The Common Council of the City of Kokomo, Indiana met Monday November 18th, 2019 at 6:00 P.M. in the Council Chambers for the purpose of a Public Hearing on Ordinance #6945.

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

Absent: Cameron

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

The Common Council of the City of Kokomo, Indiana met Monday November 18th, 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 Evelyn Oglesby from Great Faith Christian Church, remember Bob Cameron’s son-in-law in prayer.

Pledge:
Present: Wyant, Young, Haworth, Kennedy, Hayes, Johnson Sanders, Miklik

Absent: Cameron

The minutes of the Council Meeting October 28th, 2019 were declared approved as presented.

COMMUNICATIONS: President Hayes states, we need to set a Public Hearing for Resolution #2738 (Downtown Parking Garage) for November 25th, 2019 at 6:00 P.M. in the Council Chambers.

Councilwoman Sanders states, I want to give a shout-out to the City. They have completed the West Lincoln Road project. It looks really good.

President Hayes states, we all agree with those compliments. Deputy Mayor if you can, make sure those get to the right people.

There were no committee reports given at this regular meeting.

ORDINANCE 6945:ORDINANCE OF KOKOMO COMMON COUNCIL
APPROPRIATING UNOBLIATED LOCAL INCOME TAX REVENUES ON DEPOSIT IN THE GENERAL FUND FOR CONSTRUCTION OF KOKOMO CONFERENCE CENTER AND STREET RESURFACING
Second reading
Ordinance 6945 was read by the Clerk by title only.
Cont. Ordinance #6945.
Councilman Kennedy moved for passage on ordinance #6945 on second reading; seconded by Councilman Wyant.
Councilman Kennedy states, this is the same-thing we just had the Public Hearing on. The total draw from the Local Income Tax Revenues is $1.8 Million; at which $1.4 Million will be used for the Conference Center, and $400,000 will be used for Street Resurfacing. I would urge Council to pass this on second reading.

Councilman Wyant states, we want to make sure that everybody knows that Tyler Moore does know about this.

President Hayes states, for those that were not in the Informational Meeting this was discussed, and stated that the Mayor Elect has been brought up to speed on all the Bond Issues that are on our agenda tonight. He concurs with us moving them forward.

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

ORDINANCE 6946:
ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF KOKOMO, INDIANA ECONOMIC DEVELOPMENT REVENUE BONDS, AND THE LENDING OF THE PROCEEDS THEREOF TO HENKE DEVELOPMENT GROUP, LLC AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO
First reading
Cont. Ordinance #6946.
Ordinance 6946 was read by the Clerk by title only. Councilman Kennedy moved for passage on ordinance #6946; seconded by Councilman Haworth. Councilman Kennedy states, this is an ordinance that will allow the City not to exceed $2 Million Dollars in Bonds; which will allow the Henke Group to do the continuation of starting their project on the Darrough Chapel Sport Park.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first reading.

ORDINANCE 6947:
“Ordinance Authorizing the City of Kokomo, Indiana to issue its “Taxable Economic Development Revenue Bonds, Series 2019 (Macy Apartments Project)” and Approving and Authorizing Other Actions in Respect Thereto”
First reading
Ordinance 6947 was read by the Clerk by title only. Councilman Kennedy moved for passage on ordinance #6947 on first reading; seconded by Councilman Wyant.
Councilman Kennedy states, this ordinance will allow the City to take out Bonds, and not to exceed $2 Million Dollars. Basically the same type of project that we just talked about. This will allow the developer to re-development the old YMCA property; which is now called (Macy’s Apartments). I would urge Council to pass this on first reading.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first reading.
ORDINANCE 6948:  Rezoning: C1 to C2  
Location: 305 S. 00 EW  
Petitioner: AZ Gas & Food Inc./Malik Zia  
First reading  
Ordinance 6948 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules, and pass ordinance #6948 on first and second reading; seconded by Councilman Wyant.  
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 #6948 on second reading; seconded by Councilman Wyant.  
Councilwoman Young states, Malik Zia from AZ Gas & Food Inc. is requesting a change in zone classification from C1 (Small to Medium Scale General Commercial) to C2 (Medium to Large Scale General Commercial). This property is located at 305 S. 00 EW at the intersection of Center Road on 931. This will revamp a long-time closed gas station to a Gas Station, and a Convenient Store on this lot. There were no remonstrators at the Plan Commission Meeting.  
Vote for passage follows:  
Aye: All  
Nay: None  
The vote was 8 to 0 for passage on first and second reading.  

ORDINANCE 6949:  Rezoning: AG to C2  
Location: 2280 W 300 S  
Petitioner: JRG Group LLC.  
First reading  
Ordinance 6949 was read by the Clerk by title only. Councilwoman Young moved for suspension of the rules and pass ordinance #6949 on first and second reading; seconded by Councilwoman Sanders.
Cont. Ordinance #6949.
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 #6949 on second reading; seconded by Councilman Wyant.
Councilwoman Young states, the petitioner is Mr. Beck. JRG is requesting a change in zone classification from AG (Agricultural) to C2 (Medium to Large Scale General Commercial) and its for property located at 2280 W. 300 S. this is in-order to continue an Excavation Business on the lot. The Excavation Business has been there for quite some-time. The rezoning was done back in 2006. He wants this to be changed because he wants to get into compliance. We did have some remonstrators that was concerned with the noise; but after it was discussed they did come to an understanding. I would ask the Council to support this.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first and second reading.

ORDINANCE 6953: AN ORDINANCE AMENDING TITLE XII, CHAPTER 78, OF THE KOKOMO CITY CODE (1982) ENTITLED “PEDESTRIAN WAYS”
First reading
Ordinance 6953 was read by the Clerk by title only. Councilman Miklik moved for passage on ordinance #6953 on first reading; seconded by Councilwoman Sanders.
Cont. Ordinance #6953.
Councilman Miklik states, this Council is to amend Schedule 12
Chapter 78 of the City of Indiana Code entitled “Pedestrian Ways”. It
shall be amended by adding the following to “Pedestrian Ways”. The
type of road-way added will be an alley. The description is East-West
alley between Jefferson St., and Jackson St. running West 130 feet
from Buckeye St. to its intersection with the North to South alley. I
move that we adopt this amendment to the “Pedestrian Ways”
ordinance already.
Vote for passage follows:
Aye: All
Nay: None
The vote was 8 to 0 for passage on first reading.

President Hayes states, this marks the end of this Council Meeting.
Our next Council Meeting will be November 25th, 2019; with and
Informational Meeting at 5:30 P.M. in the Louks Room. Public
Hearing at 6:00 P.M. in the Council Chambers. Council Meeting
immediately following.

ADJOURNED AT 6:15 P.M.

ATTEST: ________________________
       PRESIDENT

______________________________
CITY CLERK
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 HEARING AT 6:00 P.M. IN THE
COUNCIL CHAMBERS. COUNCIL MEETING IMMEDIATELY
FOLLOWING. NOVEMBER 25TH, 2019
COUNCIL CHAMBERS CITY HALL 100 SOUTH UNION STREET

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES: Public Hearing & Council Meeting
Minutes November 18th, 2019

COMMUNICATIONS:

COMMITTEE REPORTS:

ORDINANCE 6946: ORDINANCE AUTHORIZING THE
Miklik ISSUANCE OF THE CITY OF
KOKOMO, INDIANA ECONOMIC
DEVELOPMENT REVENUE BONDS,
AND THE LENDING OF THE
PROCEEDS THEREOF TO HENKE
DEVELOPMENT GROUP, LLC AND
AUTHORIZING AND APPROVING
OTHER ACTIONS IN RESPECT
THERETO
Second reading
Cont. agenda

ORDINANCE 6947:  ORDINANCE AUTHORIZING THE CITY OF KOKOMO, INDIANA TO ISSUE ITS “TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2019 (MACY APARTMENTS PROJECT)” AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO
Second reading

ORDINANCE 6950:  Rezoning: IS to DC
Young
Location: 200 N. Union Street
Petitioner: Kokomo Community Development
First reading

ORDINANCE 6951:  Rezoning: C1 to M1
Young
Location: 416 W. Sycamore Street
Petitioner: 1111 Enterprise, LLC
First reading

ORDINANCE 6952:  Rezoning: MI to M1
Young
Location: 120 W. Monroe Street
Petitioner: Bold Builders, LLC
First reading

ORDINANCE 6953:  AN ORDINANCE AMENDING TITLE XII. CHAPTER 78, OF THE KOKOMO CITY CODE (1982) ENTITLED “PEDESTRIAN WAYS”
Miklik
Second reading
## Cont. agenda

| RESOLUTION 2737: | A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, APPROVING THE ISSUANCE OF CERTAIN CITY OF KOKOMO REDEVELOPMENT DISTRICT TAXABLE TAX INCREMENT REVENUE BONDS AND OTHER RELATED MATTERS |
| Miklik | |

| RESOLUTION 2738: | Resolution of the Common Council of the City of Kokomo, Indiana, Regarding Acceptance of a Bid of A Developer for the Downtown Parking Garage Project |
| Miklik | |
November 21st, 2019

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

From: Brenda Ott, City Clerk

The following is the scheduling of all Council Meetings for November 25th, 2019.

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

Thank you,

Brenda Ott
City Clerk
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.

 Township: Howard County, Indiana; at 200 N Union St.

 East Addition, containing 0.5 acres; more or less, in the City of Kokomo, Center
 Downtown Commercial (for property described as Lot Number 50 (50) in David Foster's
 Common Council for a change in zone classification from IS (Institutional Uses) to DC.

 The Kokomo City Plan Commission is recommending the Kokomo City Plan Commission petition and recommendation to the Kokomo City Council for a change in zone classification from IS (Institutional Uses) to DC.

 Case 11-Z-19 is the petition of Kokomo Community Development Corporation.

 Council

 Resolved: Reconsideration of the above captioned case to the Kokomo Commons Council.

 Please be advised the Kokomo City Plan Commission at their public hearing.

 Dear Honorable Members:

 Ordinance No. 9560

 200 N Union St.

 IS (Institutional Uses) to DC (Downtown Commercial)

 Re: 11-Z-19

 HONORABLE KOOKOMO COMMON COUNCIL

 TO THE MEMBERS OF THE

 PLAN COMMISSION

 Kokomo

 Howard County Government Offices - Suite 114

 P.O. Box 2333, Fax 765-457-2040
 765-452-2040

 November 15, 2019
February 1, 2020

Wy commission expires:

A resident of Howard County
Noray Public Dennis Thurgood

Kokomo City Plan Commission
Chairman, Secretary

DATED this ____________ day of November, 2019.

Subscribed and sworn to before me this 18 day of November, 2019.

Kokomo City Plan Commission
Chairman, Secretary

amendment ordinance by the Commissioner of the City of Kokomo, Indiana.
Kokomo City Plan Commission gave a favorable recommendation to the passage of said
3) By a resolution adopted by the majority of its members at said public hearing, the
public hearing
being published in the Kokomo Tribune Newspaper at least ten (10) days prior to the date of the
November 12th day of November, 2019, after the notice of such public hearing
Kokomo City Plan Commission at a public hearing held in the Room Council Chamber in Kokomo City
Commission, and
2) The above and foregoing is true and exact copy of an amendment to the
Commission.

(1) That the above and foregoing is true and exact copy of an amendment to the Kokomo City Plan
Commission, being first duly sworn upon his oath, according to law, dispenses and says:

COUNTY OF HOWARD
CITY OF KOKOMO
STATE OF INDIANA

Case: 11-Z-19
Ordinance No.: 6950
Commission
This ordinance was prepared by Jesse C. Salmon, City Plan Commission Secretary.

Brenda O'Neal, City Clerk
Chief of Planning Officer

APPROVED by me this day of 
2019.

Brenda O'Neal, City Clerk

RESOLVED by me, the Mayor, this day of 
2019.

Robert L. Hayes, Sr., President,
Kokomo Common Council

PASSED by the Kokomo Common Council this day of 
2019.

This ordinance shall be in full force and effect from and after its passage, signed by the Mayor,

Kokomo Zoning Ordinance No. 6279.

The above changes shall be duly entered on the overhead map of the zone map, which is a part of

Kokomo Community Development

AN ORDINANCE AMENDING ORDINANCE NO. 6279, AS AMENDED, NOW THEREFORE, BE IT ORDIANED

Case: 11-Z-19
Ordinance No: 6950
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.

Case 12-Z-19 is the petition of 1117 Enterprises, LLC, requesting the Kokomo City Plan Commission to consider the aboveapplicant case to the Kokomo Common Council.

Dear Honorable Members:

416 W. Sycamore St., Kokomo, IN 46904

Re: 12-Z-19

TO THE MEMBERS OF THE HOWARD COUNTY COMMON COUNCIL

November 18, 2019

Please be advised the Kokomo City Plan Commission, at their public hearing held Tuesday, November 12, 2019 considered and voted unanimously to forward a rezoning recommendation of the above applicant case to the Kokomo Common Council.
number in this document unless required by law.

Under the penalty for perjury, I have sworn to the best of my knowledge, after due consideration, to the accuracy of the

This instrument was presented by Jessica Caldwell, Secretary, City Plan Commission. I affix

February 1, 2020

My commission expires:


A resident of Howard County


Dated this 18th day of November, 2019.

Kokomo City Plan Commission


Commissioner, Secretary


(1) That the above and foregoing is true and correct copy of an instrument to the

(2) That the above and foregoing is true and correct copy of an instrument to the

(3) By a resolution adopted by the majority of its members at said public hearing, the

Advisory Ordinance by the Common Council of the City of Kokomo, Indiana.

Kokomo City Plan Commission gave a favorable recommendation to the passage of said

Public Hearing being published in the Kokomo Tribune Newspaper, at least ten (10) days prior to the date of the

Heal at 7:00 p.m. on the 1st day of November, 2019, after the notice of such public hearing. Kokomo City Plan Commission was held in the regular Council Chamber in Kokomo City

Kokomo City Ordinance No. 27,974 was amended and the same was considered by the Kokomo City Plan Commission and the above and foregoing is true and correct copy of an instrument to the

(4) That the above and foregoing is true and correct copy of an instrument to the

Case: 12-Z-19

County of Howard

City of Kokomo

State of Indiana

Ordinance No. 69

Commission
In this document, unless required by law, "Jesseca Caledon, City Commission Secretary"
I attorn, under the penalty for perjury, that I have taken reasonable care to record each social security number
This instrument was prepared by Jesseca Caledon, City Commission Secretary.

Branden L. Ceder
City of Kokomo, Indiana

Chief Coordinator, Mayor

Apt: ____________________________

Approved by me this day of __________, 2019.

Branden L. Ceder
City of Kokomo, Mayor

______________________________
Presested by me in the Mayor this day of __________, 2019.

Branden L. Ceder
City of Kokomo Council
Robert L. Hayes, Sr., President

______________________________
Passed by the Kokomo Council this day of __________, 2019.

Kokomo, IN 46901

This ordinance shall be in full force and effect from and after its passage, signed by the Mayor, the
above changes shall be duly entered on the filed copies of the zone map, which is a part of

SECTION I

(Amended Ordinance No. 6299)

(Kokomo Planning Commission) to ML (Low Density Attachment)

Kokomo, Indiana, the City of Kokomo, Indiana, and Section (7) refers to the entire side of Lot

18 Westmore Street, more or less, improved and described in the City of Kokomo, Kokomo

15 feet off the middle line of the street.

Philly Street (15) feet off the middle line of the street.

The above changes shall be duly entered on the filed copies of the zone map, which is a part of

SECTION II

The following described tract of land shall be changed from C1 (Small to Medium Scale

Affidavit of Ordinance Amendment) to ML (Low Density Attachment)

Affidavit of Ordinance Amendment No. 6299, as amended.

With all subsequent amendments be and hereby added as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 6299, AS AMENDED, NOW THEREFORE BE IT ORDAINED

Revised for Ordinance No. 6299, as amended.

City Council Copy

Or. M. Amended
Ordinance No. 6299
Case No. 12-Z-19
City: Kokomo
(Revised) 1111 W. Lynnewood Ave. LLC

465 W. Lynnewood Ave. Kokomo, IN 46901

11/11/2019
Kokomo City Plan Commission
Mike Besser, President
Respectfully submitted.

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.

The Commission recommends the said amendment provides the health, safety, and

goal.

of Kokomo. Center Township, Howard County, Indiana: at 120 W. Monroe St.

of lots in Villis and Jones Western Addition, combining 0.25 acres, more or less in the City

and a part of lots 66, 67 and the westerly alley which lies along the East side of said

and M1 (Low Density MultiFamily Residential) for property described as lots 66 and 67.

change in zone classification from M1 (Moderate Intensity Industrial/Heavy Manufacturing)

Plan Commission petition and recommendation to the Kokomo City Plan Commission Council.

Case 13-Z-17 is the petition of Bold Builders. It is recommended the Kokomo City

Council, therefore recommends the above captioned case to the Kokomo City

Council.

Please be advised the Kokomo City Plan Commission will send public hearing

Dear Honorable Members:

Ordinance No. 6952

120 W. Monroe St.
10 M1 (Low Density MultiFamily, Residential)
10 M1 (Moderate Intensity Industrial/Heavy Manufacturing)

Re: 13-Z-17

Honorable Kokomo Common Council

To the Members of the

Plan Commission

November 16, 2019
number in this document unless required by law.

Under the authority of said ordinance, there is hereby established a board to regulate each social security
This instrument was prepared by Rebecca Carlson, Secretary, City Plan Commission.

February 1, 2020

My commission expires:

A resident of Howard County

Name: Public drainage improvements

I hereby declare under penalty of perjury, that I have taken reasonable care to check each social security

Kokomo City Plan Commission

City Plan Commission, Secretary

DATED this 18

day of November

2019.

Kokomo City Plan Commission

City Plan Commission, Secretary

amendment ordinance by the Common Council of the City of Kokomo, Indiana.
Kokomo City Plan Commission receive a favorable recommendation to the passage of said

3. By a resolution adopted by the majority of its members at said public hearing, the

public hearing

being published in the Kokomo Tribune newspaper at least ten (10) days prior to the date of the

held at 5:00 pm on the 27th day of November, 2019. After the notice of such public hearing

City Plan Commission at a public hearing held in the Kokomo City

Kokomo City Plan Commission, No. 279, as amended, and the same was considered by the Kokomo

Kokomo City Plan Commission, No. 279, as amended, and the same was considered by the Kokomo

2. That the above and foregoing is true and exact copy of an amendment to the

Commission, and

That be duly elected, qualified and acting Secretary of the Kokomo City Plan

true and exact copy of an amendment to the

to the above and foregoing is true and exact copy of an amendment to the

(3) County of Howard

City of Kokomo

State of Indiana

Case: 13-Z-19
Ordinance No. 693
Certification
I, hereby, do certify that the proposed amendment to the City of Kokomo, Indiana, Plan Commission resolution No. 679, and the said changes are in accordance with all applicable laws and regulations of the City of Kokomo, Indiana.

This ordinance shall be in full force and effect from and after its passage, signified by the Mayor.

Kokomo Common Council
Robert L. Hare, Sr., President

Passed by the Kokomo Common Council this day of , 2019.

SECTION I

AN ORDINANCE AMENDING ORDINANCE NO. 679 AS AMENDED, NOW THE FOREGOING BE IT ORDAINED

CASE: 13 - Z - 19
Ordinance No. 6922
RESOLUTION NO. 2737

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, APPROVING THE ISSUANCE OF CERTAIN CITY OF KOKOMO REDEVELOPMENT DISTRICT TAXABLE TAX INCREMENT REVENUE BONDS AND OTHER RELATED MATTERS

WHEREAS, on November 21, 2019, the City of Kokomo Redevelopment Commission (the “Commission”), the governing body of the Redevelopment District of the City of Kokomo, Indiana (the “District”), adopted its Resolution No. 2019-10 entitled “Amended and Restated Bond Resolution” (the “Bond Resolution”), to authorize the issuance of the City of Kokomo, Indiana Redevelopment District Taxable Tax Increment Revenue Bonds of 2019 (Conference Center Project), in one or more series, in an aggregate principal amount not to exceed Three Million Four Hundred Thousand Dollars ($3,400,000) (the “Bonds”), which are payable from ad valorem property tax revenues levied and collected in each allocation area within the Consolidated Downtown-Southeast Allocation Area that is in excess of the base assessed valuation described in Ind. Code § 36-7-14-39(b)(1) (the “Tax Increment”), for the purpose of financing the acquisition, redevelopment and economic development in or serving the District (including, in particular, the construction of a conference center comprised of a conference and meeting facility together with contemporary common areas and amenities located in, serving or benefitting the District) (the “Conference Center Project”), and to pay certain expenses reasonably incurred in connection with the Conference Center Project and the financing thereof, including the funding of a debt service reserve and costs described in Indiana Code 36-7-14-25.1(a); and

WHEREAS, Indiana Code 36-7-14-25.1(p) requires that bonds authorized by a resolution of a redevelopment commission be approved by resolution of the legislative body of the unit; and
WHEREAS, the Common Council (the “Common Council”) of the City of Kokomo, Indiana (the “City”) is the legislative body of the City; and

WHEREAS, to permit the Commission to proceed with the issuance of the Bonds, the Common Council desires to approve of the issuance of the Bonds in accordance with Indiana Code 36-7-14-25.1(p); and

WHEREAS, the Common Council further desires to set forth in this Resolution certain terms and other matters related to the Bonds as required by Indiana Code 36-7-14-25.1(c); and

WHEREAS, the Common Council now desires to further approve the use of the Tax Increment to pay principal of and interest on the Bonds, as required by Indiana Code 6-1.1-17-20.5;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, AS FOLLOWS:

SECTION 1. As required by Indiana Code 36-7-14-25.1(p), the issuance of the Bonds of the District payable from the Tax Increment, to finance a portion of the construction of the Conference Center Project and to pay certain expenses reasonably incurred in connection with the Conference Center Project and the financing thereof, including capitalized interest, if necessary, a debt service reserve, and costs described in Indiana Code 36-7-14-25.1(a), shall be and hereby is approved.

SECTION 2. As required by Indiana Code 36-7-14-25.1(c), the Common Council hereby sets forth the following terms and other matters related to the Bonds:

(a) The public purpose of the Bonds is, among other things, to finance a portion of the construction of improvements constituting the Conference Center Project.

(b) The proceeds of the Bonds will be used to finance the construction of a portion of the Conference Center Project, and to pay certain expenses reasonably incurred in connection with the Conference Center Project and the financing thereof, including costs described in Indiana Code 36-7-14-25.1(a).
(c) The maximum principal amount of the Bonds shall not exceed Three Million Four Hundred Thousand Dollars ($3,400,000).

(d) The Bonds shall have a final maturity not later than August 1, 2030.

(e) The Bonds shall bear interest at a rate or rates not exceeding six and one-half percent (6.5%) per annum.

(f) The Bonds may be subject to optional and mandatory sinking fund redemption, as described in the Bond Resolution.

(g) The Commission intends to fund a debt service reserve in connection with the Bonds.

SECTION 3. Pursuant to Indiana Code 6-1.1-17-20.5, the Common Council hereby approves of the use of the Tax Increment for the purpose of paying principal of and interest on the Bonds.

SECTION 4. This Resolution shall be in full force and effect from and after its passage by the Common Council.
PASSED AND ADOPTED by the Common Council of Kokomo, Indiana on the 25\textsuperscript{th} day of November, 2019.

COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

\begin{center}
\textbf{Presiding Officer}
\end{center}

(SEAL)

ATTEST:

\begin{center}
\textbf{Brenda Brunnemer-Ott, City Clerk}
City of Kokomo, Indiana
\end{center}

Presented by me to the Mayor of the City of Kokomo, Indiana this \____ day of November, 2019, at \__________ \_. m.

\begin{center}
\textbf{Brenda Brunnemer-Ott, City Clerk}
City of Kokomo, Indiana
\end{center}

Approved and signed by me, Greg Goodnight, Mayor of the City of Kokomo, Indiana this \________ day of November, 2019, at \__________ \_. m.

\begin{center}
\textbf{Greg Goodnight, Mayor}
City of Kokomo, Indiana
\end{center}

ATTEST:

\begin{center}
\textbf{Brenda Brunnemer-Ott, City Clerk}
City of Kokomo, Indiana
\end{center}
ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF KOKOMO, INDIANA ECONOMIC DEVELOPMENT REVENUE BONDS, AND THE LENDING OF THE PROCEEDS THEREOF TO HENKE DEVELOPMENT GROUP, LLC AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THEREOF

WHEREAS, the City of Kokomo, Indiana (the “City”), is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. 36-7-11.9 and I.C. 36-7-12 (collectively, the “Act”), is authorized and empowered to adopt this ordinance (this “Bond Ordinance”) and to carry out its provisions;

WHEREAS, Henke Development Group, LLC, or an affiliate thereof (the “Borrower”), desires to finance all or a portion of the design, construction and equipping of projects described in Exhibit A hereto (collectively, the “Projects”), which will be located in or directly serving or benefiting the Darrough Chapel Park Economic Development Area created by the City of Kokomo Redevelopment Commission in the City;

WHEREAS, the Borrower has advised the City of Kokomo Economic Development Commission (the “Commission”) and the City that it proposes that the City issue its Taxable Economic Development Revenue Bonds, Series 2019 (Henke Development Group Project), in one or more series (with such further or different series designation as may be deemed necessary, desirable or appropriate by the City), in an aggregate principal amount not to exceed Two Million Dollars ($2,000,000) (the “Bonds”) under the Act and loan the proceeds of such Bonds to the Borrower for the purpose of financing the Projects;

WHEREAS, the completion of the Projects results in the diversification of industry, the creation and retention of jobs and the creation of business opportunities in the City;

WHEREAS, pursuant to I.C. § 36-7-12-24, the Commission published notice of a public hearing (the “Public Hearing”) on the proposed issuance of the Bonds to finance the Projects;

WHEREAS, the Commission has held the Public Hearing on the Projects; and

WHEREAS, the Commission has performed all actions required of it by the Act preliminary to the adoption of this Bond Ordinance and has approved and forwarded to the Common Council the forms of: (1) a Loan Agreement between the City and the Borrower (including a form of Note) relating to the Bonds (the “Loan Agreement”); (2) a Trust Indenture with respect to the Bonds between the City and a trustee to be selected (the “Indenture”); (3) the Bonds; and (4) this Bond Ordinance (the Loan Agreement, the Indenture, the Bonds, and this Bond Ordinance, collectively, the “Financing Agreements”);
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF KOKOMO, INDIANA, THAT:

Section 1. Findings; Public Benefits. The Common Council hereby finds and
determines that the Projects involve the acquisition, construction and equipping of an
“economic development facility” as that phrase is used in the Act; that the Projects will
increase employment opportunities and increase diversification of economic development
in the City, will improve and promote the economic stability, development and welfare in
the City, will encourage and promote the expansion of industry, trade and commerce in the
City and the location of other new industries in the City; that the public benefits to be
accomplished by this Bond Ordinance, in tending to overcome insufficient employment
opportunities and insufficient diversification of industry, are greater than the cost of public
services (as that phrase is used in the Act) which will be required by the Projects; and,
therefore, that the financing of the Projects by the issuance of the Bonds under the Act: (i)
will be of benefit to the health and general welfare of the City; and (ii) complies with the
Act.

Section 2. Approval of Financing. The proposed financing of the Projects by
the issuance of the Bonds under the Act, in the form that such financing was approved by
the City of Kokomo Economic Development Commission, is hereby approved.

Section 3. Authorization of the Bonds. The issuance of the Bonds, payable
solely from revenues and receipts derived from the Financing Agreements, is hereby
authorized.

Section 4. Terms of the Bonds. (a) The Bonds, in the aggregate principal
amount not to exceed Two Million Dollars ($2,000,000) shall (i) be executed at or prior to
the closing date by the manual or facsimile signatures of the Mayor and the Clerk of the
City; (ii) be dated as of the date of their delivery; (iii) mature on a date not later than twenty-
five (25) years after the date on which the first series of the Bonds is issued; (iv) bear
interest at such rates as determined through negotiation with the purchaser thereof, not to
exceed five percent (5.00%) per annum, with such interest payable as provided in the
Financing Agreements; (v) be issuable in such denominations as set forth in the Financing
Agreements; (vi) be issuable only in fully registered form; (vii) be subject to registration
on the bond register as provided in the Indenture; (viii) be payable in lawful money of the
United States of America; (ix) be payable at an office of the Trustee as provided in the
Indenture; (x) be subject to optional redemption prior to maturity and subject to redemption
as otherwise provided in the Financing Agreements; (xi) be issued in one or more series
(with such series designation as may be deemed necessary, desirable or appropriate by the
Mayor or the Clerk of the City); and (xii) contain such other terms and provisions as may
be provided in the Financing Agreements.

(b) The Bonds and the interest thereon do not and shall never constitute an
indebtedness of, or a charge against the general credit or taxing power of, the City, but shall
be special and limited obligations of the City, payable solely from revenues and other
amounts derived from the Financing Agreements. Forms of the Financing Agreements are
before this meeting and are by this reference incorporated in this Bond Ordinance, and the
Clerk of the City is hereby directed, in the name and on behalf of the City, to insert them into the minutes of the Common Council and to keep them on file.

Section 5.  Sale of the Bonds. The Mayor and the Clerk of the City are hereby authorized and directed, in the name and on behalf of the City, to sell the Bonds to a purchaser or purchasers selected by such officers at such prices and on such terms as may be determined at the time of sale.

Section 6. Execution and Delivery of Financing Agreements. For each series of the Bonds, the Mayor and the Clerk of the City are hereby authorized and directed, in the name and on behalf of the City, to execute or endorse and deliver the Loan Agreement, the Note from the Borrower to the City, the Indenture and the Bonds, submitted to the Common Council, which are hereby approved in all respects.

Section 7. Changes in Financing Agreements. The Mayor and the Clerk of the City are hereby authorized, in the name and on behalf of the City, without further approval of the Common Council or the Commission, to approve such changes in the Financing Agreements as may be permitted by Act, such approval to be conclusively evidenced by their execution thereof.

Section 8. General. The Mayor and the Clerk of the City, and each of them, are hereby authorized and directed, in the name and on behalf of the City, to execute or endorse any and all agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by them, or either of them, to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this Bond Ordinance (including the preambles hereto and the documents mentioned herein), the Projects, the issuance and sale of the Bonds, and the securing of the Bonds under the Financing Agreements, and any such execution, endorsement, performance or doing of other things heretofore effected be, and hereby is, ratified and approved.

Section 9. Binding Effect. The provisions of this Bond Ordinance and the Financing Agreements shall constitute a binding contract between the City and the holders of the Bonds, and after issuance of the Bonds this Bond Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of the holders of the Bonds as long as the Bonds or interest thereon remains unpaid.

Section 10. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. Effective Date. This Bond Ordinance shall be in full force and effect immediately upon adoption and compliance with I.C. § 36-4-6-14.

Section 12. Copies of Financing Agreements on File. Two copies of the Financing Agreements incorporated into this Bond Ordinance were duly filed in the office of the Clerk of the City, and are available for public inspection in accordance with I.C. § 36-1-5-4.
Passed and adopted by the Common Council of the City of Kokomo, Indiana this ___ day of ______________, 2019.

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ATTEST:

___________________________
Brenda Brunnemer-Ott, Clerk

PASSED by the Common Council of Kokomo, Indiana by a _____ vote of all members present and voting this ___ day of ______________, 2019.

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Presiding Officer

Presented by me to the Mayor of the City of Kokomo, Indiana, on the ____ day of ______________, 2019, at the hour of ___:____ m.

___________________________
Brenda Brunnemer-Ott, Clerk

This ordinance approved and signed by me, the Mayor of the City of Kokomo, Indiana, on the ____ day of ______________, 2019, at the hour of ____:____ m.

___________________________
Greg Goodnight, Mayor
EXHIBIT A

Description of the Projects

The Projects shall consist of various public infrastructure improvements located in or directly serving or benefiting the Darrough Chapel Park Economic Development Area, including without limitation road and curb improvements and all utilities required to service the Area.
ORDINANCE NO. 6947

ORDINANCE AUTHORIZING THE CITY OF KOKOMO, INDIANA TO ISSUE ITS "TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2019 (MACY APARTMENTS PROJECT)" AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Kokomo ("City") Economic Development Commission ("Commission") has rendered its Project Report regarding the financing of proposed economic development facilities by MACY Apartments, LLC or an affiliate thereof ("Company") and the Project Report will be submitted to the Kokomo Plan Commission for comment thereon;

WHEREAS, the Commission conducted a public hearing on November 18, 2019 and adopted a resolution and Project Report, which resolution and Project Report have been transmitted hereto, finding that the financing of all or a portion of certain economic development facilities, including the construction of the MACY Apartments Project, the construction and equipping of a market rate apartment building, demolition of a portion of the existing YMCA and related infrastructure improvements and/or reimbursement of such costs, together with all appurtenances, related improvements and equipment, to be constructed by the Company (collectively, "Project"), complies with the purposes and provisions of IC 36-7-11.9 and -12 and that such financing will be of benefit to the health and welfare of the City and its citizens; and

WHEREAS, the Commission has heretofore approved and recommended the adoption of this form of ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Financing and Covenant Agreement between the City and the Company, the Bond Purchase Agreement between the Issuer and the Company, as the purchaser of the Bonds, and the Trust Indenture (including the form of Bonds) between the Issuer and a to-be-determined bond trustee;
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF KOKOMO, INDIANA, THAT:

Section 1. It is hereby found that: (i) the financing of the Project referred to in the Financing Agreement approved by the Commission and presented to this Common Council; (ii) the issuance and sale of the City's Taxable Economic Development Revenue Bonds, Series 2019 (MACY Apartments Project) ("Bonds"); (iii) the sale of the Bonds to the Company for the construction of the Project; (iv) the payment of the Bonds by TIF Revenues (as defined in the Trust Indenture); and (v) the securing of the Bonds under the Trust Indenture, complies with the purposes and provisions of IC 36-7-11.9 and -12 (collectively, "Act") and will be of benefit to the health and welfare of the City and its citizens. The proceeds of the Bonds will be used for financing a portion of the construction of the Project in, or physically connected to the YMCA Development Area located in the City. The Common Council further finds, determines, ratifies and confirms that the promotion of economic development and the creation of job opportunities in and near the City is desirable to preserve the health, safety and general welfare of the citizens of the City and that it is in the public interest that the Commission and the City take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the City.

Section 2. The substantially final forms of the Financing and Covenant Agreement, the Trust Indenture and the Bond Purchase Agreement approved by the Commission are hereby approved (herein collectively referred to as the "Financing Documents," referred to in the Act), and the Financing Documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions
of IC 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

Section 3. The City may issue its Bonds, maturing no later than twenty-five (25) years from their date of issuance, in the aggregate principal amount not to exceed $2,000,000 which Bonds may be subject to mandatory sinking fund redemption with payments structured to maximize the amount of Bond proceeds raised from the projected TIF Revenues, taking into account reasonable coverage needed to market the Bonds. The Bonds are to be issued for the purpose of procuring funds to pay the cost of financing the Project, all as more particularly set out in the Financing Documents, which Bonds will be payable as to principal and interest by TIF Revenues pursuant to the Financing Documents or as otherwise provided in the Trust Indenture. The Bonds shall be issued in fully registered form in any integral multiple of $1,000 or as provided in the Trust Indenture, payable semiannually on February 1 and August 1. The Bonds shall be subject to optional redemption prior to maturity as further provided in the Trust Indenture. The Bonds may be issued as term bonds subject to mandatory sinking fund redemption. Payments on the Bonds are payable in lawful money of the United States of America by check mailed or delivered to the registered owners or by wire transfer as provided in the Trust Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City nor are the Bonds payable in any manner from revenues raised by taxation, except for TIF Revenues, as described in the Trust Indenture.

Section 4. The Mayor and the Controller are authorized and directed to sell the Bonds to the bond purchaser thereof at a price not less than the par value thereof. The Bonds shall bear interest at a rate not to exceed 5.00%.
Section 5. The Bonds may be both purchased by the bond purchaser in installments and drawn down by the Company in installments.

Section 6. The Mayor and the Controller are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Documents approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the Bonds authorized herein. The Mayor and the Controller are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Documents which take place after the date of this ordinance with the review and advice of the counsel; it being the express understanding of this Common Council that the terms of the Financing Documents are in substantially final form as of the date of this ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum issuance amount or maturity amount of, interest rate on or term of the Bonds as approved by the Common Council by this ordinance without further consideration by the Common Council. The signatures of the Mayor, the Clerk and the Controller on the Bonds may be either manual or facsimile signatures. The Controller is authorized to arrange for delivery of such Bonds to the Trustee for the Bonds ("Trustee"). Payment for the Bonds will be made to the Trustee, and after such payment the Bonds will be delivered by the Trustee to the purchaser thereof. The Bonds shall be originally dated as of the issue date.

Section 7. The provisions of this ordinance and the Trust Indenture securing the Bonds shall constitute a contract binding between the City and the holder of the Bonds, and after the issuance of the Bonds, this ordinance shall not be repealed or amended in any respect which would
adversely affect the rights of such holders so long as the Bonds or the interest thereon remains unpaid.

Section 8. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Common Council of the City of Kokomo, Indiana this 25th day of November, 2019.

COMMON COUNCIL OF THE CITY OF
KOKOMO, INDIANA

________________________________________
President

Attest:

________________________________________
Clerk
Presented by me to the Mayor of the City of Kokomo, Indiana, on the _____ day of November, 2019.

________________________________________
Clerk

This ordinance approved and signed by me, the Mayor of the City of Kokomo, Indiana, on the _____ day of November, 2019.

________________________________________
Mayor

ATTEST:

________________________________________
Clerk
RESOLUTION NO. 2738

Resolution of the Common Council of the City of Kokomo, Indiana, Regarding Acceptance of a Bid of A Developer for the Downtown Parking Garage Project

WHEREAS, the City of Kokomo Redevelopment Commission (the “Commission”) on behalf of the City of Kokomo, Indiana (the “City”), has solicited responses from potential offerors for the construction, operation, maintenance, and transfer to the City of a downtown parking garage to be located at 113 and 115 South Union Street (the northwest corner of East Superior Street and South Union Street) in the City (the “Project”), pursuant to Indiana Code 5-23-5-1 et seq. (the “BOT Statute”), through a “Request for Proposals” (“RFP”) process; and

WHEREAS, the Commission received one RFP response from Envoy, Inc.; and

WHEREAS, after consideration of the response, the Commission has recommended to the Common Council of the City (the “Council”) that the Council accept the RFP response from Envoy, Inc. (the “Accepted Offeror”); and

WHEREAS, the Council has determined that all the procedures required by the BOT Statute have been conducted in accordance with the RFP and the BOT Statute, and the Council has reviewed the terms and conditions of bid of the Accepted Offeror and has selected the offer submitted by the Accepted Offeror based on the criteria set forth in the RFP and the BOT Statute; and

WHEREAS, having considered the terms and conditions of the Accepted Offeror in the bid, the Commission now desires to select the Accepted Offeror’s bid in accordance with the RFP and the BOT Statute; and

WHEREAS, the Council has provided notice of a public hearing to be held pursuant to the BOT Statute, and such hearing was held on this day; and

WHEREAS, there has been submitted to the Council a form of the proposed Build Operate Transfer Agreement for the Project between the City and the Accepted Offeror (the “BOT Agreement”), and the Council now desires to authorize the City to enter into the BOT Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kokomo, Indiana, as follows:

1. The Council hereby accepts the bid of the Accepted Offeror for the Project. The Council further approves the form of BOT Agreement submitted this meeting, and authorizes the Mayor of the City and the President of the Council to execute the BOT Agreement on behalf of the City, in substantially the form submitted, provided that the maximum guarantee price under the BOT Agreement shall be not greater than $6,000,000, and the Mayor and President of the Council are authorized to subsequently amend the BOT Agreement to provide for a lower guaranteed maximum price.

2. This Resolution shall be in full force and effect immediately upon adoption and compliance with I.C. § 36-4-6-14.
Passed and adopted by the Common Council of the City of Kokomo, Indiana this ___ day of ______________, 2019.

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ATTEST:

__________________________
Brenda Brunnemer-Ott, Clerk

PASSED by the Common Council of Kokomo, Indiana by a _____ vote of all members present and voting this ____ day of ______________, 2019.

__________________________
Presiding Officer

Presented by me to the Mayor of the City of Kokomo, Indiana, on the ____ day of ______________, 2019, at the hour of ____:____ m.

__________________________
Brenda Brunnemer-Ott, Clerk

This resolution approved and signed by me, the Mayor of the City of Kokomo, Indiana, on the ___ day of ______________, 2019, at the hour of ___:___ m.

__________________________
Greg Goodnight, Mayor

DMS BDD 15430530v2
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, as follows:

SECTION I

Schedule XII, Chapter 78, of the City of Kokomo, Indiana (1982), entitled "Pedestrian Ways", heretofore adopted by the Common Council of the City of Kokomo, Indiana, approved by the Mayor and published as provided by law, shall be amended by adding the following to "Pedestrian Ways":

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<tr>
<th>Type of Public Roadway</th>
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<tr>
<td>Alley</td>
<td>East-West alley between Jefferson St. and Jackson St. running West 130 feet from Buckeye St. to its intersection with the North to South alley.</td>
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SECTION II

All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III

These ordinances shall be in full force and effect from and after their passage by the Common Council, signature by the Mayor and publication as provided by law.
PASSED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA,
this_______day of________________, 2019.

_____________________
Presiding Officer

ATTEST:
___________________
City Clerk

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, this_______day of
___________________, 2019 at ____________

___________________
City Clerk

APPROVED by me as Mayor of the City of Kokomo, Indiana this_____________day of
___________________, 2019 at ____________

______________________
Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:
___________________
City Clerk
NOTICE OF PUBLIC HEARING

Notice is hereby given that Common Council (the “Council) of the City of Kokomo, Indiana (the “City”) will conduct a public hearing on Monday, November 25, 2019, at 6:00 p.m., local time, in the Council Chambers at Kokomo City Hall, 100 South Union Street, Kokomo, Indiana, to review a proposal and agreement for the construction, operation, maintenance, and transfer to the City of a downtown parking garage to be located at 113 and 115 South Union Street (the northwest corner of East Superior Street and South Union Street) in the City (the “Project”), pursuant to Indiana Code 5-23. The purpose of the hearing is to hear the recommendation of the City of Kokomo Redevelopment Commission in order to make an award of a public-private agreement for the construction of the Project submitted by Envoy, Inc. The address and telephone number of the Council is 100 South Union Street, Kokomo, Indiana 46901, Attention: City Clerk, telephone number (765) 456-7370. This hearing is open to the public. The proposal for the Project, and an explanation of the basis upon which the recommendation is being made, are available for public inspection and copying at the principal office of the Council, 100 South Union Street, Kokomo, Indiana, c/o City Clerk, during regular business hours.
PUBLIC HEARING AGENDA
November 25th, 2019

CALL TO ORDER:

ROLL CALL:

RESOLUTION 2738: “Resolution of the Common Council of the City of Kokomo, Indiana, Regarding Acceptance of a Bid of A Developer for the Downtown Parking Garage Project”
The City of Kokomo Redevelopment Commission published notice for Request for Proposals and Qualifications for construction of a public parking garage at 113 & 115 S. Union Street, Kokomo, IN. Envoy Inc. responded to the Request for Qualifications and Proposals and submitted the enclosed proposal. No other proposals were received for this project, and the Envoy proposal was consistent with the City’s requirements for the project and the City’s project budget.

The City of Kokomo Redevelopment Commission recommends awarding the contract for construction of a public parking garage at 113 & 115 S. Union Street to Envoy Inc. in the amount not to exceed $6,000,000.00, as referenced in the enclosed contract. This contract amount is in line with the additional appropriation approved by City Council on June 24, 2019 and adopted by the DLGF on June 28, 2019.