



City of Berkeley, Missouri
City Council Meeting Virtual
April 20, 2020
Minutes

In light of the current public health crisis and the Federal, State, and County Emergency Declarations, and in accord with the provision of Sec. 610.020, RSMo., the City recognizes that it would be dangerous and impractical, if not impossible, for meetings to be physically accessible to the public. The City also recognizes the need for the public's business to be attended to in order to protect the public health, safety, and welfare. In order to balance both the need for continuity of government and protection of the health and safety of our residents, business persons, and employees, this meeting of the City of Berkeley was not open to public attendance in person. The meeting was accessible by the public in real time ONLY by video/audio webinar.

According to 610.015, RSMo, When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

During the virtual meeting Councilwoman Mitchell and Councilwoman Hoskins camera's were not working correctly. One was facing the incorrect direction, the other one was blanking in and out. Both council members were not seen during the majority of meeting.

Meeting Called to Order:

Mayor Hoskins called the virtual council meeting to order at 1:00 pm.

Roll Call:

Councilwoman Mitchell (W1)	present – not seen	Councilwoman Williams (W2)	present – seen
Councilwoman Hoskins (W3)	present – partially seen	Councilwoman Anthony (W4)	present – seen
Councilman Hindeleh (W5)	present – seen	Councilwoman-at-Large Greene	present – seen
Mayor Hoskins	present – seen	Quorum established.	

City Manager Irvin, City Attorney Smith, Chief Linhardt, Chief Jackson, ED Coordinator Smith-Drake, Finance Director Camp and City Clerk Jones were present.

Approval of the Minutes:

Councilwoman Williams moved and Councilwoman Anthony seconded the motion approving the minutes for the 03-16-2020 regular meeting. Roll Call: Mayor-Aye, Hoskins-Aye, Mitchell-Aye, Williams-Aye, Greene-Aye, Hindeleh-Aye, and Anthony-Aye (Aye-7).

Public Hearings:

a. 2021 CDBG Allocation of Funds

Mayor Hoskins opened the public hearing for discussion of the allocation of the 2021 CDBG funds. All questions and concerns of the council were answered, with no additional comments from the citizens. The application has been changed to have all funds allocated for streets.

Councilman Hindeleh moved and Councilwoman Hoskins seconded the motion to close this Public Hearing. Roll Call: Mayor-Aye-seen, Hoskins-Aye-seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).

b. **Case #20-03:** Shall a Special Use Permit be granted to Vincentia Barber and Donna Smith to operate Genuine Adult Daycare Service, LLC an adult day care center to be located at 8650 Frost Avenue?

Mayor Hoskins opened the public hearing for discussion of a special use permit for Genuine Adult Daycare Service at 8650 Frost Avenue. All questions and concerns of the council were answered, with no additional comments from the citizens.

Councilwoman-at-Large Green moved and Councilman Hindeleh seconded the motion to close this Public Hearing. Roll Call: Mayor-Aye-seen, Hoskins-Aye-seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).

c. **Case #20-06:** Shall a Special Use Permit be granted to Christian Orr on behalf of Carvana, LLC to operate a pre-sale (internet), pre-owned auto sales center to be located at 9300 Natural Bridge Road?

Mayor Hoskins opened the public hearing for discussion of a special use permit for Carvana at 9300 Natural Bridge Road. All questions and concerns of the council were answered, with no additional comments from the citizens. This

applicant will not wash cars but rinsed off only. A fence is not allowed around the front this location. Vehicles will not be on the location more than 7-10 days. This site is an online business only and will not have vehicles sold from the site.

Councilman Hindeleh moved and Councilwoman-at-Large Greene seconded the motion to close this Public Hearing. Roll Call: Mayor-Aye-seen, Hoskins-Aye-seen, Mitchell-Nay-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-6, Nay-1).

- d. **Case #20-05:** Shall a Special Use Permit be granted to Radwan Daboul to operate Daboul Auto Services, a pre-owned auto sales center to be located at 9710 Natural Bridge Road?

Mayor Hoskins opened the public hearing for discussion of a special use permit for Daboul Auto Services at 9710 Natural Bridge Road. All questions and concerns of the council were answered, with no additional comments from the citizens.

Councilman Hindeleh moved and Councilwoman Anthony seconded the motion to close this Public Hearing. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).

Request for Rezoning, Special Use Permits, Re-subdivision:

Case #20-07: Request for Referral to the City Plan Commission for review and consideration of a Special Use Permit to Green Light Dispensary LLC to operate a medical marijuana dispensary located at 4451 Brown Road.

Councilwoman-at-Large Greene moved and Councilwoman Williams seconded the motion to refer Case #20-07 to the next available City Plan Commission Agenda, with all necessary paperwork completed. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Nay-seen, and Anthony-Aye-seen (Aye-6, Nay-1).

Councilwoman Williams moved and Councilwoman-at-Large Greene seconded the motion to schedule a virtual City Plan Commission meeting for tentative May 6, 2020. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Nay-seen, and Anthony-Aye-seen (Aye-6, Nay-1).

Citizens Hearing:

Resolutions:

- a. **#3522 – A Resolution Authorizing Vincentia Barber and Smith, a Special Use Permit to Operate Genuine Adult Daycare Service, LLC, an Adult Day Care Center, Located at 8650 Frost Ave, in the City of Berkeley, St. Louis County, Missouri** (City Manager Irvin)
Councilman Hindeleh moved and Councilwoman Anthony seconded the motion to adopt Resolution #3522. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).
- b. **#3523 – A Resolution Authorizing Radwan Daboul, a Special Use Permit to Operate Daboul Auto Services, a Pre-owned Auto Sales Center, Located at 9710 Natural Bridge Road in the City of Berkeley, St. Louis County, Missouri** (City Manager Irvin)
Mayor Hoskins moved and Councilwoman Hoskins seconded the motion to adopt Resolution #3523. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).
- c. **#3524 – A Resolution Authorizing Christian Orr on Behalf of Carvana, LLC, a Special Use Permit to Operate a Pre-sale (Internet), Pre-owned Auto Sales Center, Located at 9300 Natural Bridge Road in the City of Berkeley, St. Louis County, Missouri** (City Manager Irvin)
Councilman Hindeleh moved and Mayor Hoskins seconded the motion to adopt Resolution #3524. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Nay-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Nay-seen, and Anthony-Aye-seen (Aye-5, Nay-2).
- d. **#3525 – A Resolution to Reimburse such Councilpersons and City Manager for Expenses Specifically Incurred by them, if any, up to the Month of March 2020** (Council Present)

Councilwoman-at-Large Greene moved and Mayor Hoskins seconded the motion to adopt Resolution #3524. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).

Petitions:

Unfinished Business:

- a. Bill #4775 – **An Ordinance of the City of Berkeley, MO, Authorizing the Mayor to Execute the Attached Agreement with Idemia Identity and Security USA LLC** (City Manager Irvin) – 2nd & 3rd Reading
Councilman Hindeleh moved and Councilwoman-at-Large Greene seconded the motion for the 2nd reading of Bill #4775 by title only. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7). Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion for the 3rd reading, by title only of Bill #4775. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7). Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion to adopt Bill #4775. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7). *Ordinance #4613*

New Business:

Appointments to Board and Commissions

Introduction of Bills:

- a. Bill #4776 – **An Ordinance of the City of Berkeley, MO, Authorizing the Mayor to Execute the Attached Community Development Block Grant (CDBG) Municipal Application for FY 2021** (City Manager Irvin)
The application for the CDBG has been amended according to the Public Hearing.
- b. Bill #4777 – **An Ordinance of the City of Berkeley, MO, Authorizing the Mayor to Execute the Attached USA Pools of Missouri Agreement for Lifeguard Services** (City Manager Irvin)
Councilwoman-at-Large Greene moved and Councilwoman Mitchell seconded the motion to table Bill #4777 until budget. This motion and seconded was withdrawn.
Councilman Hindeleh moved and Councilwoman Williams seconded the motion to close the municipal pool for the 2020 season. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7). The service will be rebid next season.

Communications:

Reports and Recommendations from the City Manager:

- a. Mayor Hoskins moved and Councilman Hindeleh seconded the motion to move the City Plan Commission virtual meeting from May 6th to May 1st. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).
- b. Mayor Hoskins moved and Councilwoman Williams seconded the motion to incur the Neighborhood Stabilization grant funds (\$18,000) to allow the 2020 winners to complete their projects till September 2020. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).
- c. Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion to cancel the May 4th and June 1st council meetings. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).
- d. Mayor Hoskins moved and Councilwoman Hoskins seconded the motion to cancel the (July 25th) W3 Back-2-School Health Fair. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).
- e. Mayor Hoskins moved and Councilwoman Williams seconded the motion to cancel the (Sept 26th) Public Safety Fair. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).
- f. Councilman Hindeleh moved and Mayor Hoskins seconded the motion to cancel the (Sept 26th) City Wide Yard Sale event. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen, Williams-Aye-seen, Greene-Aye-seen, Hindeleh-Aye-seen, and Anthony-Aye-seen (Aye-7).
- g. Councilwoman-at-Large Green moved and Councilwoman Mitchell seconded the motion to cancel the June City Wide Clean Up/Bulk Pickup. Roll Call: Mayor-Aye-seen, Hoskins-Aye-not seen, Mitchell-Aye-not seen,

