



City of Berkeley, Missouri
City Council Meeting Virtual
July 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.

Meeting Called to Order:

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

Roll Call:

Councilwoman Mitchell (W1)	present	Councilwoman Williams (W2)	present
Councilwoman Hoskins (W3)	absent	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 Robert Phillips, Thelma Wiley, and former Mayor Jean Montgomery.

Presentation:

Chris Kreymeyer with Beyond Housing spoke about re-development opportunities and future possibilities within the City of Berkeley.

Approval of the Minutes:

Councilman Hindeleh moved and Councilwoman-at-Large Greene seconded the motion approving the minutes for the 6-15-2020 regular meeting and 06-17-2020, 06-22-2020, and 07-06-2020 special meetings.

Public Hearings:

Case No. 20-10: A request for a Special Use Permit by Noah’s Arc Foundation LLC, at 5001 Springdale Ave, Lot 21 North Park Plat One P.B. 355, PGs 941-947, 1.43 Acres, to operate a Medical Marijuana Manufacturing Facility. Mayor Deinbo opened the public hearing. George Stock gave a presentation. The council and the public were given an opportunity to have their concerns addressed. Councilwoman-at-Large Greene moved, Councilman Hindeleh second, and the motion carried to close Public Hearing for Case #20-10.

Case No. 20-10A: A request from Stock and Associates Consulting Engineers on behalf of Noah’s Arc Foundation LLC for a review and approval of the Site Development Plan for 5001 Springdale Ave, Lot 21 North Park Plat One P.B. 355, PGs 941-947, 1.43 Acres, Berkeley MO 63134. Mayor Deinbo opened the public hearing. The council and the public were given an opportunity to have their concerns addressed by George Stock. Councilman Hindeleh moved, Councilwoman-at-Large Greene second, and the motion carried to close Public Hearing for Case #20-10A.

Case No. 20-11: An Appeal to the City Council for a Special Use Permit to Kendrick Evans to Operate a Communications Store (Cellular, Cable, Internet), Gift Shop, and Carry-Out Food at 8200 Airport Road, Berkeley MO. Mayor Deinbo opened the public hearing allowing Mr. Evans to speak to the council about his appeal for a special use permit at 8200 Airport Road. The City Plan Commission did not approve his application. At least five council members vote of approval is needed to overturn the commission’s decision. The council and the public were given an opportunity

to have their concerns addressed. The council was not in agreement with a communication and gift shop selling carry-out food. Conditions were given to be a communication business with accessories and a variance for eight parking spaces. Councilwoman Mitchell moved, Councilman Hindeleh seconded, and the motion carried to close Public Hearing for Case #20-11.

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

Case No. 20-15: A request for referral to the City Plan Commission for a Special Use Permit to Kimberly Henderson to Operate a Convenience Store at 8351 Frost Ave.

Councilwoman-at-Large Greene moved, Councilman Hindeleh seconded, and the motion carried to refer Case #20-15 to the next available City Plan Commission Agenda, with all necessary paperwork completed and turned in.

Citizens Hearing:

Councilwoman Mitchell moved, Councilwoman-at-Large Greene seconded, and the motion carried approving Yvonne Walton request to hold an Open-Air Event for a Mary Kay outdoor Open House at 8933 Bobb Ave on 08-15-2020 from 11am-6pm.

Ms. K. Bell 6344 Everett spoke to the council about Ord. #4595 – Handicap Drop Zone No Parking. She is requesting that the officers enforce the no parking sign. It is a drop off area only. The council gave a general consensus that the ordinance for the drop zone needs to be enforced.

Councilman Hindeleh moved, Councilwoman Williams seconded, and the motion carried to close the citizens hearing.

Resolutions:

- a. **#3546 – A Resolution Authorizing the City Manager to Obtain a Line of Credit with Simmons Bank on Behalf of the City of Berkeley, St. Louis County, Missouri** (City Manager Irvin)
Councilman Hindeleh moved and Councilwoman-at-Large Greene seconded the motion to adopt Resolution #3546. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Aye, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-6) motion passed.
- b. **#3547 – A Resolution Authorizing Noah’s Arc Foundation LLC, a Special Use Permit to Operate a Medical Marijuana Manufacturing Facility, Located at 5001 Springdale Ave in the City of Berkeley, St. Louis County, MO** (City Manager Irvin)
Councilwoman Williams moved and Councilman Hindeleh seconded the motion to adopt Resolution #3547. Roll Call: Mitchell-Nay, Williams-Aye, Hoskins-Absent, Anthony-Aye, Hindeleh-Nay, Greene-Aye, and Mayor-Aye (Aye-4, Nay-2) motion passed.

Councilwoman Anthony was excused from the meeting at 3pm.

- c. **#3548 – A Resolution for the Authorization of Bank Signatures for the City of Berkeley General Obligation Bond Account** (City Manager Irvin)
Councilman Hindeleh moved and Councilwoman Mitchell seconded the motion to adopt Resolution #3548. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Absent, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-5) motion passed.
- d. **#3549 – A Resolution for the Authorization of Signatures for the Pledged Collateral Agreement at Wells Fargo in Regards to Funds Deposited in Enterprise Bank & Trust** (City Manager Irvin)
Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion to adopt Resolution #3549. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Absent, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-5) motion passed.

- e. **#3550 – A Resolution Authorizing Kendrick Evans, a Special Use Permit to Operate a Communications Store (Cellular, Cable, Internet), Gift Shop, and Carry-out Food, Located at 8200 Airport Rd in the City of Berkeley, St. Louis County, MO** (City Manager Irvin)

Per the Public Hearing the Resolution is being changed to conditions to include communications store and gift shop with a variance for parking of 8 spaces. Councilman Hindeleh moved and Mayor Deinbo seconded the motion to adopt the revised Resolution #3550 with the condition to include communication sales and accessories and to include a variance for eight parking spaces. Roll Call: Mitchell-Nay, Williams-Nay, Hoskins-Absent, Anthony-Absent, Hindeleh-Aye, Greene-Abstain, and Mayor-Abstain (Aye-1, Nay-2, Abstain-2) motion failed.

Petitions:

Unfinished Business:

Bill #4781 – An Ordinance of the City of Berkeley, MO, to Establish a Procedure to Disclose Potential Conflicts of Interest and Substantial Interests for Certain Officials (Council Present) – 2nd & 3rd Reading

Councilman Hindeleh moved and Councilwoman Mitchell seconded the motion for the 2nd reading of Bill #4781 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. Councilwoman Mitchell moved and Councilman Hindeleh seconded the motion for the 3rd reading, by title only, and adoption of Bill #4781. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Absent, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-5) motion passed. *Ordinance #4618*

New Business:

Appointments to Board and Commissions

Councilwoman-at-Large Greene moved and Councilwoman Mitchell seconded the motion approving Mayor Deinbo's appointment of Kevin Spraggins to the City Plan Commission. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Absent, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-5) motion passed.

Councilwoman-at-Large Greene moved and Councilman Hindeleh seconded the motion approving her reappointment of Gary Grotegeers to the Board of Adjustments. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Absent, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-5) motion passed.

*Job Promotions from within *Safety & Security of Resident (Hiring of more Police Officers) *Vacant & Derelict Homes *Street Repairs & Improvements *Economic Development of Airport Road *Violation & complaints received from residents and the Public *Amendment to Ordinance #4320 –

Introduction of Bills:

- 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)
- b. **Bill #4783 – An Ordinance Amending Ordinance #4558 Monthly Gasoline Allowance for Members of the Council for Council-Related Activities** (Mayor Deinbo)
- 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)
- 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)
- e. **Bill #4786 – An Ordinance Approving a Site Plan for 5501 Springdale Avenue, in the City of Berkeley, MO** (City Manager Irvin)
- 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)
- 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)

- 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)

Communications:

Reports and Recommendations from the City Manager:

Mayor Deinbo moved and Councilman Hindeleh seconded the motion for a close session for personnel. The motion and seconded were withdrawn.

Councilwoman-at-Large Greene moved, Councilman Hindeleh seconded, and the motion carried approving the Liquor License Renewal for the Hanley Mobile – 6800 N. Hanley (Package/Sunday Sales) and La Herradura Sports Bar – 9369 Natural Bridge (Full).

Councilman Hindeleh moved and Councilwoman-at-Large Greene seconded the motion giving the City Manager authority to move forward with a redevelopment plan location that includes the old city hall, down Madison, up to Hancock, abating those areas and abandoning those streets. Roll Call: Mitchell-Aye, Williams-Aye, Hoskins-Absent, Anthony-Absent, Hindeleh-Aye, Greene-Aye, and Mayor-Aye (Aye-5) motion passed.

Reports from the Clerk:

Councilwoman-at-Large Green moved, Councilwoman Williams seconded, and the motion carried to hold the August 17th meeting virtual at 1pm.

The fire department is given permission to put a flyer on the website giving information about Prop A that is on the 08-04th election.

Reports from the City Attorney:

Reports from the Special Committees:

Reports from the Standing Committees:

Councilwoman Mitchell moved, Councilwoman Williams seconded, and the motion carried to receive and file minutes for the Pension Board 2-27-2020 and City Plan Commission 06-10-2020.

Reports from the Council:

Councilwoman-at-Large Greene left the meeting at 3:43pm.

Adjourn:

Councilwoman Mitchell moved, Councilman Hindeleh seconded, and the motion carried to adjourn the meeting at 3:52pm.

Approved: This 17th day of August 2020

Attest:

Babatunde Deinbo, Mayor

Deanna Jones, City Clerk