

Public Lands & Buildings Committee

The Public Lands & Buildings Committee held a virtual meeting on Monday, April 20, 2020 via the Zoom meeting application to discuss the 2020 Pool and Spray park season due to COVID-19.

Committee members present were Council members Price, Grushetsky and Frey. Also present were Council members Schlessel, Gambatese, Marko and LoPresti, Mayor Ward, Director of Finance Mary Kovalchik, Director of Service Tony Fioritto, Director of Law John Luskin, Assistant Director of Law Ray Schmidlin, and Assistant Clerk of Council Kelly Miller.

Chairman Price called the meeting to order at 6:30 PM. He acknowledged there will be both operational and potential budget challenges this summer due to the current state with COVID-19. He then turned the floor over to Mayor Ward.

Mayor Ward aired that while there has not been any direction from the State regarding community pools, a decision will be made once there is more information from the Governor's office and the Board of Health. He remarked there may be restrictions and limitations on capacity as well as social distancing in the pool.

Mr. Luskin stated while there is no legal responsibility to open the pool, there becomes a liability to the City if someone gets sick. Also, there should be a consideration to what the neighboring communities are doing especially regarding the reciprocity with South Euclid. He remarked this is an unprecedented medical pandemic we have never experienced before.

Mr. Fioritto stated due to scheduled maintenance and the curing process, the pool will need to be filled with chlorinated water. He mentioned the Spray Park can be opened with a 2 week notice.

Discussion began regarding pool personnel and whether they are eligible for unemployment benefits payable by the City. Mr. Luskin stated there are different programs seasonal employees can apply for but the City does not have to pay with respect to the Pandemic Unemployment Assistance program. With the Pool Director being the only salaried employee, Mayor Ward stated she has already began to contact prospective employees and sending out employment packets. He added that once a decision regarding the season is determined, Council will need to have a conversation regarding compensation for any work that has already been done.

Mrs. Kovalchik commented that as a salaried employee, the Pool Director does qualify for unemployment benefits. She further commented that should the pool not be opened directly associated with COVID-19, then those employees are not employed as a result of COVID-19, which means unemployment would be available to them. Mrs. Kovalchik referenced Jonathan Downes, a certified labor and employment specialist out of Columbus, who spoke during a recent webinar on this issue. She will request confirmation from Mr. Downes as to whether pool employees are covered under the PUA and ask that he provide specific reference to the law related to this issue.

Mr. Luskin referred to the Ohio Department of Job and Family Services, which states, an employee is someone who has a modified offer to start working on a specific date. If we have not given them a modified offer to start and a specific date, then they are not an employee. He added they may be able to apply under the PUA which is a Federal program not State.

Mrs. Kovalchik addressed the budget stating the pools will operate at \$417,900.00 for the 2020 season. Mr. Marko remarked that if the Governor says we can open the pool, we need to proceed cautiously based on the current budget challenges.

Mayor Ward reiterated that before a decision can be made, there needs to be direction from the Governor, the Board of Health, and to also address budgetary concerns. He noted there has never been a decision made that impacts a service to our residents without having all of the information.

In summary, Mr. Price stated the committee recommends waiting for the next phase from Governor DeWine before making a decision about the pools, getting a legal opinion regarding unemployment for pool employees, and allowing the Service department to continue with the scheduled maintenance of the pool. He concluded by suggesting the committee meet again in the middle of May upon the direction from the administration.

It was moved by Mr. Grushetsky, seconded by Mr. Frey, that the meeting be adjourned.

The question was put to a voice vote and passed unanimously.

Meeting was adjourned at 7:10 PM.

Respectfully submitted,

Jeff Price, Chairman