



SHAKER HEIGHTS

Finance and Administration Committee Agenda City Hall Conference Room B Monday, September 16, 2019, 7:30 a.m.

1. Approval of the minutes of the regular meeting of August 19, 2019.

Documents:

[FNMN820.PDF](#)

2. Authorizing an appropriation in the amount of \$65,000 in Housing Nuisance Abatement Fund No. 223 to be used for demolition.

Documents:

[HOUSING.PDF](#)

3. Authorizing a renewal of the amended contract with the City of Solon, Ohio for the provision of jail services for prisoners of the City of Shaker Heights, in an amount not to exceed \$229,200 for the period January 1, 2020 through December 31, 2021. SPW

Documents:

[FINANCE.SOLON JAIL AGMT EXTENSION 20190906 VF.PDF](#)

4. Authorizing a personal services contract with Precision Wildlife Management LTD for the 2019-2020 Deer Management Program in the total amount not to exceed \$68,000. SPW

Documents:

[FINANCE.2019-2020 WINTER DEER CULLING PROGRAM VF.PDF](#)

5. Authorizing the City's application for and acceptance of a \$200,000 grant from Northeast Ohio Areawide Coordinating Agency's (NOACA) Transportation for Livable Communities (TLCI) program to make improvements at the South Woodland/Warrensville Center intersection. SPW

Documents:

[MEMO_FINANCE_TLCI_9-16-19.PDF](#)

6. Authorizing the waiver of the competitive bidding requirement for the Temporary Shoring of

the Transfer Station (W Construction - \$46,500). SPW

Documents:

[TRANSFERSTATIONEMERGENCYSHORING \(2\).PDF](#)

7. Authorizing execution of an extension of the merchant service agreement with Huntington Merchant Services, LLC and the Huntington National Bank for merchant processing services.

Documents:

[DEPOSITORY AGREEMENT EXTENSION - 2019-2020.PDF](#)

8. Approving Tax Year 2019 (Collection Year 2020) Property Tax Rates.

Documents:

[2019-2020 TAX RATE MEMO FINANCE.PDF](#)

9. Requesting the County Fiscal Officer to advance 2019 Property Tax receipts collected by the County during 2020

Documents:

[2019 PROPERTY TAX ADVANCE FINANCE.PDF](#)

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Finance and Administration Committee Minutes
Monday, August 19, 2019
7:30 A.M.
Conference Room B

Members present: Council member Sean Malone, Chair
Council member Earl Williams, Jr.
Council member Rob Zimmerman (arrived 7:37am)
Council member Nancy Moore
Citizen member Martin Kolb
Citizen member Linda Lalley
Citizen member Anthony Moore

Others present: Mayor David E. Weiss
Chief Administrative Officer Jeri Chaikin
Frank J. Brichacek, Interim Finance Director
Cheryl Arslanian, Assistant Finance Director
Kamla Lewis, Director of Neighborhood Revitalization
Joyce Braverman, Director of Planning Department
Frank Goforth, League of Women Voters
Chad Gorfido, Rea & Associates

The meeting was called to order by Chair Sean Malone at 7:32 A.M.

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APPROVAL OF THE JUNE 17, 2019 AND JULY 15, 2019 MEETING MINUTES

Chair Malone stated that approval of the minutes of the June 17, 2019 and July 15, 2019 were approved as recorded.

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AUTHORIZING A CONTRACT WITH RMS INVESTMENTS IN THE TOTAL NOT-TO-EXCEED AMOUNT OF \$44,559 FOR AN ADDITIONAL YEAR OF THE CLEAN AND SAFE PROGRAM.

Joyce Braverman, Director of Planning, stated this item was requesting authorization to enter into a contract with RMS Investment in the total not-to-exceed amount of \$44,559 for an additional year of the Clean and Safe Program. In September 2018, a Clean and Safe Program in contract with Downtown Cleveland Alliance (DCA) was established for the Van Aken District. The existing agreement between the City and RMS to jointly fund this program ends on August 19, 2019. The Clean and Safe Program currently provides clean services including trash removal, power washing and weeding. The safe services enhance the sense of safety, visibility, safety escorts and responding to unusual activities. The program operates from 7am to 12am seven days a week.

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In response to Citizen member Moore regarding protection coverage, Director Braverman stated business properties are not included, but it does include sidewalks in front of properties more than behind properties and includes the parking lots for Tower East and University Hospitals.

Council member Moore commented the City's previous trash problem on the sidewalk by bus stops before this program.

Chair Malone requested that Director Braverman update the committee regarding the talks on the Business Improvement District.

Director Braverman stated that the talks had been halted since the loss of the City's Economic Development Director last year and are scheduled to continue next year with the hiring of the new Economic Development Director.

Chair Malone stated that during a Lee Road Corridor meeting the business owners stated that they are picking up trash daily and believed this program should be considered for that district.

Citizen member Lalley touted the program and just how effective the program is and complimented the use of the funds going to this working program.

In response to Council member Zimmerman regarding the contract, Director Braverman stated the City contracts with RMS and RMS contracts with Downtown Cleveland Alliance.

The Finance and Administration Committee recommended authorizing a contract with RMS Investments in the total not-to-exceed amount of \$44,559 for an additional year of the Clean and Safe Program.

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APPROVING AND AUTHORIZING EXECUTION OF A PURCHASE AGREEMENT FOR THE CITY –OWNED PROPERTY LOCATED AT 3643 AVALON ROAD, SHAKER HEIGHTS, OHIO (PPN 735-30-037), AND AUTHORIZING THE DISPOSITION OF CITY-OWNED PROPERTY WITHOUT COMPETITIVE BIDDING.

Kamla Lewis, Director of Neighborhood Revitalization, stated an application to acquire the City-owned vacant lot at 3643 Avalon Road (PPN 735-30-037) was received from Douglass and Sharee Thornton. The Thornton's propose to purchase this vacant lot to fence it in and use for a side yard at a cost of approximately \$3,325 using a contractor to perform the work.

The Neighborhood Revitalization and Development (NRD) considered the application at their August 14th meeting and unanimously approved recommending to Council.

In response to Chair Malone regarding the application from the Winchell's presented in May being missing from the list, Director Lewis stated that it does take time to close.

The Finance and Administration Committee recommended approving and authorizing execution of a Purchase Agreement for the City-owned property located at 3643 Avalon Road, Shaker Heights, Ohio

(PPN 735-30-037), and authorizing the disposition of City-owned property without competitive bidding.

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ACCEPTING THE RECOMMENDATION OF THE CITY'S TAX INCENTIVE REVIEW COUNCIL (TIRC) TO CONTINUE THE EXISTING DEVELOPMENT AGREEMENTS FOR TAX EXEMPTION AND PAYMENTS IN LIEU OF TAXES (PILOTS), PURSUANT TO OHIO REVISED CODE SECTION 5709.85.

Director Braverman stated that the City of Shaker Heights Tax Incentive Review Council (TIRC) held its state required annual meeting on July 23rd. The TIRC is charged with reviewing current tax incentive agreements on an annual basis and ensuring transparency and accountability on the part of the City and developer in the management of each of the agreements.

The meeting was attended by Planning Director Braverman, Assistant Director of Finance Arslanian, Councilman Williams, citizen members Patricia Barz and Neil Dick, and School Board Treasurer Bryan Christman. The County TIRC members and staff included Chairperson Lisa Rocco, Prentis Jackson, Susan Infeld, Ashley Rondon, and Bridgett Cofield.

By statute, the TIRC must meet and review annually certain legislatively authorized, active agreements that grant tax exemptions. During 2018, the City had (and still has) three categories of active exemptions: Urban Renewal per Ohio Revised Code §725; Tax Incremental Financing per §5709; and Community Reinvestment Areas per §3735.66. At the TIRC meeting, each of these three categories was reviewed for 2018, including compliance with active agreements, financial reports, and general project information as required per state law.

After presentations by City staff, including a thorough budgetary review by City staff and discussion by TIRC members, the TIRC voted and found that the City is in compliance with its agreements as outlined above. The TIRC then voted that the City should continue the agreements without modification and convey such recommendation to Council. Both votes passed unanimously.

The TIRC has, through transmittal of the July 23rd minutes to the City's Clerk of Council, submitted its recommendation for continuation of the City's Agreements as outlined above. The next step is for City Council to vote and act on the TIRC's recommendations within 60 days (no later than October 31, 2019).

In response to Council member Williams regarding any impact on income taxes, Director Braverman stated these are strictly property tax abatements.

Citizen member Lalley asked the question if the second action that is required to be taken by the TIRC ended up being not to continue the agreement, what would happen to those taxes?

Director Braverman stated that if the City was not in compliance the agreement would be ended and they would no longer be collected PILOTs or distributing them on the City's behalf. The City to-date has been in compliance and plans to remain in compliance.

Citizen member Lalley questioned if the South Moreland CRA was a yearly TIRC agreement and what impact the no activity would have on it.

Director Braverman stated no activity would have absolutely no impact.

In response to Citizen member Lalley regarding the TIF arrangement with Van Aken, Director Braverman stated that we did not plan on collecting anything.

Cheryl Arslanian, Assistant Finance Director, stated Van Aken was not required to be included in this report, but was reported to the TIRC.

Chair Malone asked about the Urban Renewal bonds and the 725s. He stated that he remembered that the CVS parcel yielded higher than usual PILOTs, but that was likely due to the inclusion of prior year PILOTs

The Finance and Administration Committee recommended accepting the recommendation of the City's Tax Incentive Review Council (TIRC) to continue the existing Development Agreements for Tax Exempt and Payments in Lieu of Taxes (PILOTs), pursuant to Ohio Revised Code Section 5709.85.

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AUDITORS EXIT CONFERENCE
REA & ASSOCIATES CPA'S CHAD GORFIDO

Auditor Chad Gorfido opened the discussion with the results of the audit for the year ending December 31, 2018. Mr. Gorfido stated that in the opinion of the independent auditor, in accordance with the Government Auditing Standards applicable to financial audits, the City of Shaker Heights financial statements are free from material misstatements resulting in no material findings on reporting performance objectives or non-compliance.

Citizen member Lalley questioned if there was any pronouncements in the future that the City might have a challenge complying with.

Mr. Gorfido stated that there weren't any pronouncements that the City would have a challenge complying with. There are new lease standards that are in the future which will change how leases are accounted for. Presently there are operating and capital lease and with the change all leases will be on the books.

In response to Chief Administrative Officer Chaikin requesting examples of operating leases, Mr. Gorfido stated that a capital lease means that you bring on an asset, then you bring on the liability for the lease as well. An operating lease you would not record any asset nor liability. It would be only a disclosure in the notes that the City is subject to that lease.

In response to Chair Malone regarding percentages of municipal clients that receive no material findings, Mr. Gorfido stated that out of approximately 35 only 3 to 4. It is an accomplishment that a City should be proud of.

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There being no further business, the meeting was adjourned at 8:14 a.m. The next meeting will be September 16, 2019.

Frank J. Brichacek
Finance and Administration Committee



MEMORANDUM

To: Members of the Finance and Administration Committee

From: William Hanson, Housing Commissioner

c.c. Mayor David Weiss
Jeri Chaikin, CAO
Frank Brichacek, Interim Finance Director
Kyle Krewson, Director of Building and Housing

Date: September 16, 2019

RE: Request to Appropriate \$65,000 for Demolition in Fund 223, Housing Nuisance Abatement Fund

This is a request to appropriate \$65,000 of available cash receipts in Fund 223, Housing Nuisance Abatement Fund, so that the funds can be used for demolition activities. These funds were received by the City as reimbursements from previous demolitions and placed in a nuisance abatement revenue account. While this demolition work was funded through the Cuyahoga County Demo Fund, the County has authorized the City to keep any reimbursed demolition funds provided such funds are used for additional demolitions. Therefore, this action is requested to make these funds available for additional demolition work.

We currently have 5-7 vacant and abandoned homes under consideration for demolition and this request will ensure funds are available should we determine to proceed.

Vacant and abandoned homes that are blighted negatively impact property values and quality of life in a neighborhood and can become magnets for crime. The City closely monitors vacant properties in an effort to keep them secure and in compliance with the City's Vacant Property Ordinance. If an owner fails to take action to repair a vacant, abandoned, and blighted house, the City may declare the property a public nuisance and order all structures repaired or demolished. If the owner fails to comply the City may proceed with demolition. The City may also consider demolition of deteriorated vacant homes acquired through the tax foreclosure process.

The City has received three (3) separate awards for demolition funding through the County Demo Fund since 2012 totaling \$2,140,000 and 155 houses and 8 commercial buildings have been demolished during this period by the City or the County Land Bank acting on our behalf.

The City has applied to the County for an additional \$400,000 of demolition funding and anticipates a favorable response to this request though the award has not yet been made.

This item was presented and unanimously approved by the Neighborhood Revitalization and Development Committee on September 11, 2019. Staff requests that the Finance and Administration Committee recommend to Council the approval of this proposal to appropriate \$65,000 from Fund 223 so that funding is available for demolition activity as needed.



SHAKER HEIGHTS

Memorandum

To: Members of Finance and Administration Committee
From: Jeffrey N. DeMuth, Chief of Police 
cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin
Director of Law William Gruber
Director of Finance Frank Brichacek
Date: September 6, 2019
Re: City of Solon Prisoner Housing Services Contract - Extension

On October 1, 2015, the City entered into a contractual agreement with the city of Solon for relocation of its jail facility. The contract was for three (3) years with an annual fee of \$264,000, which calculates to \$22,000/month or \$710/day; in exchange for access to the Solon jail's 26-bed, full service facility and staff. The proposal included a prescription drug rebate program, inmate transport to medical facilities, video arraignments from the jail facility and use of the BAC Datamaster.

The need for jail relocation was predicated on the following important factors:

- At the time of construction in 1973, the State of Ohio approved our "Linear Design" "Same Sex Occupancy" jail to hold thirteen (13) inmates. Due to environmental and construction advancements and restrictions, as well as jail administration litigation, our jail is presently authorized to detain seven (7) inmates for a 12-day period; and four (4) inmates for a 12-hour period. Due to markedly higher rates of completed suicides in linear jails and the costs associated with that litigation, "Linear Design" jails have all but been abandoned due to their outdated, high-risk design.
- Jail duties included, but were not limited to, booking, fingerprinting, transporting, medicating, housing, showering, feeding and/or otherwise directly supervising inmates. During times when there were no Jailers on-duty or physically present, sworn officers assumed the role of Jailer and were required to complete jail duties in strictly prescribed time schedules. In addition, Dispatchers assisted with indirect supervision of inmates through monitoring of the closed circuit television systems. When an inmate had a medical concern, dental problem and/or asserted suicidal thoughts, the Health Department was consulted. When those concerns became emergencies, the Shaker Heights Fire Department was summoned for transport. Prisoner transports averaged more than one hundred (100) medical transports per year prior to relocation. Transports of inmates to hospitals in other cities, where accurate overtime costs were difficult to estimate, but clearly measurable in terms of the amount of time officers were out of our City, left both respective Departments



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short-staffed in the field and required a minimum of three (3) members to directly supervise the inmate.

- From 2012 through 2014 in terms of hours Uniformed Officers were removed from the field to exclusively attend to jail duties, the estimated number of inmate transports to/from the jail, inspections, mental health assessments, medication retrievals/distributions and searches of the inmate and their assigned quarters, exceeded 2,500 hours. Not included in those records were mandated same sex searches, i.e. matrons, and suicide watches where increased direct supervision is the only remedy; as well as a legal requirement. That same period saw nearly 1,400 additional hours our Uniformed Officers spent away from the field. Moreover, the jail budget did not identify the true costs associated with having sworn jail officers perform jail duties 42% of the time our jail was in operation. In addition, it is impossible to estimate the detrimental impact to the community by removing officers from the field to attend to jail duties.
- At the time of jail relocation, the Police Department had approximately 3,700 unexecuted arrest warrants. Bonds on these warrants average more than \$500 per warrant. Due to the jail capacity restrictions mentioned above, our officers were routinely forced to advise wanted persons that we would not execute the warrant. When circumstances arose where an advisement was imprudent, in addition to the time away from our City and our residents for warrant transport, we were subject to the another City's costs to house our inmates which, at the time, increased from \$70/inmate/day, to \$85 - \$110/inmate/day, depending on the facility, and did not include medical costs.

The critical, non-financial issues related to jail relocation were evident: (1) an antiquated facility with a decreasing allowable inmate population and possible litigation costs associated with additional minimum standards for operating a jail; (2) the ever increasing need for more patrol officers in the neighborhoods without the benefit of a budget increase; and (3) additional off-site inmate housing is becoming a premium.

A budget analysis of the financial impact of the jail relocation project compared the budget, at the time, for our jail holding facility against the outsourcing proposal. The City budgeted approximately \$350,000 in annual funding for staffing and operating the jail. The total dollars budgeted for the jail outsourcing proposal included the cost of the contract with the City of Solon (\$264,000), the remaining direct costs for Shaker's jail (\$16,450) and personnel costs for two (2) full-time staff (\$146,438). The impact of these changes resulted in an increase to the total Police Department operating budget. To offset this increase and provide for an overall budget decrease while still outsourcing jail services, the Police Department was reduced by one full-time equivalent officer which resulted in a net reduction in the total budget for the Department of approximately \$13,629 during the first full year of the agreement. The cumulative benefit or budget savings from reconfiguring the budget for outsourcing would exceed \$64,000 by the third year of the agreement. When we entered into the contractual agreement with the City of Solon, we negotiated an annual flat rate service agreement which included the use of Solon's BAC Datamaster, video arraignments from the jail facility and EMS transport by Solon's Fire Department to local hospitals. In addition, the contract stipulated "ceiling" and "floor" amount for prisoners per year to house, without paying an additional fee or receiving a credit. Those numbers equated to 1,025 and 500 prisoners, respectively. In the event we housed less than 500 prisoners, we would receive a single credit of \$46,000. In the

event we housed greater than 1,025 prisoners, we were subject to the mutual aid provisions of the City of Solon's Codified Ordinance Section 240.16; which essentially transitions the City from a flat rate customer, to a per day customer, as well as subjects the City to a per day cost schedule as follows:

- \$85 per day
- \$25 per BAC Datamaster test
- \$50 per video arraignment
- Ambulance billing
 - § Basic Life Support = \$550 + \$12 per mile
 - § Advanced Life Support = \$750 + \$12 per mile

A review of the first two (2) years of the contract reveals the following:

- 2015-2016 – 982 prisoners, 4,113 prisoner days, average of about 11 prisoners per day
- 2016-2017 – 694 prisoners, 2,793 prisoner days, average of about 7.7 prisoners per day

If we calculate the amount Shaker Heights would have paid at the \$85 daily rate, those numbers reveal the following:

- Year 1 = \$349,605 (4,113 prisoner days x \$85/day; a savings of \$85,605 or 32% savings over the daily rate);
- Year 2 = \$237,405 (2,793 prisoner days x \$85/day; a deficit of \$26,595 or 10% compared to daily rate);
- Total payment over 2 years = \$528,000 (would have been \$587,010 at the \$85 daily rate, \$59,010 or 11% was SAVED over the 2 year period); and
- The savings is actually much greater as we averaged approximately 50 medical transports per year and numerous video arraignments and BAC Datamaster tests.

Our decision to outsource the jail facility, as stated earlier, also took into consideration non-budgetary, but critical factors such as redirecting sworn police officer duties away from the jail facility and into the field. For the first two (2) years on the existing contract, we were able to redirect approximately 4,075 hours of officers' time away from the jail facility and on to patrol or the equivalent of one sworn FTE per year for two years.

Despite the benefits of relocation of our jail facility to Solon, the City included a condition in the original contract from 2015 which allowed us to cancel the agreement with 30 days' advance notice by providing our intent to negotiate modifications to the contract. A letter was provided to the City of Solon of our intent to cancel the initial contract and negotiate modifications.

After a period of negotiations, an agreement was reached by both parties to modifications which were considered as an amendment of the original contractual agreement. The following were the modifications agreed to:

- A 14-month, 5-day extension to the original contract retroactive to 1/1/18, with an expiration date of December 31, 2019;
- An annual fee of \$229,200 which calculates to \$19,100/month;
- The contract can be cancelled by either party with 90 days' advance notice; and

- If “Prisoner Days Stay” exceeds 3,000 days annually, Shaker Heights will be subject to a charge of \$5,000 per month in addition to the monthly base amount for the remainder of that contractual year.

During our negotiations, the City of Solon added an additional, more relevant, variable of “Prisoner Days Stay” in their pricing methodology for flat rates in their jail contract. We also agreed to a weekly reconciliation of Prisoner Days Stay, so both parties are aware of cumulative days stay in real time during a contractual year.

Two figures were *very* important in the amendment of the original agreement. The City of Shaker Heights experienced an annual savings of \$34,800 and a cumulative benefit of \$69,600 for the length of the amended contract. In addition, we forecast the amount of booked prisoners and Prisoner Days Stay to remain relatively flat and close to recorded numbers of the 2016 – 2017 contract year; which were 694 prisoners and 2,793 prisoner days. By applying the Prisoner Days Stay figure from 2016 – 2017 divided by the annual fee (2,800 prisoner days stay divided by \$229,200), we would be essentially charged \$81.86 for a Prisoner Days Stay with all other services included.

As stated above, 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 (2) more years (expiring 12/31/2021) at the same price (\$229,200), with no other changes in the contract language.

It should be noted that in 2018, we exceeded our “Prisoner Days Stay” of 3,000 in December of 2018. We finished 2018 with 3,094 Prisoner Days Stay. This caused us to pay an additional \$5,000 (as required by contract) for one (1) month. The additional \$5,000 brought our yearly charge to \$234,200. This equates to \$75.69 per Prisoner Days Stay which is still well below the stated non-contract price for Prisoner’s Days Stay of \$85.

For 2019, we are well below our allocated weekly average for 3,000 Prisoner Days Stay for the year. Therefore, we don’t 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.

On September 6, 2019, the amended contract extension was presented to the Safety and Public Works Committee. There was discussion on the following points:

- As the Department exceeded “Prisoner Days Stay” by 94 days in 2018, a committee member asked if this was a surprise or if we monitored this statistic. It was explained that we monitored “Prisoner Days Stay” on a weekly basis and that we were aware in December we would go over the amount. In addition, it was explained that we always use innovative ways to reduce the “Prisoner Days Stay”, but some situations are unavoidable.
- It was asked whether or not the Department has been able to reduce the number of outstanding warrants due to the jail relocation project, and can we use our present facility to house warrant arrests. It was explained that, unfortunately, we have not been able to significantly reduce the number of outstanding warrants due to the relocation project, and we never intended to use our existing facility to house warrant arrests upon jail relocation to Solon. If our Department did this, it would essentially defeat the purpose of jail relocation.

- A committee member inquired as to who operates the Solon jail facility, is it being run by a private entity or by a Solon? The committee member was advised that the Solon Police Department runs the facility and is under the direction of a Sergeant from their police department.
- Another question was posed concerning any closer facilities that we may use for jail relocation. It was explained that there are very few options available to us; but that another jurisdiction has approached us about the possibility of constructing a jail facility and if we would be interested. We would be interested but that construction hasn't started and is a project well into the future.
- Lastly, a committee member inquired about any pending lawsuits at the Solon jail facility or if there were any other humanitarian issues like proper medical attention for the prisoners. It was explained that the Department is not aware of any lawsuits involving the Solon jail facility, the prisoners receive excellent medical attention and there are no other known humanitarian issues.

After comprehensive discussion of the issues mentioned above, the committee voted to support the proposal for a two year extension of the amended jail contract with Solon under the terms specified above.

It is recommended that the Finance and Administration 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 City Council with a recommendation for approval.



SHAKER HEIGHTS

Memorandum

To: Members of Finance and Administration Committee
From: Jeffrey N. DeMuth, Chief of Police *JD*
cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin
Director of Law William Gruber
Director of Finance Frank Brichacek
Date: September 9, 2019
Re: Precision Wildlife Management LTD Contract
2019-2020 Deer Management Program

In 2016 in response to multiple resident complaints about the impact of the overabundance of deer, the Shaker Heights Deer Task Force comprised of residents and Council members studied the impact of the deer population in the City. The negative impacts associated with an overabundance of or excessive browsing by the deer population are well-documented:

- A deer population that is out of balance with its native ecosystem has detrimental impacts by directly and indirectly affecting native plant and wildlife populations, habitat quality, and ecosystem processes.
- When deer become overabundant, they cause a decline in biodiversity (the number and variety of species of living organisms) in natural areas and reduce the ability of native plants to survive and reproduce. Deer browsing reduces the height, vigor and reproduction of plants through the repeated removal of stems, leaves, and flowering parts of plants. If left uncontrolled, the deer population impacts the health of our wooded areas by browsing trees on public and private land.
- Deer browsing negatively impacts wildlife that needs woodland understory for forage, nesting, and cover. Deer browsing can, for instance, significantly reduce vegetation that birds use for foraging, escaping predators and nesting.
- Deer browsing and antler rubbing can cause damage to landscape and garden vegetation.
- An overabundant deer population causes a reduction in the availability of forage, which leads to the decline in the health of individual animals.
- Overabundant deer populations hasten the spread of disease that impact deer (e.g., chronic wasting disease) and humans (e.g., Lyme disease).

Staff at the Nature Center at Shaker Lakes report the deer population has had significant negative impacts on the health of the forest at the Nature Center and throughout the Shaker parklands. A healthy, diverse forest has an understory full of native shrubs. A forest with too many deer does not have this important layer. Most of the parklands' forest lacks this important shrub layer. Shrubs



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that do exist are non-native invasive plants that deer do not eat. These types of plants also decrease the diversity in our parklands.

After reviewing the results of resident responses to a questionnaire distributed by the City, the Task Force finalized its report and recommended that the City undertake a culling program on City-owned land. The program was undertaken by trained marksmen who were members of the Shaker Heights Police Department (SHPD).

The Ohio Department of Natural Resources, Division of Wildlife, authorized the culling of 40 deer in both the 2016-2017 and the 2017-2018 winter seasons. This permitted number of deer were humanely harvested. The culling program included the use of trail cameras at bait sites to confirm deer movement and predict the most effective times to cull the deer. The SHPD ensured that individuals were not in the direct operational area where sharpshooting was occurring; and signs warning of the deer management area were posted outside the operational area. Almost 1,900 pounds of venison were donated to the Cleveland/Akron Food Bank in 2017 and over 1,000 pounds were donated in 2018.

The Deer Task Force reviewed the results of the 2016-2018 culling program and the responses to the City's most recent resident questionnaire and recommended the City continue its culling program for 2018-2019.

For the first two years of the deer culling program, the City utilized two, specially trained, police marksmen to cull and perform the ancillary tasks required of a successful program. The two marksmen from the Police Department also held the rank of Lieutenant. During the deer culling season, the two Lieutenants were reassigned from their traditional duties for approximately three months; December through February. This caused hardship within the Police Department as the Lieutenants' duties were reassigned to other supervisory personnel, and they were removed from the day to day supervision of their respective personnel for three months.

At the end of the 2017-2018 deer culling season (February 2018), Lieutenant James Mariano retired from the Police Department. Lieutenant Mariano developed and coordinated the City's deer culling program. Due to the lack of expertise in this area of police or other City employees, contractors were sought to provide bids for culling and coordinating the 2018-2019 deer culling program. There are few contractors who provide this service. We reviewed two organizations that would perform deer culling services for the City: the United States Department of Agriculture (USDA) – Animal and Plant Health Inspection Service (APHIS) and Wildlife Services (WS); and Precision Wildlife Management LTD. Precision Wildlife Management LTD is a limited liability corporation started by retired Lieutenant James Mariano.

Ultimately, Precision Wildlife Management LTD was chosen as the vendor and their contract was approved by the Shaker Heights City Council. The 2018-2019 culling season was successful inasmuch that we were able to cull the 40 deer as permitted by ODNR and donate 1,978 pounds of venison to the Cleveland Food Bank.

The 2018-2019 deer culling season did extend into the middle of March 2019 due to Precision Wildlife's challenges concerning culling only on public property. Very simply, it was theorized the deer population would not venture into public parklands and would stay bedded down in private

residential properties to remain safe. The 40 deer limit was reached, but took substantially longer than the first two years of the culling program.

Precision Wildlife Management LTD has again submitted a proposal for the 2019-2020 deer culling season. They proposed a cost to the City of \$58,000.00 for harvesting a maximum of 40 deer on both public and private property. If deer culling is restricted to public property only, Precision Wildlife proposes a cost of \$68,000 due to the increase in projected man hours needed to cull deer in a limited amount of locations.

The Precision Wildlife Management LTD proposal provides an all-inclusive solution to the City. Precision Wildlife Management LTD does not limit the amount of days in which to cull deer allowed by permit. Their proposal continues culling activities until the authorized deer permits are reached. Precision Wildlife Management LTD's proposal provides for processing, transportation, report compilation and filing with the Ohio Department of Natural Resources.

It is recommended the City of Shaker Heights accept the Precision Wildlife Management LTD proposal for deer culling services on public and private property and enter into a Personal Services Contract for the following reasons:

- James Mariano, President, Precision Wildlife Management LTD, has over 30 years of experience working for the City. He understands the culture and expectations of City government and Shaker Heights' residents.
- James Mariano's experience and relationships with City employees allows him to seamlessly operate in the environment in which he is uniquely familiar.
- James Mariano has three years of experience culling deer in the unique, densely populated environment of Shaker Heights.
- James Mariano has over 25 years of experience as a state certified scope sighted precision rifle instructor.
- Precision Wildlife Management LTD's proposal is an all-inclusive proposal requiring no additional work from other City employees.
- The Wildlife Task Force met on August 30, 2019, and supported Precision Wildlife Management LTD's proposal.
- Choosing the organization to handle our deer culling program is critical. Trusting the "people behind the rifles" is the overriding concern for the City. James Mariano's performance in this area is a proven commodity through his 30+ years as a police officer and, more importantly, his past performance with our deer culling program.

The protocols developed for culling on private property are attached to this memorandum. In addition, it is recommended that, if private property culling is approved, we approach this year as a "Pilot Program" and cull only on larger residential lots to assess the viability of private property culling going forward.

On September 6, 2019, the Precision Wildlife Management LTD proposal was presented to members of the Safety and Public Works Committee. There was a significant amount of discussion on issues related to culling on private property. The following was discussed:

- A committee member asked about private property culling and if we were seeking permission from a property owner. It was explained that Precision Wildlife Management LTD would only approach residents who requested they be contacted for private property culling on the resident questionnaire, or who had independently reached out to the City or Precision Wildlife Management LTD requesting culling be done on their property. It was further explained that private property protocols have been developed. Those protocols call for a member of Precision Wildlife Management LTD to also contact the property owners on either side and to the rear of the property owner who requested the culling. All of those property owners would have to agree with the culling. If one of the adjacent property owners disagreed with the process, culling would not be conducted on this particular parcel of private property.
- A committee member asked if we had sought permission to cull on non-residential private property. It was explained that last year we inquired with the Shaker Heights Country Club concerning deer culling on their property. They declined the request for deer culling on their property. No other non-residential private property owners have been approached about deer culling.
- A committee member voiced their concerns over deer culling on small private property lots and that minimum lot sizes should be established. It was explained that the private property protocols do not indicate minimum lot size requirements. There are other factors than lot size that have to be considered when culling on private property, and those factors are taken into consideration by members of Precision Wildlife Management LTD when assessing certain private property lots to cull on.

After discussion, the proposal from Precision Wildlife Management LTD to cull on both public and private property was supported by a majority vote of the members of the Safety and Public Works Committee.

It is recommended that the Finance and Administration Committee approve this Contract with Precision Wildlife Management LTD for the 2019-2020 Deer Management Program. It is further recommended that this item be forwarded to City Council with a recommendation for approval.



Memorandum

To: Finance & Administration Committee

From: Joyce G. Braverman, Director, Planning
Ann Klavora, Principal Planner

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin

Date: September 16, 2019

Re: Grant Application for South Woodland/Warrensville Intersection Improvements

This is a request to authorize a grant application to, and to accept a grant from, NOACA's Transportation for Livable Communities (TLCI) implementation grant program. The Northeast Ohio Areawide Coordinating Agency (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. The minimum grant request is \$100,000; there is no maximum grant request, but we expect NOACA to optimize the number of projects assisted and grants awarded. In 2019, 9 of 15 applications were funded, including improvements at the Shaker/Warrensville intersections.

The City will apply for grant funds to make improvements at the South Woodland/Warrensville Center intersection. This project implements recommendations in the 2018 Van Aken District Signal Study prepared by HNTB. A diagram of the recommended improvements is attached.

Proposed improvements will improve safety for all users by reducing pedestrian crossing distance/time and improving intersection geometry. The exact design will be determined as part of the final engineering process, but recommended changes include:

- Reducing number of side street movements to optimize traffic flows
- Revising lane configurations within existing pavement
- Providing additional storage for left turn lanes
- Installing a new signal controller
- Crosswalk improvements

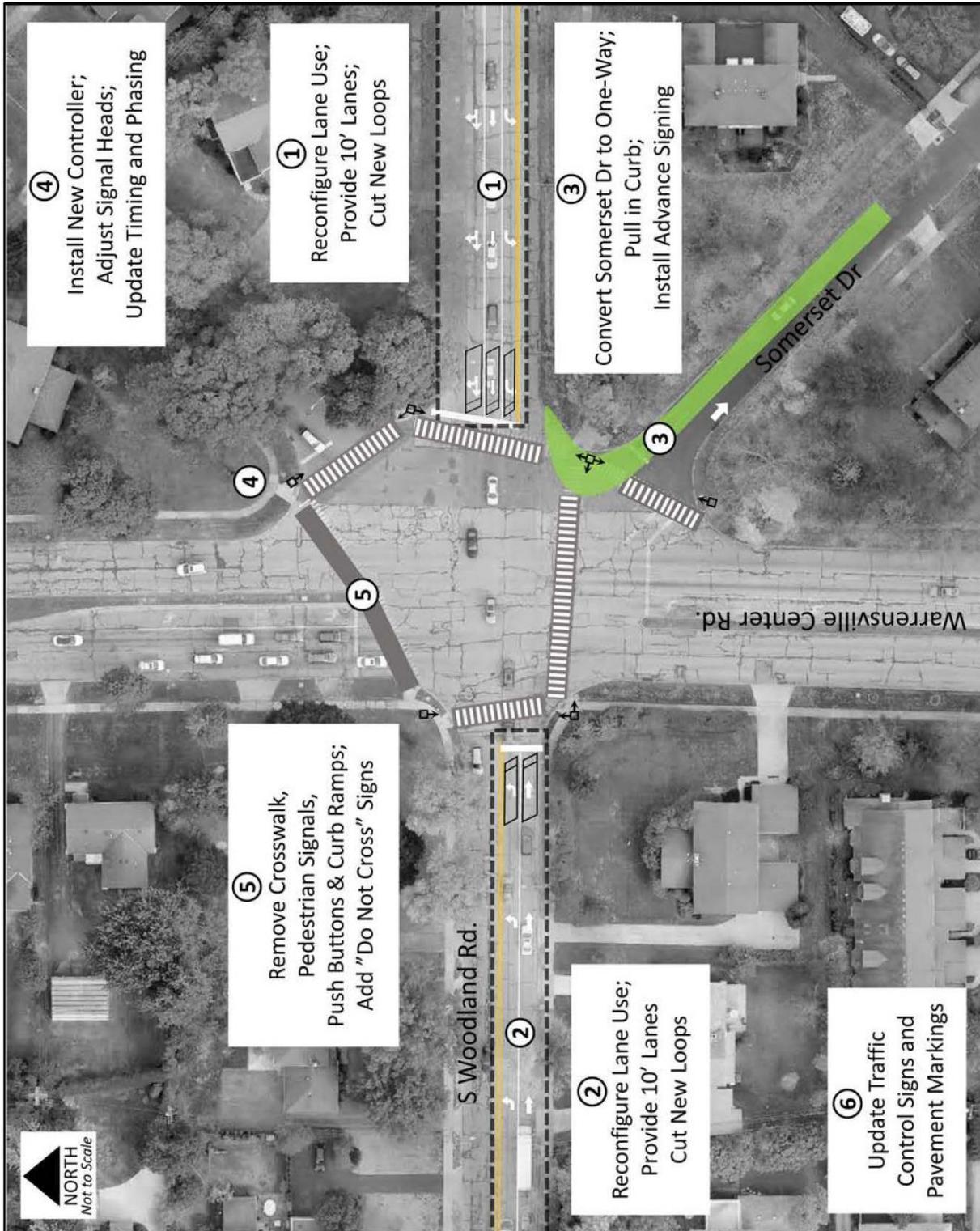
The preliminary cost estimate in 2018 for the improvements is \$125,513, which will need to be updated to current costs for the grant application. The City will apply for up to \$200,000 in TLCI grant funds for the construction improvements. If the grant application is successful, Council will be asked to appropriate a \$40,000 City match from the General Capital Fund for engineering fees.

The Safety & Public Works Committee approved this request at their September 6 meeting. Committee members emphasized the importance of including public input in the final design process.

Recommendation

This is a request for the Finance & Administration 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.

Figure 12: Long-Term Countermeasures (Warrensville Center Rd./S Woodland Blvd.)



IMPLEMENTATION PLAN

Memorandum

To: Members of Finance & Administration Committee

From: Patricia Speese, Public Works Director

cc: David E. Weiss, Mayor
Jeri E. Chaikin, CAO

Date: September 9, 2019

Re: **Waiving of competitive bidding for the Temporary Shoring of the Transfer Station**

The Service Center Transfer Station was built in 1970. In the 90's it received substantial structural reconstruction. The building has two levels - the top section where the trucks load the compactors with rubbish or brush and the basement level where the compactors, compactor's trailers, forestry equipment and salt storage are located. All of the City's rubbish, recycling, brush and leaves are processed through the building's compaction and loading facility. In addition, the City's road salt supply is stored in the Station.

In early summer of 2017, we noticed that an area of the floor of the Transfer Station was beginning to crack. Portions of the concrete floor about 4" – 6" in diameter were breaking loose. The City's engineer (GPD Group) conducted a quick

examination of the Transfer Station floor. The engineer determined that the floor was showing signs of failure. The area of cracked floor concrete was expanding and cracks were also found in the brush truck entry doorway floor. These cracks were allowing water to corrode the concrete's reinforcement bar. As the steel bar corrodes it causes the concrete to break apart exposing more re-bar to water.

The engineer examined the basement ceiling (underside of the floor). 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 we anticipate that significant repairs are required of the Transfer Station and the need for the shoring will remain until these repairs are made, thereby exceeding the \$25,000 limit which requires public bidding or Council approval.



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 rental cost of the shoring is \$11,400 per year. We expect the shoring to remain in place until the flooring is repaired at an estimated rental cost of \$46,500. Once the Transfer Station assessment and repairs are completed, we will no longer need the temporary shoring. The funds for the shoring are coming from the Transfer Station Capital Project. The Safety & Public Works Committee approved this request at the September 6, 2019 meeting. During the discussion at the meeting the question was asked if there is a final dollar figure for the complete repair yet. That figure will be completed any day now and will be included in the 2020 Capital budget.

We request that the Finance & Administration 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.



SHAKER HEIGHTS

Memorandum

To: Members of the Finance and Administration Committee

From: Frank J. Brichacek, Interim Director of Finance *FJB*

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin
Assistant Finance Director Cheryl Arslanian

Date: September 12, 2019

Re: Request to Waive the Procedure to Designate Public Depositories to Allow for an Amendment to the Depository Agreement with Huntington National Bank for the City's Banking Services

The City's codified ordinances, at Section 143.03, specify a procedure for designating depositories (banks) which includes an application process open to any bank which has an office in Shaker Heights or in the City of Cleveland. The Finance Director has the authority to designate one or more depositories for the City's active deposits, for a period of up to 5 years. The current agreement, with Huntington National Bank, expires on December 1, 2019.

The City contracted in May 2019 with PFM Asset Management in the amount of \$24,500 to draft the required request for proposal (RFP) for banking services, assist in the evaluation of proposals, and negotiate pricing with the selected banks. Services to be included in the RFP are:

- (a) Preliminary Review of Banking Relationships - Gain an understanding of City's operations, controls and use of banking services through a review of any existing written policies/procedures, bank statements, incumbent bank contracts and agreements.
- (b) Discovery Meeting with Officials and Key Staff - Conduct conference calls with officials and key staff to discuss current banking arrangements.
- (c) Evaluation of Banking Services - Provide recommendations for any changes to the existing use of banking services.
- (d) Develop RFP for Banking Services - Work with City to define the required level of services and prepare a Request for Proposal to include, but not be limited to, general banking, cash/treasury management, merchant card processing, and purchasing card services.
- (e) Quantitative Analysis of Proposals - Upon receipt of qualified proposals, prepare a detailed quantitative analysis covering both direct fees and indirect costs (such as earnings credit rates).
- (f) Qualitative Evaluation of Proposals - Serve as a resource to City staff regarding the qualitative evaluation of proposals.

CITY OF SHAKER HEIGHTS

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(g) Serve as a Treasury Resource - Serve as a general treasury resource to City during the proposal evaluation process and participate in determining which proposers to "short-list" for further consideration and interviews.

It is expected that the entire process will take up to 6 months.

The City received the draft banking services RFP from PFM in July, coinciding with the retirement of then-Finance Director Robert H. Baker and the appointment of myself as Interim Finance Director on August 1st working approximately half-time. At the same time, the department began the 2020 budget process. In addition, there is also a vacant position in the Finance Department leaving the department with 5 of its 7 permanent positions filled plus myself on a half-time basis. Dize and Company has been employed by the City and they are currently leading the search for a permanent Finance Director with the intent to have the position filled before the end of this year.

Given the temporarily reduced staffing in the Finance Department and the focus on the 2020 budget from now through the end of the year combined with my trying to get up to speed with the City's systems and procedures and time limitation, I have recommended to the Mayor and CAO that the City delay the current process of designating City depositories for the next five year period. I am recommending that the current depository agreement with Huntington National Bank be extended for a period not-to-exceed 1 year, to December 1, 2020, pending the transition to a full-time Finance Director and the undertaking of the required RFP process. The Mayor and CAO have indicated their support of this recommendation.

Delaying the process by one year will give the new Finance Director the ability to work with PFM and to review the proposals received. The Finance Director then will be in a position to make the selection based upon his/her judgment, experience and priorities rather than being locked into an agreement for the next five years that he/she may or may not have chosen. As the City's banking relationships are critically important to the Finance Department's and the City's operations, I know that as Finance Director, I would appreciate having the opportunity to participate in the Depository RFP process and make the final decision. I believe that this approach will provide the next Finance Director time to familiarize him/herself with time to learn the City's operation, provide flexibility to modify the City's banking relationships if need be and will provide an opportunity for that person to make a positive impact as quickly as possible. PFM has agreed to postpone their consulting work at no additional cost to the City. Law Director William Ondrey Gruber has stated that City Council can waive the application process for depository services and extend the agreement with Huntington. Finally, Huntington has provided the City with excellent services over the last five years and I am confident that will continue if the agreement is extended for another year.

The Finance and Administration Committee is requested to recommend to Council that it waive the procedure for designating depositories set forth in Section 143.03 of the Codified Ordinances, and the 5-year limit on such designations in the same Section, for a period of one year, so that the City may extend the expiration of the current depository agreement with Huntington National Bank from 12/1/19 to 12/1/20.



Memorandum

To: Members of the Finance and Administration Committee

From: Frank J. Brichacek, Interim Director of Finance

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin

Date: September 16, 2019

Re: 2019 Property Tax Rates

Summary

- The County Budget Commission has set the City's 2019 Property Tax Rate, to be collected in 2020, at 9.9 mills. State law requires that the City adopt the tax rate determined by the Budget Commission before the taxes can be levied.
- In order to be included for collection with the 2019 property taxes collected in 2020, the County has set a deadline of Monday, September 30, 2019 for adoption of the rates by City Council and filing of the rate with the County Budget Commission.

Discussion

The total property tax rate for tax year 2019 (for collection in calendar year 2020) as determined by the Cuyahoga County Budget Commission will again be 9.90 mills. The City's property tax rate has remained unchanged since 1993. The current rate represents a decrease of 1.60 mills from the 1992 tax rate of 11.50 mills which included a levy for debt.

The City's property tax rate has not changed since 1993 because the City has not sought a property tax increase to fund operations or issued any new voter approved debt during that time. The City's debt portfolio is currently comprised of

Councilmanic debt issued for the following:

- The Shaker Towne Centre and Sussex Areas economic development projects and the Firehouse construction project (all funded by tax increment financing and the General Capital Fund).
- Loans from the Ohio Public Works Commission for the Hildana-Ludgate sewer project and the South Woodland sewer project and loans for two Waterline Improvement projects (funded by the General Capital Fund).
- The Van Aken Boulevard sewer repairs made prior to resurfacing of Van Aken funded by the General Fund.
- ⊖ A lease purchase agreements for the purchase of two fire trucks (2016 Quint and 2019 Pumper) for the Fire Department, the purchase of a street sweeper (2017) for the Public Works Department and the purchase of City Hall copiers (2018).

- The City’s obligation to pay debt service from non-tax revenues on debt issued in 2017 by the Cleveland Cuyahoga county Port Authority to pay certain costs for the Van Aken project (paid from the General fund).
- Sewers Improvement bonds issued in 2017 for various sanitary and storm sewer system improvements
- Street resurfacing note, originally issued in 2017, for various street improvement projects.

The following table details the property tax rates for the years 1993 through 2019 with a comparison to the 1992 rate:

	<u>Tax Year</u>	
	<u>1993-2019</u>	<u>1992</u>
<u>General Fund</u>		
Inside Millage	3.80	3.80
Charter Millage	5.50	5.50
Debt Service Fund	0.00	1.60
<u>Police Pension</u>		
Inside Millage	.30	.30
<u>Fire Pension</u>		
Inside Millage	.30	.30
Total Property Tax Rate	9.90	11.50

Total real property tax revenues through August 31, 2019, including State rollback and homestead reimbursements, are \$9,720,757, 527 which is \$549,314 higher than the same property tax revenues through the same date in 2018.

Finally, real estate tax revenue estimates for 2019 to be collected in 2020 will not be available until mid-December because the State has not yet provided the County Budget Commission with the House Bill 920 factors. As a result, it is not possible to precisely project 2019 property tax revenue to be collected in 2020.

In order to insure timely collection of property taxes, the County requires the proposed rate be adopted by City Council and returned to the Budget Commission by Monday, September 30, 2019.

Recommendation

It is recommended that the Finance and Administration Committee recommend that Council adopt the property tax rates approved by the County Budget Commission.



Memorandum

To: Members of the Finance and Administration Committee

From: Frank J. Brichacek, Interim Director of Finance

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin

Date: September 16, 2019

Re: Resolutions Requesting the County to Advance 2019 Property Tax Funds
Collected by the County During 2020

Summary

- The proposed legislation requests the County Fiscal Office to make periodic advance payments to the City of property taxes as the taxes are collected by the County.
- Without this request, the County would remit the revenue only twice a year. Participation in this program will provide the City with approximately 6 payments spread throughout the year.
- The Property Tax Advance program improves the City's cash flow by providing quicker access to property tax revenue.

Discussion

Each year, the County Fiscal Office requires the City to formally request to participate in the County Fiscal Office tax advance program for the following year. Under this program, the County Fiscal Officer will make periodic advances of up to 90% of the property taxes collected on the City's behalf by that office as the revenue is identified. Generally, the City would expect to receive approximately six periodic distributions under this program. Without these requests, the County Fiscal Office will hold all of the City's funds until final settlement, meaning that the City will receive only two lump-sum distributions a year. This resolution is presented each year to City Council for approval. If you have any questions, do not hesitate to contact me.

Recommendation

It is recommended that the Finance and Administration Committee recommend to Council that it adopt a resolution requesting advances of the 2019 property taxes collected in 2020.