

LAW AND SAFETY COMMITTEE

Meeting Summary

August 5, 2020

Attendance: **Tom Henning, Chair**
 Chris Hilberg, Vice Mayor
 Brian Mueller, City Council
 Tom Moeller, City Manager
 Lori Thompson, Assistant City Manager
 Chief David Schaefer

The meeting was held via Zoom Teleconference in accordance with the laws and regulations of the City of Madeira

The meeting was called to order at 5:05 PM.

- **Police Cruiser Graphic Design Package.** Mr. Henning asked Mr. Mueller to introduce the topic as it was his original request to have discussion on the inclusion of the Thin Blue Line flag on the tailgate of the new cruiser design package. Mr. Mueller asked that the City apply the same policy/criteria for displaying this symbol as it has for other symbols on City property. Mr. Moeller noted in his report that City policy allows for the display of City events on public lands, including the Municipal Building and public parks. Mr. Mueller believes this same policy should extend to City equipment/vehicles as well as the Thin Blue Line flag is not an official City symbol or graphic. After some discussion, Mr. Hilberg made the motion to request a legal opinion from Law Director Brian Fox to determine any First Amendment issues related to this matter and whether the display of opinion pieces (words, symbols, flags, stickers, etc.) - whether City funded/provided or not - on City vehicles would require the City to accommodate citizens' requests for displaying their/other opinion pieces on City vehicles? In other words, does the First Amendment precedents for City land (re: opinion pieces) apply to City vehicles as well.

Second by Mr. Mueller. Motion approved by unanimous roll call vote. The Committee agreed to have the legal opinion reviewed in committee before a final recommendation is made to City Council.

- **Property Maintenance – Native Meadows.** The Committee asked staff to provide research as to what other communities do to address the cultivation and maintenance of a “native meadow” on residential property. Staff surveyed communities in Southwest Ohio and received several responses. Only the City of Middletown has approved specific regulations addressing this matter. Mr. Henning reviewed the discussion from the previous Law and Safety Committee meeting. In that discussion, there was a recommendation to limit native meadows to no more than 100 square feet in area. Mr. Moeller noted in his report he was aware of only 2-3 properties with active native meadow planting areas. One such property has received a complaint from an adjacent neighbor as being excessive as it covers nearly the entire rear yard and parts of the City right-of-way. The recommendation from the previous meeting was to restrict the area to the rear yard. Mr. Mueller noted a property on Locust that has a small area in the front yard and that we should consider allowing it in the front yard with any restrictions.

The Committee also discussed whether the allowable area could be larger depending on the zoning district and the size of the lot. Middletown allows up to 50% of the lot to be a native meadow with setbacks from the property lines of 10 ft.; however, their code was unclear as to what constitutes the allowable area as it did not specify whether the footprint of the house was included or excluded in the calculation. The Committee agreed that 50% was too large.

The Committee also discussed whether to allow the native meadow to extend into the public right-of-way. Mr. Moeller noted in his report that there are minor landscaping/beds in the right-of-way all over the community. However, the City controls the right-of-way and can remove any planting/tree that creates an issue for maintenance of the area. Mr. Mueller stated he was not in favor of allowing a native meadow to encroach into the right-of-way. Mr. Hilberg concurred and also noted that the City can remove anything deemed to be inappropriate within the right-of-way area.

The Committee also discussed whether to have an approved list of native plants as Middletown has in their code. The Madeira Code only lists plants that are prohibited as “noxious”. Approval of plants would require some expertise on the part of staff to know each species of plant being considered. Under a permitting process, it would be the burden of the applicant to prove what types of plants are being included in the native meadow.

After additional discussion, the Committee asked Mr. Moeller to include both approved and prohibited plants in the proposed legislation. The Committee also agreed to include Bamboo in the list of prohibited plants. Bamboo is currently a “noxious” plant per the Ohio Revised Code as it is a violation of law to allow Bamboo to spread onto adjacent properties. Chief Schaefer noted three (3) complaints in the City to date regarding Bamboo encroaching onto adjacent properties. By including Bamboo in the City Code, citations can be made to Mayor’s Court instead of Hamilton County. Mr. Moeller will work with the Law Director to develop the draft language so the Committee can review it prior to making a recommendation to City Council.

- **HAWK Signal Update.** Mr. Mueller asked the Committee to review the current operation of the signal at the intersection of Dawson and Miami. He noted, due to the length of the delay, pedestrians are getting impatient not knowing how long they have to wait for the “walk” signal to cross Miami Avenue. Mr. Moeller evaluated the timing of the cycle and reported the following:

The current signal cycle/timing of the HAWK signal was established to strike a balance for pedestrians and vehicles. The current signal timing is as follows:

- *Pedestrian activates signal: less than 5 seconds until yellow caution light activates.*
- *15 seconds of solid red traffic signal. All vehicular traffic must stop. Pedestrian has “walk” signal.*
- *15 seconds of flashing red traffic signal. Pedestrian signal flashes red. Vehicular traffic may proceed with caution if no one is attempting to cross Miami Avenue.*
- *Signal goes dark.*

When another pedestrian activates the signal immediately after the signal has already been activated/used, there is up to a programmed 80 seconds of delay until the yellow caution light activates initiating the pedestrian signal cycle. This was designed into the system so vehicular traffic moves efficiently through the area. And this is where there is an apparent issue as pedestrians become impatient or do not know if the signal is working as nothing happens for up to 80 seconds.

Potential Solutions:

- *Reduce the 80 second delay. At a typical 4 way intersection with pedestrian signals, the most time a pedestrian has to wait for a “walk” signal is 40-50 seconds depending on the total timing cycle for the intersection. Euclid/Miami currently has a 45 second delay. Reducing the HAWK signal’s 80 second delay will halt traffic more frequently during high pedestrian activity (i.e. Farmer’s Market, Friday afternoons with Middle School walkers, etc.); as this may be desirable from the standpoint of making the Miami corridor more “pedestrian friendly”, it is a simple solution to implement.*
- *Determine if the HAWK signal can accommodate a “countdown” timer to notify pedestrians of how much longer they have to wait for the signal to activate. The 80 second delay (or some shorter time period) could potentially be displayed if the system can accommodate this “add-on”. At the time of this report, we have not checked with our signal contractor on this solution.*
- *More information signage on the pole informing pedestrians of the delay. Not necessarily recommended as the activator buttons are usually pushed without people paying attention to any signage on the poles.*

The Committee discussed the issue and recommendations. It was recommended to determine whether an audible signal could inform the pedestrian (by saying “wait, wait”) until the walk signal was lighted. It was also recommended to consider a countdown timer to alert the pedestrian of how much time remained before the walk signal was received/lighted. Mr. Moeller will contact the signal maintenance contractor. The controller will be analyzed to determine whether the system can accommodate either of these add-ons, and he will report back at the next Committee meeting. *(NOTE: Signal contractor was contacted after the meeting and the City Manager met with them on August 6, 2020. He will report back to the Committee after receiving the requested information from the contractor.)*

Motion by Mr. Hilberg, second by Mr. Mueller to adjourn the meeting at 6:10 PM. Motion approved by unanimous voice vote.

Tom Henning, Chair