

EX ALDERMAN NEWSLETTER 94



August 04, 2013

By John Hoffmann

THE CURSE OF THE BOY GOVERNOR...BJC REZONING ATTEMPT TURNED DOWN BY PLANNING AND ZONING:

The location at Mason Road and Highway 40 was a perfect place for the Missouri Highway Patrol Troop C Headquarters. It had moved to the Hwy 40 (now I-64) and Mason Road location in 1967 after spending 29 years at the intersection of Ballas Road and Highway 40 on land that is now part of Missouri Baptist Hospital. Troop C was until 2009 known as "Kirkwood State" on the police radio as they were originally located in 1933 in downtown Kirkwood on Hwy 67 (Lindbergh/Kirkwood Rd) across the street from where the old Osage Movie Theater was located. In late 2008 Troop C moved to St. Charles County. Prior to the move BJC bought the 15 acres of land.

At the time of the sale the land was zoned as one-acre residential. Keep in mind the Highway Patrol Troop headquarters had been on the land 16 years before the area was annexed into Town and Country in 1983 and fell under Town and County zoning.

How financially responsible was it of BJC to buy the land zoned residential? In most cases there would be a contract to buy contingent on the property being rezoning. However in 2007 when the sale was made BJC had no plans and if nothing else wanted to keep the property out of the hands of a competing hospital such as St. John's Mercy (sale was before the name change to Mercy) and St. Luke's.



The injustice done by Matt Blunt, Boy-Governor, was he moved the highway patrol away from a location where it served the most populous county in Missouri and was centrally located to give Troopers easy access to all the main Interstate Highways in the region to an area known for its bad traffic with limited access to I-55, I-170 and I-44.



While Blunt and his troubled one-term administration claimed the land sale was good for Missouri as it sold over valued land and allowed the Highway Patrol to build on cheaper land...many thought there was some backdoor reason behind the sale.

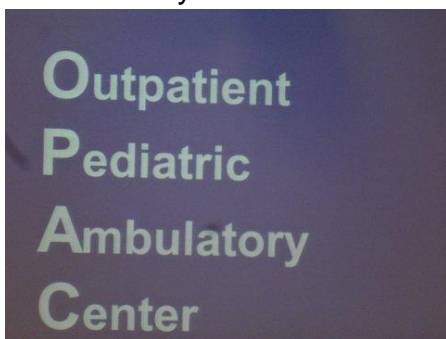


This is the old Highway Patrol property after being purchased by BJC. (left) These are the backyards of houses that abut the old MSHP property.

Now in 2013 it is clear that Blunt had adversely affected his biggest supporters, wealthy West County Republicans. Now these people are having to fight against rezoning in an effort to keep up their property values.



Of course the same things that made the site an excellent location for the Highway Patrol makes it a great location for BJC-Children's Hospital. It is centrally located and surrounded by the homes of rich people who can easily pay hospital bills.



THE PLAN: Town and Country resident and consulting engineer George Stock was the shill for the entire evening, presenting the proposal for BJC and later one for Maryville University. He was joined Joan Magruder, President of Children's Hospital and Dr. Sessions Cole, III head of medicine at Children's Hospital.



George Stock



Joan Magruder



Sessions Cole, III

THE PARTNERSHIP: Magruder spoke on how this was a chance for Town and Country and BJC-Children's Hospital to form a "partnership" to bring world class pediatric services to the residents of Town and Country. It also was said how this would be a one stop center of pediatric patients, which would especially important for those with serious health issues such as Crones Disease or MS. This was almost a theme that residents would soon tear apart.

THE PROJECT: Stock showed a power point presentation as he rattled off proposed facts. The site abuts three residential areas. There are the Mason Estates and Pembroke Valley subdivisions to the north and the Windy Hill Acres and Pinetree Lake subdivisions to the west.

He stated at first there would be three operating rooms.

He then switched to parking...which was an odd transition. On the 15.8 acre tract there would first be 127 parking spaces to the east and 349 parking spaces to the north. Stock said estimates claim 75% of the patients would come from the east on I-64 and 20% from the west on I-64 and 5% would come along Mason Road.

Stock added the hours of the center would be 6am to 6pm. He indicated that the first plan called for 240,000 square feet of building, but that could grow to 320,000 square feet with a four story parking garage added.

"We don't know the full plan at this time," said Stock to the amazement of the 150 residents present.



This is the first plan with surface parking and a roundabout. Note the driveway at the top of diagram. It leads to Mason Road.

Stock said they plan to change the North Outer Road from one way to the west to two-way traffic up to a roundabout that would put traffic onto the BJC property. The road would return to one-way after the roundabout.

Stock said if they expanded to the 320,000 sq foot complex they were recommending a right hand exit lane from I-64 directly to the facility. He paused added that Missouri Department of Transportation had not approved that plan but was intrigued.

Stock then told the commission the project would meet the city's 50% green requirement. However, it was just two years earlier when Stock went to the Board of Alderman with a plan to reduce BJC's Missouri Baptist Medical Center's green space from 56% to 42% to allow expansion and more building. The board approved the move.

Next Stock mentioned how at Missouri Baptist Medical Center they had used berms as a buffer for the residences in the Kirken Knoll subdivision. As soon as Stock said that I had to laugh out of loud. A resident would soon make Stock regret he mentioned Kirken Knoll.

During the public comment portion a resident told of going to an open house of a home for sale, where the owner (a former real estate agent) was asking a price just for the land and not the house. Of course this was Ellie Bush's house, which was inundated with storm water runoff for eight years after Stock and Missouri Baptist created the berms. The water left her basement constantly wet and resulted in a huge mold build up. The speaker made reference to how BJC managed to ruin a resident's home.

SUBJECT NOT MENTIONED: Stock did not discuss the problem of having this facility's 476 parking spaces possibly expand to 1,600 spaces in a garage next to the same roads that see daily traffic from two high schools (Priory and CBC) plus an elementary school at the southwest corner of I-64 and Mason Road interchange.

THE PUBLIC SPEAK: 21 speakers then went to the podium and all were in opposition of the project.

Dr. Dorothy Cooke, a retired internist, rejected BJC's claim of a need for the facility.

"This urgent care facility is needed because? There are four hospitals within three miles of this site all offering pediatric care," said Cooke.

Later in the evening Dr. Cooke returned to the podium reading an online description of the pediatric care offered at Barnes-West, a BJC Hospital (formerly Faith West Hospital

before being bought by BJC) on Mason Road at Olive Blvd. It was almost the same services that BJC wants to move three miles down Mason Road to this project. Joan Magruder of Children's Hospital commented and said those services would indeed be moved. She added that it was better for the children and parents if the entire facility was just for children and did not include services for adults.

Secret Hearing: Cooke also mentioned that the Public Hearing sign and the fliers with the sign that had been posted on the property had been removed before the hearing. She said she directed some residents to the site and they found no Public Hearing Notice sign or fliers.

Commission chairman Ron Sulewski called on Planning Director Sharon Rothmel to respond. Rothmel said a city employee "accidentally" took the sign and fliers down and added they were later put back up.



Planning Director Sharon Rothmel

This isn't the first time Rothmel has been chided by residents for not having public notice signs in the public view. During the public hearings over the Raintree School rezoning hearings it was correctly brought up that the Public Hearing sign was placed several hundred feet off of Mason Road making it almost impossible to be seen. Rothmel was called on to comment on the placement of the sign and she said it was done for "safety reasons." Residents began to laugh and hoot. Rothmel turned red and said she refused to be treated rudely and sat down offering no more of an explanation.

ONCE IT BEGINS IT NEVER STOPS: Another doctor and a neighbor of Dr. Cooke spoke next. He made an interesting point.

"Once construction at a hospital starts, it never stops," he said.

NO CONTACT, MISSING MAYOR AND NO BENEFITS: A resident of Mason Estates spoke and first mentioned that while his home is 280 feet from the old Highway Patrol site no one from the city or BJC had contacted him about these plans.

Mayor/Cigarette Lobbyist Jon Dalton who sits on the P&Z Commission was missing. A week earlier Dalton, who hates picking sides in any issue, actually showed up for the Wirth Property-Allegro Senior Living rezoning. Of course if you were skeptical of Dalton's ethical compass you might think he showed up at the Wirth property rezoning hearing and voted against it because he had received \$1,300 over the last three years from either Delmar Gardens or from Gabe Grossberg who just happened to be one of the founders of Delmar Gardens Senior Living as campaign contributions. He also received in the last five months a \$2,500 campaign contribution from the nearby Mari De Villa senior living facility.

I had to wonder if Dalton skipped this meeting because the presenter of both projects, George Stock lives in town and gave Dalton a \$200 campaign contribution a few months ago. Alderman Chuck Lenz gave Dalton \$200 about the same time. Lenz's wife is a high ranking executive at nearby St. Luke's. Dalton's best move apparently was not to show up.

The fact Dalton was missing didn't deter one resident to do just what many did during the Wirth Property rezoning. He quoted Dalton's campaign flier saying how he believed in strict enforcement of one-acre zoning.

FROM A GUY WHO DOESN'T BELIEVE IN MEDICINE Former Alderman Al Gerber, a Principia grad and a Christian Scientist spoke. At first Al said that as we all knew he had a background in mathematics. (We remember how Al came up with a mathematic formula how by giving a deer a \$1,200 hysterectomy was cheaper in the long run for shooting it and donating the meat to a food pantry for the homeless for \$400.) Al who admittedly has some issues with public speaking immediately misspoke and turned 320,000 into 32,000 and the crowd started laughing.

He then may have made an interesting point, stating the BJC simply wanted to duel for the wealthy West County medical business against the nearby competing Mercy Hospital complex.

"The battle between BJC and Mercy is like King Kong versus Godzilla," said Gerber.

Another resident who is a non-believer in the miracles of modern medicine and associated with Principia made another interesting point.

He said that all medical complexes either grow or move. Since the BJC planned facility admittedly will be growing by 30% according to planners immediately after being built, where does it grow to after the first expansion since it is surrounded by subdivisions and an Interstate Highway?

A PARTNERSHIP QUESTION: Another resident in the Pine Tree Lake subdivision inquired of Joan Magruder of her partnership statement.

“If I have to sell my house and find it has dropped in value because of your construction work and then your facility, I wonder if BJC will make up the difference since we are in a partnership.”

SOME WORDS FROM A FORMER FEDERAL RESERVE ECONOMIST: Don Koch of Muirfield Lane off of Mason Road spoke and told the commission that he is a former vice-president of the Atlanta Federal Reserve and was its chief economist.

Koch said how regions like Atlanta are considered an “in-migration” area which is rapidly growing, the St. Louis region is considered an “out-migration” area meaning the population is reducing or has slowed to a point where there is little growth.

“I urge you to think about the consequences of your decision 20 or 30 years from now,” said Koch.

MOM SPEAK: Next a mother from Pinetree Lake spoke and made two points. She said she likes to walk her daughter to Mason Ridge Elementary School on the southwest corner of mason Road and I-64. She said she could no longer do that due to the traffic volume at the BJC facility.

She also mentioned that twice her daughter has been injured and she was able to drive her to Missouri Baptist Medical center, a BJC facility located three miles away along I-64 in about five minutes.

CRAZY SPEAK: David Swank was one of the last speakers. He is another Christian Scientist associated with Principia and the former campaign chair for former Alderman Al Gerber. Swank always sets himself off by showing up for meetings wearing skin tight black bicycle shorts and a glow in the dark yellow bike shirt, often with a cyclist’s cap on his head. His public speaking skills are worse than Gerber’s.

He said the Christian Science church at the southeast corner of I-64 and Mason Road has “quiet church services on Sunday and Wednesday nights and the facility will disturb

their church goes. Apparently Swank has a belief of a possible peace disturbance even though if built the BJC facility would be closed on Sundays and Wednesday nights and is several thousand feet away from his church.

Then Swank, a hard-core Democrat in the land of right wing and very right wing Republicans, said how First Lady Michele Obama was encouraging biking and walking to school and this would make it more difficult for the children attending Mason Ridge School at the southwest corner of I-64 and Mason Road. (No parent in their right mind is going to allow their kid to bike to this school across an Interstate overpass choked with commuter traffic.)

After bringing up the name Obama and hearing some people gasp or laugh...Swank seemed confused and stuttered before saying how the BJC facility would impact bicycle safety.

REBUTTAL SPIN CITY: Since no one spoke in favor of this project the BJC team was allowed to respond. The most interesting comments were from Joan Magruder.

"The reason we are proposing outpatient care is because there are so many hospitals in the area," she said. Of course many portions of the hospitals she mentioned have outpatient facilities.

Her other comment struck me as a bit elitist.

"It is a tremendous burden for people in West County to have to drive their children all the way downtown," she added. .

First of all The Barnes-Jewish and Children's Hospitals are not located anywhere near "downtown." They are on Kingshighway in West St. Louis City which is much closer to the western edge of the city limit than it is to downtown St. Louis. The main hospital campus is 22 minutes away from T&C.

In fact Shriner's Children Hospital in West St. Louis County is closing their hospital and moving to a new hospital next to Children's Hospital in St. Louis. One would think the soon to be vacant Shriner's Hospital Building would be perfect for the BJC Pediatric facility...if BJC just hadn't bought the Highway Patrol property that was zoned residential in 2007 and desperately needed to find a use for it.

The second point concerning Magruder's remarks was that she apparently implied it was a bigger burden on rich people in Town and Country, Frontenac, Chesterfield and

Creve Coeur to drive 22 miles to Children's main facility at I-64 and Kingshighway than it would be for a poorer person to drive those same 22 miles from the City of St. Louis to Town and Country. Apparently it is a problem and burden for someone to drive a new Mercedes Benz for children's health care to St. Louis than it is for someone in a 12-year-old Ford to drive to Town and Country.



Magruder and Dr. Sessions Cole didn't have anything to smile about during the public hearing.

THE PLANNING AND ZONING MEMBERS SPEAK:

Dr. Gary Omell led things off and didn't hold back at all.

"It is not that we would deny these services to children. This would simply make it more convenient for a few," said Dr. Omell.

"Mercy has a new children's hospital. St. Luke's and Missouri Baptist have equally qualified children's units. To change our zoning and put our community under duress for the convenience of a few is not right. If you like what Kingshighway (BJC, Jewish and Children's Hospital plus Washington University's School of Medicine) or Ballas Road (Mercy and Missouri Baptist) have become this would be perfect."

"I knew this would be difficult land to develop. 1,600 parking spaces and a four story garage...the land is not suitable for that. Plus there is no need for these facility," said Dr. Omell, a Ward-4 resident who is a radiologist with his office on the campus of St. Luke's Hospital.

Commissioner Dennis Bolazina started his comments with a wry observation.

"How often can we get the opinion of a Federal Reserve economist," said Bolazina.

“I object to having a developer come in and tell us what the zoning should be. I think that is a backward approach and is inappropriate.”

He then took a shot at planning director Sharon Rothmel. “Procedural issues have also been brought up. (Removing the public hearing signs!). It is another issue we have to consider.

Then alderman Fred Meyland-Smith started and went on and on. Remembering that Fred is on an advisory committee at BJC’s Missouri Baptist Hospital it was not a surprise much of his too long speech supported BJC.

“This parcel of land is ideally suited for institutional use...the applicant is a known entity not like someone from Chicago or Dallas coming in and buying this land. The opportunity to put world class pediatric care in our backyard should be considered,” was just part of the love fest Fred laid on BJC.

However he finished in a different direction. The negative thoughts were very minor compared to all the positives.

“Nonetheless the traffic density is a concern for me,” he said.

By this time George Stock asked for the matter to be continued. The crowd moaned and some people shouted “no.”

Before anyone on the commission could make a motion to continue the matter, Dr. Omell made a motion to deny the entire rezoning matter. Dennis Bolazina quickly seconded the motion.



Dr. Gary Omell on the left and Dennis Bolazina didn’t allow anyone the time to let BJC withdraw the rezoning request. They pushed for and got the NO vote.

The P&Z Chairman Ron Sulewski then created quite a stir when he said, “Mr. Stock do you want to withdraw this proposal?”

Members of the overflow audience shouted “No!”

Dr. Omell loudly reminded Sulewski that there was a motion on the table.

So a vote was taken to recommend to the Board of Aldermen denial of the rezoning request and the project. The members, even Meyland-Smith all voted to deny.

PART OF THE SHOW: Here are a few sidebars associated with the BJC-Planning and Zoning Commission Show.

SIGNS, EVERYWHERE THERE ARE SIGNS: Blue tape with the words “Mason-Hwy-40” went up on the “Do Not Re-Zone Wirth Property” signs, covering the “Wirth Property.”

If I were these folks I would get signs up in the subdivisions where the aldermen live so they have to drive by them daily since both defeated issues at the P&Z Commission will still go before the Board of Aldermen who can overturn the P&Z votes in August.



THIS WOMAN DESERVES EXTRA PAY: The stenographer/court reporter at the Wirth Hearing and now at the BJC hearing followed by the Maryville University rezoning hearing was also the woman who spent three very long nights producing a record of the Ellisville Mayoral Impeachment. It is almost like she is being punished.



A SURPRISE VISITOR: July 30 was also a return to the building where his portrait hangs with other former mayors, for David Karney, also known as J. Storehouse. Karney was elected back onto the Board of Aldermen in 2009 from Ward-4. He had served as mayor in the mid 2000s.

In January of 2011 the Board of Aldermen voted to hire a special counsel to continue the police investigation of an alleged threatening email Karenly sent to Fred Meyland-Smith using a secret email account and a fake name.

In October of 2010 Meyland-Smtih received an email from an email account of “Jeff Storehouse” that said the following:

"You should be ashamed of yourself," it read. "The deer are what make Town and Country such a nice place to live. It's aldermen like you who should be shot."

Rather than considering the email verbose political posturing, Meyland-Smith felt it was a threat. He turned the email over to the police and investigators traced the email to a computer either in Karney's home or his office. Karney admitted the message came from his computer, but denied sending it and refused to reveal who did. (When this story broke I checked my email and found as an alderman I had received emails from “Jeff Storehouse” so I buy into the belief that Karney sent it.)

Karney withdrew from running for reelection in April of 2011 after someone talked former alderman Jon Benigas to file against him.

I believe July 30, 2013 was the first time Karney has appeared back at City Hall after leaving office in April of 2011. I asked him if he was there just to scare Meyland-Smith.



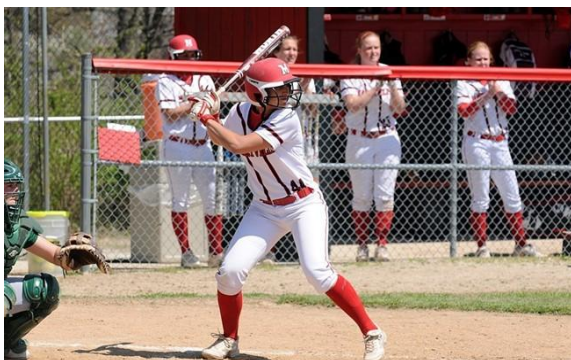
Former mayor and former alderman and former sender of emails under a fake name, David Karney made an appearance.

MARYVILLE UNIVERSITY...IN OUR OPINION IS TRYING TO RUN A SHELL GAME:

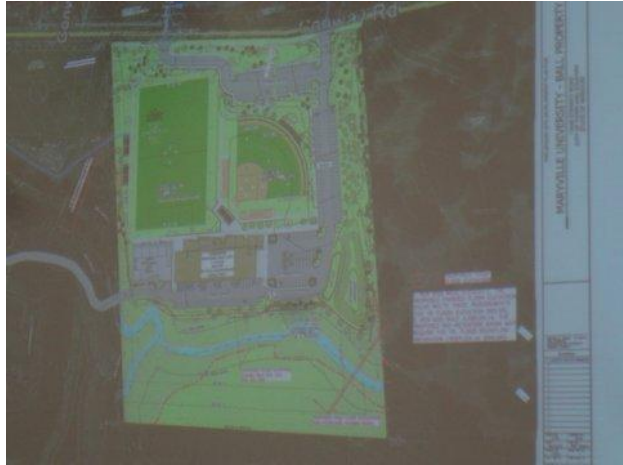
Just to make Tuesday night July 30 seem like a transatlantic airplane flight there was a second public hearing after the 10:30 end of the BJC hearing.

George Stock was also the front man for this and again he faced the ire of residents. Maryville University wants to purchase property on Conway Road in front of their campus on the hill.

They claimed the main purpose is to build a new varsity softball field and a varsity soccer field. While residents claim traffic safety issues or encroachment into residential areas, I think there is another reason altogether.



Maryville wants to move the softball field and soccer field from the main campus to the residential zone property on Conway Road, plus have a concession stand and locker rooms for the teams. Then they mention as an almost afterthought that the concession stand and locker rooms will be on the front side of a new maintenance facility building.



Conway Road is at the top of this illustration.

The 15.6 acre site will also include 201 parking spaces, with a west and east entrance. The proposed west entrance is directly across from the Hampshire Hill subdivision. George Stock stated they needed two entrances so buses carrying visiting teams can enter the parking area from the west and exit at the east.

A number of residents from Hampshire Hill spoke of safety concerns saying how dangerous it is now turning onto Conway Road. However, they were giving sights distances that were actually better than what exists at Longview Park, the city's main park facility on Clayton Road which the city considers safe.



Hampshire Hill on the left and the proposed west entrance to the ball fields on the right before the tree.

Conway Road is a tree lined twisting and winding road through the rich people zone in the heart of snoburbia. It runs from Ladue, through Frontenac, into Westwood, across Creve Coeur to Town and Country and then into Chesterfield. However it hits one odd

area right where this property is located. Just to the west is the St. Luke's Hospital complex on the north side of the road and Maryville University on the south side of the road.



A view of the field where Maryville wants to put two athletic fields and hide a maintenance facility and dump trucks.

Several residents asked about why the city is willing to give in on residential zoning. Emily Swarz of Hampshire Hill spoke on how residents had an option of being annexed by Creve Coeur or Town and Country in 1983 and voted for Town and Country believing Town and Country officials would better protect one-acre zoning. Swarz also felt that the 201 parking spaces during the school year would filled with student's cars on all days regardless if there were games or not.

Stock told the Commission and the audience that there would only be nine men's and nine women soccer games a year and 11 softball games.

Having worked part time since 2006 for a local University sports program...I can tell you that you don't need 201 parking spaces for all the fans showing up for soccer games or softball games. You also don't need a permanent concession stand. If you get 50 people from off campus to show up for a game you will be having a good day.

Good Citizen of the Year Award: Goes to Jenny Ginsburg of the nearby Village on Conway subdivision. She went and photographed the condition of the current Maryville Maintenance facility. The photos showed broken chunks of concrete lying around, trash, maintenance trucks, snowplow blades, storage of cider and road salt and more trash. She had both sides of a large poster board covered with her photographs.



Ginsburg then made a telling remark.

“The Planning and Zoning Commission and the Board of Aldermen have become the enemy of the residents,” she said.

The Building: Paul Flotkin of Conway Village Drive made a strong point basically asking “A 29,000 square foot building with lockers rooms?”



Proposed 29,000 sq foot maintenance building disguised as a locker room.

Judy Weber of Conway Village made the third point that should have spelled out to anyone listening what was going on.

“You are going to invest all this money for 20 home games a year? I think there is another intent. Where are the students at this meeting telling you the need for this?”

AND THE REAL REASON IS: The main campus of Maryville is getting crowded. For the university to put up a new building they have to tear something down. They are using the playing fields to hide the fact they are trying to remove the maintenance facility from the main campus and stick it down in an area currently zoned residential. They also get a bonus by getting the playing fields off the main campus.

THE BACKGROUND: 70-year-old P&Z Commissioner Dr. Gary Omell gave a speech that contained some interesting background, that most of the other members choose to ignore.

Omell said in 1982 before the area was annex into Town and Country, Maryville University sold off 162 to a developer for an office park. The university wanted to create revenue for buildings and to add to the endowment fund. The developers wanted to build their office park all the way down to Conway Road from the Interstate service road.

Enough citizen opposition got the developers and Maryville to sell off a section on Conway Road to a home developer and the Village on Conway was built.



Dr. Gary Omell trying the history of the Maryville property.

Omell said the person leading the fight against Maryville selling the property off to be built as an office park in 1982 was William Ball. Omell said it was ironic that now after William Ball died his sons are trying to sell his property to Maryville University.

A couple of the commissioners said they did not have a big problem with the plan which brought groans and a couple of boos from the crowd.

SHUT UP ALREADY: The brought Fred Meyland-Smith to the defense. As Fred started to droan on by lecturing the audience on not interrupting commissioners a woman sitting behind me loudly mutter, "Does this guy ever shut up?" The answer is "rarely."



Meyland-Smith

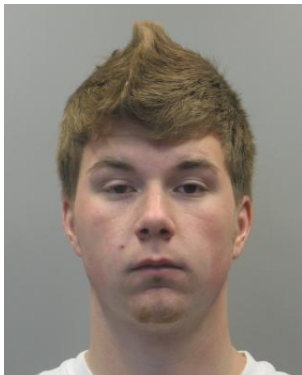
A vote was taken. This time instead of denying the rezoning, a motion was made to approve it and recommend passage to the Board of Aldermen. It passed 5-2 with Omell and Bolazina voting against it.

THE COMPROMISE TO MAKE BEFORE THE ALDERMEN: The residents need to call out this attempt to move dump trucks and salt and cinder piles from the main campus to close to their homes. They need to go to the Board of Aldermen meeting and say how they are fine with the sports fields but demand the maintenance facility stay on the main campus.

YOUNGEST MEMBER OF GANGS OF TOWN AND COUNTRY

ARRESTED AGAIN: He was just 18-years-old when he joined the Gangs of Town and Country by committing a first degree burglary in the middle of the night of a house in a gated subdivision off Des Peres Road on March 24, 2001 with two friends from North County. Among the items they stole while the residents slept was a large screen TV. They walked it through the woods to almost Topping Road where they had a getaway car stashed on Kent Manor Court. That is when the trouble began. The Big-Screen TV was too large to fit into the car. A neighbor noticed the activity and called the police.

Graham Redington of 1600 block of Foxleigh Ct. in the Mason Valley subdivision pled guilty to burglary and stealing.. He was sentenced on August 24, 2012 to 15 Days Shock Incarceration, order to pay restitution to the victim and the costs of the State. He was then placed on probation for five years.



He lasted eight months before being arrested again. Now 20-years-old, Graham Redington was arrested by the Town and Country Police on March 27 2013 for Driving While Intoxicated or Under Influence of Drugs, Improper Lane Usage, Careless and Reckless Driving, Possession of a Fictitious Drivers License and Minor in Possession of Alcohol.

His next probation revocation hearing is scheduled for August 15, 2013.

One neighborhood resident joked that Redington's parents rewarded him for burglarizing area homes in the middle of the night by giving him a new Audi.

THE HIGH COST OF SOLAR PANELS: You thought solar panels were supposed to save you money. Well, not if you are The City of Clarkson Valley.

If you have been long time regular reader of this newsletter you would be aware that James and Frances Babb of Kehrsdale Court in Clarkson Valley wanted to take advantage of a reduced electrically rate program offered by Ameren UE for residential customers who installed solar panels on their house.

The Bapps went to City Hall and applied for a building permit to install solar panels on their roof. There was no prohibition against solar panels. However, immediately after the Babbs filed for the permit, the City passed an ordinance forcing residents wanting to install solar panels to get a special use permit. The Clarkson Valley P&Z voted to give them a permit, but the Board of Aldermen voted 6-0 to deny it.

The Babbs then sued, but they did not dash over to the county courthouse in Clayton to file suit. Instead their lawyer went to Jefferson City and filed suit in the Cole County Circuit Court alleging that Clarkson Valley could not make energy requirements stricter than the Missouri Public Service Commission. The Babbs won and immediately installed the panels on their roof.

The city appealed the case and it is currently before the Missouri Court of Appeals Western District in Kansas City. (Since the ruling was from a Jefferson City court the appeal is heard in Kansas City, adding to the lawyer fees.)



home from the street for six months a year.

Oddly enough you cannot see the Babbs'

Now the possible future solar panel regulations for the City of Town and Country are on hold while the T&C city attorney waits to see what the Missouri Western Court of Appeals rules. So Town and Country has no ordinance about solar panels at all. On the quiet...city officials around the county are saying the problem with getting a quick decision from the appeals courts is that Clarkson Valley doesn't have the money to continue the appeal, especially if they lose at the Court of Appeals level.

This caused me to go to Clarkson Valley City Hall and file a records request on how much they have spent in legal bills on the solar panel case and how does not money spent relate to the overall city budget.

The city clerk was very nice not to run me around or bury me in paper work. She gave me the numbers straight up. The city budget that just ended on June 30 saw revenues of \$791,432. The city's 2013-14 budget is expecting revenues of \$819,529.

In 14 months the city of 2,600 residents has spent \$84,517 on the solar panel case and legal bills are still coming in. That is more than 10% of the annual budget. That comes out to \$6,036 a month and counting for a house that is so far off of the street it is impossible to see for six months a year. I have a feeling if they continue to lose they will be paying for the Babbs' lawyer too.

REACTION FROM OVERSEAS: This was sent to us from someone who is likely to be our lone reader living in Ireland. It was about our most recent newsletter concerning the justice or lack of it doled out to Theodore Federer by Chesterfield and Ellisville Courts.

From: Ronan Woods []
Sent: Saturday, July 27, 2013 10:26 AM
To: johnhoffmann@charter.net
Subject: Hi

If I am ever charged with anything.....I want to appear in court with either/or/both, Tim Engelmeyer or Paul Martin!!!!.....justice my arse?!

I always think that these sorts of rulings, repeated and repeated make a mockery of the way that "ordinary" people want to see laws being upheld?!

Maybe this is an old fashioned idea?? We get some fairly poor court decisions over here also, from time to time! But the two boys above seem to be in leagues of their own????R.

TWO DAYS LATER...now I know there are some local folks who don't bother reading more than 50-percent of these newsletters and just pick and choose. Not Ronan...here is his comment on the last Town and County Newsletter about the Wirth rezoning and the signs for matt Pirrello in Ellisville to resign:

From: Ronan Woods []
Sent: Monday, July 29, 2013 7:37 AM
To: johnhoffmann@charter.net
Subject: hi

I always read the newsletters, as we have similar "people" over here, doing similar things??!!
The likes of Richard Miller and the Love companies.....I obviously don't know anything about them, but those types of people/Companies are not to be trusted when they have allies on the councils etc?!
They lie low for a while and then try a different angle to get their proposals sanctioned?!
Yes, I would LOVE to be paying an area improvement tax for a proposal like this!!!!!!!

Also, wouldn't you really have faith in someone like Matt Pirrello to stand over his word/promises?????
Obviously his neighbours feel the same way??!!

I presume the "new school" is already enrolling for September????looks a fine building????
At least there is a road up to it!!!!
We just had "the mother and father" of a thunderstorm, with a downpour to match.....then the sun came out again!!R

PASSING ANOTHER SIGNPOST ON THE ROAD TO LIFE On Monday nights after attending meetings in either Chesterfield or Town and County on my way home I usually make a pit stop since my wife already had dinner at a more reasonable hour. The closest fast food joint to my house is the Taco Bell on Manchester Road near Mason Road. It has become almost a ritual. I pull up to the drive thru speaker and an

employee always asks a very insincere “How are you.” I always give them an equally smart-ass answer such as “I’m as giddy as a baby on a swing” or “Bewitched Bothered and Bewildered am I.” (Our apologies to Oscar Hammerstein and Larry Hart) I then order two soft taco supremes and I’m told that will be \$3.19.



The other night when I reached the window the employee was a young woman, who I would say was no more than 20-years-old again asked how I was. I replied, “Asked and answered.”

She next said, “That will be \$2.87, sir.” I asked, Happened to \$3.19?”

“You get the senior citizen discount,” was her reply.

Happy to get 26-cents off my already inexpensive dinner I did not inquire further. I had just turned 60 this year. I don’t know if it was because I looked 60-plus or because I acted like an Andy Rooney old-guy type curmudgeon.

MUSIC AND FOOD:

West County Restaurant Open for four Months Closes: Marshall’s Bistro in the National Way Plaza on Manchester Road at Highway 141 closed two weeks ago. It had only been open for a few months. The rumor is that it has been sold. The Marshall family which bought the former Chinese restaurant, that was originally 40 years old a cut rate steak house, where suppose to be offering traditional American Comfort food. The reviews coming in on the food were not that positive.



The other rumor is that after closing up the management failed to tell several bands that had been booked to play there from 9pm to midnight on the weekends of the closing. Customers coming from the east to see popular local bands complained that it was almost a secret trick in finding side streets that took them to the building. It is impossible to see the building from Manchester Road.

LOOK WHAT WE'LL KNOW ST. LOUIS MUSICIANS SHOWE DUP AT SASHA'S LAST WEDNESDAY: You never know who will show up and sit in with Jim Manley and Chris Swan as Sasha's on Wednesday night. That's Al Oxenhandler also known as simply Al Ox along with Curt Landes who showed up at Sasha's on DeMun last Wednesday. Al sat in on drums for the second and third sets and Curt took over on the keyboards for a closing duet.



ANITA ROSAMOND BACK AT SMITTYS AND IS TO PLAY AT THE OPENING OF THE ST. LOUIS-PREMIUM MALLS: We caught the last set of Anita Rosamond Saturday performance at Smitty's. Afterwards Anita told us she will be performing three hours a day for the first couple of days for the opening of cCesterfield's second outlet mall, The Premium Outlets, later in August.



Anita and her often sidekick Jerry Moser get started on the Big Close of her show Saturday with a duet of "New York, New York."

CARTOONS:

