

SPECIAL NEWSLETTER ON LOCAL GOVERNMENT GONE CRAZY!

March 02, 2013

By John Hoffmann

THIS IS A SPECIAL ADDITION OF OUR TOWN AND COUNTRY AND CHESTERFIELD NEWSLETTERS: The current happenings in neighboring Ellisville are a good example of government gone crazy. It appears as if the city council (with several lame duck members) is out to get a young inexperienced mayor over his opposition to using TIFs for a new Wal Mart store, which will basically put a long time Ellisville taxpayer (Super K-Mart) out of business.

Two of the three current city councilpersons up for reelection are not even running, but they want to fast track action against the mayor instead of waiting four weeks for a new city council to get elected. Here's the tale after we spent an evening in the middle of the storm.

THE ELLISVILLE CIRCUS...SAMUEL GOLDWYN COULDN'T HAVE SCRIPTED THIS ANY BETTER: The principle hero is the young Mayor Adam Paul in the center of this photograph. (Think Jimmy Stewart and Mr. Smiths Goes to Washington). Then there is an attractive but sinister councilwoman played by Michelle Murray, who Paul badly beat in the 2012 mayor's race. The evil master of the council is on the left, it is the City Attorney. It is almost a Hollywood requirement to have lawyer in the role of a heavy. In this case it is played perfectly by Paul Martin.



A former mayor, Matt Pirrello, is trying to topple the young mayor. He is wearing a dark beard and sits at one end of the dais. Next to the former mayor is councilman Troy Pieper who also wants to dethrone and otherwise ruin the reputation of the young mayor. Also included are two non-descript councilwomen who are following in lockstep with the three evil doers, Roze Acup and Dawn Anglin. Dawn plays the role perfectly by taking notes while all the citizens rile against her and the other councilpersons. At one point the viewer thinks she might be independent of the others. But by the end of the night you realize there is a better chance she is making an enemies list.

Then you add 100 or so angry citizens, many of them portrayed by seasoned character actors. (Think Lee J. Cobb, Jack Klugman, an angry Eve Arden, Shelly Winters or Ruth Gordon!) A team of scriptwriters and casting directors for Goldwyn or Jack Warner could not have come up with a better story or a cast of characters. The big question is what kind of ending do they have?

A YEAR AGO: The Sansone Development Company was ready to do what people and city officials have been talking about for several years...put up a Super Wal Mart on the southwest corner of Manchester and Clarkson. This event was so well known that two-plus years ago while my wife and I were getting some iced teas at the drive-thru window of the McDonalds (that was on the south side of the street) the kid at the window told us they were building a new McDonalds across the street because a Wal Mart was going to be built where the current McDonalds sits.

Besides the Wal Mart, the property of two large car dealerships was also going to be involved. But as time marched on Sansone and Wal Mart decided they also needed more including the Clarkchester Apartments on Hilltop Drive and Manchester. This would end up displacing a couple of hundred Ellisville residents, many of them longtime residents.

Citizen opposition to the project, especially the original \$15m Tax Increment Financing deal for Wal Mart (now a \$10.6 million deal) had grown. In the 2012 mayoral election 31-year-old Adam Paul easily won in a field of four with a 300-vote lead over his closest rival. Paul ran on an anti-TIF platform. Despite his win and an apparent unofficial referendum from the residents, the City Council was going ahead with the TIF and the development. Of course this development would likely knock long time Ellisville tax provider out of business...that is the Super K-Mart store which is located across Manchester Road from the proposed new Wal-Mart and was built without a TIF.

According to an informed observer, from Day-1 five of the six councilpersons tried to ice out Paul and generally tried to hold him up to ridicule whenever possible. Paul tried to

replace city attorney, Paul Martin, which Martin with the help of five other councilperson blocked.

One local reporter who covers Ellisville told me that the regular councilpersons apparently resented the Mayor for being an outsider. "It might have helped if he was on the council before being elected mayor," the reporter said.

But voters often want an outsider to go in and clean things up.

Before February 27 it appeared as if an attempt by the council to get rid of Mayor Paul had failed. On February 20, the Ellisville Charter Enforcement Commission voted not to impeach Mayor Paul on a complaint that he illegally instructed police officers to remove a person from the council chambers who Paul considered out of order and disruptive. The complaint stated that Mayor Paul did not have the authority to order the police to do anything and he needed to ask the city manager, Kevin Bookout, to instruct the police to remove the person. The Charter Enforcement Commission voted against the impeachment action.

Just when you thought the issue might be over, two days later the council voted 5-2 to instruct the city attorney Paul Martin to prepare a resolution to suspend Mayor Paul from office for 45 days and set a date for a removal hearing.

That is what brought us to the "specially called" City Council meeting on Wednesday February 27.

RULES ON THE GO: I arrived to the Ellisville City Hall 25 minutes before the start of the 6:00 o'clock meeting. The council chamber was already half full. Everyone had to walk through a metal detector. I took out two digital cameras out of my pockets and the officer at the metal detector informed me that no flash photography was allowed.

I asked, "I guess that means non-flash photos are alright then?" An officer said they would have to find out from "the lieutenant." Well there were actually two lieutenants and four other police officers, representing more than 25-percent of the Ellisville Police Department at the meeting.

The first lieutenant they could find thought for a moment and said, "Yeah I guess that's okay."

Apparently the rules for conduct of the public and the press are made up on the go in Ellisville.

I saw Post-Dispatch reporter Stephen Deere sitting in the audience. A PD photographer was also there. Casey Nolan from KSDK was also there with a video camera. Outside Andy Banker with KTVI was at his satellite truck.

By 5:45 the chamber was almost filled. Being a fat guy paid off for once. The only two seats I saw open were the ones next to me and nobody took them. However, the crowd was two deep standing against the back wall.



Photo lifted from STLToday...I'm in the white jacket in row three...note the seat next to me is empty...once in a great while it pays to be fat.

It was five or ten minutes before the start of the meeting when the police stopped allowing the public to enter city hall. This included newsman Andy Banker, who had actually arrived at 5:15 and was in city hall, but stepped outside to do a brief live stand-up report for the 5-6pm newscast.



KTVI's Andy Banker

The cops apparently don't understand that when they don't let the overflow crowd in to attend the meeting, it might be a good idea to allow the press in so they can tell the folks what they missed.

Cops being used as heavies doing dirty work for crooked politicians dates back to the 30's in movies. In the Ellisville script there is a switch, the City manager, City Attorney and City Council use the cops instead of the mayor.



Broderick Crawford as Gov. Willie Stark in the 1949 Academy Award winning movie, All the King's Men, used state troopers at will to block out and intimidate the opposition.

I had picked up an 11-page copy of the resolution and began reading while waiting for the meeting to start. That is when the screenplay popped to mind.

APPARENTLY NONE OF THE CITY COUNCIL EVER SAW BOSS: I'm guessing that none of the councilpersons have ever seen the Starz cable channel show starring Kelsey Grammer as the mayor of Chicago. Guess what, there is a lot of swearing! President Richard M. Nixon's secret White House tapes show swearing as a regular habit at the White House. However the council wants to remove Mayor Paul for allegedly swearing.

The resolution claimed on May 2 Mayor Paul used the phrase "f-ing." The resolution did not claim he actually used the "F-word" but that he used "f-ing."

The document also claimed in a closed executive session meeting Paul used the phrase "shit show."

The resolution written by City Attorney Martin, claimed that on November 7, 2012 Mayor Paul during a closed to the public executive session meeting used the word “shitty.”

The document also claimed that Paul used the word “shit” again on December 5.

If these people think these are examples of profanity, they should have front row seats at a public building and listen to what a college basketball coach yells at his players during a time out. For our movie Mayor Paul’s comments would only cause a PG rating.

I have news for the Ellisville City Council over at the 24-officer police department and at the city’s public works department, swearing is a daily activity. If using the word “shitty” is grounds for dismissal the city will not have much of a work force left.

EVIDENCE...WE DON’T NEED NO STINK’IN EVIDENCE: The resolution claimed Mayor Paul was drinking alcohol during meetings.

The document claimed that on an “**unknown date**” at an “**unknown time**” the city manager saw Mayor Paul drinking from a water bottle but smelled “alcohol” on the mayor’s breath and asked the mayor what he was drinking and Paul replied, “vodka.”

In 30 years of law enforcement, every charging document I have seen or sworn to from a speeding ticket to a serious felony has the date and approximate time of an occurrence. It is hard to convict anyone of anything if you don’t know when it happened.

The document also claims on July 18 during an open meeting in a conference room Mayor Paul had two bottles by his feet, one was a energy drink bottle and the other was a thermos bottle. The resolution alleges that Paul poured the contents of the energy drink into the thermos bottle.

Paul addressed this at the meeting saying he had ice in the thermos. If the new Ellisville script goes long this section could be written out...because who is going to believe “he did something, but I don’t know when and I have no evidence.” Perhaps elected officials are banned from enjoying icy cold energy drinks, but I did not find that rule.

DOING HIS JOB: One allegation says Paul at a December 5 meeting criticized legislation amending the zoning code and legislation about the City Manger’s employment contact and in “doing attacked staff and council members for alleged incompetence and cronyism.”

Well it seems as if this simply proves the mayor is doing what the people elected him to do. Any elected official has the right and duty do to what Paul is alleged to have said. Senators and congresspersons have the right to say anything on the floor during legislative session. Apparently the city council and city attorney of Ellisville thinks this a bad idea.



Jimmy Stewart as Sen. Jefferson Smith filibustering to point out the corruption in Washington that was trying to force him from office.

FOLLOWING MISSOURI LAW IS NOW GROUNDS FOR DISMISSAL: The resolution claims Mayor Paul tape recorded conversations he had with the city clerk and the police chief on February 18 and did not tell them he was recording his conversation with them until the conversation had ended.

The Council is apparently trying to fire the mayor for doing something that is perfectly legal in Missouri. The State of Missouri requires that one person in the conversation give permission for the conversation to be recorded. There is no duty to inform others that you are taping anything if you are part of the conversation.

The document also claims Mayor Paul made public conversations that were made in an executive session meeting concerning a real estate transaction between the Wal-Mart developer, Sansone Group and property owners. Missouri laws allows city elected bodies to go into closed executive sessions and a gives a short list of reasons. One of those reasons is to discuss real estate transactions. However, there is no law that does not allow elected officials to discuss what was said in the meeting. In this case the City of Ellisville was not involved in a real estate transaction. The discussion was about a transaction between a commercial developer buying up privately owned property. That's not specifically covered by the Sunshine "Open Meetings" Law. Let's face it...we need to cast a Lionel Barrymore type in a Mr. Potter role for this.



Mr. Potter sneers at George Bailey. The new rewrite would have Ellisville City Attorney looking down at youngster mayor Adam Paul.

COUNCIL AGAINST RONALD MCDONALD HOUSE AND BACKSTOPPERS: The resolution claims Paul ordered the City Hall message board to display messages that supported business owned by backers of Paul. Paul defended himself by saying he had the message board mention fundraising events at local merchants for Backstoppers and the Ronald McDonald House. For our movie this would play perfectly ...the greedy politicians trying to stop helping worthwhile charities.



Claude Rains as the lying Senator Joseph Paine out to ruin young Senator Jefferson Smith (Jimmy Stewart) who wanted to help the “Boy Rangers” build a national camp.

OH MY GOD...THE MAYOR WANTED STATIONARY: The list of unforgivable sins includes and I’m not making this up...that Mayor Paul requested a city hall staffer to provide him with personalized City of Ellisville letterhead in a writeable electronic format. Imagine that, someone who is supposed to be the head of a city wanting his own letterhead! This is perhaps the most ridiculous of the charges. This is so stupid I cannot think of any way to write it in the script...I mean who would believe it!

OH MY GOD II...City Attorney Martin wrote as a charge against Mayor Paul, that the mayor actually contacted the representative of the Wal-Mart developer and asked a question without the approval of the city council. Wow image this...an elected official streamlining government. As an alderman for two years I called and spoke to anyone I damn pleased.

AN ALLEGATION THAT THE CITY CLERK UNDERSTANDS THE CITY CODE BOOK: Here is another amazing claim; City Attorney Martin claims Mayor Paul actually asked the city clerk her opinion about what the code says about his authority to appoint people. Martin claims by asking the city clerk of her interpretation he had her take over the job of the City Attorney.

CITY ATTORNEY DOESN’T LIKE THAT THE MAYOR WANTS A NEW CITY ATTORNEY: It is repeated in the document that the mayor wanted to replace the city

attorney and did things in that regard without the approval of the City Council. After reading this resolution it appears as if Mayor Paul had good grounds to want a new city attorney. This one is alleging legal activities are grounds for removal from office and is presenting evidence not based on facts.

ONE ALLEGATION I BELIEVE BUT IT IS NOT A VIOLATION OF ANYTHING: It was alleged that the mayor asked the police chief for a badge and a gun. I believe this because I know the Ellisville Police Chief, Tom Felgate. He and I worked together at two different police departments. I don't believe Tom would lie about anything. In fact 30 and 40 years ago when it would have been better for his career to say nothing about something, Tom always told the truth.

Mayors wanting badges are pretty common occurrences. Sure it is an ego or power trip, but many cities do issue badges to elected or appointed officials. Concerning the gun request...with the hyperbole created in Ellisville I can understand why someone might be worried about their safety. While I think this is a bad idea...by merely asking about it is not something you impeach someone over.

If you would like to see the entire resolution here is a link:

<http://ballwin-ellisville.patch.com/articles/is-ellisville-s-city-council-at-war-with-itself-over-mayor-paul#pdf-13472911>

HIGH CRIMES AND MISDEMEANORS: To impeach and remove someone from office on the Federal level they must be guilty of high crimes and misdemeanors or treason. After reviewing these charges which City Attorney Paul Martin claims show Mayor Paul is guilty of misfeasance, malfeasance and nonfeasance. However according to the document Paul is trying to work hard and it appears as if the staff (including the city attorney) are not helping him do his job. Certainly there is nothing listed that should force him out of office.

THE MEETING: As usual the public is allowed to speak at the meeting. I counted 20 people who spoke. All speakers were supporting Mayor Paul and speaking in opposition to an attempt to remove him and directly against most of the city council and the city attorney. No one spoke in favor of the removal. There were loud cheers after most citizens finished their statements.

"If you are trying to attract businesses to Ellisville this (the removal of the mayor) is not the way to do it," said one resident.

“I’m appalled at what you are doing, just because you got beat in an election,” said Michael Cahill. “When you walk into a grocery store don’t you think the contempt of your fellow residents is all around you?”

“This action is mean spirited. I’m surprised by the rude and hostile behavior directed toward the Mayor. He speaks for the people of Ellisville,” said Patty Murphy.

“This council has had it in for Mayor Paul since he got elected,” said another resident.

“The TIF Commission and the Gateway Council were against this TIF. Why give one business a \$15 million tax break and not the other 549 businesses,” asked another citizen.

“I can’t imagine why we are here tonight. I think it is time for the city council to dissolve,” said Elizabeth Schmidt.

“I asked my councilwoman about the sale of property to the developer and she said she had to talk to the city attorney. Then I had to talk to the city attorney and the city manager, but she never talked to me,” said Barb Elebrecht who owns some of the property effected by the development.

“I find it strange you have been accumulating charges against him (Mayor Paul) for a year,” said Vince McCarter.

“Shame on us for our city to come to this new all time low,” said Sandy McGrath. “Our new mayor is being smeared because he has different ideas. Instead of trying to smear our mayor, why don’t you do your jobs?”

While Mayor Paul wanted to discuss the charges and defend himself prior to the vote, he was ignored and a vote was taken and it was 5-0 to suspend the mayor and have a hearing to remove him.

THE SEQUELS: In movie making you always have to be prepared your film will be a box office hit and there will be need for a sequel. In this case there are two possible sequels. The first will be the hearing or trial if you will, to be held on Wednesday March 20. Unfortunately I will be out of the country (scouting locations where it doesn’t snow.) The removal hearing could be an entire movie by itself.

One of the stars will be the bulldog attorney Chet Pleban, who recently won \$1,000,000 for 83-year-old widow Opal Henderson, who had her property and business snatched from her in St. Louis by a group of investors, led by Town and Country Mayor Jon Dalton. The group wanted Henderson's business that had been in her family since 1948 for a parking lot to be used for a nightclub district which they did not have the funding to build.



Chet Pleban and Opal Henderson with check



Pleban had to sue investors in Federal Court, including lawyer, lobbyist and Town and Country Mayor Jon Dalton who used eminent domain to grab Henderson's business. The lawsuit was to force them to pay an earlier COURT judgment.



Who better to play Pleban than the Lincoln Lawyer, Matthew McConaughey.

SEQUEL II: There is a real life sequel to our proposed Ellisville film, again starring an upstart mayor and a city attorney. It also takes place on Manchester Road, but this time in Rock Hill. The mayor is against using a TIF for a development of the northwest corner of Manchester and McKnight. However, the city administrator and much of the board of

aldermen are for it. The Webster Groves School District is against it and the lost revenue over a long period of time.

Who is the city attorney in Rock Hill who appears to be siding against the “reform” mayor? Why it is Paul Martin.

SHOWTIME: Why pay \$12 for a movie in the middle of the week? You can go to the trial of Mayor Adam Paul at the Ellisville City Hall for free. It will be better than anything Hollywood can come up with. Currently it is scheduled for March 20.

THE REAL COSTS: If the Ellisville City Council prevails in removing Mayor Paul, they are going to need two Wal Marts generating tax money to pay for the lawyer bills when Chet Pleban is done filing suits and injunctions. The big winner in this whole mess will probably be City Attorney Paul Martin who is getting lots of extra billable hours.