

**CITY OF FERGUSON, MISSOURI
CITY COUNCIL MEETING MINUTES
FEBRUARY 22, 2022**

Due to the COVID-19 pandemic the Council meeting is being conducted through the use of a Webinar invite in which all members of the City Council, staff and citizens are participating in the meeting remotely. Section 610.015 of the Mo. Sunshine Law provides that members of the Council who are not physically in the Council Chambers can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes. Thus, these minutes reflect that the U.S., and the world, is in a state of emergency due to the Coronavirus—COVID-19. The Missouri Governor and the County Executive have issued Orders limiting meetings and gatherings sizes. These Orders are intended to avoid the spread of the Coronavirus. Therefore, all members of the City Council, and staff, are participating in this meeting electronically as matter of public health and safety for each other and the general public.

Mayor Ella M. Jones called the meeting to order at 7:00 p.m. via Zoom Teleconference (RSMO 610.015) due to the recent State of Emergency. A copy of the recording will be made accessible via the City’s Website and Social Media Outlets. She immediately led a silent prayer followed by the Pledge of Allegiance.

ROLL CALL

Councilwoman Naquittia Noah	Present	Mayor Ella Jones	Present
Councilwoman Fran Griffin	Present	Councilwoman Linda Lipka	Present
Councilwoman J. Toni Burrow	Present	Councilwoman Phedra Nelson	Present
Councilwoman Heather Robinett	Present		

A quorum was declared. Also present were City Manager Eric Osterberg, Fire Chief John Hampton, Police Chief Frank McCall, Planning Director Elliot Liebson, City Attorney Apollo Carey, and City Clerk Octavia Pittman.

PUBLIC COMMENTS

Nick Kasoff addressed council regarding the proposal for senior housing, stating it was great to use unused land but concerned with the city providing assistance with overall financial issues.

Sara Holmes stated we need a council that acts legally and ethically and will speak out against misconduct. She offered comments of Councilwoman Nelson’s work with the YMCA and added it should not be politically driven.

Erica Brooks, Dear City of Ferguson and Citizen, I am writing once again to get an update on the general response of the community of Ferguson about where the ARPA Funding appropriations should be spent as a result of the community forums held in December 2021 and January 2022 in addition to the community survey by email. Also, did the two Councilwomen, Toni Burrow and Heather Robinette of Ward 2 submit any projects of concerns they felt were immediate issues? What past requisitions have the City of Ferguson put in to be funded with the ARPA Funding? Next, in the last city council meeting on February 8, 2022, I asked what was the status of the redirecting process in Ferguson and there wasn't a response. However, the City held a redistricting meeting on Friday, February 17, 2022 and posted on their website only two days before. There's no transparency how this process that will effect the

African Americans people's political and civic rights, as well as the funding for Ferguson. There's no racial equity nor inclusion. Finally, what is status of the City's Assessment of Via Metro STL's Economic Impact on The Citizens of Ferguson? Councilwoman Burrow, I'm not looking for a callback, but some accountability and transparency.

Adrian Shropshire thanked public works for their dedication as well as the council. He added that it may not always work as it should but the City Manager, City Attorney and City Council works diligently.

Gerry Noll announced there is currently an open seat on CRB and will be 2 more in June, he asked the Council to work to fill those appointments. He also announced that CRB will hold a Town Hall on March 15th; 6:30-8:00pm via zoom to cover topics from the NACOLE Conference.

MANAGER'S REPORT

COVID Update – Chief John Hampton

Chief Hampton reported that COVID is on a downward trend with cases and hospitalizations. He noted at home tests are becoming available as well as vaccines and boosters for those that have not yet taken them. He also suggested continued practice of social distancing and to avoid large crowds. The City is planning testing events at City Hall, the Community Center at the MSB School lot.

Community Policing Update – Chief Frank McCall

Chief McCall provided a staffing update, explaining the process from application to include multiple interviews, extensive background with polygraph, and drug screen. There are 7 candidates in the process at present, 4 potentials for the police academy and 3 post certified. Questions were asked of the 911 recording system and it was noted that there was a malfunction in the December of which there was no notifications. Discussion was held and Councilwoman also noted being unaware and the potential to include in the SOP.

SPECIAL PRESENTATION

ARPA Funding Update – City Manager Eric Osterberg

City Manager Osterberg conducted a follow up presentation to the public engagement campaign. He thanked the public for their participation and noted their top choices for fund uses which included streetlights, vacant home remediation and demolition, to expand city support of farmer's market, home repair support, additional testing sites and pandemic info. He reminded that funding can be used anyway so long as we as recipients identify eligible uses by analyzing an economic health or safety harm exacerbated by the COVID-19 and designing a program to address that harm. He stated next steps are to hold a special discussion regarding the uses, budget inclusion and federal reporting. A full listing of requests and uses are available on the city's website.

Senior Housing Redevelopment Agreement – City Manager Eric Osterberg

Director Liebson provided an overview of previous incentives offered and projections as it relates to the senior project. He introduced a proposal in response to the request: \$100,000 from EDST as a forgivable loan, a waiver of all initial permit fees, and a waiver of the city share of property tax through 2033. Discussion was held of the process and council noted the lack of multiple bidders. A motion was made by councilwoman Lipka and seconded by Councilwoman Burrow to meet as a council to discuss incentive before moving forward to come to a consensus within the next 14 days. **ROLL CALL:** Councilwoman Noah – nay; Councilwoman Griffin – nay; Councilwoman Burrow – aye; Councilwoman Robinett – aye; Mayor Jones – nay; Councilwoman Lipka – aye; Councilwoman Nelson – nay; **MOTION FAILED.** Motion was made by Councilwoman Lipka seconded by Councilwoman Burrow that the Council have a meeting within the next 14 days to discuss incentives recommended by staff. **ROLL CALL:**

Councilwoman Noah – aye; Councilwoman Griffin – aye; Councilwoman Burrow – aye; Councilwoman Robinett – aye; Mayor Jones – aye; Councilwoman Lipka – aye; Councilwoman Nelson – aye; **MOTION PASSED.**

Conflict of Interest Policy Recommendation – Neighborhood Policing Steering Committee
Mildred Klines asked to delay this presentation to the next meeting for time.

PUBLIC HEARING

Shall A [Special Use Permit](#) Be Issued To Operate An Event Center/Bar Located At 3156 Pershall Road. The Parcel Is Currently Zoned C-2, Planned Commercial

Director Liebson announced the petitioners request to operate an event center and bar. The property located at 3156 Pershall Road is a multi-tenant office and retail strip center. In April of 2010, a Special Use Permit was issued to operate a club and lounge. The City has had various code issues with this use, and in 2021 the business closed. The current Applicant opened a home health care office at 409 S. Florissant in 2021. In the September of 2021 she and Staff discussed a proposed event space, which Staff agreed was a permissible use. The Applicant submitted her application for an event center in late November, and in January completed her liquor license paperwork. in the process of re-reviewing the Applicant's proposal, Staff had some concern about the details of the liquor license application, given the experience with the prior tenant of the space, and the application was pulled from Council review at their February 8th Meeting. Subsequent to that meeting, the Applicant has indicated their intent to operate the event space as a regular bar on days when there is no event using the facility. The Applicant will not serve patrons dressed inappropriately nor those under the age of 55, and they will have onsite security monitoring customers' vehicles. On February 16, 2022, the Plan Commission met and reviewed the Application for Special Use Permit. The Commission voted unanimously to approve the Application.

It is believed that the proposed site can be operated in a manner that is not detrimental to the surrounding area. Based on this analysis and accompanying rationales, staff recommends the approval of a Special Use Permit for 3156 Pershall Road, with the following Conditions of Approval:

- The subject proposal shall comply with all applicable local, state, and federal laws and regulations in effect upon the City's determination that the development plan application is complete.
- All uses and development within the site shall conform to all relevant requirements and standards of:
 - a. The Ferguson Municipal Code.
 - b. The building codes as adopted by the City.
 - c. All other applicable state and local regulations.
- The petitioner must apply for a commercial occupancy permit and business license.
- Hours of operation shall be 12:00 p.m. to 1:00 a.m. Monday-Saturday, and 12:00 p.m. to 10:00 p.m. on Sunday
- The petitioner must conform to the Ferguson Municipal Code, Chapter 29 (Offenses), Section 29-92 (Noises Prohibited).

Gerald Johnson (partner) explained that the target group is 55 and up. He added that he has been in St. Louis for 8 years (Déjà vu on Old Halls Ferry Rd) and the only outdoor events he had were approved due to the pandemic and he does not plan to continue that practice.

Kimberly Camp stated opposition as it would be a disruption.

Adrian Shropshire stated his intent to patronize because of the older crowds.

Erica Brooks stated support due to previous experience and the nice atmosphere.

Kevin Finazzo complained that a previous vendor had outside events that were not shut down.

Mayor Jones closed the public hearing at 10:20 pm.

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES

Regular Meeting Minutes

Regular Meeting Minutes: [February 8, 2022](#)

This was postponed to the next meeting for council review.

Special Meeting Minutes:

Special Meeting Minutes: [February 3, 2022](#); [February 8, 2022](#)

Motion was made by Councilwoman Robinett and seconded by Councilwoman Nelson to approve the meeting minutes. Unanimous vote in favor taken; **MOTION PASSED.**

BOARD/ COMMISSION MEETING MINUTES

None

APPOINTMENTS

Motion was made by Councilwoman Robinett and seconded by Councilwoman Nelson to appoint **LaRae Jackson** to the **Farmer's Market Commission**. Unanimous vote in favor taken; **MOTION PASSED.**

Motion was made by Councilwoman Lipka and seconded by Councilwoman Burrow to appoint **Kevin Rhodes** to the **FSBD**. Unanimous vote in favor taken; **MOTION PASSED.**

Charter Commission – Mayor Jones announced that each member of the City Council can appoint one citizen. Councilwoman Noah appointed Roy Horton; Councilwoman Griffin appointed Lee Smith; Councilwoman Burrow appointed Steve Wegert; Councilwoman Robinett appointed Sara Holmes; Councilwoman Lipka appointed James Knowles, III; Councilwoman Nelson appointed Mary Simmons and Mayor Jones appointed Amanda Canaday.

REQUESTS

None

PROCLAMATIONS

February as Black History Month

WHEREAS, in 1926, Dr. Carter G. Woodson established the observance of African American History Week for the purpose of revealing and honoring the contributions, achievements, and involvement of African Americans in the development of American democracy; and

WHEREAS, this year's national theme "Black Health and Wellness" celebrates the contributions and breakthroughs of black professionals as well as speaking to the cultural richness of those "non-traditional: health and wellness practitioners (e.g., doulas, midwives, etc.); and

WHEREAS, the history of people of African heritage goes back thousands of years and the celebration of Black History Month brings into focus the unique achievements of numerous African-American authors, artists, musicians, inventors and scientists; and

WHEREAS, African Americans have played a central role in Ferguson's history and have contributed to the vitality of our community; and

WHEREAS, Black History Month encourages unity and promotes the American ideal of equal education and social and economic opportunity for all citizens.

NOW, THEREFORE, I, Ella M. Jones, Mayor of the City of Ferguson, Missouri, do hereby proclaim the month of **FEBRUARY** as **BLACK HISTORY MONTH** in the City of Ferguson, Missouri.

RESOLUTIONS

Resolution No. 2022-05 – A Resolution Of The City Of Ferguson, Missouri, Authorizing The City Manager To Transfer Ownership Of Select Properties From The City Of Ferguson To Brenda And Billy Gullede

Motion was made by Councilwoman Lipka and seconded by Councilwoman Robinett to approve Resolution No 2022-05. **ROLL CALL:** Councilwoman Noah – aye; Councilwoman Griffin – aye; Councilwoman Burrow – aye; Councilwoman Robinett – aye; Mayor Jones – aye; Councilwoman Lipka – aye; Councilwoman Nelson – aye; **MOTION PASSED.**

Resolution No. 2022-06 – A Resolution Authorizing The City Of Ferguson To Enter Into A Master Equity Lease Agreement With Enterprise FM Trust To Lease Vehicles

Motion was made by Councilwoman Robinett and seconded by Councilwoman Burrow to approve Resolution No 2022-06. **ROLL CALL:** Councilwoman Noah – aye; Councilwoman Griffin – aye; Councilwoman Burrow – aye; Councilwoman Robinett – aye; Mayor Jones – aye; Councilwoman Lipka – aye; Councilwoman Nelson – aye; **MOTION PASSED.**

Resolution No. 2022-07 – A Resolution Authorizing The City Manager To Enter Into And Execute A Contract For Management Of The Ferguson Farmers Market

Motion was made by Councilwoman Robinett and seconded by Councilwoman Burrow to approve Resolution No 2022-07. **ROLL CALL:** Councilwoman Noah – aye; Councilwoman Griffin – aye; Councilwoman Burrow – aye; Councilwoman Robinett – aye; Mayor Jones – aye; Councilwoman Lipka – aye; Councilwoman Nelson – aye; **MOTION PASSED.**

Resolution No. 2022-08 – A Resolution Authorizing The City Manager To Execute A Contract Between The City Of Ferguson And New Concept Construction To Repair The Concrete Pavement At Firehouse 2

Motion was made by Councilwoman Burrow and seconded by Councilwoman Robinett to approve Resolution No 2022-08. **ROLL CALL:** Councilwoman Noah – aye; Councilwoman Griffin – aye; Councilwoman Burrow – aye; Councilwoman Robinett – aye; Mayor Jones – aye; Councilwoman Lipka – aye; Councilwoman Nelson – aye; **MOTION PASSED.**

BILLS REQUIRING FIRST READING

Bill No. 7221 – An Ordinance Of The City Of Ferguson, Missouri Granting A Special Use Permit To Jacqueline Phillips For The Purpose Of Operating An Event Space/Open Bar At 3156 Pershall Road Subject To The Conditions, Restrictions, And Requirements Set Forth Herein

Director Liebson noted a needed amendment per the plan commission. Motion was made Councilwoman Burrow and seconded by Councilwoman Nelson to amend Bill No 7221 to reflect both owners; Jacqueline Phillips and Gerald Johnson. Unanimous vote in favor taken; **MOTION PASSED.**

Without objection, Bill #7221 was introduced by Council present and Attorney Carey provided the title only reading as amended.

BILLS REQUIRING SECOND READING

Bill No. 7219 – An Ordinance Authorizing The Mayor Of The City Of Ferguson, Missouri, To Execute The Deed And Acknowledge Other Documents In Order For The Real Properties To Be Transferred To The City For City Development And/Or Beautification

Motion was made by Councilwoman Robinett and seconded by Councilwoman Lipka to read Bill #7219 a second time and place upon its passage. Attorney Carey provided the title only reading. **ROLL CALL:** Councilwoman Noah – aye; Councilwoman Griffin – aye; Councilwoman Burrow – aye; Councilwoman Robinett – aye; Mayor Jones – aye; Councilwoman Lipka – aye; Councilwoman Nelson – aye; **MOTION PASSED.**

Bill No. 7220 – An Ordinance Amending Chapter 47 Of The Code Of Ordinances Of The City Of Ferguson And By A New Article III As It Relates To Mobile Food Vendors; Providing For The Effective Date Of This Ordinance; Providing For The Current Maintenance Of This Code; And Providing For The Repeal Of All Conflicting Ordinances

Motion was made by Councilwoman Lipka and seconded by Councilwoman Noah to read bill #7220 a second time and place upon its passage. Attorney Carey provided the title only reading. **ROLL CALL:** Councilwoman Noah – aye; Councilwoman Griffin – nay; Councilwoman Burrow – aye; Councilwoman Robinett – aye; Mayor Jones – nay; Councilwoman Lipka – aye; Councilwoman Nelson – nay; **MOTION PASSED.**

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MISCELLANEOUS

Councilwoman Noah had no comments.

Councilwoman Griffin announced that Ferguson Collaborative and PROUD are hosting zoom town hall on March 1st. She stated appreciation to NPSC for delaying their presentation and added that she looks forward to hearing it. She commented that the senior living would be a great benefit to the community. Regarding the dispatch system, she says she heard about it from the community.

Councilwoman Burrow extended appreciation to NPSC for delaying their presentation. She also offered comments of council interactions during meetings.

Councilwoman Robinett had no comments.

Councilwoman Lipka had no comments.

Councilwoman Nelson offered a response that she works for the YMCA but also collaborates with other entities.

City Manager Osterberg provided more clarity of the dispatch issues noting his awareness via email. He also clarified that he spoke incorrectly regarding the senior project fees and incentive costs to the city.

City Clerk Pittman had no report.

Attorney Apollo Carey had no report.

Mayor Jones reported her attendance at the legislative conference in Jefferson City and the opportunity to speak with Senator Ryan regarding the need to have shovel ready projects for ARPA funding.

CLOSED SESSION

None

ADJOURNMENT

Having no further business, a motion was made by Councilwoman Burrow and seconded by Councilwoman Robinett to adjourn the meeting at 11:20 p.m. Unanimous vote in favor taken; **MOTION PASSED.**

Approved on the 19th day of April, 2022.

ATTEST:

Ella M. Jones, Mayor

Octavia Pittman, City Clerk