



SHAKER HEIGHTS

**SAFETY AND PUBLIC WORKS COMMITTEE MINUTES
FRIDAY, APRIL 2, 2021
8:00 AM
VIA ZOOM MEETING**

Members Present: Robert Zimmerman, Council Chairperson
Sean Malone, Council Member
Carmella Williams, Council Member
Earl Williams, Council Member
Jonathan Hren, Citizen Member
Kimberly Harris, Citizen Member
Patricia Speese, Director Public Works
Jeffrey DeMuth, Chief of Police
Patrick Sweeney, Chief of Fire

Others Present: David E. Weiss, Mayor
Jeri Chaikin, Chief Administrative Officer
Marilyn Kertis, Recording Assistant

The meeting was called to order by Council Chair Robert Zimmerman at 8:04 AM.

APPROVAL OF MARCH 5, 2021 MEETING MINUTES

Council Chair Zimmerman asked if there were any questions, changes or additions to the March 5, 2021, Safety and Public Works Committee minutes. He asked if the minutes were complete as he had not signed them. Council Member Carmella Williams noted there was a typo. Otherwise, a motion was made by Council Member Carmella Williams, it was seconded, and the minutes were approved.

RECOMMENDATION TO ENTER INTO AN INTER-AGENCY AGREEMENT WITH THE CUYAHOGA COUNTY JUVENILE COURT TO ACCEPT GRANT FUNDING WHICH PROVIDES \$3400 FROM MARCH 1 THROUGH DECEMBER 31, 2021, FOR THE OPERATION OF THE COMMUNITY DIVERSION PROGRAM.

Jeffrey DeMuth, Chief of Police

Chief DeMuth is recommending that the Shaker Heights Police Department enter into an inter-agency agreement with the Cuyahoga County Juvenile Court to accept grant funding for 2021 for the Community Diversion Program. It's a 10 month grant which began in March and extends until December 31, 2021, and the amount is for \$3400.

The Shaker Heights Police Department runs a Juvenile Diversion Program and has been doing so for a long time. It's a court supported, community-based sanctioned Program that diverts first-time misdemeanants and status offenders from official court action. The Program permits the

community to tailor treatment to fit the needs of the individual juveniles and the concerns and safety of the community as well, while offering youth the opportunity to avoid an official juvenile court record as long as they take care of and do the sanctions that the volunteer magistrate recommends. They also cannot re-offend within a year's time.

The majority of the time spent by the magistrate is volunteer time. Gifts are bought for the magistrate at the end of the year for their time spent in the program. This is also authorized by the Cuyahoga County Juvenile Court. The other money is spent on overtime for officers who work the Program as well as an Administrative Assistant. Grant funds for the reimbursement of employee expenses are also spent on monitoring community services, hearings/family meetings, family group conferencing, mentoring youth, face-to-face follow up and phone calls to check in with the youth, family or community provider.

The number of juveniles that have participated in the Program has been as low as six (6) and that was last year due to the pandemic. There have been as many as 127 participants in previous years. A \$40 participant fee was instituted in 2009 to offset some of the costs. The magistrate has the flexibility to waive the fee based on a participant's ability to pay.

Grant funding in the amount of \$3400 that is being offered by the Cuyahoga County Juvenile Court along with the Department's carryover funds from 2020 in the amount of approximately \$23,700, will allow the Community Diversion Program to be financed. Funds from the carryover were used for the appropriation to the 2021 operating budget. Chief DeMuth indicated that the Department never used more than the individual annual grant funding. He is recommending that the Safety and Public Works Committee support his request. If approved, the item will be forwarded to the Finance Committee for review. It should be noted that the Program will operate with carryover funds until this contract is approved and fully executed.

Council Chair Zimmerman commented that the presentation was very thorough. He is familiar with the Program as it has come before City Council for many years. He has some personal familiarity with the Program and has seen some families and youth that have really benefited. The idea is that youth often make mistakes and learn from them and shouldn't have to follow them as long as they comply with requirements of the Program. Although it's not a lot of money, it goes a long way in terms of impacting people's lives. He then asked if there were any questions and comments.

Council Member Earl Williams indicated that he had heard about the Program for many years. He questioned if any records of conviction, or adjudication would be sealed when the individual becomes 18 . Does the Juvenile Court ask the Police Department their recommendation before the record is sealed?

Chief DeMuth commented that the expungement of records requested by the Juvenile Court is separate and aside from the Community Diversion Program. If one qualifies and participates in the Juvenile Diversion Program and takes care of all of the sanctions given to them by the magistrate, there will never be a record of the participating juvenile nor will there be any type of criminal record. But in answer to Council Member Williams' question, yes, there have been times when the Juvenile Court has asked the Department to seal or expunge juvenile records, which is done, but the order has to be signed by the Juvenile Court judge.

Council Chair Zimmerman asked if there were any other questions. Council Member Malone commented on what a great Program it was and was impressed with Chief DeMuth's efforts to run the Program and proactively build relationships with youth in Shaker Heights. He asked if this Program is open to all youth, regardless of their residency. Chief DeMuth responded that if someone lives in a different jurisdiction but commits the offense in Shaker Heights, they would be able to go through the Community Diversion Program. The Juvenile Court will often hear cases that haven't occurred in Shaker Heights but it's up to the City's magistrate hearing the case to sanction whether the juvenile can participate in the Program or not.

Council Member Malone also asked whether the majority of the youth in the Program are from outside of the City of Shaker Heights, or if statistics are available, what is the breakdown. Chief DeMuth didn't have a specific breakdown or statistics.

Citizen Member Harris inquired if the Program includes youth who are repeat offenders or is it just for first-time offenders? Chief DeMuth commented that the policy of the Juvenile Court has been to allow first time offenders, non-violent offenders, misdemeanants and status offenders. As an example, if a juvenile was being charged with domestic violence, he can't go through the Program, however, there has been some leeway provided by the Juvenile Court in many instances. The policy has always been non-violent offenders, but there have been kids who have been involved in assault, etc., at the high school where their cases have been heard. It's always up to the intake officer at the Juvenile Court as to what they will and will not allow in the Juvenile Diversion Program.

Chief DeMuth made an additional comment that many times the Department will approach the Juvenile Court regarding juvenile cases where they don't want to go through proceedings with the magistrate and ask the Court if they can go through a mediation procedure instead. The parents, the police officers and the juveniles that were involved will sit around and talk and provide a report to the Juvenile Court. Many times the Juvenile Court will allow this to happen which satisfies the criteria for the Juvenile Diversion Program.

Council Chair Zimmerman asked if there were any more comments or questions. There being none, he asked for a motion to approve the grant request. A motion was made by Council Member Carmella Williams, it was seconded, and approved.

RECOMMENDATION TO ENTER INTO A CONTRACT WITH THOMSON REUTERS TO RENEW SUBSCRIPTION FOR OPEN SOURCE PUBLIC RECORDS DATABASE IDENTIFIED AS CLEAR FOR LAW ENFORCEMENT FOR A THREE (3) YEAR CONTRACT AT A COST OF \$7596.53.

Jeffrey DeMuth, Chief of Police

The Shaker Heights Police Department is recommending the City enter into a contract with Thomson Reuters to renew its subscription for its open source public records database identified as CLEAR for Law Enforcement. The current contract is for 36 months and is set to expire on April 30, 2021.

The Department has used some type of open source database for years for investigative purposes. HIDTA (High Intensity Drug Trafficking Areas) was used by the Department for a period of time but eventually settled on CLEAR based on the robust data that it provides and the cost to the

Department. CLEAR allows for a query of public records which can be linked to intelligence information for ongoing investigations. It allows for the Department to locate, identify and connect people through up-to-date phone numbers, business information, assets and relationship data and has allowed the department to further their investigations.

The current contract is for 36 months which expires on April 30, 2021. When it began three (3) years ago, the cost was \$175.00 per month for up to 75 users per year with a 3% built in hike each year. Thomson Reuters has offered to renew another three year contract with the first year rate of \$204.81 per month with the same 3% annual increase. Therefore, the second year monthly rate would be \$210.95 per month and the third year monthly rate would be \$217.28. The three year cost of the contract would be \$7596.53.

The Shaker Heights Police Department is seeking authorization to pay for this three (3) year subscription through the use of the Law Enforcement Trust Fund (Fund 701). Additionally, the Department is requesting these funds be appropriated to be encumbered to pay for the three (3) year contract. It is requested that this item be supported by the Safety and Public Works Committee and if approved, it will be forwarded to the Finance Committee for review.

Council Chair Zimmerman again commented on the very thorough presentation. He asked if there were any questions or comments. Council Member Earl Williams asked if the CLEAR database provides IP addresses that an individual has used. Chief DeMuth indicated that it can be done and further elaborated that this is all open source public records and nothing is confidential. Anyone has access to these records, however, CLEAR brings it all together for its users. Instead of having to search numerous public records, CLEAR combines millions of public records and provides quicker access to information.

Council Member Carmella Williams asked if the pricing was based on the number of users or is it tiered pricing? Chief DeMuth commented that the program allows up to 75 users. Although it's possible to go over that amount, CLEAR has the option to add an additional charge, however, the Department has never gone over 75 users. The users are mainly the investigators, therefore, only 15-16 people use it at this time.

Council Member Carmella Williams also asked if this tool is commonly used by other law enforcement departments, specifically local law enforcement agencies in the area. She also inquired whether the tool allows information to be added so that it can be shared by other law enforcement communities.

Chief DeMuth indicated that information cannot be entered, and CLEAR is used just to get information. It is used by other law enforcement agencies, but unfortunately, the cost can be a factor. Many local agencies are on strict budgets and cannot afford access to the program. The SHPD is able to do so because of its Law Enforcement Trust Fund. There are also similar products out there that other agencies use.

Council Chair Zimmerman asked if there were any additional questions or comments. There being none, he asked for a motion to approve the request. A motion was made by Council Member Carmella Williams, it was seconded, and approved.

REQUEST TO ENTER INTO AN AGREEMENT WITH GPD GROUP FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE WARRENSVILLE CENTER ROAD RESURFACING PROJECT AND THE SHAKER BLVD./WARRENSVILLE CENTER ROAD RECONFIGURATION PROJECT.

Patricia Speese, Director of Public Works

The City of Shaker Heights has received funding from the Ohio Department of Transportation (ODOT) and the Federal Highway to resurface Warrensville Center Road from Fairmount Circle to Farnsleigh Road and Norwood Road to the Southern City Limit. The second part of the funding is for the reconfiguration of the Shaker Boulevard and Warrensville Center Road intersection. This is an ODOT, Local Participation Agreement (LPA) and a component of their federal funds. The project is administered by ODOT and a component of the project requires the construction administration and inspection of an outside firm.

In adhering to their rules, the Public Works Department posted a letter of interest to perform these services on ODOT's website and everywhere else that was necessary. Eight proposals were received with no fees submitted. The proposals were just letters of interest from contractors including their qualifications, what prior work they have done and how they would approach the project along with their personnel. The proposals were reviewed internally by Director Speese along with the Assistant Director of Public Works and the Public Works' Superintendent. After evaluating the proposals, GPD rose to the top.

GPD has already done similar work on the Van Aken resurfacing project, and the Public Works Department was very happy with their work. GPD was then interviewed with satisfying results. A cost proposal was requested from GPD which was initially \$212,072. Although it fell into ODOT's criteria for this service, Director Speese felt it was high in certain areas. She then asked them to revisit their proposal which was reduced to \$196,616. The City's portion which is all budgeted for will be approximately \$103,000 and ODOT's portion is \$93,000 of a \$3 million project.

The Public Works Department is requesting approval to award the construction administration and inspection services for Warrensville Center Road to GPD group in the amount of \$196.616.

Council Chair Zimmerman commented that it was a thorough presentation and asked if there were any questions or comments from the committee.

Citizen Member Hren asked Director Speese about a current project that was going on in the City. She indicated there is a big construction project going on with a sanitary sewer line that went westbound on Almar Road then northbound on Warrensville Center Road past J. Pistones, then headed westbound onto Marchmont Road where it took another turn southbound. Typically the Public Works Department doesn't design a sewer to go in multiple directions which is causing a backup right in front of J. Pistones. They are putting in a sewer that will be more effective to prevent flooding in the building that has been going on for over 20 years.

Council Chair Zimmerman asked Citizen Member Hren if he should recuse himself from the vote as his firm designed the Warrensville Center Road Project. The question was asked for the purpose of

the record. Citizen Member Hren was unsure. He indicated if there is a quorum without his vote that is what he suggested.

Council Member Malone commented that for the last few years a project manager or something of the sort was usually hired to oversee the construction and management of City projects with the cost being passed along to the contractor and questioned why this requirement was different. Director Speese indicated that although the City could have used its own inspectors, it's an ODOT requirement to use an outside firm to oversee the construction administration and inspection of the project.

Citizen Member Hren also commented on how Assistant Director Maier has been working with Dominion about some work to be done on Warrensville Center in coordination of the resurfacing project. Director Speese indicated that there has been a lot of coordination between bridge work, Dominion and the sewer work which is why they had to get the sewer done ASAP before the resurfacing of Warrensville Center Road could begin. There has been a tremendous amount of coordination efforts for this project.

Council Chair Zimmerman noted for the record that Citizen Member Hren will not be participating in the vote. He then asked if there were any other questions or comments. There being none, he asked for a motion to approve the request. A motion was made by Council Member Carmella Williams, it was seconded, and approved.

Fire Chief Sweeney indicated that FEMA representatives will be present near Heinen's to register individuals for the Covid-19 Vaccine at the Wolstein Center. He suggested to please pass on this information to anyone that might still need a vaccine as the process to register is very easy with the FEMA representatives.

Council Chair Zimmerman wished everyone a Happy Easter and Passover.

Meeting adjourned at 8:36 AM

Respectfully,



Robert Zimmerman, Council Chairperson
Safety and Public Works Committee