



CITY OF AVON LAKE

150 Avon Belden Road
Avon Lake, Ohio

COLLECTIVE COMMITTEE MEETING

Council Chamber
September 14, 2020
6:30 P.M.

HUMAN RESOURCES COMMITTEE

- Police Chief Appointment

PLANNING COMMISSION

- Amendment to Subdivider's Agreement

Second Readings:

Temporary Legislation #11411, amending the Rules of the Civil Service Commission.

Temporary Legislation #11412, in support of Senate Bill 73 to amend Section 4511.46 of the Revised Code to alter the law governing yielding to pedestrians in crosswalks.

First Readings:

As determined at the Collective Committee Meeting.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

PUBLIC INPUT

ADJOURNMENT



VOTING ORDER

D. Kos
M. O'Donnell
K. Zuber
Z. Arnold
B. David
J. Fenderbosch

CITY OF AVON LAKE

150 Avon Belden Road
Avon Lake, Ohio

The following business is to be considered at the regularly scheduled meeting of the Avon Lake City Council on September 14, 2020 immediately following Collective Committee Meeting in the Council Chamber.

Pledge of Allegiance

Roll Call: Mr. Arnold, Mrs. David, Mrs. Fenderbosch, Mr. Kos, Mr. O'Donnell, Mr. Zuber, Mayor Zilka, Law Director Ebert, Finance Director Presley, Public Works Director Reitz.

Approval of Minutes: August 24, 2020 Council Meeting.

Correspondence

Reports

Mayor/COVID-19
Council President

Audience Participation

Motion

Authorizing the Mayor to extend the Second Amendment to Subdivider's Agreement expiring September 30, 2020 between the City of Avon Lake and Margam Investment to November 30, 2020 - J. Fenderbosch.

→Suspension of the rule requiring three readings

Legislation

Second Readings:

Temporary Legislation #11411, amending the Rules of the Civil Service Commission.

Temporary Legislation #11412, in support of Senate Bill 73 to amend Section 4511.46 of the Revised Code to alter the law governing yielding to pedestrians in crosswalks.

First Reading:

Temporary Legislation #11416, confirming the appointment of Vincent Molnar as Police Chief in the Police Department. →

Miscellaneous Business and Announcements

Public Input

Executive Session

In compliance with Ohio Revised Code Section 121.22(G), Council will adjourn to Executive Session to discuss labor negotiations and employment agreement with Avon Lake Regional Water.

Reconvening of Open Council Meeting

Adjournment

ORDINANCE NO: _____

AN ORDINANCE AMENDING THE RULES OF THE CIVIL SERVICE
COMMISSION AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Civil Service Commission and the Human Resources Committee of Council that revisions be made in the Civil Service Rules;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OHIO

Section No. 1: That Rule 9 Section B of the Rules of the Civil Service, is hereby amended as follows:

Section B. ~~Additional Credit For Military Service. In the event that the applicant for an original appointment to a position in the classified service receives a passing grade on his or her examination, he or she shall be entitled to an additional five (5) points if he or she was in the service and on active military duty for a minimum of 180 days for the United States of America and was honorably discharged. A copy of the applicants DD 214 shall be submitted along with the application so that the applicant's time in service may be verified.~~

1. Veteran Defined - A person who has served on active duty (Title 10 or Title 32) in the United States Armed Forces for a period of not less than 180 days and was discharged or released from such duty under honorable conditions.
 - a. Members still in service of the Reserves or National Guard that have served on active duty (Title 10 or Title 32) in the United States Armed Forces for a period of not less than 180 days may qualify for preference upon successful submission of proof of eligibility as defined in paragraph (4) of this section.
2. Disabled Veteran Defined - A person who has been discharged or released from active duty (Title 10 or Title 32) in the United States Armed Forces under honorable conditions performed at any time, and who has established the present existence of a compensable service-connected disability of 30 percent or more.ⁱ
3. Under Honorable Conditions Defined - Character of service that is listed as "Honorable" or "Under Honorable Conditions" (General Discharge).

- a. For the purposes of this rule, individuals discharged under United States Armed Forces policies that are in conflict with hiring rules and practices in the civilian environment, shall be reviewed and given full consideration to have their release characterized as being under honorable conditions.ⁱⁱ

4. Proof of Eligibility

Any veteran or disabled veteran who desires to be considered for preference under this rule shall be required to indicate such desire at time of application and not later than date of exam by submitting the required documentation. Required documentation shall be any official documentation from a branch of the U.S. Armed Forcesⁱⁱⁱ and/or the U.S. Department of Veterans Affairs^{iv} that identifies:

- a. Branch of service
- b. Dates of service
- c. Total amount of active service
- d. Character of service (e.g., honorable, under honorable conditions, general)

(And as Applicable)

- e. The present existence of a compensable service-connected disability of 30 percent or more

5. Preference Points

- a. Five (5) points shall be added to the final passing score of each qualified Veteran who elected the preference on their examination.
- b. Ten (10) points shall be added to the final passing score of each qualified Disabled Veteran who elected the preference on their examination.

6. Limitations

- a. Applicants seeking additional credit for military service must meet all minimum qualifications and other requirements for the position which they apply.
- b. No veteran's preference points shall be awarded for promotional examinations.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the

public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to establish an effective method of evaluating employees and clarifying Civil Service requirements to ensure the best hiring and promotional practices for the smooth operation of City departments, thus safety, health and welfare of the public. Therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

1st reading: 8/24/2020

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____
Clerk of Council

Mayor

ⁱ Veteran shall have been retired from active military service with a service-connected disability rating of 30% or more; **OR** have a rating by the Department of Veterans Affairs showing a compensable service-connected disability of 30% or more.

ⁱⁱ Such policies include, but are not limited to, those that would otherwise discriminate against legally protected populations.

ⁱⁱⁱ Official documentation from a branch of the Armed Forces shall include, but is not limited to, DD214 (Member 4 Copy), Official Statements of Service Verification, Medical Discharge Documents, Official Statement, dated 1991 or later certifying the veteran as having a compensable service-connected disability of 30% or more.

^{iv} Official documentation from the U.S. Department of Veterans Affairs shall be an official statement, dated 1991 or later, certifying the veteran as having a compensable service-connected disability of 30% or more.

Note:

The veteran's preference rule seeks to recognize the economic loss suffered by citizens who have served their country in uniform, restore veterans to a favorable competitive position for government employment, and acknowledge the larger obligation owed to disabled veterans. The intent is not to require placement of a veteran in every vacant government job. Nor is it to relieve candidates of their requirement to meet all minimum qualifications and other requirements for the position which they apply. Rather, it is to provide a uniform method by which special consideration is given to qualified veterans seeking employment with the City of Avon Lake.

BY: Mr. Kos

TEMP NO. 11412

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF SENATE BILL 73 TO AMEND SECTION 4511.46 OF THE REVISED CODE TO ALTER THE LAW GOVERNING YIELDING TO PEDESTRIANS IN CROSSWALKS AND DECLARING AN EMERGENCY.

WHEREAS, the Senate of the 133rd Ohio General Assembly unanimously passed Senate Bill 73 amending Section 4511.46 of the Revised Code to alter the law governing yielding to pedestrians in crosswalks on February 26, 2020; and

WHEREAS, the purpose of the Senate Bill 73 is to ensure the safety of pedestrians and drivers alike; and

WHEREAS, Senate Bill 73 was introduced to the Ohio House in May 2020 and has been referred to the Transportation and Public Safety Committee; and

WHEREAS, the proposed amendment will require a driver of a vehicle to stop and yield the right-of-way to a pedestrian waiting at the curb to enter a crosswalk when there is no traffic control signal or where traffic control signals are not in operation or clearly assigning the right-of-way, in addition to when the pedestrian is in the crosswalk, as under current law; and

WHEREAS, the current law of an unregulated crosswalk requires the pedestrian to actually place themselves in the roadway in front of a motor vehicle to acquire the right-of-way thereby placing them in harm's way with no assurance that the driver of an approaching vehicle will stop; and

WHEREAS, the proposed amendment will not change the right-of-way at regulated intersections and the prohibition that pedestrians may not suddenly leave the curb into the path of a vehicle;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: The Mayor and City Council fully support the efforts of the 133rd Ohio General Assembly to protect pedestrians from stepping into oncoming traffic to gain the right-of-way and to ensure that drivers and cars are yielding properly.

Section No. 2: That the Mayor and City Council urge the 133rd Ohio General Assembly for passage of this bill and expedite for Governor's signature.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Resolution is hereby declared to be an emergency measure to support Senate Bill 73, thus for the public welfare. Therefore, this Resolution shall take effect immediately upon its passage. Therefore, this Resolution shall be in full force and effect from and after its passage and approval.

1st reading: 8/24/2020

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

BY: Mr. Zuber

TEMP NO: 11416

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE APPOINTMENT OF
VINCENT MOLNAR, AS POLICE CHIEF OF THE AVON LAKE
POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the terms of the civil service provisions of the Codified Ordinances, tests have been given and the results certified, and the Mayor has submitted to this Council for confirmation an appointment to the position of Police Chief;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the appointment of Vincent Molnar to the position of Police Chief of the Avon Lake Police Department, be, and it is hereby approved and confirmed, subject to the Civil Service Rules and Administrative Code provisions of the Codified Ordinances, effective September 15, 2020 and to serve at the will of the City during his probationary period.

Section No. 2: That the duties and responsibilities to be performed and undertaken by the Police Chief shall be those set forth for such position in Ordinance No. 53-2012.

Section No. 3: That with the present knowledge of Mr. Molnar's experience and ability, it has and does fix an annual salary of \$114,031.19 for the position, payable bi-weekly as determined by the Director of Finance.

Section No. 4: That Mr. Molnar shall be entitled to receive the applicable benefits provided to full-time, non-bargaining unit employees as outlined in Chapter 260 of the Avon Lake Codified Ordinances.

Section No. 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 6: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of appointing a Police Chief to fill the vacancy due to the retirement of the Police Chief to ensure the efficient running of the Police Department, thus for the health, safety, and welfare of the citizens of

Avon Lake. Therefore, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor