

Church put in the middle of development debate



Cindy Marsh, a vocal opponent of proposed development, stands with a sign along Dayton Road in Dayton. The proposed development is approximately a half mile south of her property. JOHN TERHUNE/JOURNAL & COURIER

Discussions about the growth of small town Dayton began nearly two years ago

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Turn east off of State Road 38 and the speed limit slows down to a cruise, and the neighborhood itself seems to slow down as well.

This is Dayton. About 1,600 people spread out across the town's 10 miles of mom-and-pop shops, two churches, an elementary school and lots of open space.

It's small town, USA — or at least that's what it brands itself as.

After turning down Walnut Street, signs reading "Keep Dayton Small" pop up almost immediately. They line Dayton Street and guide the way down the half mile stretch to Dayton United Methodist Church.

This is where the city limits end and the controversial debate begins.

Should Dayton remain a small town or continue to grow?

The debate started in December of 2016 when a subdivision was proposed to go in a 55 acre lot owned by Jan Inc. The property was just a step away from the Welcome to Dayton sign and would have to be annexed to become part of the small town.

While the annexation, the rezone and the fiscal plan have been approved for the project named Baker Farms, the process is far from over.

The proposed 109 new homes will need utilities, but the water and sewer lines stop short of the property.

The sewer line runs on the east side of Dayton Road where the church lies. The water is on the opposite side of the street where Koehler Brothers Nursery and Landscaping sits.

Koehler Brothers is owned by Cindy Marsh and her husband, Ron Koehler, the only city council member to deny the development. Marsh and her husband have been vocal opponents throughout the process and started the Keep Dayton Small campaign as well as the Dayton Area Community Coalition.

In order to navigate around their most fierce opponent, M&C Development, run by Greg Milakis and Steve Connors, has asked the church to grant an easement so that both water and sewer can run past the 10 acre buffer between the church and the annexed land.

As much as the leaders of the church wanted to stay out of this controversy, they simply can't. There's no win-win, Lead Pastor Michael Dominick said.

"If we decide to grant it some folks

"If we decide to grant it some folks will think we are siding with the developers. If we don't grant it then some folks will think we're blocking the town from growing."

Michael Dominick
Lead Pastor of Dayton United Methodist Church

will think we are siding with the developers," he said. "If we don't grant it then some folks will think we're blocking the town from growing."

Last year Dominick gave a sermon in which he spoke of surrendering to God. He passed out flags to congregants and keeps one behind his desk.

That was the approach to the development deal — surrender it to God, pray on it and ask for wisdom, Dominick said.

The church was allowed to save cost by not running water and sewer to its

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undeveloped property when it was first built. Now that Baker Farms needs those utilities the developers would incur that cost, but they need the church's blessing.

With no clear sign from the big man upstairs, Dominick said the church leadership is waiting for the facts.

They will not decide whether or not to grant the extended easement until they have it in writing from both the developers and the city how the payment process will work.

While developers have said verbally to both the town and the church that they will pay for the 1,500-foot extension, there has not been a written agreement. However, Milakis said the paper work is being drawn up and is set to be sent to the church in a few days.

Milakis said this would be a huge benefit to the church, saving them an estimated \$200,000.

From the outside, the unanimous APC vote this week approving the development looked like the final nail in the coffin of the Keep Dayton Small campaign. But Marsh is there, hammer in hand, prying each nail out.

Last July, she sued the city for not including any "specific and detailed" estimates in the fiscal plan for the development, as the Indiana Code requires. However, her case has been denied three times and now sits in appeals court.

Marsh is the president of the Dayton Area Community Coalition and has kept a detailed record of every decision that has been made during the project. Sometimes, she said, it has been at the expense of her own company, for which she had to file an extension on taxes because the coalition has taken so much time.

"I feel like I've aged 40 years," Marsh said.

The fiscal plan approved in May of last year states that the developers

will take on the recovery fees of nearly \$99,000 plus the \$425 inspection per lot. However, what entity will be paying for the water to be extended to these lots was unclear.

Marsh and the Dayton Area Community Coalition have outlined on the group's website the Indiana Code that requires "itemized estimates," the town ordinance that declares developers pay for extended utilities, the town's "Cost Recovery Plan" that outlines the same thing, and finally, the town's development guide that drives the point home.

Despite all of this, the fiscal plan only promised that the relevant parties will "establish a plan" regarding what entity pays for the expansion. This vague language is what Marsh's campaign, and lawsuit, is hinging on.

There are different answers for why an itemized list does not appear in the fiscal plan depending on who you ask.

Milakis said paying an engineer to estimate costs without having the plan fully approved would be a financial risk.

The attorney that represents M&C Development, Dan Teder, said there was a not a legal argument for that language to be in there.

Tyrone Taylor, the Dayton representative on the APC and the president of the Utility Board, said adding this would be redundant.

The town ordinance, as noted by Marsh, already states that a developer must pay for this type of easement. Taylor said it would be like unnecessarily reiterating sidewalk size for every construction plan.

Not having the payer clearly stated doesn't sit right with Marsh.

"I believe in transparency and an open door in government," she said. "We pay you. You work for us. Not in Dayton, Indiana, though, that's not what's happening."

Marsh is adamant about government accountability but there's the emotional factor, too. She and her husband live

about 400 feet away from where the annexation was approved. This fight is personal.

Dayton has been home for Marsh since she was 19.

She and Koehler have lived in the same brick house on Shady Lane for 44 years. They moved in right after their honeymoon. It's the only house they've lived in together. It's the home where they raised their quadruplets.

She knows Dayton's not perfect. It's got its run-down houses mixed in with historic homes. The Subaru of Indiana Automotive Inc. plant keeps folks employed, but the people here aren't rich and fancy.

"But it's our town," Marsh said.

This delicate balance of being close enough to Lafayette but not too close is repeated so often it might as well be the city's motto.

"You couldn't pay me enough to move to Lafayette," Dayton resident Toni Martin said.

That doesn't mean she wouldn't move out of Dayton, though. She, like other opponents, are afraid of the unknown.

Will her rent go up? What about the water bill? She's already paying \$80 for one person and on a strict budget she can't afford to go much higher.

What if landlords don't

pass the buck to renters? Will houses become run down and the city become home to low-income renters, or worse, the ever ominous "riff raff"?

Martin isn't optimistic about the answers.

She loves that her grandchildren, both still in elementary school, can play outside in her driveway without her worrying. She loves that if she does step away from watching them out the window that her neighbors will keep an eye out.

That's how she grew up in Delphi.

There's no mistaking that the unsolved murders of Abby Williams and Libby German in Delphi last year have put a new fear in Martin. The safety of a small town feels like a fading memory and the reality of crime is seeping in.

"I know it can happen because it happened in Delphi," Martin said. "I don't want that to happen here."

Martin proudly displays the Keep Dayton Small sign in her yard but she doesn't attend city council meetings. She's not interested in the "drama" of it all, she says. Although she's been renting her house in Dayton for eight years her loyalty is solely to her family.

"If I had to move, I would," she said. "I don't want to, but I will. Noth-

ing is more important than keeping my grandkids safe."

This is exactly what Marsh is afraid of. If this big development happens then another one is likely to follow.

Jan Inc., the same company that owns the annexed land, owns another 33 acres down the road from where Baker Farms is proposed. She worries that if Dayton keeps growing, people will start leaving.

Councilman Ashley Stevenson fears the opposite. If Dayton doesn't grow, then longtime residents will move on to other towns where they can have bigger houses and yards. Stevenson said this development is filling a need rather than creating a threat.

"I know for a fact that there will be a lot of people in Dayton who have been misled that will see the proof in the pudding," Stevenson said.

What really concerns Marsh is if residents move before the November 2019 elections.

Marsh and the coalition had pushed for a public vote but were shot down. The election is one of Marsh's last resorts. She's hoping her lawsuit can stall the development another year so when city council members are up for re-election the people of Dayton can truly decide where they stand on the issue.

"If that council is all re-elected then we'll know how Dayton feels," she said. "But I really don't think they will be."

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