

EX ALDERMAN NEWSLETTER 185 AND CHESTERFIELD 130



By John Hoffmann

July 20, 2015

FOOTBALL CAMP SODOMY SUSPECT'S LAW FIRM WANTS PRINCIPIA RECORDS AND PRINCIPIA IS FIGHTING THE

SUBPOENAS. The court file of one of the defendants in the Principia summer football camp harassment/sodomy case has grown tremendously thanks to the Principia School filing hundreds of pages of motions to quash subpoenas.

The two remaining defendants are Joshua Paul Brewer of 6 Rutherford Lane and Maverick Holmsley of Wright City. A third defendant, Ricardo Loma pled guilty to seven counts of misdemeanor assault on January 26. The offenses occurred on August 10, 2014,



Joshua Brewer



Maverick Holmsley

Brewer is represented by the Scott Rosenblum law firm. Rosenblum's minions have filed subpoenas wanting records from Principia. Included in the requests are the names of the persons assigned to supervise the football and soccer camps, school discipline records, floor plans of the dorms, the written process on how someone becomes a "House Pop," photos and videos of football and soccer camps, plus much more.

Last Thursday I went to the courthouse in Clayton to review the file.

The file had maybe 25 pages in it before the subpoena to Principia. Afterwards due to the responses from both sides citing case law, the file jump to well over 200 pages.

Principia claimed they had an employer-employee relationship and could not provide information about people at the football and soccer camps.

Rosenblum's lawyers then countered that the people at the camps were not employees at all, but volunteers and cited case law why their background information is not protected.

In several of the filings Principia asked if the judge, Sandra Farraquut-Hemphill, ruled against them to view the material in chambers in the event she rules that some is not admissible.

My plan was to get some interesting points and counter points copied and place the copies in this newsletter, but the file was so massive it was pointless, so I turned in the paper clips used to indicate sections to be copied and took a few notes instead.

A hearing on the motion to produce records and counter motions to quash will be held on August 28 at 1:30 in Division 3. That is after the 2015 summer Football and Soccer camps will be over and the football season will have started.

ALDERPERSONS CUT THE LEGS OUT FROM UNDER STAFF ON TIM HORTON VOTE: Listening to aldermanic candidates speak and reading their election material there has been one central theme, especially from Amy Anderson and Tiffany Frautschi in Ward 2.

They said repeatedly how they were against rezoning residential property for commercial developments but they wanted to find people to develop existing commercial properties.



Amy Anderson



Tiffany Frautschi

Well they really weren't about to go out and start searching for possible tenants for empty store fronts and vacant lots, but they expected the city staff to work in that direction. Now they have taught the staff a valuable lesson.

What the city staff has done is for months encourage the developer to build at Ballas and Clayton Road. This is just what candidates and now alderwomen Anderson and Frautschi had been saying they were for. Ward-1 Alderman Skip Mange, supported this project and then turned his back on the developers. Mayor Dalton wrote favorably about this empty lot being developed in the March city newsletter, he then recused himself.

While the aldermanic chambers were filled with people against the project, there were plenty for it. However most of them decided to write to alderpersons and not mingle with the angry NIMBYs.

I filed a Missouri Sunshine Law records request and obtained the written comments.

My only concern is that many of the letters/emails for the development were a form letter that many of the writers could modify to describe themselves. The other item of interest was the number of emails that were from people living along Bopp, Clayton or Ballas Roads in the cities of Crystal Lake Park, Frontenac, Country Life Acres and Des Peres. Others came from people who worked at offices or medical buildings in Town and Country but lived elsewhere.

It was interesting that the Ward-2 Alderwomen changed their position on this project specifically and against their campaign promises in general terms. However the written correspondence on this issue showed eight letters or emails from Ward-2 residents in support of this project and NONE in opposition to it.

Here is the breakdown of the written comments about this development:

	FOR	AGAINST
Overall	29	4
Ward 1	8	4
Ward 2	8	0
Ward 3	0	0
Ward 4	1	0
Frontenac	2	0
Crystal Lake Park	1	0
Country Life Acres	2	0
Ballwin	1	0
Ladue	2	0
Warson Woods	2	0
Glendale	1	0
Des Peres	1	0

It was not surprising that Ald. Fred Meyland-Smith from Ward-3 was against the project. Fred is against signs on church property, flagpoles in front of churches and most things dealing with retail establishments. Fred feels he is the only person who knows how something should be built and the developers have to change plans to his way of thinking. The one exception is the subdivision of cheaply built homes on a small lots off the parking lot of the Target Store. Fred was for those and against T&C's motto of 1-acre residential lots.

Ald. Jon Benigas in Ward-4 voted against Horton's. Benigas is an avowed vegan who is against eating meat. He has stated at meetings that the city's carbon footprint would go down if everyone in town would quit eating meat. Guess what? Tim Horton's sells a lot of bacon and sausage in the morning and burgers in the afternoon.

But Anderson and Frautschi in Ward-2 being opposed to this mystifies me. First there isn't any real opposition to Tim Horton's in Ward 2. Secondly they act like good conservatives. If parking is an issue, it is not going to back up Clayton Road. It will drive business away from that corner. Business owners have a right to screw up and fail without the likes of Fred Meyland-Smith, Amy Anderson or Tiffany Frautschi wanting to force big government down their throats. Linda Rallo and Gussie Crawford were the only elect officials to vote for the project.

Finally Ward-1 Alderpersons Skip Mange and Lynn Wright, who appeared to be in support of this originally have not only cost a developer a lot of money, they have screwed over city hall workers and they along with Frautschi and Anderson are sending a clear message that all their talk about bringing retail tax producing business to commercial districts was just that...ALL TALK.



City Planning, Development and Public Works
Craig Wilde



City Planner Melanie Rippetoe

Included in the emails to the Alderpersons was one in favor of the project from Ward-1 resident and Cardinal broadcaster Dan McLaughlin. Convicted twice of DWI, a hot cup of coffee and a crawler is just what Dan needs.



Typical pro letter forwarded to the alderpersons after it was received by the developer:

From: Beth Berra [mailto:beth.berra@gmail.com]
Sent: Friday, July 10, 2015 11:45 AM
To: Pelligreen, Christopher W.; MangeS@town-and-country.org
Subject: Re: Clayton and Ballas- Town and Country, MO

Filled out the form (again) with both my husband and my names. Consent to a yard sign. Will probably not attend the meeting because I can't stand to listen to loud, hysterical people but anyone can speak on our behalf. That corner is never crowded except if there's a ballgame and everyone is heading downtown or if there's a traffic incident on highway 40.

Having the bank and Tim Horton on that corner will be a net plus and add to, not detract from, our neighborhood. There is no way that enough cars will be dumped on the intersection as to cause a traffic issue (they should be so lucky as to get that many customers!!!). The vocal opponents are probably among those T&C residents who were hysterical about the Clayton & 141 development - and who all now shop at Target and Whole Foods.

The corner is a non-productive eyesore and we support the thoughtful development by Clayton & Ballas Property LLC.

STUPID LETTER: Sharyn Essman wrote an email stating that a Tim Horton's outlet would be dangerous for children choir members and church goers. Perhaps the subhead of STUPID isn't strong enough...maybe I should have used STUPIDEST!

From: "Sharyn Essman" <higeehi@gmail.com>
Date: July 7, 2015 at 6:54:49 PM CDT
To: <wildeci@town-and-country.org>
Subject: Proposed construction at Clayton and Ballas Roads

Dear Craig: thanks for talking to me earlier today about the proposed construction on the corner of Ballas and Clayton. As a resident of Clayton Forest Court, I am unhappy that a late-night drive-through restaurant might be located one block from my street. I would appreciate it if you would forward this email to all members of the Board of Aldermen.

Please vote against allowing a drive-through restaurant on the site of the former Shell station at the northeast corner of Clayton and Ballas Roads. Unlike the intersection of Clayton and Lindbergh, this property is situated in a residential area. In addition, a church and the St. Louis Children's Choirs building are adjacent to the property. A 24-hour drive-through, or even one open until midnight, would attract traffic that would put churchgoers and choir members at risk. Thank you for your understanding.
Sincerely, Sharyn Essman

WHAT THE CITY STAFF HAS DONE TO HELP IN THE DEVELOPMENT:

This is a letter to the alderpersons and the mayor, who is refusing to get involve having recused himself without giving exact details of the conflict.

Here is a letter to city officials from the developer that lays out the time table and involvement of city staff in the project. This is a six page document.

Clayton and Ballas Property LLC
540 Maryville Centre Drive; Suite 340
St. Louis, MO 63141

Town and Country Board of Aldermen
1011 Municipal Center Drive
Town and Country, MO 63131

RE: 12151 Clayton Road, Town and Country, Missouri

Dear Aldermen,

As the owners of 12151 Clayton Road, we wanted to provide our perspective regarding the proposed development. Clayton and Ballas Property LLC is comprised of three members Artan Grezda, John Niemi, and me (Christopher Pelligreen). John and I are both lifelong St. Louis residents. I grew up in Country Life Acres and now live off of Bopp Road just south of the Town and Country city limit. Artan has lived in St. Louis for the past twenty years. All three of us have worked in Town and Country for the past fifteen years and eight years ago we started our own company based out of an office in Maryville Centre.

Project Background

We are small business owners, not real estate developers, who in late 2013 decided that we did not want to continue renting office space, we wanted to build a new headquarters for our business, so we started looking for a new location to build an office suited to our needs. All three of us drove by the old gas station frequently so it was immediately high on our list.

We had watched it fall into a state of disrepair while sitting vacant for a few years. After a few months of discussions and negotiations with the then owner we signed a Purchase Agreement to acquire the property on April 6, 2014.

Prior to signing the Purchase Agreement, we had numerous conversations about the property with Sharon Rothmel, Town and Country's Planning Director at the time. The same day we signed the Purchase Agreement we contacted Craig Wilde, Town and Country's new Planning Director, and arranged a meeting for the following week to discuss our ideas for the property. On April 25, 2014 we met with Mr. Wilde and Melanie Rippetoe to discuss the property. During that meeting we showed them a conceptual drawing for a two-story 10,000 square feet office building. Mr. Wilde and Ms. Rippetoe advised us that the City's very strong preference was

a mixed-use building with a food service component on the first floor (and our office on the second floor) because the east end of Town and Country was lacking any such options.

In early May 2014, Mr. Wilde contacted us and informed us that he had discussed the property with the mayor and Board members and that his direction for a mixed-use building with

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a food service component accurately reflected the City's desired use of the property. In June 2014 we started marketing the property for both office space and mixed-use. At the same time, Mr. Wilde, at his own initiative, reached out to Town and Country resident Eric Sigurdson, the President of the local Tim Hortons area developer; and informed him about our project and that Town and Country would love to see a Tim Hortons locate at the site. Shortly thereafter we commenced conversations with Mr. Sigurdson about locating at the property.

In July 2014 Reliance Bank, with whom we had a pre-existing relationship, approached us about its shared space/open floor plan concept (i.e. bank/coffee shop) for the first floor and said they would discuss the project with Mr. Sigurdson. At that time we agreed to move forward with the currently proposed building. Over the following weeks we worked through several different iterations of the building and site plan for this challenging property with our civil engineer and architect.

On September 22, 2014, we again met with Mr. Wilde to present our conceptual site plan for the mixed-use building. This conceptual site plan included the building and Tim Hortons drive-thru as included in the Preliminary Site Development Plan before you today; the only substantive change was replacing a separate bank drive thru window' with the ATM/smart teller machine at the front corner of the building. Mr. Wilde thought that the concept was what the City was looking to locate at the property and suggested our next step was to meet with St. Louis County regarding the intersection as that was their jurisdiction.

Mr. Wilde and Brandon Harp, our civil engineer, met with St. Louis County on October 3, 2014. At that meeting St. Louis County advised that they did not have any concerns about increased traffic from the project and they were satisfied with our conceptual site plan. Based on this meeting and our prior meetings with Mr. Wilde and Ms. Rippetoe, Mr. Harp commenced preparing the Preliminary Site Development Plan, which we submitted to Town and Country for informal review on November 4, 2014. Mr. Wilde separately prepared the Service Revitalization Overlay District regulations that he sent to us for review on November II, 20 14.

Because we are very familiar with Town and Country and 2014 saw some very strong opposition to the BJC and Allegro projects, we knew that we needed to be very thorough about confirming the City was on board with this project prior to completing our purchase of the property. Mr. Wilde assured us that was in fact the case and our property was different because it was a much smaller project, we were not rezoning-the property had been a contaminated gas station for 60+ years-and the proposed use was consistent with the City's current Comprehensive Plan.

During one of our meetings with Mr. Wilde, we also met Alderman Mange who concurred with Mr. Wilde's assessment. Based on these assurances and commitments from Tim Hortons and Reliance

Bank we required the prior owner to demolish the gas station and closed on the purchase of the property on November 21, 2014.

Not "Fast Tracked" or "Under the Radar"

Many of the citizens have complained that the project has been "fast tracked" or "flown under the radar." We provided you the background from the past year to show you that from our perspective that is very difficult to understand. Mr. Wilde repeatedly advised us over the past year that the elected officials were informed and excited about the project. The Preliminary Site Development Plan has been in its current form since last October. Additionally, the project was discussed in

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three separate publications . before our first Planning and Zoning Commission meeting in April and we directly contacted numerous nearby residents prior to that April meeting.

The lead item in John Hoffman's December 3, 2014 newsletter was about the project and included a picture of the Preliminary Site Development Plan. Mr. Hoffman wrote: "Plans submitted to the City of Town and Country show a 2-story building being proposed to be built at the northeast corner of Clayton Road and Ballas Road where a Shell gas station had been located for five decades. After looking at the plans it appears as if there will be a two story building with a bank along with a fast food with a drive thru on the first level and offices on the second level."

The Spring 2015 issue of the Town and Country Times included a statement from Mayor Dalton reflecting the collaborative nature of our project: "The most exciting news is yet to come. There is a rapidly growing interest in the site surrounding the vacant gas station on the northeast corner of Ballas and Clayton Roads. We are working diligently with the property owner to develop a unique application for this location .that will bring particular value to this part of our community. A proposal is expected this spring to build a satellite branch of Reliance Bank combined with Tim Horton's Cafe and Bake Shop. Stay tuned."

Additionally, the property had public notice flyers posted on it for more than 30 days around our initial Planning and Zoning Commission in April and more than 200 Town and Country residents were in attendance at our second Planning and Zoning Commission meeting in May where we presented our project prior to Westminster's presentation.

Past and Future Land Use

Please keep in mind that if we had not required the former owner to demolish the dilapidated gas station infrastructure as a condition of our purchase it would still be standing today. The building that we had tom down as part of our purchase of the property was constructed in 1965 and included a two-bay service station. Prior to that time another gas station had operated on the property since the 1940s.

In addition to the gas station formerly on our property, there have been two other gas stations located at this intersection in recent memory-the current gas station located at 12200 Clayton Road and one located at 12201 until the current medical office building was constructed.

Our property and the existing gas station across the intersection have both undergone environmental remediation over the past ten years and remain as listed sites with the Missouri Department of Natural Resources. Remediation of our property was only completed in connection with our purchase of the property.

One of the items that we discussed prior to purchasing the property was Town and Country's planned use of the property. While the property is zoned "Campus Office," it had always been used for commercial services (i.e. a gas station) since before Town and Country's incorporation as a city in 1974. We had two guideposts in determining Town and Country's planned use of the property: first was our on-going dialogue with and direction from Mr. Wilde who made clear that the property should continue to have some service component and second was the 2010 Town and Country

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Comprehensive Plan, which showed the property's future use as "Retail Service" and referred to the intersection as a commercial area and commercial node.

A majority of the five-member Committee of the Planning and Zoning Commission that developed the Comprehensive Plan remain involved in the planning and zoning process-- Mayor Jon Dalton, Aldermen Fred Meyland-Smith and current Planning and Zoning Commission Chairmen Ron Sulewski indicating that the Plan is current and represents the City's position.

Based on these guideposts and the property's long history as a gasoline and service station we were comfortable that our proposal was consistent with the past and future land use of our property and the intersection. The intersection and area up to Interstate 40 contains more than one million square feet of building space on approximately 125 acres used for commercial and institutional purposes. Immediately adjacent to our property, the "Laura McCarthy" building is 20,500 square feet and the medical office building is 59,000 square feet, while our proposed building is only 7,900 square feet plus a half basement below grade. Our proposed building is substantially smaller and shorter than these surrounding buildings.

Property Values

Some residents have complained that our development will result in a decrease in property values. All of these residents purchased their property while at least two gas stations were operating at this intersection. Thanks to the commitments we had from Town and Country regarding the use of the property and great tenants like Tim Hortons and Reliance Bank, we purchased the property and had one of those gas stations demolished and old, leaking underground storage tanks removed.

Published academic research indicates that houses within 0.33 mile radius of a gas station have a value 11% to 17% lower than identical houses outside of that area. On the other hand, a well-publicized recent study from Zillow shows that between 1997 and 2013 homes within 0.25 miles of a Starbucks increased in value by 96% compared to 65% for all U.S. homes. The Zillow study also noted that homes near a Dunkin' Donuts also appreciated more than the

national average over that period. In light of these studies, the residents should be thanking us for improving the neighborhood and likely driving their property values higher.

Accommodating Improvements

As a show of our desire to be good stewards of the property, we (1) had the prior owner remove the crumbling gas station so that it would not continue to deteriorate while we obtained permits for our proposed building, and (2) agreed to certain improvements on our property that aren't necessarily required—even before incorporating the changes requested by the Planning and Zoning Commission and Board of Aldermen; Town and Country and St. Louis County have been working together over the past few years to improve the Clayton and Ballas intersection. In connection with those improvements, St. Louis County has requested that we cede approximately 4,000 square feet at the intersection to allow a more gradual turning radius from westbound Clayton Road to northbound Ballas Road. Unfortunately, this would result in us losing some onsite functionality and parking, but we tentatively agreed because as people that travel through

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the intersection regularly we recognize that improvement will allow for better traffic flow through the intersection.

Since the property will be connected to the Clayton Road Trail, Mr. Wilde proposed that we include a garden wall around the property. His idea was that pedestrians and cyclists along the trail would like to have a place to stop and rest. Therefore, we included a decorative garden wall adjacent to the intersection at an elevation that would provide seating. At his urging we also included two pillars at the pedestrian entrance to the site to further dress-up the intersection.

At the demand of the Planning and Zoning Commission, we have spent more than \$15,000 for our traffic engineer to complete a traffic impact study and your traffic engineer to complete an independent review, despite the fact that the authority with actual jurisdiction over the intersection (i.e. St. Louis County) had determined such a study was not necessary for such a small development. Based on professional engineering guidelines and a vast quantity of historical data from Tim Hortons, our traffic engineer determined that our proposed use would have "relatively small impacts" on traffic at the intersection. The City's traffic engineer concurred with this determination. Both of our engineers have appeared at multiple meetings and answered numerous questions regarding traffic and parking.

As a result of the traffic impact study, we modified our Site Plan to include a separate left turn lane from our property onto Ballas Road. Although it was not recommended as part of the traffic impact study, we also agreed to include a separate left turn lane from our property onto Clayton Road at the request of the Planning and Zoning Commission. Additionally, the parking component of the traffic study showed enough on-site parking for the current proposed tenants, but at the request of the Planning and Zoning Commission we agreed to lease ten additional spaces at the adjacent church for twenty years to accommodate increased future parking demand.

Throughout this process we have agreed to make many other compromises and concessions for the property.

Office Only Use

Some residents have said that they would not be opposed to a comparably sized office building. We are small business owners, not real estate developers; who set out on this project simply trying to build an attractive home for our business and also improve a blighted intersection. At the City's direction we brought forward this small mixed-use building and we have spent a substantial amount of time and money developing a proposal that we are proud of. If this building is not approved, we will not be in a hurry to invest further time and expense in another proposal that could easily face a similar fate.

Additionally, since we are not speculative real estate developers, we must have long-term commitments from creditworthy tenants before we can move forward with construction. We have marketed the property to office tenants for more than a year (as indicated on the real estate sign that has been on the property since we put it under contract). Our broker sent flyers to over 400 real estate brokers and over 450 medical professionals soliciting interest. However, over the past year we have received very limited interest from prospective office tenants and none of them could enter into a lease that would support construction of a new building. Before that the property sat vacant for

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three years while the prior owner attempted to sell it without significant interest. Along Ballas Road from Clayton to Olive there is currently 514,000 square feet of existing .office and medical office space on the market, much of it marketed at very low lease rates. Based on this experience and information, if only an office building is effectively permissible, then our property will likely sit in its current condition for indefinitely.

Tim Hortons would produce sales tax revenue for Town and Country. If our property is developed with only an office building, Town and Country will receive no revenue from the property. Additionally, Tim Hortons will create approximately 50 new jobs at this location.

Ideal. Local Business Citizens

As we pointed out in the opening to this letter, we are local residents and business owners with longstanding connections to this community. We have a vested interest in this property not only because of our investment, but because it is part of *our* community.

Tim Hortons is consistently voted as Canada's most trusted and loved brand. Locally, Eric Sigurdson, as a long-time Town and Country resident who routinely drives by this property, will have great interest in maintaining this store.

Reliance Bank is headquartered less than two miles down Clayton Road. Reliance's top executives all routinely drive by this property on their way to the corporate office. Many of

Reliance's largest shareholders reside in Town and Country. They will all have a great interest in maintaining this branch.

We do not think that Town and Country could ask for a better mix of parties to be involved with this property.

Please do not hesitate to contact us should you have any questions or desire to discuss our proposal further.

Sincerely,
CLAYTON AND BALLAS PROPERTY LLC

Christopher W. Pelligreen

cc: Mayor Jon Dalton
City Clerk Ashley McNamara
Planning Director Craig Wilde

WESTMINSTER CHRISTIAN ACADEMY FOOTBALL LIGHTS ARE BACK! THIS TIME BEFORE THE BOARD OF ALDERMEN AUGUST 10:

At the May 20th Planning and Zoning the Westminster Christian Academy put on another dog and pony show wanting to have lights on their football field. The proposal was turned down in 2009 and on May 21 at 1 AM the P&Z Commission voted 7-0 to turn down the proposal again.

For Westminster to sue the city over the issue of the lights they have to be turned down by the Board of Aldermen. To be approved by the BOA they need a super majority vote of 6-2 after a defeat at Planning and Zoning.



It is believed that if Westminster sues the city they will point out how the city gave CBC High School permission for lights on their football field and

then did not enforce the provision the lights could only be use 28 times a year.

Also the City gave the Principia School permission to use lights on a practice soccer field. However neither the Principia nor CBC fields are next to any subdivisions. WCA's field abuts three different subdivisions. The school also had an opportunity to build the field and stadium facing a parking lot of an office building and elected not to.

Westminster claims they need the lights for the safety of players who have to play home games at 1pm in the hot sun. However prior to the start of school the team is scheduled to practice at 3:30, the hottest time of the day in August. They also claim the need for Friday night games to improve the reputation of the team. Country Day and John Burroughs are both in the same conference as WCA and have been considered the most prestigious schools in Missouri for decades. Neither school has lights and both play their games on Saturdays.

The matter has been requested to be placed on the Aldermanic calendar for the Monday August 10th meeting. It will be interesting to see once it is voted down how long it will take WCA to file the lawsuit.



DEER-VEHICLE COLLISIONS CONTINUE TO SOAR

VERSUS 2014: In June of 2014 there were three deer-vehicle crashes in Town and Country. In June of 2015 there were 10. In the first half of 2014 there were 21 deer-vehicle crashes. In 2015 that number is 39. The collision rate is highest from October to December so 2015 should see a record number of deer killed on the roads.

Here is where the accidents were June:

June 1 7:42 pm WB I-64 e of Highway 141 Ward 4
June 2 12:10 am EB I-64 at Highway 141 Ward 4
June 4 12:55 am EB I-64 e of Mason Road Ward 2
June 6 6:02 am WB I-64 at Ballas Road Ward 1
June 12 12:41 am EB I-64 w of I-270 Ward 1
June 20 1:09 am 14300 block of South Outer Forty Ward 4
June 21 2:10 am Mason Road and Mason Heights Ward 2
June 27 1:18 am I-270 at I-64 Ward 1
June 27 4:03 am Clayton Road east of Mason Road Ward 2
June 27 9:11 am I-270 at I-64 Ward 1



2015 Deer Accident Locations thru June

I-270 **6** Ward 1
I-64 Ballas to Mason **6** Ward 1 & Ward 2
I-64 Mason Road to W City Limits **5** Wards 3 & 4
North Forty Drive **1** Ward 1
South Outer 40 Drive I-270 to Mason **1** Wards 1 & 2
South Outer 40 Mason to Hwy 141 **2** Wards 3 & 4
Clayton Road Mason to Topping **5** Ward 2
Clayton Road Mason to Woods Mill **4** Ward 3
Weidman Road **1** Ward 3
Conway Road **1** Ward 4
Ladue Road **3** Ward 4
Highway 141 **2** Ward 4
Mason Road **1** Ward 2
Mason Road **1** Ward 4

REAL ESTATE: Here are more proposed new homes in T&C and one major remodeling proposal.

1390 S. Mason: 2.28 acres for a 5,860 sq ft home.



45 Muirfield Lane: This is a 1972 home with a proposed major renovation.



2610 Bopp: Despite what the architect's rendering claiming 2016, it is actually 2610 Bopp. It will have a 4-car garage and is on a one-acre lot.



2501 Oak Springs: 5,662 sq ft. It is all in the eye of the beholder but for me this one is French Provincial Ugly:



2539 Oak Springs: 5,627 sq ft. The rendering of this one with eight black birds circling overhead, trees without leaves or needles puts me in mind of an Alfred Hitchcock movie on a cold winter day with a big house on top of a hill where there are eight bodies inside, one for each bird.



UNAPPROVED CHESTERFIELD NEWSLETTER 130



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T-FED PLEADS GUILTY AND FOR THE ELEVENTH TIME IS GIVEN A DEAL WITH A REDUCED CHARGE OR PROBATION: Chesterfield's bad boy T-Fed gets another deal.



Here is a breakdown of Theodore Federer's arrest record that we are aware of.

03/30/14 Possession of Controlled Substance Felony
10/29/13 Aid a Person Under 21 To Enter Gambling Boat Mo Gaming Enforcement Section
08/09/13 Probation Violation and Revocation Camden County Pled Guilty April 7, 2014
05/18/13 Driving While Intoxicated Ellisville PD Guilty
05/18/13 Driving on Revoked License Ellisville PD
05/18/13 Speeding Ellisville PD
05/18/13 Failure to Show Proof of Insurance Ellisville PD
05/18/13 Open Container of Alcohol w/driving Ellisville PD
05/18/13 Possession of Marijuana Ellisville PD
11-02-12 State of Missouri files Forfeiture Papers St. Louis County Prosecutor
10-23-12 2001 Audi and \$8,975 in cash seized St. Louis County Police
as profits of illegal activity
08-25-12 Attempt to Purchase Liquor by a Minor Missouri Highway Patrol
Montgomery County Missouri
03-29-12 Stealing Chesterfield PD
03-29-12 Destruction of Property Chesterfield PD
02-13-12 Minor in Possession of Liquor Chesterfield PD
02-13-12 Give false Information to Police Chesterfield PD
01-11-12 Stealing Chesterfield PD
01-11-12 Minor in Possession of Liquor Chesterfield PD
09-03-11 Attempt to Purchase Liq by Minor Camden County Sheriff's Office
09-03-11 Driving While Intoxicated Camden County Sheriff's Office
07-04-11 Minor Intoxicated Missouri Water Patrol
09-03-10 Speeding (20 Over PG 5 days jail) Livingston Co Sheriff's Office
07/08/09 Arrested for Unk Criminal Vio County Police Wildwood
10-08-08 Impeding Traffic Town and Country PD

Here is a breakdown of the deals he has gotten rather than facing the music.

03/30/14 Arrested for Assault and Felony Possession of Narcotics after a waitress got knocked out at Harpo's shortly before closing while Federer was in a fight with another customer by the front door. Police found drugs on Federer at the time of his arrest. The assault allegation was dropped when the waitress said she accidentally was hit while the two were fighting. However the felony drug charge was prosecuted.

On July 9, 2015 the Felony Drug possession was dropped to a misdemeanor Possession of Drug Paraphernalia and Federer was placed on a 2-year SIS "no-record" probation.

05/18/13 T-Fed was arrested in Ellisville for the following charges with the eventual dispositions:

1) DWI Pled Guilty He was given a 2-year "no-record" SIS probation term with no fine and no points, this despite the fact that he was on probation for an injury accident DWI offense in Camden County Missouri. Ellisville never notified Camden County of the

conviction. (However, I notified Camden County and T-Fed ended up spending some time in the County jail.)

- 2) Open Container of Alcohol While Operating a Motor Vehicle. This charge was dismissed all together.
- 3) Driving with a Suspended Driver's License. This should have been a 12-point violation. It was reduced to "Illegal Parking" with a \$200 fine and no points.
- 4) Possession of Marijuana. The charge was dismissed.
- 5) Speeding 54/40. This 2-point violation was reduced to Illegal Parking with No-Points with a \$400 fine.
- 6) No Proof of Insurance. This was also reduced to Illegal parking with no points but a \$200 fine.

Here is the breakdown of charges filed against Federer in Chesterfield and their disposition:

In 2012 Chesterfield Police arrested Federer three times, three months in a row. Chesterfield city prosecutor Tim Engelmeyer reduced all the serious charges to littering.

In January 2012 Federer attempted a "tilltap" of the Fox and Hound cash drawer on his way out and when he was stopped he fled without paying a bill. He pled guilty to a charge reduced by Engelmeyer of littering.

In February 2012 Federer was arrested when police responded to a suspicious car call and found Federer and two other minors drinking in a parked car. Federer gave police a false name which turned out to be a real person with active arrest warrants. He was eventually charged with Giving False Information to the Police and Minor in Possession.

Engelmeyer reduced the False Information charge to Littering.

In March of 2012 Federer was arrested after he was caught shoplifting liquor from the Wal Mart store in Chesterfield Valley. He fought with the store detective who stopped him and then fled. He was eventually picked up as a fugitive by the Ellisville Police. This should have been a robbery and assault since Federer used force to flee from the store loss prevention officer. In the fight Federer dropped the glass liquor bottle which broke. A charge of Destruction of Property was filed.

The Chesterfield Police reduced the classification from Robbery to Theft-Shoplifting. Prosecutor Engelmeyer then reduced it to the ridiculous charge of littering.

The result of Engelmeyer not doing his job...was evident in Ellisville. Had Engelmeyer not reduced all the charges to littering and made Federer plead guilty to one serious charge, receive a 90-day jail sentence and then be placed on either a suspended execution of sentence (meaning there is a public record) or a suspended imposition of sentence (meaning no record if probation is successfully served) Federer would have maybe had a reason not to get arrested again. Of course he was already on probation in a Missouri Court when Engelmeyer reduced the charges.



Tim Engelmeyer after telling the City Council why he should be reappointed.

Instead Engelmeyer was merely a nice guy to the local Chesterfield attorney Chris Graville who keeps plenty busy representing the Federer family. Engelmeyer is also acting instead of a protector of the public as merely a revenue collector with the city getting \$500 for bogus littering guilty pleas. This despite the fact the Federer was currently on a 2-year probation in Camden County for a DWI accident and being a Minor in Possession of Liquor. Engelmeyer did not bother to notify the Camden County Court where Federer was on probation of the guilty pleas to the reduced charges.

On 09/03/11 Federer had illegally attempted to buy booze as a minor in Camden County and then was involved in an injury one-car accident, where the passenger in his car was injured. He was arrested for DWI. He was also later sued by his passenger for her injuries.

On May 22, 2012 Federer pled guilty to the DWI and was sentenced to six months in jail, but placed on probation. While Ellisville put Federer on probation for his second DWI and never notified Camden County, I did notify Camden County Courts and a warrant was issued for Federer. He eventually served a short time in the Camden Co. jail, had his probation revoked and had 12-points assessed against his license.

09/03/10 He didn't get a break in Livingston County. He served 5-days in jail for speeding.

On 07/08/09 Federer was arrested by the County Police assigned to Wildwood MO. That criminal case was reduced to "Littering" with a \$300 fine.

SECRET CITY COUNCIL MEETING HELD ON JULY 7: When I returned from vacation on June 29 I checked the online website calendar for the City of Chesterfield for any upcoming meetings. I rechecked this again on or about July 4. There were no meetings listed.

Imagine my surprise while I was when I was trolling through the new City of Chesterfield website that went up last week. There was no calendar. You could click on Calendar, but you got nothing. I did click on "agendas" however and I was shocked to see there was one for a City Council meeting on Tuesday July 7, 2015 at 5:30. This meeting was not posted on the website.

After complaining that the calendar did not work, the city list upcoming events, but you could not view past events on the the monthly calendar. That was still a blank page.

I did click on agenda for this meeting and found part of it was listed as "closed." Here was the notice,

City of Chesterfield

AGENDA

SPECIAL COMMITTEE-OF-THE-WHOLE MEETING

Chesterfield City Hall - Conference Rm. 101

690 Chesterfield Parkway West

Tuesday, July 7, 2015 5:30PM

I. CALL TO ORDER - Mayor Bob Nation

II. ROLL CALL —City Clerk Vickie Hass

III. DISCUSSION -

Re: City Council Committees — Michael Herring, City Administrator

IV. OTHER - Mayor Bob Nation

V. ADJOURN - Executive Session
(Closed Meeting)- RSMo 610.021 (1) (3)
A. Litigation
B. Personnel Matters

On the website after the agenda was a memo to city administrator Mike Herring from the city attorney dated June 26 about the meeting. So on June 26th the meeting had been scheduled but it never was put on the website's calendar.

TO Michael Herring
From: Harry O'Rourke <horourke@smhhlaw.com>

Sent: Friday, June 26, 2015 12:29 PM
To: Michael Herring
Subject: Special Meeting of City Council & Committee of the Whole

You're probably already arranging for this, but I want to make sure that we give notice of two separate meetings on July 7th.

The first notice would be for the meeting of the Committee of the Whole Council. The second notice would be for a special meeting of the City Council. Notice for each should be according to the normal procedures for giving notice of meetings pursuant to law.

Under Roberts's Rules of Order Newly Revised, (Sec. 512 et seq) a Committee of the Whole acts as an ordinary committee, and has the same status and powers of regular committees — that is to make recommendations to the Council on the topics discussed. Votes taken by the Committee of the Whole are not final decisions of the Council. The Council would have the ability to deliberate further and take final action at a regular session. Votes at the Special Meeting of the Council, however, will have final and full authority of the Council, and therefore should be distinct from the Committee of the Whole.

The Council referred the issue of committee assignments to a Committee of the Whole Council. In addition, the Mayor requested a special meeting of the Council to discuss Jeff Brooks. These should be done separately (could be one right after the other) — and each meeting will need proper notice under pursuant to Section 610.020 R.S.Mo. (the sunshine law) — and each meeting will need to be called to order and adjourned separately in order to avoid violating the sunshine law.

Let me know if you have questions about this.

Thanks,

Harry.

HAROLD V. O'ROURKE
Attorney at Law
Stewart, Mittleman, Henry & O'Rourke, L.L.C.

City of Chesterfield

OFFICE OF THE CITY ADMINISTRATOR

TO: Mayor/City Council members/City Attorney

FROM: Michael G. Herring, City Administrator

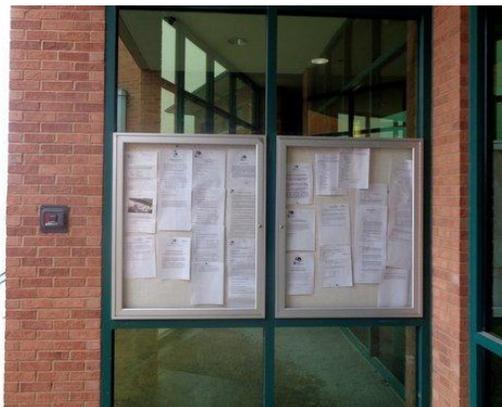
DATE: July 1, 2015

RE: Council Committees

As you know, a SPECIAL COMMITTEE-OF-THE-WHOLE MEETING has been scheduled for Tuesday, July 7, at 5:30pm.

The purpose of this meeting will be to discuss the process by which City Council Committees are established and how said Committees function, in recognition of the conflicts that currently exist between the practice previously followed by City Council and the specifics of Section 13 of Ord. No. 12, which was originally adopted by City Council, on June 1, 1988.

REQUIRED TO DO AND WHAT THEY SHOULD DO: They knew about this meeting in June but didn't post it online. However all they are required to do per the Sunshine Law is post it on a hidden bulletin board at City Hall. That is what happened last year with a Finance and Administration meeting was posted on the bulletin board but not on the website. Former Boy Councilman Derek Grier snapped at me when I asked about it by saying, "We did what we were required to do." Chesterfield residents interested in attending meetings should stop checking the website and start checking the bulletin board outside of City Hall.



From 50 feet away do you see the city hall bulletin board where the official meeting notices are posted? Don't go through the front doors, but walk up to the non-entrance on the left and there is the hidden bulletin boards.

Painting the transparent window black: Apparently the city administrator, Mayor Nation and the council have no problem holding secret meetings. The city clerk certainly has the email addresses of people who cover the meetings for this newsletter, West Magazine and the Post-Dispatch. But I would not have a complaint if they simply posted it on the website when the meeting is first scheduled and not 24 hours before or a week after.

ANOTHER FAST ONE! PERSONNEL MATTER: The personnel matter that closed the meeting was apparently about the city's lobbyist, Jeff Brooks, who was named in City Attorney Harry O'Rourke's memo.



I don't know exactly how the city can claim Brooks is an employee. He is a registered lobbyist for the City of Chesterfield with the Missouri Ethic Commission. Brooks lists his employer with the Ethics Commission as Gamble & Schlemeier of Jefferson City, MO.

Brooks is also a lobbyist for 51 other concerns including four casinos and is a former tobacco lobbyist and one for the St. Louis Sports Authority. By claiming this guy is an employee so they can close a meeting the city council and mayor have pulled another fast one in hiding information from the public.

Brooks deals with what kind of job a contractor is doing. The public seems to have a right to this information about a contractor and what he is being paid.

For what it is worth Brooks also used to work for Armstrong-Teasdale at the same time former state rep and disgraced former Speaker of the House John Diehl did.

FOLLOW THE MONEY:

Rep. Sue Allen only claimed \$750 in contributions for the second quarter of 2015. It was \$500 from the Missouri Pharmacy PAC and \$250 from Auto Dealers.

Rep. Don Gosen in Wildwood and western Chesterfield took in \$11,850 in the second quarter.

The bulk of that money came from two sources. \$5,000 came from Right Choice Managed Care, Inc. of Cincinnati and \$2,500 from Anheuser Busch Companies.

Sen. Jill Schupp gathered \$11,230 for the quarter. Of course Schupp doesn't have to run again for three more years. Her biggest contributor was \$5,000 from Simmons Hanly Conroy, an Asbestos law firm in Alton, IL.

Frank Underwood, No I mean Christian Grey, no wait I mean John Diehl, Jr., recent Speaker of the House whose girlfriends he is having affairs with listed him on their cell phone as "50" for 50 Shades of Grey and Frank Underwood (House of Cards). On March 2, 2015 then State Rep and Speaker of the House Diehl filed a form with the Ethics Commission dated January 26, 2014 stating he was running for a statewide office sometime before 2020.

In the first quarter of 2015 he took in \$49,400 and had \$230,576 in his campaign account. After resigning from office on May 14 after his sexually explicit texts with a teenage intern were published, he still had all of April contributions to report plus the first 14 days of May. We seriously doubt if he got any more cash after he resigned.



However at the reporting deadline for the second quarter on July 15 Diehl had not filed a report.

IMPOSSIBLE TO BELIEVE! He did file a report a day late on July 16, 2015. In an unsigned report filed by computer Diehl claimed he **received NO CONTRIBUTIONS** in April or the first half of May 2015. In his filing he claimed he had "limited activity" during that time.

If you believe that the then most powerful man in Missouri politics/government received no contributions during the last six weeks of the legislative session, I have a Water Park in Southern California I'd like to sell you.

NEW COURT REFORM BILL LIKELY TO BE CHALLENGED IN COURT OVER HANCOCK AMENDMENT VIOLATIONS REQUIRING POLICE DEPARTMENT CERTIFICATIONS:

As usual the Missouri Legislature put too much in a bill. In the Municipal Court reform bill they kept cities from collecting more than 20-percent of their annual revenue from traffic fines. An exception was made for cities in St. Louis County that can only keep 12.5-percent of the total of the city budget.

However another part of the bill requires cities with police departments to have the departments "accredited" with either a national private police group or a state organization within six years or have the police department disbanded.

Here the legislature has placed two entirely different areas under one bill, the municipal court reform and accreditation of police departments. Recently the Missouri Supreme Court has ruled that bills need to be directed at just one area and not a shotgun effort of covering many. So basically the legislature needed to pass two different bills and not combine court reform and police accreditation in the same bill.

The other area which is more likely to be challenged falls under the Hancock Amendment, which claims citizens have to vote on tax increases. It also deals with case-law about the legislature passing bills that require funding without providing the funding.

CALEA is the Commission on Accreditation for Law Enforcement Agencies. It is an independent non-profit organization based in Virginia set up by several law enforcement organizations. It isn't cheap! Chesterfield is one of the few departments in the area that is certified by CALEA.

A certification from CALEA doesn't come free. First of all the fees depend of the size of the department. Here is that breakdown for costs of the accreditation of a police department:

1-24 officers	\$8,475	\$3,470 annual dues
25-199 officers	\$11,450	\$4,065 annual dues
200-999 officers	\$16,145	\$5,000 annual dues
1000-plus officers	\$19,950	\$6,765 annual dues

There are two hidden costs with CALEA Accreditation. First is the department has to pay for the airfare, hotel, food and rental car for the three or more person CALEA team that comes in to audit your department. That could cost more than the fee.

The other thing is the department has to dedicate an officer to the CALEA Accreditation process. That could be a part time job for a smaller department or a fulltime position for a larger department. Now you are talking tens of thousands of dollars in the officer's salary and having to cover his/her usual duties.

Also if you have a dispatch center or a jail/holdover those are under different accreditation programs and cost in the thousands of dollars.

MEDIA WATCH: POST-DISPATCH EDITORIAL WRITER DOESN'T GET IT WITH RIVER VALLEY EDITORIAL: On Tuesday July 14 the Post-Dispatch ran an editorial claiming residents of the River Bend subdivision and River Valley Road in Chesterfield should redirect their anger over a proposed development in the Howard Bend flood plain in the City of Maryland Heights from increased traffic to placing homes in a flood plain.

This is another example of a poorly researched editorial by the P-D that made no sense. First the P-D editorial writer (I'm guessing either Kevin Horrigan or Tony Messenger) wrote the Chesterfield residents were upset about a housing development by McBride and Sons being built in the flood plain. They failed to mention this was a mixed use area that included proposed retail and commercial/light industrial. Meaning besides commuter traffic how there would be truck traffic.

The editorial's focus was that people should be concerned about building in a flood plain and not increased traffic.



Why would residents of River Bend give a shit what would happen to morons who were stupid enough to build in a flood plain? However a project that would increase commuter and business traffic through quiet residential streets by early estimates of

increases of 300% to estimates as high as 1200% would be an immediate concern for safety to an area that includes an elementary school not to mention the effect on property values.

The stupidity of a developer building homes and businesses in a known flood plain is an issue for the elected officials in Maryland Heights. The safety and character of your neighborhood is a completely different issue for the people of Chesterfield. This is apparently a concept members of the editorial page of the Post-Dispatch don't understand.

In February the Post-Dispatch ran an editorial comparing Tesla Motors wanting to sell cars direct from company owned showrooms and Uber wanting to provide Taxi service without meeting basic government required safety regulations for taxicabs. The Post-Dispatch thought it was the same thing. I wrote a letter to the editor saying they were completely different. One dealt with safety and the other dealt with which way car sale profits flowed.

TOWN AND COUNTRY LIVING NOT IN TUNE WITH TOWN AND COUNTRY: It is difficult to call Town and Country Living a magazine, since it has no journalistic standards. However recent editions are full of advertising.

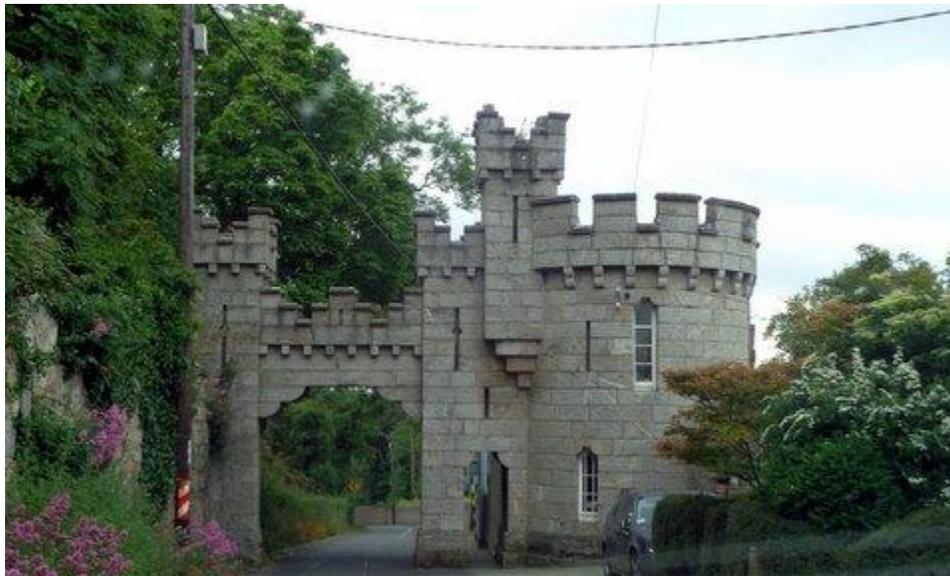
On the back cover is an ad for banner Construction showing new homes that would not meet Town and Country's current codes for new home construction.



Also the "Featured" Town and Country house of the month is not in Town and Country. It is in Chesterfield and is for sale listed by an agent who advertises in Town and Country Living. This is the third time in less than a year they have featured homes that are not in Town and Country.

The image is a real estate advertisement for a house in Chesterfield. At the top, there is a photograph of a large, two-story stone house with a prominent gable and a chimney. Below the photo, the text reads "featured HOME" in a stylized font, followed by "HOME OF THE MONTH 16 BONNORHME GROVE COURT". To the left of the main text is a smaller inset photo showing a parking area with several cars. The main text describes the house as having "Easy living and gracious entertaining on the scale of a large residence also featured in prestigious Country on the Green." It lists features such as "Hick and hewn wood with two rooms and fireplace", "Screened porch", and "Cut to set back to open green space with tennis". The listing price is given as "LISTING PRICE: \$991,000". At the bottom, there is a contact box for "Carla Bergard, CB Graduate" with a Facebook link, a phone number "314-521-6917", and a website "www.thefergusonliving.com". A "75th Anniversary" logo for Ferguson is also present.

VACATION PICS PART II Here are a few more snapshots from our last vacation. These are from Ireland and England.



Drives out Hwy 94 aren't quite like this one in Ireland.



Even in a village there are castles



It pays to get along with people at your dining room table. This is Ronan and Kathryn from Dublin who we spent 12 nights having dinner with on a cruise ship in 2011 and not pissing them off. The pay off was a 12 hour tour outside of Dublin when we visited. Included in the day was a home cooked meal.



This view leading into a village outside of Weymouth England, could have been an opening shot to a Midsomer Murder episode.



English countryside followed by a wide road into a village.



The last time I was in Greenland on the ground it was during an August heat wave with the temperature at record 50 degree levels causing heavy fog. Here is the view out the window of an Icelandair jet at 35,000 feet on a crystal clear day, showing all the mountains, water and icebergs of Greenland.

MUSIC: Correction: I incorrectly mentioned that the clip of Oscar Peterson and Dick Cavett came from Cavett's ABC talk show. This was incorrect. The clip was from Cavett's PBS talk show that came after his ABC talk show against Johnny Carson's Tonight Show was cancelled.

SASHA'S Here is what was happening last Wednesday.



Al Oxenhandler AKA Al Ox, local jazz singer, drummer and pianist stopped by Sasha's last week and sang a couple songs. Al who has appeared with the Boston Pops has been on the St. Louis music scene for the last 40 years.



Also joining Jim Manley and Chris Swan last Wednesday were Arlen Strader on the drums plus Larry Johnson and Joe Bayer on the saxophones.



Friday it was nice to hear and see Arthur Toney at the One-19-North in Kirkwood.

CARTOONS:

