

MEMORANDUM

DATE: August 15, 2005
TO: Michael G. Herring, City Administrator
FROM: Chief Ray Johnson
SUBJECT: PUBLIC HEALTH & SAFETY COMMITTEE MEETING

The Public Health and Safety Committee met on Thursday, August 11, 2005. Those in attendance included Chairperson Connie Fults, Ward IV, Councilmember Barry Flachsbart, Ward I, Councilmember Barry Streeter, Ward II, Councilmember Mike Casey, Ward III, City Administrator Mike Herring and Chief Ray Johnson. Also in attendance were Councilmember Bruce Geiger, Ward II, and approximately ten (10) interested persons.

The meeting was called to order at 5:30PM by Councilmember Fults.

1. Approval of Minutes – February 17, 2005

Councilmember Flachsbart motioned and Councilmember Casey seconded to approve the minutes of the February 17, 2005 meeting. The motion carried 4-0.

2. Election of Vice-Chairperson and Liaison to the Police Personnel Board

Councilmember Casey motioned and Councilmember Flachsbart seconded to appoint Councilmember Streeter as Vice-Chairperson to the Public Health & Safety Committee. The motion carried 4-0.

Councilmember Flachsbart motioned and Councilmember Streeter seconded to appoint Councilmember Casey as Liaison to the Police Personnel Board. The motion carried 4-0.

Councilmember Flachsbart motioned and Councilmember Streeter seconded to appoint Councilmember Fults as Liaison to the Drug Abuse Task Force. The motioned carried 4-0.

3. Deer Task Force

Members of the Deer Task Force (Wendy Goeckler, citizen of Chesterfield, and Erin Shank of the Missouri Department of Conservation) provided a status report and made recommendations for ways to manage the deer population in the City of Chesterfield. Additional road signage and archery hunting were noted as the most cost efficient recommendations given to the Committee members. After discussion, Councilmember Flachsbart motioned and Councilmember Streeter seconded to direct the City Attorney to consult with Chief Johnson and the Deer Task Force to amend the current City Ordinance to allow bow hunting on private property of a MINIMUM of one acre (this may be accomplished by combining adjoining properties), ONLY from tree stands, which are at least ten (10) feet in height, and ONLY if hunters notify the Police Department. After lengthy discussion, this motion was carried 4-0. Mr. Herring expressed some concerns

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regarding how such hunting would be permitted and by whom and the enforcement effort required, by such an ordinance. The proposed ordinance will be placed on the agenda for the next meeting of the Public Health & Safety Committee and these issues will be discussed at that time.

4. A. Animal Control Ordinance (Feral Cats)

Members of the Committee reviewed a proposed ordinance to address the problem of feral cats within the City of Chesterfield. After discussion, Councilmember Flachsbart motioned and Councilmember Casey seconded to hold this item for a future meeting and requested that City Attorney Beach provide additional information regarding actions taken by other municipalities to help alleviate this problem. The motion carried 4-0.

B. Regulation of Dangerous Animals

The Committee reviewed a propose ordinance to provide for the regulation of dangerous animals. Committee members noted that although St. Louis County has ordinances in place regulating dangerous animals, this municipal ordinance would enable cases to be charged in Municipal Court. Councilmember Flachsbart motioned and Councilmember Fults seconded to recommend that the City Council approve this proposed ordinance. After discussion, the motion was approved 3-1, with Councilmember Streeter voting "no". It was noted that, on Page 6 of this proposed ordinance, the word "revoked" should be "removed".

C. Proposed Ordinance Prohibiting Animals in City Hall

The Committee reviewed a proposed ordinance which would prohibit animals within City buildings, not including service/support animals, or animals utilized in an educational context. Councilmember Flachsbart motioned and Councilmember Streeter seconded to recommend that the City Council approve this ordinance. After discussion, the motion carried 3-1, with Councilmember Casey voting "no".

(NOTE: Councilmember Flachsbart left the meeting at approximately 6:35 PM.)

D. Obscenity Ordinance

The Committee reviewed a proposed ordinance to regulate the public display of offensive and sexually explicit material and the distribution of offensive material. Chairperson Fults asked for input from Committee members. Councilmember Casey noted that zoning and business license regulations had been adopted, regarding the regulation of "adult-oriented" businesses and that City Council had also adopted a Resolution, establishing "community standards", upon which the zoning and licensing regulations were based. Councilmember Fults expressed concerns regarding the "unintended consequences" of adopting such far-reaching ordinances, as those being considered by the Committee. She noted concerns expressed to her by Chesterfield businesses, due to the uncertainty of the intent and the application of these proposed ordinances. She reminded Committee members of the possible application of these ordinances to the sales of CDs, DVDs, the showing of movies at theaters in Chesterfield, as well as the sale of "mainstream" magazines, that some person might find offensive. Councilmember Streeter

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commented that, rather than government getting more involved with this issue, PARENTS should take more direct responsibility for educating their children and providing the proper environment for them. After further discussion, Councilmember Casey motioned and Councilmember Streeter seconded to table this issue, indefinitely. The motion was approved by a vote of 3-0.

E. Solicitation Ordinance Changes

The Committee reviewed a recommended revision to the current Municipal Ordinance dealing with solicitation within the City of Chesterfield. Councilmember Casey motioned and Councilmember Streeter seconded to hold this issue until City Staff can make administrative recommendations to provide for proposed changes. After discussion and noting the additional administrative demands contained within this proposed ordinance, the motion to hold this issue carried 3-0.

F. Revision of Controlled Substance Ordinance

The City's current controlled substance ordinance covers marijuana and hashish only. In response to a request from the City Prosecuting Attorney, the Committee members reviewed a proposed ordinance which would broaden the City's current ordinance to include a wider variety of illegal drugs, as well as items of drug paraphernalia. After review and discussion, Councilmember Casey motioned and Councilmember Streeter seconded to recommend the City Council approve the proposed ordinance. The motion carried 3-0.

G. Increase of Fines for Ordinance Violations

In response to a request from the City Prosecuting Attorney, the Committee members reviewed a proposed ordinance which would allow an increase in the maximum fines charged for Municipal Court violations, from \$500 to \$1,000, as allowed by State Statute. After review and discussion, Councilmember Casey motioned and Councilmember Streeter seconded to recommend the City Council approve this proposed ordinance. The motion carried 3-0.

H. Regulation of Motorized Play Vehicles

The Committee members reviewed a proposed ordinance regarding the regulation of motorized play vehicles. After discussion, Councilmember Casey motioned and Councilmember Streeter seconded to direct City Attorney Beach to refine the proposed ordinance with a clearer definition of "play vehicles" to be prohibited. The motion carried 3-0. This item will be placed on the agenda of the next Public Health & Safety Committee meeting.

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I. Municipal Search Warrants

The Committee reviewed a proposed ordinance regarding municipal search warrants. The proposed ordinance would better allow zoning enforcement officers' accessibility to private property when investigating reported zoning violations. After review, Councilmember Casey motioned and Councilmember Streeter seconded to recommend that the City Council approve the proposed ordinance. The motion carried 3-0.

J. Temporary Liquor License Application

The Committee members reviewed a proposed ordinance regarding the issuance of temporary liquor licenses. City Administrator Herring noted that the Director of Finance and Administration has requested additional time to work out details of the implementation of this proposed ordinance. Councilmember Casey motioned and Councilmember Streeter seconded to hold this ordinance and place it on the agenda for the next Public Health & Safety Committee meeting. The motion to hold this issue carried 3-0.

K. Municipal Government Licensing/ASCAP (Music)

The Committee reviewed a request from the American Society of Composers, Authors, & Publishers (ASCAP) for the City to obtain an ASCAP licensing Agreement. This licensing agreement would protect the City from any liability for music which is played within the City buildings at a public event on City property. The cost is \$268.00 yearly. After discussion and review, Councilmember Streeter motioned and Councilmember Fults seconded to recommend that the City Council approve this request for one year. The motion carried 3-0.

5. Citizen Survey

The Committee members reviewed a proposed survey form that solicits public response regarding the perception of the Chesterfield Police Department, as prepared and submitted by Chief Johnson. Chief Johnson noted that sixty surveys of this type are sent out each month to persons who have had police contact. However, Chief Johnson informed the Committee members that he would like to survey all Chesterfield citizens and requested that this form be placed in an upcoming "Chesterfield Citizen" Newsletter. After discussion, Councilmember Casey motioned and Councilmember Streeter seconded to approve this request. The motion carried 3-0.

6. Proposed City Council Resolution – National Incident Management System

The Committee members reviewed a proposed Resolution recognizing the National Incident Management System (NIMS) which would establish NIMS as the policy for the City. The adoption of this resolution will assure standardization of our City's emergency response to disasters, and would enable the City to possibly secure additional federal grant funding for homeland security issues. After discussion, Councilmember Casey motioned and Councilmember Streeter seconded to recommend that the City Council approve this Resolution. The motion carried 3-0.

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7. Pedestrian Crosswalk Signals – Olive Street & Woodsmill Roads

Councilmember Casey expressed safety concerns received from citizens regarding the lack of pedestrian crosswalk signals at the intersection of Olive Street and Woodsmill Roads. City Administrator Herring noted that the City has requested that the State install pedestrian crosswalk signals in the past and these requests have been denied. Councilmember Casey motioned and Councilmember Streeter seconded to direct the City Administrator to contact the Missouri Department of Transportation again, requesting signalized pedestrian crosswalks at this location. The motion carried 3-0.

8. SMART Trailers

Chief Johnson informed the Committee members that two of the four SMART Trailers that are utilized to monitor speed on City streets are no longer functioning, nor are they repairable. Chief Johnson asked that the Committee members approve the purchase of two new SMART Trailers. He noted that these replacement trailers would be purchased with dollars within the current FY2005 Budget, resulting from savings in the purchase of police vehicles. City Administrator Herring endorsed this request. Councilmember Fults motioned and Councilmember Streeter seconded to recommend approval of the request to purchase two SMART Trailers. The motion carried 3-0. The Committee members also expressed support to Mr. Herring and Chief Johnson, for the placement of funds in the FY2006 Budget, for the replacement of the remaining two SMART trailers.

9. Other

Mr. Herring provided the Committee with copies of a “notice” that had been distributed among some employees, urging them to attend the 8/15 City Council meeting, because “a person or persons unknown was going to discuss the City’s retirement plan and the “dissatisfaction” by some employees with the current plan”. The Committee accepted this as information.

10. Adjournment

The meeting adjourned at 7:20 PM.