

## NOTICE OF OPEN MEETING

Notice is hereby given that the City Council of the City of Ferguson, Missouri, will hold an **Open Meeting** with a vote to go into closed session on **June 14 at 7:00 PM**. To protect public health, safety, and welfare, the meeting will be held virtually (RSMO 610.015).

### Instructions For Joining

**Dial:** +1 312 626 6799 US

**Meeting ID:** 858 5569 8551

**Passcode:** 436669

<https://us06web.zoom.us/j/85855698551?pwd=endKNHZsVmlSc0drRzdVVG9VeWZlZz09>

### Instructions for Public Comments

Citizens interested in speaking during public comments may submit their comments via email to [FergusonQuestions@fergusoncity.com](mailto:FergusonQuestions@fergusoncity.com) by **5:00 p.m.** on **Monday, June 13, 2022**. Comments will also be accepted via chat during the zoom meeting.

### Instructions for Participating in Public Hearing

Citizens' comments will be accepted during the Public Hearing portion of the meeting. You should note in the chat box your interest in speaking. Comments will also be accepted via email prior to the meeting at [FergusonQuestions@fergusoncity.com](mailto:FergusonQuestions@fergusoncity.com). The topic of your email should be listed in the subject line. Emails should be received by **5:00p.m.** on **Monday, June 13, 2022**.

## TENTATIVE AGENDA ATTACHED

**THE CITY OF FERGUSON WILL PROVIDE REASONABLE ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES TO ENABLE THEIR ATTENDANCE AT CITY MEETINGS. PLEASE CONTACT THE CITY MANAGER'S OFFICE AT 314-521-7721 OR CONTACT US BY EMAIL AT [OPITTMAN@FERGUSONCITY.COM](mailto:OPITTMAN@FERGUSONCITY.COM) AT LEAST 72 HOURS PRIOR TO THE MEETING YOU WISH TO ATTEND TO MAKE YOUR ACCOMMODATION REQUEST.**

**REPRESENTATIVES OF THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING THE OFFICE OF THE CITY CLERK.**

**PLEASE NOTE: ATTENDEES ARE ASKED TO ADHERE TO ORDINANCE [#3624](#) PERTAINING TO CONDUCT AT PUBLIC MEETINGS, WHICH WILL BE STRICTLY ENFORCED BY THE FERGUSON CITY COUNCIL. FOR A COMPLETE COPY OF ORDINANCE [#3624](#) CONTACT THE CITY CLERK'S OFFICE.**

Octavia Pittman, City Clerk  
City of Ferguson  
110 Church Street  
Ferguson, MO 63135  
(314) 521 - 7721

Posted as amended this 13<sup>th</sup> day of June, 2022 at 10:00 a.m.

Octavia Pittman

By: Octavia Pittman, City Clerk

**CITY OF FERGUSON  
CITY COUNCIL MEETING  
JUNE 14, 2022  
TENTATIVE AGENDA**

**1. OPENING CEREMONIES**

- a. Call To Order
- b. Silent Prayer
- c. Pledge Of Allegiance To The American Flag
- d. Roll Call

**2. PUBLIC COMMENTS**

*Citizens interested in speaking during public comments may submit their comments via email to [FergusonQuestions@fergusoncity.com](mailto:FergusonQuestions@fergusoncity.com) by 5:00 p.m. on Monday, June 13, 2022. Comments will also be accepted via chat during the zoom meeting. Each speaker is allotted 3 minutes.*

**3. MANAGER'S REPORT**

- a. Fire Department / COVID Update – **John Hampton, Fire Chief**

**4. SPECIAL PRESENTATION**

- a. American Red Cross – **Beth Elders**
- b. Civilian Review Board Update – **Gerry Noll**

**5. PUBLIC HEARING**

*Citizens' comments will be accepted during the Public Hearing portion of the meeting. You should note in the chat box your interest in speaking. Comments will also be accepted via email prior to the meeting at [FergusonQuestions@fergusoncity.com](mailto:FergusonQuestions@fergusoncity.com). The topic of your email should be listed in the subject line. Emails should be received by 5:00p.m. on Monday, June 13, 2022.*

- a. Fiscal Year 2022-2023 Budget and The Proposed Five Year Capital Improvement Program For Fiscal Years 2023 - 2027

**6. CONSENT AGENDA**

**a. CITY COUNCIL MEETING MINUTES**

- i. Regular Meeting Minutes: [May 24, 2022](#)
- ii. Special Meeting Minutes: [May 24, 2022](#); [May 26, 2022](#); [May 31, 2022](#)

**b. BOARD/COMMISSION MEETING MINUTES**

- i. Civilian Review Board: [May 2, 2022](#)
- ii. Farmers Market: [March 16, 2022](#)

**c. APPOINTMENTS**

**d. REQUESTS**

- i. **Liquor License Approval**
  - o (New) Family Dollar (1120 N. Florissant Road)
- ii. **Annual Liquor License Approvals**

**e. PROCLAMATIONS**

**7. RESOLUTIONS**

- a. [Resolution #2022-23](#) – A Resolution Appointing William Goldstein As Municipal Judge For The City Of Ferguson For A Term Of Two (2) Years

**8. BILLS REQUIRING FIRST READING**

- a. [Bill No. 7227](#) – An Ordinance Amending Certain Sections Within Division 1 Of Article II Of Chapter 42 Of The Code Of Ordinances For The City Of Ferguson All

Relating To The Regulation And Issuance Of Business Licenses In The City Of Ferguson.

**9. BILLS REQUIRING SECOND READING**

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

- a. Discussions Regarding [NPSC Recommendation](#) To Amend The Conflict Of Interest Ordinance

**12. MISCELLANEOUS**

**13. CLOSED SESSION**

*Upon a motion duly made and approved by affirmative vote of a majority of a quorum of the Council, the City Council may go into closed session at any time for discussions and/or action pertaining to one or more of the reasons set forth in Section 610.021 RSMO., which includes, but is not limited to: (1) legal actions, causes of action or litigation and confidential or privileged communications between the Council and its attorneys; (2) lease, purchase or sale of real estate; (3) hiring, firing, disciplining or promoting particular employees; (9) negotiations with employee groups; (11) specifications for competitive bidding; (12) negotiations of a contract; (13) personnel matters where individually identifiable personnel information or records may be disclosed; (14) any other information which may be protected by law; (19) existing or proposed security systems and structural plans of real property owned or leased by a public governmental body.*

- a. **RSMO 610.021 (2, 3, 9)**

**14. ADJOURNMENT**

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**INTRODUCED BY:** Council Members Present / Council as a Whole

**AN ORDINANCE AMENDING CERTAIN SECTIONS WITHIN DIVISION 1 OF ARTICLE II OF CHAPTER 42 OF THE CODE OF ORDINANCES FOR THE CITY OF FERGUSON ALL RELATING TO THE REGULATION AND ISSUANCE OF BUSINESS LICENSES IN THE CITY OF FERGUSON.**

**WHEREAS,** the regulation of business licenses in the City of Ferguson represents a matter of public health properly subject to municipal regulation; and

**WHEREAS,** the City desires to amend its Code of Ordinances for the purpose of regulating businesses within the City of Ferguson;

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERGUSON, MISSOURI, AS FOLLOWS:**

**SECTION 1.** Section 42-22 of Division 1 of Article II of Chapter 42 of the Code of Ordinances of the City of Ferguson is hereby amended to read as follows:

Sec. 42-22. - License required.

- (a) No person shall engage in any of the businesses, trades or avocations described in this article within the city without first having obtained a license therefor from the director of finance and paying to the director of finance the designated fee or tax. The license shall be for the annual license year. No license, as provided for in this section, may be issued until the applicant first receives a certificate of occupancy for the premises wherein the business, trade, or avocation is to be conducted. This section shall not apply to home occupations, as defined in section 49-2.0., Definitions.
- (b) **The director of finance may refuse to issue a license to any applicant whose license has been previously revoked under Section 42-32(c), unless the applicant demonstrates good cause.**
- (c) **The director of finance may refuse to issue a license, or may impose reasonable restrictions on the license, if the applicant is requesting a license for a place of business that is currently subject to a revocation proceeding, term of suspension, or term of probation under Section 42-32(c).**

~~(Code 1973, § 32.02; Ord. No. 92-2670, § 1, 9-28-93)~~

**\*\*\***

[type that is bold and underlined denotes language that is added; type that is shown with

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

strikethrough denotes language that is deleted; type that is neither bolded nor strikethrough is restated as currently presented in the code]

**SECTION 2.** Section 42-31 of Division 1 of Article II of Chapter 42 of the Code of Ordinances of the City of Ferguson is hereby amended to read together as follows:

Sec. 42-31. - Violations; penalties.

- (a) *Delay in payment.* All license fees provided for in this article shall be deemed delinquent if not paid by May 31 of each year, and any person so delinquent shall pay to the director of finance an additional ten (10) percent of the amount due for the first month of such delinquency and one (1) percent of the amount due for each month or part thereof that such delinquency thereafter continues, in addition to any other penalty prescribed in this chapter.
- (b) *False statements causing reduction in payment.* Any person who makes a false statement which causes a reduction in any license fee shall be required to pay to the director of finance the additional amount due, plus a penalty of twenty-five (25) percent of such additional amount, plus one (1) percent interest per month or fraction thereof on such additional amount from the date originally due, in addition to any other penalties prescribed in this chapter.
- (c) *Noncompliance or violation.* Any failure to comply with or any violation of any provision of this article shall be guilty, upon conviction thereof, of an offense. Any fine assessed for such an offense shall be in addition to any other penalties assessed for delinquency or false statements causing a reduction in payment.
- ~~(d) *Revocation.* Any failure to comply with or any violation of any provision of this article by any licensee under this article shall be cause for revocation or suspension of such license by the council upon recommendation of the city manager, and such revocation or suspension shall be in addition to any other penalties prescribed in this chapter.~~

**SECTION 3.** Section 42-32 of Division 1 of Article II of Chapter 42 of the Code of Ordinances of the City of Ferguson is hereby enacted and shall state as follows:

## Sec. 42-32 – Revocation, Suspension, or Probation of License

- (a) *Revocation, Suspension, or Probation.* In addition to the other penalties prescribed herein, any licensee may have the license issued under the ordinances of the City of Ferguson revoked, suspended, or placed on a term of probation by the City Manager at any time during the effective period of such license for good cause, which shall include but is not limited to the following:
- (1) Failure to maintain adequate records as required herein;
  - (2) Failure to properly file returns as required herein and pay the full and proper amount of any license tax due;
  - (3) Failure to pay any obligation or fine due and owing to the City;
  - (4) Failure to accurately and completely provide information to the City in the application or renewal process or concerning the nature of the business for which the license is being sought;
  - (5) Failure to obtain an unconditional occupancy permit within the period of time mandated by the Public Services Department;
  - (6) Engaging in any conduct or the allowance of any conduct on the premises which is injurious to public health, safety and welfare;
  - (7) Any violation by the licensee of any ordinances of the City of Ferguson or the State of Missouri;
  - (8) Failure to pay any sales tax, as collected and as provided by law, to the Department of Revenue, State of Missouri; provided, however, that such revocation shall not become final for 10 days following receipt of such notice of deficiency, during which time such licensee shall have the opportunity to correct any sales tax deficiency, or upon notification of properly satisfying any and all sales tax obligations to the State of Missouri, the director of finance may reinstate a license; and
  - (9) Failure to remove or abate a nuisance after the time for removal or abatement has lapsed.
- (b) A license may be revoked, suspended, or placed on probation after notice and hearing is given to the licensee. The notice must include a statement of the intent and the reasons for the proposed revocation/suspension/probation. The hearing will be held before the City Manager, and at the hearing or at any stage of the proceeding, the licensee may be represented by counsel. At the hearing, the

licensee may offer evidence, including the testimony of witnesses and the introduction of documents, and cross-examine witnesses.

- (c) The City Manager must issue a decision regarding the proposed revocation of the license within 21 days of such hearing. The decision of the City Manager shall be final. The City Manager shall determine whether the license shall be revoked, suspended, or placed on a period of probation as set forth below:
- (1) *Revocation.* The City Manager may elect to revoke a license.
  - (2) *Suspension.* The City Manager may elect to suspend a license for a period of time up to and including 90 days. A suspension can be supplemented by a term of probation.
  - (3) *Probation.* The City Manager may elect to place a license on a term of probation. Probation may last for a period of time up to and including two (2) years. The term of probation may impose conditions on the use and sale of alcohol, the use or sale of tobacco, the hours and operation of the business, and other conditions that are reasonably necessary. Failure to abide by the terms of the probation may result in suspension or revocation of the license. Except for good cause shown, the term of probation shall remain on the address notwithstanding change of ownership of the business.
- (d) Judicial review, pursuant to the Missouri Administrative Procedures Act, Chapter 536, RSMo., shall apply to any such final decision of the City Manager.
- (e) *Request for Probation.* Instead of proceeding to a hearing as set forth in Section 42-32(b), a licensee may request a term of probation by the City Manager. Any agreed upon term of probation shall be final and non-appealable.

**SECTION 4.** Those provisions or terms or definitions contained within the affected sections and which are not specifically set forth are not amended or altered in any way and remain in full force and effect.

**SECTION 5.** In conformity with the provisions of said Code, the City Clerk shall cause appropriate copies to be made hereof and shall insert such copies in each edition of said Code.

**SECTION 6.** All ordinances and parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

**SECTION 7.** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

**BILL NO.** \_\_\_\_\_ **ORDINANCE NO.** \_\_\_\_\_

**FIRST READING:** \_\_\_\_\_ **SECOND READING:** \_\_\_\_\_

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FERGUSON,  
MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

ATTEST:

\_\_\_\_\_  
Ella M. Jones, Mayor

\_\_\_\_\_  
Octavia Pittman, City Clerk



# Ferguson Ordinance re. Conflicts of Interest

## NPSC Suggested Changes (Status after February 2022 Meeting)

### Sec. 2-107. - Declaration of policy.

The proper operation of government requires that public officials and employees of public entities be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established this policy and a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

(Ord. No. 2016-3625, § 1, 8-30-16; Ord. No. 2018-3647, § 1, 7-24-18)

### Sec. 2-108. - Conflicts of interest.

- (a) All elected and appointed officials as well as employees of the City shall comply with Section 105.454 RSMo. regarding conflicts of interest as well as comply with any other state law governing official conduct.
- (b) Any member of the City Council, candidate for elective office, city manager, and director of finance who has a substantial or private interest in any measure, bill, order or ordinance proposed or pending before the City Council must disclose that interest to the City and such disclosure shall be recorded in the appropriate journal of the City Council. Substantial or private interest is defined as ownership by the individual, his or her spouse, parents, sibling, aunts or uncles, parents-in-law, sons-in-law or daughters-in-law, first cousins, or his or her dependent children, whether singularly or collectively, directly or indirectly within any calendar year of:
  - (1) Ten (10) percent or more of any business entity; or
  - (2) An interest or profit-sharing arrangement, as defined in the sub-paragraphs below, having a value of ten thousand dollars (\$10,000.00) or more; or
  - (3) The receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00) or more, ~~per year~~ from any individual, partnership, corporation, limited liability corporation, joint venture, organization, or association ~~within any calendar year.~~
  - (4) Component investments of mutual funds or similarly bundled investment instruments where the elected official or city employee has no control over the individual investments do not need to be individually disclosed.

(e5) Any single gift to any member of the city council, candidate for elective office, city manager, and director of finance shall not be that is worth more than Five Dollars (\$5.00).

**Sec. 2-109. - Disclosure reports.**

- (a) Each elected official, candidate for elective office, the City Manager, and the Director of Finance shall disclose the following information by May 1, or the appropriate deadline as referenced in Section 105.487 RSMo. if any such transactions occurred during the previous calendar year:
- (1) For such person, and all persons within the first or second degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City.
  - (2) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City and other than transfers for no consideration to the City.
- (b) The City Manager and the Director of Finance also shall disclose the following information for the previous calendar year by filing an appropriate financial interest statement:
- (1) The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
  - (2) The name and address of each sole proprietorship that he or she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he or she was a partner or participant; the name and address of each partner or co-participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten-(10) one (1) percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two-(2) one (1) percent or more of any class of outstanding stock, limited partnership units or other equity interests;

- (3) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

**Sec. 2-110. - Filing of reports.**

- (a) The financial interest statements required by this section shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year;
  - (1) Every person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the city council **must** supplement the financial interests acquired after December 31 of the covered year until the date of filing of the financial statement.
  - (2) Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment covering the calendar year ending the previous December 31;
  - (3) Candidates for elective office, if required to file a financial interest statement, shall file the statement no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve (12) months prior to the closing date of filing for candidacy.
- (b) The financial interest statements shall be filed with the City Clerk and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. Financial interest statements shall not be deemed to be confidential, proprietary or private information. Failure to file a financial interest statement, in accordance with the limits provided in 2-108 and 2-110, in a timely manner shall be reason for removal from the ballot or fine as determined and enforced by the City Council, per Section 3.6 of the City Charter by the city clerk.

**Sec. 2-111. - Recusal.**

- (a) Any member of the city council, city manager, and director of finance who has an interest in accordance with Sections 2-107 through 2-110 in any measure, bill, order or ordinance proposed or pending before the city council per Section 2-108 shall recuse themselves from voting on any measure, bill, order or ordinance in which they have a conflict of interest, per Section 2-28(d).