

MEMORANDUM

January 29, 2021

TO:

Mayor and City Council Members

FROM:

Brian K. Riblet, City Manager BKR

SUBJECT:

City Council Business Session of Wednesday, February 3, 2021

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, February 3, 2021 immediately following the conclusion of a Montgomery Community Improvement Corporation meeting at 6:45 p.m.

Montgomery Community Improvement Corporation-(CIC)

At 6:45 p.m., the Montgomery Community Improvement Corporation (CIC) and the CIC Board of Trustees are scheduled to conduct their annual meeting's. The members of the Montgomery City Council also comprise the membership of the Montgomery CIC and the Montgomery CIC Board of Trustees. It is required by the Ohio Revised Code, Chapter 1724, that a CIC prepare, approve and submit an annual financial report. It is also required by the Montgomery CIC Code of Regulations that this group meet at least once annually, and that this meeting take place before the last day of the third month following the close of the CIC's fiscal year.

The meeting will be offered both in place at City Hall and by teleconference for those who cannot attend in person or feel safer sheltering at home. To participate in this meeting by teleconference please use the following phone number: 1-866-228-9900 with a passcode of 204938.

Business Session

- Call to Order
- 2. Roll Call
- 3. Pledge of Allegiance
- 4. Special Presentation
 - a. Jennifer Johnston will be present to accept a Proclamation acknowledging February 7-14, 2021 as Congenital Heart Defect Awareness Week.
- 5. Guest and Residents
- 6. Legislation for Consideration this Evening

Pending Legislation

a. An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code Of Ordinances—(Vice Mayor Margolis-2nd Reading) Information has been previously supplied on this legislation that, if approved, would enact modifications to the noise ordinance which include differentiating between general noise and construction noise, by defining "construction work" as "any type of work which requires a building and/or zoning permit". Times for construction work would be limited to 7:00 a.m. – 9:00 p.m. (Monday through Friday) and 9:00 a.m. – 8:00 p.m. on Saturdays and Sundays. The proposed modifications maintain the hours of 7:00 a.m. – 10:00 p.m. for all other types of noise outside of construction work. In addition, the proposed modifications limit the sound permitted outside these hours to 60 decibels, as measured from the complainant's property line. Since the original presentation of the proposed modifications Staff has further researched the historical premise of the existing Noise Ordinance and has revised the modifications which are noted in the attached redlined version of the Ordinance.

New Legislation

There is no new legislation.

- 7. Administration Report
- 8. Minutes- January 20, 2021 Work Session
- 9. Mayor's Court Report
- 10. Other Business
- 11. Executive Session
- 12. Adjournment

Should you have any questions or concerns regarding this information, please do not hesitate to contact me.

C: Connie Gaylor, Administrative Coordinator Department Heads Terry Donnellon, Law Director

CITY COUNCIL BUSINESS SESSION AGENDA



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

February 3, 2021

City Council Business Session immediately following the conclusion of the Montgomery Community Improvement Corporation (CIC) meeting at 6:45 p.m.

- 1. Call to Order
- 2. Roll Call
- 3. Pledge of Allegiance
- 4. Special Presentations
 - a. Jennifer Johnston will be present to accept a Proclamation acknowledging February 7-14, 2021 as Congenital Heart Defect Awareness week.
- 5. Guest and Residents
- 6. Legislation for Consideration for this Evening
- 7. Pending Legislation
- 8. New Legislation
 - a. <u>An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code Of Ordinances</u>—(Vice Mayor Margolis-2nd Reading)

Move to Amend the Ordinance as noted in the text

Voice Vote

Move for passage of the Amended Ordinance for second reading

Roll Call Vote

The third reading of the Ordinance will be at the March 3, 2021 Business Session with passage requested that night.

- 9. Administration Report
- 10. Approval of Minutes January 20, 2021 Work Session
- 11. Mayor's Court Report
- 12. Other Business
- 13. Executive Session
- 14. Adjournment
- C: Connie Gaylor, Administrative Coordinator

Department Heads Terry Donnellon, Law Director



Proclamation

Congenital Heart Defect Awareness Week February 7-14, 2021

WHEREAS, the health and well-being of congenital heart patients is of paramount importance; and,

WHEREAS, each year in the United States, more than 40,000 babies are born with a congenital heart defect; and,

WHEREAS, the medical community has identified congenital heart defects as the leading cause of birth defect-related deaths and medical research can provide more identifiable means of the origins and symptoms of congenital heart defects; and,

WHEREAS, there is no cure for congenital heart defects, it is a lifelong disease requiring ongoing specialized care with fewer than 10% of adults receiving recommended care; and,

WHEREAS, it is crucial that individuals planning a family, fetal clinicians, obstetric physicians, pediatricians, and all those in the medical field have a greater understanding of the potential for congenital heart defects; and,

WHEREAS, Congenital Heart Defect Awareness Week provides the opportunity for patients and families affected by this condition to share their experiences and knowledge, so that the general public may be aware of how this defect affects our lives.

NOW THEREFORE, I, Chris Dobrozsi, the 23rd Mayor of the City of Montgomery, do hereby proclaim the week of **February 7-14**, 2021 as

Congenital Heart Defect Awareness Week

in the City of Montgomery and urge all our citizens to observe this month in ways relevant to its importance and significance.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of February Two Thousand Twenty-One.

Christopher P. Dobrozsi, Mayor

ORDINANCE NO. , 2021

AN ORDINANCE MODIFYING SECTION 132.14, NOISE, OF THE MONTGOMERY CODE OF ORDINANCES

WHEREAS, in a recent survey, residents of the community voiced their concerns regarding excess noise generated from construction activities, particularly as older properties are repurposed with new residential construction; and

WHEREAS, the Administrative staff has reviewed these concerns with the Police Department and surveyed surrounding communities to make a recommendation to the Planning, Zoning and Landmarks Committee of Council to update Section 132.14, *Noise*, of the Code of Ordinances to regulate the hours of construction and to set a more objective standard for determining when excess noise is spilling over from a property; and

WHEREAS, after Staff reviewed the recommended changes with the Planning, Zoning and Landmarks Committee of Council, the Committee endorsed the recommendations from Staff which are incorporated herein; and

WHEREAS, in implementing this change, the Administration has researched the history of regulating unreasonable noise in the community and the option to update the regulations in light of new development in the community and the market push to provide more outdoor activities; and

WHEREAS, to enhance enforcement, the Administration has recommended, and Council agrees, that more objective standards should be incorporated within the Ordinance to better define when a noise should be considered to be unreasonably loud and disruptive to the community.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Section 132.14, *Noise*, of the Code of Ordinances shall be amended as follows:

There shall be added to subsection (A) entitled *Definitions* the following term:

CONSTRUCTION WORK. Any type of work which requires a building and/or zoning permit.

SECTION 2. Existing subsections (B) and (C) of Section 132.14 are hereby revoked and deleted with the following subsection (B) to be substituted:

- (B) No person shall generate or permit to be generated unreasonable noise or loud sound that is likely to cause inconvenience or annoyance to persons of ordinary sensibilities. A noise or sound shall be presumed to be unreasonable and/or too loud and likely to cause inconvenience and annoyance to persons of ordinary sensibilities under the following circumstances:
- (a) Noise generated from any Construction Work on a property within the City, whether residential or commercial, outside of the hours of 7:00 AM to 9:00 PM, Monday through Friday, and the hours of 9:00 AM to 8:00 PM on Saturdays and Sundays.
- (b) A noise or sound which can be measured at a level of Seventy(70) decibels (dBs) or higher at a location of Two Hundred (200) feet or

more from any property line of the property from which the sound originates between the hours of 7:00 AM and 11:00 PM daily.

- (c) A sound which can be measured at a level of Sixty (60) dBs or higher at a location of Two Hundred (200) feet or more from any property line of the property from which the sound originates between the hours of 11:00 PM and 7:00 AM the following morning.
- (d) Sound generated or sound amplified from, or from within, a motor vehicle at such a level that the sound emitted from the motor vehicle can be measured to exceed Seventy (70) dBs during the hours of 7:00 AM until 11:00 PM, or measured to exceed Sixty (60) dBs during the hours of 11:00 PM until 7:00 AM the following morning when measured at a distance of One Hundred (100) feet from the motor vehicle from which the sound is emitted. These standards apply whether the vehicle is stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway within the City.

SECTION 3. Previous subsection (D) of Section 132.14 shall now be subsection (C), and subsection (E) shall now become subsection (D), provided, however, that within the new subsection (D) the following exemptions shall be added:

- (6) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction.
- (7) Noises resulting from excavations, installation or repairs of public utilities, bridges, streets or highway by or on behalf of a public utility, the City, County or State when public health, safety, welfare and convenience

renders it impractical to perform such work during the hours of the day outlined in subsection (C) above for Construction Work.

SECTION 4. Other parts or sections of Section 132.14, *Noise*, of the Code of Ordinances is hereby ratified and reaffirmed.

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 6. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 7. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED:	
ATTEST: Connie M. Gaylor, Clerk of Council	Christopher P. Dobrozsi, Mayor
APPROVED AS TO FORM:	
Terrence M. Donnellon, Law Director	

City of Montgomery
City Council Work Session Minutes
January 20, 2021

City Council Members Present

Craig Margolis, Vice Mayor

Mike Cappel-teleconference

Lynda Roesch-teleconference

Lee Ann Bissmeyer-teleconference

Chris Dobrozsi, Mayor

Ken Suer

Present
Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henry Asst City Manager

Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.

9 John Crowell, Police Chief

10 Gary Heitkamp, Public Works Director

11 Katie Smiddy, Finance Director

12 Paul Wright, Fire Chief

Connie Gaylor, Clerk of Council

City Council convened its Work Session for January 20, 2021 at 7:00 p.m. in a hybrid meeting at City Hall and by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted 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.

ROLL CALL

The roll was called, and all Council Members answered as present either in person or on the phone line.

GUESTS & RESIDENTS

Mayor Dobrozsi asked for a motion to move the Guests and Residents portion of the agenda to the end of the agenda after Other Business.

Vice Mayor Margolis made a motion to move the Guests and Resident portion to after Other Business on the agenda. Mr. Cappel seconded. City Council unanimously agreed.

LEGISLATION FOR CONSIDERATION THIS EVENING

There was no legislation for consideration at the meeting.

ESTABLISHING AN AGENDA FOR FEBRUARY 3, 2021 BUSINESS SESSION

PENDING LEGISLATION

 An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code of Ordinances

Mayor Dobrozsi stated that as noted on the agenda, this legislation is requested to be added to the February 3 Business Session for consideration of a second reading. He asked Law Director Donnellon to provide an update on the revised Ordinance language since its original submission.

 Mr. Donnellon explained that when this legislation was originally presented in the fall of 2020 it was in response to a resident survey regarding construction noise and was primarily to bring that noise under control. He explained during the time of review of the Code, a complaint arose during a Saturday afternoon from a loud outdoor party at the Marketplace. There was some confusion as to what the Code did or did not regulate when sounds could be

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heard in a residential area. He stated that it also reflected on the very difficult task of prosecuting an offense and being able to prove that the noise was causing inconvenience or annoyance to persons of reasonable sensibilities. He explained that with the modernization and improvement in technology, we are now able to use handheld meters to measure noise and objectively set the standards above which we believe a noise would be unreasonable.

Mr. Donnellon explained that at the same time, there was a need to strike a balance between the business activities of a vibrant community and when such business activities, whether day or night, could be too loud and when there should be quiet time in a residential community. He clarified that Quiet time is not the absence of noise as we have ambient noise throughout the community. He referenced a chart of comparative examples of noise levels from Industrial Noise Control, Inc. He explained that research shows that these are consistent examples of noise at a level at which they are measured and at the level of which a person of reasonable sensibilities would consider the noise to be too loud. Mr. Donnellon stated as an example, 60 decibels (dBs), while it is half as loud as 70 dBs, is considered fairly quiet. Comparably, it is conversation in a restaurant or office. It is background music or an air conditioning unit at 100 feet. On the other hand, 70 dBs, particularly sound in the upper 70's, are annoyingly loud. He stated that examples are passenger cars at 65 miles per hour measured at 25 feet. Freeway noise 50 feet from the pavement edge. He stated that we need to consider that we take additional measures to mitigate the noise from the Interstate Highways running through the community with highway sound barriers. On that basis, we deem highway traffic noise typically measured at 77 dBs to be too loud, whether day or night.

Mr. Donnellon explained that with the revised language we are striking this balance to allow the daily activities of our lives until 11:00 PM at night to be 70 decibels at a peak, but once we arrive at 11:00 PM we want the community to be quiet and drop down to residential standards at 60 decibels. He stated that we also need to determine a reasonable length from the property from which the noise will be measured. The previous Ordinance last amended in 1999 set the standard at 200 feet from the source of the sound. There was also some confusion as it set 200 feet from the property line of the property on which the source of the sound is located, whichever is less. That standard on a large lot can cause us to issue a citation to a property owner who is generating a loud sound on his or her own lot. Measuring 200 feet from the property line is an easier standard and avoids neighbor-to-neighbor disputes. Typically, our single-family minimum lot frontage is 80 feet, so this would be measured on a lot two houses away. Obviously, the sound would be much louder at the next-door neighbor's home, but a zero-lot line standard may be very difficult to manage.

Mr. Donnellon added that it is important that when we are issuing citations that we use the handheld measuring devices owned by the Police Department. Much like using a laser gun for enforcing speed limits, the device provides an objective measurement, and can be demonstrated in court that the users are trained, and that the device has been properly calibrated. At some point we may need a higher court to recognize that this is an objective basis for determining a citation, but it is a start and allows us to begin enforcement. Mr. Donnellon prompted the question of will the police issue citations in all circumstances. He stated that the police have an option to respond to a complaint, measure the noise, then address the complaint with the property owner from where the noise is emanating. In the officer's discretion they could issue a warning asking the noise to be turned down. If the violation persists, a citation may be issued. If it is a persistent basis night after night, it likely would warrant a citation.

Mr. Donnellon stated that we need to keep in mind that there are applications which can be purchased through a cellphone which measure noise. These are not as sophisticated as the handheld devices which will be used by the Police Department. They also may not be properly measuring noise as the more sophisticated, scientific instruments calibrate the noise considering low frequency and high frequency rather than a pinpoint noise. Also, we would be reluctant to rely upon a citizen's personal complaint not knowing when they measured the noise, where they measured the noise, and how sensitive or insensitive

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their microphone may be on their handheld device. The handheld device, though, may be the basis for receiving the complaint, but it is not the end of the complaint. The same can be true when someone calls the police to a street and complains that a driver is going 50 miles per hour every morning up and down the roadway. It is their opinion, but it may not be sufficient to be the foundation to prosecute in court.

Vice Mayor Margolis asked if people call 911 for noise complaints.

Both Mr. Donnellon and Chief Crowell confirmed that they did but that nine out of the ten calls the source of the complaint will comply with police and lower the noise level.

Mr. Suer asked Chief Crowell if the Police Department had the handheld units.

Chief Crowell replied that a handheld unit was purchased in 2020 in anticipation of the revised Noise Ordinance. He explained that each unit costs \$300 and that a calibration devise is \$100. He stated that the department has both and are working to become familiar with them.

Mr. Suer asked if it is anticipated that each Officer would have a unit.

Chief Crowell replied that at this time only one Officer would have one. He stated that he feels they can continue to address complaints without enforcement but if they could not then one would be used. He stated that having the device would allow the officers to deal with complaints and adds a level of objectivity to the enforcement of the code.

Mr. Suer stated he thought it was good that we can now have evidence of the level of noise.

Mr. Cappel stated that he liked having a numerical standard and a device to measure it.

Ms. Roesch asked if the device retained the readings.

Chief Crowell replied that they do and that readings can be downloaded to a computer with graphs.

Mrs. Bissmeyer stated that she liked that police would not be in the position of making arbitrary decisions when dealing with complaints.

Mr. Cappel made a motion to add the legislation to the February 3 Business Session with the noted revisions. Mrs. Bissmeyer seconded. City Council unanimously agreed.

NEW LEGISLATION

There is no new legislation.

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

• The next City Council Business Session is scheduled for Wednesday, February 3. He stated that staff is requesting to schedule a CIC meeting prior to the February 3 Business Session at 6:45 p.m., to hold the annual meeting of Members and Trustees. He added that if Council were so inclined, they could make a motion to commence the Council meeting immediately following the CIC meeting.

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Vice Mayor Margolis moved to commence with the Business Session immediately after the conclusion of the CIC meeting. Mr. Cappel seconded. City Council unanimously agreed.

• Mr. Riblet stated that a Public Hearing was previously set for February 17 at 6:00 to review the recommendation by the Planning Commission for the expansion of a conditional use and Final Development Plan for construction of a new junior high building for Sycamore Community Schools and the Audi Dealership. Since that time, the Audi applicant has requested to be tabled, therefore, staff is proposing to change the time to 6:30 p.m. He added that a motion was previously made to commence the Work Session at the conclusion of the Public Hearing.

Mr. Cappel made a motion to begin the Public Hearing at 6:30 as requested by staff. Mr. Suer seconded. City Council unanimously agreed.

• The Financial Planning Committee will meet on Monday, February 1 at 4:30 p.m.. The Law and Safety, and Planning, Zoning and Landmarks Committees have cancelled their meetings for February.

• Mr. Riblet stated that at this time the Parks and Recreation, Government Affairs and Public Works Committees do not have agenda items, but he will provide an update at the February 3 meeting.

 Dr. Michael Gunn from the Cincinnati Chapter of the Sons of the American Revolution contacted staff
requesting to hold a service to place a grave marker in honor of the Revolutionary War Veterans who are
buried in Hopewell Cemetery. They are proposing to hold this on Saturday, April 17 at 2:00 p.m. Council
approved the event and date and time.

• The First Suburbs Membership Meeting will be held on Thursday, January 28 via Zoom from 6:00-7:30 p.m. Jeffrey Stec, Executive Director of Citizens for Civic Renewal, will be presenting on how to use Zoom to maximize civic engagement.

Mr. Riblet requested an Executive Session to consider the appointment, and employment of a public employee or official.

CITY COUNCIL REPORTS

 Mayor Dobrozsi explained that as there were a number of Board and Commission reappointments, he asked that the appointments be read and then have one motion made for the entire group.

The following Boards and Commission members were recommended for reappointment to their respective boards and commissions with the applicable terms:

- Elaine Cohen and Mark Laskovics to the Environmental Advisory Commission with terms ending January 31, 2024.
- Mike Hawkins to the Civil Service Commission with a term ending January 31, 2024.
 Jane Hohn and Aaron Kellenberger to the Beautification and Tree Commission with te
 - Jane Hohn and Aaron Kellenberger to the Beautification and Tree Commission with terms ending January 31, 2024.
 - Jody Lowe and John Tholking to the Parks and Recreation Commission with terms ending January 31, 2024.
 - Gary Blomberg, Chris Skufca and Ed Steinebrey to the Board of Tax Appeals with terms ending on January 31, 2023.

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- Tom Molloy to the Board of Zoning Appeals with a term ending on January 31, 2025.
- Larry Schwartz to the Landmarks Commission with a term ending on January 31, 2024.
- Michael Harbison and Dennis Hirotsu to the Planning Commission with terms ending on January 31, 2025.

Vice Mayor Margolis made a motion to reappoint all the members as stated to their respective Boards and Commissions for the stated terms. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Cappel

Mr. Cappel stated he had no report.

Mrs. Bissmeyer

Mrs. Bissmeyer stated that she attended a Sycamore Advisory Committee meeting where they discussed active interviews for a Superintendent due to the retirement of Frank Forsthoefel at the end of the school year.

Mrs. Bissmeyer also reported that she was appointed to the Cincinnati Library Foundation.

Ms. Roesch

Ms. Roesch stated she attended a BAMSO Board meeting this week.

Ms. Roesch stated that the pickleball courts are getting a lot of usage and staff was reviewing how to best manage the usage of the courts.

Ms. Roesch reported that at the Government Affairs Committee meeting the following topics were discussed:

- The Volunteer Dinner for 2021 that is normally held in April was discussed and options on how to best hold it with the current pandemic restrictions. The Committee determined that it was best to postpone it for 2021 and asked Council for feedback on this recommendation. Council all agreed that it was best to postpone it until 2022.
- The update of the Boards and Commission Manual regarding dress code and conduct was reviewed with suggested revisions to the language. She stated that when the dress code is followed it encourages people to act professionally and with civility. She added that language was revised to address that prior to reappointments conversations should be conducted between the Chair and Council and staff liaisons. She added that at the annual meeting of each board and commission in which they would hold their election of officers that it would be a good time for the Council Liaison to review the dress code and conduct of the members.

Mr. Riblet added that the review was initiated by former Council Member Harbison with the intent that all Boards and Commissions Chairs and Council Liaisons were consistent in their approach with their members.

Mr. Riblet stated that he would send the revisions to the manual to all Council for review and wait for feedback before making any changes.

Mr. Suer

Mr. Suer stated he had no report.

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251 <u>Vice Mayor Margolis</u>

Vice Mayor Margolis stated that at the last Landmarks Commission meeting there was a discussion regarding a historic Carriage House and Barn and their possible designation as a Landmark Buildings in Montgomery. He stated that the carriage house was on a resident's private property and it is expected they would apply for grant funding through the Historic Matching Grant program managed by the CIC. He added that the barn is on the Tree of Life Church property and that further information will be provided by Ms. Henao at a future date.

Mayor Dobrozsi

Mayor Dobrozsi stated that he participated in a recent Community Roundtable meeting via Zoom with representatives from Symmes Township, Blue Ash, and Sycamore Schools. He stated that these meetings are a great way to be up to date on issues and projects that other communities and schools are working on.

Mayor Dobrozsi also stated that he participated in a Sycamore Executive Advisory Board meeting where an update was given on current and future construction projects and their strategic planning with a focus on education that will prepare the students for business and life after graduation.

MINUTES

Mr. Cappel moved to accept the January 6, 2021 Public Hearing and Business Session minutes as written. Mrs. Bissmeyer seconded. City Council unanimously agreed.

OTHER BUSINESS

Mrs. Bissmeyer acknowledged the passing of Arts Commission member Barbara Lindsey and her dedication to the community seen throughout her career and volunteer efforts.

Mayor Dobrozsi stated that he would be out of town from January 21 through January 24 and appointed Vice Mayor Margolis as Acting Mayor during his absence.

GUESTS AND RESIDENTS

Mayor Dobrozsi stated that Brian Crosby was a guest present at City Hall and asked him if he would like to address Council. Mr. Crosby stated that he was there to observe as he was not able to do so in the past.

Mayor Dobrozsi stated there were no other guests present at City Hall and opened the floor to those who are present on the line. He asked for anyone on the line to state their name and address and to adhere to the three-minute speaking rule.

Gary Gross, 7943 Shelldale Way-Mr. Gross thanked staff and Council for slowing the process on the voting of the revised Noise Ordinance. He also thanked Mr. Donnellon for his research into the initial passing of the Ordinance. He stated that when he was on Council and they first looked the Noise Ordinance that they did not look for equipment that could measure the noise levels. He stated that technology has changed to make it more objective. He stated that 15 to 20 years ago that houses that were close to each other would have no protection to noise. He asked that consideration be given to the 200 feet from the property line language as he feels it does not protect adjoining properties. He added that he likes that the revisions address construction and automobile noise, but he questions if it handles resident to resident or commercial to resident issues. He asked that the police also consider noise tunnels around the businesses that funnel the noise to a further distance. Mr. Gross acknowledged that with the increased popularity of pickleball that there would be complaints on surrounding properties due to the noise

These minutes are a draft of the proposed minutes from the City Council meeting. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes. City Council Work Session Minutes January 20, 2021 Page 7	
level and felt this would help to address those complaints. He stated that the expansion of the language and changes in technology that we would have to consider and respect both sides of the issue.	
Mayor Dobrozsi thanked Mr. Gross for his comments and asked if there were any guests or residents on the line. As there was no response, Mayor Dobrozsi closed the floor to public comment.	
EXECUTIVE SESSION	
Mayor Dobrozsi stated that Mr. Riblet had requested an Executive Session to consider the appointment, and employment of a public employee or official. He explained that he anticipated no further discussion or vote on legislation when Council came back into Public Session.	
Mayor Dobrozsi asked for a motion to go into Executive Session. Vice Mayor Margolis made a motion to go into Executive Session to consider the appointment, and employment of a public employee or official. Mr. Cappel seconded.	
The roll was called and showed the following vote:	
AYE: Cappel, Bissmeyer, Roesch Suer, Margolis, Dobrozsi (6) NAY: (0)	
Council adjourned into Executive Session at 7:46 p.m.	
Council came back into Public Session at 9:24 p.m.	
<u>ADJOURNMENT</u>	
Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none he asked for a motion to adjourn.	
Mr. Cappel moved to adjourn. Mrs. Bissmeyer seconded. City Council unanimously agreed.	
City Council adjourned at 9:26 p.m.	
Connie Gaylor, Clerk of Council	