

EX ALDERMAN NEWSLETTER 131



June 2, 2014

ART COMMISSION DOES FIELD TRIP TO SITES FOR TROVA'S: At the recent Art Commission Meeting the locations of the Trova modern art were announced. Regular readers of this newsletter know the original location for the Trovas was to be Drace Park, but Alderman Skip Mange objected saying it would ruin the ambiance of his planned second rate log cabin village.

It has been decided one Trova would go on the east side lawn at Longview. The below photo has the Park Department's Ford Escape parked where the Trova will sit. Lynn Wright was excited that the sculpture could be seen from Clayton Road. The second photo is from sidewalk near Clayton Road.





I think it will be more dangerous to try and look at the Trova while driving on Clayton Road than texting.

The next location is at the end of the south side entrance drive to City Hall. Commission member Nan Kulkarni complained that no one ever goes to City Hall. This caused Commission Chair Lynn Wright to draw me into the conversation, by saying that "John Hoffmann goes to the City Hall at least once a week." As the original chair of the Arts Commission, I felt obligated to mention to Nan that the police write 10,000 traffic tickets a year and a number of those people go to City Hall.

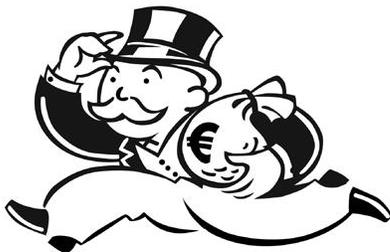
If you look closely at the below photo you can see two people standing on the left center of the frame. That is where the Trova will go. I mention this because Lynn Wright said this location was exciting because people driving on I-270 will be able to see the sculpture. Actually SB motorists will have about a 3 second window of opportunity to see it unless it is evening rush hour when they might have much longer time for a viewing.



"There was not a 'right place' for the Trovas...There were just 'Great Places,'" said Lynn Wright of all the places considered for the pieces of art that St. Louis County Parks was trying to unload and open up space in their storage area where the metal sculptures have been rusting away.

Champagne Any One? Commission member Gail Westerman asked if there was going to be a ribbon cutting when the Trovas are installed. (I think an unveiling might be more appropriate.) It was suggested having a "champagne kick off."

"It would be a chance to get a list of potential money bags," said Westerman.



OTHER ART COMMISSION NEWS:

HARRY WEBER PRESENTATION: The reason Westerman is looking for "money bags" that would rather give large sums of money to a community of millionaires rather than charities helping people, is that funds still have to be raised for the proposed Harry Weber statue of a horse sniffing a dog. Last I recall the price was around \$100K or more.



Weber will be making a presentation at the work session meeting before the regular Board of Aldermen meeting on June 23.

The commission members also discussed holding a second wine party and "opening" for paintings done in the annual "Impressions of Town and Country" Plein Air painting event held in the fall in conjunction with the Fall Festival where painters spend the day painting scenes around Town and Country which are judged at the end of the day at the Longview House. An opening instead of a one hour display on the day of the event would give more people a chance to see the paintings and possibly buy one.

This possibly would also be another opportunity to indentify more "money bags."

NUNS LEAVING AND ELEMENTARY SCHOOL COMING TO WOODS MILL NEAR SOUTH OUTER 40.

The Sisters of St. Peter Claver who have a convent at 667 S. Woods Mill Road located between the Cedar Springs subdivision and a liquor store and Famous Dave's smoke filled bar, are likely to be moving and replaced by the St. Austin Elementary School, grades K-8.

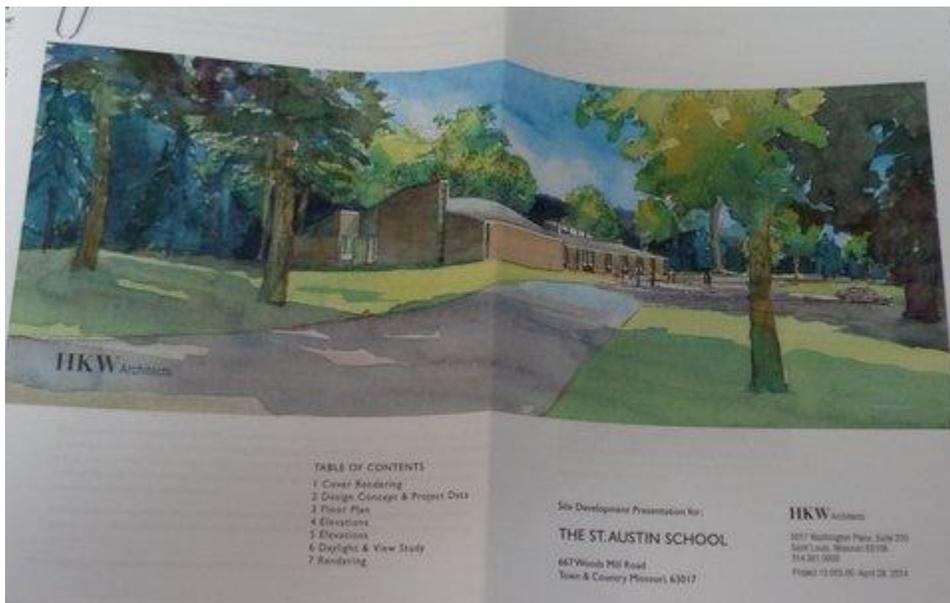


Sisters from the Sisters of St. Peter's website. Entrance to

Local zoning laws can not prohibit schools from being built on residential property and the convent is currently zoned Suburban Estates. However safety issues such as traffic mitigation can be considered.

Some residents living in the two nearby subdivisions of Manderleigh and Cedar Springs are complaining about how heavy traffic is making left turns from the subdivisions in the morning difficult and unsafe.

St. Austin's board of governors are closely associated with the Abbey and a group of Catholics that still are worshipping per pre 1962 rules including the Mass in Latin. One thing that is hard not to notice on the site to be run as a private Catholic religious school is that it sits on 6.66 acres of land.



BAD NIGHT AT THE PLANNING AND ZONING COMMISSION FOR SCHOOL

SUPPORTERS: There were few questions about the plans for the St. Austin School building itself...there were plenty of questions about traffic and the people representing St. Austin had few good answers.

It was almost a full house at the P&Z meeting. Even Mayor/Cigarette Lobbyist Jon Dalton showed up and took his seat and later asked questions.



After listening to this for 1-hour and 20-minutes it was clear that the board of the St. Austin School was premature in bringing the matter to the P&Z because their traffic study created more questions than it answered and because they had no documents from the Missouri Department of Transportation approving the school's preliminary plans.

The school's traffic engineer told the commission that MoDot would approve plans if they (the school) paid for a second right exit lane from SB Hwy 141 onto Woods Mill Road at the traffic circle which would bypass the circle completely for motorists who wanted to go north on Woods Mill.

Also the school would have to move the entrance and put a right turn lane in on SB Woods Mill Road to the school's drive.

The traffic engineer down played down the impact from the additional traffic the school would place on Woods Mill Road and Hwy 141.

The traffic engineer, Carrie Falkenrath said while the current enrollment is only 72. There are about 30 cars a day dropping off and picking students. The new school could see an eventual enrollment of 150. While the school felt there would be only about 75

cars a day dropping off and picking up, MoDot thought that was unrealistic and they used an average of 100 cars. Falkenrath felt about 50 cars would arrive from the north and 50 cars from the south.

She said the peak traffic times in the morning were 7:30-to-8:30. For the purpose of the school the peak time in the afternoon would be from 3:30-to-4:30.

Under questioning after nearby residents complained of the amount of time it currently takes to turn left from their subdivision (Manderleigh Woods and Cedar Springs) she estimated the longest average wait to turn from Manderleigh was 35-seconds. If 35 seconds is an average that does mean some residents are waiting one or two minutes to make a safe turn.

The planners had no visual rendering of the traffic improvements they say they would make to either the 141 exit or adding the new right turn lane into the school grounds. They also had not clear sightline studies.

The biggest problem Falkenrath pointed out would actually affect people dropping off kids at the school and not neighbors. She admitted those exiting the school grounds during peak traffic hours could have to wait considerable times to make safe left turns from the property and add there was only space for two vehicles in separate left and right turn lanes from the school onto Woods Mill. In some cases she said it might take two minutes for someone to be able to make a left turn.

The school also had no plans for the excess parking when they had nighttime special events. They have 39 parking spaces planned. At first they suggested excess traffic could park on the drive into and around the campus. This flew for about 10 seconds until it was pointed out how the fire department requires 12 feet in width for responding fire and EMS vehicles. They appeared to be totally surprised and caught off-guard when Alderman Fred Meyland-Smith brought up the subject.



Meyland-Smith and Dalton look at the screen while Dalton asks a question.

Meyland-Smith told the traffic engineer and school officials how "disappointed" he was with the lack of visual illustrations.

Here are a number of the things that St. Austin failed to provide:

1. Written approval from MoDot of required plans for improvements to Hwy 141 and Woods Mill Road.
2. Illustrations of planned improvements
3. Actual measured sight lines
4. No special event parking plans

ADDITIONAL ABOUT THE SCHOOL: Danielle Morgenthaler from St. Austin's started off the presentation giving a pep talk of sorts. The school is currently being held at the Assumption Greek Orthodox Church on Des Peres Road in Town and Country.

"We deliver a West County Prep School education at a parish school price," said Morgenthaler.

She said class size is 15 students. The curriculum of require classes includes Latin and Spanish, in that order. She said the school follows a Benedictine Philosophy taken from the monks at the Priory School. She bragged about test scores and added, "we have a very special school with a very long waiting list."

Morgenthaler stated with their campus they hoped to increase enrollment to 152 students.



Morgenthaler listens to one of the school's experts.

FUNDING NOT THERE: School officials admitted during the hearing they have not yet obtained funding for the school and estimated it might take four years. It was stated they expect to have the school open 10 months after they start construction.

COMMENTS:

A number of residents from both the Manderleigh Woods and Cedar Springs subdivisions spoke, including the wife of Alderman Jon Benigas. One woman wanted the school to improve the privacy along the rear property and the current property of the convent, which is only a chain link fence. Everyone else spoke not about the school but about traffic and traffic safety.

Several parents of children at the school or school board members spoke about the school. Then Father Bede Price spoke. Fr. Price is on the board of governors of St. Austin who reminded me of Catholic educators I suffered under during a brief time in Catholic High School...he appeared to be a gruff..."my way of the highway guy...who would be happy to tell you who was the boss in English and Latin.

Fr. Price seemed upset that MoDot thought the current car-per-student ration of 2.3 was unrealistic and forced the traffic engineer to use a 1.2-per-car ratio.

"When it comes to traffic we have families with four and five children. We don't have families with 1.2 children," said Price with a stern glare, who then turned and returned to his seat.



Fr. Price explaining the facts of life of a conservative Catholic family to the P&Z members.

The Planning and Zoning members voted unanimously to continue motion for the school to another meeting after the school produces a list of documents or illustration concerning traffic issues.

YOU NEED A BILLY GOAT OR A SHERPA GUIDE TO GET A PUBLIC NOTICE: If you remember I complained in this newsletter how city staff hid a "public notice" sign for the Raintree School project down an abandoned side street making it almost impossible to see from Mason Road. Citizens at a public hearing attacked the city for "hiding" the sign and then Planning Director Sharon Rothmel refused to speak at the meeting after the criticism.

The "public hearing" sign is highly visible at Sisters of St. Peter Claver property. The problem is that it was placed up high on a hill. While I don't consider myself "elderly" my hips are not what they used to be. I had trouble getting up to the box holding the public notices. I don't understand why the sign could not be placed at street level making it easier for people to get the printed notices. I was later told this was the location where another "public notice" sign was stolen so the building inspector made it a little harder to reach for thieves and citizens wanting a paper notice.



POISONING THE PARK PATRONS: Humorist Tom Lehr, a math professor at MIT and Harvard, in the 60s had several albums with wonderful satirical songs such as "The Vatican Rag" as a rag time song, "Pollution" as a Calypso song and a song about the Periodic Elements sung to Gilbert and Sullivan's music of a "Modern Major General." But perhaps his most famous song was "Poisoning Pigeons in the Park."

(This is the second time in two years I have been reminded of Lehr while writing this newsletter. The first time was when he was on our list of New Yorkers giving campaign contributions to Claire McCaskill after Todd Akin's interview with Charles Jacco.)



I thought of Tom Lehr the other day when walking the dogs at Drace park and spying how a nice crop of Poison Ivy was coming up in the area where the "Prairie Grass" used to be located. Another patch was next to the crushed rock walk between the two log cabins. I have to wonder what the reaction will be from residents whose kids come

home from an hour in the park and break out in poison ivy courtesy of the City of Town and Country.



Some poison ivy just off the sidewalk.



At the bottom center is more poison ivy between the two log cabins.

By the way here is a link to Tom Lehr singing "Poisoning the Pigeons in the Park."

<http://www.youtube.com/watch?v=QNA9rQcMq00>

LOG CABIN WORK TO START IN THE NEXT TWO WEEKS: \$194,810 (much from Muni League Park Grant) was approved for a contractor at the May 27 Board of Aldermen meeting and work to take off the kitchen area of the existing log house and reconstruction of the log house moved from Conway Road to Drace Park should begin by the second week in June.

DRACE PARK UNDER SURVEILLANCE: The Board of Alderman voted to fund a surveillance camera system at Drace Park for \$10,396. After Parks Chair Alderwoman Lynn Wright spoke out at the March Parks meeting saying how people not picking up their dog's poop were the biggest problems in the parks, I was wondering if the camera would be used to catch non compliant dog walkers. However Police Chief Pat Kranz said this part of the city eventually getting surveillance on all city properties.

Chief Kranz said the City Hall and Longview have systems now leaving Drace, Preservation Park and the city salt storage barn as properties without camera. He added that police dispatchers will be able to view cameras at Drace. The dispatchers cannot see the six cameras at Longview Park, which record images which can be reviewed after an incident. Kranz said the cameras would be focused on the main entrance and on the bathrooms.



Keep in mind three years ago some criminals parked on the south side section of Drace Park that would not be under surveillance while committing a burglary. Earlier this year there was a suicide by gun on the main parking area at Drace.

New Alderwoman Linda Rallo said she had been walking around Preservation Park and saw plenty of evidence of beer drinking and "smoking." Parks Director Anne Nixon said this was a regular end of the school year problem at the West side of the park. Chief Kranz said it would be cost prohibitive to install cameras at the west side of Preservation Park because there is no electricity available.

Maybe 20 minutes less time spent on the Interstate doing traffic enforcement and 20 more minutes spent patrolling the west end of Preservation Park would be helpful.

POLICE SEARCHING FOR ANOTHER SUSPECT IN THORNHILL

BURGLARY AND BEATING: Town and Country Police have identified a second suspect in the burglary, assault and car theft that occurred at 12951 Thornhill Road, a house for sale and being rented by convicted felon embezzler Thomas R. Ruzicka. The crimes occurred on May 9



Daniel Denzel Martin, 21, of Bel Ridge has already been charged and is in jail on a \$150,000 bond.

Police officials say they have identified two other suspects, an adult who is also wanted by the St. Louis County Police for robbery and a juvenile. The adult suspect has not been charged and is still at large and the juvenile suspect has not yet been charged.

NO CROSSING THE STREET WITH A BEER IN YOUR HAND...THE CHANGES CONTINUE FOR FIRE AND ICE: One alderperson told me weeks ago they were curious to see how the Fire and Ice pre-fourth of July show was going to be pulled off without being a disaster. More news about how the festival was going to be run was explained Tuesday night at the Board of Aldermen meeting including a rule that people on the south side of the street at the "Taste of Town and Country" would not be allowed to cross the street with an alcoholic beverage in their hand.

PLANS ...WHO NEEDS STINKIN PLANS (at least well thought out ones):

First: The city was going to close Clayton Road at Mason Road east to the Principia School. Booths would be set up on the Principal property on the north side of the road, the vacant Wirth Family property on the south side as well as the Mason Village Shopping Center.

This was news to the Fire District who operates the Town and Country Fire Station, at least until I brought it to them. A fire captain told me the city might close the street, but they were going to operate as if it was open.

I also wondered how business such as Straub's Grocery Store, Starbucks, John Mineo's were going to take to the fact that the city is going to keep customers from driving to their businesses and use their parking lot.

The other problem was going to be how many cops was it going to take to detour traffic as far away as the I-270 Service Roads plus at Mason Road.

Second: A couple of weeks after announcing how the Clayton Road would be closed, city officials announced it would not be closed and it would remain open, but there would police available to make sure it was safe to cross the street..

Third: One month before the event it was announced that the road would be open and the parking lot at Mason Village would be available for customers of the businesses to use for parking but not for people attending Fire and Ice, who would have to use four other parking lots, including two serviced by a shuttle bus. The parking lot entrance would have to be handled by police officers. An interesting question is..."What law do

you enforce if someone says they are shopping at Straub's, buys a pack of gum and then stays for coffee and ice?"

It was also announced that the Principia School would not allow alcoholic beverages on their property. The food and drinks would be sold across the street on the Wirth Property and signs would be posted at vendors' locations and along Clayton Road that drinks could not be taken onto the Principia property.

Who was going to enforce this...more police officers of course.

Town and Country only has 29 police officers. I'm guessing Chief Pat Kranz and Captain Bob Arthur will be pressed into service because I don't think they have enough cops to monitor the parking lot, monitor alcoholic beverages crossing the street, do traffic control plus doing regular patrol and call answering calls.



with a beer in your hand.

No crossing the street from here to



No beer or wine allowed here.

And you can only park here if you are going to shop:



Of course I will be surprised if these plans don't change again in the next two weeks.

The Fireworks Launching Pad has not changed and will be in the Principia field along Mason Road across from the Wheatfield subdivision. I hope for the sake of all the stately homes in Wheatfield that there is not a north by northeast wind when the fireworks are shot off.

TWO FOR THREE: Going two for three is good if you're a baseball player, but maybe not so good if you are a newly elected alderwoman. Amy Anderson missed the third meeting of her first term as she was in the British Virgin Islands. Now everyone gets to take a vacation. I missed one meeting each year I was an alderman, although I returned a portion of my monthly paycheck each time I missed a meeting.



It may be interesting in the case of Anderson though, since she and her husband own a Michigan vacation house.

THE GREEN, GREEN GRASS OF HOME...THE CONTINUING SAGA OF THE HIGH GRASS OF THE EX-CON DRUG DEALER: Here are this week's

photos of the yard of Good Neighbor Brian Marchant-Calsyn of the yard of his unoccupied house on 3 acres at 1761 Topping Road.



May 28, 2014



May 28, 2014

Marchant-Calsyn besides serving time in the Federal Prison in Lewisburg, PA , has a number of judgments against him and various internet sales companies totaling into the six figures. Here is the latest judgment against him for non-payment of back taxes obtained in March by the Missouri Department of Revenue:

14SL-MC03630 - DEPT OF REVENUE V BRIAN A MARCHANT-
CALSYN ETAL (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments
				Garnishments/ Execution			

This information is provided as a service and is not considered an official court record.

Judgment

Date: 03/17/2014 Description: [Judgment Entered](#) Against: MARCHANT-CALSYN, BRIAN A

Amount of Judgment: see text Date of Satisfaction: not yet on file

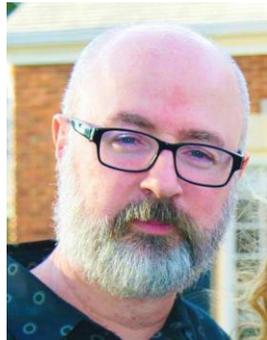
Text: PETITIONER DEPARTMENT OF REVENUE HAVE AND RECOVER OF RESPONDENTS BRIAN A MARCHANT-CALSYN AND CHRISTINE C CALSYN THE TOTAL AMOUNT OF \$17,796.66.

Next Judgment

Date: 03/17/2014 Description: [Judgment Entered](#) Against: CALSYN, CHRISTINE C

Amount of Judgment: see text Date of Satisfaction: not yet on file

Text: PETITIONER DEPARTMENT OF REVENUE HAVE AND RECOVER OF RESPONDENTS BRIAN A MARCHANT-CALSYN AND CHRISTINE C CALSYN THE TOTAL AMOUNT OF \$17,796.66.



Brian Marchant-Calsyn

TOO MANY DEER LEAD TO OTHER PROBLEMS LIKE

INSURANCE FRAUD: The population explosion of white tail deer started in the 1990s in Pennsylvania the spread in all directions. Usually with any situation in life some crook will find a way to take advantage. Here is a story out of Philadelphia that illustrates the point:

41 charged in insurance scam involving dead deer

AP By Associated Press

PHILADELPHIA (AP) — Forty-one people in Philadelphia are facing charges in what prosecutors call an elaborate insurance fraud scheme that used dead deer to fake car accidents.

Ronald Galati Sr. is accused of running a \$5 million scam out of his auto body shop.

District Attorney Seth Williams said Wednesday that Galati coached customers to claim they'd struck a deer rather than a car. That way, insurance companies would consider them "no fault" accidents and pay the claims without raising the customers' premiums.

Investigators say Galati stored deer carcasses, blood and fur in the back of his shop to use as props.

Also charged are Galati's wife, son and daughter, several insurance adjusters, tow truck drivers, a city official and a police officer.

Defense attorney Anthony Voci said he couldn't comment specifically on the charges because he hadn't seen the grand jury presentment but that his client is innocent until proven guilty.

UNAPPROVED CHESTERFIELD NEWSLETTER 76



June 2, 2014

By John Hoffmann

MORE SECESSION TALK...SENIOR COUNCILMAN WANTS CITY TO INVESTIGATE ST. LOUIS COUNTY MUNICIPAL LEAGUE AND POSSIBLY CONSIDER WITHDRAWING:

Councilman Barry Flachsbart brought up several issues at the end of Wednesday's Finance and Administration Committee meeting, much to the annoyance of young Councilman Derek Grier, who clearly wanted the meeting to end after the last agenda was completed. He was informed by two other councilmen that it was perfectly proper to discuss other issues that might involve giving instructions to the staff or place items on the next meeting's agenda.



Barry Flachsbart

Flachsbart then passed out the following:

Withdraw From Municipal League?

We have been struggling to get the Missouri Legislature to change the St. Louis County Sales tax Distribution formula to make it more fair and to encourage, rather than discourage, economic development.

I understand that the (St. Louis County) Municipal League has been working against us.

I move that we ask staff to investigate whether the (St. Louis County) Municipal League has, in fact, been working against us on the Sale Tax Distribution question. Further, they should report to us on how our payment to the (St. Louis

County) Municipal League compares to the payments from other cities...I believe we are one of the largest in financial support for the (St. Louis County) Municipal League.

If it is determined that the (St. Louis County) Municipal has been working against us, then I will make a further motion at a later meeting that we withdraw from the (St. Louis County) Municipal League.

The committee voted for the city staff to investigate the matter and report back.

Let's face it there are a lot of municipalities that are represented by the Municipal League that depend on the Sales Tax Pool to keep from going out of existence. Any position the Municipal League takes on this issue will create a conflict of interest.

Also Town and Country Mayor Jon Dalton is a lobbyist for the Municipal League,. Town and Country is a Point of Sale city. It will be interesting if Dalton starts lobbying for the Tax Pool and against the Point of Sale when his city is reaping the rewards of being a Point of Sale municipality. This is one of many reasons why Dalton has a conflict and should not work for the Municipal League.

FLACHSBART MOVES TO OPPOSE CITY-COUNTY MERGER: Barry then pulled another piece of paper out of a folder and announced he wasn't done yet. Derek Geier grimaced. Here is the next topic and motion.

Oppose Merger of St. Louis City and St.. Louis County

St. Louis County has been working aggressively to opposed us in trying to make the local sales tax distribution in St. Louis County less stifling for economic development.

Thus it seems appropriate that we oppose any merger of St. Louis County with St. Louis city, at until they move to a position of encouraging, rather than discouraging, economic development in St. Louis County.

I move that we request staff to prepare a resolution opposing any merger of St. Louis City and St. Louis County at this time and submit this resolution to us for consideration first at the committee level and, if approved in the Committee, to the City Council for consideration.

Councilman Dan Hurt inquired why more work is not done to increase manufacturing economic development and not just retail development.



Dan Hurt reading and Barry Flachsbart getting ready to pass out more.

Bruce DeGroot who appears to becoming more and more liberal every time complained about Flachsbart's proposal as if he might be favoring a city-county merger.

"I'd vote against this right now. It doesn't have enough information. it is unfair to the issue."

Flashbart brought up a third topic and Geier looked at his watch and rolled his eyes. The third handout dealt with a new approach to be used by city lobbyists in trying to convince outstate state legislators in changing to St. Louis County Sales Tax Pool law. Flachsbart recommended selling them on "fairness" and "economic development" as issues.

Barry had a fourth item to bring up, but decided to hold it to the next meeting much to the relief of Grier.

TAX POOL CHAT: After the meeting I briefly spoke with Barry Flachsbart and Mayor Bob Nation. I mentioned that they might not have a lot a sympathy since Chesterfield incorporated five years after the requirement that new cities and annexed area HAD to participate in the Sale Tax Pool, whether they wanted to or not.

"I'm tired of hearing that," said Mayor Nation, who recently brought up the subject at a meeting of the Metro Mayors Association, chaired by Webster grove Mayor Gerry Welch. When asked how his remarks were received by a councilman during the F&A meeting, he sarcastically said they were received with "thunderous applause." Webster

Groves and University City plus several other larger communities are dependent on the Tax Pool due to a lack of large retail complexes.

Flachsbart said in response to my comment of a lack of sympathy, that they changed the rules after Chesterfield was incorporated.

"We were supposed to be able to revisit the sales tax pool every 10 years, but they took that away from us," he said.

Clearly the sales tax Pool is the only thing that is keeping smaller and poorer cities in North County alive. Without the pool tiny cities would neither have to merge or unincorporate, either of which would likely bring far better government services to the residents. Mayor Nation mentioned how some of the cities were giving alderpersons and the mayor huge unjustified salaries while residents received few services.

Flachsbart mentioned his usual complaint of how cities in West County with population bases of wealthy residents were existing thanks to tax revenue generated by Chesterfield.

If this was put to a County wide vote, I don't see how the residents would ever pass an issue that would return to a 100% Point-of-Sale operation.

AUDITOR GIVES CHESTERFIELD A+: Wednesday's meeting started off with the city hired Auditor Al Kirchhofer, president of Daniel Jones and Associates, giving a short and sweet report after auditing Chesterfield's books. Kirchhofer said how his firm specializes in auditing cities, counties and school districts. He stated auditors found no internal control issues and no management issues.

"Out of all of the audits we do, the City of Chesterfield is in the top two with the Springfield School District. In school district terms, Chesterfield earns an A+."

BUS SHELTERS FINANCED BY TDD FUNDS COMING, BUT WHERE AND WHEN...WHO KNOWS! The attorney for the Chesterfield Valley TDD was at the Finance and Admin Committee meeting. He was there to assist in the explanation on how TDD funds will be used to install a number of bus shelters.

TDD stands for "Traffic Development District." It is another way to funnel money to developers and have taxpayers underwrite their projects. TIFs and Community or Commercial Improvement District (CIDS) are another way developers get either real estate breaks or sales tax money to pay for their developments. In the case of a TDD

the EXTRA sales tax money is used for parking lots, lighting, landscaping, signs, storm water sewers and other expensive items.

The district directors includes government officials and in the case of the Chesterfield Valley some funds are diverted from the developers' pocket back to the public.

So a recommendation was made to install bus shelters for "green" residents who take the bus and for employees of the retail district.

It was announced that \$1,000,000 will be set aside with \$345,000 for the actual purchase and installation of bus shelters and \$655,000 for their upkeep hopefully to 2013 when the TDD expires.

The shelter locations and installation will be done by Metro Transit. Some of the shelters will not be in Chesterfield Valley, but elsewhere along the Chesterfield Valley bus line.

Councilman Barry Flachsbart was adamant the shelters have no advertising and that will be written into legislation reference the shelters that comes before the full City Council.

Now here is the odd part...no one claims to know how many shelters the \$345,000 will actually buy. Also no one knows exactly when the shelters will be installed. To me this is a strange way to do business...not knowing how much it will cost or where you will put it. They are simply leaving it up to Metro, an organization that has had a history of trouble balancing its books.

The city wide trash provider, Republic has agreed to pick up the trash at no cost. This is probably a better way to promote their company than giving the city administrator free World Series tickets in 2011. It was mentioned that the bus shelter trash can pick up would be included in future city wide trash contracts. This will mean that city taxpayers will have paid through sales tax at the stores along Chesterfield Airport Road and again in the future through taxes/fees paid for the city wide trash service.

Councilman Dan Hurt, always looking out for taxpayers did ask if the TDD was on track to expire early like the TIF did for the same shopping area. Rob Turney, the TDD lawyer said it would be around until at least 2020, but probably closer to 2031. The TDD stays intact until the sunset dates is reached are all funding mandates are meet.

THE MOST UNUSUAL QUESTION: Councilman Bruce DeGroot who has been on the City Council for 14 months and represents Ward 4 where this TDD is in effect along with one for the Taubman Outlet Mall, who asked this question:

"Again, what exactly is a TDD?"

For a guy who represents the area with two TDDs added to the sales tax load for consumers and tax deferments to developers being an issue in two of the council races when DeGroot was elected, I found this a pretty amazing question.



Bruce DeGroot at the F&A Committee meeting.

SCHOETTLER VALLEY RESIDENT SENTENCED TO 4 YEARS FOR BANK FRAUD:

We reported in our November 21, 2013 Unapproved Chesterfield Newsletter #51 how Michael Edward Fillmore, 52 was indicted in Federal court for bilking Pulaski Bank out of \$6.3 million through false loan applications. Fillmore pled guilty to the charges in December and was sentenced to 4 years in Federal Prison on May 22.

That breaks down to one year for every \$1,575,000 stolen through the scheme. He was also ordered to repay the \$6.3 million.



4 Sir Ryan Court

Perhaps that will involve a downsizing from his home at 4 Sir Ryan Court in the Brook Hill subdivision.

We did find a judgment issued against Fillmore on 01/11/12 from a 2010 lawsuit for \$8,413 which has not been satisfied. Geez the guy had \$6.3 million at one time, you would think he could have settled a lousy \$8,413 court judgment. .

TENNIS INSTRUCTOR WITH RAPE AND SODOMY CHARGES HAS COURT DATE IN JUNE: At about the same time Fillmore was indicted, Javier Pozo, a tennis instructor of 14625 Summer Blossom Lane also in Schoettler Valley, was charged with felony statutory rape and felony statutory sodomy with a girl he was giving tennis lessons to at his house.

Pozo had changed lawyers and now has Joel Schwartz. His next court date in front of Judge Michael Burton is set for Friday June 13.



ROOF TOP DINING AND DANCING AT VILLA FAROTTO ? At the recent Planning and Public Works Committee meeting, Director of Planning Aimee Nassif listed plans submitted by Villa Farotto still being on the books.



Villa Farotto had submitted plans for rooftop dining (who knows maybe dancing too), but have not followed up on them. Here is what the Chesterfield Planning Department had to say:

Villa Farratto's had submitted an application to construct a roof top outdoor dining area. However we have not heard from them in a while so I am not sure if they are still pursuing this or not.

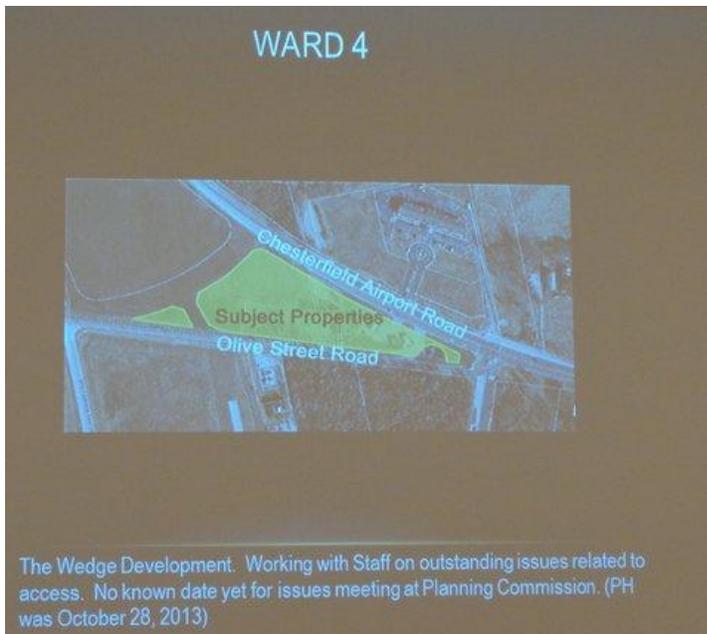
Think of how romantic it could be dining on the roof. A north side table would give you that breath taking view of traffic on Hwy 40/I-64, while a south table would give the trilling views of both the parking lot, Chesterfield Airport Road and the parking lot of the Fox and Hound Pub across the street. Maybe Villa Farotto could try and make CNN's list of top 50 roof top restaurants and complete against the Sugar East Hotel in Hong Kong. (below)



OFF THE TABLE: According the Planning Director Aimee Nasiff the planned development for Olive Blvd and Hog Hollow has been withdrawn.



WEDGE DEVELOPMENT STILL WORKING ON ACCESS ISSUES: With new interest of land near the Premium Outlet Malls along Chesterfield Airport Road and Olive Street Road, the Wedge Development being stuck between the V-intersection of the two roads has still not made it to the Chesterfield P&Z Commission as the developer works on access issues.



ART COMES TO THE OUTLET MALLS AND THEN SOME OF IT GOES: I have avoided visiting the two outlet malls under the belief that I have seen all those stores before.

I was pleasantly surprised upon visiting the Taubman Prestige Outlets after it was announced Chesterfield Arts was moving from Chesterfield Center to Prestige Outlets recently.

I went there on Memorial Day to take some photos and found something you don't see at other outlets...two independent art galleries.

Both were not hidden at the east end of the Mall where there are a number of empty storefronts, but are at the west end of the Mall.



Alwayspring is a more eclectic shop with a broader base of art, but less of it than the nearby Mind Works. Alwayspring has a monthly featured artist and offers Sunday afternoon art critiques



Three doors to the east is the more glitzy Mind Works that features original art work, prints and modestly priced metal art that while designed by an artist appears to have been manufactured, Mind Works reminds me more of shop you would see on the main drive into Carmel by the Sea and Alwayspring is more like one you would see on a lower rent side street run by local artists.

Some people in the local art world have told me that while Chesterfield and Town and Country have some of the best per capita wealth zip codes in the State of Missouri residents tend to head to Clayton and the Central West End to buy art.

At the May 28 Finance and Administration Committee meeting at City Hall, City Administrator Mike Herring said that the Chesterfield Arts relocation had "fallen through."

Development Director Libby Malberg-Tucker was sitting next to me and confirmed that the relocation had fallen through.

This was to be the new location for Chesterfield Arts...but is no more.



THE PROBLEM WITH ART IN A MALL: Let's face it...when Crestwood Plaza (real St. Louisans call it Crestwood Plaza not Crestwood Mall) was on its last legs art shops and community theaters occupied empty stores...so Art has a local connotation or association with failing malls.

I saw a number of shoppers at the Taubman Mall on Memorial Day but the place was not crowded for a holiday weekend and in fact several stores were empty of shoppers and employees were outside by doorways trying to snag each passersby to come inside...not a good sign.

CHESTERFIELD ARTS ARE LOOKING: The Finance and Administration Committee voted to cut loose with Chesterfield Arts quarterly \$25,000 city grant a month early. The measure was sent to the full council for the June 2 meeting.



Chesterfield Arts gets \$100,000 in grants from the City in quarterly payments. Since Chesterfield Arts is under the gun to vacate their current space at 444 Chesterfield Center they asked for the quarterly payment early.

The Chesterfield Arts summer workshops are being moved to Town and Country into the Westminster Christian Academy. But they have to find a new home before school starts in August.

I spoke with Kim Furlow of Chesterfield Arts on Thursday and she said the current proposal to move into Taubman Outlet Mall was not working out and there is no move there at this time. She hedged a bit and did not eliminate moving there in the future.

"We are developing alternatives," she said, two days before her organization needed to be moved out to a new location.

After speaking with Furlow I received a response from the Taubman mall manager that pretty well put the question to rest.

John!

Thanks for your email. Chesterfield Arts will not be moving to Taubman. Thanks!

Colleen O'Neill
General Manager
Taubman Prestige Outlets

SOLAR WARS IN CLARKSON VALLEY: We last reported on the battle between the City of Clarkson Valley and Babbs over their solar panels in our April 7 newsletter. I had thought Clarkson Valley had raised a white flag and surrendered when the city council issued a special use permit for the Babbs to put up their solar panels both on their roof and some on the ground. It was a unanimous vote.

But I was wrong.

If you remember at the time Jim and Frances Babb wanted to put up their 100 panel 25,000watt solar array, the tiny City of Clarkson Valley had no ordinance concerning solar panels. The city pulled a de facto move of not issuing a permit and then passing an ordinance prohibiting solar arrays after the Babbs filed for the special use permit.

The Babbs sued in Cole County Circuit claiming the Clarkson Valley could not pass an ordinance that was stricter or was in conflict with Missouri Public Service Commission rules and regulations. They won and went ahead with the installation of the solar arrays immediately after the ruling with no permits issued by Clarkson Valley.



The city appeal to the Western District of the Missouri Court of Appeals on April 24, 2013. The city lost with a ruling on November 26, 2013, However the City of Clarkson Valley failed to follow the order of the court and issue the Babbs the variances requested for the solar panels that the court already allowed the Babbs to install.

Three months later on February 19, 2014 the Babbs filed a motion for the City of Clarkson Valley to be held in contempt of court. The Babbs won that keeping their perfect record against Clarkson Valley intact. Here is the court's ruling.

"Based on the foregoing and to effectuate the intent in the June 29, 2012 Judgment and Order, the City is ordered to take appropriate action within five business days of the effective date of this Interlocutory Judgment and Order to approve the three variance requests as set forth in the

January 5, 2012 special use permit application submitted by James Babb and issue a completion certificate. In the event the City fails to do so, the City is in civil contempt for its failure to comply with the June 29, 2012 Judgment and Order and, in addition to the relief awarded herein, the City is ordered to pay to the Babbs their reasonable attorney's fees, expert's fees, costs and expenses they have incurred since January 2014 in connection with their motion for contempt.

So Order

Judge Daniel Richard Green

May 12, 2014

I have figured that the City of Clarkson Valley based on an earlier records request has spent well over \$125,000 battling a clearly losing case.

I was also amazed when Clarkson Valley Mayor Scott Douglass was quoted in the May 16 edition of the Post-Dispatch that all the city wanted to do is too inspected the solar array to be sure it was safe. Nothing kept the city from doing this, but instead back in 2012 they refused to issue the permits and then passed an illegal law prohibiting solar panels.



A stubborn Mayor Scott Douglass who has cost the residents of Clarkson Valley about a sixth of the city's annual budget on fighting solar panels you cannot see from the street.

The City of Clarkson Valley has no inspector qualified to inspect solar panels. The Babbs had to hire a court approved inspector to inspect the solar panels and testify in court in Jefferson City.

My Bull Shit detector was pegged when I read what Douglass claimed in the Post-Dispatch article:

But the city's appeal of the Babb's suit wasn't really about the solar panels, Douglass said. It was about the city's ability to regulate them.

The city wanted to be able to inspect the installation, he said. And Douglass is still concerned. The county inspected the electrical installation at the Babbs'. Ameren UE inspected the connection to the grid. But the city still hasn't inspected for fire safety or building codes.

"It seems to be done correctly," Douglass said. "But I don't know that, do I?"

CAUSE AND EFFECT...THE STUPID FILES: If you haven't been to the new 75,000 square foot Dierbergs in Des Peres you should check it out. You can park in the basement garage which is great during snowy weather and during the summer to keep your car from turning into an oven. Sometimes after when we walk our dogs at Drace Park we will go to Dierbergs and park in the garage, lower the windows and keep the pooches in the shade in 80 degrees.

To get to the store you take an escalator to the main shopping floor. When leaving you put your regular cart on the "cartarator" that is a track that grabs the a hook on the shopping cart and takes it to the basement level while you ride down on the escalator.

The kiddie carts with seats for two small children are forbidden from the "cartarator" and they must go down stairs on a nearby elevator.



It used to be there were just signs on the doors you push the carts through and a green lighted sign on top of the "cartarator." telling people no "kiddie carts" and to remove children from carts before putting them on the "cartarator."

After the store had been open for a year and half I noticed new very large warning signs with red letters saying no kids and "kiddie carts." Being a cynical person I immediately thought there had to have been an impressive accident.



I started asking employees what happened on the "cartarator." For two weeks nobody was talking. But my inquiries paid off in week three when a Dierbergs employee told me that someone ignored the old signs and put a kiddie car on the "cartarator" luckily minus the kiddie. The kiddie carts are top heavy and have no ring for the "cartarator" hook to catch on. I was told the kiddie cart went down on top of the "cartarator" end-over-end in spectacular fashion causing the new extra large warning signs to be install.



Banned from the "cartarator"

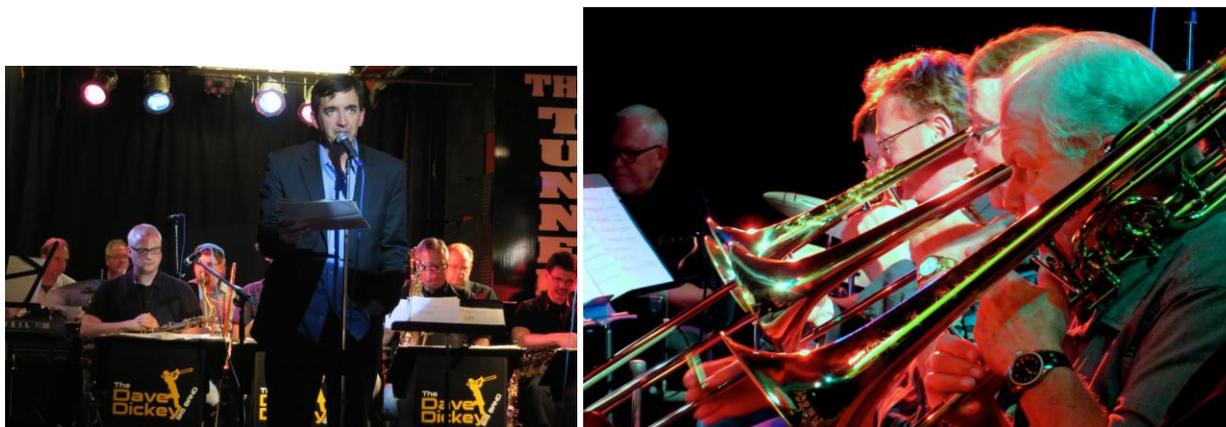


A normal cart headed down.

MUSIC: I was at a wedding at Shaw's Botanical Garden over Memorial Day weekend. While walking to the reception I took a detour when I heard some Dixieland music being played. There was a five piece Dixieland group playing "When the Saints Come Marching In" while the apparently small wedding party was 30 feet away with white New Orleans Mardi-Gras style umbrellas.



DAVE DICKEY BIG BAND: Sunday May 25 it was the Kirkwood Station Brewery for the monthly Dave Dickey Big Band concert.





Normally Dave has a high school jazz group or big band sit in during his band's intermission, but for May he had jazz saxophonist Larry Johnson bring his middle school class from Cottleville, in St. Charles County. I first saw Wyatt Forhan, now an eighth grader, on stage at the Sheldon in December of 2012 playing along on a couple of numbers in with a big band that included Johnson, Jim Manley, Carolbeth True, Jeremy Pfeiffer, Jim Weber and Jim Owens among others.

The kid is great both on trombone and according to Carolbeth True also on the piano.

DON'T FORGET RAT PACK MONDAY AND DEAN CHRISTOPHER. Treat yourself to some good food and a fun time on Monday June 9 from 7:30pm -to-9:30pm when singer comedian Dean Christopher, Jim Manley and Chris Swan will be back at the One-19 North in Kirkwood.



UPCOMING NEXT WEEK: We look at nine cases randomly chosen from Town and Country and Chesterfield Municipal Courts. They include the cases of a former Webster Groves cop arrested twice in six weeks for DWI. In the first case the former cop was doing 102mph. We also check out the Chesterfield case where a driver with no insurance, expired plates, giving false information after being involved in an accident and then doesn't show up in court for four years has the local prosecutor drop most of the charges.

CARTOONS:

