The Common Council of the City of Kokomo, Indiana met Monday February 25th, 2019 at 6:00 P.M. in the City Hall Council Chambers.

The meeting was called to order by President Hayes.

President Hayes states, those who wish to stand may stand, or you may remain seated.

Invocation was offered by Pastor Tim Tranbarger from Stars of Light Chapel.

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

Absent: None

The minutes of the Public Hearing & Council Meeting Minutes February 11th, 2019 were declared approved as presented.

COMMUNICATIONS: President Hayes states, we need to set a Public Hearing on Ordinance #6928, and Ordinance #6929 for March 11th, 2019 at 6:00 P.M. in the Council Chambers.

At this time I would like to take a moment to recognize one of our own Councilman Andy Castner has passed away. He will be missed. His imprint on the City Council exist to this day. He was a man of integrity, statesman, and he vigorously worked for this City. He will be missed by us, and surely missed by his family, and all of his friends.
Cont. Communications.
President Hayes states, there were rough times back in the late Sixties. There were riots in Kokomo. I can remember Andy Castner was that well respected walked into a room of a meeting at the Carver Center. There were people really mad about what was going on; and Andy asked for peace; asked everybody to stop take a deep breath. I think he saved some lifes, and he showed the true merit of this man. Andy is a good guy, and whether you liked him or not you had to respect him.

Kevin Summers 319 Laramie Lane Kokomo, Ind. states, in addition to being a Councilman, Andy Castner was our Chief of Police for the Kokomo Police Department; and served us as Councilman Hayes had stated many years on the street; and ended up being our Chief, and then retiring. I would like to recognize his service with the Kokomo Police Department also. Thank you.

President Hayes states, he will be missed, and he lives in this room. His presence is here.

Councilman Wyant states, he was a great man. We have been friends for about 30 years, and I am sure going to miss him. He taught me a lot, and I taught him how to play golf.

There were no committee reports given at this regular meeting.

ORDINANCE 6928: AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE CITY OF KOKOMO, INDIANA
First reading
Ordinance 6928 was read by the Clerk by title only. Councilman Wyant moved for passage on ordinance #6928 on first reading; seconded by Councilman Cameron.
Cont. Ordinance #6928.
Councilman Wyant states, Hawks Corporate Properties LLC petitions the Common Council of the City of Kokomo; to vacate the right-of-way, and in support of the Petition shows the Council as follows: All that part of Buckeye Street in the James D.K. Kennedy Addition in Kokomo; and this is the 1300 Block of North Buckeye Street. Buckeye Street is coming South, and it hits Tate Street, and that is the 1400 Block. They want to vacate 170 feet to the South to the railroad tracks, and its 20 feet wide. There has been a lot of unlawful dumping in there. Patrick Lee owns all of that property; so he wants to go in there, and removed all the trees, clean it up, and put grass in there, and make it look nice. I am all in favor of cleaning up the North end, for the City.
Vote for passage follows:
Aye: All
Nay: None
The vote was 9 to 0 for passage on first reading.

ORDINANCE 6929:
AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE CITY OF KOKOMO, INDIANA
First reading
Ordinance 6929 was read by the Clerk by title only. Councilman Haworth moved for passage on ordinance #6929 on first reading; seconded by Councilman Kennedy.
Councilman Haworth states, this is a Right-of-way Vacation for a portion of Ricketts St. This action will allow for the creation of fourteen parking spaces for the Trailside Townhomes Project.
Vote for passage follows:
Aye: Wyant, Cameron, Young, Kennedy, Hayes, Whikehart, Sanders, Miklik
Nay: Haworth
The vote was 8 to 1 for passage on first reading.
ORDINANCE 6930:  Rezoning: R3 to NC
Location:  1424 South Plate Street
Petitioner:  Karen Oliver
First reading

Ordinance 6930 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules, and pass ordinance #6930 on first, and second reading, seconded by Councilman Wyant. 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 #6930 on second reading; seconded by Councilman Wyant. Councilwoman Young states, the petitioner Karen Oliver is requesting a zone classification from R3 (Medium Density Residential) to NC (Neighborhood Commercial) for property located at 1424 South Plate Street. The plan is to be used for a Beauty Shop.

Councilwoman Sanders states, no remonstrators.

Councilwoman Young states, none.

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

President Hayes states, this marks the end of this Council Meeting, and our next Council Meeting will be March 11th, 2019 with an Informational Meeting at 5:30 P.M. Public Hearings at 6:00 P.M. in the Council Chambers; and Council Meeting immediately following.
Adjourned at 6:10 P.M.

___________________________
Presiding Officer

ATTEST:

___________________________
City Clerk
March 7th, 2019

TO: Council Members, Council Attorney, Controller, News Media

From: Brenda Ott, City Clerk

The following is the scheduling of all Council Meetings for March 11th, 2019.

Informational Meeting: 5:30 P.M.
Public Hearings: 6:00 P.M.
Council Meeting: Immediately following:

Thank you,
Brenda Ott
City Clerk
PUBLIC HEARING AGENDA

MARCH 11, 2019

CALL TO ORDER:

ROLL CALL:

ORDINANCE 6928: AN ORDINANCE VACATING RIGHT-OF-WAY
LOCATED IN THE CITY OF KOKOMO, INDIANA

ORDINANCE 6929: AN ORDINANCE VACATING RIGHT-OF-WAY
LOCATED IN THE CITY OF KOKOMO, INDIANA
AGENDA
KOKOMO COMMON COUNCIL
CITY OF KOKOMO, INDIANA
PUBLIC INFORMATIONAL MEETING AT 5:30 P.M.
IN THE LOUKS CONFERENCE ROOM LOCATED ON THE
FIRST FLOOR. PUBLIC HEARINGS AT 6:00 P.M. IN THE
COUNCIL CHAMBERS. COUNCIL MEETING IMMEDIATELY
FOLLOWING. MARCH 11th, 2019
COUNCIL CHAMBERS CITY HALL 100 SOUTH UNION STREET

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES: Council Meeting Minutes February
25th, 2019

COMMUNICATIONS:

COMMITTEE REPORTS:

ORDINANCE 6928: AN ORDINANCE VACATING RIGHT-
Wyant OF-WAY LOCATED IN THE CITY OF
Of-WAY LOCATED IN THE CITY OF
KOKOMO, INDIANA
KOKOMO, INDIANA
Second reading

ORDINANCE 6929: AN ORDINANCE VACATING RIGHT-
Haworth OF-WAY LOCATED IN THE CITY OF
OF-WAY LOCATED IN THE CITY OF
KOKOMO, INDIANA
KOKOMO, INDIANA
Second reading
To: Common Council
From: Controller's Office
Date: 3/11/2019
Subject: Cancellation of 2 years old checks

Please approve the cancellation of the following checks that were written in the calendar year of 2016 and still outstanding as of 3/11/2019.

<table>
<thead>
<tr>
<th>Check Num #</th>
<th>Vendor #</th>
<th>Vendor Name</th>
<th>Check Date</th>
<th>Check Amount</th>
</tr>
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<tr>
<td>2076829</td>
<td>2093</td>
<td>NATIONAL WILDLIFE FEDERATION</td>
<td>3/24/2016</td>
<td>$19.95</td>
</tr>
<tr>
<td>2082039</td>
<td>702</td>
<td>IN ASSOC. OF BUILDING OFFICIAL</td>
<td>9/23/2016</td>
<td>$50.00</td>
</tr>
<tr>
<td>2082635</td>
<td>4350</td>
<td>FOUNTAIN LIFE WORSHIP CENTER</td>
<td>10/14/2016</td>
<td>$100.00</td>
</tr>
<tr>
<td>2083059</td>
<td>88888</td>
<td>DEAN REBECCA</td>
<td>10/28/2016</td>
<td>$8.98</td>
</tr>
<tr>
<td>2083821</td>
<td>59</td>
<td>AFLAC</td>
<td>11/30/2016</td>
<td>$506.68</td>
</tr>
</tbody>
</table>

$685.61
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO
ORDINANCE NO. 6928

NOTICE OF HEARING ON PETITION FOR VACATION OF RIGHT-OF-WAY

Please take notice that pursuant to I.C. 36-7-3-12, Hawks Corporate Properties, LLC, has filed with the Common Council of the City of Kokomo, a petition for the vacation of a right-of-way described as follows:

**Street Address or Common Description:**
West side of 1311 N. Ann St.

**Legal description:**
All that part of Buckeye Street in the James D. K. Kennedy Addition to Kokomo, as recorded in Recorder’s Plat Book 2 Page 166 that lies adjacent to the West side of Lots 34 through 37 in said Addition, and South of Tate Street (formerly Winchester Street) as recorded in Recorder’s Plat Book 3 Page 82.

The Common Council of the City of Kokomo has set a hearing on this petition for the 11th day of March 2019, at 6:00 pm in the Ralph Neal Council Chambers, City Hall, 100 South Union Street, Kokomo, Indiana. At this time, the Council will hear any person who is interested or affected by this proposed petition or anyone submitting a remonstrance against said petition.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA
Robert L. Hayes Sr., President
Brenda Ott, Clerk
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO
ORDINANCE NO.6928

PETITION FOR VACATION

Hawks Corporate Properties LLC petitions the Common Council of the City of Kokomo for the vacation of a right-of-way and in support of the Petition shows the Council as follows:

1. Petitioner proposes to vacate:

All that part of Buckeye Street in the James D. K. Kennedy Addition to Kokomo, as recorded in Recorder’s Plat Book 2 Page 166 that lies adjacent to the West side of Lots 34 through 37 in said Addition, and South of Tate Street (formerly Winchester Street) as recorded in Recorder’s Plat Book 3 Page 82.

2. The right-of-way when vacated will be attached to the petitioners adjoining real estate.

3. The names and addresses of the owners of real estate abutting or near the said public way are as follows:

Bowen, Bryan Keith & Bryan Keith II & Susan Rene & Bradley Kyle 2623 E 00 NS Kokomo IN 46901
Harrison, William G 5203 Mohawk Dr Kokomo IN 46902
Black and Gold 6 LLC 9068 E 400 N Greentown IN 46936

4. The utility companies that may be affected include the following:
   - NIPSCO; 2000 Home Avenue, Kokomo, IN 46901
   - Indiana American Water Company, Inc.; 1700 East Superior Street; P.O. Box 740; Kokomo IN 46903-0740
   - Comcast; 1002 East Center Road; Kokomo, IN 46902
   - Duke Energy Corp.; 1619 W Deffenbaugh St.; Kokomo IN 46902
   - AT&T Indiana; Right-Of-Way Dept.; 302 W Washington Street, Floor 1; Lebanon, IN 46052

5. Vacating the above right-of-way is appropriate for the following reasons:
   - A. Petitioner owns an interest in real estate adjoining the right-of-way to be vacated.
   - B. Vacating the right-of-way will not hinder or interfere with the public's access to any of the adjoining real estate.
   - C. The proposed vacation of the right-of-way will not hinder the growth or development of the neighborhood, but will allow the petitioner to redevelop and grow within the neighborhood.
   - D. Vacating the right-of-way will facilitate the development of all of the real estate in the affected block.

Wherefore Petitioner requests:

1. A hearing on this petition be set within thirty (30) days after it is received by the Council.
2. The Clerk of the Council to publish notice of the hearing on this petition as required by I.C. 36-7-3-12 (c) in the manner prescribed in I.C. 5-3-1 in the form and content as attached as Exhibit A hereto.
3. After such notice and hearing, the Council approves the proposed ordinance attached to this petition vesting the entire vacated right-of-way to the adjoining property owners as set forth above.

Dated this 25th day of February, 2019.  City of Kokomo, By: Beth Copeland, Corporation Counsel
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO
ORDINANCE NO. 6928

AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE CITY OF KOKOMO, INDIANA

WHEREAS, Hawks Corporate Properties LLC has petitioned this body to vacate a portion of a certain right-of-way located in the City of Kokomo, more particularly described hereafter, and

WHEREAS, this Council conducted a public hearing on the 03-11-2019, at 6:00 p.m., pursuant to the provisions of I.C 36-7-3-12(c) following presentation of proof of publication pursuant to I.C 5-3-1; and

WHEREAS, notice of the proposed vacation was served on all necessary parties; and

WHEREAS, the vacation of the right-of-way would not limit access to any real estate or hinder the growth or development of the neighborhood in which it is located; and

WHEREAS, City sewers are maintained in the right-of-way, and per statute an easement is maintained over said utility line; and

WHEREAS, the Common Council of the City of Kokomo deems it appropriate and necessary to vacate said right-of-way as it no longer serves any public purpose.

NOW, THEREFORE, be it ordained by the Common Council of the City of Kokomo, Indiana, that:

SECTION I

It is hereby found that the portion of right-of-way hereafter described should be vacated. Said right-of-way is not currently used for access to any real estate and will not hinder the public's access to a church, school, or other public building or place, or make access to any real estate by the public difficult or inconvenient. It is determined that such proposed vacation of the right-of-way complies with the purposes and provisions of I.C. 36-7-3-12 through I.C. 36-7-3-16.

SECTION II

It is hereby found that proper notice was given in accordance with I.C. 36-7-3-12(c) and I.C. 5-3-1.

SECTION III

It is hereby found that the following described right-of-way located in the City of Kokomo, Indiana, should be, and it is hereby vacated:
Legal description:
All that part of Buckeye Street in the James D. K. Kennedy Addition to Kokomo, as recorded in Recorder’s Plat Book 2 Page 166 that lies adjacent to the West side of Lots 34 through 37 in said Addition, and South of Tate Street (formerly Winchester Street) as recorded in Recorder’s Plat Book 3 Page 82.

The right-of-way when vacated will be attached to the adjoining real estate.

SECTION IV
The City Clerk of the City of Kokomo, Indiana is instructed to furnish a copy of this vacation Ordinance to the Howard County Recorder for recording and to the Howard County Auditor.

SECTION V
This Ordinance shall be in full force and effect from and after its passage by this Council and its approval and signing by the Mayor of the City of Kokomo.

PASSED AND ADOPTED THIS 11th day of March, 2019.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

By ____________________________________________
ROBERT L. HAYES SR., PRESIDENT

ATTEST:
_________________________
Clerk: Brenda Ott

Presented by the Clerk of the Common Council of the City of Kokomo to the Mayor of the City of Kokomo, Indiana on this 11th day of March, 2019 at Kokomo, Indiana, for approval by his signature below.

By ____________________________________________
GREG GOODNIGHT

Mayor of the City of Kokomo, Indiana

ATTEST:
_________________________
Clerk: Brenda Ott

This instrument prepared by: Beth Copeland, Corporation Counsel
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Beth Copeland
Ornament 6928
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO
ORDINANCE NO.6929

NOTICE OF HEARING ON PETITION FOR VACATION OF RIGHT-OF-WAY

Please take notice that pursuant to I.C. 36-7-3-12, Kokomo Community Development Corporation, has filed with the Common Council of the City of Kokomo, a petition for the vacation of a right-of-way described as follows:

**Street Address or Common Description:**
South side of 610 E Ricketts St

**Legal description:**
A part of Ricketts Street in the Superior Addition to Kokomo, as recorded in Recorder’s Plat Book 3 Page 91 that lies adjacent to the South side of Lot 58 in said Addition, more particularly described as follows:

Beginning at the southwest corner of said Lot 58; thence South 20 feet; thence East parallel with the South line of said Lot 58, 142 feet; thence South 10 feet; thence East 38; thence North 33° East 22.46 feet to a point on the East line of said Superior Addition and the west Right-of-way of the Railroad; thence North 21° 52’ 55” West 12.03 feet to the southeast corner of said Lot 58; thence West 187.75 feet along the south line of said Lot 58 to the place of beginning.

The Common Council of the City of Kokomo has set a hearing on this petition for the 11th day of March 2019, at 6:00 pm in the Ralph Neal Council Chambers, City Hall, 100 South Union Street, Kokomo, Indiana. At this time, the Council will hear any person who is interested or affected by this proposed petition or anyone submitting a remonstrance against said petition.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA
Robert L. Hayes Sr., President
Brenda Ott, Clerk
PETITION FOR VACATION

Kokomo Community Development Corporation petitions the Common Council of the City of Kokomo for the vacation of a right-of-way and in support of the Petition shows the Council as follows:

1. Petitioner proposes to vacate:

A part of Ricketts Street in the Superior Addition to Kokomo, as recorded in Recorder’s Plat Book 3 Page 91 that lies adjacent to the South side of Lot 58 in said Addition, more particularly described as follows:

Beginning at the southwest corner of said Lot 58; thence South 20 feet; thence East parallel with the South line of said Lot 58, 142 feet; thence South 10 feet; thence East 38; thence North 33° East 22.46 feet to a point on the East line of said Superior Addition and the west Right-of-way of the Railroad; thence North 21° 52’ 55” West 12.03 feet to the southeast corner of said Lot 58; thence West 187.75 feet along the south line of said Lot 58 to the place of beginning.

2. The right-of-way when vacated will be attached to the petitioner's adjoining real estate.

3. The names and addresses of the owners of real estate abutting or near the said public way are as follows:

   Brown, Kimber L  1820 S Purdum St  Kokomo IN 46902

4. The utility companies that may be affected include the following:

   NIPSCO; 2000 Home Avenue, Kokomo, IN 46901
   Indiana American Water Company, Inc.; 1700 East Superior Street; P.O. Box 740; Kokomo IN 46903-0740
   Comcast; 1002 East Center Road; Kokomo, IN 46902
   Duke Energy Corp.; 1619 W Deffenbaugh St.; Kokomo IN 46902
   AT&T Indiana; Right-Of-Way Dept.; 302 W Washington Street, Floor 1; Lebanon, IN 46052

5. Vacating the above right-of-way is appropriate for the following reasons:

   A. Petitioner owns an interest in real estate adjoining the right-of-way to be vacated.
   B. Vacating the right-of-way will not hinder or interfere with the public's access to any of the adjoining real estate.
   C. The proposed vacation of the right-of-way will not hinder the growth or development of the neighborhood, but will allow the petitioner to redevelop and grow within the neighborhood.
   D. Vacating the right-of-way will facilitate the development of all of the real estate in the affected block.

Wherefore Petitioner requests:

1. A hearing on this petition be set within thirty (30) days after it is received by the Council.
2. The Clerk of the Council to publish notice of the hearing on this petition as required by I.C. 36-7-3-12 (c) in the manner prescribed in I.C. 5-3-1 in the form and content as attached as Exhibit A hereto.
3. After such notice and hearing, the Council approves the proposed ordinance attached to this petition vesting the entire vacated right-of-way to the adjoining property owners as set forth above.

Dated this 25th day of February, 2019. City of Kokomo, By: Beth Copeland, Corporation Counsel
BEFORE THE COMMON COUNCIL OF THE CITY OF KOKOMO
ORDINANCE NO. 6929

AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE CITY OF
KOKOMO, INDIANA

WHEREAS, Kokomo Community Development Corporation has petitioned this body to vacate a portion of a certain
right-of-way located in the City of Kokomo, more particularly described hereafter, and
WHEREAS, this Council conducted a public hearing on the 03-11-2019, at 6:00 p.m., pursuant to the provisions of I.C
36-7-3-12(c) following presentation of proof of publication pursuant to I.C 5-3-1; and
WHEREAS, notice of the proposed vacation was served on all necessary parties; and
WHEREAS, the vacation of the right-of-way would not limit access to any real estate or hinder the growth or development
of the neighborhood in which it is located; and
WHEREAS, City sewers are maintained in the right-of-way, and per statute an easement is maintained over said utility
line; and
WHEREAS, the Common Council of the City of Kokomo deems it appropriate and necessary to vacate said right-of-way
as it no longer serves any public purpose.
NOW, THEREFORE, be it ordained by the Common Council of the City of Kokomo, Indiana, that:

SECTION I

It is hereby found that the portion of right-of-way hereafter described should be vacated. Said right-of-way is not currently
used for access to any real estate and will not hinder the public's access to a church, school, or other public building or place, or make
access to any real estate by the public difficult or inconvenient. It is determined that such proposed vacation of the right-of-way
complies with the purposes and provisions of I.C. 36-7-3-12 through I.C. 36-7-3-16.

SECTION II

It is hereby found that proper notice was given in accordance with I.C. 36-7-3-12(c) and I.C. 5-3-1.

SECTION III

It is hereby found that the following described right-of-way located in the City of Kokomo, Indiana, should be, and it is
hereby vacated:
Legal description:

A part of Ricketts Street in the Superior Addition to Kokomo, as recorded in Recorder’s Plat Book 3 Page 91 that lies adjacent to the South side of Lot 58 in said Addition, more particularly described as follows:

Beginning at the southwest corner of said Lot 58; thence South 20 feet; thence East parallel with the South line of said Lot 58, 142 feet; thence South 10 feet; thence East 38; thence North 33° East 22.46 feet to a point on the East line of said Superior Addition and the west Right-of-way of the Railroad; thence North 21° 52’ 55” West 12.03 feet to the southeast corner of said Lot 58; thence West 187.75 feet along the south line of said Lot 58 to the place of beginning.
The right-of-way when vacated will be attached to the adjoining real estate.

SECTION IV

The City Clerk of the City of Kokomo, Indiana is instructed to furnish a copy of this vacation Ordinance to the Howard County Recorder for recording and to the Howard County Auditor.

SECTION V

This Ordinance shall be in full force and effect from and after its passage by this Council and its approval and signing by the Mayor of the City of Kokomo.

PASSED AND ADOPTED THIS 11th day of March, 2019.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

By _____________________________________________

ROBERT L. HAYES SR., PRESIDENT

ATTEST:

____________________________
CLERK: BRENDA OTT

Presented by the Clerk of the Common Council of the City of Kokomo to the Mayor of the City of Kokomo, Indiana on this 11th day of March, 2019 at Kokomo, Indiana, for approval by his signature below.

By _____________________________________________

GREG GOODNIGHT

Mayor of the City of Kokomo, Indiana

ATTEST:

____________________________
CLERK: BRENDA OTT

This instrument prepared by: Beth Copeland, Corporation Counsel
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Beth Copeland