



City of Berkeley, Missouri
City Council Meeting
February 3, 2020
Minutes

Meeting Called to Order:

Mayor Hoskins called the council meeting to order at 7:00 pm.

Roll Call:

Councilwoman Mitchell (W1)	present	Councilwoman Williams (W2)	present
Councilwoman Hoskins (W3)	present	Councilwoman Anthony (W4)	present
Councilman Hindeleh (W5)	present	Councilwoman-at-Large Greene	present
Mayor Hoskins	present	Quorum established.	

City Manger Irvin, City Attorney Smith, and some Department Directors were present.

Presentation

City Manager Irvin introduced the New Police Chief Art Jackson. Oath of Office given by City Clerk Jones.

Councilwoman Mitchell moved, Councilman Hindeleh seconded, and the motion carried to appoint Ms. DeBora White to the City Plan Commission. The meeting recessed for 15 minutes.

Approval of the Minutes:

Councilman Hindeleh moved, Councilwoman-at-Large Greene seconded, and the motion carried for the minutes for the 12-02-2019 & 01-06-2020 regular meeting. Councilwoman Mitchell moved, Councilwoman-at-Large Greene seconded, and the motion carried for the 12-03-2019 & 01-16-2020 special meeting.

Public Hearings:

Request for Rezoning, Special Use Permits, Resubdivision:

- a. Case #20-01: Request for Referral to the City Plan Commission Agenda for review and consideration for Lot Consolidation of two parcels 9040 and 9080 Frost Ave – MO American Water.
Councilwoman Mitchell moved, Councilwoman-at-Large Greene seconded, and the motion carried to refer Case #20-01 to the City Plan Commission next agenda. All necessary paperwork must be turned in to the Public Works Dept.
- b. Case #20-02: Request for Referral to the City Plan Commission Agenda for review and referral to the Board of Adjustment for a Variance to reduce the side yard setback – 9040 & 9080 Frost Ave.
Councilwoman-at-Large Greene moved, Councilwoman Anthony seconded, and the motion carried to refer Case #20-02 to the City Plan Commission next agenda. All necessary paperwork must be turned in to the Public Works Dept.
- c. Case #20-03: Request for Referral to the City Plan Commission Agenda for review and consideration of a Special Use Permit to operate an adult day care center at 8650 Frost Ave.
Councilman Hindeleh moved, Councilwoman Williams seconded, and the motion carried to refer Case #20-03 to the City Plan Commission next agenda. All necessary paperwork must be turned in to the Public Works Dept.
- d. Case #20-04: Request for Referral to the City Plan Commission Agenda for review and consideration of rezoning Washington Park Cemetery (4522/4560 James S. McDonnell).
Mayor Hoskins moved, Councilman Hindeleh seconded, and the motion carried to refer Case #20-04 to the City Plan Commission next agenda. All necessary paperwork must be turned in to the Public Works Dept.

Citizens Hearing:

The Council gave a general consensus that the City Manger will look into the lighting complaint/request of Ms. Erica Wilkins in the 8400 block of Alder Ave.

Councilman Hindeleh moved, Mayor Hoskins seconded, and the motion carried to approve Ms. Allison Curry's request for a Home Occupation Permit to operate a home office for "Angels for Life LLC" from 8609 Harold Drive. All necessary paperwork and inspections must be completed.

Councilman Hindeleh moved, Councilwoman Anthony seconded, and the motion carried to close this citizen hearing session.

Resolutions:

- a. Res #3508 – A Resolution to Reimburse Such Councilpersons and City Manager for Expenses Specifically Incurred by them, if any, up to the month of January 2020 (Council Present)
Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion to adopt Resolution #3508. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Abstain, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-6, Abstain-1) motion passed.
- b. Res #3509 – A Resolution for the Authorization of Bank Signatures for the City of Berkeley General Fund Pooled Account (City Manager Irvin)
Councilwoman Mitchell moved and Councilwoman-at-Large Greene seconded the motion to adopt Resolution #3509. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.
- c. Res #3510 - A Resolution for the Authorization of Bank Signatures for the City of Berkeley Municipal Division Revenue Account (City Manager Irvin)
Councilman Hindeleh moved and Councilwoman Williams seconded the motion to adopt Resolution #3510. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.
- d. Res # 3511 – A Resolution for the Authorization of Bank Signatures for the City of Berkeley Municipal Court Bond Account (City Manager Irvin)
Councilwoman Williams moved and Councilman Hindeleh seconded the motion to adopt Resolution #3511. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.
- e. Res #3512 – A Resolution for the Authorization of Bank Signatures for the City of Berkeley Municipal Court Bond Account (City Manager Irvin)
Councilman Hindeleh moved and Councilwoman Mitchell seconded the motion to adopt Resolution #3512. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.
- f. Res #3513 – A Resolution for the Authorization of Bank Signatures for the City of Berkeley Municipal Bond Account (City Manager Irvin)
Councilwoman Mitchell moved and Councilman Hindeleh seconded the motion to adopt Resolution #3513. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.
- g. Res #3514 – Resolution for the Authorization of Bank Signatures for the City of Berkeley Local Law Enforcement Block Grant (LLEBG) Account (City Manager Irvin)
Councilwoman Williams moved and Councilwoman Anthony seconded the motion to adopt Resolution #3514. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.
- h. Res #3515 – A Resolution for the Authorization of Bank Signatures for the City of Berkeley Public Safety Account (City Manager Irvin)
Councilman Hindeleh moved Councilwoman Anthony seconded the motion to adopt Resolution #3515. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.

- i. Res #3516 – A Resolution for the Authorization of Bank Signatures for the City of Berkeley Road & Bridge Account (City Manager Irvin)
Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion to adopt Resolution #3516. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.
- j. Res #3517 – A Resolution for the Authorization of Bank Signatures for the City of Berkeley Economic Development Investment Account (City Manager Irvin)
Councilwoman Mitchell moved and Councilwoman-at-Large Greene seconded the motion to adopt Resolution #3517. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.
- k. Res #3518 – A Resolution for the Authorization of Bank Signatures for the City of Berkeley Finance Department Investment Account (City Manager Irvin)
Councilman Hindeleh moved and Councilwoman Williams seconded the motion to adopt Resolution #3518. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.
- l. Res #3519 – A Resolution Authorizing the Mayor and City Manager to Execute Simmons Bank Service Agreements (City Manager Irvin)
Councilwoman Mitchell moved and Councilman Hindeleh seconded the motion to adopt Resolution #3519. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.

Petitions:

Unfinished Business:

- a. **Bill #4753 – An Ordinance Authorizing the Mayor to Execute the Attached Agreement for the Purchase of Real Property Identified as 8408 Alder Ave, Berkeley MO** (Councilwoman-at-Large Greene) – 2nd & 3rd Reading
Councilman Hindeleh moved, Councilwoman Anthony seconded, and the motion carried for the 2nd reading of Bill #4753 by title only. Councilwoman Williams moved and Councilwoman-at-Large Greene seconded the motion for the 3rd reading, by title only, and adoption of Bill #4753. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed. *Ordinance #4593*
- b. **Bill #4754 – An Ordinance Authorizing the Mayor to Execute the Attached Agreement for the Purchase of Real Property Identified as 8428 Alder Ave, Berkeley MO** (Councilwoman-at-Large Greene) – 2nd & 3rd Reading
Councilman Hindeleh moved, Councilwoman-at-Large Greene seconded, and the motion carried for the 2nd reading of Bill #4754 by title only. Councilwoman-at-Large Greene moved and Councilwoman Anthony seconded the motion for the 3rd reading, by title only, and adoption of Bill #4754. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed. *Ordinance #4594*
- c. **Bill #4755 – An Ordinance of the City of Berkeley Amending Table XVII-A. Handicapped Parking Which is in Accordance to Section 355.100** (City Manager Irvin) – 2nd & 3rd Reading
Councilwoman Mitchell moved, Councilman Hindeleh seconded, and the motion carried for the 2nd reading of Bill #4755 by title only. Councilwoman Williams moved and Councilwoman Anthony seconded the motion for the 3rd reading, by title only, and adoption of Bill #4755. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed. *Ordinance #4595*
- d. **Bill #4756 – An Ordinance Amending Section 315.025; Repealing Ordinance 4313; by Approving the Installation of Speed Bumps or Other Traffic Calming Mechanisms on Certain City Streets in the City of Berkeley** (City Manager Irvin) – 2nd & 3rd Reading
Councilwoman-at-Large Greene moved, Councilwoman Anthony seconded, and the motion carried for the 2nd reading of Bill #4756 by title only. Councilwoman Williams moved and Councilwoman-at-Large Greene seconded

the motion for the 3rd reading, by title only, and adoption of Bill #4756. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed. Ordinance #4596

- e. **Bill #4757 – An Ordinance of the City of Berkeley Amending the Employee Tuition Assistance Program for all Full-time Permanent City Employees for Employee Development Purposes** (City Manager Irvin) – 2nd & 3rd Reading
Councilman Hindeleh moved, Councilwoman Anthony seconded, and the motion carried for the 2nd reading of Bill #4757 by title only. Mayor Hoskins moved, Councilwoman Hoskins seconded, and the motion carried to table Bill #4757.

New Business:

Discussion – Restraining Order (Mayor Hoskins): Mayor Hoskins stated he filed a restraining order against the Council to enforce the rescinding of Resolution # 3492. City Attorney Smith has received the Writ of Prohibition order and will pass on the order through the City Manager. The Writ is not a restraining order and needs to be answered by Feb 27th.

Discussion – Appoint Emergency Manager: Mayor Hoskins states he appointed himself emergency manager and will not appoint anyone else.

Introduction of Bills:

- a. Bill #4759 – An Ordinance Amending the Berkeley Exterior Housing Neighborhood Stabilization Grant Program for 2020 (City Manager Irvin)
- b. Bill #4760 – An Ordinance of the City of Berkeley, MO, Authorizing the Mayor to Execute the Attached Memorandum of Understanding with Geraldine Minor Goston for Summer Water Aerobics Program (City Manager Irvin)
- c. Bill #4761 – An Ordinance of the City of Berkeley, MO, Authorizing the Mayor to Execute the Attached Agreement with BC Construction for the Roof Replacement Project at the Civic Center (City Manager Irvin)
- d. Bill #4762 – An Ordinance of the City of Berkeley, MO, Authorizing the Mayor to Execute the Attached Agreement with Deka Services for the AC Replacement Project at the Civic Center (City Manager Irvin)
- e. Bill #4763 – An Ordinance of the City of Berkeley, MO, Authorizing the Mayor to Execute the Attached Agreement with Professional Irrigation Systems (City Manager Irvin)

Communications:

Reports and Recommendations from the City Manager:

Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion to hold a close session for litigation. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye and Anthony-Aye (Aye-7) motion passed.

Discussion – Request to purchase two mowers and one trailer: Mayor Hoskins state the council will look at this subject again when the City Manager bring back the funding source.

Discussion – Request an emergency demolition of 6133 Garfield Ave: Mayor Hoskins states the council will look at this information and bring it back to the agenda.

Discussion – Request returning housing court to a day docket: Mayor Hoskins stated the council need to hear from Judge Fisher stating what she would like to do with the court dates.

Reports from the Clerk:

Mayor Hoskins moved, Councilwoman Williams seconded, and the motion carried giving the City Clerk permission to register for the Annie Malone Parade scheduled for May 17, 2020. The cost of \$350 to register the float will be charged to the summer city event budgeted line item.

Reports from the City Attorney:

Reports from the Special Committees:

Reports from the Standing Committees:

Reports from the Council:

Audience Participation (Limited to Subjects Addressed During the Meeting):

Adjourn:

Councilwoman-at-Large Greene moved, Councilwoman Hoskins seconded, and the motion carried to adjourn the meeting at 9:06 pm

Closed Session:

Mayor Hoskins opened the closed session for litigation at 9:09pm by requesting a motion. Councilwoman-at-Large Greene moved and Councilwoman Anthony seconded the motion. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye, and Anthony-Aye. Quorum established. City Manager Irvin, City Attorney Smith, and City Clerk Jones were present.

Councilwoman-at-Large Greene moved and Councilwoman Mitchell seconded the motion assigning the Writ of Prohibition to Attorney Felisha Ezell-Gillespie. Roll Call: Mayor-Abstain, Hoskins-Abstain, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye, and Anthony-Aye (Aye-5, Abstain-2) motion passed.

With no further business, the meeting adjourned at 9:27pm.

Approved: This 17th day of February 2020

Attest:

Theodore Hoskins, Mayor

Deanna Jones, City Clerk