COUNCIL MEETING MINUTES
April 28th, 2014

The Common Council of the City of Kokomo, Indiana met Monday April 28th, 2014 at 7:00 P.M. in the City Hall Council Chambers.

The meeting was called to order by President Kennedy.

Invocation was offered by Councilman Hayes.

Pledge:

Present: Wyant, Young, Cameron, Haworth, Hayes, Kennedy, Summers, Sanders, Miklik

Absent: None

The minutes of the April 14th, 2014 Council Minutes were declared approved as presented.

COMMUNICATIONS: Councilman Hayes states, I just want to inform all the Council Members we have started negotiations with the Fire Fighters. Representing the Council is Councilman Wyant, and myself and my stand in is Councilman Haworth.

President Kennedy states, as most of you know who have served on any of those negotiations there will be no communications regarding negotiations until a settlement is reached. That is always an agreement between the parties. I wish our members well who are negotiating, and I know they will do a good job for us.

Vicki Emry, 2504 Kent Avenue Kokomo, Ind. states, I have two issues this evening. I have found repeated road-blocks in communicating with anybody about these issues. I have been trying since last year.
Cont. Communications.
They are as follows: (1.) I have a neighbor who parks a trailer in the street 24/7. It is gone maybe for an hour and then it comes right back. I have read the ordinance and it states that it can-not be parked there for more than 72 hours. I visited City Hall last week, and did not get any response.

President Kennedy states, I know this is an enforcement issue. I know that Councilman Summers is our Enforcement Officer. He can look into that.

Councilman Summers states, there is a 72 hour rule how-ever if there is movement in that period of time that would be in accordance with the way this Council and the way it is enforced. I will check into that; and touch base with you tomorrow.

Councilman Hayes states, I was on the Council when that ordinance was passed. The intent is to keep those off the street.

Councilman Miklik states, it would seem like we would have a better way for you to be able to communicate with some-one and get a response, and not let it go this long. Who at the City Administration did you talk to?

Vicki Emry states, I have called Code Enforcement several times. I have also called the non-emergency Police number.

Councilman Summers states, what we will do is address that and then again if it is in violation we will address it; if it is not then I will let Vicki know that they are incompliance.

Vicki Emry states, my second issue is a dog bite. I work for the Post Office. On January 25th, 2014 I was attacked by a pit-bull.
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Cont. Communications.  
When the Police was called I was taken by ambulance to St. Joseph Hospital. I felt him break my finger.

President Kennedy asks, what was the result of the Police action?  
Vicki Emry states, nothing.  

President Kennedy asks, did Animal Control come and take the dog?  
Vicki Emry states, no.  

President Kennedy asks, wouldn’t that be a standard procedure?  
Councilman Summers states, yes. What actually happened was they had contact with the owner, and did an investigation. They registered the dog and did do a fine.  

President Kennedy states, you also have the ability to file a civil suit; and that would be my suggestion.  
Vicki Emry states, my issue here is the dog attacked me. I am a Federal Employee. Nothing was done. Travis from the Animal Control came out and spoke to me in the Emergency Room. He went out and talked to them. He could not re-site to me the City or the County Ordinance. He has never returned any of my phone calls. Travis labeled this dog dangerous. As a letter carrier I have called 911 about dogs running on the loose, and the Animal Control.  

President Kennedy states, they are under some restrictions as of what they can do, and what they can-not do. They should come and investigate.
Cont. Communications.
Councilman Summers states, we have a meeting scheduled for in the morning at 9:00 A.M. to set down and try to get all these addressed so we do have the answers for you, and contact the Humane Society also.

Vicki Emry states, I just want you to know how frustrated I am this happened in January. I have $12,000 in medical bills. I have not been back to work since January 25th, of this year.

President Kennedy states, you need to go and hire a Lawyer.

Vicki Emry states, I want you all to know the importance of this ordinance and that it is not being enforced.

President Kennedy states, we just changed that ordinance to; because of some enforcement issues. We raised the fines. The problem of loose dogs is an issue, in every City. I am sorry that happened to you.

Councilman Summers states, we will have a meeting and I will report back to this Council.

Councilman Hayes states, I think you have some civil remedies in court that you can do.

Council Attorney Corbin King states, all we are here is to have a violation of an ordinance. We have no right to get restitution for you in anyway. I do understand your frustration and do appreciate you telling us this; so we can help. I believe Councilman Summers was already on that issue, and I am sorry that it has taken so long. We are the Legislative Body and we do have open meetings, and we are glad for the Public to come; but the enforcement is not on us.
Cont. Communications.
We try to help our citizens to tell us, then we can go to the appropriate parties. I believe that is what we are trying to do. We do not enforce the ordinance. All we do is make the Laws. You do need to try and get some advice from an Attorney. The City is not going to ask for restitution in our ordinance for a dog bite. We are sorry this happened, and we thank you for coming. We will try our best to help in any-way that we can.

Vicki Emry states, if I bring an issue to light I really believe that it’s on you. You make these ordinances and there not being enforced.

President Kennedy states, how do we know that unless you tell us. Tonight we have learned you told us. So now we are going to take action to try and get it taken care of. If we need to change the ordinance that is what we will do. I do appreciate you coming and letting us know about both issues. Those are both enforcement issues. Thank you.

There were no committee reports given at this regular meeting.

ORDINANCE 6753:  
Rezoning: R3 to AG  
Location:  917 Silver Charm Dr.  
Petitioner: Paul & Mirella, LLC/  
Paul Markiewiez  
First reading  
Ordinance 6753 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules and pass ordinance #6753 on first and second reading. Seconded by Councilman Haworth.  
Vote for suspension of the rules:  
Aye: All  
Nay: None
Cont. Ordinance #6753.
The vote was 9 to 0 for suspension of the rules.
Councilwoman Young moved for passage on ordinance #6753 on second reading. Seconded by Councilman Haworth.
Councilwoman Young states, Paul & Mirella Markiewiez are requesting a change in zone classification for property located at 917 Silver Charm Dr. They want to change from R3 (Medium Density Residential) to AG (Agriculture). This rezoning is to allow for a forestry reserve. They plan to build a small building on site for equipment to maintain the trees on the property. The building will be set back in the wooded area and not visible from the road or adjacent properties. This use should not adversely affect any surrounding property. The Plan Commission forwards a favorable recommendation to the Council.

Wyant Johnson 555 Market Road Tipton, Ind. states, I am representing this case. The part where his building will be won’t be in the classified forest. I believe once it is a classified forest he pays a dollar in property tax instead of the property tax he would of other- wise paid. That is part of the reason for doing it. It is a good to keep that land forested.

Vote for passage follows:
Aye: All
Nay: None
The vote was 9 to 0 for passage on first and second reading.

ORDINANCE 6754:
Rezoning: LI to C1
Location: 1308 S. Home Ave.
Petitioner: Clyde E. Wilkerson
Revocable Trust
First reading
Ordinance 6754 was read by the Clerk by title only.
Cont. Ordinance #6754.
Councilwoman Young moved for suspension of the rules and pass ordinance #6754 on first and second reading. Seconded by Councilwoman Sanders.
Vote for suspension of the rules:
Aye: All
Nay: None
The vote was 9 to 0 for suspension of the rules.
Councilwoman Young moved for passage on second reading.
Seconded by Councilman Cameron.
Councilwoman Young states, the petitioner John O’Donnell on behalf of Clyde Wilkerson Revocable Trust is requesting a change in zone classification from LI (Low Intensity Industrial/Business Park) to C1 (Small to Medium Scale General Commercial) for property located at 1308 South Home Ave. The plan used for the building is to turn it into a gym. The Plan Commission forwards a favorable recommendation to the Council.
Vote for passage follows:
Aye: All
Nay: None
The vote was 9 to 0 for passage on first and second reading.

ORDINANCE 6755:
Rezoning: LI and C1 to C2
Location: 3813 S. Lafountain St.
Petitioner: ALC Enterprises, LLC/Kokomo Auto World
First reading
Ordinance 6755 was read by the Clerk by title only. Councilwoman Young moved for passage on ordinance #6755 on first reading.
Seconded by Councilwoman Sanders.
Cont. Ordinance #6755.
Councilwoman Young states, ALC Enterprises, LLC/Kokomo Auto World request a change in zone classification from LI (Low Intensity Industrial/Business Park) and C1 (Small to Medium Scale General Commercial) to C2 (Medium to Large Scale General Commercial) for property located at 3813 South Lafountain Street. The plan use is for the Auto Sales and Service to have the correct zoning that it should have been in the past.
Vote for passage follows:
Aye: All
Nay: None
The vote was 9 to 0 for passage on first reading.

ORDINANCE 6756: AN ORDINANCE OF THE PROCEDURES FOR THE ENFORCEMENT OF THE CITY’S HEALTH POWERS AS IT RELATES TO WEEK CONTROL WITHIN THE CITY OF KOKOMO, INDIANA.
First reading (As Amended)
Ordinance 6756 was read by the Clerk by title only. Councilman Summers moved for suspension of the rules and pass ordinance #6756 on first and second reading. Seconded by Councilwoman Sanders.
Vote for suspension of the rules:
Aye: All
Nay: None
The vote was 9 to 0 for suspension of the rules.
Councilman Summers moved for passage on ordinance #6756 on second reading. Seconded by Councilman Wyant.
Councilman Summers states, this is an ordinance pertaining to weeds within the City of Kokomo.
Cont. Ordinance #6756. Section 95.01 H reads Should the owner fail to cut and remove such weeds and rank vegetation, or fail to cause such cutting and removal to be accomplished, and should such weeds and rank vegetation exceed the height restriction set out in division E, the Department shall issue a written notice to the owner ordering such cutting and removal.

Such notices shall be served upon the landowners by sending such notice to the landowner by certified mail, first class mail or the equivalent service permitted under I.C.1-1-7-1. This ordinance enables the City Code Enforcement. This will be a cost savings of approximately $7,000 a year by to be able to issue that under first class mail.

Vote for passage follows:
Aye: All
Nay: None
The vote was 9 to 0 for passage on first and second reading.

President Kennedy states, our next Council Meeting will be May 12th, 2014 with an Informational Meeting at 6:30 P.M. in the Louks Room, and Council Meeting at 7:00 P.M. in the Council Chambers.

Adjourned at 7:30 P.M.

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PRESIDING OFFICER

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CITY CLERK