

MEMORANDUM

DATE: April 6, 2009
TO: Michael G. Herring, City Administrator
FROM: Chief Ray Johnson
SUBJECT: PUBLIC HEALTH & SAFETY COMMITTEE MEETING

The Public Health and Safety Committee met on Monday, April 6, 2009. Those in attendance included Chairperson Bob Nation, Ward IV, Councilmember Barry Flachsbart, Ward I, Councilmember Bruce Geiger, Ward II, Councilmember Mike Casey, Ward III, City Administrator Michael Herring, City Attorney Rob Heggie, Chief Ray Johnson, and Ms. Joan Schmelig of the Chesterfield Chamber of Commerce.

The meeting was called to order at 7:32 AM by Vice Chairman Mike Casey.

1. Approval of Minutes – December 1, 2008

Councilmember Geiger motioned and Councilmember Flachsbart motioned to approve the minutes of December 1, 2008. The motion carried 3-0. (Councilmember Nation arrived at 7:35 AM)

2. City-Wide Smoking Ban In Public Places

Councilmember Flachsbart introduced this subject noting the concern for the safety in the workplace and the evidence that supports that fact that second hand smoke is a “killer” and should be banned in all public places within the City of Chesterfield. Discussion ensued whereas all those present agreed with the fact that second hand smoke is a hazard. However Councilmember Geiger voiced his opinion that this should be addressed at the County and/or State level and not be limited just to Chesterfield.

Councilmember Casey noted that there are currently bills in the State of Missouri House and Senate to ban smoking in public areas but there is little support. Councilmember Casey also voiced the concern that in these severe economic times it may not be favorable to single out Chesterfield. Councilmember Casey suggested that a resolution from the City of Chesterfield encouraging the State and County to pass a smoking ban may assist in the passage of legislation on a State or County level. He noted that the City of Creve Coeur had recently taken similar action to pass such a resolution.

Councilmember Flachsbart voiced his opinion that the State will only act after cities enact their own ordinances. He also noted statistics that point to restaurants actually doing better, after smoking bans are imposed.

Councilmember Nation asked Ms. Schmelig for input. Ms. Schmelig responded that no recent surveys have been done but that the business community previously supported a ban at the State or County level where it would be fair to all. She did note that many restaurants in the City of Chesterfield are already smoke free, voluntarily.

Councilmember Nation voiced his belief that businesses would not lose income to St. Charles County or elsewhere if this ban was passed and that Chesterfield should be at the forefront of this issue, as it was recently with the Metro transportation issue.

Councilmember Geiger motioned and Councilmember Casey seconded to direct that a resolution be prepared for full Council consideration that would be sent to State Legislatures and to the County Council strongly supporting a smoking ban on a statewide and county-wide basis; and also directing City Administrator Herring to send letters to each of the City's State Legislators, along with copies of this resolution, upon its passage. After continued discussion, this motion carried unanimously.

City Administrator Herring suggested that Ms. Schmelig seek support from the Chamber Board of Directors, to endorse the same sort of action, either County-wide or State-wide. Ms. Schmelig agreed to discuss this with the Chesterfield Chamber of Commerce Board. She also suggested that "smoke-free" restaurants could be "highlighted" in future issues of Chamber publications.

3. License Plate Scanner

As previously directed by the Committee, Chief Johnson provided research information on Automatic License Plate Reader System to be utilized by Police Officers on patrol to locate stolen or wanted vehicles. Chief Johnson noted that this system is utilized by installing the basic equipment (cameras) onto patrol vehicles supported by software that is loaded onto the vehicle computers. The local Regional Justice Information System, which is utilized by the Police Department and provided data on stolen/wanted vehicles, has software which supports this system. Chief Johnson recently visited an agency that utilizes the equipment and informed the Committee members that it would be a productive tool for the Department.

After discussion, Councilmember Flachsbart motioned and Councilmember Geiger seconded to direct Chief Johnson to seek possible grant funding for the purchase of this equipment and report back to the Committee with any success. The motion carried unanimously.

4. Proposed Ordinances

A. Tampering

Mr. Heggie reviewed a proposed ordinance for adoption that relates to tampering. This was requested by the City's Prosecuting Attorney. This ordinance would clarify offenses against property including vehicles, utilities, and property. These types of offenses are currently sent to the St. Louis County Court and this proposed ordinance would allow for the Municipal Court to consider these offenses.

After discussion, Councilmember Flachsbart motioned and Councilmember Casey seconded to send this proposed ordinance to City Council with a recommendation for approval. The motion carried unanimously.

B. Mandatory Helmet Usage

Chief Johnson reported that St. Louis County had recently enacted an ordinance that requires juveniles between the ages of 1 and 17 to wear helmets during all wheeled sport activities. This County-wide ordinance impacts the City of Chesterfield. The proposed ordinance would allow the Chesterfield Municipal Court to consider these violations.

The Committee discussed this issue and voiced disapproval of the County-Wide ordinance that regulates parental responsibility. The Committee noted, however, that adoption of the proposed ordinance would allow any violations to be adjudicated within Chesterfield's court system.

After discussion, Councilmember Flachsbart motioned and Councilmember Nation seconded to send this proposed ordinance to City Council with a recommendation for approval. The motion carried unanimously. The Committee also directed that Chief Johnson notify the Committee if there are any changes in this issue on the County level. Further, the Committee directed Mr. Herring to forward a copy of this proposed ordinance, following approval by City Council, to Subdivision Trustees, indicating that this ordinance did NOT originate with the City of Chesterfield.

5. Community Service Aide

Chief Johnson informed the Committee of a new position within the Police Department of Community Service Aide. This position was accomplished by the shifting and reassignment of responsibilities within the Bureau of Community Service within the Department. This civilian position will include such activities as the removal of illegal signs, various noise complaints, animal complaints, derelict/abandoned or illegally parked vehicles and supplement traffic control at motor vehicle accidents and other such incidents, and working closely with the City Planning Department to assist with many of the code enforcement issues related to both property maintenance and nuisances. Mr. Herring commended Chief Johnson for his creative use of existing manpower. The Committee members voiced their support.

6. Liquor Laws Enforcement

Councilmember Nation next asked for clarification of the Police Dept's policies regarding the enforcement of "underage drinking" ordinances; specifically, the situation where the owner of an establishment is cited when a clerk makes a sale of liquor to an underage patron. Chief Johnson and City Attorney Heggie both responded that this is common practice and the State Liquor Control Agency encourages that incidents be handled in this manner. City Administrator Herring noted the current ordinance is fully supported by the City Prosecuting Attorney as this ordinance sends a strong message to the owners of establishments and because of this, there has never been a second offense when owners have been charged, with the initial offense. He also noted that the Prosecuting Attorney places the owner on "Suspended Imposition of Sentence", or probation, for one year and if there are no further violations, the matter is cleared and the owner will have no permanent record.

7. Police Department – CALEA Accreditation

City Administrator Herring announced that he recently attended the CALEA conference in Raleigh, North Carolina where the Chesterfield Police Department was officially awarded its re-accreditation. The Police Department had a perfect score on their recent on-site visit and the Department was widely praised by the CALEA Commission. Mr. Herring noted the high esteem with which Chief Johnson and his Department are held. The Committee members voiced their congratulations to the Police Department for a job well done.

8. Ordinance 562

Regarding the use of firearms, Councilmember Casey motioned and Councilmember Nation seconded to direct the City Attorney to review Ordinance 562, Section 21-104 in the Code of Ordinances with the Prosecuting Attorney for a more specific interpretation of the utilization of firearms. The motion carried 3-1 with Councilmember Flachsbart voting “no”.

9. Next Meeting

The next meeting is tentatively planned for June 15, 2009, at 7:30am.

10. Adjournment

The meeting adjourned at 9:12 AM.