

MINUTES OF THE SPECIAL MEETING
OF THE CIVIL SERVICE COMMISSION
FEBRUARY 20, 2025

The special meeting of the Civil Service Commission was called to order on February 20, 2025, at 5 p.m. in the Council Chamber with Chairman Polinko presiding.

Present: Chairman John Polinko, Vice-Chairman Richard Tayek, Secretary William Albrecht, and Clerk Valerie Rosmarin.

Also Present: Mayor Mark Spaetzel, Law Director Gary Ebert, Police Chief Vince Molnar, and Police Officer Matthew Majercak.

1. Executive Session

Motion: Chairman Polinko moved to adjourn to Executive Session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the appointment of a public employee. Seconded by Secretary Albrecht.

Yes: Mr. Polinko, Mr. Tayek, Mr. Albrecht
No: None
Motion passed 3-0.

Adjourned: 5:01 p.m.

Motion: Chairman Polinko moved to reconvene to open session. Seconded by Secretary Albrecht.

Yes: Mr. Polinko, Mr. Tayek, Mr. Albrecht
No: None
Motion passed 3-0.

Reconvened: 5:17 p.m.

2. Police Sergeant Appointment

Chairman Polinko reviewed the Police Sergeant Eligibility List, expiring April 1, 2025, and asked Chief Molnar to comment on the list.

Chief Molnar stated that his retirement was announced to the Commission at their meeting on November 2, 2024. At that time, the Police Department had five lieutenants and five sergeants. The fifth lieutenant was added because a lieutenant was on long-term medical leave. That lieutenant has since retired, and the Department now has four lieutenants. It is Chief Molnar's goal to have a sixth sergeant appointed to give that individual time to adjust to the assignment prior to Chief Molnar's retirement in May.

Chairman Polinko stated that the Commission was aware that City Council passed an ordinance (Ord. No. 24-111, 8/26/24) to allow for an appointment prior to a vacancy based on the Department's need due to the long-term vacancy.

Chief Molnar stated that while the appointment was needed at the time, the City looked to institute a procedure permanently. He explained that there are times when the Police Department's 32-man roster must be increased temporarily. For example, the new police officer, Mike Cipro, is currently in the Police Academy and will graduate in June 2025. The next police officer hired will fill the vacancy created by Chief Molnar's retirement on May 9; however, the appointment will occur before that vacancy because the next Police Academy begins May 3. Therefore, the roster will temporarily increase to 33 and revert to 32 upon Chief Molnar's retirement. Based on Ord. No. 24-111, the City can temporarily increase the sergeant roster to six. When the Police Chief and Police Lieutenant promotions are made, that roster will revert to five sergeants.

In response to Chairman Polinko, Chief Molnar stated that if the Commission certifies the next candidate on the Police Sergeant Eligibility List today, City Council could consider legislation in early March. This would allow the new sergeant to receive two months of transition into the position before his retirement.

Mayor Spaetzel stated that Ord. No. 24-111 was meant to be proactive. As the former Police Chief in Bay Village, he stated that Bay Village had a similar ordinance. It takes a long time to prepare someone for a position; in this situation, there will be a new Police Chief, Police Lieutenant, Police Sergeant, and Police Officer. The only way to maintain that continuity and not have gaps in training or short shifts is to try to get the next person trained as soon as possible. This ordinance allows for an overlap to accomplish this task, and the City has budgeted accordingly.

Police Officer Matt Majercak addressed the Commission. He and another police officer emailed the Commission on February 3, 2025, asking the Commission to consider offering a new Sergeant Exam. He explained that he has four years of service with the Avon Lake Police Department. When the last Sergeant Exam was given in 2023, he understood that the Eligibility List was in effect for one year, and the City would promote the top two or three candidates. Then another Sergeant Exam would be given, and he and two other new candidates could participate. That plan would ensure that the best man is selected for the position while giving other candidates the opportunity to participate in the promotional process. The candidates currently on the list may be better-qualified because of their growth and experience. He thought that would be the best option for the City and the Police Department, and he asked the Commission to consider it. He understood the Mayor and Police Chief's point about moving quickly and getting everyone trained.

Secretary Albrecht stated that since there is an ordinance in place, it was his belief that the Commission is unable to deny a promotion off the current List. He understood Officer Majercak's position. However, civil service employees know that sometimes it

is more about timing than talent and ability, and that is one of the risks of working for a small community.

Vice-Chairman Tayek agreed and stated that since there is a duly passed ordinance, the Commission does not have the discretion to reject this promotion, and there is no reason for the Commission to not follow this process.

Chairman Polinko agreed, too, and he considered the concerns of Officer Majercak and another police officer when they contacted the Commission prior to the last meeting. The ordinance was codified, and because Chief Molnar is retiring and several positions must transition, there is a need to appoint a sergeant now. While he understood Officer Majercak's position, the Commission cannot go against the City's Code.

Motion: Chairman Polinko moved to certify the appointment of Jared Nighswander to the position of Sergeant to the Avon Lake Police Department pursuant to Rule 17 with a date of appointment being March 11. Seconded by Secretary Albrecht. Motion passed 3-0.

3. Property Maintenance Specialist Job Description

Chairman Polinko referred to the job description for Property Maintenance Specialist which was given to the Commission yesterday.

Law Director Ebert informed the Commission that USW Local 836 reviewed the job description, and their representative stated that the position's duties do not align with the positions within their membership. The Administration is now seeking the Commission's decision regarding the position's classification, which he believes to be unclassified and not a tested position. It is an unusual position and is unclassified in other communities. He asked for the Commission's consideration to avoid delays in filling this position.

In response to Vice-Chairman Tayek, Law Director Ebert said it is unusual because one must have experience with zoning inspections and must apply regulations, the Code, and other requirements pertaining to inspections, violations, and permits issued by the City, in comparison with someone who has tested well but does not have that type of capability or personality. A former police officer would be a good candidate, because of their knowledge of rules and regulations and their ability to interact with the public, or someone with zoning and planning capabilities. He believed testing this position would not find that type of candidate.

Secretary Albrecht asked how this position was different from the City's Building Inspectors.

In response, Mayor Spaetzel stated that the position is in the Community Development Department and pertains mostly to the Zoning Code and some Building Code. The

ideal person in this role would have construction knowledge. Their tasks will be complaint-based inspections of violations, such as tall grass, buildings in disrepair, sidewalk maintenance, and construction, that fall under the Zoning Code. It is a quasi-enforcement position, and the individual will have the ability to file complaints with the court. This position was part-time, but the City has decided it will now be full-time due to the number of complaints it receives. There is a need to hire someone before spring because that is when an influx of complaints begins. The City will shift from being reactive toward complaints to proactive to prevent or minimize complaints. The individual in this maintenance position will conduct inspections enforcing the Zoning Code, not the Building Code.

Chairman Polinko stated that the Commission can opine if this position should be classified or unclassified, but City Council makes the final decision. He requested the Commission be given more time to review job descriptions in the future. In the past, there have been several occasions where things were given to the Commission at the last minute, and that has created issues unnecessarily.

Mayor Spaetzle agreed that the Commission should be given more time and explained that the part-time employee in the previous position retired in December, and then they began drafting this new job description.

Motion: Chairman Polinko moved to recommend the job description for the position of Property Maintenance Specialist be presented to City Council as unclassified.
Seconded by Vice-Chairman Tayek. Motion passed 3-0.

The meeting adjourned at 5:48 p.m.

/s/ Valerie E. Rosmarin

Valerie E. Rosmarin, Civil Service Clerk

