



City of Berkeley, Missouri
City Council Meeting Virtual
August 17, 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.

Meeting Called to Order:

Mayor Deinbo called the virtual council meeting to order at 1:06 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 Deinbo	present	Quorum established.	

City Manager Irvin, City Attorney Smith, Chief Linhardt, Chief Jackson, Finance Director Camp and City Clerk Jones were in attendance.

There was a moment of silence after the Pledge of Allegiance for the passing of Deacon Gregory Clark, Councilwoman-at-Large Greene's son-in-law.

Presentation:

Chris J. Davis, Government Affairs Director, SITE Improvement Association: Short Park.
Proclamation – McCluer South Berkeley Coach Todd Shelton (Mayor Deinbo)

Approval of the Minutes:

Councilwoman-at-Large Greene moved and Councilwoman Anthony seconded the motion approving the minutes for the 7-20-2020 regular meeting. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed.

Public Hearings:

Case No. 20-12: A request for a Special Use Permit by Walter and Keisha Haynes to operate Rudii B's Grill, a Carry Out Restaurant at 8239 Airport Road, Berkeley, St. Louis County, MO.

Mayor Deinbo opened the public hearing. The council and the public were given an opportunity to have their concerns addressed. All new businesses must install a camera system and register it with the police department. Councilman Hindeleh moved, Councilwoman Williams seconded, and the motion carried to close Public Hearing for Case #20-12.

Case No. 20-13: A request for a Special Use Permit by Li Hang Chen to operate Canton House Chop Suey at 8525 Airport Road, Berkeley, St. Louis County, MO.

Mayor Deinbo opened the public hearing. The party did not appear. Councilman Hindeleh moved, Mayor Deinbo seconded, and the motion carried to close Public Hearing for Case #20-13.

Case No. 20-14: A request for a boundary adjustment at 6038-6042 Washington Ave, in the City of Berkeley St. Louis County, MO.

Mayor Deinbo opened the public hearing. The council and the public were given an opportunity to have their concerns addressed. Mathew Hartig spoke on behalf of Rubicon. Councilwoman-at-Large Greene moved, Councilwoman Anthony seconded, and the motion carried to close Public Hearing for Case #20-14.

2020 Tax Levy

Mayor Deinbo opened the public hearing. The council and the public were given an opportunity to have their concerns addressed. Councilman Hindeleh moved and Councilwoman Williams seconded the motion to close Public Hearing for the 2020 Tax Levy. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed.

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

Case No. 20-16: A request for referral to the City Plan Commission agenda for a Special Use Permit to Gay Thompson to operate a Private School at 6301 Garfield Ave, Berkeley MO.

Councilwoman-at-Large Greene moved, Councilman Hindeleh seconded, and the motion carried to refer Case #20-16 to the next available City Plan Commission Agenda, with all necessary paperwork completed and turned in.

Case No. 20-17: A request for referral to the City Plan Commission agenda for a Special Use Permit to Latasha Edwards to operate sandwich shop at 8555 Airport Rd, Berkeley MO.

Councilwoman-at-Large Greene moved, Councilwoman Anthony seconded, and the motion carried to refer Case #20-17 to the next available City Plan Commission Agenda, with all necessary paperwork completed and turned in.

Case No. 20-18: A request for referral to the City Plan Commission agenda from Tom Bommarito to purchase a portion of Stansberry St. directly behind 4451 Brown Road for additional parking.

Councilwoman-at-Large Greene moved, Councilman Hindeleh seconded, and the motion carried to refer Case #20-18 to the next available City Plan Commission Agenda, with all necessary paperwork completed and turned in.

Case No. 20-19: A request for referral to the City Plan Commission agenda for a Variance to reduce the number of required parking spaces at 8200 Airport Road by Kendrick Evans.

Councilman Hindeleh moved, Councilwoman-at-Large Greene seconded, and the motion carried to refer Case #20-19 to the next available City Plan Commission Agenda, with all necessary paperwork completed and turned in.

Case No. ED20-02: A request for referral to the ED Commission agenda from Francene Mitchell for reimbursement of improvements to the façade at 8067 Airport Rd, Berkeley MO.

Councilman Hindeleh moved and Councilwoman Williams seconded the motion to table Case #ED20-02 until more information is given. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed.

Citizens Hearing:

Resolutions:

a. #3551 – **A Resolution Authorizing Walter and Keisha Haynes, a Special Use Permit to Operate a Rudii B's Grill, a Carry Out Restaurant, Located at 8239 Airport Rd in the City of Berkeley, St. Louis County, MO** (City Manager Irvin) Councilman Hindeleh moved and Councilwoman-at-Large Greene seconded the motion to adopt Resolution #3551. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed.

b. #3552 – **A Resolution Authorizing Li Hang Chen, a Special Use Permit to Operate Canton House Chop Suey, a Carry Out Restaurant, Located at 8525 Airport Rd in the City of Berkeley, St. Louis County, MO** (City Manager Irvin)

Councilwoman-at-Large Greene moved, Councilman Hindeleh seconded, and the motion carried to table Resolution #3552 until the next public hearing.

Petitions:

Unfinished Business:

- a. **Bill #4782 – An Ordinance Banning Commercial Trucks from Entering Upon and Traveling Along Frost Avenue, Within the City of Berkeley, MO** (Councilwoman-at-Large Greene) – 2nd & 3rd Reading
Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion for the 2nd reading of Bill #4782 by title only. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. Councilwoman-at-Large Greene moved and Councilwoman Anthony seconded the motion for the 3rd reading, by title only, and adoption of Bill #4782. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. *Ordinance #4619*
- b. **Bill #4783 – An Ordinance Amending Ordinance #4558 Monthly Gasoline Allowance for Members of the Council for Council-Related Activities** (Mayor Deinbo) – 2nd & 3rd Reading
Councilwoman Mitchell moved and Councilman Hindeleh seconded the motion for the 2nd reading of Bill #4783 by title only, with discussion. Councilwoman Mitchell withdrew the motion and Councilman Hindeleh withdrew the seconded. Bill #4783 has died. Revision will be made and brought back before the council.
- c. **Bill #4784 – An Ordinance of the City of Berkeley, MO, Authorizing the Mayor to Execute the Attached Hochschild, Bloom & Company LLP Agreement for Audit Services** (City Manager Irvin) – 2nd & 3rd Reading
Councilman Hindeleh moved and Councilwoman Anthony seconded the motion for the 2nd reading of Bill #4784 by title only. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. Councilwoman Mitchell moved and Councilman Hindeleh seconded the motion for the 3rd reading, by title only, and adoption of Bill #4784. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. *Ordinance #4620*
- d. **Bill #4785 – An Ordinance Amending the Refuse Collection Agreement in Ordinance #4406, by and Between (Allied) Republic Services and the City of Berkeley MO** (City Manager Irvin) – 2nd & 3rd Reading
Councilwoman Williams moved and Councilman Hindeleh seconded the motion for the 2nd reading of Bill #4785 by title only. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. Councilwoman Mitchell moved and Councilwoman Anthony seconded the motion for the 3rd reading, by title only, and adoption of Bill #4785. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. *Ordinance #4621*
- e. **Bill #4786 – An Ordinance Approving a Site Plan for 5501 Springdale Avenue, in the City of Berkeley, MO** (City Manager Irvin) – 2nd & 3rd Reading
Mayor Deinbo moved and Councilwoman-at-Large Greene seconded the motion for the 2nd reading of Bill #4786 by title only. Roll Call: Mitchell-Nay, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-6, Nay-1) motion passed. Councilwoman-at-Large Greene moved and Councilwoman Anthony seconded the motion for the 3rd reading, by title only, and adoption of Bill #4786. Roll Call: Mitchell-Nay, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-6, Nay-1) motion passed. *Ordinance #4622*
- f. **Bill #4787 – An Ordinance of the City of Berkeley, MO, Authorizing the Mayor to Execute an Agreement with Gilmore & Bell PC as Rebate Analyst for Series 2010A and 2010B** (City Manager Irvin) – 2nd & 3rd Reading
Councilman Hindeleh moved and Councilwoman Mitchell seconded the motion for the 2nd reading of Bill #4787 by title only. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. Councilwoman-at-Large Greene moved and Councilwoman Anthony seconded the motion for the 3rd reading, by title only, and adoption of Bill #4787. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. *Ordinance #4623*
- g. **Bill #4788 – An Ordinance of the City of Berkeley, MO Authorizing the Mayor to Execute an Agreement with Spencer Contracting for Paving of Certain Streets according to Bid #902** (City Manager Irvin) – 2nd & 3rd Reading
Councilwoman Mitchell moved and Councilman Hindeleh seconded the motion for the 2nd reading of Bill #4788 by title only. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. Councilman Hindeleh moved and Councilwoman-at-Large Greene seconded the motion for the 3rd reading, by title only, and adoption of Bill #4788. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. *Ordinance #4624*

- h. **Bill #4789 – An Ordinance of the City of Berkeley, MO Authorizing the Mayor to Execute an Agreement with Z & L Wrecking for Demolition of Certain Houses according to Bid #903** (City Manager Irvin) – 2nd & 3rd Reading

Councilwoman Mitchell moved and Councilwoman Anthony seconded the motion for the 2nd reading of Bill #4789 by title only. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. Councilman Hindeleh moved and Councilwoman Anthony seconded the motion for the 3rd reading, by title only, and adoption of Bill #4789. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Aye, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-7) motion passed. *Ordinance #4625*

Councilwoman Hoskins dismissed herself from the meeting at 3:10 pm.

New Business:

Appointments to Board and Commissions

Discussion – Approval to spend funds to repair fire truck – Fund 29 (City Manager Irvin)

Councilwoman Williams moved and Councilwoman-at-Large Greene seconded the motion approving the request to use Fund 29 to repair a fire truck. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-6) motion passed.

Introduction of Bills:

- a. **Emergency Bill #4790 – An Ordinance Ordering the Levy and Fixing the Rate of Taxes to be Collected in the City of Berkeley, MO, for the FY 2020/2021, to Provide for the General Revenue; Establishment and Maintenance of Public Parks; and to Provide for the Payment of Interest and Principal on all Outstanding Bonds of the City of Berkeley, MO** (The City Council Does Hereby Find and Declare that an Emergency Exists Which Requires the Immediate Passage of this Ordinance for the Preservation of the Welfare of the Citizens of the City of Berkeley.) (Council Present)

Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion for the 2nd reading of Bill #4790 by title only. Roll Call: Mitchell-Aye, Williams-Abstain, Hoskins-Absent, Anthony-Absent, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-4, Abstain-1) motion passed. Mayor Deinbo moved and Councilman Hindeleh seconded the motion for the 3rd reading, in its entirety, and adoption of Bill #4790. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Absent, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-5) motion passed. *Ordinance #4626*

- b. **Bill #4791 – An Ordinance Approving a Site Plan for a Boundary Adjustment at 6038-6042 Washington Ave, where lots 16-18 will be Adjusted to Lot 16A; and Lots 14-15 will Become Lots 14A in the City of Berkeley, St. Louis County, MO** (City Manager Irvin)

- c. **Bill #4792 – An Ordinance Amending Section 215.060 Relating to Offenses; Inserting a New Item Prohibiting Certain Behaviors on Public Streets, Residential and Commercial Properties in the City of Berkeley St. Louis County, MO** (City Manager Irvin)

- d. **Bill #4793 – An Ordinance Amending Chapter 200, Title II Public Health, Safety and Welfare by Creating a New Section 265, Entitled, the Camera Registration Program for Residential and Commercial Properties within the City of Berkeley, St. Louis County, MO and Providing for the Regulations Thereof** (City Manager Irvin)

- e. **Bill #4794 – An Ordinance Amending Chapter 500, Article X, Miscellaneous Regulations of the City Code of Ordinances of the City of Berkeley Regulating Crime Free Properties and Chronic Nuisance Properties with Abatement Thereof Creating a New Section 500.165** (City Manager Irvin)

- f. **Bill #4795 – An Ordinance Amending Berkeley Police Department General Order Policy’s #38 and #57** (City Manager Irvin)

- g. **Bill #4796 – An Ordinance for the Berkeley Police Department General Order #67 “Canine Unit” Policy** (City Manager Irvin)

Councilwoman Hindeleh moved and Councilwoman-at-Large Greene seconded the motion to hold a Virtual Special Meeting on August 25, 2020 at 1pm for the 2nd & 3rd reading of Bills 4791 – 4796. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-6) motion passed.

Communications:

Reports and Recommendations from the City Manager:

The council gave a general consensus to move the August 25th meeting from virtual to the council chambers at 1pm.

Reports from the Clerk:

Councilwoman Anthony moved, Councilwoman Williams seconded, and the motion carried to hold the September 21st meeting virtual at 1pm.

Reports from the City Attorney:

Reports from the Special Committees:

Reports from the Standing Committees:

Reports from the Council:

Adjourn:

Councilwoman-at-Large Greene moved, Councilwoman Anthony seconded, and the motion carried to adjourn the meeting at 3:51pm.

Approved: This day of 2020

Attest:

Babatunde Deinbo, Mayor

Deanna Jones, City Clerk