

## MEMORANDUM

**DATE:** July 13, 2009  
**TO:** Michael G. Herring, City Administrator  
**FROM:** Chief Ray Johnson  
**SUBJECT:** PUBLIC HEALTH & SAFETY COMMITTEE MEETING

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The Public Health and Safety Committee met on Monday, July 13, 2009. Those in attendance included Chairperson Barry Flachsbart, Ward I, Councilmember Lee Erickson, Ward II, Councilmember Randy Logan, Ward III, Councilmember Robert Nation, Ward IV, City Administrator Michael Herring and Chief Ray Johnson. Also in attendance were Councilmember Matt Segal, Ward I, Councilmember Mike Casey Ward III, City Attorney Rob Heggie, Mr. Gene Schenberg and Mr. Gary Stein.

The meeting was called to order at 7:30 AM by Chairperson Barry Flachsbart.

1. Approval of Minutes – April 6, 2009

Councilmember Nation motioned and Councilmember Logan seconded to approve the minutes of April 6, 2009. The motion carried 4-0.

3. Firearm Ordinance

Chairperson Flachsbart asked Councilmember Casey, as a former member of this Committee, to review previous discussions regarding possible changes to the City's Firearm Ordinance, which regulates the discharge of firearms within the City limits and provides an "exemption", to allow the discharge of firearms to protect property. Chairperson Flachsbart noted that the Prosecuting Attorney evaluates each complaint individually and makes the decision as to whether or not a complaint is within the parameters of the ordinance as it relates to necessity "to protect, life, livestock, crops or other property". The issue was initially brought to the Committee because of a neighborhood dispute regarding the shooting of squirrels by a homeowner. Several Committee members noted safety issues associated with the discharge of any sort of weapon, within a subdivision. Chairperson Flachsbart recognized Mr. Stein who displayed several darts that he had found in his yard, which his neighbor, Mr. Schenberg, had utilized in his attempts to kill the squirrels. Mr. Schenberg presented materials to the members of the Committee describing the damage squirrels do to property and asserted that he was operating within the authority authorized by the current ordinance. Chief Johnson noted that Police Officers routinely seize bb guns, etc. from juveniles because of safety issues and the current ordinance is the vehicle utilized to support the seizure of these types of weapons. Mr. Heggie summarized his letter, dated June 30, 2009, which he wrote after consulting with Prosecuting Attorney Tim Engelmeyer. He summarized the options that could be considered by the Committee, one of which was to leave the current ordinance intact.

After continued discussion, several Committee members voiced concerns about amending an ordinance to fit one specific situation. After further discussion, Chairperson Flachsbart asked if any member of the Committee wished to make a motion. No motions were offered and no further action was taken regarding this issue.

4. Proposed Ordinance – Unlawful Use of Credit & Debit Device

City Attorney Heggie presented a proposed ordinance, drafted at the request of Prosecuting Attorney Engelmeyer, to allow Chesterfield to prosecute, in our Municipal Court, those who illegally use credit or debit cards. Currently, violations are sent to St. Louis County Court where violators are often not charged because the cases are too small, or the violator is a first offender. This ordinance would make it possible to charge these violators in our Municipal Court. Felonious violations would still be charged in St. Louis County Court.

Councilmember Erickson motioned and Councilmember Nation seconded to forward this proposed ordinance to City Council with a recommendation for approval. The motion carried 4-0. (See Bill No. 2731)

5. Proposed Modification to Liquor Ordinance

Chief Johnson asked that the Committee consider a change in the current ordinance which regulates the Sunday sale of alcoholic beverages. The State of Missouri and St. Louis County both allow the sale of alcoholic beverages, whether package sales or by-the-drink, from 9:00 AM to 12 midnight, on Sundays. The City of Chesterfield currently does not allow sales to begin, prior to 11:00 AM, on Sundays. Many of the large establishments have computerized cash registers that have settings that correspond to the State or County Laws. The change would bring our Ordinance into alignment with the County, the State and each of the contiguous municipalities. Chief Johnson noted that this recommendation has been endorsed by both Prosecuting Attorney Tim Engelmeyer and City Attorney Rob Heggie. Mr. Herring commented that he saw this as a matter of “administrative house-keeping” which, if approved by the Committee and by City Council, would re-establish a “level playing field” for Chesterfield businesses.

Councilmember Logan motioned and Councilmember Flachsbart seconded to forward this proposed amendment to the Ordinance to City Council with a recommendation for approval. The motion carried 4-0. (See Bill No. 2732)

6. Chesterfield Alliance for Positive Youth Request for Letter of Introduction

City Administrator Herring informed the Committee members that Councilmember Nation had been approached, as Liaison from the Public Health & Safety Committee to the Chesterfield Alliance for Positive Youth (CAPY), for a “letter of introduction” to the Superintendents of the Parkway and Rockwood School Districts. The purpose of this letter will be to describe an upcoming forum, dealing with the dangers of drugs/alcohol use by school-aged kids, to be conducted by members of CAPY. Mr. Herring noted that he has on-going interactions with both Superintendents and that such a letter would endorse this upcoming forum and encourage the Superintendents to share information, about this upcoming forum, with teachers and students, in Chesterfield-area schools. He further noted that this forum has been endorsed by the Chairperson of CAPY, on behalf of the members of her committee.

After review, Councilmember Nation motioned and Councilmember Erickson seconded to direct City Administrator Herring to write a letter to the area School Superintendents requesting support of the Chesterfield Alliance for Positive Youth's upcoming forum. This motion carried 4-0.

2. Selection of Vice-Chair and Liaisons

The Committee members next voted to select a Vice-Chairman and Liaisons for the Police Personnel Board and for the Chesterfield Alliance for Positive Youth.

On a motion by Councilmember Nation, seconded by Councilmember Logan, the Committee voted 4-0 to approve the following Committee appointments:

Councilmember Logan was appointed as Vice-Chair of the Public Health & Safety Committee;

Councilmember Flachsbart was appointed as Liaison to the Police Personnel Board;

Councilmember Logan was appointed as Liaison to the Chesterfield Alliance for Positive Youth.

7. Next Meeting

The date for the next meeting is still to be decided.

8. Adjournment

The meeting adjourned at 8:48 AM.