CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES: Council Meeting Minutes June 9th, 2014

COUNCIL APPOINTMENTS: Kokomo Community Arts Commission:
Re-appointed: John Wiles
Tammy Mohr

New Appointment: Peter Shah
Beth Notaro

COMMUNICATIONS:

COMMITEE REPORTS:
Cont. agenda

ORDINANCE 6759:
Summer

AN ORDINANCE OF THE
PAWNBROKER, SECONDHAND
DEALER, PRECIOUS METALS
AND STONES DEALER, AND
VALUABLE METALS DEALER
WITHIN THE CITY OF
KOKOMO, INDIANA.
First reading (AS AMENDED)

ORDINANCE 6763:
Young

Rezoning: C1to C2
Location: 311 South 00 East West
Petitioner: Christine McDonough
First reading
The Common Council of the City of Kokomo, Indiana met Monday June 9th, 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, Young, Cameron, Haworth, Hayes, Kennedy, Summers, Sanders, Miklik

Absent: None

The minutes of the May 27th, 2014 Public Hearing & Council Minutes were declared approved as presented.

**COMMUNICATIONS:** President Kennedy states, our next Council Meeting will be June 23rd, 2014 with an Informational Meeting at 6:30 P.M., and Council Meeting at 7:00 P.M. in the Council Chambers.

Councilman Bob Hayes states, we need to acknowledge that we have received the CF-1 Forms from the Development Department for the following Companies and Resolutions: Chrysler Group LLC (2351, 2403, 2404, 2487, 2577/2578, 2584/2685/2602, 2633) Delphi (2388, 2545, and 2574/2576, 2594), GMCH (2388 and 2545), Greg Stephens/Stephens Machine (2527), Fed Ex Ground (2604) and MS Kokomo, LLC (2629).

President Kennedy states, this list is just for your information in the audience. This is a yearly review of all Tax Abatement issues.
Cont. Communications.
It’s a requirement by the State and also the City; to review any Tax Abatement issues that are being given, and to make sure each of these companies are complying with the agreements that they entered into with the City as far as Tax Abatements are concerned. It’s a matter of just reading them into the minutes. They have been reviewed by the Development Department. Once they are read into the minutes I sign them off and their good for another year.

Don Burris 227 Ariel Court Kokomo, Ind. states, Kokomo does have Human Trafficking. I am bringing this to your attention.

Pam Jones 236 West 400 South Kokomo, Ind. states, I am the Vice President of the National Association Carriers Branch 533. January of this year we had a carrier in injured by a pit-bull attack. We have since been trying to work with the Council about the Dog Ordinance that is on the books plus what we could do to make this ordinance better for the citizens of Kokomo. Unfortunally we have not been able to get that job done. We were told to direct our concerns toward Mr. Summers. We did in-fact direct our attention towards Mr. Summers and it has gone nowhere at the last meeting.

Mr. Summers informed us that Mr. Cameron was over the Safety & Welfare of the City, and that there would be a meeting set up. We have been promised that numerous times. I am asking you President Kennedy are you responsible for the Council Members or is there someone else we need to go to? This is a very serious matter. You have an ordinance on the books that was not enforced. You need to have additions added to that ordinance in order to strengthen it. We have talked to Council person Sanders and she has been very responsive; however she has not been able to get the cooperation or communication going that needs to be done.
Council Meeting Minutes
June 9th, 2014 Page-3

Cont. Communications.
So I bring it to your attention tonight. We would like to move forward on this issue. I would like to know from you who is responsible on this Board for that particular matter?

Councilman Summers states, I would like to give you an up-date. We have met with Jean McGroarty at the Humane Society. There are some recommendations that she would like to include. Councilman Cameron and I have looked at different dates and were not able to get together. I have left a message with Jean McGroarty on her phone. I am waiting to hear back from her. We will get those dates set-up and we will also include you.

President Kennedy states, you indicated that the ordinance was not enforced. You must have some ideals, and I would like to see what those ideals are. When Councilman Cameron gets a meeting set-up we will inform you. You need to get those recommendations to Councilman Cameron. If you think the ordinance does not work then let us know what is not working in the ordinance.

Councilman Wyant asks, are they not enforcing what we already have on the books? If they enforced what we have is it ok or not ok?

Pam Jones states, in this particular incident the ordinance that is on the books was not enforced. If it would have been enforced I would not be standing here today.

Councilman Summers states, Councilman Wyant there is some gray areas. I also spoke with Council King where we need to up-date. Each incident is going to be different. What we look to do is to put that meeting together bring their ideas in addition to the Humane Society. I feel confident in the ordinance that we have now it’s just something that needs to be tweaked, and there are things that need to be included that came out of the State House.
Cont. Communications.
President Kennedy states, I think the other thing that we need as far as information is why, and what was not enforced in that ordinance?

Councilwoman Sanders states, the Council Members are looking at this seriously. We are looking at everything. We want to be able to make the ordinance better and stronger. We just ask that you have the trust that we are going to try and do what is best for the community.

President Kennedy states, we are going to work on it in a Committee.

Councilman Summers states, we are not going to prevent a dog from biting anybody in our community. What we hope to do is make civil judgments to where people can understand that they need to keep these dogs contained. We will continue to work with Councilman Cameron.

Councilman Hayes asks, you said you had suggestions as to what can strengthen it; we need to get those ideas.

Richard Emry 2504 Kent Avenue Kokomo, Ind. states, I am Vicki’s husband, something needs to be done. He voiced his concerns.

COMMITTEE REPORTS: Councilman Hayes states, you signed me a task of forming a Committee to look at our current Smoking Ordinance, and look for amendments or what-ever this Committee wants to bring forward to the Council as a Whole. I am honored to say I had (5) Council Members that agreed. Councilwoman Janie Young, Councilman Mike Wyant, Councilman Bob Cameron, Councilman Tom Miklik, Councilman Kevin Summers, and myself as Chair of this Committee.
Cont. Committee Reports.
We will start the process working with the County; and bring back something that this Council can act upon. Tonight I made sure that all Council Members received a copy of the current ordinance; so they can do some study. Also you have received an electronic copy.

President Kennedy states, an eventually all Council Members will be involved in our discussion. We are going to start out with a review of the current ordinances, and we will take input from any groups that want to give us inputs and we will move forward from that point.

President Kennedy states, our next Council Meeting will be June 23rd, 2014 with an Informational Meeting at 6:30 P.M. in the Louks Room. Council Meeting at 7:00 P.M. in the Council Chambers.

Adjourned at 7:20 P.M.

______________________________
PRESIDING OFFICER

ATTEST:

______________________________
CITY CLERK
Christine McDonough, doing business as A Special Touch Dog Grooming, is requesting this rezoning in order to operate a dog grooming salon and kennel.

The adjoining properties uses and zoning are:
- West - C2 (Medium to Large Scale General Commercial)
- East – C2 (Medium to Large Scale General Commercial)
- South - C2 (Medium to Large Scale General Commercial)
- North – C1 (Small to Medium Scale General Commercial)

According to the Kokomo and Howard County Comprehensive Plan Future Land Use Map, this property is located in an area proposed for General Commercial uses.
Relevant Land Use Objectives are:

4. Encourage redevelopment and infill of vacant or under-utilized buildings and lots.

The Kokomo Comprehensive Plan Transportation Map defines U.S. 931 as a Primary Arterial. Primary Arterials are defined as roads with access control, restricted parking and that collect and distribute traffic to and from minor arterials. U.S. 931 is heavily trafficked and the use as a grooming and kennel site should not increase traffic.

The petitioners have requested this rezoning to establishing the correct zoning for the proposed use. The surrounding zonings are compatible with the proposed zoning. This use should not adversely affect surrounding property uses. It is a compatible use with the surrounding businesses. Therefore, the staff recommends the Plan Commission forward a favorable recommendation to the Kokomo Common Council.

Staff report prepared by Jan Bass, Planner II May 29, 2014
ORDINANCE NO. 6759
(AS AMENDED)

AN ORDINANCE OF THE PAWNBROKER, SECONDHAND DEALER, PRECIOUS METALS AND STONES DEALER, AND VALUABLE METALS DEALER WITHIN THE CITY OF KOKOMO, INDIANA.

WHEREAS, the Common Council (the “Common Council”) of the City of Kokomo, Indiana (the “City”) adopted ‘75 Code Section 14-135 Pawnbroker Ordinance and an Amended Ordinance 6584 on August 10, 2009.

WHEREAS, the following Statutory References Pawnbroker Law; See IC 28-7-5-1 et seq.; Powers of Police; See IC 36-8-3-10; Power of City to Regulate Crafts; See IC 36-8-2-10; Precious Metals; See IC 23-2-6-15 and IC 24-4-19-6; and Valuable Metals; See IC 25-37.5-1-0.6 provide the City with guidance when dealing with the above-mentioned pawnbrokers and dealers.

WHEREAS, it would be beneficial to the citizens of Kokomo to amend certain standard procedures for the uniform enforcement of pawnbrokers and dealers within the City of Kokomo to enhance the ordinance effectiveness.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, as follows:

SECTION I

Section 115.02 B is amended as follows:

All goods or articles, except precious metals as defined in 24-4-19-6, received by any proprietor, manager or employee of any licensed pawnbroker, secondhand dealer, precious metals and stones dealer or valuable metal dealer shall be retained at the place of business of the licensed dealer, by the proprietor, manager or employee for a period of not less than 10 days after the transaction has
been electronically transmitted to the Kokomo Police Department before any such goods or articles, except precious metals, may be disposed of or sold. (‘75 Code, §14-133) (Am. Ord. 6584, passed 8-10-09) Penalty, see § 110.99.

SECTION II

Section 115.03 (B)(5) is amended to include an additional paragraph which reads as follows:

A clear photograph of each article or articles pledged that captures all characteristics of each individual piece including any serial numbers, names, numbers, letters, special features or other unique identifying marks must be taken and preserved electronically through a computer data system as stipulated by the Kokomo Police Department. Any item that contains a manufacturer’s serial number must be entered with the correct serial number. If law enforcement finds that an article has been entered incorrectly by the covered business, the store has twenty-four (24) hours to correct this mistake after notification by law enforcement and hold the item for an additional 10 days. This notification will be made in writing which writing includes email.

SECTION III

Section 115.03 (B)(8) is to include an additional section

Any stolen article located by law enforcement in a place of business operated by a pawnbroker, secondhand dealer, precious metals and stones dealer or valuable metals dealer is subject to confiscation by law enforcement. Law enforcement will provide a written receipt for any confiscated property.
SECTION IV

Section 115.09 Violation

Every pawnbroker, secondhand dealer, precious metals and stones dealer
and valuable metals dealer is subject to a fine up to $2500.00 for any violation of
this ordinance.

SECTION V

All other sections of '75 Code Section 14-135 Pawnbroker Ordinance and an Amended
Ordinance 6584 and any amendments thereto shall remain in full force and effect.

SECTION VI

The parts of ordinance in conflict with the provisions hereof are hereby repealed.

SECTION VI

This Ordinance shall be in full force and effect from and after it’s passage, signature by
the Members of the Common Council, and publication as provided by law.

Ordinance #_____

PASSED by the Common Council of the City of Kokomo, Indiana this ___ day of
___________, 2014.

AYE

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NAY

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PASSED by the Common Council of Kokomo, Indiana by a ______ vote of all members present and voting this ___ day of ____________ 2014.

ATTEST:

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GREG GOODNIGHT, MAYOR

BRENDA BRUNNEMER-Ott, City Clerk

Presented by me to the Mayor of Kokomo, Indiana, this ___ day of ____________, 2014 at the hour of ______________ o’clock P.M.

ATTEST:

BRENDA BRUNNEMER-Ott, City Clerk

This Ordinance approved and signed by me this ___ day of ____________, 2014 at the hour of ______________ o’clock P.M.

__________________

GREG GOODNIGHT, MAYOR
June 18, 2014

TO THE MEMBERS OF THE
HONORABLE KOKOMO COMMON COUNCIL

Re: 7 - Z - 14
C1 (Small to Medium Scale General Commercial) to
C2 (Medium to Large Scale General Commercial)
311 South 00 East West
Ordinance No. 6763

Dear Honorable Members:

Please be advised the Kokomo City Plan Commission, at their public hearing held Tuesday, June 10, 2014 considered and voted unanimously to forward a favorable recommendation of the above captioned case to the Kokomo Common Council.

Case 7 - Z - 14 is the petition of Christine McDonough requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from C1 (Small to Medium Scale General Commercial) to C2 (Medium to Large Scale General Commercial) for property described as Part of the Northeast Quarter of Section 24, Township 23 North, Range 3 East, Harrison Township, Howard County, Indiana, containing .92 acres, more or less, at 311 South 00 East West.

The Commission believes that said amendment promotes the health, safety, and general welfare of the community and would not adversely affect the values of the surrounding properties.

Respectfully submitted,

Mike Besser, President
Kokomo City Plan Commission

MB:dt
Certification
Ordinance No.: 6763
Case: 7 - Z - 14

STATE OF INDIANA )
CITY OF KOKOMO ) SS:
COUNTY OF HOWARD )

Greg Sheline, being first duly sworn upon his oath, according to law, disposes and says:

1) That he is duly elected, qualified, and acting Secretary of the Kokomo City Plan Commission, and,

2) That the above and foregoing is a true and exact copy of an amendment to the Kokomo City Ordinance No. 6279, as amended, and the same was considered by the Kokomo City Plan Commission at a public hearing held in the Neal Council Chamber in Kokomo City Hall at 7:00 p.m. on the 10th day of June, 2014, after due notice of such public hearing being published in the Kokomo Tribune and the Herald Newspaper at least ten (10) days prior to the date of the public hearing.

3) By a resolution adopted by the majority of its members at said public hearing, the Kokomo City Plan Commission gave a favorable recommendation to the passage of said amendatory ordinance by the Common Council of the City of Kokomo, Indiana.

DATED this __________ day of __________, 2014.

Greg Sheline, Secretary
Kokomo City Plan Commission

Subscribed and sworn to before me this __________ day of __________, 2014

Dianne Trobaugh
Notary Public
A resident of Howard County

My commission expires:

February 1, 2020

This instrument was prepared by Dianne Trobaugh, Secretary, City Plan Commission. I affirm, under the penalty for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. Dianne Trobaugh, Plan Commission Secretary.
AN ORDINANCE AMENDING ORDINANCE NO. 6279, AS AMENDED, NOW THEREFORE, BE IT ORDAINED
BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, that Ordinance No. 6279, as amended,
with all subsequent amendments be and is hereby amended as follows:

SECTION I. The following described tract of land shall be changed from C1 (Small to Medium Scale
General Commercial) to C2 (Medium to Large Scale General Commercial) for property
described: Part of the Northeast Quarter of Section 24, Township 23 North, Range 3 East,
described as follows: to-wit: Beginning 253.5 feet South of the Northeast corner of Section 24,
Township 23 North, Range 3 East and running thence West, parallel to the North line of said
Section 24, 20 Rods, thence South 16 rods to the East line of said Section 24, thence North on
the East line of said Section, 16 rods to the place of beginning, containing 2 acres more or less,
EXCEPT: Beginning 253.5 feet South of the Northeast corner of Section 24, Township 23
North, Range 3 East, and running thence West, Parallel to the North line of said Section 24, 20
rods, thence South 8 Rods, thence East 20 Rods, to the East line of said Section 24, thence North
on the East line of said Section, 8 rods to the place of beginning, containing 92 acres, more or
less, Harrison Township, Howard County, Indiana, at 311 South 00 East West.

SECTION II. The above changes shall be duly entered on the filed copies of the zone map, which is a part of
Kokomo Zoning Ordinance No. 6279.

SECTION III. This Ordinance shall be in full force and effect from and after its passage, signature by the Mayor,
and publication as provided by law.

PASSED by the Kokomo Common Council this _____day of ________________, 2014.

Attest:

______________________________
Brenda Ott, City Clerk

PRESENTED by me to the Mayor this _____day of ________________, 2014.

______________________________
Brenda Ott, City Clerk

APPROVED by me this _____day of ________________, 2014.

Attest:

______________________________
Greg Goodnight, Mayor
City of Kokomo, Indiana
This instrument was prepared by Dianne Trobaugh, City Plan Commission Secretary.
I affirm, under the penalty for perjury, that I have taken reasonable care to redact each social security number in this document, unless, required by law.  Dianne Trobaugh, Plan Commission Secretary