

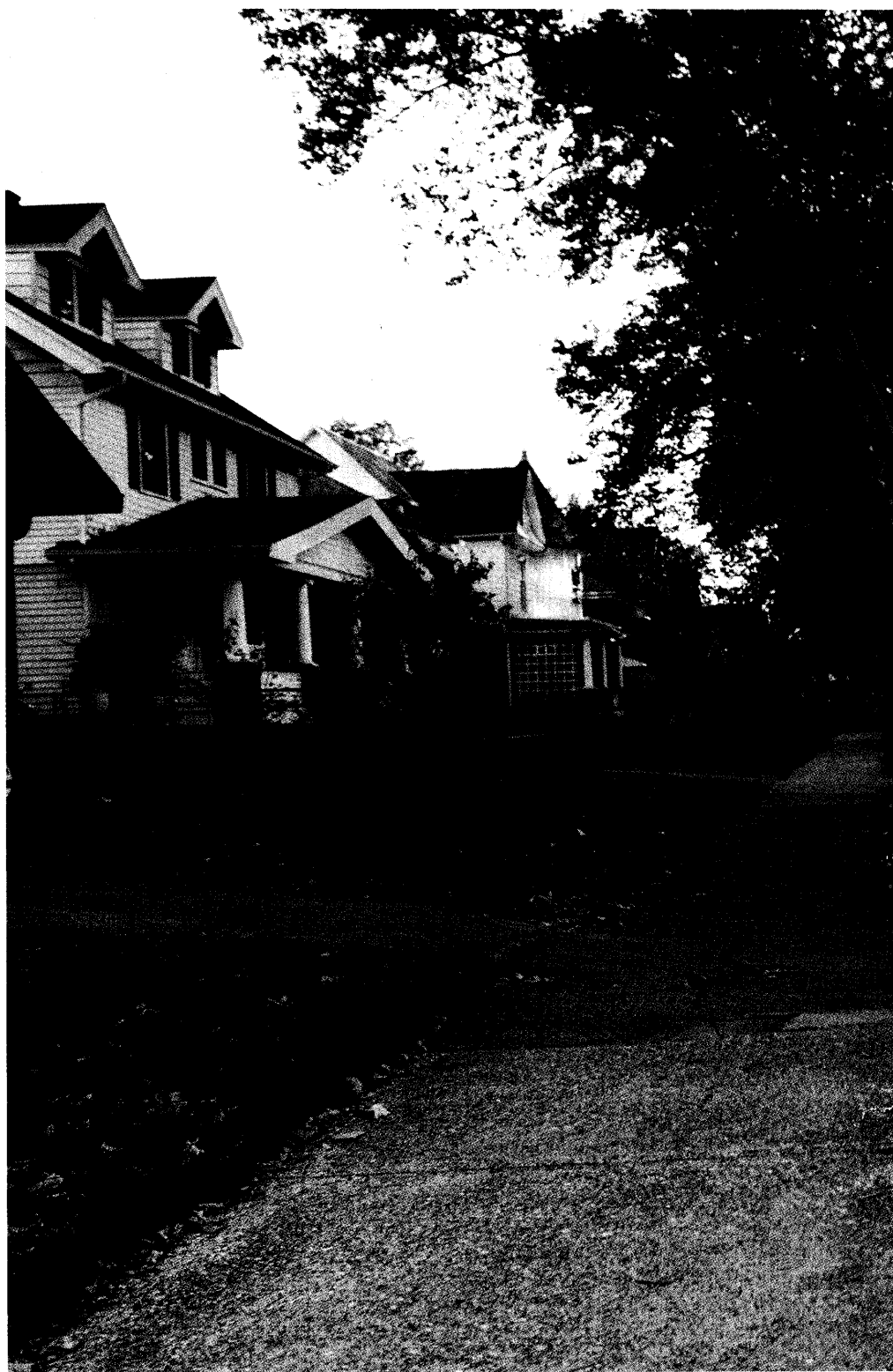
It's been nearly 20 years since the citizens of Cleveland enacted a residency requirement for all city employees. Now, state legislation could prohibit such requirements. To Sam DeVito and others, that means freedom to live nearer family members and escape the troubled Cleveland Municipal School system.

**D**ebby Schroeder, a 16-year veteran of the Cleveland Fire Department, wants out. Not out of the job she says everyone knows she loves, but out of Cleveland's requirement that employees live within the city.

Schroeder, one of only seven women in a force of 940 firefighters, wears many hats. She's a lieutenant based at Station House 13 near East 49th and Broadway, and could soon become the first female captain on the force. She's also a paramedic, police department arson investigator and emergency-room nurse, not to mention an instructor of other emergency medical technicians at the Cuyahoga Valley Career Center in Brecksville.

But, along with Sam DeVito and other vocal firefighters, Schroeder is also a crusader against Cleveland's residency requirement. That requirement was enacted as a charter amendment in 1982 by popular referendum. "If we put this to a charter vote again, I'd be canvassing the West Side," says Schroeder.

She's already testified before the state



● BY ANTON ZUIKER

# Prisoners



**If the charter amendment  
for Cleveland's residency  
requirement came to a  
vote again, veteran fire-  
fighter Debby Schroeder  
says she would go door to  
door to defeat it.**

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legislature, in favor of two bills that would prohibit city residency requirements for employees in Ohio. Senate Bill 46, introduced in February 1999, and House Bill 249, introduced in May 1999, may not emerge to fruition, however; similar legislation in 1997 was rejected by the state Senate. Michigan, over the strenuous objections of the city of Detroit, just passed legislation prohibiting residency requirements. Sam DeVito thinks it's about time Ohio does the same.

DeVito, a firm, fit fire medic with a mild but captivating speaking style, knew the requirements of the job when he signed up to be a firefighter in 1993. He didn't feel the requirement was fair, but being a Cleveland native, he expected to spend his life in the city. "I know how I do my job," he says. "When the bell rings, you want me coming to your aid."

In 1995, his son needed that aid. Diagnosed with a brain tumor, Phillip DeVito missed most of his junior year at Lake Catholic High School. Sam and his ex-wife decided Phillip should stay in his mother's larger home in Mentor, so Sam shuttled between his own home in

# *of the* City?

Photo • Danny Vega

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## Prisoners of the City?

**To spend time with his critically ill son, firefighter Sam DeVito had to shuttle between his own home in Collinwood and his ex-wife's home in Lake County. "We have to take care of our families," he says.**

Collinwood and Mentor, with increasing trips to Rainbow Babies and Children's Hospital, where Phillip received months of chemotherapy. The brain tumor subsided, but in the process Phillip lost his vision. With training from Cleveland Sight Center, Phillip learned to read Braille, and graduated with his class in 1997.

DeVito yearned to live near his son. "I had to make choices I shouldn't have had to make," he says. "Do I live near my son or in the city?" He stayed in the city, but soon Phillip's tumor was back. By December 1997, Phillip had succumbed to the cancer.

"Now I have parents who live outside the city," says DeVito. "And they're older now. We have to take care of our families."

DeVito heads the Cleveland Firefighters Union residency committee, and is eager to have the state legislation passed to give firefighters freedom to live where they want. According to Bob Fisher, president of the firefighters union, nearly 40 percent of the firefighters are still able to live outside of the city because they were already on the force when the requirement was implemented in 1982. (Other Ohio cities, including Youngstown, Toledo and Dayton, have residency requirements similar to Cleveland's. Cincinnati has a county-area requirement.)

Family issues drive Debby Schroeder, as well.

"My daughter just wants to wear the same soccer uniform as her cousins in Strongsville," says Schroeder, who lives with her two daughters and husband in the West Boulevard neighborhood. "I want a yard," she says, "but the prices for

homes in Kamms Corners are too high."

Real estate companies lobby for the residency requirement, Schroeder suspects, and the conglomeration of city employees in select Cleveland neighborhoods boosts property values.

Ed Huck, manager of the Realty One office in West Park, concedes that property values might be higher because of this. Ten to 15 percent of his office's clients are city employees, he says. But more important is that the housing stock of West Park is particularly good. The houses have been kept up better than in other areas. With Cleveland housing sales as strong as or stronger than some of the suburbs, Huck is enjoying success. "The tax advantage over Lakewood draws people, and West Park is especially attractive for younger couples without children who don't have to worry about the schools," he says.

Does Huck target city employees? "Whether someone works for the city or not isn't a standard question," he says, "but it usually comes up." In the past, though, he has dropped off fliers at the district police station announcing for-sale homes.

Councilman Mike Dolan, who represents West Park, is sympathetic to city employees looking for larger homes.

"There aren't a lot of [such houses]," he says, "and it's hard to find housing comparable to the suburbs with those big back yards." Dolan's own family, with three children, is bursting at the seams of his 2,400-square-foot bungalow. "There's a different living standard today. These are houses where nine kids were raised before."

"It doesn't help," he adds, "that the public school system is the big albatross the city must overcome." Dolan's children, like those of many other city employees in his neighborhood, attend private schools. West Park is lauded as a private-school mecca, with half-a-dozen Catholic schools. St. Mark Catholic Church alone has nearly 100 police and fire families in its parish, not to mention a city councilman and other city employees. Many of them send their children to St. Mark Elementary School.

Families that send their children to private schools point out the cost of that education. One can sense, if not resentment, then regret that the public school system can't provide the education and settings these families want for their children. But would a miraculous makeover of the Cleveland Municipal School District into a national exemplar end the residency requirement debate? One could only hope.



## Prisoners of the City?



**"The residency requirement is a way for the city to keep money made in this community in this community," states fire captain Daryl McGinnis, adding that "city employees who want to take Cleveland's money to other cities are like mercenaries."**

But there are other objections. The most common complaint heard among the firefighters of Local 93, says union treasurer Kevin Cooney, is that the residency requirement infringes on their right to live where they want. Cooney, on the force prior to the 1982 implementation of the residency requirement, lives in Avon Lake, and wants his fellow firefighters to be able to make the same choices available to him.

The only other individuals who have been confined to live in specified locations, DeVito argues, are convicts, prisoners of war, Japanese-Americans interned during World War II and elected officials.

"It's not a sentence to live here," says Councilman Dolan, echoing the strongest argument used to counter those speaking against the residency requirement: If you choose to work for the City of Cleveland, then that choice involves living in the City of Cleveland. "The public safety people are the only ones that bring this issue up to me," remarks Dolan.

"Most of this is coming from the Caucasian firefighters," says Daryl McGinnis, a captain at the Fire Training Academy and a passionate speaker about race relations. "Some of them don't want to stay around minorities." Other firefighters, McGinnis knows, have family and finan-

cial issues with the residency requirement instead of any racial biases. But, in the line of duty, says McGinnis, he's seen firefighters, white and black alike, display a disdain for people living in conditions of poverty. "It's subtle, but it's across racial lines."

Norm Krumholz, professor of urban studies at Cleveland State University's Levin College of Urban Affairs, wholeheartedly supports the city's residency requirement. "Speaking as a former city official" — he was director of city planning from 1969 to '79 under three mayors — "the residency requirement is an excellent requirement. Forcing city employees to live in the city," he says, "has two desirable impacts: an impact on the quality of safety with neighborhoods filled with public safety workers, and a powerful impact on the real estate values in the city."

"Is there proof that a community filled with police and firefighters improves the safety of that community? Not that I know of," says Krumholz. "But that's intuitive. It sounds right."

"Yeah, they add to the neighborhood," Dolan admits. "But the neighborhood gives them a nice, safe place to live."

Not exactly, say Michelle and Matthew Baeppler.

"Now that I'm married to a police-

man, I'm concerned about walking in my neighborhood," Michelle says. A former city law department attorney, she bought a house in the West Park neighborhood where she grew up, and married patrol officer Matthew in June. A few weeks ago, Matthew and his

brother, a Cleveland firefighter, were eating pizza at a neighborhood restaurant when someone slapped Matthew on the back in greeting. Baeppler looked up to recognize a man he'd recently taken a gun from during an arrest. And there have been other times, he says, when criminals he's arrested have later passed him on the street.

Now, the Baepplers are fighting City Hall to prove that they do indeed live within the city. They're victims of an anonymous tip, they say, offered to the Civil Service Commission by someone out to harass them.

The Civil Service Commission receives some 60 anonymous tips each year, says commission secretary Gregory Wilson, who sends his two investigators to find if there is truth behind the allegations. In addition, every month, a computer generates a random list of 25 city employees, each of whom gets a letter from Wilson instructing the person to provide a lengthy list of documents proving residence in the city.

Disputed residence cases, says Wilson, go before an impartial attorney who acts as a referee for the commission. Because Matthew Baeppler won't give the commission his past tax forms, one of the many documents required to prove resi-

## Prisoners of the City?

**Police officer Matthew Baeppler became concerned about his family's safety in Cleveland after a man he'd arrested with a gun later came up and slapped him on the back in a neighborhood restaurant.**



dence, his case is before a referee.

Baeppler and others suggest that the commission has increased its enforcement of residency ever since the death, in the line of duty, of policeman Robert Clark in July 1998. Clark had been living outside of the city.

Not so, says Wilson, who came to the commission in August of last year. "The increase in enforcement coincides with the restructuring of the Civil Service Commission and the hiring of a second investigator." This increase, he says, is supported by the city's residents, who last year passed Issue 44 to lengthen, to a year, the time a resident must live in the city to be awarded extra residency points on any civil service test for employment.

At the least, argue the firefighters, make a compromise on the residency requirement, such as allowing employees to move from the city after seven or eight years. Euclid now allows police officers and firefighters an out after eight years. Brook Park requires employees to live within 15 miles of the city. Cincinnati employees must live within Hamilton County, with only department heads confined to the city.

State Rep. Pat Tiberi, who represents the 26th District near Columbus, is a sponsor of H.B. 249. "The reason most often cited by cities as justification for residency laws is to ensure that employees are available to quickly respond in the event of an emergency," he says. But, although a person may live within the city limits, this certainly is no assurance that

the person will be able to respond any more quickly than someone living outside the city. Or, as Schroeder pointed out to the House Local Government and Townships committee, a firefighter can live at East 185th Street but work 25 minutes away at a station on the far West Side.

"Sure, that's an argument," says Councilman Dolan. "But is it a persuasive argument? I don't think so."

"I've been with Local 47 for 24 years, and I've never had someone come in and complain about the residency requirement," states Mike Murphy, president of the Service Employees International Union Cleveland local. And while only 160 of the union's 8,000 members work for the City of Cleveland, a vast majority of Local 47 membership resides in Cleveland. "I'd say the residency requirement is equated more to income levels," says Murphy, who lives in a suburb. An improving education system and new living spaces in the city will help attract more city residents, he adds.

Krumholz, a strong advocate for neighborhood redevelopment and a better balance between downtown and Cleveland's 36 neighborhoods, gives credit for the city's rebound to Chris Warren, Cleveland's current director of economic development, who has worked

to create large pools of money for neighborhood redevelopment and low-interest home mortgages. "The Millcreek development on Cleveland's South Side," says Realtor John Lauro, "is one such place where families can purchase a newly constructed home and, with 15-year abatements on property taxes, save up to \$53,000 over those 15 years."

And yet the residency requirement does keep tax dollars in the city, says Dolan. "You could say it's an artificial prop." Repealing the residency requirement would be an economic disaster, he says, and not just for the city, but for the entire region, à la "As the city goes, so goes the region."

"The residency requirement is a way for the city to keep the money made in this community in this community," says McGinnis. "I take my clothes to the cleaner down the block, I go to [Tops] for my shopping, I get my gas from the station on the corner. If I lived anywhere else, I'd spend my money there. City employees who want to take Cleveland's money to other cities," adds McGinnis, "are like mercenaries." Given the choice to move out, McGinnis would prefer to stay in Cleveland, but his wife, he says, would want to move to the suburbs.

Tony Luke, a lieutenant who's been on

Photo: Danny Vega

# Free To Live *on the Outside*

**T**he 1982 city charter amendment that created the city's residency requirement states simply that "every temporary or regular officer or employee of the City of Cleveland, including members of all City boards and commissions, shall be or become a bona fide resident of the City of Cleveland."

But, of course, there are exceptions.

- The residency requirement applies only to employees hired after the Nov. 29, 1982, effective date of the charter amendment. Those hired before that date are exempt from the requirement. While city officials couldn't provide the number of the city's current 8,500 employees who are grandfathered, the police union estimates that 30 percent of its force is exempt; fire union president Bob Fisher says 40 percent of firefighters are exempt. Past investigations of such former higher-ups as Port Authority director Solomon Balraj, police chief Rocco Pollutro and Board of Zoning Appeals chairwoman Valerie Schwonek show that even city officials are held to the requirement if they came to city employment after November 1982.

- If you win one of the mayor's outsourced legal contracts, you can continue to live in your Bratenahl condo or Westlake ranch.

- Teachers for the Cleveland Municipal School District (which takes in Bratenahl and Newburgh Heights but not certain parts of Cleveland's Shaker Square neighborhood) aren't technically city employees. They work for the school district, so they can live outside of Cleveland. Seventy-eight percent of the teachers choose to do so, while nearly all of the district's senior administrators and some 75 percent of the administrative employees, cafeteria workers, principals and carpenters live within the school district.

- You could seek an exemption to the requirement from City Council, but aides to council president Michael Polensek say that it's been at least 10 years since the council actually granted an exemption.

The office of the Civil Service Commission, in City Hall, enforces the residency requirement. Its two investigators, retired police officers who live outside of the city, verify employees' addresses with surprise visits. They challenge some 350 employees a year.

Whistleblowing is not unheard of. Citizens concerned that a city employee might be flouting the residency requirement may call the Civil Service Commission at (216) 664-2467.

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the fire force for seven years, has two perspectives on the issue: "My professional view is that the citizens of Cleveland need the requirement," he says, "because city jobs are good jobs." Without the requirement, competition for city jobs would be especially hard for people who have gone through the Cleveland public school system.

"And my personal view? I want to live where I want to live," he says. "Would I move? No, I just bought a house on the West Side." Luke works at Station 10 near University Circle.

Tom Schloemer, a farm boy from Willard, came to Cleveland in 1989 after studying to be a teacher. An avid rugby player, he followed his teammates' suggestions to take the firefighters test, and did well on it. "I was single, and the city was a good place to live," he says.

Now, though, married and with two young sons, his priorities have shifted: "I'm a country boy, and I want my children to be country kids. That's hard to accomplish within Cleveland. There's no farmland available here, and I can't have a cow to milk." Schloemer says he feels equally at home in a barn and in a fire station, but he can't find a home in Cleveland that allows him both lifestyles.

Schloemer is one of 12 children, and his brothers and sisters, with kids of their own, live in and around Willard. "It's a natural thing to want to be close to that large of a family," he says. "If I could get residency relief, I'd move halfway there, so I could be 45 minutes from work and 45 minutes from my family."

Why not work closer to home? For the most part, firefighters in the country are part time, he says. Schloemer is a paramedic, and keeps current in his training, but doesn't receive any additional pay for the added role he brings to his firefighting work. "Even so," he says, "I don't want to give up this job."

For the time being, though, that's just the decision DeVito, Schroeder and Schloemer will have to make. For the job they all love, the city demands that they live in Cleveland, and make the best of it. ■