COUNCIL MEETING MINUTES
APRIL 25th, 2016

The Common Council of the City of Kokomo, Indiana met Monday April 25th, 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 Councilwoman Sanders.

Pledge:

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

Absent: Cameron

The minutes of the Public Hearing & Council Meeting Minutes April 11th, 2016 were declared approved as presented.

COMMUNICATIONS: President Hayes states, we will need to set a Public Hearing for Ordinance #6817 & 6819 and Resolution #2689 for May 9th, 2016 at 6:00 P.M. in the Council Chambers.

Gregory Demayo 2812 Greentree Ct. Kokomo, Ind. states, I am a retired from the Air Force. I come here to ask you folks to look at the condition of the tennis courts at Foster Park. I have been to the Parks & Recreation several times and spoke with Mr. Morris. There is a large group of players in this town that have great interest in those courts; why not look at Jackson Morrow Park to build some courts there.

President Hayes asks, what kind of response did you get from the Park Board.
Cont. Communications.
Gregory Demayo states, we met with Mr. Morris two years ago, and he came down and looked at the courts and he told us that four courts were going to be redone. We have not seen that happen. I spoke to him last week and basically he said there are priorities.

Randy McKay 1004 Floyd Court Kokomo, Ind., states, go to the Park Board, and speak with the Park Board, because of the allocate funding. I do know there has been discussion about that Park. The Park Board meets monthly, and I can get you the information.

Councilman Miklik states, there is a five year strategic plan that they put together. I think it is two years old now; and the Park Board does it; and updates it every year for the following five years.

There were no committee reports given at this regular meeting.

**ORDINANCE 6817:** AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE CITY OF KOKOMO, INDIANA
First reading

Ordinance 6817 was read by the Clerk by title only. Councilwoman Young moved for passage on ordinance #6817 on first reading; seconded by Councilman Haworth.

Councilwoman Young states, this is a petition for vacating an alley right-of-way located in the City of Kokomo; beginning at the NE Corner adjacent to Lot 1 at 304-328 South Main Street. The name of the owners of the real estate is James Investment LLC and City of Kokomo; vacating the right-of-way will not hinder the growth or development of the neighborhood. It will allow the petitioners to re-develop and grow within the neighborhood.
Cont. Ordinance #6817
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first reading.

ORDINANCE 6819:
AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE CITY OF KOKOMO, INDIANA
First reading
Ordinance 6819 was read by the Clerk by title only. Councilwoman Young moved for passage on ordinance #6819 on first reading; seconded by Councilman Wyant.
Councilwoman Young states, this is a petition of the City of Kokomo for vacation of an unimproved right-of-way beginning at the NE Corner of Lot 36 and addition to the City of Kokomo, it is adjacent to 2810 East Baxter Road in Kokomo.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first reading.

ORDINANCE 6825:
AN ORDINANCE AMENDING THE NUISANCE ORDINANCE TO INCLUDE CHRONIC PROBLEM PROPERTIES IN THE CITY OF KOKOMO, INDIANA
Second reading
Ordinance 6825 was read by the Clerk by title only. Councilman Whikehart moved for passage on ordinance #6825 on second reading; seconded by Councilman Haworth.
Cont. Ordinance #6825.

Councilman Whikehart states, the intent of this ordinance will be to help alleviate many of the non-emergency calls that the Police Department are forced to respond to. This would allow our Police Department to be more engaged in other areas of our community where their presence is needed. Also, understanding that residential dwellings with multiple units have different needs than single family dwellings, we now have categories based on the definitions of: apartment complex, commercial property, residential property and residential rental. We've also added language that would not count victims of crimes as part of the definition of a chronic nuisance. Calls to commercial properties were adjusted from 3 in 60 days to 3 in 30 days. Apartment complexes with 5 or more units would be allotted 5 calls in a 30 day time period. This ordinance also provides an appeal process if a property owner would like to challenge the citation.

Councilman Miklik states, I would just like to go on record that I did express some concern regarding 501C3, I understand the Council’s thoughts on that subject; we will see how that goes; maybe we can amend it in the future if we need to.

President Hayes states, we all share your concerns.

I am Reggie Horner with Marsh Super Markets, our Corporate Office is based out of Fishers Indiana, states, we support the Police Department. We are concerned about the Shop lifting that deals with the high dollar theft items where they are just under the felony mark. We need the Police to help us. We do employ LP Personal in our stores, and we also employ off duty Law Enforcement.

President Hayes states, Marsh is doing all the things that we wish everyone was doing. It’s a safe place to go.
Cont. Ordinance #6825.
Councilman Kennedy states, we have to follow the State Law. We can-not go against what the State has done.

Grethen White 9100 Keystone Crossing Suite 725 Indianapolis, Ind. states, I am here tonight in behalf of the Indiana Apartment Association. We want to thank you for all the changes that have been made to the ordinance since it was first introduced. We would ask that maybe we continue to work together and talk about making sure everybody is on the same level playing field when it comes to on the number of violations.

President Hayes states, we are not here to penalize anyone were here to address the chronic cases. We are hoping this ordinance will be a tool to help us with the worst places that we have to go to. The majority of the Apartment Complexes in Kokomo are well ran, and our professional, and are ran very well.

Kevin Thompson states, I am Director of Public Affairs in Government Relations from Walmart 1075 Broad Ripple Avenue Indianapolis, Ind. states, just wanted to thank you for some of the changes you made. We have had a good discussion with the City and Major Seldon with the Kokomo Police Department. Those conversations are on-going.

President Hayes states, we do recognize Walmart as one of our largest employers in the community; your part of this community. You have given to many charities. We need to work together. We need your help and you need our help.

Councilman Wyant states, in Dallas they hire off Duty Police Officers. They are there to do the paper-work, and then they call the Police. Dallas does have an ordinance.
Cont. Ordinance #6825.
Arland Dobbs Manager at Walnut Creek Apartments 4600 Colter Drive Kokomo, Ind. states, for the past 11 years I have managed Walnut Creek Apartments. We have worked very hard to where I monthly get my reports. Every month I may have 1 or 2 calls. My concern at this point what may happen down the road. Some of these things in the ordinance I do not understand. Where do I fall to consider myself not being fined when I am trying to keep my property the best? The only 2 calls that I had last month were 2 residents in the same building thought they smelled odor of marijuana; so they called the Police and the Police came out and knocked on a door and nobody answered the door so they said they could not do anything. I am here as a pro-active.

Councilman Kennedy states, I am sure those Police Officers are not going to write you a report if they smelled it as well.

President Hayes states, it is discretion of the Police Officer.

Councilman Miklik states, there is a listing of prohibited conduct. I would suggest you to take it upon yourself to get a copy of the ordinance and digest it and understand it in total. Then we can start to address the specifics.

Councilman Kennedy states, any ordinance that we pass can be changed; if something occurs that is just not working out right, we can bring it back up and make a change to that.

Councilman Whikehart states, we are being pro-active. We appreciate everybody coming forward and sharing their concerns.
Cont. Ordinance #6825.
Pamela Reed Park Place Apartments 1901 S. Park Road Kokomo, Ind. states, my concerns is the same of some of the others. We do recommend that our residents call the Police. I would encourage you to consider the wording; instead of passing as it is.

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

ORDINANCE 6826: Rezoning: AG with FH-OL
to R1 with FH-OL
Location: 300 S. 200 West
Petitioner: John Routt &
Christina Lorentson

First reading
Ordinance 6826 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules and pass ordinance #6826 on first and second reading, seconded by Councilman Kennedy.

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 #6826 on second reading; seconded by Councilman Haworth.
Councilwoman Young states, the petitioner of John Routt & Christina Lorentson our requesting rezoning from AG (Agricultural) w/FH-OL (Flood Hazard Overlay) to R-1 (Very Low Density Residential) w/FH-OL (Flood Hazard Overlay) for property at 300 South 200 West. This person is wanting to build a house on this property.
Cont. Ordinance #6826.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first and second reading.

ORDINANCE 6827:  
Rezoning: C1 to C2  
Location: 615 N. Washington St.  
Petitioner: Charlie Reed  
First reading

Ordinance 6827 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules and pass ordinance #6827 on first and second reading; seconded by Councilman Whikehart.
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 #6827 on second reading; seconded by Councilman Haworth.
Councilwoman Young states, the petitioner Charlie Reed is requesting change in zone classification from C1 (Small to Medium Scale General Commercial) to C2 (Medium to Large Scale General Commercial). This is for property located at 615 North Washington Street. This is for a Convenient Store. The Kokomo City Plan Commission considered and voted unanimously to forward a favorable recommendation.

Gene Lawman states, I own the property adjacent to that Kokomo Cab Company. I made an offer on this piece of property in February. My closing was supposed to have been March 30th, nothing was done. I was dealing with a realtor Paul Wyman. I don’t know why I did not get the opportunity to purchase that property.
Cont. Ordinance #6827.
President Hayes asks, I assume you have been dealing with a realtor. We had nothing to do with that deal. We are a legislative body we make the Laws of the City; as far as I know none were broken in this deal.

Gene Lawman states, I really do not want the zoning passed.

Scott Pitcher Fortune Companies 202 Sandy Court. Kokomo, Ind. states, Mr. Reed bought this to improve that area.

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

ORDINANCE 6828:  AN ORDINANCE ADOPTING
THE STATE BOARD OF ACCOUNTS
INTERNAL CONTROL STANDARDS
FOR INDIANA POLITICAL
SUBDIVISIONS AS THE INTERNAL
CONTROL POLICY OF THE CITY OF
KOKOMO, INDIANA
First reading

Ordinance #6828 was read by the Clerk by title only. Councilman Kennedy moved for passage on ordinance #6828 on first reading; seconded by Councilman Haworth.

Councilman Kennedy states, this particular ordinance has been presented to us because State Board of Accounts has decided that even though our City has never had a written violation; we do have a policy about our State Board of Accounts Activities. A Bill was passed thru the Legislature requiring us to have an ordinance.
Cont. Ordinance #6828.
It is merely additional paper work that we have to do to comply, and nothing has changed. Our policy is the same as it has always been which has been a good policy. I urge for passage on first reading. Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first reading

RESOLUTION 2687:
Transfer of Fund within the General Fund and the MVH Fund
Transfer of Fund from the General Fund to Economic Development Commission Fund

Resolution 2687 was read by the Clerk by title only. Councilman Kennedy moved for passage on resolution #2687; seconded by Councilman Haworth.
Councilman Kennedy states, a new radio system is being put in-place; basically it started back in from 911. We have had other incidents where our Law Enforcement Fire Department or County could not communicate with each other, or communicate with the State Police because of all the different radio frequencies. It has been determined and the term their using is P25 Radio Systems. We have to purchase that system. We are transferring funds from one department to another to help pay for this radio system that we have to install. It will be fantastic for our community. Everyone will be able to communicate correctly. This is not new money, its just money moving from one account to another in order for us to pay the bills. The total amount is $350,000.
Cont. Resolution #2687.
Randy McKay states, Councilman Kennedy is accurate. It goes a little bit further than that. Howard County has to adopt a new base in order to coincide with what the State’s doing. If we did nothing we would not be able to communicate with the Dispatch Center; no matter what State or Federal Agencies here we will have the ability to communicate.

Councilman Kennedy states, I think that clarifies what we are doing; I urge for passage of Resolution #2687.

Councilwoman Young asks, is this a one-time transfer?

Randy McKay states, this is supposed to modernize Howard County and the City of Kokomo. Hopefully for the next twenty years we will not have to mess with it.

Councilman Miklik states, it’s my understanding that we are paying for the radios?

Randy McKay states, County is paying for the base unit. We are paying for the radios that we will need to communicate.

Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage.
RESOLUTION 2689:

Resolution 2689 was read by the Clerk by title only. Councilman Miklik moved for passage on resolution #2689; seconded by Councilwoman Sanders.

Councilman Miklik states, these resolution concerns, that property at 101 North Union Parking Garage; in paragraph (5) of the Memorandum of Agreement (the agreement was written that we would do a 100% Tax Abatement on completion and 50% next year; so it is just those two years. This works out in favor of the City in terms of what the Abatement itself is. I will read the entire Resolution. I moved that the Council except resolution #2689.

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

President Hayes states, this marks the end of this Council Meeting and our next Council Meeting will be May 9th, 2016 with an Informational Meeting at 5:30 P.M. in the Louks Room. Public Hearings at 6:00 P.M. in the Council Chambers and Council Meeting Immediately following.

Adjourned at 7:00 P.M.

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PRESIDING OFFICER

ATTEST:

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CITY CLERK