

January 26, 2021

The January 26, 2021 City Council meeting was called to order via teleconference at 7:30 p.m., Mayor Barry Greenberg presiding.

ON ROLL CALL, the following members were present: Mayor Greenberg, Councilmember Crosley, Councilmember Faulkingham, Councilmember Pardini, Councilmember Phillips, Councilmember Schmidt and Councilmember Wood.

MOTION TO EXCUSE COUNCILPERSON: No need.

The City Attorney asked that the record reflect that pursuant to Section 610.015 of the Missouri Sunshine Law provides that members of the City Council who are not physically present in the Council Chambers can participate and vote remotely on all matters when an emergency exists and he asked that the minutes reflect again that we are still under the COVID-19 pandemic.

APPROVAL OF THE COUNCIL AGENDA: Councilmember Wood motioned to approve the agenda, seconded by Councilmember Phillips, which motion received the approval of the Council.

PUBLIC FORUM: Joshua Kryah, 3339 Cambridge, said that since stating his concerns at the last Council meeting regarding the Maplewood Police Officer Association's use of the thin blue line symbol on their Facebook page that the status quo must change. He emphasized the importance of working together to create change.

Beth Newman, 7401 Gayola, supports the City Council's recent statement condemning the use of the blue lives matter flag on the Maplewood Police Officer Association's Facebook page and is concerned about the troubling history of the president of the MPOA, Justin Cosma.

Ann Louise Schmitt, 7403 Lohmeyer, reiterated the need for police transparency, accountability and dialogue.

Brad Jackson, 2625 Hope and owner of Roughneck Beard Company, echoed the sentiments of the previous speakers and mentioned that Officer Justin Cosma is the founder and organizer of the MPOA.

Carla DeRousse echoed previous sentiments and added she appreciated the Council's review of the city's social media policy. She noted the police department's budget and staff has grown in past years with the support of the City Council. She asked that the MPOA's Facebook page make clear that is not affiliated with the City of Maplewood or the Maplewood Police Department's actual Facebook page. She also questioned the police department's hiring process going forward.

Laine Schenkelberg, agreed with previous speakers and stated she was alarmed to learn about the troubling history of Officer Justin Cosma and asked what kind of oversight the city has in terms of hiring of our police officers.

ANNOUNCEMENTS: Councilmember Wood made the following announcements:

- The City and the Mid County Chamber are partnering together for the Food Ambassador Program, a community lead program which pairs a block of neighbors with a local restaurant for delivery services.
- Sweet Tooth Tour will be held on February 20 with the morning session beginning at 8:30 followed by the afternoon session beginning at 1:00 p.m.
- St. Louis Community College's Continuing Education program is offering a class on January 29, called Maplewood: Trendy Suburb Born of Fire.

APPROVAL OF THE JANUARY 12, 2020 CITY COUNCIL MEETING MINUTES:

Councilmember Wood motioned to approve, duly seconded by Councilmember Phillips. Councilmember Phillips noted during Council Communication the Council discussed the city's social media policy and asked for updates on the policy and if it applies. The Council agreed and approved the minutes as noted.

BILL 6155, (7:51 p.m.) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF MAPLEWOOD AND ST. LOUIS COUNTY FOR MOSQUITO AND RODENT CONTROL SERVICES was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Phillips, that Bill No. 6155 be moved to its second reading, which motion received the approval, by voice vote, of the Council. Councilmember Crosley abstained.

On its second reading, it was moved by Councilmember Wood, duly seconded by Councilmember Phillips, that Bill No. 6155 be passed to its third and final reading, which motion received the approval, by voice vote, of the Council. Councilmember Crosley abstained.

BILL 6156, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, AMENDING ORDINANCE NO. 5478, CHAPTER 36-PARKS AND RECREATION, ARTICLE III-PARK RULES, SECTION 36-87-SELLING; ADVERTISING; POSTING SIGNS was given its first reading. It was moved by Councilmember Wood, duly seconded by Councilmember Faulkingham, that Bill No. 6156 be moved to its second reading, which motion received the approval, by voice vote, of the Council.

On its second reading, it was moved by Councilmember Wood, duly seconded by Councilmember Phillips, that Bill No. 6156 be passed to its third and final reading, which motion received the approval, by voice vote, of the Council.

OLD BUSINESS-DOG PARK (7:56 p.m.): The Council asked for rules and regulations from other municipalities.

OLD BUSINESS-EQUITY COMMISSION DISCUSSION (8:58 p.m.): Councilmember Crosley is drafting a purpose statement for the RFP, Councilmember Faulkingham provided information to Mr. Corcoran about the RFP and Councilmember Pardini sent the draft language earlier today for the resolution on commitment to racial equity.

OLD BUSINESS-FOOD PANTRY DISCUSSION (7:59 p.m.): Councilmember Crosley stated that some of the MapleGOOD leaders discussed their edits to the ordinance with her and sent them to the Council for their review. This will be discussed at the next Council meeting.

OLD BUSINESS-MARIJUANA ORDINANCE DISCUSSION (8:01 p.m.): The Council discussed keeping it against the law but not have any civil or criminal penalties or decriminalize it. If there are no legal issues, the council favored decriminalization. City Attorney Graves stated two choices (1) it's not against the law in the city of Maplewood or (2) it's against the laws in the city of Maplewood but we won't enforce it. Councilmember Crosley formerly requested a legal opinion on the city's ability to expunge any records for marijuana possession that resulted in charges or convictions by the City of Maplewood. Jackie Graves will do an analysis on decriminalization versus saying there is no penalty for it and draft an ordinance.

OLD BUSINESS-CITIZEN AND BUSINESS SURVEY (8:12 p.m.): The Council will have an open discussion on selecting the vendor at the next Council meeting.

OLD BUSINESS-MAPLE LEAF NEWSLETTER DISCUSSION (8:14 p.m.): Discussed issuing the newsletter more frequently and the costs involved. Councilmember Schmidt discussed having a process of opting out of receiving a paper copy of the newsletter on the occupancy permit. Councilmember Pardini discussed giving space to the School District or particular pieces of the School District like the Parents as Teachers Program.

COUNCIL COMMUNICATION: Councilmember Schmidt read a prepared statement which is attached.

Councilmember Crosley voiced her support of Councilmember Schmidt's statement and formerly asked Chief Kruse to attend the next council meeting to answer questions about personnel, policies, police leadership and the union.

MAYOR'S REPORT: Mayor Greenberg thanked Councilmember Schmidt for her statement. He feels that the Maplewood Police Department have represented themselves in a professional manner but the actions of the MPOA is not indicative of the same professionalism.

Mayor Greenberg also reported that the District 5 Mayors will hold a monthly meeting on the first Friday of the month to address local and regional levels.

CITY ATTORNEY'S REPORT: No report.

CITY MANAGER'S REPORT: No report.

PUBLIC FORUM (8:57 p.m.): Brad Jackson wanted to reiterate more focus on the organizer and administrator of the MPOA Facebook page and how he came to be a police officer for the City of Maplewood.

Beth Newman very much appreciates the comments of Councilmember Schmidt and Councilmember Crosley.

Nikylan Knapper, 7310 Marietta Avenue, quoted Martin Luther King "Our lives begin to end the day we become silent about things that matter." She appreciates that the council was not silent.

MOTION TO HOLD A CLOSED SESSION, IF NEEDED, TO DISCUSS MATTERS RELATING TO LITIGATION, LEGAL ACTIONS AND/OR COMMUNICATION FROM THE CITY ATTORNEY AS PROVIDED FOR IN SECTION 610.021(1)RSMO. AND/OR SPECIFICATIONS FOR COMPETITIVE BIDDING UNDER SECTION 610.021(11) AND/OR SEALED BIDS AND RELATED DOCUMENTS AND SEALED PROPOSALS AND RELATED DOCUMENTS UNDER SECTION 610.021(11) AND/OR PERSONNEL MATTERS UNDER SECTION 610.021(13)RSMO. AND/OR EMPLOYEE MATTERS UNDER SECTION 610.021(3)RSMO. AND/OR REAL ESTATE MATTERS UNDER SECTION 610.021(2)RSMO. AND/OR DOCUMENTS RELATED TO A NEGOTIATED CONTRACT UNDER SECTION 610.021(12)RSMO: No need.

There being no further business before the Council, the meeting adjourned on a motion by Councilmember Wood and seconded by Councilmember Phillips.

Councilmember Schmidt 's Statement for 1/26/21 Council Meeting

Over this past year this council has made a commitment to equity, to begin the process of ensuring that our city policies, processes, employees, elected officials are free of bias or are working on acknowledging and working through our biases, and that going forward we are making sure to apply an equity lens to the decisions we make, interactions we have and the policies we implement. So when the issue was raised in the public forum about the Thin Blue Line flag being used on the MPOA FB page- that the Thin Blue Line flag has been increasingly used by white supremacists and most recently in the disturbing attack on our Capitol and how the use of this flag on a page associated with Maplewood police officers could make residents feel unsafe- that seemed to me to fall squarely into our commitment to equity. Councilmember Crosley very professionally and correctly described these issues that were raised during the public forum and asked if it would be okay to request that they consider removing it. A conversation ensued the gist of which is that most if not all of the council expressed concern about the MPOA using that symbol, even in a personal Facebook page, because of the effect that could have on community members' feelings of safety and trust in the officers that serve them. During this conversation some may have inadvertently incorrectly referred to the Thin Blue Line flag as a Blue Lives Matter flag, but no one in that conversation said that it is only associated with white supremacy, that the MWPOA is racist for using it on their FB page or that this council does not support MWPOs. What we did was ask if we could put together some information and resources and share with the MWPOA along with a letter expressing our request for the MWPOA to take a look at and setting forth our concerns about that flag being used in connection with something bearing the name of this city.

A few days after this conversation, and before the council could even send the letter, the MWPOA posted a message on its FB page in which they interpreted that conversation to be one in which the council was accusing them of openly displaying a symbol of hatred and racism and that we were appalling for doing so and stating that dismissing the flag was dismissing them. What ensued is upsetting to say the least and as a result of all this I have several questions and concerns I would like to set forth.

1. The first is that it is unclear to me what anyone hoped to accomplish by this post. To me it seems it would have made sense to send a letter or an email in which the officers could express to us how they were feeling and why and could provide any information relating to things we may have misstated so that we could have had a professional and productive conversation together about it. I still welcome a conversation about this and hope that it occurs.
2. The second serious concern I had arises from what occurred in the comments section of that post. Anyone watching at home who may have kids who can hear this or anyone who doesn't like foul language, please mute your device because in about 30 seconds I am going to repeat some of the disturbing comments made to our residents because they bear repeating here. I read through every single one of the over 300 comments posted and saw many of our residents, people who I know are residents and who also identified themselves as such in their posts, making thoughtful comments to the post sharing their support of our officers but also asking them to consider how that flag may make members of our community feel, stating that the issue wasn't one of intent but rather of the impact it may have, and sharing some resources that could be read to get some background on the issues. In response, these are some of the

comments that were made to our residents: "you're a (expletive deleted) moron," "(expletive deleted)," "must be easy being stupid," and one resident's post was met with over 40 angry and threatening posts. Not once during this did the MPOA moderator, or any other officer for that matter, step in and intervene when our residents were being threatened, which was disturbing to say the least, considering that it was a post in which the MWPOA was stating that they are a part of the community- that they are our neighbors. I'm in the FB moms' group and that thing gets nasty, but when it takes a turn to name calling and threats, the group moderators step in and put an end to it. Why wasn't that done here? What's ironic to me is that this post resulted from a conversation we had about how that flag has been used by white supremacists and how upset the police were at our misidentifying the flag as a Blue Lives Matter flag and yet the people making these comments noted above- the vulgar, threatening ones, all had public posts that anyone can see that were supportive of the attack on our capitol and/or contained the "punisher skull" with the thin blue line flag on it which is a symbol used by the Blue Lives Matter movement and were not residents or business owners of this city. If I could see this then the moderator could see it, so why didn't they intervene? How is the public, how am I, supposed to interpret a willingness to allow the people our police officers are sworn to protect and serve or to be verbally attacked and threatened just for disagreeing with the police or asking them to take a look at how this symbol may make the community feel? One resident finally asked the MWPOA "what good is this post doing for you or for the community" to which she received no response.

3. My next concern arises from the fact that I do not understand how the MWPOA interpreted that conversation as meaning this council does not support its police officers. Councilmember Faulkingham posted a message on his FB page in response to the MWPOA's post which very succinctly and accurately describes the ways in which this council has supported the police during his 15 year tenure and I can confirm that in the 3.5 years I've been here, not once has the police department been turned down for anything they have requested and as I recall, every vote was unanimous. In fact, this council approved a 2018-19 FY budget in which 41% or \$3.8 million of the general fund dollars plus an additional \$450,000 in Prop P funds were allocated to the police department; approved a 2019-20 FY budget in which 44% or \$3.8 million of the general fund dollars plus an additional \$342,000 in Prop P funds were allocated to the PD, and approved a 2020-21 FY budget in which 44% or \$3.8 million of general fund dollars plus an additional \$527,000 in Prop P Funds were allocated to the police department. 41%, 44%, and 44% and unanimous approval each time. If that is not support, I guess I'm not sure what is.
4. This leads me into the next concern I had which is why was such an incongruous and charged response given to a conversation where we raised the issues of racism and white supremacy and which simply asked that they examine the history of how the symbol is being used and consider how it may make some of our residents feel. Over the past couple of years an effort has been made by the community and by this council to ensure that our police department is receiving ongoing anti-racism and bias training and we have been assured that the PD receives this training already because of the department's CALEA certification. In fact, we received an email earlier this month that informed us that all MWPOs are receiving a training this month entitled Diverse Communities/Bias Prevention and were provided a copy of the training materials.

Looking through this training, it lays out and describes in great detail the concept of cultural competency and how to apply it individually and to the agency as a whole and a full 10 pages of the 25-page packet are devoted to the Civil Rights Movement and the history of racism in this country. I'm assuming this is similar to previous training our officers have received and should be applying to their role as police officers and therefore gives our officers who want to the skills to respond to the council's discussion by taking a moment to think about the other perspective and then to have a respectful conversation about it. Instead, this post and what occurred in the comments section to me is completely lacking in any attempt to understand the feelings or experiences of the people our police department serves and for the police officer or officers who wrote that statement and those who supported it, I have real concerns about whether they are capable of engaging in the necessary training and self-reflection to rid themselves of bias and be able to serve our community safely and effectively.

5. The final concern I had is that when we had this discussion last meeting, we were immediately told that we (the city and/or council) cannot tell the MWPOA what they can and cannot put on this FB page because it's a union and it's personal. Here's the thing though, this FB page in no way makes it clear that this is not a city run Facebook page. It bears the name of Maplewood employees, it contains no disclaimer up front that the views expressed on this page are those of individuals and not the view of the City of Maplewood or the Maplewood police department and contains many posts of pictures of officers who appear to be on duty doing things for which they are being paid (or if they're not on duty, it's not clear they're not). That does not seem personal to me and it's hard for me to believe that the City cannot require that these particular issues be addressed to make it clear to the public that this really is a "personal" FB page.

It doesn't make me happy to sit here and have to say these things. Frankly, it makes me incredibly sad especially in light of that fact that over the past year or so this council and the police department have worked really hard together to improve the way we serve our community, especially those members of our community who are most vulnerable. However, what occurred cannot be normalized and must be addressed. I'm not sure what anyone can draw from what occurred other than that the officers of the MWPOA care more about a symbol than the people they serve. And I get how important that symbol is to them, believe me, I do, but the complete disregard for what the people who they serve feel and think, the inability or refusal to apply the training received to take a moment and try to understand the other perspective, the response that speaks to an attitude that police are not in any way accountable to those they serve or who in fact pay their salaries, is not okay and needs to be addressed. Being a police officer is dangerous and requires a certain trust in the people they serve with, which is probably why that symbol is so important, but it also requires the community they serve to trust them because with this role comes great power and a weapon both of which are capable of at a moment's notice destroying someone's life if used inappropriately.

I understand that I do not have the authority to interfere with personnel matters but this to me goes beyond a personnel matter. This speaks to the culture of a city department and raises grave concerns about accountability, safety, and trust. I would like to know what is being done or will be done to address this.