

February 9, 2021

The February 9, 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: Mary Kunce, 7418 Maple, read a Facebook post from a man raised in the community about an encounter he had with the Maplewood Police when he was in his teens 5-6 years ago.

Amy Breihan, 3445 Commonwealth, is concerned by the recent controversy over the Maplewood Police Officers Association and the thin blue line flag on its Facebook page. She stated it deteriorates trust in the community and residents are offended by it.

Serina Mikunda, 2425 Bellevue, comments unintelligible.

ANNOUNCEMENTS: Councilmember Wood made the following announcements:

- The Coffee Crawl was approved by the St. Louis County Health Department and will be held on March 20<sup>th</sup>. Ticket sales are limited to half the number of participants this year and will go on sale late next week.
- The Sweet Tooth Bakery opened this week at 7326B Manchester.
- Cheryl's Herbs moved down the street to 7223 Manchester.
- The Paramount Jewelers' sign is coming down later this month for restoration work.
- The Weekend On Wheels program started up again. They will be accepting food from 8:00 a.m. to 4:30 p.m. Call the school for a list of the most needed items.

APPROVAL OF THE JANUARY 26, 2020 CITY COUNCIL WORK SESSION AND MEETING MINUTES: Councilmember Wood motioned to approve, duly seconded by Councilmember Phillips which motion received the approval of the Council.

(7:45 p.m.) POLICE DEPARTMENT DISCUSSION: Councilmember Crosley thanked Chief Kruse and Lt. Nighbor for being available to educate constituents. She asked if the police had a social media policy. Chief Kruse responded that there is a social media and social networking policy that applies to police employees. Lt. Nighbor read parts of the general order on the social media policy. Councilmember Crosley asked about photos of private citizens on police Facebook pages. Lt. Nighbor said permission is asked of the resident(s) before posting. Councilmember Crosley asked if a police officer violates a direct order, how is it reported up the chain of command. Chief Kruse responded that it is an act of insubordination and would result in discipline. Councilmember Crosley asked about the policy on when officers are allowed to wear their uniform. Chief Kruse stated while on duty, traveling to and from work, attending a city event or secondary employment within the City of Maplewood. Councilmember Crosley asked about a question on the application regarding use of force. Chief Kruse said that when justified, the officer will use it. Councilmember Crosley asked how a candidate's judgement is determined on when to use appropriate use of force. Lt. Nighbor said oral interviews are conducted of candidates by a select group of officers that include a sergeant and lieutenant. Comprehensive background investigations are performed on the candidate by a detective. Councilmember Crosley asked what are qualities of a good candidate. Chief Kruse said a college education, good communication skills, good public relations and the ability to write reports. Councilmember Crosley asked about qualities of a bad candidate. Chief Kruse said records of arrest, bad driving record, undetected crime and sick leave. Councilmember Crosley asked if someone hog-ties a 12-year old, would that be a good or bad candidate. Chief Kruse said the necessary amount of force is used and will not comment on a particular officer. Councilmember Schmidt stated her concerns of the MPOA Facebook page and some of the threatening comments allowed to be posted on the page. Chief Kruse stated the site should have been moderated more closely. Councilmember Schmidt said the response was unprofessional and really concerning and asked if additional actions such as training would be taken to prevent the type of behavior that occurred by one or more officers. Lt. Nighbor said he reached out to community members for dialogue and shared this with MPOA members. Mayor Greenberg said while the city has no jurisdiction over the MPOA, certain requests were made. Chief Kruse said suggestions were made to MPOA with negative results. Mayor Greenberg asked if it was a freedom of speech issue. Lt. Nighbor said they are discussing the concerns with the association and making suggestions. Mayor Greenberg summarized that discussions are ongoing with MPOA and/or the union and concerns are being conveyed to them. Councilmember Pardini asked to clarify the Fraternal Order of Police relationship. ACM Traxler said it is a benevolent association and the City of Maplewood does not have a collective bargaining agreement with them. Attorney Hessel stated the MPOA is not a bargaining unit but the FOP is a bargaining unit.

(8:30 p.m.) PROCLAMATION PROCLAIMING FEBRUARY 22, 2021 AS SUPERMARKET EMPLOYEE DAY AND ASK ALL CITIZENS TO JOIN IN HONORING OUR SUPERMARKET HEROES was read by the Mayor and approved by the Council on a motion by Councilmember Wood and seconded by Councilmember Phillips.

(8:34 p.m.) **R21-5**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, TO SYSTEMATICALLY AND DELIBERATELY ADDRESS RACIAL INEQUITIES IN THE CITY OF MAPLEWOOD was introduced. It was moved by

Councilmember Wood and seconded by Councilmember Phillips to approve the resolution. Councilmember Pardini motioned to amend the title by adding “*declaring our commitment to,*” which was seconded by Councilmember Wood and the Council approved. It was moved by Councilmember Wood to approve the amended resolution and seconded by Councilmember Phillips, which motion received the following roll call vote: Ayes, Mayor Greenberg, members Crosley, Faulkingham, Pardini, Phillips, Schmidt and Wood. Nays, none.

**R21-6**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MISSOURI, APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF MAPLEWOOD AND GREAT RIVERS GREENWAY FOR THE DEER CREEK PARK GREENWAY AND APPROVING REIMBURSEMENT TO GREAT RIVERS GREENWAY FOR A CREEK STABILIZATION PROJECT IN THE AMOUNT OF SEVENTY-SEVEN THOUSAND DOLLARS (\$77,000) was introduced. It was moved by Councilmember Wood and seconded by Councilmember Phillips to approve the resolution, which motion received the following roll call vote: Ayes, Mayor Greenberg, members Crosley, Faulkingham, Pardini, Phillips, Schmidt and Wood. Nays, none.

(8:43 p.m.) **BILL 6155**, 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 third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Phillips that Bill No. 6155 be approved, which motion received the following roll call vote: Ayes, Mayor Greenberg, members Faulkingham, Pardini, Phillips, Schmidt and Wood. Nays, none. Abstain, member Crosley.

**BILL NO. 6155** was approved by the City Council on this 9<sup>th</sup> day of February, 2021 as **Ordinance Number 5950**.

**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 third and final reading. It was moved by Councilmember Wood, duly seconded by Councilmember Phillips that Bill 6156 be approved, which motion received the following roll call vote: Ayes, Mayor Greenberg, members Crosley, Faulkingham, Pardini, Phillips, Schmidt and Wood. Nays, none.

**BILL NO. 6156** was approved by the City Council on this 9<sup>th</sup> day of February, 2021 as **Ordinance Number 5951**.

(8:45 p.m.) OLD BUSINESS-DOG PARK HEARING DISCUSSION: After discussion, the Council felt the entire process should be kept at staff level.

(8:55 p.m.) OLD BUSINESS-CITIZEN AND BUSINESS SURVEY DISCUSSION: After

discussion, the Council directed staff to move forward with negotiating a contract with ETC.

(9:02 p.m.) OLD BUSINESS-EQUITY COMMISSION DISCUSSION: Moving forward, this item will be on future agendas as “Equity Discussion.”

COUNCIL COMMUNICATION: Councilmember Schmidt stated she will be attending the Green School Yards presentation with School District representatives and will report back to Council how it went and what it entails. Councilmember Pardini mentioned the council has a lot on their plate, with budget review work sessions, city manager hiring process, ordinance amendments and other projects. Councilmember Wood asked about the city manager resumes. Acting City Manager Traxler stated advertising for the city manager position would begin the second or third week of March. Potential candidates would be given one week to answer a questionnaire. Those resumes along with answers to the questionnaire would then be forwarded by Mr. Corcoran to Council for a decision of when to interview the candidate. After discussion, Councilmember Crosley proposed a work session to be held at 6:00 p.m. on February 23<sup>rd</sup> to exclusively discuss the approach to reviewing the ordinances and making a final decision on process at that time. Staff will email those board and commission members who volunteered of this work session.

MAYOR’S REPORT: Mayor Greenberg thanked those board and commission members who volunteered to participate in reviewing the city’s ordinances. He mentioned he attended a conference call meeting last week with the mayors of Richmond Heights, Brentwood, Glendale, Webster Groves, Clayton and Olivette to discuss common issues and concerns. He will also participate in a monthly meeting of District 5 mayors.

CITY ATTORNEY’S REPORT: No report.

CITY MANAGER’S REPORT: No report.

PUBLIC FORUM (9:20 p.m.): Gina LaRose stated that she was one of the three citizens invited to have a conversation last week with the police department and city leadership and feels the issue is still unresolved. The flag in question still remains the banner of the MPOA page. She feels that if the MPOA cannot properly moderate the comments on their page due to busy schedules, then the page should be dismantled because the digital presence is creating more harm than good.

Heidi Hellmuth appreciates the police department’s leadership attending tonight’s meeting. She respectfully requested that they take a step back and really hear what citizens are saying. She stated intent and training is not enough. She believes officers are well trained and have good intent but they need to realize there are problems that need to be addressed and to admit that improvement is needed and commit to moving forward.

Serina Mikunda, 2425 Bellevue, comments unintelligible. Councilmember Pardini encouraged Serina to submit her comments via email.

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.