COUNCIL MEETING MINUTES
March 28th, 2016

The Common Council of the City of Kokomo, Indiana met Monday March 28th, 2016 at 6:00 P.M. in the City Hall Council Chambers.

The meeting was called to order by President Hayes.

Invocation was offered by Chaplin Derrick Kidwell from the Kokomo Rescue Mission.

Pledge:

Present: Wyant, Young, Haworth, Kennedy, Hayes, Whikehart, Sanders, Miklik

Absent: Cameron

The minutes of the March 14th, 2016 were declared approved as presented.

COMMUNICATIONS: President Hayes, I need to set a Public Hearing for Ordinance #6822 for April 11th, 2016 at 6:00 P.M. Our next Council Meeting will be April 11th, 2016 with an Informational Meeting at 5:30 P.M. in the Louks Room. Public Hearing at 6:00 P.M. in the Council Chambers; and Council Meeting immediately following.

I need to acknowledge that each of the Council Members have received the Annual Report for the Kokomo Redevelopment Commission’s activities and finances during calendar year 2015 (1/1/15-12/31/15).

Mike Phelps 623½ Woodland Avenue Kokomo, Ind. states, I am coming in front of the Council tonight in reference to Chapter 160 of the City Ordinances concerning rental properties.
Cont. Communications.
President Hayes states, I am going to ask you to come to me and provide me with details exactly what you are talking about. When you come back with me with specifics we will look into them. I will get our Attorney to look at those and we will talk to our colleagues here on the Council and see if there is something further that needs to be done. We do not enforce the Law. We are the Legislative Branch of Government. The Executive Branch enforces it.

Ann Ihms 8166 West 200 South Russiaville, Ind. states, I wanted to share with you some concerns I had about the preferred class phrase that you are using in your ordinances. When we use the phrase preferred you are creating a group of people you are setting up people against other people. Please define the terms.

COMMITTEE REPORTS: President Hayes states, hopefully we will have an ordinance on nuisance for us to look at by April 11th.

ORDINANCE 6822: Additional Appropriation from the General Fund in the amount of $1,500,000

First reading

Ordinance 6822 was read by the Clerk by title only. Councilman Kennedy moved for passage on ordinance #6822 on first reading; seconded by Councilman Haworth.

Councilman Kennedy states, this is an additional appropriation. The total amount is $1,500,000 of which $350,000 Board of Public Works and $1,150,000 also from the Board of Public Works which comes thru the Economic Development Commission. This will be used for the final payment on the Baseball Stadium. This should finish out any-out outstanding project for that.
Cont. Ordinance #6822.
This was not money that was in the budget; but we are moving it from one line item to others. This will be followed up by a Resolution at the end of this meeting. I would ask all Council Members to vote for this appropriation.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first reading.

ORDINANCE 6823:
Rezoning: R1 with WH-OL & LI with WH-OL to MI with WH-OL
Location: 1510 thru 1600 East Jefferson Street
Petitioner: Robert Bergman

Ordinance 6823 was read by the Clerk by title only. Councilwoman Young moved for passage on ordinance #6823 on first reading; seconded by Councilman Whikehart.
Councilwoman Young states, the petitioner Robert C. Bergman is requesting rezoning R1 (Very Low Density Residential) with WH-OL (Wellhead Overlay) and LI (Low Intensity Industrial Business Park) with WH-OL (Wellhead Overlay) to MI (Moderate Intensity Industrial/Light Manufacturing). The property is located at 1510 thru 1600 East Jefferson.

Marva Trice 1515 East Jefferson Street Kokomo, Ind. states, I do not think this rezoning should be changed; because it is opening up an opportunity for more crime in our area; and there will be a lot of traffic. My opinion, factories, industrial equipment should not be in a residential area.
Cont. Ordinance #6823.
Robert Bergman 2836 Bridgestone Court Circle Kokomo, Ind. states, the only reason I want to change the zoning is to get all of the land zoned the same. I do not have any potential buyers.

Councilman Kennedy asks, what are you currently using it for now?

Robert Bergman states, I have construction equipment there. I have one barn. It is just a two men crew.

Councilman Kennedy asks, with this rezoning do you think if you had potential buyers that it might help you in the future?

Robert Bergman states, sure I think it would. I might put it up for sale; if somebody came up and wanted to buy it, and if the price is right, then I would sale it.

Marva Trice states, I have a petition to present to the Council.

Greg Sheline Director of the Kokomo Howard County Planning Commission states, there is four lots and there are two different zones. Mr. Bergman would just like to get one zone out there; that would probably make it easier for him to sale. The idea of this property is there is a Wellhead Overlay. The water company back in 2009 had us put this in the ordinance which protects the drinking water for the City of Kokomo. They can actually test wells in certain areas around the City. We have to limit what industrial can go in those certain areas. There are certain things that would not be allowed to go into that area; which could possibly contaminate any drinking water for the City of Kokomo.
Cont. Ordinance #6823.
Councilman Kennedy asks, you mention two of the lots are zoned different?

Greg Sheline states, a couple of them are residential and a couple that are light industrial.

Councilwoman Sanders states, residents are concerned about what they know; but if this is rezoned then it is what they don’t know; could it be a convenient store?

Greg Sheline states, no. there is no convenient stores allowed in the zoning district. When this property gets developed and with it being a Wellhead Overlay we would have to have the blessings of the water company. They would have to be on board with what-ever went there. If they say no, it would not happen.

President Hayes asks, what was the vote on the Planning Commission?

Greg Sheline states, it was unanimous; to recommend a favorable recommendation to the Council.

Councilman Whikehart asks, one was already labeled zoned Low Intensity Industrial Business Park is that correct?

Greg Sheline states, yes.

Councilman Whikehart asks, what would that allow to come in then?
Cont. Ordinance #6823.
Greg Sheline states, what’s already there, what Mr. Bergman said. Moderate Industrial would allow a little bit higher intensity industrial; but there again with the wellhead overlay some of those would not be allowed.

Councilman Whikehart states, so with the existing ordinance they could have already had somebody come in.

Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first reading.

ORDINANCE 6824:
Rezoning: DC with FH-OL to DC-PD with FH-OL
Location: 401 South Union St.
Petitioner: City of Kokomo
First reading

Ordinance 6824 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules and pass ordinance #6824 on first and second reading; seconded by Councilman Wyant.

Vote for suspension of the rules:
Aye: All
Nay: None
The vote was 8 to 0 for suspension of the rules.
Councilwoman Young moved for passage on ordinance #6824 on second reading; seconded by Councilman Haworth.
Councilwoman Young states, the petitioner Randy McKay for the City of Kokomo is requesting an amendment to the Future Land-Use Map of the Kokomo Comprehensive Plan downtown commercial to rezoning with flood hazard overlay to plan development with flood hazard overlay. This was passed from the Planning Commission.
Cont. Ordinance #6824.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first and second reading.

RESOLUTION 2688:
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, RELATING TO THE EXPENDITURE OF GENERAL FUND REVENUES FOR PURPOSES RELATED TO THE KOKOMO SPORTS STADIUM PROJECT

Resolution 2688 was read by the Clerk by title only. Councilman Miklik moved for passage on resolution #2688; seconded by Councilwoman Sanders.

Councilman Miklik states, this resolution authorizes and approves the last payment on the Baseball Stadium. Whereas the City of Kokomo, Indiana municipal corporation and political subdivision of the State of Indiana; and Whereas the Kokomo Community Development Corporation, and Indiana nonprofit corporation has advised the Economic Development Commission of the City Kokomo, Whereas, the Commission has or will enter into a Financing Agreement with KCDC for the purpose of finalizing construction for the Project,

Whereas; the City may expend certain funds from its general fund to support economic development, and the quality of life activities in the City, and Whereas, in order to ensure the timely development of the Project, the Common Council desire to expend General Fund Revenue in an amount not to exceed $1,150,000 in order to ensure payment by the Commission pursuant to the Financing Agreement between the Commission and KCDC,
Cont. Resolution #2688.
Therefore, being fully advised the Common Council hereby finds and determines that the Project is an economic development project and may involve, as necessary, an expenditure of General Fund Revenue in an amount not to exceed $1,150,000. The City hereby authorizes an amount of its General Fund Revenues as specified under the Financing Agreement. I moved that we adopt Resolution #2688.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage.

Councilman Miklik states, we have had a terrible tragedy in the community. I think we would be remiss if we didn’t acknowledge the fact that Deputy Koontz is lying in State tonight in Northwestern High School. We as a Council have provided flowers, thank you Mr. President; but I think we as a Council also need to acknowledge the service that our Law Enforcement Community gives up, our Military, and particular when that person Deputy Koontz gives his life in the duties that he has been assigned to do, that’s a serious thing. I have been from one end of the State to the other this week. I have seen Black Flags on Police cars. I have seen that recognized by the New York Yankee’s, by the Governor, and by everyone in this Community ire-regardless of political subdivision. I would like to make sure that we take a moment of silent prayer, and I would be happy to offer a prayer for Deputy Koontz at your indulgence. His burial will be tomorrow. I know that his procession will come by my house at 2:30 P.M. and I will be there. I would ask that we all take a minute and allow me the opportunity to pray for him.

Councilman Whikehart states, we also need to keep Officer Buckley and family in our thoughts as well.
President Hayes states, this marks the end of this Council Meeting and our next Council Meeting will be April 11th, 2016 with an Informational Meeting at 5:30 P.M. in the Louks Room. Public Hearing at 6:00 P.M. in the Council Chambers and Council Meeting immediately following.

Adjourned at 6:25 P.M.

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PRESIDING OFFICER

ATTEST:

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CITY CLERK