

July 30, 2021

TO: City Council Member Lee Ann Bissmeyer, Chair
Law and Safety Committee of City Council

FROM: Brian K. Riblet, City Manager *BKR*

SUBJECT: Law and Safety Committee Meeting of Monday, August 2, 2021

As a reminder, the Law and Safety Committee is scheduled to meet on Monday, August 2, 2021 at 3:30 p.m. Those agenda items to be discussed include:

1. Update and Status of a Law Enforcement Assignment—Staff will be present to update the Committee on the status of a law enforcement assignment.
2. Other Business - The purpose of the agenda item is to provide an opportunity to discuss any issue or ask any questions that may be on your mind.

Also attached are the minutes from the May 4, 2020 meeting of the Law and Safety Committee for review and approval at Monday's meeting.

Should you have questions or concerns prior to the agenda topic or have additional items to be discussed at the meeting, please do not hesitate to contact me.

c: Law and Safety Committee Members (2)
Mayor and City Council Members (4)
John Crowell, Police Chief
Paul Wright, Fire Chief
Connie Gaylor, Administrative Coordinator
File



LAW & SAFETY COMMITTEE OF CITY COUNCIL

10101 Montgomery Road • Montgomery, Ohio 45242
(513) 891-2424 • Fax (513) 891-2498

AGENDA

**August 2, 2021
3:30 P.M.
City Hall**

1. Call to Order
2. Guests and Residents
3. Communications
4. New Business
 - a. Update and Status of a Law Enforcement Assignment
5. Old Business
6. Executive Session
7. Approval of Minutes: May 4, 2020
8. Other Business
9. Adjournment

These minutes are a draft of the proposed minutes from the Law and Safety Committee of the City Council meeting. They do not represent the official record of proceedings until formally adopted by the Law and Safety Committee of City Council. Formal adoption is noted by signature of the Chair within the minutes.

City of Montgomery
Law and Safety Committee of City Council Meeting
May 4, 2020

Present

Brian Riblet, City Manager
Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.
Paul Wright, Fire Chief
John Crowell, Chief of Police
Connie Gaylor, Clerk of Council

Committee Members Present

Lee Ann Bissmeyer, Chair
Gerri Harbison
Ken Suer

The Law and Safety Committee of Council convened its meeting for May 4, 2020 at 3:30 p.m. by telephone conference with Mrs. Bissmeyer presiding. This remote access meeting was allowed by emergency legislation adopted last week by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

Discussion of Proposed Updates to Section 92 of the Code of Ordinances Regarding Littering

Chief Crowell explained to the Committee that a recent discovery of home construction debris dumped at the rear of the Montgomery Quarter property prompted a review of the current section of Code that addresses littering or dumping. He explained the code did not sufficiently address large amounts of debris or allow for the citation and penalty for it. He added that the definition of litter referenced smaller items that would be found along the roadway or sidewalk areas. Chief Crowell explained that he spoke with Law Director Terry Donnellon and Meghan Donnellon Hyden about the issue and they prepared the draft Ordinance submitted with the packet. Chief Crowell stated that an investigation did lead to a contractor from Loveland, Ohio and the case was still pending.

Mrs. Bissmeyer asked if the penalty related to larger dumping would be the same as the current littering citations.

Chief Crowell replied that it would be considered a misdemeanor in the Ordinance so it could go through Mayor's Court rather than through Hamilton County. He explained there is a benefit to managing these cases in-house.

Mr. Suer asked what repercussions were issued to the contractor.

Chief Crowell replied that the case is going through Hamilton County and that the contractor will be expected to clean up the site and pay fines. He stated the case is not fully resolved yet.

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Ms. Bissmeyer asked if the City's Mayor's Court expedited matters quicker than Hamilton County Court.

Chief Crowell replied that it is quicker and more efficient to handle within the City's Mayor Court. Chief Crowell added that for the Montgomery Quarter site, he feels that once construction begins, and fencing is installed that dumping at that area will decline or cease.

Mr. Suer asked if consideration should be given to placing signs at the site even after construction begins. He also asked if there have been issues at other city properties.

Chief Crowell replied that there has not been an increase. He stated that if someone dumps trash in a City dumpster it is considered theft of service because City funds pay for it. He stated that carries a different penalty.

Mr. Riblet stated that if this were an isolated incident, he felt like it would go away because of the construction beginning. He stated that there is potential for other dumping and this would be a safeguard to protect the City overall. Mr. Riblet explained that he didn't feel the passage of the legislation would need to be passed as an emergency but would request to suspend the second and third readings so that it could take effect 30 days after passage on June 3, if the Committee approves it to move forward.

The Committee discussed and Mr. Suer made a motion to move the proposed Ordinance forward to the May 20 Work Session agenda. Mrs. Bissmeyer seconded. The Committee unanimously agreed.

Minutes

Mrs. Harbison made a motion to approve the minutes of the December 2, 2019 meeting. Mr. Suer seconded. The Committee unanimously approved the minutes.

Other Business

Police Department Shift Rotation

Mr. Riblet explained to the Committee that Sergeant T.J. Shreve has been conducting research on the possibility of the police department converting to a 12-hour rotation and investigating the pros and cons of it. Mr. Riblet explained that due to the COVID-19 situation the department switched to a 12-hour rotation in a precautionary measure for staff's safety but have heard positive feedback from most staff that they like it. He stated there has been significant savings in overtime over the past three payrolls, which could also be a result of staff not taking vacation time or the cancellation of court dates at Hamilton County. Mr. Riblet stated that the police department is at full staff at this time adding school resource officers Paul Payne and James Martin back into the daily rotation since schools transitioned to online learning. This also helped to reduce overtime costs. Mr. Riblet explained that with this change one benefit to the officers is additional off days due to the way the rotation works. Mr. Riblet stated that if the Sergeant and Patrol Officer's unions were in favor of the shift change that a memorandum of understanding could be issued for six months with both parties

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being able to back out if the 12-hour rotation became burdensome to either party. Mr. Riblet stated that if this change would create more efficiencies and a better work environment for the officers it could be a win-win for all parties. He added this would be on a trial basis and would be worked into the FOP contract moving forward.

Chief Crowell stated that the Sergeant group discussed the rotation and voted to ask Mr. Riblet to consider a memorandum of understanding retaining the current 12-hour schedule. Chief Crowell stated that a number of other staff members have also shown interest to retain the schedule.

Mrs. Harbison asked if there has been any pushback regarding the change.

Chief Crowell stated that there were a few officers that were concerned about the loss of overtime mainly based on their pensions and the payout being based on the top 36 months of earnings.

Mr. Suer stated that he felt the change should be explored further to see if it would work during non-crisis times. He stated the main priority should be sufficient police coverage for the city and no drop in services, which he did not think there would be.

Chief Crowell explained that other agencies consisting of Indian Hill, Hamilton County Sheriff Department, Glendale, Wyoming, Loveland, and Madeira all operate in this rotation and he feels it is becoming more of the standard.

Mr. Riblet stated that he was not asking for a motion of support but wanted the Committee to know staff is exploring it.

Mr. Suer stated that he felt the prospect of having more days off as an officer would be an incentive to support the change.

Mrs. Bissmeyer asked how many extra days an officer would receive.

Chief Crowell stated that it would equate to 35 days over a year.

Mrs. Bissmeyer asked how this would affect the safety of the officers with the extension of their shifts and fatigue becoming a factor.

Chief Crowell explained that with the rotation officers do not have a long series of days before a day off is scheduled which would prevent a lack of sleep.

Fire Department Hiring Processes

Mr. Riblet updated the Committee on the current hiring process of the Fire Department. He explained that the testing of the Firefighter/Paramedic exam process was set to initially be issued by the Ohio Fire Chiefs Association however with the social distancing restrictions staff had to reassess how the process could move forward. He explained that after discussion and planning staff moved the process

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in-house using Butler Technical Schools testing program. Mr. Riblet explained that staff recently currently conducted the fire lieutenant promotional process.

Chief Wright explained that the part-time firefighter pool continues to shrink as the department lost two more part-time employees to other departments for full-time positions. He stated that the department is down to 10 part-time employees which is why the hiring process needed to continue. He explained that there were 34 applicants for the firefighter/paramedic exam. There were six exam sessions scheduled so to adhere to the group size of 10. He explained that written and physical tests were conducted and that 28 are moving on to the oral testing scheduled for May 7 and May 14. He explained that Human Resource Manager Julie Prickett will tabulate all scores and schedule a Civil Service Commission meeting in order to be certified. He stated that once that was done then interviews could be scheduled. Chief Wright explained that if the applicants are current firefighter pension employees that makes the process go quicker also. He stated he hopes to extend job offers by the first two weeks of June.

Chief Wright explained that for the lieutenant process he requested the tests to be sent to a proctor who is a retired fire chief. He explained that the Fire Chiefs Association approved his request. He stated that four applicants took the test that day and the proctor is currently grading them. He stated that the oral exam would be conducted on May 20. He explained that the assessment center candidates would meet with Ohio Fire Chiefs on June 5 with results expected in mid-June. He stated that the eligibility list would also be sent to the Civil Service Commission in the same manner. He stated he hoped to have a new lieutenant in place before Tom Wolf's retirement on July 4.

Chief Wright provided an update on COVID-19. He stated that the department is still working to obtain more N95 masks. He stated that one long-term health facility in Montgomery did report that they had double digits of COVID cases but that those individuals are confined to one area to prevent the spread of the disease. He stated that the department is working closely with all nursing homes to manage the number of cases.

Adjournment

Mrs. Bissmeyer asked if there was any further business to discuss. There being none, Mr. Suer made a motion to adjourn the meeting. Mrs. Harbison seconded. The Committee unanimously agreed.

The Law and Safety Committee meeting adjourned at 4:19 p.m.

Chair of Law and Safety Committee of City Council