

EX ALDERMAN NEWSLETTER 58

August 01, 2012

By John Hoffmann

PLANNING AND ZONING CONTINUES DAY CARE SCHOOL ISSUE: The applicant was calling it a for-profit kindergarten and pre-kindergarten school that he wants to build in the abandoned Amonte subdivision off S. Mason Road that never got built. The city attorney appeared to agree with the position no zoning changes or special use permits were needed.

However former Alderman Bill Kuehling spoke and pointed out that while the city code allows kindergarten, elementary and secondary schools to be built in residential zoned areas, this operation was primarily a pre-kindergarten school for ages 3-6, making it a daycare facility which would be required to have a Conditional Use Permit. .

A number of residents spoke against placing a commercial enterprise in a residential zone area. Two people spoke in favor of the plan. One resident from the Laurel Lakes subdivision said as a subdivision trustee he preferred the proposed design of the 7,000 –plus square-foot school over the designs for the failed housings project, where the houses designed by Washington U architect school professors looked more like spaceships. Every morning residents could have looked out their windows to see a scene from “The Day the Earth Stood Still.”

The other persons speaking in favor of the project were the residents to the south in the first house on Mason Road inside Town and Country and strong Al Gerber supporters. They felt anything next to their property would be better than an abandoned subdivision full of plots with no houses.

The Gerberites were followed by Charlene Prost. Prost is the former Post-dispatch architecture writer. (Wow The Lee Enterprise Post can't keep from laying off editors and news reporters plus outsourcing classified advertising call takers to India, but the old Pulitzer operation still had an “Architectural” writer, 30-years after the end of contemporary architecture as we know it in the St. Louis area.)

Prost was joined by her husband, blowhard and art snob, Bill Schawacker. This pair are not only Gerberites, but Carterites and Clintonites. There are few causes too liberal for these two.

Prost spoke and talked about how Mason Road was ruined by Queeny Park. She complained of the parking lot and paved trails killing trees. Yikes! Queeny Park is in unincorporated St. Louis County. Apparently Prost is not aware if it was not a park it could be cookie-cutter subdivisions of houses on ¼ acre lots. She was afraid this school would be worse than Queeny Park. God forbid there be a place for citizens to come to exercise, walk and enjoy the rolling hills and trails...and spoil Ms. Prost's view.

The School The school currently exists in Ballwin and has 40 “students.” The husband and wife owners want to increase enrollment up to 70 children ranging in age from 2 1/2 to 6-years old. The school, with a staff of seven, would have 20 parking places. The owner described the school as being a teaching school without the plastic and wood playground equipment normally associated with pre schools.

I wonder what they would be teaching the kids...how to be geologists, since the property is all rock.

The owners also talked about planting trees. This would be a pretty good trick since the property is all rock.

They said they would have to rebuild the rainwater system as the one build in 2006 does not meet current standards, also because it has failed and is one of the reason why portions of the street has collapsed.

HOURS OF OPERATION: The “school” would be open much longer than a public school. Drop offs would be from 7-to-9:15 and pickups would be from 3-to-6. In other words this “school” would be open 11 hours. It truly was looking more and more like a day care operation.



(The owner of Rainbow Community Pre-school makes his pitch to the P&Z Commission)

THE DOPE... That would be me. I went to speak about the poorly placed Public Hearing signs. The staff of planning director Sharon Rothmel did not place a Public Hearing sign facing Mason Road so the motorists on the heavily traveled Mason Road could see there was something up with the property. Instead the sign was hidden and placed on a lot inside of subdivision on Amonte.

While listening to the presentation I was taken by the claims of trees and the overhead Google photos of the greenery. When I spoke I mentioned that the green on the Google-earth photos were not trees on the property but the tops of trees from Laurel Lakes. I said the place was all rock.

I mentioned that the property was not graded but dynamite had to blow apart rock to be removed for the lots. I was wrong. Chuck Lenz later told me the property was blown apart but it was done by more expensive fragging...where high pressure water was used to blow up the rocks.

This mistake allow the Gerberites living next door to suggest the P&Z Board ignore everything I said. However, I think I got the message across that the city should not be hiding Public Hearing signs but instead placing them in places where the public can actually view them.

OTHER COMPLAINTS: The people speaking against the project were upset over increased traffic on a narrow section of Mason Road. The school would generate about 170 entrances and exits from and to Mason Road, while the seven home subdivision would have only had about 70.

Another big issue was the fact a commercial building was going in along the residential and park area of Mason Road. If the school failed, who would use the building? Some said it would be abandoned like the current property is now. The other concern was if this was built what would keep a school like DeVry from building on the large tract of property for sale now on Mason Road. This would be the old "Slippery Slope" syndrome; first a commercial school, and next another some other non-residential building.

One couple from the subdivision just north of the property spoke against the project. Frankly I know I would not want the sound of 70 children at recess on a daily basis.

The Planning Commission minus two board members voted against the measure with a 4-2. They then voted to recall the matter and voted 6-0 to continue the matter after city attorney Steve Garrett investigated Bill Kuehling's very accurate point that pre-schools

were a commercial facility in a residential area and needed a special Conditional Use Permit.

ALMOST DIDN'T HAPPEN...BETTER LATE THAN NEVER...THE USUAL MISSING MAYOR: The meeting almost never happened due to a lack of a quorum. There were only four members present and they had to wait until 7:30pm for Rick Kelly to show up. Mayor/Cigarette Lobbyist Jon Dalton is a voting member of the Planning and Zoning Commission but Dalton almost never shows up. This was the case for this meeting also.

Why? Dalton hates to have to actually vote on something and take a position. When you vote there is a chance you will make someone mad. Dalton does not want to do that. He would rather not do his job than lose a small section of his voting base.

THE THEFT OF PHOTOS...ROUND UP THE USUAL SUSPECTS AND START WITH THE POLICE CHIEF/CITY ADMINSTRATOR! Ellie Bush has lived in the same house, a very attractive two story home at the end of Kirken Knoll for 50 years. In the 1970's she had to briefly move out after burglars broke in and started a fire.

She has outlived two husbands and a fire in that house. Now it appears as if the house will be her ultimate demise. Yes the house is likely going to kill the 78-year-old Bush.



Bush's side yard abuts property that is now owned by Missouri Baptist Hospital. Around 2002 after Missouri Baptist did some grading and changed the way rain water drained off the property Bush's side yard turned into a swamp. Eventually water penetrated her basement. She could not keep up with the new constant dampness in her house. Mold began to grow in her basement. She tried but was unable to get rid of it. She then began to regularly get upper respiratory infections.

She was hit with a triple whammy. She couldn't sell the house because of the mold. She couldn't afford to change the water runoff from the Mo Bap property. She couldn't sell the house as a tear down, first because of the water issues and later because of the economy.

In 2010 Mo Bap re-graded and built a water retention area and Bush's yard dried up for the first time since 2002. But the house was now full of mold. She needed to sell the house to afford to move to a condo or retirement community.

Over the years Ellie has not only held Mo Bap responsible for ruining her home, but also the city for not stopping it from happening.

In 2012 at age 78, Bush decided to speak up again. She drove downtown and got MSD maps. She attended meetings and sent emails and letters. In July she asked to meet with Mayor Jon F. Dalton or the city engineer, director of Public Works Craig Wilde. Dalton, who always talks about how the best part of his job is dealing with the citizens, didn't want to go. Bush recently sent a letter to the American Red Cross complaining about them having a tobacco lobbyist (Dalton) on their regional board of directors.

Instead of Dalton, City Administrator and Police Chief John Copeland went to visit Ellie.

Bush claims while meeting with Copeland she was showing him a number of photographs. She said she excused herself to get the MSD maps. When she returned Copeland was gone and so were the photos.

She next called the police and filed a theft report of her photographs. The suspect was the police chief.

A few days later Lt. Richard Kranz, the chief of the detective bureau who was recently promoted by Copeland, arrived and interviewed Bush. There have been no arrests so far and I don't expect any.

FORMER TOWN AND COUNTRY EX-CON AND ALLEGED SCAMMER BACK IN BUSINESS: I was notified last week by one of many people who consider themselves a victim of one of Brian Marchant-Calsyn's internet sales schemes. That he was back in business under a new name, this time working for an Ohio company.

Marchant-Calsyn served time in the Lewisburg Federal Prison for selling LSD in the 1990s. He then worked as a salesman for S&K Investments, a Ponzi sales scheme

whose two founders (Town and Country residents) were convicted of fraud and served time.



Next from 1999-to 2010 Brian created one internet recruiting company after another. The one he had up running the longest was called Health Career Agents. In 2010, after as long as four years in the court system, multiple judgments against Health Career Agents were handed down. Eventually Brian was no longer operating out of an office, but out of his house and listed a post office box at the UPS store in Manchester as his corporate address.

He was the subject of a front page story in the Post-Dispatch last October.

http://www.stltoday.com/news/local/crime-and-courts/article_5dd54e3a-ea9e-524b-b303-ec5c1f5e0adb.html

Earlier this year Brian moved out of the Town and Country home on Topping Road much to the joy of his neighbors. In fact one neighbor was taking photos of the moving vans. An employee of the movers told Brian, he called the cops claiming it was me. With no other evidence and no violation of anything, the cops paid me a visit and actually got me out of bed to ask why I was there. <http://chesterfield.patch.com/articles/the-subject-of-two-patch-columns-had-the-cops-get-me-out-of-bed>

Now this week one of his “victims” sent me a link to Peter Stanos Associates that list Marchant-Calsyn as a sale representative for healthcare and medical search services. A check of the Stanos website shows that what Brian is doing is almost identical to what led to the judgments against him and Health Career Agents.

<http://www.bizbuysell.com/brokerdirectory/Profile/ViewBrokerProfile.aspx?BrokerProfileID=10540&bplt=10>

THE CHICK-FIL-A BOYCOT: Excuse me but if they mayors of Chicago and New York are trying to get rid of Chick-Fil-A or keep new Chick-Fil-As from opening because the owner is against gay marriage, shouldn't they start trying to rid their cities of all Catholic Churches and conservative Christian Churches?

It is not as if Chick-Fil-A refuses to serve or hire Gays, married or otherwise. I thought the owner's religious beliefs were protected by the First Amendment. Apparently some big city mayors don't believe in the first amendment.

SERIAL DRUNK DRIVER WHO WAS FOCUS OF POST-DISPATCH INVESTIGATIVE REPORT ABOUT THE FLAWED TOWN AND COUNTRY MUNICIPAL COURT DIES:

John D. McGuire, the man who was featured in Post-Dispatch investigative reporter Jeremy Kohler's series on drunk drivers not being convicted has died.

McGuire, of Chesterfield, died last week according to a Post-Dispatch obit. He was the subject of a two month long Post-Dispatch series of drunk drivers who never get convicted.

http://www.stltoday.com/news/local/crime-and-courts/cutting-deals-is-common-with-dwi-charges-and-prior-offenders/article_6d35f746-5c73-11df-9212-00127992bc8b.html

McGuire was arrested by Town and Country Police for DWI and doing over 100 mph on WB Highway 40 on the way to his Chesterfield home. At sentencing in the Town and Country municipal court he was given probation and he promised to attend go to an alcohol and drug rehab center in California. However he was arrested minutes later when he tried to drive away from the Town and Country City Hall. He had appeared at court and pled guilty to DWI while being drunk.

He then quickly picked up three more DWI arrests in Ladue and Chesterfield before the Town and Country judge reluctantly revoked his probation for the first DWI.

DALTON THE DEPOSITION DODGER: I ran into Chet Pleban last week and had a nice chat. Chet is the lawyer who represented Opal Henderson, the woman who had with her late husband owned and operated a salvage yard on South Broadway for close to 60 years until Town and country mayor Jon Dalton came along. Dalton and a group of investors wanted her business for a parking lot for a planned nightclub district. She wanted to continue running her business with her sons.

Dalton got his law firm, Lewis-Rice to represent the St. Louis land Authority and hit Henderson with an eminent domain suit and snatched her property and business. She sued and a jury awarded her \$1,000,000. Dalton and company appealed. They lost.

Pleban mentioned he was frustrated in two things. Getting the main stream press to show how Dalton was one of the principle figures in snatching Henderson's property and business. The other thing was his attempts to get Dalton to give a deposition in the matter. He said Dalton dodged one attempt after another.



Chet Pleban

"If Dalton had not come along Opal would still be perfectly happy running her business," said Pleban.

The dodging of the deposition comes as no surprise to me after reading the lawsuit Town and Country Physical Therapy v Dalton. The medical rehab folks claimed Dalton quit paying the bills for their services in connection to an ankle injury.

One of Dalton's claims was that he was served in the wrong jurisdiction since he lives in St. Louis County. However, guess what address Dalton gave T&C PT when he started his rehab? If you said the downtown address of Lewis-Rice at 500 N. Broadway, you would be a smart reader.

MEHLVILLE SCHOOLS JOIN THE CITY OF CLAYTON AND PARKWAY SCHOOLS WITH SOLAR PROJECTS THAT DON'T SAVE MONEY: The Tuesday July 31 edition of the St. Louis Post-Dispatch had an article about how the Mehlville School District is allowing a solar power company install solar arrays at five schools for \$10,000 a year over 20 years. This will cost the Mehlville Schools \$200,000. They anticipate saving \$125,000. Apparently math is no longer a major subject at Mehlville.

The City of Clayton recently spent \$882,000 in solar panels on a new police building. The solar panels will save Clayton about \$14,000 a year. In other words in a quick 64 years those solar panels will be cost effective.

The Parkway School District is just a little better at math than they folks at Mehlville. Parkway is spending \$1.4 million in new solar panels and hopes to save \$1.2 million over 20-years!

THIS WEEK'S COLUMN IS ABOUT COPS AND PROSECUTORS: County prosecutor Bob McCullough recently stood up to complained about the appointment to the St. Louis County Economic Council. This caused me to remember to County prosecutor's office when Bob first started. Included in the column are a retired circuit judge, the suspect in the missing photograph caper and a burglar and car thief.

PROFESSIONAL PROSECTUOR BETTER THAN A PROFESSIONAL POLITICAN:

When I was a young policeman and then a detective I spent a lot of time in Clayton at the Prosecuting Attorney's Office, either filing charges or preparing for trials.

If it was late in the afternoon I would often avoid the rush hour traffic and walk over to the Branding Iron restaurant on the northwest corner of Meramec and Carondelet. There you could see the daily ritual in the basement. At the head of a large round table would sit Jim Haternbach. Jim recently retired as a long time circuit court judge. But at the time he and Buzz Westfall were the top trial lawyers in the County prosecutor's office.

Every day the same waitress would bring over a cold bottle of Stag Beer as soon as Jim sat down. Twenty minutes later she would bring over another. A little before 6 o'clock traffic would have died down and Jim would get up a leave.

Hartenbach preside over the table with fellow prosecutors and an occasional cop. I was lucky enough to get invited over to take any available empty seat after the regulars had arrived. Having watched the Stag Beer being delivered on several occasions, I had to ask what the deal was with Stag Beer, after all we weren't in Belleville where it was brewed and had a little bit of a following.

Hartenbach related the reason he was a Stag Beer fan. He worked his way through law school and one of the jobs he had was working at the truck terminals in north St. Louis. He said after his first day at the terminal after work everyone headed to a neighborhood tavern for a beer. It was a very hot summer day. Jim said an older worker asked him what he would prefer, a cool to lukewarm Budweiser or an icy cold beer. Hartenbach said he said he wanted the very cold beer. The sage advice he received was that everyone ordered a Budweiser or a Busch and they never got that cold. If you order a Stag they have to pry it off the side of beer cooler. So he quickly developed a taste for Stag.

I was thinking about the prosecutor's office from the 1970's the other day when Prosecutor Bob McCulloch went public denouncing the rehiring of convicted felon Dean Burns by the St. Louis County Economic Council.

Burns was convicted of stealing \$30,000 of Federal Housing and Urban Development funds in 1994. He was appointed to the County Economic Council in 1996 but forced to resign by then County Executive Buzz Westfall after his conviction (he received a 3-year probation term.)

While Burns made restitution for the \$30,000 mentioned in the Federal charging documents, he wasn't so keen on returning the \$1.4 million HUD claimed he took between 1992 and 1995. They had to sue to get that back.

Now Charley Dooley reappointed Burns to the same Economic Council that Westfall force him off. Burns would have been getting a salary of \$127,816 a year. What makes it worst was Burns was hired after a "national" search. The best the national search for a \$127,816 job could come up with was a local ex-convict felon who was ripping off the Federal government to the tune of \$1.43 million.

Dooley has already given a former campaign staffer a job on the Council and now he is putting a felon who steals from the government in a six-figure position.

It was nice to see Bob McCulloch raise the alarm. Burns resigned from the job about two weeks after McCulloch's statement and Dooley suddenly jumped on the band wagon asking for Burns resignation.

I got to know Bob when he was rookie assistant prosecutor. He and I had a couple things in common. We both went to the old Augustinian Academy high school on South Meramec, south of Grand Avenue. I escaped after one semester and was back at Webster Groves High School, Bob graduated from there.

It was in Bob's senior year of high school when he developed cancer and had a leg amputated. Bob had always wanted to be a police officer. His father was a city cop and was killed in a gun battle when Bob was 12. Bob's brother followed their father and joined the St. Louis Police Department. Bob went to law school.

Like Hartenbach, Bob worked through college. He was an Andy Frain man. He was an usher at Busch Stadium wearing the royal blue uniform and blue hat working Cardinal baseball and football games.

I was fortunate to be one of the police witnesses in Bob's first jury trial win. The defendant was Robert Sanders, who had a long and violent criminal record.

It was winter's night on a Saturday in February of 1978. There was a heavy snow falling. There were only two police officers working in Rock Hill that night. John Copeland, who is now the police chief and city administrator in Town and Country was in uniform driving a marked patrol car. I was a detective in plain clothes driving an unmarked car. I would have gone home at 3am leaving Copeland on duty by himself until 8am.

Back in 1978 there was a National Supermarket at the far east-end of the Warson Woods Shopping Center. Two-thirds of the supermarket was actually in Rock Hill and one-third was in Warson Woods.

Copeland was spotlighting the front of the store, when he noticed a Cadillac in the middle of the shopping center stopped in front of a men's clothing store. John found this suspicious since for the last hour the only other car he had seen driving was mine. Even the two Steak n' Shakes then in Rock Hill had closed early due to the heavy snow storm.

In the Cadillac was Sanders along with another ex-convict plus a heavy metal milk crate, they had planned to throw through the window of the clothing store before Copeland started driving toward them. They had just stolen the Cadillac from the Lindburg dealership in Clayton on Hanley Road.

As John pulled behind them, they decided it was time to leave at a high rate of speed in a blizzard and headed west on Manchester with Copeland in pursuit. Sanders eventually stopped just past Woodlawn, but as Copeland approached the car with his gun drawn, Sanders floored it. The car fishtailed and hit Copeland without leaving any injury.

By now Sanders had completely lost control of the Cadillac. He crossed all the lanes of Manchester and flew off the road only to land on the roof of a new Ford Thunderbird parked on the lot of the Ford dealership. Copeland got the passenger to stop, but Sanders took off running. John let a couple of shots fly in his direction without hitting anything much to the displeasure of the Kirkwood Police.

It is tough to run from the police during a heavy snowfall. The Kirkwood cops tracked down Sanders and arrested him. A couple of hours later I picked him up at the Kirkwood PD and drove him back to Rock Hill. I took my time due to the slick roads and during the ride Sanders had said enough to constitute a confession.

There were two trials for Sanders. The first one was 11-to-1 for conviction. The second trial was assigned to McCulloch, who brought home a winner.

I am sure after the death of Buzz Westfall that McCulloch was asked to run for County Executive. Bob isn't really a politician. He is like a number of people across the country. He is a prosecuting attorney. He doesn't want to be a senator or governor. Party labels don't mean much to me when the guy is "prosecutor." How do you tell a candidate is a "prosecutor" and not just another politician climbing the ladder. Well, you can't right away.

However in the case of McCulloch you can figure it out. It is the only job he has done since he stopped being an Andy Frain man and graduated from law school in 1976. Also he has no problem in attacking an appointment by the County Executive, who belongs to the same party, of a crook and ex-convict to a high paying County job.

Sometimes when you vote for a prosecuting attorney you have to ignore political party labels and vote for either a career prosecutor or a politician.

CAMPAGIN ADS: Here is our review of the latest campaign ads before the August primary election.

John Brunner F I had started out as a big Brunner fan. I was a H. Ross Perot fan back in the 1990s. Why not let a successful businessman have a chance instead of a career politician.

However, when Brunner ran a TV ad for several weeks claiming Todd Akin and Sarah Steelman were tax and spend liberals the same as Claire McCaskill, I lost all respect for the guy. Akin is perhaps the most or at least one of the five most conservative members of Congress. Steelman is tied to the Tea party not the Democratic Party. Why Brunner didn't just stick to selling his track record as a successful business man is beyond me.

Todd Akin A Akin has conservative torch bearer Mike Huckabee pitching him as a candidate for the U.S. Senate. I have not been very fond of Todd. I wrote a column for Patch.com about how mixed up Todd was when he claimed on a radio talk show that liberals hate God. I mentioned all the liberal pastors and Jesuit priests who are liberal and believe firmly in God. I also mentioned how Todd used to dress up in 1776 era costumes and give speeches at his family's farm off Conway Road near Highway 141 every July 4th. What did he think those patriots were if not liberals wanting to overthrow the government?

However, his TV ad is straight forward. It lays out his position and doesn't lie about one or both of his opponents.

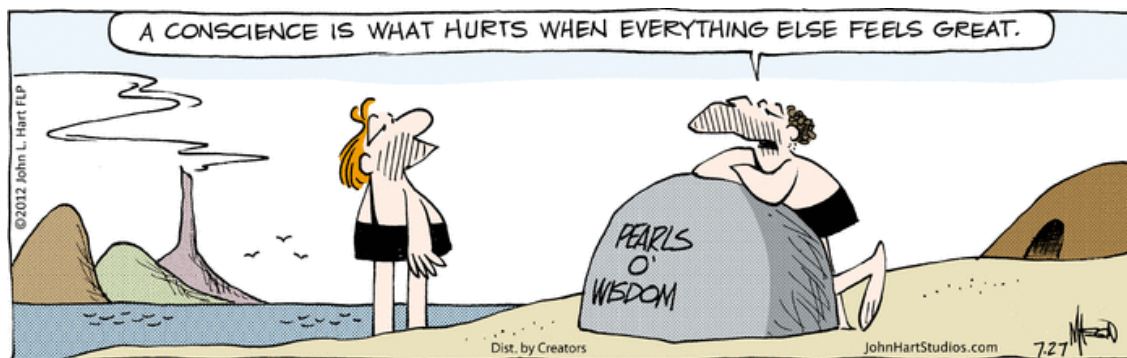
Dave Spence A: Dave Spence's ad is the type of ad Brunner should have stuck with. It paints Spence as a sensible and successful businessman who want to run Missouri as Governor like he does his business.

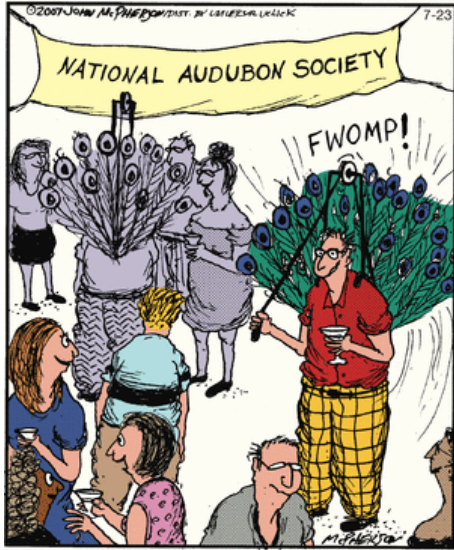
Ann Wagner C Ann has so much money rolling in that she has been running the same TV ad touting her for Congress for several weeks. However the ad does not give one reason why Ann should be in Congress. It talks about how her son was deathly ill, recovered and went on to graduate from West Point.

Of course Ann probably doesn't want the independent voters to know she was the co-chair of the national RNC and the chair of the Missouri Republican party. Who wants to elect a party insider as screwed up as things are currently in DC?

Ann avoids a failing grade by not attacking her opponent. Of course it is hard to attack an emergency room physician. When it comes to campaign war chests Wagner is the New York Yankees of Missouri politics and **Dr. Randy Jotte** is playing in the Low-Class A minor leagues. He doesn't have any TV ads.

CARTOONS:





Having spotted an attractive female, Marty makes his move.

