



**Safety and Public Works Committee Minutes
Friday, June 7, 2019
8 A.M.
City Hall Council Chambers**

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

Others Present: James Heath, Assistant Director of Fire
William J. Ondrey Gruber, Director of Law
Frank Juliano, MasTec
Eric LaCourse, MasTec
Barbara Bradley League of Women Voters

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

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Approval of the May 3, 2019, Meeting Minutes

Chair Moore asked if there were any changes and modifications to the May 3, 2019 Minutes. Chair Moore had a couple of revisions. She asked for a motion to approve the May 3, 2019 Minutes into record. A motion was made to accept the minutes with minor edits by Council Member Anne Williams and seconded by Council Member Julianna Senturia; motion carried.

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MCI Metro Access Transmission Corp. – Application for License/Franchise and Permit to Install Fiber Cable In and Serve Customers Using the City’s Right-of-Way

William J. Ondrey Gruber, Director of Law

Director Gruber stated that the City proposes to grant MCI Metro Access Transmission Corp. dba Verizon Access Transmission a license and permit for a non-exclusive right and franchise to construct, use, operate, own, modify, manage and maintain a fiber-based data and telecommunications network in the public right-of-way of the City in order to serve business and government customers with the following services: competitive local exchange, voice and data communications, internet access, private line, cell site front-haul and back-haul capacity using fiber optic cable and leasing of conduit

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and dark fiber to third parties, through both above ground and below ground facilities, including approximately 11, 082 linear feet of serial cable, and 26,357 linear feet of underground cable within the City's right-of-way. To grant this proposal, this must be approved by Council.

Director Gruber quickly went over the process and explained that there is a standard application form that is filled out, which gives an example of what the company is proposing to do. At this time, Verizon does not propose to serve residential customers and will exclusively support businesses with these installations. He added that there is approximately 11,000 feet of aerial cable and 26,000 feet of underground cable that is planned for installation. In this case, a franchise agreement will be executed using the right-of-way. However, it is essentially the same as a right-of-way permit. The company is then required to provide the City on an ongoing basis, plans of what is immediately proposed and then what is proposed in the future. Director Gruber stated that if there are any questions there are two representatives present, Mr. Frank Juliano and Mr. Eric LaCourse, both from MasTec or MCImetro, which is the company that would install the equipment.

Chair Moore thanked Director Gruber and asked the Committee if there were any questions. There was discussion about the map (please refer to the audio file of the Minutes).

The guests were introduced. Chair Moore asked if they could provide their names prior to speaking for the audio tape. (Please refer to the audio tape for further description of what is being requested and the work MasTec is proposing.)

Director Gruber explained that roughly it looked like fiber is proposed to be laid from Fairmount Boulevard west to Warrensville Heights down Route 8. There is also a segment along Lee Road serving the High School and sports area.

Eric LaCourse, MasTec, stated that when the backbone fiber is installed, it will allow them to immediately service any businesses within range of the fiber. The fiber that is coming in will allow future designs within different areas in the City after receiving permission.

Chair Moore asked if there were any questions and mentioned that it is obviously very technical and understood that there have been franchise agreements in the past. She added that Director. Gruber has explained that there is not a lot of leeway due to the manner in which the law is written.

Director Gruber stated that there are two aspects - one is that the City must allow telecommunications companies use of the right-of-way without barriers and treat them the same as other companies. On the other hand, the City wants to have telecommunication companies in the City to provide services to businesses and government with plans to later provide services residents as it enhances the services the City offers. Competition yields a better price for service options potentially provided to businesses.

Chair Moore stated that directional boring will be used in the right-of-way to go under sidewalks, trees, etc. This type of installation does the least amount of damage.

Mr. LaCourse added that when doing directional boring that his company uses Oops Ohio underground utilities to determine where utilities are located and also calls in a company to complete ground penetrating radar, as many times Oops' information is not accurate. There are utilities that are not on maps. Ground penetrating radar can see everything underground to avoid mistakes.

Director Gruber asked Mr. LaCourse if his company will be installing new poles within the City and Mr. LaCourse stated there will be no new poles installed and that the existing poles will be used.

Chair Moore asked once the work is approved, when will the work begin? Mr. LaCourse stated that as soon as the permits are approved, the construction can begin.

Mr. LaCourse stated that the wiring is laid underground approximately three to four feet and underground vaults are installed, which eliminates above ground pedestals. Additionally, concrete is restored when necessary. After the work is completed everything is returned to or better than the original setting.

Chair Moore expressed concern with regard to the Warrensville Street Scape project and whether or not it was safe from the directional boring.

Director Gruber indicated that the Public Works Department would know more about that situation.

Director Patricia Speese, Public Works Department, stated that the Planning Department is coordinating the streetscape project and this issue is nothing that cannot be worked through.

Mr. LaCourse stated that he would coordinate his company's work with the projects and special events occurring within the City.

Frank Juliano, MasTec, stated that within the next couple of weeks MasTec would like to provide a presentation that shows exactly where the fiber would be laid.

Director Gruber stated that normally that is not done at a Council meeting and asked Mr. Juliano if he wanted to do the presentation at a Council meeting or at another time, i.e. Major Projects Meeting.

Mr. Juliano stated that would be better at a Major Projects Meeting.

Chief Administrative Officer Jeri Chaikin stated that next Tuesday at 9:30 A.M. is the next Major Projects Meeting and that she would send him information about the meeting.

Citizen Member Jonathan Hren asked if above ground work and the underground work is determined based on the physical characteristics of the street.

Mr. LaCourse stated they were. However, for example, there may not be enough room on a telephone pole to add another utility. Therefore, that is something we would add to the plan before work is completed.

Police Chief Jeffrey DeMuth wondered about how many feet of progress is generally made per day and is maintenance of traffic needed when doing the installation.

Mr. LaCourse stated that it depends on how the work progresses. Working off the truck, climbing poles and drilling affects the work progress. If work is done in the roadway, ODOT's recommendations are followed regarding flags, signage, and road blockage.

Director Speese stated that there would be a preconstruction meeting with the affected Departments prior to starting any work. This is protocol with all utility companies. Additionally, there is a project inspector that Verizon would be required to pay in order to protect the City's assets. This is just the beginning phase of getting approval, then there is an internal process that would follow.

Chief DeMuth asked if Mr. LaCourse had a start to finish forecast.

Mr. LaCourse stated that if his company began the work today, the work would be finished in approximately 60 days.

Mr. Juliano mentioned that his company does their own traffic control, but if the City requires a police officer, his Company would pay for the officer. It is the City's preference.

Chief DeMuth stated that it would depend where the work is located.

Director Speese indicated that would be determined at the preconstruction meeting.

Chair Moore explained that what is being asked from the Safety and Public Works Committee is to recommend or not recommend Council approve issuing a right-a-way license and permit to Verizon, which is the parent company as described in the memo. If there are no further questions, she would accept a motion to accept moving forward with this item. It was moved by Council Member Julianna Senturia and seconded by Council Member Anne Williams; motion carried.

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City Owned Police Dog (K9)

Jeffrey N. DeMuth, Chief of Police

Chief Jeffrey DeMuth explained that the K9 program has been in existence for over 33 years. Traditionally, upon retirement, the K9 has gone to live with its handler until the dog expires. Generally speaking, between the time of retirement and death, the City continues to maintain ownership of the dog although the handler assumes all the veterinarian care costs, food, etc. In addition, there is a liability issue because the City continues to maintain ownership of the dog. Should the dog bite someone; theoretically, it would be the City's responsibility. The purpose of this issue is to close the loophole so that the City no longer owns the dog upon retirement. This issue should have been considered a long time ago. In the proposal, Item (b) explains that upon retirement, the Police Officer handler would have the first option to purchase the K9 for \$1.00 and assume ownership of the K9. As it states in the memo, the purpose is to provide clarity of ownership and that is the dog is owned by the handler once it retires. We presently have one K9 who retired approximately two years ago and the dog is still alive and we have another K9 that may or may not retire fully. There are no other dogs that have retired that are still alive. Chief DeMuth added that this is a good idea and it protects the City.

Chair Moore asked what the average lifespan of a police dog is.

Chief DeMuth stated it varies, but probably seven to nine years. A K9, maintains the skills they were trained to have until they die, i.e. detecting a bomb or drugs. The reason a K9 would retire is because the dog cannot physically get in and out of the car. The K9 that that we are currently considering

retiring can track, but does not track as effectively and efficiently as the younger dogs. It still has its aggressive nature, but easily tires. .

Council Member Williams stated that she believes this proposal makes a lot of sense.

Chair Moore stated that she would be happy to accept a motion for approval. A motion was made by Council Member Williams and seconded by Citizens Member Hren; motion carried.

(Refer to audio for discussion on updates of Departments.)

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There being no further business, the meeting was adjourned at 8:45 A.M. The next meeting will be July 12, 2019, and in Chair Moore's absence, it will be presided by Council Member Tres Roeder.

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