

**EXECUTIVE & FINANCE COMMITTEE MEETING  
SEPTEMBER 12, 2011**

Council President Holzheimer Gail has called an Executive & Finance Committee Meeting for **Monday, September 12, 2011** at **6:00 PM** in the Euclid Municipal Center Council Chamber.

AGENDA

JOINT DISCUSSION WITH CIVIL SERVICE COMMISSION MEMBERS ON CIVIL SERVICE RULES & PROCEDURES FOR THE SELECTION OF POLICE & FIRE CHIEF.

First Deliberation:

Ord. (148-10) An ordinance enacting Chapter 705, entitled "Sweepstakes Terminal Cafes" of the Business Regulation and Taxation Chapter of the Codified Ordinances of the City of Euclid.  
(Sponsored by Mayor Cervenik)

Members Present: Gilliam, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail.  
All Present.

Others Present: Law Director Frey, Chief Cosgriff, Executive Officer Brickman, Human Resource Manager Linker, Clerk of Council Cahill, Civil Service Commission members: Christopher Gruber, Richard Smith, James Van Bergen.

President Holzheimer Gail – I welcome the Civil Service Commission members and two representatives from the Police and Fire union, as well as the Chief, Capt. Brickman, Director Frey, Letitia Linker from Human Resources, to have a discussion about our selection of Chiefs. In way of background there was an ordinance introduced in Council several months back that looked at a Charter change to remove the Chiefs positions from the civil service process. There was no consensus reached on that from council, it was never moved forward.

There was another piece of legislation introduced by Councilman Van Ho that was sent right to the Safety Committee. While we do have legislation that is not actually on our agenda this evening, but we thought instead of council suggesting changes, the place to start would be with a conversation with our civil service commissioners, with the administration, with the union representatives because we want everyone's input on this discussion. I would like to welcome Jim Van Bergen, Rick Smith, former councilman Chris Gruber, the vice president of FOP Joel Barron and vice president of Fire Union Chris Caimo, we appreciate your being here.

Before we start I think everyone probably like me has been glued to their television the last couple of days with the anniversary of 9-11. I do just want to take the opportunity to say thank you to all of our first responders, police and fire, paramedics, EMS, everybody else. I found myself stuck most of the day watching. We know what you do everyday but it gives us a very unique perspective on your giving your lives everyday of your job and we appreciate that. I just wanted to start by saying thank you and let you know that we do appreciate the work that you do.

Director Frey do you want to start with comments? I thought a good place to start would be to review our current process of selecting the chiefs.

Director Frey – Our current civil service rules which are created by the Civil Service Commission pursuant to Article 5, Section 7 of the Charter of the City of Euclid, provide that promotions in the police and fire division occur from rank to rank. In other words, to be eligible to test for the position of Chief in the Department of Police, you must be a captain, you must have that rank for at least a year at the time the test is to be administered for that position. Then in Fire you'd have to have the rank of either Asst. Chief or Platoon Chief to be eligible to test for Chief in the Fire Division.

Our rules provide that the top scorer on that competitive examination is awarded the position of Chief when that vacancy occurs as long as that eligibility list is still in effect. It differs significantly than from many other communities and we've provided you examples of several of those. It differs from the State code in some respects. But it is part of the rule making process that the Civil Service Commission has adopted and made those provisions for the determination of who is going to serve in that position.

The question arises under our rules, what happens if less than two individuals are eligible or chose to test for a vacancy. There has to be at least two for there to be a competitive examination given. In that case our rules are silent. We would default to the State code in those circumstances and the State code provides that in that situation when there are less than two candidates who wish to test, who are eligible and wish to test for that promotional position in police and fire, then it then would open up to the rank below. That in fact is one of the proposals that you have before you in the legislation that's in the Safety Committee. Rather than having that minimum set at two, it is set at five. If there were less than five eligible candidates it would open to the rank below. That is not the State Code, the State code applies only if there were less than two. Our code is silent on the matter but as I said we default to the State Code in those circumstances.

Quite simply we would provide for through the Civil Service Commission a competitive examination. The top scorer on that competitive examination, if and when a vacancy occurred would be promoted to the Chief of the respective department. The only Charter provision that applies to Police & Fire is that the Chiefs are members of the Civil Service. In other words, they can only come through the actions of the Civil Service Commission, whatever those rules are, they are unlike then the other directors in the sense that those of us who are directors serve at the mayor's pleasure. The Chiefs with the civil service protection do not serve at the mayor's pleasure and can only be removed from that position for cause.

That's the current state of our code. If you had specific questions on it, I'd be happy to answer them, if not I'd like to move onto the information that we have provided you this evening.

I'd like to, if I could, address the position from the Mayor who was unable to be here tonight. He is at a couple of outside of City Hall meetings this evening. But he indicated to me that he feels strongly that we ought not change the promotional roles at this point in time for the promotions for Chief to either the police or fire department and indicated that we have two very well qualified captains in the Department of Police. We know we're going to have a vacancy at the end of the year in the Department of Police in the position of Chief. We have two very qualified captains who are eligible to test for that chief's position, either of which could capably lead the department. I would suggest to you that it maybe the right time to review the rules, the right time to consider changes to the rules, are when there is not a imminent opening at that position. You take away the emotion, you take away the personalities and you look what ought to be or what best serves from a structure, what best serves the City of Euclid. In any event those are the Mayor's thoughts, I wanted to pass those onto you.

We know the authority to make rules as I said by Charter rests with the commission. As City Council, you can offer input to the commission as can any other interested party, offer input to the commission on what those rules ought to be. But the Charter vests in them the authority to make those rules. So while I noticed in our Codified Ordinances we ratified, Council ratified the last rule making effort by the Civil Service Commission. Really when you look at the Charter, it is a nice thing, but not an effective thing because it is the commission itself that has that authority. Unless of course we want to change the Charter to change that rule making process but that's the way it exists today. I'm happy to answer questions that you might have on that.

President Holzheimer Gail – Director Frey, I just want to make sure that everybody understands what that means. We do have an ordinance that was proposed in front of us, but if Council were to act on that, that does not change the rules. The only authority to change the civil service rules lies with the civil service commission.

Director Frey – That's right. I may have expressed different thoughts much like we have the issue with Planning & Zoning where there's a provision in our code that allows council to overrule Planning & Zoning by a super majority decision, there is no corollary provision for the Civil Service Rules. It is a very autonomous body as far as the authority to make those rules.

In that rule making process, just as a final note, it requires two steps. There has to be an announcement or a publication of the proposed rule and then it must be available for seven days before the Commission can actually act on it. A proposed rule change tonight for instance if this were a Civil Service Commission meeting, the proposed rule change that might be promulgated by the Commission tonight, could not be adopted by the Commission for at least a week. That is in their own rules, in the Commission rules.

Again if there are questions, if not, Council President those are the remarks I've prepared to make and I'm happy to answer questions or discuss other communities or other thoughts with members of Council, the Commission or others who are here this evening.

President Holzheimer Gail – Civil Service Commission members, do you have any comments at this point?

Commissioner Smith – The question I have for Director Frey is if two eligible candidates are not available for the test of the Chief of Police in Euclid, we would fall under the Ohio Revised Code rules, is that not correct?

Director Frey – That's correct.

Commissioner Smith – Which means we could then go down to the next lower in rank to get enough people to have two or more people.

Director Frey – That's correct.

Commissioner Smith – We do have a provision by which we could do this if necessary?

Director Frey – Yes, and again as I indicated Commissioner, our rules are silent on what happens in that circumstance and then we default to the State code.

Commissioner Smith – Then we could apply that though?

Director Frey – Yes, absolutely, you'd have to.

Commissioner Smith – I just wanted to make that clear, thank you.

Councilwoman Scarniench – Could we have the Fire Dept. explain their procedures? I feel those are exactly what I'm looking for for the police department. It opens it up to other people, so if they could explain that so everybody understands your procedures for picking the chief.

Chief Cosgriff – Our procedure for choosing chief would simply be that we would go through civil service to have an examination. It would be open to the rank immediately below the chief, which is the assistant chief. Since there's only one person in the assistant chief position, it then automatically opens it up to the next lowest position which would be the position of platoon chief, in which there's three individuals that hold that rank. We could have up to four people testing for the chief.

Councilwoman Scarniench – And it is that simple. I don't believe two people or even three people are enough to pick the person who is going to head our departments. I think the four or changing it to five which opens it up, as far as the police department is concerned, to the next lower rank, you may have a lieutenant who has been here for 25 years and has done every job that's out there and would be very qualified to be the chief. But, because he's a lieutenant, he can't. The fact is we recently eliminated a captain's position which brings that number down and I believe we have three captains if we include Capt. Brickman right now. I'm not saying one is better than the other or one isn't as good. But I really think it should be open to that level. If we put it in it's for a year that they've been in that position, it kind of falls into everything that I've been reading, these different cities that kind of says the same thing. I would really have a problem with going outside the city to hire anybody. People know the way I feel about that kind of thing. We have people who work very hard in this city and have been here for many years and it is just not police and fire, it is everywhere, it is housing, it is everywhere. If they don't have a chance to move up, why would you stay here. That's my big concern that we have people who are here, who work very hard and can do a job but are never given a chance. By saying that we would go outside of the city, that's just way wrong to me. That's my comment.

President Holzheimer Gail – I do want to allow the Chief and Captain Brickman to make some comments too, I didn't mean to skip over you guys.

Councilman O'Neill – I agree somewhat with Councilwoman Scarniench's comments, however I don't feel that we need to go to a lower rank to open up unless we have enough firefighters or police officers to compete. I believe we have a knowledgeable body within the confines of both departments. Something you might want to look at potentially is the ability for the chief to be able to pick one of three. Typically other departments do have that, I would not be in favor of going to the outside at all. Chief, on the Fire dept. we have not reduced the rank of captain have we? We have not lost a captain?

Chief Cosgriff – No we have not.

Councilman O'Neill – So it is only within the Police Dept. right now that we're down on captain. This gets wrestled with frequently. Cleveland Hts. has a one for three that they can pick, in the case of Cleveland Hts. it is the City Manager, through the civil service process that somebody could be looked at. I think it is premature like Director Frey said to look at this when there's an impending opening, especially with Senate Bill 5 being voted on in November. It maybe overturned, it may not, but it does have some impact on how things in the ranks of lieutenant for fire and the ranks of sergeant for police may happen. I would be cautious in anything we might do permanently prior to that election. I'm certainly willing to further discuss but, we've got a pretty good process with some very good candidates, very good officers and firefighters. I see no reason to go outside of the confines of our city and departments to hire somebody.

President Holzheimer Gail – Chief Cosgriff or Capt. Brickman, did you have any comments you wanted to make before we get to far into discussion?

Chief Cosgriff – I did prepare some remarks to inform the Council and any of the public that would be watching at home, about how a firefighter goes through his career in the City of Euclid. When we hire a rookie firefighter, one of the first things we give him or her is a map book, our EMS protocols and our rules and regulations. He or she is tested daily on their knowledge of these documents and they are well aware that they are a probationary employee. Consequently, they spend a great deal of time learning about the very beginning aspects of their job.

In time and with extensive in-house training, I will get a written recommendation from his/her superior stating that they are confident in their ability to count as one of our minimum manning. They'll spend the next few months learning how to operate every piece of equipment on the apparatus to which they are assigned, along with a back-up apparatus at the station where they are assigned. Gradually, we will move them forward to driving and operating the vehicles themselves. The operation of the vehicle is certainly more difficult than simply driving the vehicles, but you must learn both.

After two years, you'll have obtained the rank of firefighter first class and we will expect you to perform as such. During that first two year period you will have also participated in our company inspections. As you probably know, we inspect all multiple family residents, all industrial, commercial and educational facilities at least once a year depending on the type of hazard. Some of these are inspected more often. Schools for instance are inspected monthly. This time spent on the road going in and out of buildings, meeting building owners and looking for hazards are invaluable in making our people more knowledgeable and therefore better prepared to handle emergencies and save lives. However, this time is spent only in their first response area, or roughly a third of the city. After a couple of years of being stationed at headquarters, we believe it is time to move these young firefighters out to an outlying house. When that happens, this process starts all over again, first with the vehicles and equipment and then onto the company inspections in their area.

These first response areas are large areas; certainly made larger with the closing of fire station #4. After a couple of years at the second station, we will again move these individuals to the third station to restart the process once again. By the time an individual has 6-7 years on the job, they typically have a pretty good handle on the areas of the city and the hazards they may face. By no means do they know all there is to know and they must never stop preparing themselves for future responses. If they are interested in bettering themselves by way of promotion, this is usually the time when they may begin to take promotional exams. We know a firefighter with 6-7 years on the job probably does not have the knowledge and experience of someone with more time on the job. So civil service has a formula to reward that senior firefighter. A list of books is chosen, usually by the Chief with the approval of Civil Service and the motivated applicants spend a great deal of time learning new material. Typically there will be 6-8 books or other documents to study depending on the rank that is being tested.

We also have a second component to this process to determine how the applicants think on their feet. This is an assessment center of some sort and the material they are tested on is specific to the rank that they wish to hold. By conclusion of this testing process, the top scorers on the exam will be offered the promotion but it does not end there. Following the promotion these individuals are placed back on probation, they are evaluated quarterly by their superiors and if they perform satisfactory after a one year period, I notify Civil Service that their position is now permanent. Keep in mind this is for the first rank, which is lieutenant in the fire dept. Typically an individual will have to test a few times before they finish at the top, but the study and examination period are another valuable source of training for our members. This procedure is repeated for the captain rank, platoon chief rank, the asst. chief and the chief's rank.

Obviously the duties at each rank differ. When moving from lieutenant to captain for instance, you go from being a company officer to the possibility of being in charge of an entire platoon in an acting capacity, captain will act as the platoon chief and he's in charge of the city. Or you may assume the role of captain of the Fire Prevention Bureau who is responsible for all business owners following the proper codes, or the caption of the Training office. Obviously each captain position requires a whole new set of learning objectives in order for you to be confident in your job. Those individuals that are fortunate enough to rise to the level of captain may then wish to repeat the process for the rank of platoon chief and if successful possibly asst. chief.

The point I'm trying to make here is that it is a difficult competitive process to achieve these upper ranks. By the time you get to a chief officer rank, you have learned the city and its buildings and you have literally been tested under fire. You know the little idiosyncrasies of our various personnel because you have lived with them for many years. The city has invested in your training and education but that's where we want to stop if we move this process forward.

Do we really want the top position to be someone that has come from the outside and maybe looking to supplement his/her pension for a couple of years? Because that is what you'll get, you'll get a retired chief from another city who's just looking to supplement their pension. This new chief could be highly motivated or really just interested in an additional paycheck. He or she will certainly be savvy enough to tell you what you want to hear because he has been through the process on the other end of the interview process. The Fire Chief is the top fire official or the authority having jurisdiction as it is described in the Fire Code. We want, I want that to be the best person for the job. I believe that is the person who has come up through the ranks. This is the person that will get the call in the middle of the

night, it may have less knowledge about an occupancy than the rookie riding in the jump seat in the truck, but we're going to put him or her in charge and make him and the city ultimately responsible for his or her actions if we were to go outside.

As I stated before, the guys and girls in the Fire Dept. need to be able to trust and respect the Fire Chief. When I tested for the position of Fire Chief, I tested with Platoon Chief Dave Skrajner and he would have functioned as the Fire Chief admirably, I'm quite confident of that. Don't misinterpret this that I'm blowing my own horn, but the training and experience that we get from the years on the job is invaluable. For somebody to come from somewhere else, is just wrong.

I've heard the comment, don't you think a Chief from New York City could come in and handle the job here, and he probably could after years of training. We're not talking about the typical single family dwelling house fire. I can get anybody from another city that could come in and could function at a single family dwelling. I'm talking about the bigger incidence, the Omni Park or God forbid one of our industrial sites or railroad tracks or whatever. If anyone has any questions, I'd be happy to answer them, but I am strongly opposed to going outside to hire a new chief. Thank you.

Councilwoman Minarik – Chief right now there's typically about 5 that can take the test if the position is open; that would be the assistant, the three platoon chiefs and the two captains, correct?

Chief Cosgriff – No, it would be the assistant chief and the platoon chiefs.

Councilwoman Minarik – What if you don't have enough, what is your opinion then, would you want to go to a lower rank or go outside the city if there are not enough applicants?

Chief Cosgriff – If there weren't enough applicants, if my choice is to go to a lower rank or go to outside the city, without question my choice would be to go to a lower rank.

The captains on the Fire Dept., they function as a platoon chief on the days the platoon chief is off. So they have a great deal of experience running an incident. They function as a platoon chief on a weekly basis. The captains in the training office and fire prevention are also very well prepared to do the job.

Councilwoman Jones – Chief Cosgriff, the training and testing that you mentioned going through the different levels, is that training that is unique to our city? Or do other cities have the same type of training but more geared towards whatever city they're from so other fire departments that go through the different levels also, do they also take the same type of training for each level they go through?

Chief Cosgriff – Yes they do. But they train in their city. They're required to learn their city and the little idiosyncrasies of their city.

Councilwoman Jones – So it would be unique to whatever city that is, but it is the mandated training and testing for each level.

Chief Cosgriff – Yes.

Councilman O'Neill – Chief Cosgriff, in the capacity as captain on the Fire Dept. and a captain running as a platoon chief, is it limited to just the captain running as a platoon chief? In other words, if there's no captains available it goes down to the lieutenant, or is it specifically platoon chiefs and captains?

Chief Cosgriff – It is specifically platoon chiefs and captains. We do not allow a lieutenant to function in a platoon chief's position.

Councilman Van Ho – I have about four questions. When you were speaking Chief, the way you said it, it sounded like if it was anything other than a house fire, you are the only one that could lead the department through that fire. I'm not sure I agree with that concept.

Chief Cosgriff – Councilman, with all due respect, I think you misinterpreted my remarks.

Councilman Van Ho – I might have.

Chief Cosgriff – On a daily basis, the platoon chief or the captain who is functioning as a platoon chief runs the city. They're the ones that are riding in the command vehicle, they're the ones that arrive on the scene and take command of an incident and issue the orders. That is not my job, that is their job.

Councilman Van Ho – Okay, thank you. To piggy-back a little bit on Councilwoman Jones' question. Assume that we brought a person in from Cleveland Hts. to be our Fire Chief. The way you're saying it, I'm assuming that all of your men are pretty confident, okay, or firefighters, I don't know that we have any female firefighters.

Chief Cosgriff – We do.

Councilman Van Ho – You're people I don't think would deny this Chief information simply because he was an outsider. I think the question of the nuances, you've got how many men on your staff who pretty well know this city as you've said due to their extensive training. The Chief should be more of a position of leadership. I guess I'm the one that stirred all of this up because I'm not saying that our people shouldn't be promoted to Chief, but what I'm saying is, when I look at the Fire Dept. or the Police Dept. I somehow think there are more than 4 people in this country that could run our Fire Dept. and there are more than three people in this country that could run our police department. I'm just saying we ought to have enough people that we can chose. It shouldn't just be a test. There should be at least three people brought up and recommended and then let the Mayor make a selection. Once again it goes to the leadership factor. I don't doubt that any of these guys standing out here technically are competent enough to be a chief. The question becomes leadership and that's where our record isn't to awfully wonderful on picking chiefs the last few times, so I was trying to figure out a way to do it. So that you could get good leaders and at the same time, I hope every time we come up that our people come up through the ranks. If we need a leader in the chief of police area that maybe very good in community outreach or very good in drug crime, or whatever it maybe, we ought to be able to reach and get that person, so that person can bring these forces up. In your position, I don't know what the specialties are like drugs or outreach, but I just can't fathom that they're only what 4 people in this country that could run the Euclid Police force, maybe I'm wrong.

Chief Cosgriff – I'd like to respond to that. I didn't say that there was only 4 people in this country that can handle that position. I'm saying that the best qualified are the people that have spent time in this city learning the city. Do you understand that the fire department is considered a para-military organization with a set of ranks and you are required to obey orders from you superior. Now this new fire chief who has been hired from an outside city and may not have any understanding of our buildings and such, when he gets notified by dispatch that we have a fire going at Lincoln Electric, that new fire chief can show up and take command. There's one person in charge. If that Fire Chief chooses to take command, he has the authority to do that and then he can start giving orders that may not be in the best interest of our Fire Dept., our citizens or Lincoln Electric. That's the point I'm trying to make.

Councilman Van Ho – Or they maybe in the best interest too. Maybe this guy is going to stumble across to be brilliant.

Chief Cosgriff – I'm not comfortable with maybe.

President Holzheimer Gail – I want to make sure we get all the information out first. I do want to get to the Captain and Officer Caime has been waiting to jump in.

Councilman Van Ho – Can I finish? As you can imagine after I put that original resolution through I've had a lot of suggestions and I'm going to throw all of these out and you can take shots at them if you so desire or agree with them. That there should be at least five candidates taking it. That the Civil Service board, if there are not five candidates, the Civil Service board can either reach down and say okay we're going to let the lieutenants or whatever the next rank down is, or we're going to go outside. At which point they take the test and if we go outside the requirements I saw that the Law Director had put in that resolution about 15 years of service as a law enforcement or in this case a bachelor's degree and on and on. So it is not like we're going to go get somebody from one of the rent a cop facilities and put them in charge. The testing should be done and then the top three certified and given to the mayor. The mayor at that point makes the decision because once again I think it should be more than a technical test. There are people who are good test takers and there are people who are good commanders and sometimes the two aren't the same. Mayor selects and that person is immediately under civil service, under the probation thing, you said for a year, I don't have a problem with that. I don't see anything wrong with what we're trying to do and that's opening it up if we need to.

President Holzheimer Gail – Let me bring, sort of in my mind where we're at. I was allowing questions towards Chief Cosgriff's comments. So I think we're not at the point yet of discussion options for changes but listening to and asking questions of clarifications about what Chief Cosgriff presented.

Officer Caime – Just addressing the question to Chief Cosgriff in regards to how we feel about a chief from the outside. When we respond to a call and we're inside a fire or on the scene of a fire, the platoon chief is usually in charge. When Chief Cosgriff arrives, he is the authority having jurisdiction, he is ultimately responsible for what happens. When he makes a decision, he's not just a leader because he's a chief, he's a leader because he has the knowledge, training and experience to make those decisions. A chief from the outside might have a resume a mile long, but he doesn't know the things that Chief Cosgriff knows and went over with you.

We're not a corporation, we're not a private sector company, a national search does not work in the fire service. The Chief needs to make split second decisions for life safety. Life safety is the number one priority in the fire service and police department. Just because you have all those things behind your name and a large resume doesn't mean that you can make those decisions.

A topic was brought up about pre-plans, Chief Cosgriff talked about training that we do walking through buildings and pre-plans that are made up that we go through. Well those are great but when he needs to make a decision immediately, life and death decision, he doesn't have time to refer to those and that was brought up that a chief from the outside can use those documents, he doesn't always have that opportunity, he can refer to them when he has time, but he's not always going to have that time.

Local 337 and the firefighters are strongly against hiring from the outside. We feel very strongly that the best candidates is within, not only because we have qualified candidates but because of the reasons Chief Cosgriff went over. He knows the city, we respect the decision he makes and we carry out the orders he gives because we strongly believe that he puts us and the citizens in the safest position.

President Holzheimer Gail – I do want to allow Capt. Brickman and the police union to give their remarks too.

Councilman Gilliam – Just some questions. Chief Cosgriff, in the last 30 years, how many police chiefs have we had? I don't know the exact number, you're the most recent one, how many have we had in the last 30 years, 4 or 3?

Chief Cosgriff – Fire Chiefs?

Councilman Gilliam – Yes, just an estimate.

Chief Cosgriff – Chief Langa, Slattery, Dworning and myself.

Councilman Gilliam – When you need additional responses from other cities, some of those individuals are not trained in Euclid but we rely on them to address the needs when we have a problem? How is it that they're qualified to come to Euclid during shared responsibilities, but if an individual worked in a single family resident city like Lyndhurst could potentially come here and not be a chief? I'm just confused about the fact that many fire departments share resources in times of need. It is appropriate for them to do that when there's a high risk and high danger, but let's say a platoon chief in another city who is part of our share response team wants to be chief, if it was open, how are they not qualified but they are qualified to serve in a time of need?

Chief Cosgriff – When we call for mutual aid, we are getting engine companies or rescue companies or ladder companies from a neighboring city. That company is given a specific task to do and they are trained just the same as we are trained. We're trained to do those tasks. It is entirely different thing to talk about the man who is in charge or the woman who is in charge, the incident commander. We are assigning a task for them to do, you will do search, you will do ventilation, you will do a fire attack. They are all trained to do that, we can give them a brief update about where the fire is or what the task is going to do but they're doing a task. It is much different than being in charge of the entire incident.

Councilman Gilliam – Okay, let me just ask you another question. First and foremost I'm not prepared to change any law tonight, I can't speak on behalf of my colleagues, but I need to gather all the information to make sure that I'm abreast of everything and I'm hoping that no one thinks that's my intent. My next question is, when you talk about having the prescribed skill to deal with multi-family housing, industrial/commercial buildings, things of that nature, I think a way to avoid that situation is if this were to be open, that the Mayor would have to be in a position to say you have to have these particular skill sets to be considered a candidate and that would move quite a few people out. Am I correct? If you were to right a resume of your job and say these are the required skills that you needed, that could be transferable to another city, similar to Euclid, correct?

Chief Cosgriff – I'm not sure I understand the question.

Councilman Gilliam – Let's say this, if you say there's specialized skills that are specific to Euclid, if we had a comparable city that had the same type of building construction and things of that nature, the same specialized areas, then really you're looking for a candidate that meets those particular needs in order to be eligible. So a person who has not dealt with commercial/industrial buildings, places like Lincoln Electric, will be excluded automatically from the top. So my question to you was, if the job were to be open, they would have to have a specialized skill set comparable to what you and your firefighters do in Euclid to even be considered eligible. So there is a way to write a description of a job that would meet the need of any firefighter in the City of Euclid, correct?

Chief Cosgriff – I think you would be hard pressed to write a requirement for the job where you state that the candidate understands the lay out of the different buildings. They would have no way of knowing the lay outs of our industrial base.

Councilman Gilliam – They wouldn't know the lay outs but they would know potentially some of the factors that are existing in these types of buildings. No, they would not know where shut off valves are. No, they would not know where certain equipment is or things of that nature or electrical boxes, but if there were certain common hazards, I mean Cleveland has industrial buildings, Euclid has industrial buildings. If they're built around the same era, there's got to be some commonality. That's what I'm asking. So there is a general description of what skills would be needed.

Chief Cosgriff – Definitely.

President Holzheimer Gail – Skills, yes but you were talking more about the intimate knowledge and actual experience in our city, in our buildings and the difference of having a shut off valve down this corner or down this corner could make a very big difference.

Councilman Gilliam – I would agree with that.

President Holzheimer Gail – How do you compare that life and real time experience I think is what you're saying.

Councilman Gilliam – Correct. I'll put it to you another way. What I'm hearing is, if you're not a Euclid firefighter from the bottom, you can't be a Euclid firefighter ever. That's what I'm hearing.

President Holzheimer Gail – Do you mean Chief?

Councilman Gilliam – Chief, yes. You cannot be a chief ever unless you're in the system already.

President Holzheimer Gail – Let's not debate.

Councilman Gilliam – I'm not debating, it just sounds very exclusive.

President Holzheimer Gail – I want to make sure everyone has a chance to share what they're here to share. Our civil service commissioners, who ultimately are the ones to make this decision, get a chance to ask questions, then I do want to go to Capt. Brickman.

Councilman Langman – I want to go back to the Law Director and the hand out he gave to us. Law Director Frey can you give an objective description as to the pros and cons of hiring strictly from within versus opening up the test to outsiders? I'm assuming when you put this together you may have talked to some of your colleagues in other cities or not?

Director Frey – No we did not, we surveyed their rules to get the information. What I think is most prominent in these other communities is the majority of them provide for the 1 and 3 selection. The appointing authority, whether it is a city manager in Cleveland Hts. or the Mayor in most of the other communities, will actually make the selection from the top three candidates that are certified by the Civil Service commission. Garfield perhaps may have the most interesting and I'm not sure I'm completely conversant with their system, but it appears that anyone can test from one of the promoted ranks could test for chief in that community. The commission sets the test criteria and I think everybody in this room would agree that experience is a good teacher. Let's say I was a sergeant in Garfield Hts. as was capable of testing for the chief's position, I would think I would be at a serious disadvantage from somebody who has spent time as a lieutenant or a captain because I don't have the kinds of duties that are associated with that, the kinds of things that would be tested. But their rules seem to allow that.

I think the testing from outside, what we try to do when we put this legislation together at the councilperson's request was to look at what would be a basic resume for somebody who is a chief. The executive training, some certain number of years so you would have had the experiences. I would agree with Chief Cosgriff, you're not going to have experiences in Euclid if you were a firefighter in some other community or a police officer in some other community, you're not going to have that same level of experience or knowledge of the Euclid specific type information. We tried to look at what were common factors that a chief would have and those are what we listed in the minimum qualifications to be eligible to test. Again it is still going to be a competitive test, established by the commission, if I got a great resume but I was maybe from a community that was 10,000 individuals, I might be at a competitive disadvantage testing for this community, so I don't know. I guess the answer is, it depends on the experience that that individual brings and that's probably why most communities stick to, in the promotional process, stick to promoting from within their departments. That clearly is the majority, there are some that do go outside but the majority stay in-house if you will.

Councilman Langman – I think the community that caught my attention was Warrensville Hts. They look at like-sized communities, similar population size, etc. It doesn't appear they have the civil service component to it, if I'm reading this correctly. But, I think that model is intriguing because it addresses a couple of concerns because ultimately we're looking for the best leadership of both departments and the future and that would tend to favor more candidates as Councilman Van Ho has pointed out. It was mentioned before that folks that are here are waiting to be chief, they're not going to wait forever, etc. But that applies to other departments, there maybe excellent leaders in Parma or Cleveland Hts. or Cleveland or wherever that might be beneficial. I would like to see if we can explore that opportunity to make that happen.

One last question to the Fire Chief, Chief Cosgriff, you continually go out and look at buildings and so forth to update your knowledge, correct?

Chief Cosgriff – No I do not.

Councilman Langman – So for example, the building I work in, the Rockwell building, there has been several changes to that building. So you're telling me if you come and take command of a fire there, you won't know about those renovations that have been done in that building?

Chief Cosgriff – I would hope that the Platoon Chief or Lieutenant that gets into those buildings on at least an annual basis would have that knowledge.

Councilman Langman – With all due respect, if I'm in that building and it is on fire, I'd want somebody that is in command that knows absolutely what renovations have taken place over there. If that's not the case, then an outside leader that comes in, if you're not updating your skills, then I don't see what your argument is. We have buildings that are renovated here all the time. I would assume that you would be updated on those renovations as would a chief from the outside would be.

Chief Cosgriff – In other words, councilman, you would rather have a chief with little or no knowledge about a building rather than a chief that is not up-to-date on the latest renovations. That's what you're telling me?

Councilman Langman – What you're telling us Chief is that an outside individual cannot lead the department because he doesn't have the experience in the buildings. My point is and what I asked you is that, do you update your knowledge of buildings throughout the city that might have been renovated. Buildings don't stay the same for 30-40 years and you're telling me no. So if that's the case, why wouldn't a chief from the outside come in that would want to do the job and learn the buildings as they are today? What you're telling me, I assumed that you would update your knowledge so why couldn't a leader from the outside do the same thing? Thank you.

Chief Cosgriff – There is not enough hours in the day for me or a new chief from the outside to get into every building and see every renovation.

Officer Caime – I think that's our job as firefighters doing the company inspections that he used to do when he was on the line is to adjust those pre-plans and documents that we have for him to look at. He already has the core knowledge of the building whether it is access doors, maybe some of the processes that go on inside the building, some renovation, he would still have that core knowledge to take care of the building. Quickly to Councilman Gilliam, as far as you were talking about the building, Chief Cosgriff would know maybe some locations of chemicals, some of the chemicals we can't put water on, locations of access to those chemicals, access to the building itself, access to occupants inside the building. There's so many parts to an inspection that helps us find ways to put the fire out or access it, we

don't have enough time to go over that stuff. But it cannot be said that his core knowledge would help him even with the other stuff.

Commissioner Gruber – I just have a couple of questions, change the direction a little bit here. This question goes to both the chiefs and if the union reps would like to answer, that's fine as well. Chiefs and reps, if you did have someone walk in off the street, or the ability for that to happen to either one of the departments, how would that affect the morale of the officers and the firefighters over long term, knowing that no matter how hard they worked that they may never become the chief; do you think there would be any impact on day-to-day operations? I know these guys and these women give their all 100% of the time, but if there was no goal, nothing to achieve at the end of the line, there has to be something to give along the line. If a chief was to walk in from another city, my first question would be, if he's so good, why isn't he working somewhere else?

Chief Cosgriff – That's a very good point. That's why I said typically this would probably be someone who is retired and is just looking to fill in some hours in the day and supplement their pension, that's in answer to your second question. In answer to your first question, as you can see we have a large number of firefighters that are out here I think in support of myself and Firefighter Caime and it would be very detrimental to the morale for somebody to come in from the outside. Someone that we would have no knowledge of and really where do you begin to trust them; that's a big thing in our profession to be able to trust your leader.

Commissioner Gruber – What goals would the firefighters have if these things were taken away or the police officers?

Capt. Brickman – I did have a prepared statement but I'm going to be direct and answer the Commissioner's questions. Internal promotions and as Chief Cosgriff already mentioned, they are an absolute excellent training opportunity. They give officers a venue by which they're learning all different types of laws, rules and procedures, leadership qualities that would attribute to their success in the next rank. But from a motivational standpoint, it would be absolutely devastating when you aspired throughout your career to maybe achieve the top rank in the department and you find through process changes you're no longer able to do that. But not just the top rank because although we're structured slightly different, when you eliminate the chief's position, you're eliminating a captain's position promotion, you're eliminate a lieutenant's position promotion and you're eliminating a sergeant's position promotion. I don't think that's fair to everybody else who has strived and worked hard to try to earn those promotions.

President Holzheimer Gail – Do you want to go ahead with your remarks?

Capt. Brickman – I have to agree with our Fire Chief. I do not feel that there is any need whatsoever to look beyond our current department to find the leaders that we need to lead us into the future. We at the Euclid Police Dept. have history and reputation in the law enforcement community of being an excellent police department and I believe we continue to provide excellent service to the community. I'd even take offense with Councilman Van Ho's comment that there's been a lapse in leadership because we have had some chiefs leave our department and be successful in other communities, but likewise and this is going to sound a little contradictory, we have had lieutenants and captains leave our department and become chiefs elsewhere in smaller communities. So I guess you can say, are they eligible to be chiefs, yes they've proven that they've been successful in other venues. However, I don't think that's the best route to take and it is this. Every promotion brings with it new job responsibilities. The job responsibilities that a sergeant help to prepare the individual to be a lieutenant. Job responsibilities of lieutenant likewise help with the promotion to captain. Likewise I truly believe that the captain's job responsibilities are going to better prepare them to the chief of police at some particular juncture in time.

We have very capable applicants, and I know it is going to sound a little bit skewed on my part because I'm an individual who will be eligible to take a promotional test and I'm not trying to stack the deck in my favor because we do have good qualified captain candidates to be chief. We also have absolutely excellent lieutenants who I know some day when their turn comes will also be good chiefs.

It is our responsibility, leaders of the police department, to prepare our future leaders. We have to nurture them, we have to provide training, we have to provide for them opportunities and we do that on a step by step basis. I guess I can say that if, when an opening happens and there's nobody prepared from the captain rank to get into that and assume the position of chief, we as an organization have failed. But I would say this, there are more officers from the Euclid Police Department who have taken leadership positions in other communities than have had the opportunity for the Chief of Police in the city of Euclid. Essentially it results to, we have more leaders than opportunities to assume that position.

There are exceptions, I'm not going to say that there's not a Sheriff Bob Reid out there that could be hired by our police agency and do an absolutely excellent job, but there's no reason to look for that person because you do have excellent leaders right next door.

President Holzheimer Gail – Thank you Capt. Brickman. Sgt. Barron, did you want to make some comments?

Sgt. Barron – First I'd like to thank you all for allowing us to come in here and discuss this issue with you and for making the effort and taking the time to propose some changes so we don't run into identical problems in the future.

As far as rule one in three is concerned, we think that process invalidates the testing process. Civil Service Commission, the city, pays thousands of dollars to hire professional vendors to come in and conduct a battery of tests and assessments. These tests and assessments are conducted by peers of the position that the candidates are going for. No system is perfect, obviously. I don't care what type of quality control you've got, eventually you're going to have a bad egg come through in the carton. Of course that's a time to sit back and de-brief and evaluate how that happened. The rule one of three, I don't think is the answer.

Also it opens the door to cronyism. If you, you and you, you're 1<sup>st</sup>, you're 2<sup>nd</sup>, you're 3<sup>rd</sup>, but I get along with you better for whatever reason, the first places third. No matter how qualified or how skilled #1 & #2 turn out to be again pay thousands of dollars to find out how skilled that they are, you're just discounting that process.

Also the civil service process as it stands is pretty fair, it is pretty impartial and not subject to political influence. Once implemented, the rules one of three eventually I see it filtering down through the other ranks. If it is good enough for chief, then you know what, it is good enough for captain and you're invalidating the testing process. It is good enough for lieutenant, it is good enough for sergeant and eventually you have a rank structure that they all get along great but maybe they're not the best or the brightest.

Speaking to the outside candidates, in-house again, I don't want to beat a dead horse, the Fire Chief made excellent remarks when it comes to experience and being familiar. Some skills, some tactics, some policies are universal but experience seems to be the best teacher when it comes to a lot of different things. When you come up through the ranks in the police department, patrolman, sergeant, lieutenant, you're going to have a significant amount of time on the street, you're going to be familiar with certain names that come over the radio, you're going to be familiar with certain locations, the lay out because you've been there and you're going to be able to make timely decisions because of those experiences.

Our fear is that outside candidates will be completely beholden and single handedly devoted to the political appointing authority. They're going to be looking to better themselves to keep this position, not so much for the betterment of the city or the department, they're going to want to hold onto the job.

Currently, I have to say I'm fortunate to have the privilege to work with some of the best and brightest people next door at the police department. Going outside, the unspoken message that we're receiving is, quote, unquote, you're not good enough, for this position.

President Holzheimer Gail – Thank you. Civil Service Commission members any comments or questions from you?

Commission Van Bergen – Actually I have a question for Director Frey. We keep talking here about a bifurcated system: one that would be in-house class to class, rank to rank; one that would allow hires from outside of the department. The State law says that when you do promotions you do them rank to rank, class to class. If we were to hire from outside, does that technically take that hire outside of the civil service process, would that be a separate process than what we would do with in house candidates?

Director Frey – Not necessarily. The Commission has the authority to promulgate a rule in either fashion. Cleveland's for instance takes it out of the civil service category for their chief. But other communities allow outside candidates to test for chief and maintain the civil service umbrella for whoever is the successful candidate. You could maintain civil service and allow outside candidates to test under our home rule provisions of the charter, we would have that authority. Or, take the Cleveland model and say mayor makes a selection of the chief and that individual serves at the pleasure of the mayor just like the public service director does or the law director or anybody else. Those are two options and I'm not suggesting either, I'm just saying both of them are possible. Let me just clarify that, if we were to opt for the Cleveland model, we would actually have to have a charter change. Our charter requires civil service coverage for the chiefs.

Commissioner Van Bergen – As long as they're both taking the same test.

Director Frey – Right, I would envision that you would have a single test and internal candidates would take that test, external candidates would take that test and the test maybe created in a way that it gives large amounts of credit for institutional knowledge that may be served internally. Sure, I think that's all within the prerogative of the commission to make those determinations.

Councilman Wojtila – Question, perhaps the Commission or Chief Cosgriff or anybody who might know the answer. When you're actually selecting the test, the commission determines what test is going to be presented to the candidates that are taking the promotional exam? How much of that test is typically just simply, you're good at test taking or is there a subjective part of the test? I know it is a tough question but percentage-wise, it looks like Chief Cosgriff is anxious to answer.

Chief Cosgriff – Typically the testing process the civil service commission goes out for bid and they get a proposal from the different testing agencies on how they would like to perform their test. There is typically a written aspect of the test, but probably the more important aspect of the test is the oral assessment phase. It can be any number of different types of test in that oral assessment phase and it is largely dependent on the rank that they're testing for. It could be a scenario, if it is for lieutenant, it could be scenarios of the decisions that a lieutenant would make as the first arriving engine company at this particular incident. There maybe in basket type testing, interview questions. There's a whole host of different testing procedures that can go into this oral assessment phase and the commission chooses the testing agency that they feel has the best testing procedures. It does require not only knowledge of the books, but it requires them to be able to think on their feet and answer questions in an appropriate manner.

Councilman Wojtila – Percentage-wise, if you're looking at a chief's position, a promotional exam for a chief's position, the oral assessment phase might be 20%, 25% of the overall score. Because it is my understanding that we select solely based on the score so the highest score gets promoted. If the oral assessment constitutes 25% or 20% of the score, then the firm that we hire to present the exam and do the scoring there is subjectivity then in how they evaluate and grade that score.

Chief Cosgriff – That's correct, but typically the oral assessment portion is a higher portion of their score as you move up in the ranks. The testing agencies contract out with fire chiefs and battalion chiefs and assistant chiefs from other cities, in order they can get, when they question the applicant, the testers have the knowledge also to determine whether these are good answers or not. So, at the lower levels, for instance at the lieutenant level we typically have it 40% on the oral assessment and 60% on the book learning, written portion of the test. To the captain's position it goes to 50/50; to the platoon chief's position it is typically 60/40 with 60% being the oral assessment portion of it.

Mrs. Linker – It maybe helpful to add a couple of comments. One might be to describe what we did last time with the chief's assessment. We went out and the civil service commission does have some fair latitude on how the testing itself is designed, the selection of vendors, as well as what the components of the test are and that should reflect what is needed in the job. Last time we had two parts and oral assessment exercise which is sometimes called an assessment center and that was conducted by the Ohio Association of Chiefs of Police. We had a panel of four different police chiefs come in and that component had three elements of equal weight. There was a written problem solving component, there was a counseling interview with a subordinate giving a situation and coaching a subordinate through it and there was a third component that had to do with giving an oral presentation, assessing a situation and giving a presentation to the group as if you were speaking to a group of employees or citizens. That was conducted, that was one piece. There was a second piece conducted by a different vendor, Clancy and Assoc. and that was interview based. They had several different chiefs come in, a different set of folks and do a panel interview, oral interviews and then they scored that and ranked them. Those two components were put together, the assessment exercise was given a 60% weight, the interview piece was given a 35% weight and there was a 5% component that was designed to reflect prior performance evaluations. The total score was all rank ordered. The Commission has the opportunity to select some of the components to understand what is going into the assessment center as well as the interviews and to select the weights they're in. It can be designed and customized to fit what we believe our needs are and what would be in the best interest of our center. The other thing is with using external candidates, external assessors, who are chiefs themselves or have had that prior experience, if for some reason they determine that by interviewing the candidates or going through their process, if that didn't yield what we determine to be a minimum score, we would know that. It is not just a matter of, if we have four people that they come in a rank order of one through four, they will also tell us if we need 70% or better, they'll be able to help us calibrate that. If for some reason the process didn't yield an adequate level of capability as they assessed it for our needs, again we would get that feedback.

Lastly, one of the other components of what these folks can do for us is to provide feedback to all the candidates who test about what they did well and what they did poorly, or what they could work on. So as a coaching and development exercise, I think both chiefs have spoken to the benefit of just going

through this process for coaching sake and learning opportunity. The whole process itself can be designed to give the applicant pool good feedback on where they excel and what they need to work on and again that can continue to train people and push leadership down the line.

If I may add one other comment, to the point about having to have a lot of people to yield a good result. Having spent a lot of time in private industry and doing recruiting there as well as now in public industry, I think one of the things to consider is the quality of the development process by the time you get to the selection. If the development process inherent in the organization is very ridged and of a high quality, then by the time you get to the top few candidates who test, you can trust that their development has brought them to a certain point of capability. Typically in those types of situations your less compelled to go find five other guys just to have a bigger pool. Many times when you want a big pool of people, is when you don't have good internal development or you're specifically looking for outside input, someone fresh, someone with different ideas and that could be very helpful. I think every process needs to look at the design of the process, needs to reflect the organization that we're dealing with. Where you have good internal development, I would suggest that we're probably less compelled to go find a bunch of people. Where an organization that doesn't have substantial internal development, I think that maybe where you want to look and cast a broader net. Those are my comments.

Councilman Wojtila – One last question, Law Director Frey, if this council is of the opinion and consensus that it would like to see a change made, would your recommendation be to pass a resolution requesting the Civil Service Commission to consider a, b, c & d?

Director Frey – Yes I think that would be the appropriate way to go to provide officially if you will that feedback to the Civil Service Commission. While the mic is on, there is a rule that I forgot to mention earlier in Chapter 14 of the Civil Service rules. It allows the commission in specific cases where and I'm just going to quote it, the interest of the public service any of the rules of the commission can be waived by a two-thirds vote. So there is some internal ability to modify on an exception basis as opposed to modifying the rules, the commission has the ability to say in this particular case we're going to modify that selection process. I'm sure the commission members are well aware of that, at least in my experience as having served on the civil service commission, I don't believe we ever invoked that rule but it does exist.

President Holzheimer Gail – Director Frey, when Ms. Linker was saying if the outside testing authority came back and said we really don't think you have qualified candidates, that might be a time the commission were to say, because otherwise there's no alternative.

Director Frey – Absolutely, unless the Civil Service Commission adopts some other methodology.

President Holzheimer Gail – That's hypothetical, I would not expect that to happen here.

Councilman O'Neill – I know previously it was mentioned about Cleveland and how they do things. I just want to clarify that it is the police department that is the rank of commander and above that's appointed up to chief. On the fire dept., the Chief of the Fire Dept. is civil service and competitive exam. That went out to the public sometime in the 80's I believe under Mayor Voinovich. They went to the public for a vote and they voted affirmative for the police but they didn't want to change the way the process was for the fire department. Being that said, I'm not taking a side either way other than I want to keep it in house.

Now I'm going to say something that Chief Cosgriff and Capt. Brickman is probably thinking but won't say it publicly, when you appoint a chief to a division of fire or police and they serve at the pleasure of the mayor. They will do their job but there's an underlying concern that they may hold back on certain things they do with potential for the mayor to relieve them of their post. Whereas when they're tested and they fall under the umbrella of civil service, it is not carte blanche but they have less fear of possibly coming under retribution of a mayor. Ms. Linker will attest to this, there is a discipline process that we have since put in place where we've recently had some issues and she'd been brought on board to handle some of these issues. There certainly is in place a disciplinary action that we can file to hopefully remedy some of the previous issues that we had, that we will hopefully no longer see. But I do have a concern when a chief is appointed from the outside and serves at the leisure of a particular mayor at a particular time that they maybe a little bit stalled in the decision making based on how it may impact their job. I think that is something that needs to be considered as we move forward in the process.

Director Frey – I just want to comment on that. That couldn't happen by rule making by civil service or by council action. That would actually require a charter change. That would have to be an election issue that would be raised to remove that civil service status. I think your point is well made.

Councilman Gilliam – Thank you Councilman O’Neill because I had a couple of questions on that. I think either way, six in one hand and half a dozen in another. There’s been incidents, not stating here, where individuals have been protected within civil service and develop adversarial relationships with council or mayor and things of that nature. I don’t think we can argue the subjective points of what could potentially happen. But, to Chief Cosgriff and to Capt. Brickman, during your time in service you are well aware of individuals that have come from other departments or police forces to the City of Euclid, correct? They transfer from another department, has that ever happened under your time as far as service in the police department or fire department?

Capt. Brickman – Yes we have done lateral hiring for our agency.

Councilman Gilliam – Chief Cosgriff I know the fire departments normally countywide don’t do lateral hiring, but there has been hiring of firefighters who worked at other previous places on a part time basis who met Euclid certifications, correct or even full time for that matter? Has that ever happened since you’ve been not chief, just a firefighter in general?

Chief Cosgriff – We have hired individuals that have previous experience in other cities but they go through our original testing process. They get their name on the list just like anybody else and when we go through the hiring process, that’s one of the things that we certainly look at is their level of experience. But we have not done lateral hiring from other fire departments.

Councilman Gilliam – Understood. The question, where I’m going with this, is if an individual meets all the requirements and the city wanted to hire that individual, has that happened at the Fire Dept. for that matter?

Chief Cosgriff – Yes it has.

Councilman Gilliam – Has any of those individuals who came from other departments who have met the requirements of the Euclid Fire Dept. or the Police Dept. ever have been able to ascend to a level of Asst. Chief, Commanding Officer or Captain where they could be eligible for Chief? Because it goes back to my point, the concern I have is even if you had a qualified individual who came in on the lower ranks, it is just the culture. When I look at other cities, they’re not necessarily loosey-goosey, for lack of better terms, but these are very stringent requirements. If an individual meets the requirements that the fire department desires, that the police department desires, will they have the same opportunity. If I’m 28 years old and I have 15 years in at Euclid Fire, I’m behind the eight ball even though I’m quite competent and maybe even better than the gentleman that’s been here before me. I guess what I’m looking at is, this to me it is a culture where certain individuals will never ascend and they’ll be happy being at whatever level they’re at. I just want to look at the big picture and say is this the best process to even look within our department to find the best candidates to move up to the position of chief. It seems to me in 30 years who had four chiefs. You have workers that have been here 25-30 years and maybe they’re content with whatever level they’re at, but at the same time, I see it being very difficult for even an internal person to move up to those levels if they strive to be so. That’s my comment, this is very stringent compared to other cities and I just don’t understand the huge contrast that exists with Euclid compared to some of our sister cities.

Councilman Langman – Law Director Frey, to incorporate Chief Cosgriff and Capt. Brickman’s concerns, can a civil service examination, can there be a weight given to experience, 3%, 5%, 10% for candidates that are coming from within; is that allowable under civil service rules or state law?

Director Frey – I think any of the testing methods have to be defensible. The assessors or the creators of the test have to be able to establish if challenged that it is a fair process and yields a fair result. We have used I believe in our rules provisions where in cases of tied scores somebody with greater seniority gets the promotion. So I suppose in some limited way, typically it is after everything else. Instead of the flip of the coin it is who has more seniority and that person would get the promotion. I would want to hold up on your question specifically is, could there be bonus points if you will added to a score for an individual whose experiences within the city as opposed to without. I would want to see if there is a test case on that or a model on that. That’s not something I’ve come across.

Councilman Langman – Do you think that would take a long time to research? I’m just curious.

Director Frey – I don’t think it would take a long time to research, I think we’d have to look at it, we might actually want to contact some of the testing companies to see if they’ve ever experienced a test structured like that where the final score gave credit for internal experience. We’ll look and see, I don’t think it will take a long time.

Councilman Langman – I think the idea being if we could incorporate some of the concerns that we've heard while creating an open process to qualified candidates from within and outside the city might be the best solution.

Councilman Van Ho – I just want to make a clarification because either I misunderstood or Councilman O'Neill misunderstood. On any of the provisions whether it was that selected to hire a chief from outside or we selected to hire a chief from inside, at this time without a charter change either of those chiefs would be protected by civil service having passed through the 90-120 day probation period. Is that correct Law Director?

Law Director Frey – That's correct.

Councilwoman Minarik – To the Chiefs, I heard Sgt. Barron's opinion, what is your opinion about the Mayor having the ability to take the top 2-3 test scores. I don't think I heard you say what's your opinion on having the Mayor appoint.

Capt. Brickman – The problem would have been described by Councilwoman Scarniench, it is that we have three eligible applicants for the position of police chief. There are three captains in our organization. By giving a choice of three you effectively eliminated the civil service process and anyone can just be selected.

Councilwoman Minarik – No I meant after they take the test, and the top two scorers allow the mayor to choose instead of having to be the top scorer that automatically gets.

Capt. Brickman – I understand that. If the Mayor has the choice to pick and I believe that everything referenced deals with the top three scorers. When there's only three candidates and he can pick from the top three, it invalidates the whole process in my opinion.

Chief Cosgriff – I would share that same opinion. Why even go through the testing process just have the mayor pick him, he's going to pick him anyway.

President Holzheimer Gail – Anyone from the audience want to ask a question or make a comment?

Mr. Jim Stazar – I'm the Platoon Chief on C shift. A lot of good discussion tonight. A lot of the things I had on my notes were discussed but there were a few things I'd just like to address. As the chief of the department as an outsider, you have to make appointments to your fellow firefighters, who should go into the training office, who should go into fire prevention. An outside chief is not going to know the people's strengths and weaknesses. Who should get that job and who shouldn't, an insider knows that from working with that person. Also, the chief makes determinations as to who should go to what school and at what time and he chooses those people to go to those schools based on their strengths and weaknesses. An outsider is not going to know that.

You're going to take away the morale issue if you start to go outside the department. We have a lot of good, young officers that want to promote up and want to be chiefs and they would be very capable chiefs. The vetting process has already been done as we promote up, as Ms. Linker referred to. You don't need to go to outside people, you have very qualified people here right now. Experience is the best thing. An incident, as the OIC you going to want the chief, the asst. chief and your other platoon chiefs to actually come to the scene. We work as a team and we pick from that knowledge. An outsider is already at a disadvantage because he really doesn't bring anything to the table in regards to the City of Euclid. I'm sitting back there and I'm thinking the Bonneville Towers, they have an open foyer from the 11<sup>th</sup> – 13<sup>th</sup> floor. An outside chief is not going to know that. Normandy, there's a center hatch in the middle of the building to get to the roof. An outside chief is not going to know that. These are important things to these guys back here when they're in a fire to know these small, you think they're small things but they are what make and break and incident. As a Platoon Chief, I've come through the system, I've promoted up. I think our system is very good and I would just ask that you keep it as an inside position. Thank you very much.

President Holzheimer Gail – Commission members, any comments or questions?

Commissioner Smith – Looking at some of the information we see from the Law Dept., if any changes are going to be made if we drop this down to lieutenants, I would consider a 24 month period in grade, rather than a 12 month. I don't think 12 months is long enough for the lieutenant to get acclimated into the system well enough to take the exam, so I would look at that. I would agree, I have some notes here and most of this is all repetitious, but I agree that it is a morale problem both in the Fire & Police Dept.

If I was in the lower ranks and I was looking to test and you're going outside for somebody, I would be very demoralized by that situation. I would consider this very carefully as to how we change this, if there are changes. Like the Law Director said, there are some material changes that the civil service board can make that could comply with some of these things that we're talking about in this ordinance that you're looking at. I appreciate your inviting us here, it was interesting and I thank you for your time.

President Holzheimer Gail – At this point, we don't have legislation in front of us. I think it was good discussion as Law Director Frey said earlier, Council does not have the authority to change the civil service rules. So at a minimum if there is consensus from council we could consider a resolution suggesting changes to civil service but that would be about our role. I do appreciate both Sgt. Barron and Officer Caime, your time for being here.

Sgt. Barron – I just had a couple of suggestions for council and commissioners to chew on. Perhaps when it comes to the chiefs position, perhaps a longer probation period maybe a year instead of six months is how I currently understand that it is. Also perhaps, something our department has done within the last year that's been a good thing is what they call a shadowing program. Before I was promoted to sergeant, when I was a patrolman I was assigned a sergeant that mentored me through certain aspects of the job and I was exposed to and able to perform some of those things before I was actually sworn in as a sergeant. Maybe we could bring in some outside agency to provide some overseeing or some mentoring.

I don't know, some sort of informal protocol, I understand the chain of command that the chiefs are the mouthpiece of these departments to the city administration and to council. But when sometimes the perfect storm occurs and you have a breakdown maybe there's some way after certain parameters, maybe after so many grievances or law suits or investigations, the FOP and the Firefighter unions, the boards could actually sit down with council like we have in the recent past. Thank you.

Officer Caime – We talked about some outside chiefs that might have better qualifications. Why not invest in the investment that we've already invested in? Let's send them to classes, give them the training opportunities and put them in a better position when they're eligible to take the test. I didn't thank you but thank you again for the opportunity tonight.

President Holzheimer Gail – I think discussions work best when all the parties involved are at the table so I appreciate your being here.

Councilman Van Ho – I would suggest since I'm not sure, we don't have a formal resolution here, that we send this over to the safety committee, at least a week or two week window, so that all of council has had a chance to think through what they've heard tonight and we make sure that whatever we have, the various safety forces that have shown an interest be brought in. If there's a decision to put forth a resolution to the civil service commission saying we suggest you take serious look at this or that, then that be done at that time.

Councilman O'Neill – I'm not sure exactly what Councilman Van Ho is saying, but I think there was an ordinance proposed sponsored by Councilman Van Ho and it is sitting in Safety Committee. So we can reconvene a Safety Committee and take a look at that. It sounds from what the Law Director said that ordinance maybe invalid so it will die in that committee. Then possibly from the Safety Committee we can, if the committee please, we'll put together a resolution if that's the case and certainly that would be open for discussion by the chiefs and hopefully by the leaders of the unions. I think we need to further sit down and talk about that. I guess the next step would be to have a safety committee meeting and take a look at the proposed ordinance and go from there.

President Holzheimer Gail – In my opinion, I don't know that we need to look at the proposed ordinance because that said a couple of different things that it doesn't sound like there's agreement on. If there's agreement or consensus among council that we would like to send a recommendation to civil service, I think we can also do that personally. Civil Service is ultimately the one to find out the decision. If you want a Resolution from us that would tell them Council agrees with this, if there is consensus. We can do that either in Safety or somebody can sponsor a resolution on the agenda that we could send to safety. Right now we do not have that resolution. We have an ordinance that proposes changing civil service rules and that's not our authority. So it would not be appropriate to do an ordinance but rather a resolution if we want to express our intent.

Right now there's no real next step unless council as a group would like to do that resolution. I would certainly hope whoever wants to sponsor that would talk to council members and make sure they have support.

Councilman O'Neill – Then I will not have a Safety Committee Meeting on that ordinance unless someone brings up a resolution they want to have a meeting on. It will die in Committee.

Councilwoman Jones – I have a couple of questions for Chief Cosgriff or Capt. Brickman or Law Director Frey whichever one can answer. Let's say there are three candidates and if a candidate whichever candidate gets the highest score, gets that position, are the other candidates that don't get the position are they informed what additional training they can take in order to be qualified if another exam comes up in whatever that timeframe maybe?

Chief Cosgriff – It depends on how the test is set up and what the parameters are of the test, the Civil Service Commission decides. For our last set of test we required the testing agency to give written feedback to the applicant so they could see where their strengths were and where their weaknesses were in the testing agency's opinion on the testing center portion of it. If the Commission does decide that's what we want to do for this next particular test, they can write that into the bid process and the testing agency can do that.

Councilwoman Jones – I would think that is something you'd always want to have because if I were a candidate taking that test, I would want to know what areas I fall short in that I didn't reach the highest score. I would hope the commissioners do look into that.

My other question, it was mentioned and I'm not sure if the Sergeant mentioned it or who, about getting along with others. That's not going to come out in a testing scenario, what type of provisions are there that would be able to handle something like that, getting along with others. I think if somebody is going to be applying for a chief's position, they would take that duty to heart and be able to get along with others, but, you have different personalities. How would you, what type of visions are available that there could be something that doesn't get along with others and either or both of you can answer. Thank you.

Capt. Brickman – I believe from a testing standpoint it is difficult to conduct some type of test to see how somebody may get along with others. That's where the validity of evaluations come in and that's why they should be important in the promotion process. When people are evaluated by a supervisor who knows the individual, they're going to know if they work well with others or if there's problems in that area. If there are problems it should be addressed in that venue, that way when the promotion comes across it at least mentions that there maybe an issue in that area, possibly some training in that area and theoretically someone could be penalized on the evaluation for it which would also reduce their score in a competitive examination for a promotion.

Councilwoman Jones – These are evaluations that are existing for previous positions?

Capt. Brickman – Correct. The validity to use evaluations is they're done by people who know the individual, the officer, and they actually consider their job performance and whether or not they're promoted instead of their assessment exercise score. It adds a whole other element to it. I know that presently our performance evaluations were part of the evaluation process.

Councilman Van Ho – I'd like to request once again that we do have a Safety Committee Meeting because if we simply have to draw up a Resolution for this, I'll have the Law Director draw it up but that's going to show my prejudices towards certain approaches. Let's get everybody together, have an exchange of ideas and then maybe tell the Law Director, would you please draft it up including these facets. Or maybe we're going to sit there and go no, we should walk away from this one. I think a Safety Committee Meeting without a resolution is a better approach than me drawing something up and we have to keep working around it. Let's bring it up, get exchange of ideas and go from there.

Councilwoman Minarik – To the Commission, you guys have incredible power in this process. How do you prepare or figure out what tests will be like or what the criteria is going to be, how do you do that?

Commissioner Van Bergen – The process, we go out for quotations from professionals that put these tests together. We first give them a basic idea of what types of assessments we want to build into the testing process. The higher you get on the ladder, the lower the percentage we give to written testing. The higher on the ladder the more we give weight to oral assessments, structured interviews, that kind of thing. They then come out to the city and talk with the Mayor and the Police Chief and whoever might be able to give them input on what are the qualities that we're looking for in a successful candidate. They then will make recommendations to us on how to set this up. We generally take input from the city on how the Chief thinks it should be weighted to most effectively test for that particular position.

Commissioner Gruber – Another thing to take into account is the cost of these tests. It is not uncommon the more stringent qualifications or requirements in testing items you want, the test can easily run into \$60,000. These tests are quite expensive the more, the deeper we get in and we're not afraid to spend the money but it is important to realize that the more requirements you put into a testing procedure that the tests are very expensive.

Commissioner Smith – The last testing bidding that we went out for, I scrutinized the three very carefully. Because of budget constraints we had to use the lowest cost one to take the testing. Not to say that this wasn't done well, but I feel we should have psychological testing, number one. In some of those programs that were the \$60,000 ones that Commissioner Gruber is talking about, did have some psychological evaluations in there. It is kind of hard to mask things with good psychological evaluations. I think we're going to be looking at this for the next chief's exam.

I do have a question for Director Frey. On the new testing that has to be done before December, is the situation that is in force now, is that grandfathered, if anything was passed by Council or Resolutions from Council recommending things of change to us, would that apply to the testing for the candidates that would be eligible for this particular testing period of time right now?

Director Frey – There's been no test announcement yet. You would want to have your rules in place before you announce the test. Those rules would cover for that test process. It is whatever the Commission creates as far as a valid test process in your announcement of the vacancy in the testing process. That has not yet happened, so whatever changes are contemplated, if any, you would want to incorporate into your announcement of the test. If you choose to not make any changes, then you would, in the rules, you would make the announcement that you're going to do testing on such and such a date and here are the criteria that you're going to consider.

Commissioner Smith – We're already getting close to October. Is there a time element from adding to the rules to the test taking time? Would it be disqualified for any reason? Are we allowed to do that? Say we did it in late October and the testing was done in November because it is going to take us at least 4 weeks to get this into play.

Director Frey – As long as whatever the rules are that are going to apply are in place before you announce the test, you'll be okay. I agree it is getting late and that's kind of what the Mayor's point, let's go and test under the rules that exist today, that's his recommendation.

Councilwoman Scarniench – I don't agree with that. I think we need to change the rules as we're moving forward. Having said that, I would present this back to the Law Director, if you would write that up as a Resolution with the changes that I've made and I will sponsor it so we can bring it to Council, take it to Safety and move it forward. Thank you.

Councilman Van Ho – Question for the Law Director, do we have to have the test done by the first of the year? I understand it maybe preferable but let's just say we can't get it done that fast. Chief Repicky resigns, can we then put Capt. Brickman at this point is running the department, so can we have him as acting-chief for a period of time or leave the chief's spot vacant? Regardless of how we're going to do this, if we're going to use the old rules or the new rules, we need to take the proper amount of time to do it right.

Director Frey – There is a timeline on it, I believe it is 60 days from the date of a vacancy. To create an eligibility list within 60 days from the date of the vacancy.

Councilman Van Ho – Really the deadline would be March 3<sup>rd</sup> roughly, is that correct?

Director Frey – I guess if that's the right math.

Councilman Van Ho – Sixty days, I maybe out one day.

Director Frey – It maybe the end of February, whatever it is.

Councilman Van Ho – I just wanted to make sure the Commissioners didn't feel that they were under a time crunch to get this done by January, when we've got in fact until March.

President Holzheimer Gail – I would like to thank everyone for their participation. The final decision rests with the Civil Service Commission. Our Resolution only sends our intent. That final decision is made by the Civil Service Commission; just to make that abundantly clear. Thank you for your time. Thank you for being here. Council we do have the internet café legislation on our agenda, let's take a 5 minute break and come back for a general discussion of that.

### SWEEPSTAKES CAFÉ

President Holzheimer Gail – While we were having an Executive Committee meeting, we had the sweepstakes terminal café business regulation in the committee. I know that Law Director Frey and Director Pietravoia and Commissioner Beno were meeting in a work session today. I thought while we were all here it made sense to at least get a general update and plan for moving forward because our time is somewhat limited to get this out before this Council term comes to an end and before the moratorium ends. I've asked Director Frey to give us a brief update and then I would like Council to share any thoughts or direction that you have that you have not already shared with the Law Dept. as they draft new legislation.

Director Frey – What I've provided you in a handout actually it was intended to be printed out on letterhead, but you've got the draft version. It is a summary of what we are suggesting as a sweepstakes café policy. I know that we had at one point drafted licensing legislation for this and we're suggesting that maybe we start over again and start with this summary of what we think might make sense based on what other communities have done and what our local needs might be. It includes things, such as, the zoning districts that sweepstakes café would be permitted to operate in. It would actually create a two step process that there would be a primary use café, so what you've seen in other communities where there is a separate storefront or a free standing building, that its sole purpose is the internet café to operate and there would be a separate category, much smaller in numbers of machines, but would be an accessory use in an already existing establishment that would handle assembly.

What would be a good example, fast food restaurant that has a large clientele of elderly individuals who spend a lot of time, maybe they would devote a portion of that to internet gaming devices to entertain those more mature customers who are having their morning coffee or mid-day coffee or afternoon coffee and like to play the internet sweepstakes terminals. As opposed to the single storefront or the free standing building that is going to operate 30-40 terminals in it. Either of those would be potentially available. Obviously the smaller number, the accessory use would be more inclined to go to existing establishments within the city. The free standing or the sole purpose places would either be rented storefronts or rented or purchased buildings for that matter, but would have a whole different focus than the customer that's already there going to use these, this would be trying to draw a whole new group of customers solely for that purpose.

Mr. Beno's recommendation is that whatever we do consider both of those as an option. We would probably want to restructure what we had proposed as a yearly license fee. We had proposed at one point that we have \$5,000 yearly license per establishment and that might make sense for the sole purpose or the primary purpose facility but maybe the accessory use we might have to either not have an annual permit fee or perhaps we have to associate it more with a permit based on the number of machines that are operating in the unit. We think either of those is certainly possible.

We are suggesting that whatever we do we consider the zoning categories that are essentially cover our retail and commercial districts, not the industrial and not the residential districts. I know many communities have distance requirements so they don't want 3-4 of these within close proximity to each other; they make other restrictions and we can certainly do that. Although as Capt. Brickman pointed out the other night, there's no suggestion that these operations have caused any increase in criminal activity near or around them. It maybe that economics dictate how many and where they would go. There maybe a point of saturation where it just doesn't make sense to invest in the equipment and the rent to make those work.

I would ask and I know you weren't going to have the opportunity to read this for tonight and we went through this discussion this afternoon, but I would ask that you take this, how ever many page summary and consider it in what it is suggesting. It is six pages and let us know what you think are essential in creating both the zoning and licensing piece. We would go with two pieces, it would be our recommendation, we have both a licensing and a zoning piece, recognizing that we maybe pre-empted on the licensing piece by the State at some point. We would want to keep our zoning component intact. It is unlikely that the State and there's no suggestion that the State is looking at the zoning piece, but they are looking at the licensing piece by the commission that is going to be supervising the casino operations. We'll try and follow that with the State legislature and see where that comes out. We want to be aware of that. We do get information from the County Planning Commission on what other communities are doing. I would say our suggested fees in any event are not out of whack. If standards of other communities are looked at, we're probably right in the mid-point. Youngstown looks like they operate with the least charges to the operators to the local government and Cleveland is clearly the most expensive on the information we were getting from the Planning Commission.

Our suggestion in Mr. Beno's material that we require 30 square feet per machine is inline what many other communities have required. Parking requirements in his suggestion are again similar to what other communities have required. Because these customers tend to stay longer at the establishment it would have a higher ratio of parking spots per square footage devoted to this type of activity. He is also suggesting that we would limit, as an accessory use, if it is going to be an accessory use, that it be limited to no more than 10% of the square footage of the establishment in which the devices would be used.

I'd ask if you could to spend some time and review that. What I'm going to ask that based on us providing that information today, that instead of us trying to put legislation together for the 19<sup>th</sup> that we ask Council give us either by email or by phone, I think email is always a better record, but give us feedback by the 21<sup>st</sup> and then we can draft legislation and have that legislation sent out to Council on the 26<sup>th</sup> of September. If Council President cares to schedule a committee meeting for the 28<sup>th</sup> of September to discuss that legislation then we could introduce it at the October 3<sup>rd</sup> council meeting and get the zoning piece off to Planning & Zoning so it can be considered at their October 11<sup>th</sup> meeting. If it is approved, we can bring it back for the 2<sup>nd</sup> meeting in October and have our legislation in place. I know it is a rather tight timeframe, but it would get us to a point where we would have met the requirements of the moratorium and keep this process moving forward if there is a desire to allow the internet cafes.

President Holzheimer Gail – We would have to move that up two days, the 28<sup>th</sup> is a religious holiday so we're trying to stay away from that date to meet. But if Council can agree to get comments back sooner would the 26<sup>th</sup> work?

Director Frey – I'm sure it would.

Councilwoman Scarniench – Director Frey, on page 4, if you could clarify. Just a minute ago you talked about the fast food type establishments. But on here #6 at the top, no person under the age of 21 years shall be permitted in a sweepstakes terminal café, so how would that work?

Director Frey – You would have to have a separate area. That's what Mr. Beno has observed in some of these places where they are accessory uses, that they will have them in a separate room and that room is not available to one under 21. Some communities have 18 as the cut off point to be allowed to play. Most places probably use 21 because of the same restriction on alcohol beverage consumption, so it is easy just to be consistent.

Councilwoman Scarniench – I like the idea of this being an accessory use instead of having free standing buildings because it gives our business owners that are here right now in the city a chance to be part of this. I really appreciate this. I've talked many times to Mr. Beno about this. This is really good, I like it.

Director Frey – To make sure you understand, this would allow both.

Councilwoman Scarniench – Correct. I like the idea of that and maybe that's something we would talk about is they get the first chance at going after these things and if they're not then somebody can come in from outside and put one of these free standing places in.

President Holzheimer Gail – On the second page at the very bottom, physical requirements talks about a 4 ft. wall would be required in an accessory use. So in a case like that it wouldn't necessarily have to be a separate room but it would have to be separated so they could tell who is going in and who is going out.

Councilman Van Ho – Law Director on this, I thought I saw in an earlier draft that we had 500ft. from churches and schools. Did I miss that in here?

Director Frey – You didn't miss it. Again that was largely based on Mr. Beno's reaction to Capt. Brickman's comments and our neighboring communities that they have not experienced difficulties with these operations. Unlike adult entertainment, if you will, there is no indication that there's any type of bad behavior surrounding the locations. So there has been in his sense of this and I will give him credit for thinking that through, if there is not a undesirable by-product of that being visited on the surrounding areas, then a location restriction, other than a zoning location, might not make sense.

Councilman Van Ho – I can't speak for anyone else on this council, but I would like to see it put back in. I really do not like the idea of having one of these in the shopping center where Upson Deli was because you're setting there between two churches and a school and you've got children walking by. I'm not going to judge anybody that wants to gamble but I don't put it on one of the higher things for our kids to see.

Director Frey – That's why we provided this document and asked for your feedback so that we knew what the consensus if you will of City council so we can draft something that can move on a fast-track.

Councilwoman Minarik – Director Frey by ground floor you mean the main floor, not the basement, right?

Director Frey – No, the main floor.

Councilman O'Neill – Maybe I didn't see it in the handout but how does this pertain to anybody that sells liquor?

Director Frey – We don't have any restriction in this information on liquor. I'm not sure, I'm not certain how the Ohio Department of Liquor Control feels about sweepstake terminals in establishments that sell liquor. We know there's a prohibition against gambling in liquor establishments. I happen to believe this is gambling. I think it is, it can't be anything but that. It is not any kind of moral judgment, it is what it is. So I don't know that you could have the devices in the same place as alcohol is being sold. But again, there maybe the ability to have these separate locations.

Councilman O'Neill – If there's an existing liquor establishment restaurant openly serves alcohol, they have a room off of that which is not being used and they wish to occupy the room with these terminals and maybe it has a door on it and in that case restricts access, but through a common hallway or whatever, you can access these terminals, that would be allowed?

Director Frey – Any operator would have to comply with whatever the Department of Liquor Control establishes as their rules. We don't have any ability to affect that on a local level. If they allowed consumption of alcohol at the devices, what we proposed wouldn't change that. If it is prohibited then what we proposed isn't going to help the operator because they're going to have to still comply with Liquor Control.

Councilman O'Neill – To your knowledge there's been no ruling from the State?

Director Frey – Not that I'm aware of. This is so vague at this point with the State.

Councilman Van Ho – Could you check that out? It just so happens that I ate out at Milano's last Friday on Vine and they have two sweepstake machines approximately 10 feet from their cash register, probably six foot from their bar. I hope they checked with their attorney.

Director Frey – I don't know that. I am certainly aware that there have been establishments where the bar is here and this doorway going to the gaming devices an easy walk and nobody really paying attention. Until the agent from Liquor Control shows up and shuts the place, but we'll check.

Councilman Van Ho – Like Councilwoman Scarniench, I would like to see if we're going to have these things, I would like to see it have the ability to allow the neighborhood bar have one or two. Rather than having customers being taken away from them because they can't have the machines there and to have to go to some big parlor with 40-50 machines. Let's watch out for our neighborhood mom and pop businesses to the greatest degree we can.

Councilman Gilliam – I'm hearing about being allowed in bars, but to my knowledge and you can correct me if I'm wrong, most of these sweepstake café that are local in our area are either in a strip mall or free standing but do not offer a consumption of alcohol but are located near places of consumption of alcohol in some cases, correct?

Director Frey – I think that's correct, yes.

Councilman Gilliam – The reason I ask that is because I know that some businesses, the alcoholic beverages businesses have benefited from proximity to this. I'm speaking out loud, I don't know whether you put them into bars because even though that is a private interest that the business would have to take on with the Department of Liquor Control, it may not be a necessity to have them in there considering that this particular legislation deals only with the internet sweepstakes café and not with our bars or particular businesses that provide spirits whether bottled or serving draft or anything else of that nature. I didn't want to confuse or muddy up the waters because one of the things that I saw was many of the businesses do not serve alcohol. As a matter of fact they mandate it, but they serve pop and little foods and things of that nature and they're close in proximity to establishments that sell spirits. I don't know whether that's written into the legislation but so far I'm liking initially how this is being presented. My concern would be having them in bars, not from a moral standpoint but traffic and issues of individuals in the bar who after a few drinks could cause problems. I think you have cross-addictions and that definitely would be an issue. Thank you.

President Holzheimer Gail – Questions from the audience? The plan would be, if we push your time schedule back two days, Director Frey, if Council members could get comments to you and Commissioner Beno by the 19<sup>th</sup>, would that work?

Director Frey – It certainly would work, that’s not a whole lot of time for Council.

President Holzheimer Gail – That’s a week to read this and give comments. Otherwise if we go past the 26<sup>th</sup>, unless you want to meet the 27<sup>th</sup> or 29<sup>th</sup>. Right now we’re looking at Monday the 26<sup>th</sup> as a potential meeting.

Director Frey – The suggestion was to get your thoughts and comments to me or Mr. Beno by the 19<sup>th</sup>, next Monday and then we would have legislation drafted up to Council before the 26<sup>th</sup> that we would be able to discuss on the 26<sup>th</sup>.

President Holzheimer Gail – I think that would work. Council members do your best to get comments to Director Frey and Commissioner Beno before Monday, 19<sup>th</sup>. Ideally we will get a draft by Friday the 23<sup>rd</sup> to be discussed on Monday 26<sup>th</sup>. Hopefully we can do a brief budget update because that was the date I asked you to hold for the budget review. Hold Monday, the 26<sup>th</sup>, we’ll do internet café and if we need to do a quick monthly budget report. Seeing no further questions:

Councilwoman Minarik moved to adjourn. Councilman Langman seconded. Yeas: Unanimous.