

MEMORANDUM

DATE: December 20, 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 Monday, December 19, 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, City Attorney Rob Heggie and Chief Ray Johnson. Also in attendance were Councilmembers Mary Brown, Ward IV, and Bruce Geiger, Ward II, and four (4) visitors.

The meeting was called to order at 5:32PM by Councilmember Fults.

1. Approval of Minutes – October 26, 2005

Councilmember Casey motioned and Councilmember Flachsbart seconded to approve the minutes of the October 26, 2005 meeting. The motion carried 4-0.

2. Obscenity Ordinances

Chairperson Fults stated that Bill #'s 2327 and 2328 were removed from the table at the October 26, 2005 Public Health & Safety Committee meeting, after a request from citizens to reconsider these proposed ordinances, which would regulate displays of "offensive" and sexual materials. The Committee members and City Attorney Heggie then specifically reviewed the proposed ordinances and also reviewed the St. Louis County Obscenity Code. Mr. Streeter had requested examples of perceived "obscene" material from the citizens attending the meeting and was provided three (3) examples which included two magazine covers and a photo of the display window at Victoria's Secret (attached). Mr. Streeter expressed his opinion that these specific examples, although personally offensive, would still be considered "acceptable" by community standards and the magazine covers do not meet the criteria which would be established by these proposed ordinances. City Attorney Heggie advised the Committee members of the possibility of lawsuits and the difficulty and expense of defending these issues in higher Courts. After additional review, the Committee decided to merge Bills #2327 and #2328. The combined bills, with specific changes were recommended. Councilmember Flachsbart motioned and Councilmember Casey seconded to direct City Attorney Heggie to prepare a new ordinance with the changes requested by the Committee, for final review by the Public Health & Safety Committee. The motion carried 4-0.

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3. Motorized Play Vehicles

The Committee members reviewed changes made to a proposed ordinance that would prohibit certain motorized “play” vehicles within the City of Chesterfield. The Committee members made additional changes to correct two errors. Mr. Heggie was directed to work with Chief Johnson to “fine-tune” this proposed ordinance, to put it into final form and to place this back on the agenda for the next meeting of this Committee.

4. Keeping of Non-Domesticated Animals

City Administrator Herring advised the Committee members that he had received several complaints from citizens regarding neighbors keeping non-domesticated, farm animals, including raccoons, chickens, pigs, goats and ducks on small subdivision lots. A proposed ordinance was reviewed that would prohibit the keeping of these animals, within existing subdivisions. Mr. Herring noted that he and then-City Attorney Beach had checked with numerous other cities and every one of those cities had previously adopted this same ordinance. Councilmember Flachsbart motioned and Councilmember Casey seconded to amend this ordinance to apply ONLY to lots smaller than ½ acre. The motion carried by a vote of 4-0. Councilmember Flachsbart then motioned to move the revised proposed ordinance on to City Council. Councilmember Casey seconded the motion. After further discussion, the motion carried 3-1, with Councilmember Flachsbart voting “no”.

5. Adjournment

The meeting adjourned at 7:15 PM.