

DAYTON AREA COMMUNITY COALITION

Dayton Council Members

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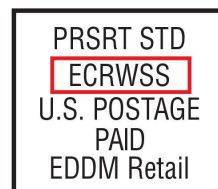
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Remaining 2018 Dayton Council Meetings

Friday, November 2, 2018, 7 pm

Monday, December 3, 2018,

Dayton Area Community Coalition
P O Box 600
Dayton, IN 47941



Boxholder
Dayton, IN 47941

Important Information about Dayton's Future Enclosed

WWW.DAYTONCOMMUNITY.ORG

The Way We Are....

Status updates on current issues important to Dayton

Proposed Subdivision:

As predicted by Councilman Ron Koehler and others in 2017, annexing the Jan Inc property south of Dayton opened the door for the rezone and for the initial subdivision approval at Area Plan. Dayton residents tried hard and expressed strong opposition, but with utilities available (because of the annexation), nothing could stop the developers' Rezone and Subdivision petitions.

There are at least four issues putting up temporary roadblocks for the developers.

1) Drainage – The residents on Adams Road have continually expressed concerns about the potential runoff and flooding of their properties below the proposed subdivision. Their concerns have fallen on deaf ears with the town council and Area Plan.

Eventually, the Indiana Department of Environmental Management was contacted. After seeing the plans for the proposed subdivision, the IDEM Stormwater Specialist contacted the town and clearly stated that in his opinion “this project should be required to provide/determine the discharge locations prior to much further planning progress due the potential difficulty of obtaining satisfactory outlet/discharge location(s).

It looks to me that how this project discharges storm water will be critical for this project and for the prevention of negative impacts to downstream/downslope landowners.”

Sadly, both the town council and developers have ignored this dictum from IDEM. If there's another lawsuit against the town because of the flooding on Adam's Road, the town will be left with the bill.

2) Lawsuit – You might remember that a lawsuit was filed against the town for failing to include in the Fiscal Plan the “cost estimates” to provide services to the annexed area, and failing

to explain “how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.” Both of these details are required by Indiana law. Instead, the Fiscal Plan simply states: “the Town, the Developer, and adjacent landowner will establish a plan....” The lawsuit was dismissed on legal technicalities in the lower court, and now sits awaiting a decision in the Indiana Court of Appeals. (See daytoncommunity.org for more info.)

While the lawsuit has not stopped the developers from forcing the Rezone and Primary Subdivision through Area Plan, they need to acquire easements from landowners to proceed with utility extensions. At least one landowner has stated that no decision will be made at least until the lawsuit is decided.

3) The Easements for the Utility Extensions – the developers discovered that they need easements for extending the water and sewer lines from Wesleyan Drive. (Yes, really! Doesn't it seem like that would have been the first step, not the last?) Currently, the water lines are on the west of Dayton Road side (on land owned by Ron Koehler and Cindy Marsh) and the sewer is on the east (on land owned by the Dayton United Methodist Church).

The Dayton United Methodist Church has pointedly remained neutral on this highly contentious issue for nearly two years. In order to avoid their vocal opponents on the west side of Dayton Road, the developers have now requested from the church an easement wide enough to place water and sewer on the same side (east) of the road. (A situation that is generally advised against and frowned upon.) Always the willing lackeys for the developers, the town council incredulously provided a letter to the church condoning this arrangement. Neither the developers nor the town council care about the impossible decision burden they are placing on the church.

The letter to the church from the town claimed, without supporting evidence, that the developers agree to pay for extending utilities. There isn't any evidence that the claim is true, and when pressed on the subject at the September meeting, both the developers and the council refused to provide

additional details, such as whether any agreement, if there is one, discusses the cost recovery fees. The developers, per the town's ordinance, development guide, and cost recovery program, should be paying for the utility extensions, the cost recovery fees, AND any additional infrastructure such as pump stations, lighting, and sidewalks. The letter doesn't mention any of those things.

Let's be clear here, the developers care only about their bottom line. They don't care about the turmoil they've generated in the town. They don't care about the impact of this and their future developments on the town and its residents. And they DON'T CARE ABOUT PLACING THIS IMPOSSIBLE BURDEN ON THE CHURCH. The church is in a lose-lose predicament, and it's unconscionable that the town and developers would place them in this position.

4) Easement for Utility Access – So it seems the current utility easements don't extend to the ending point of the water utility. In order to connect to the water, the developers need an easement on the west side of Dayton Road at the Wesleyan Drive intersection on property owned by Ron Koehler and Cindy Marsh.

Shady Lane:

To summarize this farce of an idea, we'll first share this open letter (reprinted from the Dayton Watchdog on Facebook):

AN OPEN LETTER TO THE DAYTON COMMUNITY

If you've ever driven south on Dayton Road in Dayton, crossed over the railroad tracks, gone past a four acre field dotted with inviting shade trees, you might have noticed a toll house sitting on a charming little lane leading into a quiet neighborhood. Shade trees, split rail fence, and nostalgic shaker lights line Shady Lane as you wind your way down the quiet road. It's a beautiful setting, and one that's loved and appreciated by those who live here.

At the April 2nd meeting of the Dayton Town Council, councilman Ashley Stevenson revealed his plan to “improve” Shady Lane, the quiet road that residents will tell you has no need for his “improvement”. His plan calls for moving the Shady Lane intersection with Dayton Road to be right in the middle of the beautiful four-acre field.

His “improvement” project doesn’t end there. Shady Lane now ends in a small cul-de-sac, which he wants to extend through a private lawn to connect with Wesleyan Drive, the next road south.

It’s not coincidence that both properties councilman Stevenson wants to put roads through belong to vocal opponents to his pet annexation/subdivision project (me and my husband, councilman Ron Koehler). It’s not coincidence that his road “improvement” connecting two roads passes through property that joins his. It’s not coincidence that such a road would give the illusion that he owns more land than he does. Stevenson’s accommodating council cohorts approved \$10,000 of Dayton taxpayer’s money for preliminary engineering plans for this personal vendetta / personal benefit project.

Retaliation and vindictiveness – the symptoms of the cancer of self-dealing and self-serving that Dayton residents are protesting with their Keep Dayton Small signs. We’ll fight this “improvement” to save what we value. It’s why we fight to save our small town, and it’s why we will continue to carry on. For more information, see the Dayton Watchdog on Facebook, and go to daytoncommunity.org.

**Cindy Marsh
Dayton**

The document Ashley Stevenson presented to the council as a justification for spending \$10,000 of our tax dollars was based on false premises. “An opportunity to bring the road the modern

standards” is laughable. A quiet street with fewer than 20 homes, no accidents or issues, or “public safety concerns” has no need for “modern standards.” To make the street more convenient for garbage trucks, who have managed quite well for decades, or to allow access for school buses, which we all know never have and never will travel on Shady Lane, Wesleyan Drive or dozens of other side streets throughout town, is an insult to our intelligence. To improve our water supply???? Says who? We have not seen any report or study indicating there’s a reason for spending tens of thousand of dollars to “improve” something that seems just fine to residents.

In fact, the entire document was contrived from thin air as a means to Ashley Stevenson’s end: retaliation, and a way for him to appear to own more land than he does, land that he has tried to acquire for years. Now, we highly suspect that he and his cohorts on the council are holding the threat of destroying Shady Lane as leverage for gaining easements the developers need. They are always eager to carry water for the developers.

Shady Lane residents are circulating a petition to save Shady Lane. When or if the council tries to do more than routine maintenance on Shady Lane (other than possibly a little widening on the curves) residents are prepared to file a lawsuit against the town. **Please sign the petition at Koehler Bros on Dayton Road South.**

The original document Ashley Stevenson presented to justify ordering the \$10,000 “Preliminary Engineering Report”, as well as the completed report, can be found on our website www.daytoncommunity.org. (If you are without internet access, copies are available at Koehler Bros.)

Election Voting Districts

Indiana law requires towns that haven’t adopted an ordinance on voting districts (wards) or recertified their districts since 2011, will need to adopt a new ordinance after January 1, 2018, or to hold elections without voting districts (in other words, with no wards).

The Dayton Town Council saw fit in late 2017 to appoint a “Ward’s Committee” to look into the issue. Their political motivation in doing this was clear when they appointed only staunch subdivision proponents to the committee. Councilman Ron Koehler insisted on being on the committee, and he joined Scott Swick (chair), Ron Merkel, Dave Leininger, Gail Walenga, and Councilwoman Tammi Nice. It was clear at the inception that whatever proposal this group came up with would be tilted to keep pro-subdivision council members, and get Councilman Koehler voted off the council. Our suspicions were confirmed.

The council voted on the first reading of the voting district ordinance at the August meeting. The Ordinance they approved was strongly opposed by many, as it established three wards (and two at-large) that *only those residing in the ward could vote for the candidate in the ward*. The council reluctantly agreed to hold a special meeting for citizen input before the second reading and vote. The speakers at the second meeting, like those who had spoken before, clearly wanted the ordinance revised, and wanted the whole town to vote for all five council members regardless of the number of wards.

A member of our DACC Board did some research of her own, and took a poll of other small towns our size. She contacted dozens of towns with populations between 1000 and 2000. Some towns had wards and some did not, but EVERY SINGLE TOWN SHE CONTACTED VOTED FOR ALL COUNCILMEMBERS. There is only one reason for a town our size to restrict who we vote for: to attempt to RIG THE ELECTION.

The ward councilmembers do not just represent their ward; they represent the entire town. We now have three wards, and many would say the councilmember from their ward does NOT represent them, but a councilmember from another ward does. The entire town should have a vote for every member that sits on the council.

Note that in 2015, Dayton had 878 registered voters, yet LESS THAN 200 VOTERS ELECTED THE COUNCIL WE HAVE NOW! Those voters voted for all 5 council seats.

The council has once again adopted three wards for the next election, along with two at-large members, but this time each voter will only vote for three of the five councilmembers.

It's not an accident the new wards are divided in such a way that **THREE** of our current members reside in one ward. Councilman Tyrone Taylor (currently in Ward 2), Councilman Ron Koehler (currently Ward 1) and Councilman Ashley Stevenson (currently at-large) all reside in the new Ward 3. The Ward Map and Ordinance are available on our website.

Appalling but true.....

Dayton is a town with over 1600 residents and 878 registered voters, but in the last municipal election, less than 200 voters selected the current town council! With the new voting procedure recently adopted by this town council, its possible for less than 70 voters in each of the three wards to select a majority of the town council. This is NOT representative democracy, and why we're probably the only small town in the state to be prevented from voting for the entire town council!

Dayton's Appointed Clerk

Dayton's appointed town clerk has attacked the core of small town living. Our town hall should be the hub of the community, a place not only to pay utility bills but to get questions answered about our bills, pay meter deposits, ask questions about town ordinances or policies, to have papers notarized, make public document requests, ask questions about trash pickup, and get zoning and general information about the town. It should be open during business hours to be accessible to the community. We had a clerk for 12 years who put his personal number on the door to be available to residents with urgent needs. Dayton's Town Hall has a long history of accessibility to residents, which only enhanced our small town and added to our ambiance.

The destruction began even before the town council appointed the inexperienced 25 year-old to the vacated position of Clerk-Treasurer. The person they appointed had been the utility clerk

under the previous Clerk, and worked around 30 hours per week for approximately \$12/ hour. With the council's appointment to Clerk-Treasurer, her salary and benefits exceed \$35,000/ year.

Her first act illustrated her disrespect and disdain for the citizens of the town and the town's tradition. With no regard to convenience of patrons, she closed the town office except for 18 hours per week. She doesn't work the full 18 hours for her \$35,000. A good week for her is 10 or 12 hours, many are less than that.

Besides reducing the office hours, the appointed clerk asked and received new office furniture, computers, carpet, and paint in the town hall. Those who regularly attend meetings were appalled at the flagrant extravagance as we looked at the walls and carpets that were in very nice condition. To her, buying new is easier than cleaning or maintaining the old. The computers, she claimed, were "6 years old and could crash at any time". Her "improvements" cost the taxpayers of Dayton a minimum of \$20,000.

She stopped accepting credit cards in the office, violating the town's own ordinance, and forces residents who pay with credit cards to pay online and be assessed a "convenience fee." Those without a bank account who can't make it into the office during the very limited office hours are forced to pay online and be assessed the extra fee. She forces those even with a bank account, but who wish to pay online, to pay the extra fee.

We pay a clerk to provide these services for the town, not to outsource them at an additional expense to the customer.

We had occasion to view a September payables sheet at the council meeting that month, and were amazed to see a "Blue Chip Casino" charge on there. Further inquiry informed us that the clerk had attended a "clerk's conference" there. Our own investigation, though, failed to show a conference for Clerks, but did show an "Indiana Municipal Personnel Administrators for Cities and Towns" conference, whose agenda showed nearly nothing in the duties of the town clerk. There wasn't any transparency around any approval from the council for this trip.

How exactly, did this get authorized, and how can this be justified to the taxpayers?

The small town Town Hall that was once warm and accessible is now cold, hostile, expensive for residents, and painfully impersonal. The current utility clerk is friendly and tries hard, but personal contact with residents by the clerk is clearly undesirable and kept to a minimum. The Town Hall that was once the hub of the community, is now an empty shell of the friendly environment it once was.

Those of us who long to preserve the integrity of our small town – its values, ambience, character, and charm, are deeply saddened by the wrecking ball of the appointed clerk. Dayton deserves better than an ethically challenged, immoral political appointee bent only on gouging the town.

2019 Election

We'll be blunt. The November 5, 2019 election will be watershed moment for our small town. Re-electing the subdivision proponents currently on the council will put the final nail in the coffin of small town Dayton, Indiana. To put the brakes on the brutal exploitation of our utilities, our utility customers, and our taxpayers, and the attack on our small town ambience, it is vital that these councilmembers are not re-elected.

Now is the time for those with a passion for small towns, and particularly small town Dayton, to talk to your family and friends about running for a council seat. People of integrity, who abhor quid pro quo politics (you do something for me, I'll do something for you), are needed to run for office. We are blessed to be a town overflowing with honest, intelligent, and inspired people who love the small town Dayton. We need YOU to step up and save your town from the destructive exploitation of developers, and are willing to commit to planning the type of development that will enhance and compliment our town and demand it from parties who want to develop.

Candidates for Clerk-Treasurer are also needed. The damage done to the clerk's office and the town traditions by the current appointed clerk needs to be reversed. We need candidates who

believe town residents are entitled to both good service and respect. We need candidates who are willing to commit to at least 30 hours per week for the money they earn. We need candidates willing to earn their paycheck, not do the very minimum they can get by with.

In other words, we need public servants who actually want to serve the public. Dayton deserves a government who believes in preserving and enhancing our small town, its values, and its traditions.

We need you! Please watch for our Candidate Call-out in early 2019.

Even if running for office isn't an option for you right now, now is the time for you to VOTE ON DAYTON'S FUTURE. Please be sure you're registered to vote, and PLAN NOW TO VOTE ON NOVEMBER 5, 2019.

Let's not have another election where less than 200 people decide who sits on our town council and who serves as our town clerk-treasurer. We need every Dayton voter to vote. November 2019 is our chance to finally be heard.....

“Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for profit, honor, or private interest of any one man, family, or class of men; therefore, the people alone have an incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.”

John Adams, 1776

DAYTON AREA COMMUNITY COALITION

Donations Appreciated

Thank you for supporting Dayton Area Community Coalition. Your contributions are appreciated! 100% of donations are used for signs, printing, postage, and associated costs. Donations can be sent to P O Box 600, Dayton, IN 47941 or dropped off at Koehler Bros.

Board Members of the Dayton Area Community Coalition:

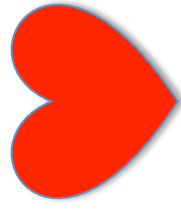
**Cindy Marsh
Jen Manago
Carla Snodgrass
Wendie Vanette
Jaime Wheeler
Gordon Hardebeck**

Email us at Dayton@daytoncommunity.org

Coming in early 2019: Candidate Call-out

Please consider serving your community. We are appealing to people of integrity who have a heart for our small town to step up and run for the Dayton Town Council and for Dayton Clerk-Treasurer.

More information coming soon



**Small
Friendly
Dayton**