The Common Council of the City of Kokomo, Indiana met Monday August 25th, 2014 at 7:00 P.M. in the Council Chambers of the City Building for the purpose of a Public Hearing on Ordinance #6762.

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

Absent: None

President Kennedy called for any comments from the audience, hearing none the Public Hearing was adjourned.

COUNCIL MEETING MINUTES
August 25th, 2014

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

Pledge:

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

Absent: None

The minutes of the August 11th, 2014 Public Hearing & Council Minutes were declared approved as presented.
COMMUNICATIONS: Don Burris 227 Ariel Court Kokomo, Ind. states, I appreciate the Council’s work on Licenses for the Dancers. I have received a draft, and reviewed it. Will there be any consequences laid out in the final draft for those who do not go by the Law? How are the finances going to be handled? I would like to see the Council work on this draft a little bit more.

President Kennedy states, it is a draft; so that means it still needs some work.

Gail & Roger Ambrose 1310 Westbrook Drive Kokomo, Ind. states, I also wanted to mention the Licenses Ordinance. If anyone is convicted of a sexually related crime would that keep them from receiving a license? The second concern I had was possibly a temporary license; I would not want to see that happen.

COMMITTEE REPORTS: Councilman Hayes states, I just want to remind everyone on the Council we will be starting our Budget Hearings. The schedule for the Budget Hearings are September 2\textsuperscript{nd}, 4\textsuperscript{th}, 9\textsuperscript{th} and if we need an extra day we have the 11\textsuperscript{th}. All hearings will start at 6:00 P.M. The meetings will be held in the Louks Room.

ORDINANCE 6770: AN ORDINANCE DESIGNATING THE LAKE ERIE & WESTERN HISTORIC DEPOT DISTRICT AS A LOCAL HISTORIC DISTRICT First reading

Ordinance 6770 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules and pass ordinance #6770 on first and second reading. Seconded by Councilwoman Sanders.
Cont. Ordinance #6770.

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 ordinance #6770 on second reading. Seconded by Councilman Wyant.

Councilwoman Young states, this is an ordinance designating the Lake Erie & Western Historic Depot District as a Local Historic District. The Common Council of the City of Kokomo, Indiana has created a Historic Review Board by Ordinance, which Ordinance allows the Historic Review Board to designate Local Historic Districts; and Whereas, in 2008 the National Register of Historic Places identified the area generally bounded by W. Jefferson St. on the North, N. Main St. on the east, W. Jackson St. on the south and N. Washington St. on the west, as the “Lake Erie & Western Depot Historic District”; and Whereas the Historic Review Board as designated the same as a Local Historic District; Now, Therefore be it ordained by the Common Council of the City of Kokomo, Indiana, that the designation of the Lake Erie & Western Depot Historic District in Kokomo, Indiana as a Local Historic District is hereby approved as provided by law. I encourage passage of this ordinance.

Vote for passage follows:

Aye: All
Nay: None

The vote was 9 to 0 for passage on first and second reading.

ORDNANCE 6762: AN ORDINANCE VACATING RIGHT OF-WAYS-LOCATED IN THE CITY OF KOKOMO, INDIANA

Second reading

Ordinance 6762 was read by the Clerk by title only. Councilwoman Young moved for passage on ordinance #6762 on second reading.
Cont. Ordinance #6762. Seconded by Councilman Wyant.
Councilwoman Young states, this is an ordinance vacating right-of-ways in the City. Family Services Association has petitioned this body to vacate a portion of a certain right-of-ways from Jackson Street, and a certain portion of Lafountain Street, an a alley to the West right-of-way of the railroad East of Lafountain Street to the North of Jackson Street. Whereas, the vacation of the Right-of-ways would not limit access to any real estate or hinder the growth or development of the neighborhood in which it is located; and there are no public utilities maintained in the Right-of-ways. Notice of the proposed vacation right-of-ways were served to all necessary parties. It is hereby founded that property notice was served in accordingly with IC Code. The following description right-of-ways located in the City of Kokomo should be and it is hereby vacated.
Vote for passage follows:
Aye: All
Nay: None
The vote was 9 to 0 for passage on second reading.

Ordinance 6766 was read by the Clerk by title only. Councilman Hayes moved for passage on ordinance #6766 on second reading. Seconded by Councilman Haworth. Councilman Hayes states, this ordinance is fixing the salaries for Appointive Officers, Deputies, Department Heads, Uniform Police and Fire, and Employees of the City of Kokomo. Included in here are the economic agreements that we had at our last labor negotiations with the Fire Department and the negotiations with the Police Department is included in this ordinance. I encourage passage on second reading. Vote for passage follows:

Aye: All
Nay: None
Abstain: Summers

The vote was 8 to 0 for passage on second reading.
ORDINANCE 6767: An Ordinance Fixing the Salaries of the Elected City Officials of the City of Kokomo, Indiana Effective January 1, 2015 Through December 31, 2015

Second reading

Ordinance 6767 was read by the Clerk by title only. Councilman Hayes moved for passage on ordinance #6767 on second reading. Seconded by Councilman Haworth.

Councilman Hayes states, this is an ordinance fixing the Salaries of the Elected Officials of the City of Kokomo. That will include the Mayor, City Clerk and the Common Council. I would like it to be noted that the Common Council nor the City Clerk are receiving any raises or increases in salary. The Mayor is keeping his salary at the 2007 level, so there is no raise there either. I encourage the passage on this ordinance on second reading.

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

ORDINANCE 6769: An Ordinance For the Control of Animals Within the City of Kokomo, Indiana. (As Amended)

First reading

Ordinance 6769 was read by the Clerk by title only. Councilman Cameron moved for passage on ordinance #6769 on first reading. Seconded by Councilman Wyant.

Councilman Cameron states, we have visited this ordinance back in 2012.
Cont. Ordinance #6769. 
My committee went to work on this. I thank Councilman Summers for a lot of his help from the Law Enforcement stand-point. We had an open meeting for people to talk to us about it; and in lighting us on a couple of factors that we were not aware of. I must stress that this can be like a living ordinance. It can change. The Council is a Legislative Body. We rely on the Animal Control of the Humane Society. We did make some changes in the ordinance. I will highlight some areas:
Section (I) dangerous dog amended to vicious dog)

Section (II) Rabies Vaccination: All dogs, cats and ferrets (3) months of age and older must be vaccinated against rabies.

Section (III) vicious dogs confined indoors with our access to exterior exterior entrances and windows. The owner of potentially dangerous dog must have posted on the premises a clearly visible warning sign, reading in letters not less than two inches high “Beware of Dog” at each entry point that informs both children and adults of the presence of potentially dangerous dog.

Owner of a potentially dangerous dog must obtain and maintain insurance in the minimum amount of $50,000 to provide for insurance against liability for damage to a person and property caused by the potentially dangerous dog. This insurance shall be provided by an insurance company authorized to do business in the State of Indiana, and the owner shall file a certificate of insurance with the Department of Animal Services. Potentially dangerous dog must be spayed or neutered within 30 days of determination that the dog is potentially dangerous.
Cont. Ordinance #6769.
Any potentially dangerous dog found at large or not confined as required by this ordinance may be captured, impounded and it shall be returned to its owner only if the enforcement authority in its discretion determines that such return will not result in further or ongoing violations of this ordinance.

Section (IV) Any large dog without proper rabies tag to confirm updated vaccination.

We have spent a lot of time on this. We appreciate the input that we had from a lot of people. I know it is not going to satisfy everybody; but it is a tough situation. We rely on the Animal Services of the Humane Society to act up on this with their authority.

People who spoke on the Animal Ordinance: Pam Jones, Rob Fecher, Vicki Emry, Julie Howard, Lisa Rink, Marla Jones, Trena Moberly.

President Kenney states, we have been given several suggestions and perhaps we will do some amendments prior to our next meeting. Remember that these ordinances before it is passed on the second reading can be amended. If there is enough information we may need to put off the second reading for another meeting.

Vote for passage follows:
Aye: All
Nay: None
The vote was 9 to 0 for passage on first reading.
ORDINANCE 6771: AN AMENDMENT TO SMOKEFREE ORDINANCE 6445 IN THE CITY OF KOKOMO, INDIANA

First reading

Ordinance 6771 was read by the Clerk by title only. Councilman Hayes moved for passage on ordinance #6771 on first reading. Seconded by Councilwoman Sanders.

Councilman Hayes states, this is an ordinance amending our existing ordinance to provide a comprehensive Smoke-Free City; including the quality of life and the health and welfare of the citizens of Kokomo. This ordinance is addressing those issues. This ordinance is not to try to hurt anyone; but we hope to help.

Councilman Wyant states, I was on the Council 2007 when we passed the last ordinance. I was totally against it; due to the fact that I do not feel I have a right to go into a business and tell those people what they need to do in that business.

Councilman Hayes states, I respect Councilman Wyant’s view points. I disagree with Councilman Wyant that it is not an intrusion 75% of the people in this County do not smoke. If this ordinance is done properly with a level playing field no one will be hurt. The last ordinance Councilman Wyant and I were the only two members on the Council at that time we heard doom and gloom then and those restaurants are still alive. I think that these taverns and bars will stay alive because patrons want the social aspect. Nobody in this room is telling you that you can-not smoke.

President Kennedy states, I do not support this ordinance either; strictly as an economic condition of business owners rights to conduct a legal activity in there establishment.
Cont. Ordinance #6771.
Councilman Miklik states, when I look at this I do not want to put anyone out of business. When you work in a bar and you do not smoke you get to be contaminated with lung cancer or second hand smoke. It’s about the second-hand smoke the quality of life and the quality of the work place. My take on it is if those people have and work in those conditions they should not be forced to smoke if they do not want to; and they are just by breathing second-hand smoke. I believe this ordinance the way it is written is for the majority of the people in the City of Kokomo. We have to concern ourselves with the well-being and the health of everyone in the community. I am in favor of the ordinance.

People who spoke on the Smoking Ordinance: Steve Cunningham Club Manager American Legion Post 6, Dave Capshaw 5th District Commander for the Veterans, Ethel Trueblood, Mitchell Gauger Policy Chairman for Breathe Easy Howard County, Sue Gieskie Chancellor Indiana University of Kokomo, Brittany Anderson, Student from IUK, Jackie Schlick, Student from IUK, Jessica Henderson, Professor of Public Health at IU Kokomo, Former Councilman Ralph Baer, Shelly Hinders-Baxter Bartender Ned’s Corner Pub & Burton & Johns, Jess Wilkerson Owner of the Vapor Route, Lisa Overton, Gene Walter Owner of the Elbow Room, Stella Kling Owner of Stella’s Lounge, Merlin Wagler, Cathy Riley Owner of Cathy’s Place, Lisa Washington Healthy Babies & Health Moms Coordinator at FSA for Howard County, Sherry Rahl Executor Director Project Access for Health Care for City, County, Jeff Lamberson Owner of Kokomo Per Vapors, Jay Teller President of the Hoosier Vapors Club, Glenda Jett Manager of Low Bob’s Tobacco Store, Jerry Smith Represents Tobacco Town in Corporate DVA Low Bob’s Discount Tobacco, Michael Huff Milwaukee Iron Motorcycle Club, Wendy Davis, Jack King Manager of Oasis, Dave Dubois Executive Director of Kokomo Family YMCA, Robert A. Lee Member of the Faith Community, Pastor retired.
Cont. Ordinance #6771.
Councilwoman Sanders states, I would have loved to had a smoking ban many years ago; it affected by life economically, my family and affected me. I had breast cancer in 2001. I was a secondhand smoke victim. I am also a registered nurse. The E-cigarette the vapor that they have, contains some things that can cause cancer. We are looking at teens and pre-teens using this. We are talking about a dangerous product. I want to represent everybody in Kokomo. I am going to vote in favor of the smoking ordinance tonight.

Vote for passage follows:
Aye: Young, Hayes, Summers, Sanders, Miklik
Nay: Wyant, Cameron, Haworth, Kennedy
The vote was 5 to 4 for passage on first reading.

President Kennedy states, our next Council Meeting will be September 8th, 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 9:10 P.M.

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PRESIDING OFFICER

ATTEST:

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CITY CLERK