

July 1, 2022

TO: City Council Member Ron Messer, Chair  
Law and Safety Committee of City Council

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

SUBJECT: Law and Safety Committee Meeting of Thursday, July 7, 2022

As a reminder, the Law and Safety Committee is scheduled to meet on Thursday, July 7, 2022 at 3:30 p.m. Those agenda items to be discussed include:

1. Update on the Opioid Epidemic in Hamilton County—Staff will provide an update on the opioid epidemic in Hamilton County to the Committee at the meeting.
2. Discussion of the Hiring Process for Firefighter/Paramedic—Staff would like the opportunity to discuss the hiring process for Firefighter/Paramedic positions with the Committee at the meeting.
3. 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 March 7, 2022 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

AGENDA

July 7, 2022  
3:30 P.M.  
City Hall

1. Call to Order
2. Guests and Residents
3. Communications
4. New Business
  - a. Update on the Opioid Epidemic in Hamilton County
  - b. Discussion of the Hiring Process for Firefighter/Paramedic
5. Old Business
6. Executive Session
7. Approval of Minutes: March 7, 2022
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  
March 7, 2022

**Present**

Brian Riblet, City Manager  
John Crowell, Chief of Police  
Tracy Henao, Asst. City Manager  
Paul Wright, Fire Chief  
Greg Vonden Benken, Asst. Chief of Police  
Gary Heitkamp, Public Works Director  
Terry Donnellon, Law Director  
Connie Gaylor, Clerk of Council

**Committee Members Present**

Ron Messer, Chair  
Ken Suer  
Sasha Naiman

**Guests**

J.P. Burleigh, Esq.

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The Law and Safety Committee of Council convened its meeting for March 7, 2022 at 3:30 p.m. with Mr. Messer presiding.

**Update on No Engine Brake Discussion**

Mr. Heitkamp began the discussion by explaining that at the December 6, 2021, Law and Safety Committee of Council meeting, information was provided regarding a request for creating a “No Engine Brake” zone on Cross County Highway due to noise caused by trucks applying their engine brakes (aka jake brakes) and installing “No Engine Brake” signs. At the December meeting, the Committee requested that Staff perform some additional tasks pertaining to the matter, including taking additional truck counts (and the number of trucks that apply their engine brake) on eastbound Cross County Highway and taking noise level readings along the properties of Kennedy Lane that abut the highway.

Mr. Heitkamp explained that CT Consultants performed an additional truck traffic count on Cross County Highway to obtain another “sample” of truck traffic experienced in the eastbound direction of Cross County Highway during a typical weekday. Identical to the counts performed on October 6, 2021, CT Consultants was tasked to count all trucks (both single unit trucks and tractor-trailer trucks) heading east on Cross County Highway, and to count the number of trucks that emitted noise consistent with application of an engine brake. The count was performed on Thursday, February 17, 2022, which was randomly chosen, from 6:00 AM and 6:00 PM. A total of 117 trucks were counted, of which none applied an engine brake. The complete results of the count are attached.

Mr. Heitkamp stated that in addition, the Montgomery Police Department took sound measurements on February 16, 2022, and February 28, 2022. He explained that on February 16 around 1:30 PM, Chief Crowell parked on Kennedy Lane near 7640 Kennedy Lane with a view of Cross County Highway between homes. The location was 275-feet from the highway. Chief Crowell turned his vehicle off and held the noise meter outside

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Law and Safety Committee Minutes

March 7, 2022

Page 2

50 of the vehicle window to take readings for about 30 minutes. The ambient noise reading  
51 from wind, trees blowing, etc., was 56 decibels. Disregarding noise made from vehicles  
52 passing on Kennedy Lane, the highest reading from traffic on Cross County Highway  
53 reached 68 decibels. During the 30 minutes, Chief Crowell only observed one semi-truck,  
54 and it was accelerating in the westbound direction, registering 63 decibels. No engine  
55 braking was heard during his measurements.

56  
57 Mr. Heitkamp explained that on February 28 around 10:45 AM, Chief Crowell parked on  
58 Cross County Highway and stood up against the tree line on the south side of the highway  
59 close to the fence of 7550 Kennedy Lane, 25-feet away from the pavement edge. Chief  
60 Crowell took readings for about 20 minutes, during which time the ambient noise reading  
61 was 54 decibels, and the highest reading was 82.8 decibels when a dump truck was  
62 traveling eastbound (no engine brake was applied). The next highest reading was 81.5  
63 when a concrete truck was traveling eastbound (no engine brake was applied). Most  
64 traffic traveling eastbound was measuring in the low 70's decibels. No engine brakes  
65 were heard during the 20 minutes.

66  
67 Mr. Heitkamp explained that with this additional information, Staff does not feel it is  
68 necessary to enact an ordinance prohibiting the use of engine brakes and installing "No  
69 Engine Brake" signs on Cross County Highway. This is based on several considerations:

- 70
- 71 • The most recent counts demonstrate a very low percentage of trucks are applying  
72 their engine brakes at the location.
  - 73 • The noise level readings taken both from Kennedy Lane and in close proximity to  
74 Cross County Highway were not excessive, and no truck applied the engine brake  
75 during the times of the readings.
  - 76 • The ineffectiveness of a "No Engine Brake" ordinance and associated signage. It is  
77 Staff's opinion that these ordinances and signs are at best suggestive as an officer  
78 would need to be on site in real time to issue a citation.
  - 79 • The majority of noise generated from Cross County Highway traffic is not a result  
80 of engine brake application. Staff has experienced very similar increased noise  
81 levels at the subject location when trucks are accelerating in the west bound  
82 direction.
  - 83 • Truck traffic volume has been higher than normal over the past couple of years  
84 due to the construction of the roundabout project, the on-going construction of  
85 the Montgomery Quarter development project, and most recently construction of  
86 a new parking field at Moeller High School. Once construction is concluded, it is  
87 anticipated the number of trucks entering and exiting Cross County Highway will  
88 reduce, and thus the subsequent noise will be diminished. The completion of the  
89 Moeller lot may be the best evidence that the problem has been eliminated when  
90 comparing the analysis from October 2021 to February 2022.
  - 91 • Staff has received minimal complaints over the past couple of years regarding the  
92 noise of Cross County Highway, even with the amount of construction activity  
93 occurring in close proximity to Kennedy Lane and Hartfield Place.
  - 94 • Staff feels that enacting a "No Engine Brake" ordinance would be difficult to  
95 enforce.

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Law and Safety Committee Minutes

March 7, 2022

Page 3

96 Mr. Heitkamp closed stating that staff would recommend we continue to monitor the  
97 truck traffic and resultant noise to determine if further action is warranted in the future.  
98

99 Mr. Suer explained that he also spent two days visiting the area to observe traffic for this  
100 issue. He stated that he parked at three separate locations, including the Burris property,  
101 at different times in an effort to gauge the presence of the use of Jake Brakes as well as  
102 the noise level. He stated he heard no Jake Brake noise on any of these occasions. He  
103 stated the loudest noise he heard was from a car dragging a muffler. He added that he  
104 also spoke with a resident and asked if they heard the use of Jake Brakes and they  
105 responded they did not.  
106

107 Mr. Messer stated that he also had went to the area on two separate occasions to observe  
108 traffic. He stated that he walked different areas at different times and that he did hear a  
109 loud truck who was accelerating while going west bound on Ronald Reagan. He stated  
110 other than that instance he did not hear the use of Jake Brakes.  
111

112 Mrs. Naiman explained that based on the data reported, the use of Jake Brakes is low.  
113 She stated that she felt that the intermittent noise could be a result of construction from  
114 the Montgomery Quarter.  
115

116 Mr. Riblet added that construction was simultaneously occurring at the Montgomery  
117 Quarter as well as the student parking lot of Moeller High School.  
118

119 Mrs. Naiman stated that she is hesitant to create a broad scale Ordinance for this issue as  
120 the police department would not be able to assign an officer to this area for the single  
121 purpose of attempting to hear for the use of jake brakes and citing for it. She stated if  
122 there was a way of communicating with construction companies to request their drivers  
123 refrain from using their jake brakes that may be a better control measure. She stated she  
124 understood this would be a difficult ordinance to enforce.  
125

126 Mr. Riblet stated that traffic will ebb and flow due to ongoing construction at the  
127 Montgomery Quarter. He added that staff has contacted the project manager to discuss  
128 the use of Jake Brakes by all contractors working on the project.  
129

130 Mr. Burleigh, counsel for Mr. Burris, thanked staff and the Committee for their efforts put  
131 into the research of the issue. He stated that no one can predict the use of jake brakes.  
132 He explained that in the study conducted in October of 2021 there were 32 incidents  
133 reported that he felt would be very disruptive. He stated that while he understands the  
134 concern of the effectiveness of enforcing a No Engine Brake zone that Mr. Burris does  
135 not expect an officer to be stationed in the area. He stated that he felt a sign would be  
136 helpful in alerting drivers to not use their jake brake. He added that he did not feel the  
137 research shows the decibel level of an engine brake is compared to an ambient level  
138 near roundabout.  
139

140 Mr. Donnellon stated that an ambient noise level of 60 decibels is a something that people  
141 are already hearing on a day to day basis. He stated that the noise from acceleration  
142 could not be regulated.

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Law and Safety Committee Minutes

March 7, 2022

Page 4

143 Asst. Chief Vonden Benken explained that Chief Crowell parked on Ronald Reagan,  
144 approximately 25 feet from the pavement with a noise measuring device which registered  
145 70 decibels. He explained that residents on Kennedy Lane would hear noise as the  
146 properties were right next to a highway. Both Asst. Chief Vonden Benken and Chief  
147 Crowell would not suggest a sign but would recommend staying in touch with  
148 contractors in an effort to defray the use of jake brakes.

149  
150 Fire Chief Wright added that the large fire trucks have jake brakes and they do not make  
151 the loud popping noises that are associated with jake brakes. He stated he felt it was the  
152 choice of the type of brakes used by large trucks.

153  
154 Mr. Riblet added that as part of the roundabout construction the City was required to  
155 complete a noise study on Ronald Reagan and if the study would have resulted in data  
156 outside of acceptable range by ODOT that the City would have been required to install  
157 noise barrier walls and we were not.

158  
159 Mrs. Naiman asked if it would be helpful to install temporary signage during construction  
160 projects to warn people to slow down due to the change of traffic pattern with the  
161 roundabout.

162  
163 Mr. Heitkamp replied that the required signs are up that state "Construction Ahead" which  
164 imply an intent to slow down but do not specifically say that. He stated that he would  
165 look into installing "Reduced Speed Ahead" signs to be clearer.

166  
167 Mr. Heitkamp explained that it was staff's recommendation to not install "No Engine  
168 Brakes" signs but to continue monitoring the issue to determine if there is a need for  
169 further action.

170  
171 Mr. Suer made a motion to accept staff's recommendation. Mrs. Naiman seconded. The  
172 Committee unanimously agreed.

173  
174 Mr. Burleigh added that he was concerned about the issue of safety of the roundabout  
175 and asked if there will be an ongoing study of data of accidents in the roundabout.

176  
177 Mr. Heitkamp replied that staff is monitoring the safety of the roundabout and that the  
178 police department can pinpoint the locations of accidents within the roundabout to  
179 pinpoint where improvements in signage could be made.

180  
181 Other Business

182  
183 The Committee discussed the news that the City of Madeira passed a Dangerous Wild  
184 Animal Law. They asked staff if that was something of concern to the City.

185  
186 Mr. Riblet stated that from time to time there is a question about coyotes but that it has  
187 not been an issue.

188

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Law and Safety Committee Minutes

March 7, 2022

Page 5

189 Ms. Henao explained that the City passed an Exotic Animal Ordinance in 2015 prohibiting  
190 the keeping of dangerous animals.

191

192 **Minutes**

193

194 Mr. Suer made a motion to approve the minutes of the February 7, 2022 meeting. Mrs.  
195 Naiman seconded. The Committee unanimously approved the minutes.

196

197 **Adjournment**

198

199 Mrs. Naiman made a motion to adjourn the meeting. Mr. Suer seconded. The Committee  
200 unanimously agreed.

201

202 The Law and Safety Committee meeting adjourned at 4:14 p.m.

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Chair of Law and Safety Committee of City Council