

MEMORANDUM

DATE: May 23, 2017

TO: Mike Geisel, City Administrator

FROM: Chief Ray Johnson

SUBJECT: PUBLIC HEALTH & SAFETY COMMITTEE

The Public Health and Safety (PH&S) Committee met on Monday, May 22, 2017. Those in attendance included Chairperson Barry Flachsbart Councilmember - Ward I, Councilmember Guy Tillman, Ward II, Councilmember Dan Hurt, Ward III, Councilmember Tom Michelle Ohley, Ward IV, Mayor Bob Nation, Councilmember Barb McGuinness, Ward I, Councilmember Ben Keathley, Ward II, Chief Ray Johnson and City Administrator Mike Geisel. Those also in attendance included City Attorney Chris Graville, Captain Ed Nestor and City Prosecuting Attorney Tim Engelmeier. Several citizens were also in attendance

The meeting was called to order at 5:30 PM, by Chairperson Barry Flachsbart.

I. Approval of Minutes – February 27, 2017

Councilmember Tillman motioned and Councilmember Ohley seconded to approve the minutes of the February 27, 2017 Public Health and Safety Committee meeting. The motion carried 3-0.

(Councilmember Hurt arrived at 5:35 PM)

II. Selection of Vice-Chairperson and Liaisons to Police Personnel Board and CAPY

Councilmember Flachsbart motioned and Councilmember Tillman seconded to appoint Councilmember Ohley to serve as Vice-Chairperson of the Public Health & Safety Committee. The motion carried 4-0.

Councilmember Tillman motioned and Councilmember Ohley seconded to appoint Councilmember Flachsbart as liaison to the Police Personnel Board and to CAPY. The motion carried 4-0.

III. Prosecuting Attorney and Court Review

At the request of Councilmember Barry Flachsbart, Prosecuting Attorney Tim Englemeyer presented information regarding controversial cases adjudicated in the Chesterfield Municipal Court.

Prosecuting Attorney Englemeyer noted that he selected a sample of 14 cases that had been criticized by a local blogger. He addressed the practice of plea bargaining and amendments to these cases. Prosecuting Attorney Englemeyer addressed each of these cases individually from the initial report to the final outcome of each case. In each of these cases, he provided case evidence of each step of the court hearings. He informed the Committee members that each of these cases have been reported incorrectly by the blogger.

Prosecuting Attorney Englemeyer advised the Committee members of how plea bargaining efforts are mandated by the State Supreme Court because of number of cases. He also noted that the number of cases that are amended in Chesterfield may be the result of the fact that many defendants in this area hire attorneys to handle their cases.

Councilmember Keathley questioned how prior offenders and aggravating circumstances are handled. Prosecuting Attorney Englemeyer noted that he takes all items into account. Regarding DWI offenses, he informed those present that a Municipal Prosecutor cannot handle a third DWI offense; these are all handled at a State level. On second offense DWI, Prosecuting Attorney Englemeyer reported that he utilizes a standard sentence and conditions depending on the time between the first and second offense. Amendments to charges such as speeding depend on investigation of previous offenses as provided by REJIS and DWITS which provide a history of offenses within the State.

Councilmember Keathley inquired about Mr. Pezzani's role as an Assistant Prosecutor. Prosecuting Attorney Englemeyer replied that he has three attorneys, one paralegal, and several administrative staff that work in his law office. He noted that Mr. Pezzani's responsibility has to do with the heavy case load and not conflict cases. Conflict cases are sent to a provisional attorney.

Mayor Nation noted that the issue of conflict of interest has already been resolved.

Councilmember McGuinness inquired about Prosecuting Attorney Englemeyer's defense work. Mr. Englemeyer noted that this is a very limited part of his work as an attorney and felt his experience on both sides of issues serves the City well.

Councilmember Tillman motioned and Councilmember Hurt seconded to encourage the Mayor to move forward on the appointment of Prosecuting Attorney and to include members of the Engelmeyer law firm.

It was noted that the appointment of a Prosecuting Attorney is not a “bid for services”, but a Mayoral appointment.

Councilmember Hurt requested that Mr. Engelmeyer remove his name from defense cases. Mr. Engelmeyer agreed.

After discussion, the motion carried 4-0.

(Councilmember Hurt left the meeting at 6:25 PM)

IV. Proposed Ordinances

A. Unmanned Aircraft Systems (Drones)

Committee members reviewed a proposed ordinance that would regulate the use of drones in the City of Chesterfield. The purpose is to protect the safety and privacy of citizens.

Mr. Mike Bein spoke on behalf of the proposed ordinance as written noting that it is enforceable and follows FAA regulations.

Chief Johnson stated that there is a provision in the ordinance that gave the Chief of Police authority to waive compliance with the ordinance restrictions when appropriate and does not jeopardize safety and security of the public or any individual.

Councilmember Tilman motioned and Councilmember Ohley seconded to send this proposed ordinance to City Council with a recommendation for approval. The motion carried 3-0.

B. AirBNB

Committee members reviewed a proposed ordinance that would regulate/prohibit the rental of homes as vacation rentals for periods of thirty days or less. Chief Johnson noted that there has been an increased interest in vacation rentals of single family dwellings.

City Administrator Geisel reminded Committee members that there is an ordinance already in place that regulates boarders and that ordinance excludes family members.

Councilmember Ohley motioned and Councilmember Tilman seconded to send this proposed ordinance to City Council with a recommendation for approval. The motion carried 3-0.

V. Body Worn Cameras (BWC'S)

Chief Johnson advised the Committee members of a national field trial of body worn cameras that is being offered to all United States Police Departments including the Chesterfield Police Department. This program will provide body cameras for each police officer for one year at no cost. There is also no obligation to purchase the cameras after the year trial period is completed. Chief Johnson reported that these are excellent cameras. Mr. Geisel also noted that the Police Department has been evaluating body cameras for more than a year.

Mayor Nation inquired about support from the Chesterfield Officers community for body cameras. Chief Johnson replied that there is great support for body cameras and officers are not reluctant to use the cameras.

Councilmembers asked about the cost of body cameras. Chief Johnson estimated the cost at \$60,000.00 per year with the number of officers that the Department has at this time.

(Councilmember Hurt returned to the meeting at 6:45 PM)

Councilmember Ohley asked if this company (AXON) is the only company offering a one-year trial. Captain Nestor replied, yes. He also noted that the Police Department currently has one body camera manufactured by this company. The body camera was won in an auction at a law enforcement event. He informed the Committee members that the camera and the storage of data and ease of assessing data from the camera have worked very well for the Department.

Councilmember Tilman voiced concern regarding going out for bids for body cameras after one year when Police Officers are accustomed to the camera they have been using for one year.

Councilmember McGuinness questioned Chief Johnson about the policy for use by officers. Chief Johnson replied that there is already a written policy in effect.

Councilmember Ohley motioned and Councilmember Tilman seconded to recommend that City Council approved the agreement for the

Chesterfield Police Department to participate in the field trial for body cameras for one year at no cost to the City. The motion carried 4-0.

V. Clarkson Valley

Chief Johnson reported that the City of Clarkson Valley has approved the proposal from the City of Chesterfield to provide police services for the next five years. Chief Johnson will be meeting with the Mayor of Clarkson Valley on Thursday, May 25th, to refine the contract. The final contract should be ready for City Council at the June 19th meeting. The effective date for providing police services is July 1, 2017. Officers to patrol the area have already been selected.

There was no further business.

The next meeting will be scheduled for early July.

The meeting adjourned at 7:10 PM