

September 11, 2015

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

FROM: Wayne S. Davis, City Manager *WSD*

SUBJECT: Law and Safety Committee Meeting of Tuesday, September 15, 2015

As a reminder, the Law and Safety Committee is scheduled to meet on Tuesday, September 15, 2015, at 5:30 p.m. at City Hall. Those agenda items to be discussed include:

1. Move Over Ordinance—Please find an attached memorandum and draft legislation from Meghan Donnellon Hyden regarding a provision for motorists to move over or to exercise caution when approaching a vehicle that is displaying flashing lights. Staff will be present to discuss this memorandum and legislation with the Committee at Tuesday's meeting.
2. Other Business—The purpose of this 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, 2015 and June 1, 2015 meetings of the Committee for review and approval at Tuesday'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 (3)
Don Simpson, Police Chief
Paul Wright, Fire Chief
Connie Gaylor, Administrative Coordinator
File



AGENDA

**September 15, 2015
Montgomery City Hall
10101 Montgomery Road**

5:30 P.M.

- 1. Call To Order**
- 2. Guests and Residents**
- 3. Communications**
- 4. New Business**
 - a. Move Over Ordinance
- 5. Old Business**
- 6. Approval of Minutes: May 4, 2015 and June 1, 2015**
- 7. Other Business**
- 8. Adjournment**

TO: Ann Combs, Chair
Law and Safety Committee of City Council

FROM: Meghan Donnellon Hyden

RE: Move Over Ordinance

DATE: August 27, 2015

Several months ago, one of our officers was conducting a traffic stop on Cross County Highway and was nearly struck by a passing vehicle. After that encounter, he realized that the City's Code does not have an ordinance to mirror the State Ordinances regarding the requirement of motorists to move over or to exercise caution, when passing a vehicle with flashing lights.

Our officers are constantly conducting traffic stops on Cross County, I-71 and I-275 and their safety, as well as the safety of other Emergency and Road Service personnel, is a priority in the City.

The proposed Ordinance adds the specific provision for motorists to move over or to exercise caution when approaching a vehicle that is displaying flashing lights. This Ordinance mirrors the current State law, and I would encourage the Law & Safety Committee to recommend implementation of this Ordinance and pass the Ordinance as an emergency in order to enact and enforce it immediately.

Sincerely,



Meghan Donnellon Hyden,
Attorney at Law

MDH/

Enclosure

cc: Chief Don Simpson
Wayne Davis, City Manager
Connie Gaylor, Clerk of Council
File

ORDINANCE NO. , 2015

AN ORDINANCE IMPLEMENTING DUTIES UPON APPROACHING STATIONARY PUBLIC SAFETY, EMERGENCY, OR ROAD SERVICE VEHICLE DISPLAYING FLASHING LIGHTS AND DECLARING AN EMERGENCY

WHEREAS, State law imposes a duty on all vehicles operating on a vehicle on a roadway to move over or exercise caution when passing approaching a stationary vehicle with flashing lights; and

WHEREAS, the safety of our Police Officers, Emergency Response personnel and Road Service personnel is a priority in the City of Montgomery; and

WHEREAS, the City of Montgomery desires to update the Code of Ordinances to reflect the current changes in Ohio law to require motorists to change lanes or proceed with caution when approaching or passing a stationary emergency vehicle which is displaying flashing lights; and

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

SECTION 1. Section 73.101 of the Code of Ordinances entitled, *Duties upon approaching stationary public safety, emergency, or road service vehicle displaying flashing lights*, shall be adopted as follows:

(A) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with sections 4923.04 and 4923.06 of the Ohio Revised Code, or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating

lights, as prescribed in section 4513.17 of the Ohio Revised Code, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with sections 4923.04 and 4923.06 of the Ohio Revised Code, or a highway maintenance vehicle.

(2) If the driver is not traveling on a highway of a type described in division (A)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

(B) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with sections 4923.04 and 4923.06 of the Ohio Revised Code, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(C) No person shall fail to drive a motor vehicle in compliance with division (A)(1) or (2) of this section when so required by division (A) of this section.

(D) (1) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Notwithstanding section 2929.28 of the Ohio Revised Code, upon a finding that a person operated a motor vehicle in violation of division (C) of this section, the court, in addition to all other penalties provided by law, may impose a fine of up to two times the usual amount imposed for the violation.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3. The section and subsections 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 cause, shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

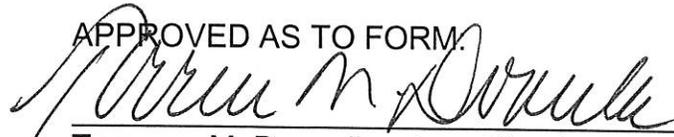
SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of public health, safety and welfare, and it shall take effect immediately as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM.



Terrence M. Donnellon, Law Director

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

City of Montgomery
Law & Safety Committee of City Council Meeting
May 4, 2015

Present

Wayne Davis, City Manager
Paul Wright, Fire Chief
Don Simpson, Chief of Police
John Crowell, Lieutenant
Connie Gaylor, Clerk of Council

City Council Committee Members Present

Ann Combs, Chair of Law & Safety
Ken Suer
Gerri Harbison

The meeting of the Law & Safety Committee of City Council convened in Council Chambers at 5:00 p.m. with Mrs. Combs presiding.

Hamilton County Heroin Task Force

Chief Don Simpson and Lieutenant John Crowell were present to discuss with the Committee the Hamilton County Heroin Task Force. Chief Simpson explained that The Hamilton County Association of Chiefs of Police has worked diligently over the last few months to create a coalition to address the growing heroin problem in southwest Ohio. He explained that the heroin problem in Ohio has reached every community and continues to impact the lives of many of our citizens. He stated that heroin deaths in Hamilton County alone totaled 177 in 2014. Due to these alarming numbers, law enforcement has teamed together with public health officials and other local governments to form a coalition to work together on the growing heroin problem. This coalition recently announced a multi-faceted approach including education, prevention, enforcement and treatment options.

Chief Simpson stated that The Hamilton County Heroin Coalition will require members to operate in a mutual aid type of environment where community boundaries may be crossed and cooperation between entities is paramount. The Coalition will soon seek the support of every community in Hamilton County by asking for a Resolution from each local government body.

Chief Simpson asked the Committee to consider making a recommendation to City Council to approve a Resolution for the support of the Hamilton County Heroin Task Force.

Mrs. Harbison made a motion to present a recommendation to City Council to approve a Resolution for the support of the Hamilton County Heroin Task Force. Mr. Suer seconded. The Committee unanimously agreed.

Update on the Ohio Chiefs of Police Conference

Chief Simpson updated the Committee on his recent attendance to the Ohio Chiefs of Police Conference in Columbus. Among the topics discussed were:

- A statewide law enforcement employment database that is accessible by every Chief and Sheriff that lists previous employees who were given the opportunity to resign rather than be terminated. Chief Simpson stated that this database would be a valuable tool in the hiring process. He stated that this topic drew support from all those in attendance.

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- Government Task Force-21st Century Policy-Chief Simpson updated the Committee that the required amount of state mandated training hours is currently four hours per year, per officer. With this mandate statewide, Chiefs and Sheriffs are pushing for the amount to be raised to 40 hours a year. Chief Simpson stated to the Committee that currently all City officers train in excess of the 40 hours a year.
- Hiring standards will change to mandate a background and psychological evaluation for all officers
- Raising the education standards for all new officers is being discussed by the Chief's, however this is not mandated by the State.
- Body Cameras and technology could be mandated at some point but there is still concern about the management of public records.
- Grand Jury testimony should be released to the public. The State is investigating allowing a Common Pleas Judge to observe the testimony procedures.
- Creation of a Child Abduction Response Team-This is a new process that Sergeant Greg Vonden Benken and Officer Mike Young are participating in and will educate our officers on.
- Public Records Law and Media

Vacancy on Civil Service

Mr. Davis updated the Committee on the recent vacancy to the Civil Service Commission after Dave Goodwin resigned due to a job relocation. Mr. Davis explained to the Committee that currently three individuals have submitted applications to DeAnna Gross, volunteer coordinator. He also stated that an article will be published in the May monthly newsletter to inform residents of the opening. He stated that staff would follow up with all applicants to schedule interviews and update the Committee accordingly.

Old Business

Mayor's Court

Mr. Wayne Davis updated the Committee on the status of the Mayor's Court operation. Mr. Davis stated that last year the Committee approved changing the status of the magistrate from an OPERS employee, to a contractual employee with no OPERS benefits, increasing his annual salary to \$24,000.

Mr. Wayne Davis also reported that a contract for prosecutorial services was agreed upon at a flat rate of \$48,000 for the year. Mr. Davis feels it was a positive move that has worked well for both the City and the Prosecutor.

Chief Simpson indicated to the Committee that he does feel that due to decrease in cases we could see a decrease in revenue which could cause a deficit in the budget. Chief Simpson stated

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that due to a shortage in personnel and redirected duties for a Field Training Officer, that citations have decreased which has affected our revenue. He feels that when those open positions have been filled and the Field Training Officer returns to his normal duties, that we will see a significant increase in revenues.

Mr. Suer and Mrs. Combs both advised Mr. Davis and Chief Simpson to keep the Committee abreast of the budgetary needs of the Mayor's Court and to be prepared to address them when it is needed.

Minutes

Mrs. Harbison made a motion to approve the minutes of the April 7 and September 8, 2014 meetings. Mr. Suer seconded. The Committee unanimously approved the minutes.

Adjournment

Mrs. Combs 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 5:55 p.m.

Chair of Law & Safety Committee of City Council

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City of Montgomery
Law and Safety Committee of City Council Meeting
June 1, 2015

Present

Julie Prickett, Human Resources Manager

City Council Committee Members Present

Ann Combs, Chair
Gerri Harbison
Ken Suer

The Law and Safety Committee of Council convened in Council Chambers at 4:30 p.m. with Mrs. Combs presiding.

Interviews for Vacant Positions on the Civil Service Commission

The Committee interviewed the following candidates for the vacant position on the Civil Service Commission:

- James Walker was scheduled but was not in attendance for his interview time for 4:30 P.M.
- Benny Miles was interviewed from 4:45 p.m. to 5:00 p.m.
- Fred Kleiser was interviewed from 5:00 p.m. to 5:15 p.m.
- Mark Albonetti was interviewed from 5:15 p.m. to 5:30 p.m.

Mr. Suer made a motion to close the interview process. Mrs. Harbison seconded. The Committee unanimously agreed.

Mrs. Harbison moved to recommend to City Council the appointment of Benny Miles to the Civil Service Commission to fulfill the term expiring January 31, 2017, due to the resignation of Dave Goodwin. Mr. Suer seconded. The Committee unanimously agreed.

Adjournment

Mrs. Combs asked for a motion to adjourn from the Committee meeting.

Mr. Suer moved to adjourn from the Committee meeting. Mrs. Harbison seconded. The Committee unanimously agreed.

The Law and Safety Committee of City Council meeting was adjourned at 5:41 p.m.

Chair