

MEMORANDUM

DATE: December 20, 2004

TO: Michael G. Herring, City Administrator

FROM: Chief Ray Johnson

SUBJECT: PUBLIC HEALTH & SAFETY COMMITTEE MEETING

The Public Health & Safety Committee met on Monday, December 20, 2004. Those in attendance included Committee Members, Chairperson Barry Flachsbart, Ward I, Councilmember Barry Streeter, Ward II, Councilmember Michael Casey, Ward III, Councilmember Connie Fults, Ward IV. Also in attendance were Councilmember Jane Durell, Ward I, Councilmember Bruce Geiger, Ward II, Councilmember Mary Brown, Ward IV, City Administrator Michael Herring, Chief Ray Johnson, City Attorney Doug Beach and several citizens.

(*To be discussed at Monday's Meeting)

The meeting was called to order at 5:45 PM by Chairperson Flachsbart.

1. Approval of Minutes – September 3, 2004

Councilmember Fults motioned and Councilmember Casey seconded to approve the minutes of the September 3, 2004 meeting. The motion carried 4-0.

2. *Adult Entertainment/Display Issues – Proposed Ordinances

City Attorney Doug Beach addressed the Committee regarding his recommendations of a four pronged approach which would best accomplish the goal of regulating adult entertainment practices in the City of Chesterfield. Firstly, Mr. Beach indicated that prior to passing certain regulating ordinances, it is necessary for the Council to enact a resolution that that in effect would establish, "community standards." The Resolution is a finding of fact which serves as a statement of specific behaviors being a detriment to the community. This Resolution would then serve as a foundation on which to enact specific ordinances which would restrict certain uses.

Councilmember Streeter motioned and Councilmember Fults seconded to forward all materials regarding the Resolution to the full Council for study and review. The motion carried 4-0. (See Resolution #313 – Attached)

Secondly, City Attorney Beach recommended that the City Council consider enacting zoning ordinances that would restrict the uses of such establishments within the City of Chesterfield. Councilmember Fults motioned and Councilmember Casey seconded to

remand this matter to the Planning & Zoning Committee with a recommendation from Public Health & Safety to develop such regulating ordinances. Motion carried 4-0.

Mr. Beach then recommended to the Committee that as a companion strategy, two additional ordinances should be enacted which prohibits specific behaviors. Mr. Beach indicated that there must be ordinances which make certain behaviors illegal and that serve as tools which are needed to challenge these behaviors. Such ordinances include:

Regulation of Public Display of Indecent Materials, and

Distribution of materials found to be harmful to children under 17.

Mr. Beach indicated that such specific ordinances have been found to pass constitutional challenges. Mr. Beach also indicated that the responsibility for enforcement of such ordinances would fall within the purview of the Police Department.

Councilmember Casey motioned and Councilmember Streeter seconded to table consideration of these ordinances until the next meeting. The motion failed 2-2. Councilmember's Casey & Streeter voting yes, Councilmember's Flachsbart & Fults voting no.

Following additional discussion, Councilmember Fults motioned and Councilmember Flachsbart seconded to forward these two ordinances to the full City Council for further consideration without a recommendation. Motion carried 4-0. (See Bill #'s 2327 & 2328)

3. Request for Stop Sign – Conway Road at White Road

The Committee reviewed a request to place a stop sign on Conway Road at White Road. Following discussion, Councilmember Fults motioned and Councilmember Streeter seconded to direct the City Administrator to forward a letter to St. Louis County asking for a review of this request. Councilmember Flachsbart asked that the letter convey that the request originated from the Trustees of Conway Forest. Motion carried 4-0.

4. Proposed Ordinance Prohibiting the Feeding of Ducks and Geese within the City

Councilmember Flachsbart led a discussion regarding the prohibition of feeding ducks and geese within the City limits of Chesterfield. Two residents, Jackie Seigel of Geese Peace and Karen Bell of the Wildlife Rescue Center spoke in favor of such an ordinance and provided the Committee with written documentation and a model ordinance in support of this action. Following discussion, Councilmember Streeter motioned and Councilmember Flachsbart seconded to direct the City Attorney to draft an ordinance that would regulate the feeding of all wildlife in the City of Chesterfield. Motion carried 4-0.

When such legislation is ultimately approved by City Council, Councilmember Streeter motioned and Councilmember Flachsbart seconded to direct the City Administrator to forward a letter to the Trustees of those subdivisions having lakes; asking that they post

signage around the lakes reflecting such regulation, and that these regulations, once in effect should be published in the Chesterfield Citizen Newsletter. Motion carried 4-0. Again, these actions will not take place until this proposed legislation is approved by City Council.

5. *Automatic External Defibrillators (AED)

Following discussion, Councilmember Casey motioned and Councilmember Fults seconded to recommend that the City Administrator purchase Automatic External Defibrillators for all city-owned facilities. Motion carried 4-0. (Monies for purchase to be transferred from fund reserves)

6. Police Reserves

Chief Johnson presented the Committee with correspondence from St. Louis County Prosecuting Attorney Robert McCulloch, wherein Mr. McCulloch offers his legal opinion that unlicensed Reserve Police Officers may not be used in the role of police officers and that if this is done, the entity granting such authority would be guilty of a Class B misdemeanor. Mr. McCulloch's letter seeks the City of Chesterfield's compliance with this associated statute. Chief Johnson proposed that unlicensed Reserves would be reassigned to a Police Auxiliary Unit which would function in a similar manner to our current reserve unit. These Auxiliary Officers would be disarmed and provided with new uniforms that would clearly differentiate them from police officers.

Councilmember Flachsbart inquired of several current reserve officers who were in attendance and asked if they were in agreement. Reserve Officer Adam Webber indicated that he had a different perspective of the matter and offered some additional definitions/classes of officer for the Committee to consider.

Following discussion, Councilmember Flachsbart motioned and Councilmember Streeter seconded to table this matter until the next meeting and to direct the City Administrator to obtain a legal opinion from the City Attorney regarding the reserve issue. Further, the motion stated that such tabling of this issue would not preclude any administrative actions that the Chief deemed immediately necessary and that the Committee supports any such action on the part of the Chief of Police. Motion carried 3-0-1. (With Councilmember Casey abstaining.)

7. Chairperson Flachsbart asked that the City Administrator poll the committee for a meeting date sometime in late February. Councilmember Flachsbart reminded the committee that matters regarding smoking in restaurants and reserve police had been tabled and would be addressed at the next Public Health & Safety Committee Meeting.

There were no additional items to discuss. The meeting adjourned at 7:08 PM.