Given the current public health crisis, various emergency meeting declarations, and in accordance with the provisions of Sec. 610.020, RSMo., this Board of Aldermen meeting was held via Zoom videoconference and streamed live to YouTube. Public comments on hearings and agenda items were solicited via email. Real-time public viewing of the meeting was made available via the City’s website at www.town-and-country.org.

REGULAR MEETING
The regular meeting of the Board of Aldermen of the City of Town and Country was held at 7:00 PM on Monday, April 27, 2020 via Zoom videoconference.

PLEDGE OF ALLEGIANCE
Mayor Dalton led the Pledge of Allegiance.

ROLL CALL
The 7:02 PM roll call indicated Aldermen Allen, Benigas, Butler, Holman, Hughes Mortland and Wittmaier to be present via videoconference. Alderman Frautschi was absent.

Mayor Dalton presided.

City Attorney Steve Garrett was also present via videoconference to represent the City.

Mayor Dalton welcomed Aldermen Hughes and Wittmaier to their first meeting. He noted that this meeting would have been their swearing in date if the election hadn’t been postponed, and thanked the Board of Aldermen for moving swiftly to confirm his appointments at the Special Meeting.

He also provided an update about the statewide and county stay-at-home orders. He noted that some parks will open tomorrow, April 28, and that the decision to fully lift the orders on the local level is being evaluated on a regular, ongoing basis.

MINUTES – 04/13/20
Alderman Holman moved for approval, seconded by Alderman Mortland.

Mayor Dalton called for any corrections or amendments.

Hearing none, the minutes of 04/13/20, were unanimously approved.

HEARING FROM CITIZENS
City Clerk Ashley McNamara entered one email that was previously distributed to the Board of Aldermen regarding the closure of City parks into the record. Said email, sent by Corge Umlauf dated April 24, 2020 consisting of one page is attached hereto and made a part of these minutes.

PUBLIC HEARING(S)

- A public hearing to review a request from Walter and Kimberly Ann Brauer, owners, for approval of a Conditional Use Permit for an accessory structure, a pool, located at 23 Brookwood Road in the Estate (E) Zoning District.

Mayor Dalton opened the public hearing and the City Clerk entered the following exhibits:

2. Typewritten notice of hearing posted at the Municipal Center and on the subject property, and mailed to property owners within 300 ft. of subject property, with a list of property owners attached.


David Williams, owner’s representative, was present via videoconference on behalf of the request.

The City Clerk stated, for the record, that no public comments were received regarding the pool.

Hearing no further discussion, the public hearing was closed.

- A public hearing to review a request from Walter and Kimberly Ann Brauer, owners, for approval of a Conditional Use Permit for an accessory structure, a pavilion, located at 23 Brookwood Road in the Estate (E) Zoning District.

Mayor Dalton opened the public hearing and the City Clerk entered the following exhibits:


2. Typewritten notice of hearing posted at the Municipal Center and on the subject property, and mailed to property owners within 300 ft. of subject property, with a list of property owners attached.


David Williams, owner’s representative, was present via videoconference on behalf of the request.

Alderman Benigas inquired about the pavilion’s architecture and requested that a rendering be submitted before the next Board of Aldermen meeting.

Mr. Williams described the aluminum pergola that was a four post structure featuring operable fins. He noted that a rendering or example would be provided.

The City Clerk stated, for the record, that no public comments were received regarding the pavilion.

Hearing no further discussion, the public hearing was closed.

- A public hearing to review a request from Walter and Kimberly Ann Brauer, owners, for approval of a Conditional Use Permit for an accessory structure, a permanent outdoor game court, located at 23 Brookwood Road in the Estate (E) Zoning District.

Mayor Dalton opened the public hearing and the City Clerk entered the following exhibits:


2. Typewritten notice of hearing posted at the Municipal Center and on the subject property, and mailed to property owners within 300 ft. of subject property, with a list of property owners attached.

David Williams, owner’s representative, was present via videoconference on behalf of the request.

The City Clerk stated, for the record, that no public comments were received regarding the permanent outdoor game court.

Hearing no further discussion, the public hearing was closed.

**APPOINTMENTS**

**COMMUNICATIONS AND REPORTS**

Alderman Holman
Alderman Holman noted that she is looking forward to the opening of the parks’ parking lots and reminded all that the trails remain open. She added that the Parks & Recreation Department has been working hard to reduce expenditures by deferring several projects and non-revenue generating events, for the time being.

She also announced that the Parks & Trails Commission will hold a Zoom virtual meeting at 6:30 PM on Monday, May 18.

**UNFINISHED BUSINESS**

**BILL NO. 20-18, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A CHILDREN’S PLAYHOUSE, LOCATED AT 1414 TOPPING ROAD IN THE CITY OF TOWN AND COUNTRY** (sponsored by Alderman Holman) (1st reading 04/13/20)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 20-18 was read for the second time and placed upon its final passage.

Alderman Holman moved for approval, seconded by Alderman Mortland.

Alderman Holman moved to amend condition G of Bill No. 20-18 as follows: (additions shown as **bold/underline**; deletions as *strikethrough*)

A. A full evergreen screen shall be provided at the south and east side of the playhouse to screen from neighbors as approved by staff, **and pending weather, installed by June 1, 2020.**

Alderman Butler seconded the motion and a voice vote carried.

In response to Alderman Wittmaier, Alderman Holman noted that she met with neighbors and they were supportive of the revised landscaping plan.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Butler, Holman, Hughes, Mortland and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, Frautschi.

The motion carried unanimously and Bill No. 20-18, as amended, became Ordinance No. 4359.

**BILL NO. 20-22, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE INTERGOVERNMENTAL COOPERATION AGREEMENTS WITH BOTH THE BRYN WYCK COMMUNITY IMPROVEMENT DISTRICT AND ST. LOUIS COUNTY, AS WELL AS AUTHORIZING AN INTEREST BEARING LOAN TO THE BRYN WYCK COMMUNITY IMPROVEMENT DISTRICT FOR RELATED ROADWAY IMPROVEMENTS** (sponsored by Aldermen Frautschi & Butler) (1st reading 04/13/20)
Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 20-22 was read for the second time and placed upon its final passage.

The City Clerk entered six emails, consisting of seven pages total, into the record and noted that the emails had been previously distributed to the Board. Said emails are attached hereto and made a part of these minutes.

Alderman Benigas moved for approval, seconded by Alderman Allen.

Alderman Allen moved to amend Exhibit A of Bill No. 20-22 as follows: (additions shown as bold/underline; deletions shown as strikethrough)

Section 2.2.A. ensure the levy, implementation and collection of sufficient CID Assessments or provide another revenue source to satisfy the financial obligations within five years set forth in this Agreement;

Section 2.2.1.4 annual payment to the City for the principal and interest, at the rate of 3.5% annually, necessary to repay the Loan within five years from the date of the first annual assessment.

Alderman Benigas seconded and a voice vote carried.

Mark Johnson, Bryn Wyck representative, was present via videoconference. He explained that further delay could impact the cost and jeopardize the current bid. In response to Alderman Benigas, he noted that the falling price of oil would not result in a more advantageous cost.

Alderman Holman inquired about the timing and content of forthcoming sales tax reports. Finance Director Pam Reitz explained that the next sales tax distribution report will be received in mid-May and will contain information from March, which reflects about two weeks of data showing the effect of the stay-at-home orders.

Alderman Mortland noted that he is in favor of being very cost conscious at this time. He added that this investment is a smart financial decision given the 3.5% interest return, in addition to supporting residents.

Alderman Butler explained her desire for a continuance was to allow the new aldermen to seek information about the request. She also expressed concern with providing funds to the CID given budget reductions that will impact the City’s own infrastructure and other priority expenses.

Alderman Butler moved to continue Bill No. 20-22 to the meeting of May 11 for further consideration. Alderman Hughes seconded the motion.

Alderman Hughes inquired about the feasibility of the subdivision obtaining a loan from an outside banking institution, and further about the potential precedent set if additional subdivisions come forward with similar requests.

In response, Mr. Johnson explained that the banking loans were at higher rates and the subdivision could not offer collateral for the loan. He provided a brief background of their efforts to secure funding and clarified that this investment returns 3.5% interest whereas market investments are only returning 1.5% at best. He added that the subdivision is already making payments towards the $5,000 fee imposed by the City for administrative costs, in addition to direct legal and other attributable costs.

Brief discussion was held to clarify that the CID funding is distinguished as a loan that serves as an investment with return, as opposed to an expenditure.
City Attorney Steve Garrett stated that if another subdivision were to come forward, consideration would be based on the specific merits of the request at hand and the Board would not be bound by any precedent, even if it was very similar in nature.

The roll call vote on the motion to continue was as follows: AYE, Aldermen Butler, Holman, Hughes, Mortland and Wittmaier; NAY, Allen and Benigas; ABSTAIN, none; ABSENT, Frautschi.

The motion carried 5-2 and Bill No. 20-22 was continued to May 11.

**BILL NO. 20-17, AN ORDINANCE APPROVING AN AMENDED FINAL SITE DEVELOPMENT PLAN FOR THE DEVELOPMENT KNOWN AS MARI DE VILLA, CITY OF TOWN AND COUNTRY, MISSOURI, WITH CONDITIONS TO BE COMPLIED WITH AND AUTHORIZING CERTIFICATION OF THE AMENDED FINAL SITE DEVELOPMENT PLAN** (sponsored by Aldermen Reuter, Mortland & Frautschi) (1st reading 03/09/20, 2nd reading and motion to reconsider 04/13/20)

The City Clerk entered the formal letter of withdrawal from Fred Wiesehan, owner/applicant, dated April 23, 2020 consisting of one page, into the record.

Additionally, nine individual emails, consisting of 11 pages, regarding the matter were entered into the record.

It was noted that the letter and emails had been previously distributed to the Board. Said documents are attached hereto and made a part of these minutes.

**BILL NO. 20-19, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A POOL, LOCATED AT 23 BROOKWOOD ROAD IN THE CITY OF TOWN AND COUNTRY** (sponsored by Aldermen Frautschi & Butler) (continued from 04/13/20)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-19 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-19 continued to the meeting of Monday, May 11, 2020 for the second reading and consideration.

**BILL NO. 20-20, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A PAVILION, LOCATED AT 23 BROOKWOOD ROAD IN THE CITY OF TOWN AND COUNTRY** (sponsored by Aldermen Frautschi & Butler) (continued from 04/13/20)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-20 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-20 continued to the meeting of Monday, May 11, 2020 for the second reading and consideration.

**BILL NO. 20-21, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A PERMANENT OUTDOOR GAME COURT, LOCATED AT 23 BROOKWOOD ROAD IN THE CITY OF TOWN AND COUNTRY** (sponsored by Aldermen Frautschi & Butler) (continued from 04/13/20)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-21 was read for the first time by title only.
Mayor Dalton declared Bill No. 20-21 continued to the meeting of Monday, May 11, 2020 for the second reading and consideration.

**NEW BUSINESS**


Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-23 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-23 continued to the meeting of Monday, May 11, 2020 for the second reading and consideration.

**WARRANT LIST-04/27/20**

Alderman Allen moved for approval, seconded by Alderman Mortland.

Mayor Dalton called for any amendments.

In response to Alderman Butler, Finance Director Pam Reitz explained that expenses due to COVID-19 are being tracked, as well as deposits and other revenues that have had to be refunded during this time. Mayor Dalton commended the tracking practice because certain expenditures may be reimbursable via federal funds.

Alderman Butler inquired about the following item:

Vendor 4137-Card Services-Digital Music System Return $-594.90

Parks & Recreation Director Anne Nixon offered explanation about the speaker return and noted that the Project Unplugged room is now completed.

Alderman Butler also inquired about unusually high costs for Town Square compared to other City locations for the following items:

Vendor 1083-Metropolitan STL Sewer District-Sewer Service Town Square $263.25
Vendor 2918-Missouri American Water-Water Service Town Square $306.96

City Administrator Bob Shelton noted that he will look into the costs and report back to the Board.

Hearing no amendments, a voice vote was taken on the warrant list of April 27, 2020, in the amount of $261,373.56, and carried.

**OTHER**

Mayor Dalton expressed thanks to the staff and Board of Aldermen for working together to maintain continuity of meetings and business.

**ADJOURN**

On motion of Alderman Allen seconded by Alderman Benigas and unanimously confirmed by voice vote, the meeting was adjourned at 8:04 PM.

Ashley McNamara
City Clerk
Please include this email in the Hearing from Citizens section on the agenda for the upcoming Board of Alderman Meeting. Thank you.

Open our Park’s parking lots immediately

As a governing body you have overreached on your power and have closed the parking lots of our parks. I urge you to open them immediately. No other municipality that I am aware of in St. Louis County has taken this unprecedented (and probably unconstitutional) step. (Admittedly Sam Paige has closed County Parks which was also an improper act.) Please stop treating your citizens like children. We are able to make our own decisions regarding our safety. Furthermore, by leaving the parks open but the parking lots closed you have deprived all Town and Country tax paying citizens of the use of the parks except for those who live next door to a park. Please address if you will be providing a tax credit to the 90% of citizens who are unable to use these parks while 10% of our citizens enjoy the benefits of the parks. Finally, it is my opinion that by adopting this authoritarian form of governing the mayor and the entire board of alderman have lost the moral authority to govern the citizens of Town and Country. This action that you took did not protect citizens, did not uphold the principles of our Republic and reveal your desire for complete power over the citizenry.

Corge D. Umlauf
12224 Carberry Pl.
Town & Country, Missouri 63131
(314)681-0382
cdumlauf@umlauflaw.com
NOTICE OF PUBLIC HEARING
BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY, MO

Notice is hereby given that the Board of Aldermen of the City of Town and Country, Missouri will hold a hearing on Monday, April 13, 2020, at 7:00 p.m. at the Municipal Center, 1011 Municipal Center Drive, to review a request from Walter and Kimberly Ann Brauer, owners, for approval of a Conditional Use Permit for an accessory structure, a pool, located at 23 Brookwood Road in the Estate (E) Zoning District.

All interested parties may examine all public documents relating to this matter at the Municipal Center and may appear and be heard at the public hearing. For direct inquiries, please contact City Planner Ryan Spencer at (314) 587-2827.

Ashley McNamara
City Clerk
March 27, 2020

As of March 24, 2020 City Hall is closed for walk-ins. All public documents referenced above can be reviewed online at www.town-and-country.org/386/Public-Notices or by special appointment.

Due to current and potentially extended COVID-19 restrictions on gatherings, please forward any public comments for the above noted hearing to City Clerk Ashley McNamara at McNamaraAN@town-and-country.org before Monday, April 13 at 4:30 PM for distribution to the Board of Aldermen and inclusion in the formal record. If you have questions concerning the submittal of your public comments, contact Ashley via email or at (314) 587-2806.
STATE OF MISSOURI
COUNTY OF ST. LOUIS

Before the undersigned Notary Public personally appeared Robin Graves on behalf of THE COUNTIAN, ST. LOUIS COUNTY who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the March 27, 2020 edition and ending with the March 27, 2020 edition, for a total of 1 publications:

03/27/2020

Robin Graves
Subscribed & sworn before me this 27th day of Mar., 2020
(SEAL)

Notary Public

CHANEL JONES
Notary Public - Notary Seal
State of Missouri
Commissioned for St Louis County
My Commission Expires: August 08, 2022
Commission Number: 14937721

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Ashley McNamara
City Clerk
11872807 County Mar. 27, 2020
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( SEAL )

Chanel Jones
Notary Public

AFFIDAVIT OF PUBLICATION

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Ashley McNamara
City Clerk
11872805 County Mar. 27, 2020
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Ashley McNamara
City Clerk
11872001County Mar. 27, 2020
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McNamara, Ashley

From: jerry <jcmcerfbag@aol.com>
Sent: Wednesday, April 22, 2020 10:47 PM
To: Dalton, Mayor Jon; Holman, Ald Pam; Butler, Ald. Lindsey; Frautschki, Ald Tiffany; Reuter, Ald Matt; Mortland, Ald Ryan; Benigas, Ald Jonathan; Allen, Ald Sue; Shelton, Bob; McNamara, Ashley; mcj1954@aol.com
Cc: amanda.mueller@heplerbroom.com; camelvin@sbcglobal.net; partrico@aol.com; ebrin01@sbcglobal.net; mrshanejohnston@gmail.com; tsolomon531@gmail.com
Subject: BrynWyck Streets and Curbs

My thoughts to our Town and Country Board Members,

The Bryn Wyck Trustees and CID Directors are totally committed and invested in this effort to avoid safety issues and properly repair our deteriorating neighborhood streets.

For over 2 years we have worked as a cohesive group to identify every aspect related to the maintenance of the streets our families navigate every day.

The solution has been very heartwarming.

We were able to create a financial formula where 55% of the homeowners could "prepay" their portion and the remaining 45% had the luxury of paying 3.5% interest on loaned money secured by their homes in Town and Country. This 5 year plan certainly made it easier for those with school children and tighter budgets.

It has been a win-win situation for all concerned.

Town and Country has not only allowed us to have the financial package, but they have certainly aided us in technical advice and using their considerable influence on the 5 final candidates that bid on our project.

We have many professional people that live in the Bryn Wyck neighborhood. It was wonderful to see the lawyers, doctors and real estate experts all lend their expertise to our final agreement. For this short segment of time our 44 households had more meetings and planning sessions than in the other 29 years I have lived in Bryn Wyck combined. It has been a super experience to meet my neighbors. I have really enjoyed being a CID Director and look forward to Bryn Wyck.

Thank you for helping to make this happen. During the Coronavirus debacle, Town and Country has been a solid partner and example of what community means.

I look forward to seeing each one of you driving down our perfect asphalt corridors, while carefully navigating around all of the families that make the "Bryn Wyck Loop Walk" a daily family experience.

Strong together,

Jerry Michelson
345 Doulton Place
Town and Country, MO 63141
To: Town and Country Board of Aldermen

RE: Bryn Wyck CID Funding

I am writing to ask your support and approval of Town and Country's first CID, which I believe is scheduled to be reviewed at Monday's meeting.

My wife and I have been residents of Bryn Wyck for 17 years. The upcoming cost of our street repairs is quite large. The proposed CID offers an excellent investment and financial return for Town and Country along with a viable means for us to finance the repairs.

I respectfully ask that you grant approval for the CID.

Thank you,

Dale J Musick
316 Doulton
314-409-0846
To the Town and Country Alderman, Major and Administrators,

I am including Jerry’s letter to you to reinforce my strong agreement for his position so I don’t have to repeat what you have already heard.

We have lived on Daulton Place for 22 years. We raised our kids here and I was the PTO President of Mason Ridge. We love our neighborhood and the community of Town & Country. We chose to live here many years ago and now as empty nesters, choose to stay in Town & Country for many years to come. We have improved our home with an addition, a pool, total inside remodel and outside we installed a circle drive and new landscaping. We have seen many homes turn over in our years and most new families have young children as we did when we moved in. People don’t move from Bryn Wyck very often and we have a diverse mix of young families, empty nesters and retirees.

We need to fix our roads and have a well-researched and unique way to finance this very expensive project. Anyone what chooses the CID finance will pay T&C 3.5%. We think that’s a good return of your working capital now!!

We hope you all support our endeavor during these unprecedented times so we can continue to enjoy and stay in our homes for many more years.

Good health to all of you and all the Best

Ellen and Bob Brin

234 Daulton Place

Begin forwarded message:

From: jerry <jcmcerbag@aol.com>
Date: April 22, 2020 at 10:49:15 PM CDT
To: "Mayor@town-and-country.org" <Mayor@town-and-country.org>, "HolmanP@town-and-country.org" <HolmanP@town-and-country.org>, "ButlerL@town-and-country.org" <ButlerL@town-and-country.org>, "FrautschiiT@town-and-country.org" <FrautschiiT@town-and-country.org>, "ReuterM@town-and-country.org" <ReuterM@town-and-country.org>, "MortlandR@town-and-country.org" <MortlandR@town-and-country.org>, "BenigasJ@town-and-country.org" <BenigasJ@town-and-country.org>, "AllenS@town-and-country.org" <AllenS@town-and-country.org>, "SheltonB@town-and-country.org" <SheltonB@town-and-country.org>, "Mcnamaraan@town-and-country.org" <Mcnamaraan@town-and-country.org>, "mcj1954@aol.com" <mcj1954@aol.com>
Cc: "amanda.mueller@heplerbroom.com" <Amanda.Mueller@heplerbroom.com>, "camelvin@sbcglobal.net" <camelvin@sbcglobal.net>, "partrico@aol.com" <partrico@aol.com>, "ebrin01@sbcglobal.net" <ebrin01@sbcglobal.net>, "mrshanejohnston@gmail.com" <mrshanejohnston@gmail.com>, "tsolomon531@gmail.com" <tsolomon531@gmail.com>
Subject: BrynWyck Streets and Curbs
Reply-To: jerry <jcmcerbag@aol.com>
My thoughts to our Town and Country Board Members,

The Bryn Wyck Trustees and CID Directors are totally committed and invested in this effort to avoid safety issues and properly repair our deteriorating neighborhood streets.

For over 2 years we have worked as a cohesive group to identify every aspect related to the maintenance of the streets our families navigate every day.

The solution has been very heartwarming.

We were able to create a financial formula where 55% of the homeowners could "prepay" their portion and the remaining 45% had the luxury of paying 3.5% interest on loaned money secured by their homes in Town and Country. This 5 year plan certainly made it easier for those with school children and tighter budgets.

It has been a win-win situation for all concerned.

Town and Country has not only allowed us to have the financial package, but they have certainly aided us in technical advice and using their considerable influence on the 5 final candidates that bid on our project.

We have many professional people that live in the Bryn Wyck neighborhood. It was wonderful to see the lawyers, doctors and real estate experts all lend their expertise to our final agreement. For this short segment of time our 44 households had more meetings and planning sessions than in the other 29 years I have lived in Bryn Wyck combined. It has been a super experience to meet my neighbors. I have really enjoyed being a CID Director and look forward to more community involvement.

Thank you for helping to make this happen. During the Coronavirus debacle, Town and Country has been a solid partner and example of what community means.

I look forward to seeing each one of you driving down our perfect asphalt corridors, while carefully navigating around all of the families that make the "Bryn Wyck Loop Walk" a daily family experience.

Strong together,

Jerry Michelson
345 Daulton Place
Town and Country, MO 63141
April 24, 2020

To: Town and Country Board of Aldermen

RE: Bryn Wyck CID Funding

We are at the final stage concerning Town and County’s first CID, the actual funding, so I ask the Board to vote yes to approve our funding.

As you review budgets based on concerns regarding the extensive fall off in projected revenues being impacted by COVID-19, I would like to make several points regarding our need to have these funds released as planned:

1. The agreed to 3.5% interest rate is by far the best return on investment the City can expect to see at this time. Today’s interest rate has likely dropped to below 1%, possibly as low as 0.5% and still the 3.5% has not been adjusted.

2. Releasing these funds from the City’s reserves is not a true “spend” in the budgetary sense but rather a loan that will be repaid over the five year term authorized by the Ordinance.

3. Nothing in the Ordinance as written and passed made any reference to these funds being conditional. We have committed to both the community and the contractor that the funds would be made available. Our project cannot be completed without your funding it.

4. The fact that 24 households have already paid in full in the amount of $11,255.13 per household, and the other 20 have all confirmed their desire to finance using the CID, is a solid indication that the community is still 100% behind the project.

Please vote yes to approve our funding.

Thank you for your consideration.

Sincerely,

Howard Wolkowitz, Bryn Wyck resident 224 Bryn Wyck, Town & Country MO 63141
To: The Mayor, Aldermen, City Administrator, and Town Clerk,

As a 26 year resident of the Brynwyck subdivision which is in Town and Country, I would like to voice my opinion on the proposed use of the CID to repair our subdivision streets and curbing.

Our subdivision is composed of a mixed group of residents; retired people and families with children. The CID proposal to help finance our street renovation is very helpful to these residents.

Our subdivision has been talking about redoing our streets for years. Not until the CID option came along did the project seem to become a reality. Many hours were spent analyzing the proposals by contractors and bringing the issue to a “yes” vote by our residents.

Obviously, new streets and curbs would enhance the appeal of our subdivision and keep our subdivision up to the high standards that are present in Town and Country.

I realize that the Covid19 virus has had a negative effect on the city’s revenue stream, which hopefully will be short lived. However, the CID will be a loan which will be paid back with interest to the city.

I feel without the CID approval for our project the issue of new streets and curbs will not happen anytime soon. The Trustees and CID directors have, in good faith, done all the necessary steps to make our project a reality with the help of the CID.

Our residents were told this would be a reality and to have the CID pulled from out from us seems to be a slap in the face from a township that has always been there for us.

Sincerely,

Doug LaRico
200 Brynwyck pl
Bob Shelton
City Administrator
City of Town and Country
1011 Municipal Center Drive
Town and Country, Missouri 63131

Re: Withdrawal of Application for Amendment to Final Site Development Plan

Bob:

As you are aware, on January 17, 2020, Mari-de-Villa Retirement Center, Inc. ("Applicant") submitted an application (the "Application") for Amendment to the 1992 Final Site Development Plan pertaining to the property identified as 13900 Clayton Road. The purpose of this correspondence is to withdraw the Application. In doing so, the Applicant reserves any and all rights available under the City of Town and Country Code or Missouri law with respect to its property.

Please confirm receipt of this correspondence. Should you have any questions or require anything further, please do not hesitate to contact me. Thank you.

Sincerely,

Fred Wiesehan
President – Administrator
Mari de Villa Retirement Center, Inc.

via electronic mail
cc: Mayor Dalton
    Board of Alderman
    Ryan Spencer
    Ashley McNamara
    Steve Garrett
    Fritz Wiesehan
    John Odom
    Jon Giokas

www.MarideVilla.com
Dear Ashley,

Thank you for submitting our opposition to the MDV expansion proposal. We are upset by their attempt to push this for approval during the pandemic and without any consideration for the Town and Country residents whose lives will be significantly negatively affected.

Fortunately we can reference MDV’s adamant opposition to further development in T&C on the Clarendale proposal in order to gain insight on their actual unbiased stance on such development. Clearly, they are only interested in their own gains.

Let our alderman know that we expect him to vote to reject the MDV proposal.

Thanks Again,
Chris and Geralyn Jacob
1235 Devonworth Dr, T&C, MO 63017

On Thu, Apr 9, 2020 at 4:03 PM McNamara, Ashley <McNamaraAN@town-and-country.org> wrote:

Good afternoon, thank you for submitting your comments. I will forward your message on to the Mayor and Board of Aldermen as well as make it part of the record at our videoconference meeting on Monday at 7 PM.

Have a wonderful night, stay well!

Ashley

From: Geralyn Jacob [mailto:geralyn2000@gmail.com]
Sent: Thursday, April 09, 2020 3:25 PM
To: McNamara, Ashley
Subject: Proposition for Mari De Villa

As residents of Devonworth subdivision in Town and Country, we wish to voice our opposition to the project proposed by Mari De Villa for a 2-3 story structure. Such a structure will detract from the property values and aesthetics for surrounding residential properties.

We would like for Town and Country to REJECT this project.

--

Chris and Geralyn Jacob
1235 Devonworth Dr, Town and Country, MO 63017

--

Geralyn Jacob
I write AGAIN to again voice our strong objection to the proposed Mari de Villa expansion proposal before the City of Town and Country. I watched via ZOOM this past week with great interest when our elected officials turned our meeting into a “virtual comedy of errors” when at first this proposal was DEFEATED...until it WASN’T! Most people like me tuned out after the bill was defeated, only to find out the next morning that 3 of our elected officials threw a “late penalty flag” and motioned to now “Reconsider the Vote” that had just defeated this bill.

So...makes me wonder a couple things. First, IF the vote can gone 5-2 and PASSED...would the same 3 elected officials have motioned to “Reconsider the Vote” in that case as well? Secondly, one of the reasons given to me for the reversal was that “the vote wasn’t fair to all parties”...well, then WHY did the Board even have the vote? It was a total waste of everybody’s time that evening. Thirdly, I was also told that “there are many reasons why a continuance was the appropriate action”...well good then as I and EVERYBODY across ALL of Town and Country can’t wait to hear them. Let’s hear them....then REJECT THIS BILL for the MDV expansion...AGAIN.

**Tom Schmidt**

Thomas R. Schmidt  
1231 Devonworth Drive  
Town and Country, MO  63017

As 25 year residents of Town and Country, my wife Stephanie and I would like register our dissent to this “proposed project” with a very firm NO vote. We have resided within walking distance of MDV since 1996, first in Kings Cove and now at 1231 Devonworth Dr, and we think the size and scope of this project was probably not what was originally envisioned/approved back in 1992. Devonworth as a subdivision was not around back then and the distance between Devonworth property lines and this new 2-3 story structure will definitely detract from the property values and aesthetics for ALL surrounding RESIDENTIAL properties. Besides...there is no shortage of Independent Living/Senior Living popping up all over West County and even other locations in Town and Country.

Bottom line...the length/height/location and overall size of the addition would surely not “blend in” with the surrounding residential neighborhoods in ALL directions...and we are not sure how well it even “blends in” with existing MDV structures.

Town and Country needs to REJECT this project. Thanks for taking our feelings to the Board of Alderman.

**Tom Schmidt**

Thomas R. Schmidt

This message, and any of its attachments, is for the intended recipient(s) only, and it may contain information that is privileged, confidential, and/or proprietary and subject to important terms and conditions available at [http://www.stifel.com/disclosures/emaildisclaimers/](http://www.stifel.com/disclosures/emaildisclaimers/). If you are not the intended recipient, please delete this message and immediately notify the sender. No confidentiality, privilege, or property rights are waived or lost by any errors in transmission.
Ashley,

I write to object to the unnecessary effort by Mari de Villa to slide its expansion effort through clearance during a period of turmoil. I own property in the Devonworth subdivision that will be directly impacted by this development project. I do not desire an institutional building looming up on the hill at MDV over our homes. The proposal seeks to build a massive building up against the property line between Devonworth and MDV which will be clearly visible with no real sufficient sight barrier planned or one that would reasonably protect the values of the Devonworth homes.

MDV has made no real effort to collectively engage or communicate its plans to this neighborhood outside of formal T&C Board meetings. It is apparent why they refused to seek our input. The current plans make no accommodation to protect the property values and/or reduce the nuisance this proposal would visually create to our subdivision.

Moreover, apart from the reality that our community doesn't need more senior care facilities (The Highway 40 corridor is lined with nearby options) it seems clear that the size, site,proximity and degradation of sight lines from Weidman Road and our subdivision will be impacted negatively by this proposal. There simply is nothing in the proposal that protects the property values of its closest neighbor.

Lastly, I find it hypocritical that the MDV owners fought so adamantly to prevent further development in T&C with Clarendale, yet now seek to do the opposite by expanding the # of beds and developing a building that will tower of an existing subdivision creating an eyesore for its residents.

I appreciate that MDV cultivates it's political and public image with care and likely intended to move this swiftly through without undue criticism. However, if they had met with the Devonworth residents about their timing and plans, I would expect you would hear plenty from taxpayers who have significant investments in this community. Accordingly, I urge you to REJECT the MDV proposal on Monday.

Dave Dressel
314-779-4221
Dear Ms. McNamara:

I would request that this letter be forwarded to the Board of Aldermen and Mayor regarding the continued consideration of MDV expansion. I have reviewed some of the material relating to last Monday's meeting and the determination to revisit the matter on April 27th. My opposition is unchanged.

However, I did look at the site plan and today on my walk I observed the orange ribbons that MDV has placed on various sections of their property (including the relocated waste center), and I wonder if anyone actually cares about having a MASSIVE COMMERCIAL WASTE CENTER for MDV sited a few yards from Weidman Road and directly behind million dollar plus residences?!!! Did you actually look at this plan? Would you want to have MDV move its waste problem into your back yard? Look, even if they reverse their plan to site a waste center near the present parking lot the entire idea of putting this large expansion on high ground visible from our subdivision and various streets is a bad idea and is not what Town and Country stands for to its tax paying residents. Please vote to block the MDV action. If MDV says it will try to restart a master site expansion we will oppose that as well. Let’s deal with one item now.

Sincerely,

David Snively
1254 Devonworth Drive
Town and Country

Sent from my iPad
I write to object to the unnecessary effort by Mari de Villa to slide its expansion effort through clearance during a period of turmoil. I own property in the Devonworth subdivision that will be directly impacted by this development project. I do not desire an institutional building looming up on the hill at MDV over our homes. The proposal seeks to build a massive building up against the property line between Devonworth and MDV which will be clearly visible with no real sufficient sight barrier planned or one that would reasonably protect the values of the Devonworth homes.

MDV has made no real effort to collectively engage or communicate its plans to this neighborhood outside of formal T&C Board meetings. It is apparent why they refused to seek our input. The current plans make no accommodation to protect the property values and/or reduce the nuisance this proposal would visually create to our subdivision.

Moreover, apart from the reality that our community doesn't need more senior care facilities (The Highway 40 corridor is lined with nearby options) it seems clear that the size, site, proximity and degradation of sight lines from Weidman Road and our subdivision will be impacted negatively by this proposal. There simply is nothing in the proposal that protects the property values of its closest neighbor.

Lastly, I find it hypocritical that the MDV owners fought so adamantly to prevent further development in T&C with Clarendale, yet now seek to do the opposite by expanding the # of beds and developing a building that will tower of an existing subdivision creating an eyesore for its residents.

I appreciate that MDV cultivates it's political and public image with care and likely intended to move this swiftly through without undue criticism. However, if they had met with the Devonworth residents about their timing and plans, I would expect you would hear plenty from taxpayers who have significant investments in this community. Accordingly, I urge you to REJECT the MDV proposal on Monday.

Sincerely, Clare Renz

Sent from my iPad
I am writing to recommend denying the proposed expansion of Maria de Villa by the Town and Country Board of Alderman. The following are the reasons for my opposition:

- increased traffic at an already busy intersection (Wiedman and Clayton)
- senior care facilities in our town/region are overbuilt
- the proposal would add to the demand for ambulance/EMS
- the proximity of proposed expansion to nearby neighborhoods.

I encourage my alderman and others to vote against this proposal.
Sincerely,
Amy Sciortino
Woodfield Estates Neighborhood
Matt,

I hope you are doing well and staying safe. Thank you for putting yourself at risk everyday while helping those that are sick!

I’m writing to you in hopes of changing your mind and your final vote to reject the Mari de Villa (MDV) proposed building plans. The new addition is directly behind my back yard and will be a huge eyesore from my property as well as that of all of my neighbors.

The additions proposed by MDV will:

- depreciate the value of all Devonworth properties.
- increase traffic at an already congested Clayton/Weidman intersection at peak times (people leaving/coming home from work/school) as MDV employees/deliveries/visitors arrive/leave.
- negatively affect the landscape of a RESIDENTIAL area with a multi-story story building looming over neighboring homes and surrounding area
- increase the already taxed load of EMS/Fire/Police response
- add unnecessary nursing/retirement home beds in an already nursing home saturated area (MDV claims the new beds are necessary but they are NOT. It’s because their business model profits from single vs double occupancy rooms.

I have personal concerns for the health and safety of my family (including my 3 children, 2 with disabilities and severe asthma) with the construction dust/waste/smells/traffic and increase in the random people that will be at my property line without any fence or deterrent keeping them from entering my backyard. I already have to keep the kids closer to the house because of MDV employees/deliveries/etc entering/leaving the existing parking lot and shed.

The proposed dumpster site addition next to the shed would also be easily seen from Weidman Rd. In addition to it being unsightly, I don’t want the odors, mess, rodents and other animal pests that a dumpster site will attract IN MY BACKYARD.

I know you, and Mari de Villa, were very active in petitioning against the Clarendale development across the street from Mari de Villa property. I don’t see any benefit for Town and Country to now go ahead with yet another nursing home build, especially when MDV adamantly claimed T&C did not need any more beds and voted against Clarendale. The fact that MDV began working on this proposed plan while petitioning against that development makes them hypocrites.

The original MDV plan proposed and approved in 1992 should be expired. Devonworth was not built back then, T&C government was not the same, and the number of nursing homes in the area was not as saturated as it is today. The current proposal approved by the Planning and Zoning committee said construction must begin no later than 12 months post approval. Time limits are placed for a reason and even though one was not put on the 1992 plan, it should be deemed void by the fact alone that MDV submitted a new proposal.

I watched the recorded board of aldermen meeting from April 13, 2020. I don’t believe the letters and petitions from myself and Devonworth neighbors were carefully considered or represented. I don’t believe everyone examined ALL
the facts. I can’t believe that it didn’t pass by only 1 vote when so many of you questioned the necessity of another nursing home build and claimed Devonworth residents had not filed any opposition. I don’t feel Devonworth and nearby residents were aware of or knowledgeable on how to “attend” the online meeting that evening. Our voices were not heard and all of concerns were not clearly communicated. There is NO protection for Devonworth properties in either MDV building plans! Proceeding with any and all MDV plans to build should be abandoned in order to protect Devonworth properties.

I know MDV has threatened to proceed with the 1992 plan if the current plan is voted out. This is highly unethical and speaks volumes to the lack of concern and respect MDV has for T&C residents, specifically its land neighbors at Devonworth. Not once did MDV contact us to get our opinion or to clarify their plans. They have not been open to our residents’ input as they are claiming.

After pressure from MDV causing Alderman Mortland to withdraw his vote and ask for an extension, I am pleading for you to reconsider your vote and REJECT the MDV proposed plans (current and 1992).

I am available anytime to talk if you’d like to discuss this further.

Thank you for your time and support!

Amy Stanton
1263 Devonworth Dr
314-304-5259
Good Evening,

I write to object to the unnecessary effort by Mari de Villa to slide its expansion effort through clearance during a period of turmoil. I own property in the Devonworth subdivision that will be directly impacted by this development project. I do not desire an institutional building looming up on the hill at MDV over our homes. The proposal seeks to build a massive building up against the property line between Devonworth and MDV which will be clearly visible with no real sufficient sight barrier planned or one that would reasonably protect the values of the Devonworth homes.

MDV has made no real effort to collectively engage or communicate its plans to this neighborhood outside of formal T&C Board meetings. It is apparent why they refused to seek our input. The current plans make no accommodation to protect the property values and/or reduce the nuisance this proposal would visually create to our subdivision.

Moreover, apart from the reality that our community doesn’t need more senior care facilities (The Highway 40 corridor is lined with nearby options) it seems clear that the size, site, proximity and degradation of sight lines from Weidman Road and our subdivision will be impacted negatively by this proposal. There simply is nothing in the proposal that protects the property values of its closest neighbor.

Lastly, I find it hypocritical that the MDV owners fought so adamantly to prevent further development in T&C with Clarendale, yet now seek to do the opposite by expanding the # of beds and developing a building that will tower of an existing subdivision creating an eyesore for its residents.

I appreciate that MDV cultivates it’s political and public image with care and likely intended to move this swiftly through without undue criticism. However, if they had met with the Devonworth residents about their timing and plans, I would expect you would hear plenty from taxpayers who have significant investments in this community. Accordingly, I urge you to REJECT the MDV proposal on Monday.

Anthony J. Johnson  
*President, Industrial Business Unit, Shareholder*

CLAYCO // mobile 314.422.3823  
email JohnsonAn@Claycorp.com // WWW.CLAYCORP.COM
Dear Mayor Dalton and Members of the Town & Country Board of Aldermen

Recently friends of mine associated with Devonworth Subdivision informed me of the development proposal submitted by Mr. Fred Wiesenhan to expand the footprint of Marie de Villa (MdV) into a much larger senior retirement community. I have received and reviewed some material forwarded to me including the actual proposal submitted to the T&C Board. I have also had previously a meeting and conversations with Jeff Wittmaier and Jeff Russell regarding the proposed Clarendale project. I was presented with the concerns and objections to the Clarendale proposal and agreed with the residents surrounding this project that it should not proceed. It is interesting that many of the same objections to Clarendale apply to this MdV proposal. In some respects, Clarendale has development attributes that MdV does not have. Space and parking immediately come to the surface.

As a starting point, I would like to revisit what I understand is the Board’s stated vision for the T&C community:

**QUALITY OF LIFE**

*We are committed to preserve the "country" in Town & Country while maintaining a balance between our residential and commercial communities. The Mission of the City of Town & Country is to maintain a hospitable environment for our residents and other stakeholders and to foster a "sense of community" among ourselves as defined below:*

A "sense of community" is indicated when the residents of Town & Country share a common identity with and feeling of satisfaction and pride in their city because of its laws, respect for the individual, property values, environmental attractiveness and communal interests.

I am a long time resident of T&C going back to the 80s. What is attractive about T&C is the residential community consisting of large lots and distinguished homes. T&C has commercial development but it is mainly located along stretches of I 64 or Hwy 141. Interestingly, over the years T&C has seen a tremendous growth in senior type facilities. My speculation is that senior living facilities, as a percentage per capita, is larger than any of our neighboring communities. T&C is exceedingly over-bedded with senior/assisted living/skilled service facilities. In fact, Mr Wiesenhan himself has stated this publicly and went further by stating both St. Louis County and St. Charles County is over-bedded. Keep in mind that T&C recently approved Mason Pointe – new construction of 156 independent living units on 390,000 square feet. At least this development borders I 64 and is not located in the heart of T&C next to residential neighborhoods. In my opinion we should keep the core of T&C residential.

Another point that is troubling to me is the comment by Mr. Wiesenhan within his presentation to the T&C Board. In his Project Narrative, he stated:

*Following an annexation that brought Marie de Villa into the city of Town and Country, we submitted a Final Site Development Plan in 1992. That plan allowed for all the existing development as well as an addition to our West building (skilled nursing) and three life care unit buildings (independent living) on the southeast corner of the property. The current proposal closely follows the intended use of the 1992 Final Site Development, only with a modified design. Again, the proposed skilled nursing addition on our West Building closely matches the plans set forth in 1992. In addition to offering our services to more residents of the community, the two greatest aspects of this project are the functionality and the improved staff to patient ratio, which already exceeds industry and state standards. To conclude, both of these projects closely match, both in size and use, to what was already approved in 1992. Our current proposal is an overall improvement to our property from the 1992 plan in several important respects, including green space, coverage, land use and impact on neighboring properties.*
There is reference to a 1992 site plan “already approved”, but it is not stated approved by whom. Did the T&C Board formally approve this plan? If so, why not state in his document and attach the evidence of approval. Did Mr. Wiesehan subsequent to 1992 perform construction in strict adherence to this 1992 plan? If not, were the site variances presented to the Board and did Mr. Wiesehan gain the approval of the T&C Board then seated? The Project Narrative included what appears to be the 1992 MdV Retirement Center survey, but there is no evidence on this document that it was approved by anyone since I cannot find any T&C notation on this survey. In reality, this proposed MdV project is nothing more than the construction of an apartment complex meant for senior citizens. In my opinion, apartments in T&C should be built along the commercial corridors of I 64 and Hwy 141. The heart of T&C should be for a residential community. With that being said, I am not in favor of building apartment type buildings in T&C.

A practical issue I notice is parking. Where will residents of this retirement apartment facility (assuming they have a vehicle) park. Where will the added staff park? Will the residents who back up to this new complex now have the pleasure of seeing a large parking lot from their back yards? T&C is all about spaciousness. Mr. Wiesehan’s proposal does nothing but create added density to an already crowded track of land.

T&C will not gain any property tax revenue. Maybe a little sales tax from additional retail spend, but what other revenue can T&C expect? On the other side of the coin, what might T&C experience in the way of added expense? Mr. Wiesehan criticizing the Clarendale project publicly has stated: With the current number of beds now existing in Town and Country, the City’s Fire Protection/Police/EMS departments have acknowledged an increased demand on their services. Further, ... there will be increased EMS and 911 calls based on the fact that the proposed facility will have all independent living and assisted living units, but without the benefit of having skilled nursing care provided 24 hours per day. Therefore, excessive EMS and 911 calls will be made for numerous incidents that could normally be handled by medical professionals in a skilled care facility. Is Mr. Wiesehan correct when he states T&C will experience potential additional protection/emergency costs with his construction and added senior living beds? Is Mr. Wiesehan’s project substantially different than Clarendale?

Finally, I am very suspicious of Mr. Wiesehan’s prior actions and motivation. In the summer of 2019, Mr. Wiesehan was vehemently opposed to the Clarendale proposal. He spent money, wrote letters & emails, displayed yard signs opposing the Clarendale proposal. He argued that T&C does not need added senior bedding since T&C is “exceedingly over-bedded” currently. Then several months later he approaches the T&C Board asking for their blessing to construct an apartment type facility that adds more senior beds claiming that back in 1992 this was already approved by presumably the Board’s predecessor. To me, the timing of Mr. Wiesehan’s actions smell. Furthermore, I feel for my fellow neighbors who reside in Devonworth. I would not want an apartment building and unsightly parking lot in my backyard.

Sincerely
Mark Dow
1141 Chatsworth Place Dr.