locations in Cleveland Heights for rebalancing stations or stations where folks could either rent or leave a bike or scooter. The County has NOACA funds to create the network so there is not a cost to the City. Eric Zamft said that staff has been working with the Special Improvement District directors to identify potential sites. He said that staff would create potential locations for the city and return to TAC for review and comments. Eric Zamft said the second part of the initiative is the regulatory framework for the micro-mobility network. He said there is a model ordinance that staff need to review and understand what standards should be proposed for Cleveland Heights. As an example, what is an e-scooter, and is this something that should or should not be permitted on a sidewalk or only on the street.

Charlie Mosbrook stated that in speaking for persons who use canes, the e-scooters zip past you and can startle you, and therefore he does not believe they should be permitted on sidewalks. Mary Dunbar said that she recalls that a resident got a ticket for using a scooter on a city road. Joel Freilich commented that these are helpful for transit users. He said most people in Cleveland who do not ride a scooter would prefer for scooters to be on the street rather than on the sidewalk. Joe Freilich said if you pair up the TAC recommendation that all streets in the city have a maximum speed limit of 25 mph where ever possible with the recommendation that scooters go in the street, they get the synergism there that if the traffic goes down to 25 it should be no problem to occasionally come upon a scooter. Mary Dunbar added that adding more lanes that accommodate alternative modes of transportation, like bicycles, would be good as well.

Charlie Mosbrook asked if there was a Countywide RTA policy on where the scooters are allowed to be. Joel Freilich said that RTA does not have a policy about scooters because they do not regulate sidewalks or streets. He believes that the County is working towards some uniformity. Sam asked how RTA feels

about bringing a scooter onto a bus. Joel Freilich said currently scooters are not allowed on a bus. He said that what people like to do with the scooters is to get off the bus and rent the scooter for their final portion of their trip. He explained that because you pay for all the minutes that you have a scooter, people are not that eager to take the scooter onto the bus. Joel Freilich explained that the scooter is not wanted on the bus because the aisle of a bus functions much like a sidewalk and space is needed for people to get through and the scooters do not fit on the bicycle racks. Typically a bicycle is a user-owned device and a scooter is not typically user-owned.

Eric Zamft said that next month, staff would bring back to TAC possible locations for the rebalancing stations and a draft of the legislation. Sam Bell said he would like to see the ordinance and asked that it be sent to the committee to allow time for the committee to review it. It was shared that in an earlier TAC meeting scooters were discussed and a Nisa Marks who worked for the Massachusetts State House recommendation was to have a region-wide policy so that scooter users would know where they were permitted to ride, Sam Bell stated that from a safety standpoint he believed that having scooters on the sidewalk is a terrible idea. He said that motorists tend to look ahead so they have tunnel vision, they don't see bicyclist on the sidewalk and you do not want to have something suddenly entering into the traffic flow from an unexpected location. Sam Bell said he thinks they should be in the street. He added that most of the user agreements require users to wear helmets. He said he has only seen 2 scooter users wearing helmets out of thousands of interactions.

Sam Bell moved on to Old Business and began with an update on speed limits. He said that ODOT is doing a study that will result in a new action on the 85th percentile rule for speed reduction studies. The results are expected in the next 4 to 6 weeks and so he recommends tabling anything the committee is doing with this until this ODOT action is done. Sam Bell explained that the 85 percental rule is that if you want to reduce the speed on a road. A speed study must be done. They look at what speed people are actually traveling and it is the 85th percental.

Kathy Petrey asked why ODOT believes they can overrule the revised code that gives municipalities the power to reduce the speed in residential areas in which their office of general council concurred with the Cleveland Heights Law Director's view on that.

Sam Bell said that the 85th percentile rule has been in use and it has been awfully hard to get past it. Kathy Petrey stated that one of the concerns about lowering the speed limits was that potentially the city would lose the ability to get some grant funds. Sam Bell responded that it is thought the proposed change would remove this concern.

Sam Bell said that he would like the default speed limit in the city to be 25 mpg. Kathy Petrey asked if Council was aware of TAC's discussion and if this had been discussed by Council, Mary Dunbar said that there are people who like to go 35 mph. She said that it has to be brought forward and explain why it is a good idea. She said that the definition of the community is that it is walkable and bikeable and yet we have people who dash through the city and they may feel inconvenienced by this. She said she was not sure how Council would view this.

Kathy Petrey asked what has happened with the proposed requests from the neighbors requesting changes to be made to Euclid Heights Boulevard, especially with the recommendation to reduce the speed limit. Mary Dunbar said that it had not been discussed yet. The Committee discussed that the Committee did make a motion. Mary Dunbar said that she thought the recommendation would go to

the Law Department before going to Council and said that she would work with Karen Knittel to assure that it moves forward.

Laura Marks said she attended the Boulevard neighbors' meeting last Sunday night to discuss tree planting in their neighborhood. They then discussed the concerns about speeders in the neighborhood.

Kathy Petrey said that this should not be slowed down by the ODOT study because the Law Department Reached that conclusion and that she believes there is some case law to support it and the committee said they would pursue this for Euclid Heights Boulevard.

Mary Dunbar and Karen Knittel stated they would follow up on this.

Sam Bell asked how the complete and green street policy impacts how the city does projects. Sam Bell asked if this is doing anything on Shannon Road. Kathy Petry said that TAC had discussed this and it was questioned whether or not green elements were being considered. She said that she believed the committee had to take action that all public works project on the outset of planning green elements in the scope of work. Sam Bell stated that this is in the statute. Mary Dunbar suggested that Joe Kickel or Collette Clinkscale came to a meeting to discuss this.

Laura Marks said that she and Sam Bell had discussed that the Shannon Road project did not include lawn trees and that she is having difficulty getting assistance in approaching residents about receiving a free tree from the Heights Tree People. She said that the Shannon Road project described by Joe Kickel did not include the green part.

It was asked if this should be brought to the City Manager's attention. Eric Zamft said that a complete street policy is just the first step and that there should be an implementation or action plan that follows it. He stated that the development of an action plan is the logical next step. Eric Zamft said that this is something that the planning staff will need to take on and asked for the committee's patience regarding how quickly this can be accomplished. Mary asked if this was a street-by-street plan or a city-wide plan. Eric Zamft responded that it could be either and the point is that a policy and that a policy does not get into the details.

It was suggested that all re-view the ordinance again.

Mary Dunbar said that it is time to renew the application to be a bicycle-friendly community. She said that the next deadline is in August. She said that someone from the city needs to be involved in helping to update this and that it is time to get started on this. She said she would follow up with the City Manager and Eric Zamft on how to get this completed.

Sam Bell said the next item on the agenda is the deer. He said that he spoke with the Chief of Police who said in the past this had been a hot button item for a group of citizens. Sam Bell reported that all of the neighboring communities have a program to address the deer population except for East Cleveland and University Heights. Laura Marks said that this should be a regional effort as deer do not pay attention to jurisdiction lines. Kathy Petrey said that this should be approached as an environmental issue as deer are destructive to forests. She said she had heard from a resident about a dog who had a run-in with

deer, one even requiring surgery, and that deer cause traffic accidents and so it is a transportation issue. Laura Marks commented that the street trees are part of our infrastructure which the deer are destroying. Laura Marks said that the vast majority of residents she has spoken with want the deer population to be reduced.

Laura Marks said that what ODNR does is to send out a resident survey to assess people's feelings about their tolerance level. Kathy Petrey said that there should be some type of community outreach to assess residents' opinions on this. Laura Marks said this is exactly ODNR's first step. Kathy Petrey asked if they would do this for a community that was thinking about culling. Laura Marks responded that they would. Mary Dunbar said during an in-person Council meeting with public input a doctor stated that deer carry ticks that carry Lyme disease and so this is a health concern.

Sam Bell moved to recommend that Council direct the City Manager and/or appropriate personnel to coordinate with surrounding jurisdictions and ODNR to adopt an appropriate deer management program.

Kathy Petrey said she thought we should begin with a survey.

Lyndhurst has been culling deer for a while, ODNR prefers to call this deer management. South Euclid has joined Lyndhurst. Shaker has been doing this independently for five years. It was pointed out that Cleveland Heights both benefits and does not benefit from this. The deer have moved into Cleveland Heights along the southern border to be safe and have damaged newly planted trees at Canterbury School.

The committee discussed that birth control has been proven as being ineffective and that the deer culling is done by sharpshooters.

Mary Dunbar wonders if this could be on a city survey that may be coming up.

Laura Marks said she thinks the committee should make a motion that City Council direct the City Manager to contact ODNR to hear their recommendation on how to manage to take the first steps to investigate what would be involved to create a program.

Laura Marks said she has been in contact with ODNR and is willing to work with the city if asked.

Sam Bell said the amended motion is that TAC **recommends that Council direct the City Manager to contact ODNR to investigate the steps needed to initiate an appropriate wildlife management plan.** Laura Marks said that if the City Manager wanted to ask her to do this she is willing to do so. Howard Maier seconded the motion; the motion passed.

Sam Bell said the next meeting will be on March 24th.

With no further business, the meeting was **adjourned** at 8:52 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'S. Bell', written over a horizontal line.

Sam Bell, Transportation Advisory Committee Chair