

BROWNSBURG



SENTINEL

A News / Commentary Publication

Informative / Insightful

July 9th, 2014

Brownsburg Councilman “Robbie” Kendall accused of illegal dual office holding.

Brownsburg Councilman Kendall is accused of illegal dual office holding in direct violation of the Indiana State Constitution. Concerned area residents notified Councilman Kendall in a written letter on July 1, 2014 alleging he is in violation of the Indiana State Constitution restricting dual office holding. The residents included nearly 30 pages of detailed information in its written notification, substantiating its position.

They request he comply with the law and step down as a Brownsburg Town Councilman. In the event Councilman Kendall fails to comply with the law and step down from his position as Brownsburg Town Councilman, they will file a complaint with the Hendricks County Prosecutor and the Office of the Attorney General.

Councilman Kendall currently is a member of the Town Council and the Redevelopment Commission (RDC) both of which are paid positions. Article 2, Section 9 of the Indiana Constitution prevents an individual from simultaneously holding two offices that are lucrative (read “compensated”) and doing so violates Indiana law. In their letter, they cite the following. (1) Office of the Attorney General official opinion 2009-1 – “Since the 1980 adoption of Home Rule, it is doubtful that ANY office can be deemed ‘purely municipal.’ Note under a later Attorney General opinion, “under Home Rule, the State has delegated to cities many powers and duties concerning the sovereign powers of the State in relation to health, welfare and safety.”



And (2) according to the statute that governs RDC; if you are a lucrative office holder you cannot get compensated for your RDC position. [Citations to these sources and statutes are provided on our website.]

The residents obtained information from public employee reports showing Mr. Kendall was compensated \$1,080.00 for being on the RDC; **and therefore it is lucrative.** Further, even if he were not to receive compensation (which he should not have been receiving in the first place since he already held a lucrative office) for being on the RDC, Councilman Kendall would still be considered dual office holding according to the four-part analysis contained in the statute.

Given the restrictions, the residents contend Mr. Kendall’s standing as a town councilman and a member of the RDC are incompatible and holding both creates a conflict of interest and is of public policy concern. They assert Mr. Kendall has been illegally holding dual offices for over 1 1/2 years.

According to the Dual Office Holding Guide published by the Indiana Attorney General, a

lucrative officeholder who accepts a second lucrative office thereby surrenders or vacates the first office. [Citations to case law and this source are provided on our website.]

Now that the residents have informed Mr. Kendall in writing of this fact, it asserts, based on this research, he has only one course of action; Mr. Kendall must step down from his Town Council position.

See www.brownsburgsentinel.com for additional details.

Fight Against Brownsburg Annexation Continues- See Page5

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LETTER FROM THE EDITOR

They who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety - Benjamin Franklin

The local political scene has been very active since the last issue of this publication. Primary elections were held where 17% of registered voters levied decisions which dramatically shifted the balance of power at the Town and Township levels of government. The same voters re-affirmed actions taken by others in public service by electing many incumbents to additional terms in office. This publication began interviewing the primary election winners, seeking to understand their positions on various issues relevant to the town and surrounding area.

*(A brief sidebar, for those who say "I only vote in the general elections, as the primaries don't matter", consider the outcome of a recent primary election in Virginia, where Eric Cantor was defeated in his primary re-election bid to a relative unknown Tea Party challenger Dave Brat. Going beyond a major upset, more importantly Eric Cantor lost his position as the United States House of Representatives Majority Leader, literally altering the future actions taken by that assembly for the remainder of their session. Many in the main stream media reported that Eric Cantor became the first sitting House majority leader to lose a primary since the position was created in 1899. **Simply put EVERY vote and voter matters!**)*

Some recognizing the imminent shift in power saw an early opportunity to stop the wasteful spending of tax payer dollars by ending Ward and North annexation efforts. They submitted two ordinances in May which extended a final chance at redemption for those who initially favored annexation, but reportedly were having second thoughts.

While these ideas gained traction, the wheels of town government continue to turn. Over recent sessions the Town Council was presented with items and activities routinely associated with local governance. Some of greater importance, such as the approval by the Town Council to permit the RDC to begin issuing 4.1 mil in bonds to pay for the reconstruction and widening of Northfield drive on the North side of town. Others less so, the declaration of Arbor Day and various departments overseeing the functions of city government provide their updates to the council of those the greatest interest to most are the reports coming from police and fire departments.

It had been our hope to bring you the reader highlights and insights into these events on a more timely basis. However, seeing items appear on the agenda which in our view were of greater interest to the reader; We elected to withhold one week's publication. Only to learn those items must be tabled due to circumstances beyond everyone's control. This rare set of circumstances occurred not once, but twice leaving this publication few options but to wait until those agenda items were actually discussed in Town Council to cover the event.

Lastly, this publication remains in its infancy and to that end, besides the events listed above the Brownsburg Sentinel still faces the many challenges of a start-up business. It is still our intent to adhere to our mission statement and publish on a more regular basis. To make sure we are reporting all of the pertinent news, some of the stories will only be found on our website www.brownsburgsentinel.com.

"Just because you have a legal right to do something doesn't make it right when you to it"

Councilman Hood on June 26th, you said the following: "This is not something that is necessarily about what's happening at this current point in time. But in order to position the town of Brownsburg for the growth in the next 15 to 20 years certain things need to take place and this annexation in my opinion is a key part of that. And that is the reason I continue to support it. I recognize there are a number of people who have concerns. We went through the public hearing process. I don't know if that public hearing process and resulting changes of ordinances, the rezoning that was done, the pass thru's that were changed, and the funding that was provided to the other units of government were sufficient or not, we don't know that. But I will tell you that we did go through a process, we followed the state law, we did it the way that we were told to do it in order to be able to go through this." *No one disputes you followed process, except LISTENING is a large part of the process!*

People's behaviors remain fairly constant across time; traditionally one's legacy is deeply rooted in their last accomplishments before leaving office. It is unfortunate Mr. Hood, that despite your many previous accomplishments, your closing moments will forever seal your lasting legacy at the helm of Town Government. It will be documented and remembered for generations as one of the most tyrannical, imperialistic, self serving tenures of anyone to hold the office of Brownsburg Town Council President. You may think of yourself as a misunderstood man of vision. Except the only people who share your vision are those who stand to profit from it. As for the greater majority of the populace, specifically anyone in the annexed areas no one shares or wants YOUR vision. More importantly, when viewed from the lens you must have their tax dollars to fund it. You infer the Town is unable to fund its growth without the tax dollars from annexed areas. Is this right? Quoting you maybe "we don't know that"; except evidence the deaf ear you gave throughout this entire process, to each and every citizen's outcries over this entire fiasco. Only minor accommodations were made when no other action was available to you. Again to quote you "So from that stand point" your own actions convict you -- your actions after numerous political, influential, businessmen, and common laymen told you to STOP this futile pursuit. Instead you choose to continue annexation, wasting hard earned tax dollars (which you took an oath to be a faithful steward of), with absolutely no hope of prevailing in a court of law, much less in the court of public opinion. You have knowingly or not worked very hard to obtain this legacy, and continue to grip it tightly. As you retire to life as a private citizen; I want you to think on this, moreover, the public will help, as with every glance from people you meet, will serve as a stark reminder of your true place in history.

Upcoming Articles of Interest -- Brownsburg Fire Territory 2013 Annual Report, Hendricks County Communications Center Upgrades and Funding Issues, RDC Bond Issue Coverage, addition of a Community Page to include items from B'Burg Schools, Police, Fire, Chamber of Commerce, and many more.

Kroger	Tan and Laundry	Arbys
Flapjacks	Rock Star Pizza	Burger King
CVS	The UPS Store	White Castle
Speedway West	Nationwide Insurance	Town Hall
Speedway South	Brownsburg Library	Many others not listed
Hardees	Everyday Joe's Hair Salon	-- More to Come --
Circle K / Shell	Comfort Inn & Suites	-- More to Come --
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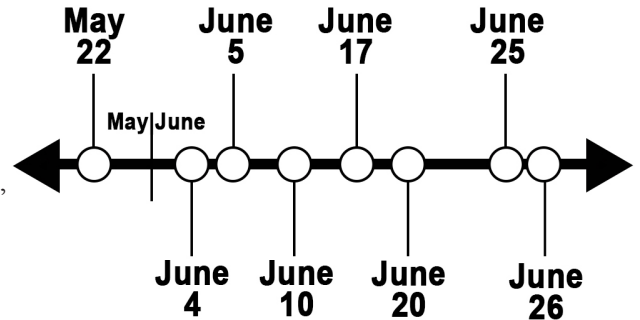
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North Annexation Update

By now, most of you have heard on June 17, 2014 Judge Coleman issued an order of dismissal; but their case remains open on the issue of declaratory judgment and damages. However, on June 20, 2014, Judge Coleman signed an order certifying an interlocutory appeal and as a result all matters are stayed pending appeal. You may have also heard that Councilmen Richardson and Spencer brought forward an ordinance to repeal both the Ward and North Annexations (2014-06 and 2014-07) on May 22, 2014. After being tabled for two meetings because of absence of a full council, it finally had its first reading on June 26th and voted down 3-2.

What you probably don't know is what was happening in the background. Here is a brief timeline:

- May 22 - Repeal ordinances presented and tabled due to attendance
- June 4 - First call from Town attorney for mediation given 3 hour deadline FABAs says "No"
- June 5 - Repeal ordinances on Agenda however tabled due to attendance
- June 10 - Court Hearing on Motion to Dismiss the Remonstrance petition.
- June 17 - Judge Coleman ordered the dismissal.
- June 20 - Judge Coleman signs the Order for Interlocutory appeal
- June 25 - Second mediation. Town attorney refuses written material gave until early June 26th for an answer when FABAs asked if "No annexation" was on the table and were told "NO". At that point, FABAs again said "NO" to mediation.
- June 26 - 1st reading of the ordinances to repeal annexation are voted down 3-2.



Why has FABAs refused to come to the mediation table? FABAs sites an involuntary annexation in Carmel where a group of the remonstrators agreed to mediation. This called into question all of the signatures on the petitions and reduced the size of the annexation area such that they no longer had 65% of signatures. In FABAs's view, agreeing to mediation, especially when "No Annexation" is not on the table, is selling out all of the individuals in the north annexation area

At this time, FABAs's lawyers are preparing the response to the interrogatories and production of documents request from the Town's attorneys. They have 30 days to submit the documents. Next steps are the following: 1) appellate Judges to be named, 2) hearing in the appeals court, 3) if FABAs wins the appeal the court will send the case back to the Superior Court for evidentiary hearing. During this time, the order for dismissal is stayed and the town cannot move forward with any actions that are affected by the North Annexation.

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Brownsburg Police Reports May/June- Drug Prevention and Convictions

At the **May 22nd Town Council** meeting, **Police Chief Mike Dove noted Indiana was recently awarded an unwanted distinction. Indiana was named the #1 exporter of Meth in the United States this is on top of the growing Heroin problem. Brownsburg is not immune and has been seeing an escalation of drug related crime.** As a result, Chief Dove held numerous meetings ...”with the prosecutor, chief deputy prosecutor, sheriff, and other chiefs involved, in the united drug task force, the team is committed to sending a strong message not only here in Brownsburg but throughout the Hendricks county. They will coordinate and focus their combined efforts to get rid of this problem out of Hendricks County. Everyone has no illusions the task before them is a daunting one”.

Chief Dove choose his words carefully but his tone expressed dismay with recent changes to state laws which clearly run counter to the department’s drug interdiction efforts. *The overhaul of the Indiana Criminal code resulted there is no longer any felony habitual or minimum sentencing for any type of drugs and theft under 750 dollars is a misdemeanor. Chief Dove went on to say that Brownsburg will continue to issue tickets for theft under 750 dollars until they receive an official ruling from the prosecutor’s office.* He also noted that he is working with the Sheriff’s office on a county trend towards jail overcrowding by the end of the year.

Chief Dove expressed his real world concerns to the council, and mentioned he contacted the State Police asking if they were making any changes in their drug interdiction efforts. Chief Dove said “Scary time right now knowing what we know about the drug trends and everything else but, in conversations held recently with representatives from the state police and discussed this with their undercover operations, I asked them if this is really going to make a difference in how we effect and how we operate. Their answer was no, we still man our resources and develop what we can to fight this battle we are in right now”.

Chief Dove suggested education is critical component to long term success saying “It going to take a lot of education not only from the police department, but from the town, it’s going to take a lot of people from the schools. And I’ve met with Dr. Snapp on this”; Chief Dove explained he is unwavering when it comes to our schools. “I will continue to publicly announce the police department will hand over a check for \$1000.00, if anybody who hands over somebody who is dealing drugs in our schools or any one of our kids. We will hand them over a check confidentially for\$ 1000. That is done with private money. This is a serious business we’re in and we plan on doing something about it.”

Chief Dove expressed his gratitude for the close working relationship with Dr. Snapp. “And the school is doing an excellent job keeping us informed on what’s going on. I think we are also doing a great job, communication with the school with what the police department intends on doing. I can’t say it enough that this is really upsetting to me, being in my home town that I see people dying of heroin, I see kids shooting up with heroin before school it’s disgusting; and we’re going to do something about it so with that being said if you have any other questions that you may have...”

Don Spencer probing questions led Chief Dove to provide additional details – “Chief we really appreciate your stance but correct me if I’m wrong, but *If I remember as a liaison and a member of the police commission, there were more citations and arrests for heroin and heroin related incidents than there were for marijuana for the last month or two is that correct?*”

In response, the Chief provided a few eye opening observations and statistics. He stated that he met with the prosecutor and took the stance to focus on Heroin and meth convictions. The Chief believes that these drugs are the number one threat to Brownsburg’s kids. *”Now that we have that focus looking for heroin, looking for meth, our guys are finding it all the time. We just found two pound of it last week, two pounds! That’s unheard of, as a matter of fact that wasn’t even heard of 5 years ago; anywhere around here in the Midwest.”* He went on to state that most of the robberies on the news from Indianapolis are from the west side with 90 percent of all armed robberies that you are seeing on the west side of Indianapolis, Hendricks County and all the doughnut communities around Indianapolis have as a motivation heroin. *The last statistic was even more alarming that there will be “more armed robberies in the entire county by June than all than we had last year.”*

Don Spencer told Chief Dove that the Town council appreciated his stance and the hard work that is being done in the police department. “... good work and please keep us a breast and apprised of the situation. And please let us know of any needs which may be specific in that fight against ridding our community of these horrible drugs.”

The Chief repeated his plea for education, and spoke of dire consequences who fail to heed the warnings, saying “I think public education is going to be the big one, to keep people away from it and understand. If you look at the chemical compounds of heroin and how it’s made, and also methamphetamine in its original method which came out of Indiana, back in the 90’s when I was under cover, the chemical compounds that people put in their bodies, you cannot exist, you cannot live, you never see an old meth user, there’s a reason for that because they die. So we are going to do everything we can do to educate our kids, educate our public, keep this stuff out of our town, turn people in, don’t get involved. As I told a senior class not too long ago if see one of your friends you’ve got to get involved, got to stop them, interrupt them cause if you don’t do so, they will not be around very long, it’s dangerous stuff.” Don Spencer suggested take a collaborative approach between the Town Council, The School System and the Fire Territory maybe setting up a think tank of sorts to come up with ideas to combat the problem.

At the **June Town Council** meeting, Chief Dove reflected on his attendance of the graduation night at the youth summer camp held every year by the police and fire department. Over 60 youth attended where they learned teamwork, unity, how to be drug free, self-awareness and respect for others. At the event Chief Dove spoke to the parents about the growing drug problem and still found parents that did not know what was happening in the community with regards to drugs.

He announced that there would be an executive session with the police commissioners in the next couple of weeks to lay out the plan of attack. It will be a three pronged approach 1) education of the town and the children, 2) information on where and how to get help and 3) being vigilant and going after the people who sell drugs to our residents. Chief Dove has already started talking with Grant about budget needs to implement the plan. The Chief plans on being able to announce the plan at the August Town Council meeting and will bring along a special guest for the announcement. Completing his discussion, Chief Dove reiterated that middle class suburbia in America is where the Heroin dealers target and it is multi-trillion dollar business which describes Brownsburg.

Brownsburg Town Council June 26th - The Fight Continues !

The meeting began with the usual pleasantries a moment of silent reflection followed by the pledge of allegiance. Councilman Hood pronounced all council members present, and noted the absence of clerk treasurer Jeanette Brickler. The moment had arrived when the evening's agenda would contain the following ordinances for discussion and vote.

Ordinance #2014-06- An ordinance repealing ordinance #2013-10 Generally described as the Ward Annexation Territory.

Ordinance #2014-07- An ordinance repealing ordinance #2013-10 Generally described as the Brownsburg North Annexation Territory.

Many who closely monitor the activities of the council hoped both ordinances would pass. The commonly held wisdom by the majority is simply put as "enough is enough". Residents living within both annexed areas have remained united from day one to present. They have demonstrated a level of tenacity and perseverance unanticipated by the elected and hired public servants of Brownsburg. Current and likely future members of council considered these ordinances as a chance to stop the hemorrhaging of tax dollars expended on unending legal fees, heal the wounds inflicted on many area residents, and provide a cooling off period to work out a smaller, incremental, manageable plan for growth, more targeted by design than the blunderbuss approach currently underway. From the point of view of the citizens within the annexation areas, they were thankful to have one final chance to speak before the public servants they did not elect, in hopes of putting faces to their voices. Hoping that the council would listen to their potential new constituents, weigh the possibility of losing the battle in court and reflect on what is best for Brownsburg as a whole.

Agenda item 04. The call for "are there people who wish to speak tonight regarding items on the agenda?", was answered by Courtney Tharp, Glenn Nulty, Dennis Dawes, and Judith Pickell who rose to address members of the Town Council. *(Please go to our website to read more of Courtney, Glenn, Dennis's prepared statements, video of the meeting is also available for viewing--ed.)*

Courtney Tharp set the stage for the discussions to follow by providing those present a brief update on the various facets of litigation, noting only the complete repeal of annexation would satisfy those who are participating in the suit and a reminder of everyone's unwavering commitment to seeing this case through to the end. She reminded council members, regardless of the current status of the remonstrance litigation; the declaratory judgment litigation is proceeding normally through the courts when they ultimately prevail, this suit in and of itself will effectively stop the town's annexation efforts.

As for the remonstrance, a related component of their legal challenge, while their team was surprised by Judge Coleman's recent ruling siding with the town attorney's arguments, this is a minor setback which temporarily delays proceedings in that suit. The team was pleased Judge Coleman nearly immediately signed orders which granted our request for appeal. As a result all aspects of the annexation litigation will remain in full effect until these matters have been resolved to our satisfaction. *(Please make a mental note of the points Courtney made in her speech, my reasons for asking you do to so, will become clear later in the article--ed.)*

Next, **Glenn Nulty** opened by reminding those in attendance he is a candidate for town council being victorious in the Republican primary. Glenn said he has done his best to answer questions posed to him regarding his thoughts on annexation during his campaign which he supports annexation in some instances. He said his stance on this particular case is very simple saying "We have gone to the next level now, we have gone beyond let's just annex them in". He provided the council historical context, asking why we say the pledge of allegiance, why did those people believe it was so important to gain

independence. Glenn said "They fought for freedoms; they fought for the right of people to do what they want, when they want, where they want." In summation of the remainder of Glenn's comments, "These people believe we are taking those very hard fought freedoms away.... , I am going to ask you to favorably vote on agenda items 07.02 and 07.03, give these people the freedom they deserve".

Dennis Dawes followed Glenn to the lectern and opened by reminding those present he like Glenn Nulty is a candidate for town council and was also victorious in the Republican primary. He was looking forward to the elections on November 4th, which also happens to be his birthday. He stated his position on his matter right up front, in a clear, concise manner, "I encourage the council to vote "YES" for 07.02 and 07.03 which are the ordinances designed to repeal the two annexations you voted on in 2013." Dennis mentioned he supports annexation, and other governmental instruments to promote growth, but with the conditions that they are used "...in a way that is appropriate, that meets the needs of all parties concerned". Dennis reiterated his position "I encourage you to vote "YES" on the ordinances before you tonight 07.02 and 07.03.

Dennis's actions demonstrated his campaign promises were more than just hollow rhetoric. "I would be glad to help you in any way, to meet with each of you if you so desire, or to meet with others to figure out a way to plan appropriately as we move ahead. Because I want that growth to occur, and I want the town to continue to grow." In closing, Dennis thanked all the members of the council for their service, noting they had done well for the town over the years. He thanked those members who were going off town council for their service, and noted "If elected, he looked forward to serving with others who were still on the council".

Judith Pickell was next in spelling out her opposition to annexation. Her opening statement sent a very clear message "I do not wish to be part of this annexation". She went on to question, in reality, how effective were the town's prior growth initiatives. Too many buildings were built which sit vacant, were these businesses given tax abatements but haven't followed through on their side of the bargain? She recognized she is a part of the community as a whole, but stated bluntly "**I do not want what you are offering us.**" Shortly thereafter she mentioned she was uncomfortable talking before people who were not listening. She felt there were a couple of people who were listening, but she was not so sure anyone else was. She recalled seeing people sitting up there so smug, with looks on their faces like "aaauugh, too bad". She concluded by saying she enjoys being a part of the community, but "does not want to be a part of this town". She mentioned her feelings are representative of a great many people tied up in the annexation saying "**I do want to be in the community, I DON'T want to be in the town.**"

07 Previously Considered Items

07. 02. Ordinance #2014-06- An ordinance repealing ordinance #2013-10 Generally described by the town as the Ward Annexation Territory. As the sponsor of this ordinance, **Dave Richardson moved to approve this ordinance with a second provided by Don Spencer.** The ordinance failed 3-2 with Richardson and Spencer voting for the ordinance and Hood, Kendall and Hobbs voting against the ordinance.

07.03 Ordinance #2014-07- An ordinance repealing ordinance #2013-10 Generally described as the Brownsburg North Annexation Territory. As the sponsor of this ordinance, **Dave Richardson moved to approve this ordinance with a second provided by Don Spencer.** The ordinance failed 3-2 with Richardson and Spencer voting for the ordinance and Hood, Kendall and Hobbs voting against the ordinance. The comments from the council members that are featured address both ordinances at the same time since they both deal with repealing the annexations that are still pending.

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First to present was **Dave Richardson**, who began by delivering a short PowerPoint presentation noting the content was relevant to both ordinances up for

discussion. Dave noted he also speaks for Councilman Spencer as they agree on this stance. The Sentinel has included his slides for your review. He began by informing the audience present that Indiana was one of only two states that still allowed involuntary annexation. The idea of repealing involuntary annexation has been on the agenda at the Indiana State legislature the past few years. Legislation nearly passed last year which would have significantly restricted the use of "involuntary" annexation.

Dave noted that in the past Brownsburg worked with the area they were going to annex so that the annexation became voluntary. Based on Councilman Richardson research, and anecdotal evidence he said "The last time Brownsburg used an involuntary annexation was sometime in the 50's. We just don't have a history of doing that." He provided an interesting historical fact, "Some of us actually campaigned on the basis of less government, not more government. In this particular case,

this is more government for some 3,000 people." *(Councilman Richardson's comments are eluding to comments made during Councilman's Kendall run for office, which after Mr. Kendall's election were proudly posted on his biography on the Town of Brownsburg website. -ed)* At this point Councilman Richardson made several point as to why the council should repeal the annexations.

- "Revenues generated from annexed areas will likely not offset the costs of those annexation efforts; so many town residents will likely face a tax increase of some sort to pay those expenses. So property owners inside of the Town of Brownsburg who are below the cap may well see a tax increase."

- "We are a community that survey's its community, we are up for award as a result, and listens and takes the pulse of its community. It's ironic and shameful that we never once asked the residents of the town of Brownsburg, how they feel about these annexations."

- "50% + 1 you can get elected, or in a 3 way election you can get elected with much less than 50% in this country. Yet greater than 65% oppose annexation, how can we morally justify ignoring the wishes of greater than 65% of the people? How can we do that?" He repeated for emphasis!

Dave suggested that many alternative Annexation strategies do exist. Alternative strategies have existed from the very beginning but they have been ignored. He noted that the council claimed to be listening but just paid lip service to the people who came before them last summer. He commented that "Stubborn is the word that jumps to mind". Richardson reiterated that if the annexation goes through that there will be roughly 3000 people or 1/10th of Brownsburg's population that will be mad at the council.

Richardson ended his speech with these comments: "This is simply NOT the 'Will of the people'...The involuntary approach is autocratic. It lacks compassion and discourages collaboration. It is nothing more than bureaucratic government at its heavy-handed best. This is not the Brownsburg I want to live in now. We CAN do better. Oh by the way I put that We CAN do better in Brownsburg purple. **We can do better, we should do better, I believe we WILL do better. If not today, I believe we will do better in January.** That is the end of

my show." Those in attendance, showed their immediate support with loud and sustained round of applause. *(In summary "Just because you have a legal right to do something doesn't make it right when you to it". This comment inserted here to contrast the upcoming speeches -ed.)*

Mr. Kendall opened by thanking Mr. Richardson for submitting these two ordinances. "...as it provided him the opportunity to discuss the positive things which were happening in Brownsburg, the progress of the community of Brownsburg's future, why annexation is a key part of that and the remonstration which was recently dismissed by Judge David Coleman." *(Please recall the facts Courtney provided, she too noted the dismissal but said the legal process continues and until resolved the suit remains in full effect. Clearly, Councilman Kendall was NOT closely listening when Courtney was speaking. If fact, he repeats this phrase 4 times, is it an attempt to convince himself of it, or to suggest this legal matter is behind the town, and is of no future consequence?-ed.)*

Then Mr. Kendall provided some recent "facts" about Brownsburg success which he noted could be found in black and white for anyone

to check and he listed the following figures:

- "In 2012 and 2013, the town of Brownsburg cut its property tax rate first by more than 12% in 2012 and then by 3% in 2013."
- "Since 2012 the town of Brownsburg has dedicated more than 20 mil dollars to major infrastructure projects, which are projected to be completed by 2018. These include the Ronald Reagan, expansion of 267, Northfield drive, completion of Northfield drive on the southern part

Councilman Dave Richardson's- The Reasons Why The North and Ward Involuntary Annexations are Troublesome:

1. Let's start with: Involuntary Annexation is banned in 48 States
2. Brownsburg has a long history of NOT using Involuntary Annexation to grow
3. An additional layer of Government of property owners in Annexation areas
4. Property taxes increase for approx. 25% of property owners in Annexation areas
5. Property taxes increase for many property owners inside Brownsburg
6. Negative financial impact on School, Fire Territory and Library
7. Impact on Town's ability to maintain current levels of essentials services
8. Overwhelming legal expenses to administer the Annexations
9. How do Brownsburg's residents feel about these two Involuntary Annexations?
10. On the political side: 51% vs. GT 65%
11. Alternate Annexation strategies exist
12. Impact on Brownsburg's long-held and proud sense of Community
13. This is **NOT** the "WILL OF THE PEOPLE!"

of town."

- "By the end of 2014 there will have been over 200 mil dollars of new private investment in Brownsburg, since 2012."

- "Through May, the average new home price in Brownsburg has risen by 68,000 dollars to an average of over 239,000 since 2012".

Mr. Kendall stated. "Facts three and four are proof, that people who have not relied on fear and innuendo presented to them but have done their own research have come to the same conclusion Brownsburg is a community that smart money wants to be a part of. Lower taxes, improved property values, commitment to major infrastructure, this is the blue print that is spelled out as keys to success for the past 10 years, by governors, legislators, and a majority of people in this state have overwhelming endorsed at the ballot box".

Then Mr. Kendall listed the reasons for annexation in his view.

- "Brown Township has areas that are in town but allocating resources to improve their quality of life is difficult until the locations around them are incorporated into the community... We owe it to the town's residents current and future to commit resources to their quality of life and annexation is the way to make that happen".

- "The vast majority almost 80% will not see one dime of change in their property taxes. Because of the state mandated caps, which I whole heartedly support. Most who will see an increase will be small, and is an increase they would have likely seen anyway because of the school corporation's tax rate which has almost doubled that of the town, and will force them into the cap in the coming years". *(This is a complete 180 degree change in Mr. Kendall's position, please see the town of Brownsburg video archive labeled town council video from 04/17/2014, please note Mr. Kendall's comments.-ed.)*

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• "The biggest misnomer about annexation is that you will be required to hook up to town water and sewer. Let me be clear, the county controls your septic systems, today, tomorrow, and into the future. As long as it remains in working order, you will be allowed to continue to use it, in many areas where annexation is occurring utility lines have already been laid and have been for years. If you someday want to hookup to town utilities, that's your choice". *(Mr. Kendall fails to mention how the town will recover any costs associated to deliver these services, which have dollar estimates in their own fiscal plans. The fiscal plan clearly states those costs are paid by those being annexed-ed.)*

• "The planning commission amended 25 zoning classifications changes at the request of property owners. The few requests that were not amended were mostly because the residents could already perform their concerns under current classifications, such as bee keeping or hobby farming. In addition, we listened and amended 21 sections of the town municipal code and 5 sections of the zoning ordinances. *(Why were zoning and code changes not contained in their original annexation plans? He fails to mention some of these changes have expiration dates on them, which kick in if the property is not consistently used in the original manner-ed.)*

• "...the perceived loss of revenue to the schools or the fire territory. The town even addressed those concerns through the redevelopment commission by committing 23 million additional dollars of assess value to be passed through to other taxing entities over the next two years, from the tax increment finance district (TIF)". *(Many members of the community remember this differently. They recall the changes came about only after Dr. Snapp with the full consent of the school board sent a letter to every family who had a child in B'Burg public school corporation describing the negative impact of annexation on their revenue stream! This loss of revenue was known by the town early on in the process, why did they wait to address the issue?-ed.)*

"A community that is growing and will continue to grow regardless if annexation occurs or not... The question we have to ask ourselves is what sort of growth do we want? Growth we all have a say in? or Growth dumped on us by county government, where our voices have a less substantial impact?" *(How is that any different then what the Town is trying to do to the annexation areas? Isn't that growth dumped on them by city government where their voices were not heard.-ed.)*

"Finally, the end of township government is inevitable, even your newly elected township trustee one of the fiercest supporters of the now dismissed North remonstrator agreed with that at a candidate's forum in April. For those of you who supported him, you may want to ask him how he sees township government coming to an end..If the end of township government is inevitable as even your new township trustee agrees the choice is yours". *(Residents who attended the candidate's forum in April believe these statements are taken out of context. Unknown to Mr. Kendall, the newly elected township trustee was watching the proceedings live via webcast, what transpires later in the meeting is truly "priceless". Many residents of the area recall a very different series of events. Their recollections are more closely aligned with Mr. Richardson's description of events. Simply put the town was arrogant from the start, placated to the masses various "compromises", only when there were no other options available to them. Cared little for the financial impact and burden on those being annexed, and the town has yet to explain any of the benefits received are in any way different than what we currently enjoyed today. By their own actions, residents facing annexation have no voice now, with history as their guide, no voice in the future. Finally many residents believe there is a false presumption here that more government is better-ed.)*

Councilman Spencer offered his comments. He viewed the conversation as an attempt to define a sense of community. He began by asking whether a square peg fit into a round hole. "If annexation is a metaphor for building as a child with erector sets, tinker toys,

Lincoln logs or Lego's, and if I were ever going to try to put a square peg into a round hole, the first thing I would do is stop, take it out and start over – find two pieces that fit together. If the annexation is the overall build and the goal is to provide a construct that is acceptable and amenable to all, you have to start over. Either the hole needs to be redefined or the peg needs to be retooled, but the interaction between those two pieces – between those areas that we're attempting to annex and the Town itself – that interaction, that communication, that coexistence needs to be redefined."

Mr. Spencer said the remonstrators were unwilling to talk because of lack of respect and trust. "Both Councilman Richardson and myself have on different occasions suggested that we don't trust this Council. It is not because I don't believe that all of us will do the right thing or that all of us are convicted in our beliefs and are trying to do the right thing in our mind. It is because we have a history of not doing [the right thing] on occasion and that history unfortunately perpetuated itself as we have traveled through this annexation [process]. I want everybody to know that the Town did reach out, albeit maybe a little too little, a little too late, but we reached out in an effort to mediate, to change the shape of the hole, to redefine the peg itself, and were told no."

He was disappointed because he has been disillusioned by the governance process and disheartened because he could not do more to unite his fellow Council members and the community, redefine the sense of community. Mr. Spencer understood the quality of life associated with living in the country and was not proud to be a part of the Town right now. "If this expansion is desired by members of this Council, then expansion should be done in good faith with open ears and open minds and should not impress folks with an over-arching edict that division is better than unity; that if annexation happens, it will have happened because government knows best and government doesn't have to listen to the people; that it will have happened with a divisive, unsympathetic mindset toward harmonizing this community. He continued to believe in trying annexation again. "I still believe in trying to make a structure better because of parts that fit together properly. I still believe in trying to make this community stronger and making it better for us all. I believe the best way to do that is as I did on the prior agenda item, to vote in favor of the repeal and begin a new construct – begin a new more balanced, more responsible, more managed expansion of this community. Without starting over, we risk having an unstable foundation, an unstable construct and an unstable Town." He believed trust and respect were not mended by the annexation process but forever damaged. "My promise to [the remonstrators] as new members of our Town – if that's what happens – is to continue to do better with regard to properly managed growth, do better with regaining your respect and your trust. It's time for the Town and its leadership to work on doing better. It's time for the Town and its leadership to work on rebuilding trust and respect. It now time for this Town and all of its citizens to come together and redefine its sense of community." **Councilman Hood decided to give his remarks** after hearing from Richardson, Kendall and Spencer. He did not come with prepared comments but he did want to make some comments which at times were somewhat apologetic. In his statement, Councilman Hood describes how the annexation was done for the future of Brownsburg. He stated that they followed the legal process and tried to address all concerns but he admits that no one knows if enough was done to fix funding issues. He admits they ask for mediation too late in the process which was turned down by FABA (Fight Against Brownsburg Annexation). He sees few options since annexation is needed and that is why he voted against the repeal. *(Residents in the audience, facing annexation, apparently are better prepared than many council members. They were aware of Indiana case law, stemming from a Carmel annexation ruling which clearly prevents litigants fighting annexation from even entertaining mediation, to do so ultimately results in the town prevailing in court. Their "mediation" rhetoric may play well to the casual observer -ed.)*

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Under General Citizens Comments, the comments of Brown Township Trustee candidate **Tom Kmetz** were presented by **Cindy Weyant**. They were in the form of a response to comments made by Councilman Kendall. Mr. Kmetz wanted to set the record straight claiming that Mr. Kendall twisted his words from the Library Candidate Forum stating: "I did say that township government would probably go away sometime in the future. There has been talk about that around the Statehouse for years. To deny that it would someday go away would be like burying my head in the sand (like you've been doing in respect to the annexation). My comment had nothing to do with a pro-annexation stance, nor did it mean that I'm expecting annexation to be inevitable. Not once did you ever talk to me about my stance, did you? I am still 100% against annexation as I have been from day 1. That is why I won the election by a margin of 66-34% over the candidate you pushed so hard for!! We don't want or need you to tell us what is good for us!!!!!!"

He then questioned why Mr. Kendall did not want the County to enforce their ways on the annexation areas, yet that is what the Town is doing to those same areas. Mr. Kmetz went on to question if Mr. Kendall understood property ownership. "Robbie, you don't even own property!! That's come up before. You have absolutely no stake in this fight, nor would you understand our fight because you don't have your blood, sweat, and tears invested in something you feel so strongly about like a homestead that you are responsible for. You didn't put a huge amount of your net worth into property that somebody is trying to tell you what to do with." He ended by asking Mr. Kendall not to put words into his mouth and that he still supported the fight against Brownsburg annexation.

Next to the podium was Kurt Disser. He gave the Council his biweekly briefing on the legal action undertaken by the Town and the Brownsburg Fight Against Annexation (FABA). He first explained that the Town's attorney called representatives of the group two days before the court hearing on June 10th seeking to mediate the dispute and demanded an answer within three hours. The Town's second approach, within the last day or so, gave FABA a deadline of 5 pm the same day. He went on to explain that mediation was not the answer because FABA cannot mediate or negotiate statutory requirements given the way the Town has pursued annexation. At this point, the only way the dispute can be resolved is by repeal of the annexation ordinance or court action.

He added that Councilman Kendall's comments regarding annexation showed complete ignorance of what is going on with the North Annexation. Mr. Disser gave the council members each a copy of the order certifying an interlocutory appeal of Judge Coleman's decision. It means the annexation is not dismissed so the Council should not keep telling people it is. He went on to say that KGR (the Town's law firm) were geniuses because they will be defending the Town's actions in three separate cases in three different counties. The one heading to the appellate court is going to cost the town more than the other two combined – KGR just created about \$100,000 in attorney's fees for themselves instead of going straight to evidentiary hearing and letting the court decide. He then asked why the Council continued to waste taxpayer's money.

The Town came to FABA twice in an attempt to get them to mediate. The Town wanted to know who they would sell out, who they would sacrifice so the Council could get out of this fiscal disaster and save any sense of reputation they have left. He then thanked Mr. Richardson and Mr. Spencer, for their support and really trying to do the right thing. There is a word called "integrity." He then stated: "I know some of you here do not know what it means but our group will not sell anybody out. We cannot do it based on the way the law is. You started this mess and it will cost the Town for years to come so the Council should be proud of yourselves."

He then explained the next steps in the litigation process: 1) there is a stay order on Judge Coleman's decision, 2) the case is going to the appellate court, and 3) the issue will probably be remanded back to the county court for an evidentiary hearing. He then stated that FABA will continue battling towards the eventual evidentiary hearing. The council will not run FABA out of money, with all the Town's expensive attorney fees that the Council keeps spending taxpayer dollars on. That's part of the irresponsible activity of this Council.

Councilman Kendall Receives Threat!!!! (Well, as it turns out, not really)

Recently, after a heated town council meeting, Councilman Rob Kendall alleged that he received 2 threats. He sent this Tweet within minutes of the end of the meeting:

"Got threatened by text message and in absentia in person in the same meeting. Dad will be so proud!"

The Brownsburg Sentinel researched the incident and found the person Mr. Kendall was talking about in his tweet. This publication found hard evidence, FACTS, which prove that the threats Mr. Kendall reported to have received never really happened. It is concerning that a Town Councilman would tweet such a thing, knowing it to be 100% false. What is he trying to do garner sympathy, or outright try to discredit another political candidate with a gross misrepresentation of the truth?

The Brownsburg Sentinel was able to obtain the text that Mr. Kendall received.

It read: "You're twisting my words and you know it. You are a coward to say that when you know I'm 600 miles away and can't set the record straight!!!"

The candidate Mr. Kendall is referring to also sent 2 subsequent text messages and tried twice to reach Mr. Kendall by phone to discuss why he felt he was threatened. Neither the text messages nor the phone calls were returned by Mr. Kendall. Mr. Kendall, if you really feel that you were threatened you should file a police report so that the incident can be investigated and handled appropriately. If after reflection you don't think you were threatened, you should apologize to the candidate who you misrepresented. A public apology can take the form of tweet, announced in Town Council or be sent to this publication to be printed in our next issue which ever makes you the most comfortable. See our website for details.

Mr. Kendall REFUSES TO CLARIFY HIS OWN FACTS AND ACCUSATIONS

The Brownsburg Sentinel tried to reach Mr. Kendall for the data to back up the "FACTS" he quoted in his speech at Town Council and his accusation that he received threats during the meeting around his comments. The request was sent to him on multiple occasions by email, fax and letter. *This reporter witnessed voice communications from the Town to Mr. Kendall verbally notifying Mr. Kendall of this request.* He was given approximately 24 hours to respond which by the way is more time then the Town gave the remonstrators to decide whether to mediate on annexation. This publication did not receive the information, nor did the publication receive a comment of "no comment" so we assume that he refuses to comment thus putting both the facts and the accusation as questionable at best. Mr. Kendall, the request still stands and this publication will print in our next issue any information or comments we receive from you.---The Editor.