

ORIGINAL

TOWN OF DAYTON INDIANA

The Dayton Town Council met March 19, 2015 for a "Special Meeting" at 7:00 pm. Members present were Ron Merkel, John Swick, Dave Leininger and Mike Harris. Tammi Nice was absent. Town Attorney, Joe Bumbleburg was present. This is an open door meeting. Ind. Code 5-14-1.5-6.1

Mr. Swick called the meeting to order.

Mr. Swick asked Mr. Hickman form MacAllister Machinery to explain the rezone of their land.

Mr. Hickman of MacAllister and Mr. Nixon of Structure Point explained about their rezone, building project, filing of "Commitments" with Area Plan, north and south retention ponds for the property, berms and landscaping along the perimeter of the property,

Mr. Leininger asked about the noise problem and the care and maintenance of the berm around the property.

Mr. Hickman explained that they are only open weekdays from 7am to 5pm so the noise after that was coming from somewhere else after five oclock. He said that they would do the maintenance of the landscaped berm and keep it in nice shape.

Mr. Harris said that MacAllister has always been a good neighbor. He said that Clifty Falls road should have a hammer head on the end of it so it dead ends the road.

Mr. Merkel said that the road is just the "right of way" and the council has no plans to build the road. He is for putting a hammer head at the end of Clifty Falls now. He said that MacAllister offered the right of way for a future road because that is what area plan wanted MacAllister to do for the rezone.

Ms. Ross asked how big is the right of way and who will take care of it. Mr. Nixon said about 1000 foot long by 60 foot wide. Mr. Merkel said that the town has a maintenance department and could mow it each week.

Mr. Jones thanked Mr. Hickman for having the meeting with the residents and answering questions. He wondered why the right of way made two 45 degree angles and was not in favor of the re-zone with a road strip along his back yard.

Mr. Merkel asked if area plan wanted this road. Mr. Nixon replied that area plan requested the right of way for a future road.

Mr. Leininger said that area plan was going by the 1997 plan map and requested a road be put in.

Mr. Merkel said that the commitment letter from MacAllister talks about the maintenance, the berm, the landscaping but not a road. That was something that area plan put into the rezone. He said that we could take the road part off the plan.

Mr. Bumbleburg said that the road was not up for vote tonight. Mr. Leininger, Mr. Merkel, Mr. Swick and Mr. Harris said that if there was a vote they would vote against it and do not want a road. A park was discussed for a possible use for the road. Mr. Merkel said that if the town owns this property then the council decides what to do with the lot. Mr. Leininger said that this council is saying that no road will be there even if area plan wants Dayton to put in a road. Mr. Harris said the council has the last say on what happens to this property.

Mr. Young asked about the distance between the right of way and where the equipment would be located on the lot. Also how high would the equipment be extended into the air. Mr. Hickman said that some equipment extends up to 185 foot but they do not store it fully extended. Most of the equipment would be extended up to 25 foot to 35 foot. Mr. Young asked to leave the berm as high as possible. Mr. Hickman said that the taller equipment would be over more on the west and north of where they are now and be away from the houses.

Mr. Leininger explained the tax benefits of MacAllister extension.

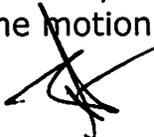
Mr. Hammel explained that residential property values next to industrial property generally go down in value. Mr. Young said that generally it was a bad idea to have residential land next to industrial land. He is worried about the property values going down. Mr. Leininger explained that area plan researched the zoning request and gave it their recommendation.

Ms. ? asked whether the landscaped berm could ever be eliminated or moved. Mr. Hickman said that once the zoning is approved then it can never be changed. He said that there is no reason that MacAllister would not want to change the berm plan. Mr. Bumbleburg said that the business would be in violation if they changed what was in the approved plan.

Ms. Carson explained about heavy equipment was tearing up her road. Mr. Merkel said that her street is on the plan to be fixed.

Mr. Leininger explained that if MacAllister was to leave then the new business would be held accountable to all the regulations and ordinances that Dayton has. Mr. Merkel said that residents could go onto the area plan web site and register complaints. Mr. Hickman asked the residents to come over or call him if they have complaints and he would do everything in his power to fix the problem.

Mr. Bumbleburg read the commitment letter dated February 17, 2015 signed by Talbert Properties. Mr. Harris made a motion to approve the "Commitment agreement dated February 17, 2015 by Tarbert Properties, LLC/MacAllister Machinery". Mr. Merkel seconded the motion and the motion carried by a vote of four in favor with one absent.


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Mr. Bumbleburg read Ordinance 2015-1, "An Ordinance Amending Zoning Ordinance".

Mr. Merkel made a motion to approve Ordinance 2015-1, "An Ordinance Amending Zoning Ordinance". Mr. Leininger seconded the motion and the motion carried by a vote of four in favor and one person absent.

Mr. Swick explained the storm water drainage review of MacCallister property, by BFS. Mr. Merkel made a motion to have BFS go ahead and do the drainage review for the MacAllister property. Mr. Leininger seconded the motion and the motion carried by a vote of four in favor and one person absent.

Mr. Swick thanked the town residents for coming to the meeting and said that he was in favor of putting in a park or hiking trail in the proposed right of way. He said that it would be posted in the future if the council talks about it at the town meetings.

Mr. Merkel explained the small increase on the estimate for the roof on the police station. He said that it was now \$24,780.12. Mr. Leininger explained the leaks and damage caused by the leaky roof on the police station. Mr. Leininger made a motion to approve the roof increase estimate which would bring the estimate up to \$24,780.12. Mr. Harris seconded the motion and the motion carried four in favor and one person absent.

Mr. Merkel made a motion to adjourn the meeting. Mr. Leininger seconded the motion and the motion was adjourned.

Attest:



Clerk-Treasurer



Presiding Officer

