



**Safety and Public Works Committee Minutes
Friday, September 6, 2019
8 A.M.
City Hall Council Chambers**

Members Present: Nancy Moore, Council Chair
Tres Roeder, Council Member
Julianna Senturia, Council Member
Anne Williams, Council Member
James Brady, Citizen Member
Jonathan Hren, Citizen Member
Austin McGuan, Citizen Member
James Sammon, Citizen Member
David E. Weiss, Mayor
Jeri Chaikin, Chief Administrative Officer
Jeffrey DeMuth, Chief of Police
Patricia Speese, Director of Public Works

Others Present: Joyce Braverman, Director of Planning Department
William Gruber, Director of Law Department
James Heath, Assistant Chief of Fire
Cameron Roberts, Planner, Planning Department
Annette Sutherland, League of Woman Voters

The meeting was called to order by Council Chair Nancy Moore at 8 A.M.

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Approval of the June 7, 2019, Meeting Minutes

Chair Moore stated that the meeting minutes could not be approved due to not having a quorum at the Committee meeting in July 2019. Therefore, she asked if there were any changes or modifications to the June 7, 2019, meeting minutes. There being a few minor edits, Chair Moore asked for a motion to recommend approval of the June 7, 2019, Meeting Minutes. A motion was made by Council Member Anne Williams and seconded by Citizen Member Jonathan Hren; motion carried.

Approval of July 12, 2019, Meeting Minutes

Chair Moore asked if there were any changes or modification to the July 12, 2019, Meeting Minutes. A few minor change were suggested. There being no further modifications, Chair Moore asked for

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a motion to recommend approval of the July 12, 2019, Meeting Minutes. A motion was made by Citizen Member Jonathan Hren and seconded by Council Member Anne Williams; motion carried.

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Presentation of Scooter Share Update

Cameron Roberts, Planner

Planner Roberts stated that the presentation will explain what is happening with scooter share within the County and also the future plans for scooter share in the City of Shaker Heights. The purpose of the presentation is to educate the Committee and inform them as to what is happening in the County with regard to scooter sharing. He added that scooter sharing started in the City of Cleveland in the downtown area at the end of August, 2019. This is part of a County run program. Planner Roberts explained that a scooter is an onboard scooter with handles, powered by battery and could go no faster than 12 mph. (Please refer to the audio portion of these minutes to learn what was said about

The scooters in the County and Shaker Heights.)

After the presentation, Chair Moore stated that what the Planning Department is looking for from the Committee is an initial reaction to the idea of having the scooters in the City of Shaker Heights.

Council Member Senturia asked about whether or not the scooters will require a bike helmet and whether or not there will be a law for same.

Director Braverman stated that it is not a bicycle so the ordinance for a helmet does not apply.

Council Member Senturia stated that she has seen them used in other Cities and no one is wearing a helmet.

Director Gruber indicated that the City requires bike helmets when riding a bike, but scooters are not regulated; therefore, no helmet is required.

Council Member Senturia asked if the helmet law would apply to an e-bike.

Director Gruber indicated that it would apply. He added that there are different types of e-bikes so it really depends on what type. The question is whether or not we want to keep that ordinance. Either we do not allow bike share in Shaker or we get rid of the helmet ordinance. It can also apply for only children and not for adults. Director Gruber stated that it would be up to Council to decide what to do with the helmet requirement.

Council Member Anne Moore asked if approved by the City, where will the scooters be located and where will they be allowed to be used, e.g. sidewalks, streets.

Planner Roberts stated that the City of Cleveland requires that scooter riders ride on the streets, unless it is unsafe.

Chair Moore stated that this Committee is getting an advanced preview of the scooter program.

She thanked Planner Roberts for the presentation.

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Grant Application for South Woodland/Warrensville Intersection Improvements
Ann Klavora, Principal Planner

Principal Planner Klavora stated that this is a request to authorize a grant application to, and to accept a grant from, The Northeast Ohio Areawide Coordinating Agency (NOACA) Transportation for Livable Communities (TLCI) implementation grant program. The NOACA Transportation for Livable Communities Initiative implementation grant helps communities move forward with the development and installation of low-cost infrastructure that strengthens community livability. The NOACA Governing Board has allocated \$1.5M of federal funds for the competitive grant program this year. The minimum grant request is \$100,000; there is no maximum grant request, but it is expected that NOACA will optimize the number of projects assisted and grants awarded. Last year 9 of 15 applications were funded, including improvements at the Shaker/Warrensville intersection. Principal Planner Klavora stated that the City uses this resource quite a bit. She added that this application will be for improvements at the South Woodland/Warrensville intersection, which was examined in a preliminary engineering study in 2018 prepared by consultants at HNTB. They have worked on a number of intersections around the City to maximize efficiency and improvements. The following are some preliminary recommendations, which are included on the diagram attached to the memo distributed to the Committee:

- Reduce number of side street movements to optimize traffic flows
- Revising lane configurations within existing pavement
- Installing a new signal controller
- Crosswalk improvements

Principal Planner Klavora stated that initially the Planning Department applied to implement the changes. If the funding is granted, engineer consultants will be hired to complete a final design. The diagram in the packet will be used as a starting point, based on the preliminary recommendations and a test to figure out what the final solutions are. The preliminary cost estimate in 2018 for the improvement is \$125,513, which will need to be updated to current costs. She added that she was reviewing some of the line items based on current bids and it looks low. Therefore, the costs will be updated and the appropriate amount will be applied for. The City will apply for up to a \$200,000 TLCI grant for the construction improvements. If the grant application is successful, Council will be asked to appropriate a \$40,000 City match from the General Capital Fund for engineering fees (a General Capital Fund Item for 2020).

Principal Planner Klavora stated that the Planning Department is looking to the Committee to recommend Council authorization of a \$200,000 grant application to, and acceptance of a grant from NOACA, Grant Applications are due October 11. She added that this request will also be presented to the Finance Committee on September 16 and City Council on September 25.

Citizen Member McGuan stated that these changes have been a long time coming and the present configuration is an embarrassment to the City and has been status quo for years. Three or four years ago the City reconfigured the intersection and quickly caved in to complaints when the motorists' usual

configuration was interrupted and negative feedback was received. What makes the City certain that this time the changes will be permanent?

Chief of Police DeMuth stated that he can address this topic. The lanes were flip-flopped on South Woodland to try to alleviate some of the problems that the motorists were experiencing. He added that he was not sure that it remedied the issue. The matter was referred to Tom Miller, a signalization expert who explained that the City needed to revert back to the former configurations due to the manner in which the intersection was constructed, the provided signalization, and the cycles. This is part of the reason why we are starting this project now.

Principal Planner Klavora stated that the signal controller cannot handle the six legs of the configuration along with internal movements. There is a geometric component and a signal component. Therefore, one of the recommendations from the initial engineering study is that the City upgrade the controller at the intersection.

Chief DeMuth stated that the proposed plan removes a leg from the cycle—the Somerset leg.

Citizen McGuan asked that if Somerset objects to the changes, will the City scrap the entire plan as they did previously?

Principal Planner Klavora stated that this matter will be sorted out with detailed engineering.

(Please refer to the audio minutes to listen to additional discussion regarding this agenda topic.)

Chair Moore stated that she wants to clarify that this is only a request to recommend to Council that they authorize the \$200,000 application for the grant to start the process. There will be a public process initiated by the Planning Department to discuss the recommendations. Chair Moore asked if there is a motion to recommend this item to Council. A motion was made by Citizen Member Brady and seconded by Council Member Williams; motion carried.

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City of Solon Prisoner Housing Services Contract – Extension

Jeffrey DeMuth, Chief of Police

Chief DeMuth explained that as most of the Committee is aware, in 2015, the Shaker Heights Police Department relocated the jail services and facility. As indicated in the memo that the Committee members received, this was due to an antiquated facility. In addition, he added that the Police Department needed to keep police officers on the road rather than deal with the jail. Chief DeMuth added that the Department was also trying to combat the increasing warrant list that was exponentially increasing. In 2015, the City entered into a contractual agreement with the City of Solon for three years. In addition to the the facility shortcomings, the City of Shaker Heights was also experiencing the need for external housing due to reaching capacity every day. When capacity was reached, we would have to transport prisoners to other jail facilities and ask for space for our prisoners, which increased our costs. Chief DeMuth added that once we entered into the original contract and relocated the jail facility, the Police Department repurposed a little over 4,000 hours of patrol officer time back onto the street. This equals approximately two full time officers over a period of one year. He added that prior to the expiration of the original contract, it was reviewed and we found that the City was paying a little too

much to the City of Solon for prisoner housing. Consequently, a budget analysis was performed and the City of Solon was approached as there was a clause in the contract that indicated that the City of Shaker Heights could opt out of the contract after giving 30 days' notice. The City of Shaker Heights notified the City of Solon to opt out of the contract and renegotiate the terms of the contract.

The contract with the City of Solon was renegotiated. The new terms of the Agreement brought our annual fee down to \$229,200. The renegotiated contract can be terminated by either party with 90 days' notice. At the time of renegotiation, both parties agreed that there was a key component missing from the terms, which was a per diem stay. The City of Solon added this to the Contract and it essentially stated that at any given year, the City of Shaker Heights could not exceed 3,000 prisoner days. If 3,000 prisoner days are exceeded, in the month they are exceeded, the City of Shaker Heights would pay an additional \$5,000. During 2017, this was not exceeded as we were at approximately 2,800 prisoner days. In 2018, it was anticipated we would remain relatively flat; however, that was not the case and we went over by 99 prisoners in the month of December. Essentially, the \$229,200 contract became a \$234,200 contract.

In summary, Chief DeMuth stated the amendment to this contract will expire December 31, 2019. We approached the Solon jail facility requesting a renewal of the amended agreement. They have agreed to the renewal of the amended agreement for two more years (expiring 12/31/2021) at the same price (\$229,200), with no other changes in the contract language. We negotiated to have a \$75.69 per Prisoner Days Stay, which is still well below the stated non-contract price for Prisoner Days Stay of \$85. He added that in 2019, we are well below our allocated weekly average for 3,000 Prisoner Days Stay for the year. Therefore, we do not forecast having to pay the extra \$5,000 this year and will attempt to manage the jail to alleviate paying the extra money for the life of this extension. Chief DeMuth requested that the Safety and Public Works Committee approve the renewal of this amended agreement of the original City of Solon Prisoner Housing Services Contract. It is further recommended that this item be forwarded to the Finance and Administration Committee and City Council with a recommendation for approval.

(Please refer to the audio minutes of this meeting to hear more about the Jail Contract and Committee discussion).

Chair Moore asked if the Committee would like to make a motion for approval. A motion was made by Council Member Tres Roeder to approve the renewal of the amended agreement of the original City of Solon Prisoner Housing Service Contract and forward it to the Finance and Administration Committee and City Council with a recommendation for approval. This motion was seconded by Council Member Anne Williams; motion carried.

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Waiving of Competitive Bidding for the Temporary Shoring of the Transfer Station
Patricia Speese, Director of Public Works Department

Director Speese started by explaining that the transfer station is the building to the left when you enter the Service Center where the garbage trucks and recycling trucks enter. Everything is brought into the transfer station for processing, put into compactors, crushed and compacted and semi-trailers haul out the garbage and the brush. Below the Transfer Station is the salt storage facility. Everything is hauled to either a landfill or a recycling center. She added that the facility was originally constructed in 1970

and in the 90s it received substantial structural reconstruction. In early 2017, it was noticed that an area of the floor in the Transfer Station was beginning to crack. Portions of the concrete floor about 4” – 6” in diameter were breaking loose. GPD Group was brought in to conduct a quick examination of the Transfer Station floor. The engineer determined that the floor was showing signs of failure. (See picture in packet.) The area of cracked concrete floor was expanding and cracks were also found in the brush truck entry doorway floor. These cracks were allowing water to corrode the concrete reinforcement bar. Director Speese stated that as the steel bar corrodes, it causes the concrete to break apart exposing more re-bar to water. GPD also examined the basement ceiling (underside of aforementioned floor). They found that the majority of the floor was found to appear to be in acceptable condition. However, the condition of the floor near the brush truck entry was found to be in questionable condition. GPD recommended having temporary shoring put in place to hold the floor in position. After contacting numerous contractors, W Construction was able to supply and install the temporary shoring. Due to the emergency nature and need for this shoring, public bidding was not done. A comprehensive assessment has been conducted and it is anticipated that significant repairs are needed to the Transfer Station and the necessity for the shoring will remain until these repairs are made. This exceeds the amount of \$25,000 limit which requires public bidding or Council approval. Director Speese added that repairs to the Transfer Station were part of the 2019 Capital Budget in the amount of \$200,000 as a placeholder with the understanding that once the comprehensive assessment of the Transfer Station was performed, a more accurate final figure would be included in the 2020 Capital Budget. The expenses for the temporary shoring are as follows: Rental Cost \$11,400 per year, cost for shoring until floor is repaired is \$46,500.

(Please review the audio minutes for discussion by the Committee.)

In summary, Director Speese is requesting that the Safety and Public Works committee recommend that Council waive competitive bidding due to the emergency nature of this shoring and to maintain the temporary shoring through 2020 or as soon as the Transfer Station repairs are performed.

A motion to approve the above was made by Council Member Anne Williams and seconded by Citizen Member Jonathan Hren; motion carried.

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Precision Wildlife Management LTD Contract 2019-2020 Deer Management Program
Jeffrey DeMuth, Chief of Police

Chief DeMuth explained that most of the Committee is aware that in 2016, the Deer Task Force disseminated a questionnaire to residents concerning the overabundance of deer living in the City of Shaker Heights. The impact of deer population is detailed in the memorandum forwarded to all Committee members. Eventually, a deer culling program was initiated for the 2016-2017, and 2017-2018 winter seasons. In the first two years the Ohio Division of Natural Resources authorized the culling of 40 deer per year. The first two years of the culling program were performed by Shaker Heights Police Department employees that were trained precision marksmen. At the end of the second year, one of the lieutenants retired--Lieutenant Mariano. After Lieutenant Mariano retired, he formed his own business called Precision Wildlife Management LTD. Among other services, his business offers deer culling. For the 2018-2019 deer culling season, proposals outside of the Police Department were requested as we did not have the necessary employees trained in the Police Department. In addition, it was very costly for the culling to be done by Police Department employees. Therefore, the

only proposals received were James Mariano's Company, Precision Wildlife Management LTD and the United States Department of Agriculture. Precision Wildlife Management LTD was chosen. Chief DeMuth explained that one of the reasons was that we could not accommodate what the USDA asked the City to do. The problem with the USDA proposal was that there was no end budget in sight. Ultimately, in the 2018-2019 season Precision Wildlife Management was chosen as the vendor for the culling contract. It was a successful season in as much as 40 deer were culled as permitted by the ODNR. Last culling season last year extended into March 2019 as Precision Wildlife had significant difficulty culling the permitted 40 deer as the deer was only culled on public land. The reason it took so long is that deer are not stupid. They figured out that they were getting shot. What Jim Mariano found is that the deer would not enter the public lands even with bait. The deer were bedding down on private properties for two reasons: they knew they were getting culled and it was a mild winter with available vegetation to eat. Chief DeMuth added that this year, 2019-2020 season, Precision Wildlife Management LTD submitted a proposal. The proposal indicates two costs due to the man hours it took to cull 40 deer last year:

- \$58,000 for harvesting a maximum of 40 deer with access to private property and public property
- \$68,000 for harvesting 40 deer on only public property

In summary, Chief DeMuth stated that it is recommended that the Safety and Public Works Committee approve the Contract with Precision Wildlife Management LTD for the 2019-2020 Deer Management Program. He further recommended that this item be forwarded to the Finance and Administration Committee and City Council with a recommendation for approval.

Chair Moore stated that prior to starting any discussion she wanted to specify that the Committee is being asked to recommend if culling should proceed on public AND private properties or just on public properties.

Citizen Member James Sammon asked how the Committee has the right to recommend anything on private property.

Director of Law William Gruber stated that James Mariano has a list of residents who have asked him to come onto their property to cull the deer. It will start with these private properties and the owner will sign a waiver and permission form in addition to an ODNR form. He added that most communities who do culling do it on both private and public properties.

Chief DeMuth interjected that he believed that to be true. He confirmed that we would look to people who have previously asked us to cull on their specific properties. Many of the residents have identified themselves via the questionnaire which was previously mentioned.

Council Member Williams stated that 65% of residents were in favor of private property culling. A number of residents stated that they would approve private property culling at their residence. In addition, the neighbors adjoining the property must be contacted and approve the culling as well. If adjoining property owners do not approve the private culling, it is not done.

Citizen Member Brady stated that one of the things that came out of the Deer Task Force Committee was that it is actually safer to cull on private property than on public property as there is controlled access.

Citizen Member Austin McGuan asked if the proposed private property is a minimum size?

Chief DeMuth answered that there is no minimum size. He added that the private property protocol is that Jim Mariano would assess the property and the area. If he felt the culling could be done safely, the property would qualify.

Chair Moore stated that she is concerned as she has a long list of text messages from people who live in south Shaker Heights and have asked for private culling. However, if private property culling is defined by square footage, it will become an elitist program as those property affected by deer will no longer qualify. She added that she would urge the Committee not to define private property culling by square footage, but yields to the safety factor.

Chief DeMuth stated that he is familiar with several south Shaker Heights lots and does not feel there would be a problem with safely culling on lots in south Shaker Heights. He added that it is all about geometry and high ground. Chief DeMuth stated that he trusts Jim Mariano's ability to assess the situation.

Council Member Williams stated that she was impressed with James Mariano's presentation to the Deer Task Force and there was unanimous consent for deer culling on private properties. One of the things James Mariano explained was how cautious he is when doing an assessment of private property. In addition, he has purchased a drone and will be using the drone to detect deer with an infrared camera.

Citizen Member Brady stated that the drone will detect not only deer in the area, but will also detect people in the area. There were several safety measures that Jim explained. He added that the culling has been going on for three years and this year will be the fourth.

Council Member Senturia stated that she believes that it will be difficult to obtain resident private property approval. She asked if other types of private properties were looked at.

Chief DeMuth stated that no other type of private property has been discussed.

Mayor Weiss indicated that Shaker Heights Country Club was reached out to last year, but they declined.

Citizen Member Hren asked what the cost was last year.

Chief DeMuth indicated it was \$55,000.

Chair Moore stated that she is looking for the sense of the committee.

Citizen Member Brady stated that he moves to approve the culling for 2019-2020 season to include both public and private properties. Council Member Williams seconded the motion. A vote was taken by Chair Moore, there were six yeses and one no.

(Please refer to the audio minutes for additional discussion.)

There being no further business, the meeting was adjourned at 9:16 A.M. The next meeting will be October 4, 2019.

Debra R. Messing, Sr. Administrative Assistant
Safety & Public Works Committee