AGENDA/ADDENDUM
KOKOMO COMMON COUNCIL
CITY OF KOKOMO, INDIANA
PUBLIC INFORMATIONAL MEETING AT 5:30 P.M.
COUNCIL MEETING IMMEDIATELY FOLLOWING MAY 24, 2021 @ 6:00 P.M.
COUNCIL CHAMBERS CITY HALL 100 S. UNION ST

CALL TO ORDER:
INVOCATION:
PLEDGE:
ROLL CALL:
APPROVAL OF MINUTES:
COMMUNICATIONS:
COMMITTEE REPORTS:

Ordinance #6993:
Case P 11-Z-21 rezone from IS to U1 property located at 1942 E. North St. Kokomo
(Sanders)

Ordinance #6994:
An Ordinance of the Common Council of the City of Kokomo Indiana Howard County
establishing a local fund for Federal Assistance received from the American Rescue Plan Act of
2021
(Miklik)
May 12, 2021

TO THE MEMBERS OF THE
HONORABLE KOKOMO COMMON COUNCIL

Re: P11-Z-21
Rezone from IS (Institutional Uses) to
LI (Low Intensity Industrial/Business Park) at 1942 E. North St.

Ordinance No. 6993
Dear Honorable Members:

Please be advised the Kokomo City Plan Commission, at their public hearing held Tuesday, May 11, 2021 considered and voted unanimously to forward a favorable recommendation of the above captioned case to the Kokomo Common Council.

Case P11-Z-21 is the petition of Ivy Tech Foundation INC requesting the Kokomo City Plan Commission petition and recommend to the Kokomo Common Council for a change in zone classification from IS (Institutional Uses) to LI (Low Intensity Industrial/Business Park) for property described as Part of the West half of the Northwest Quarter of Section 29, Township 24 North, Range 4 East, containing 6.15 acres, more or less, City of Kokomo, Center Township, Howard County, Indiana, at 1942 E. North St.

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,

Michael Besser, President
Kokomo City Plan Commission
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 5:00 p.m. on the 11th day of May, 2021, after due notice of such public hearing being published in the Kokomo Tribune Newspaper at least ten (10) days prior to the date of the public hearing; and

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 12th day of May, 2021.

Greg Sheline, Secretary
Kokomo City Plan Commission

Subscribed and sworn to before me this 12th day of May, 2021.

Dianne Trobaugh
Notary Public
A resident of Howard County
My commission expires: January 27, 2028.

This instrument was prepared by Jessica Calderon, 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.
Ivy Tech Foundation Inc. City Council Copy Ordinance No.: 6993 Case:P11 - Z - 21 1942 E. North St.

IS (Institutional Uses) to LI (Low Intensity Industrial/Business Park)

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 IS (Institutional Uses) to LI (Low Intensity Industrial/Business Park) for property described: Part of the West half of the Northwest Quarter of Section 29, Township 24 North, Range 4 East, Center Township, Howard County, Indiana, described as follows:

Commencing at the Southwest corner of said quarter marked by a brass plug in monument box; thence N 89 degrees 30' 00" E (assumed bearing) 587.70 feet along the south line of said quarter to a mag nail with aluminum washer stamped "FIRM0047" (hereafter referred to as mag nail); thence N00 degrees 34' 3" E 40.00 feet to the North right-of-way of North Street as described in Deed Record 230, page 3126 and the point of beginning; thence N00 degrees 34' 38" E 661.60 feet along the east line of Fleet Acres Subdivision as recorded in Plat Book 8, page 299 to the South line of a parcel described in Instrument Number 0134023547; thence N89 degrees 32' 18" E 43.48 feet along said South line; thence N89 degrees 32' 24" E 322.61 feet along the West line of a parcel described in Deed Record 250, page 4026; thence S00 degrees 36' 27" E 322.61 feet along said South line to the west line of a parcel described in Instrument Number 0234028504 to the North corner thereof marked by a mag nail; thence S89 degrees 30' 00" W 392.78 feet along the Centerline of Touby Pike marked by a 5/8 inch diameter rebar with yellow cap stamped "Wyatt Johnson S0302"; thence S89 degrees 30' 00" W 392.78 feet along said right-of-way to the point of beginning, containing 6.15 acres, more or less, Center Township, Howard County, Indiana, at 1942 E. North St..

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 , 2021.

Attest:

Diane Howard, City Clerk

Matthew Grecu, President,
Kokomo Common Council
PRESENTED by me to the Mayor this ___ day of ________________, 2021.

__________________________________________
Diane Howard, City Clerk

APPROVED by me this ___ day of ________________, 2021.

Attest:

__________________________________________
Diane Howard, City Clerk

__________________________________________
Tyler Moore, Mayor
City of Kokomo, Indiana

This instrument was prepared by Jessica Calderon, 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. Jessica Calderon, Plan Commission Secretary
Paul Wyman of The Wyman Group, on behalf of Ivy Tech Foundation, Inc., is requesting a change in zone classification for the property listed above, to be used as a "Multi-Tenant space and space for cabinet making".

The adjoining property uses and zoning(s) are:
- North: IS (Institutional Uses)
- South: LI/C2 (Low Intensity Industrial Business Park & Medium to Large Scale General Commercial)
- East: LJ (Low Intensity Industrial Business Park)
- West: IS, HI, LJ (Institutional Uses, High Intensity Industrial Heavy Manufacturing and Low Intensity Industrial Business Park)

According to the City of Kokomo Comprehensive Plan "Future Land Use Map", the property in question is shown in the screen shot below; located in an area proposed for "OFFICE/HIGH TECH/LIGHT INDUSTRIAL, which is an area proposed for employment centers that utilize medium to large scale buildings with medium to large scale parking lots. The property is also located in an area designed for PARKS & RECREATION", which is an area designed for public and private parks used for passive and active recreation. Also, low impact commercial recreation facilities.

**Land Use Goals:**
1. Encourage orderly and responsible development to promote health, safety and quality of life of residents in the City of Kokomo, while maintaining Kokomo as a leading community for affordable housing.

**Relevant Land Use Objectives are:**
1. Encourage adequate land for residential, commercial, industrial, institutional and recreational uses.
2. Designate specific districts in the community suitable for residential, commercial, industrial, institutional and recreational uses.
COUNCIL MEETING MINUTES

MAY 10, 2021

The Common Council of the City of Kokomo, Indiana met Monday May 10, 2021 at 6:00 p.m. in City Hall Chambers.

President Grecu called the meeting to order.

Councilwoman Sanders states those who wish to stand may, or you may remain seated.

Pastor Gary Bush, Temple of Faith Church of God in Christ offered invocation.

Pledge.

Present: Acord, Rudolph, T. Stewart, R. Stewart, Collins, Grecu, McKibben, Sanders, Miklik

Absent: none

Minutes for Council Meeting held April 26, 2021 were declared approved.

Communications: Councilwoman McKibben wanted to recognize two Kokomo Firemen who recently retired Ricky Myles and Steve Campbell with 35 years of service each. In addition, the Kokomo Fire Department hired four new recruits listed as follows: William Bass, Michael Osborne, Josh Spencer, and Jason Weaver.

Councilman Miklik stated that Ricky Myles was a student of his, years ago. It has been a pleasure to watch him grow and a job well done. In the future would like to know about these events beforehand.
Councilwoman Sanders stated the National Day of Prayer was wonderful and thankful for everyone involved.

The Clerk read Ordinance #6981 by title only. Councilman Collins moved for passage on Ordinance #6981 on second reading. Seconded by Councilwoman Sanders. Councilman Collins stated there were some changes made. Memorial Day was left in and Veterans Day was added. Also noted in the Ordinance #6981, any person making a noise complaint must provide their name and address to the Kokomo Police Department. If a violation occurs and a citation written, the complainant shall be available as a witness if the citation is disputed and a court hearing necessary.

Jerry Paul Kokomo stated he represents all Veterans in Kokomo. They are not happy with leaving Memorial Day in the Ordinance. Would like to see Memorial Day removed. Councilman Grecu stated many people celebrate events on Memorial Day. Councilman Grecu stated he understands his position. Councilman Tony Stewart states the Council did address his concerns they did look into it. The information was addressed. Councilman Acord stated to Mr. Paul “he heard him” and he would be voting this down. Councilman Collins stated, with respect to all Veterans and statements made here. We are representing all of Kokomo including Veterans and other citizens of Kokomo, and his decision is based on doing the right thing not the popular thing.

Councilman Grecu stated, a big part of why the Council is doing this, is because of the Veterans Groups coming to Council and talking about Veterans with PTSD to control the number of days when fireworks of this nature are being done So Veterans know when to expect that.
Councilman Miklik stated Commander Capshaw did ask to add Veterans Day; it was his desire to have it added.

Deb Smith Kokomo stated two weeks ago Mr. Paul stated we would give you Veterans Day if you remove Memorial Day. If you will not take Memorial Day out do not add Veterans Day.

Steve Long Kokomo stated he feels if a person has to sign an affidavit it will pit people against each other, and the person may take retribution against the person who signed the affidavit.

John Roberts Kokomo wanted to thank the Council for their work on Ordinance #6981. He stated though he does not agree with the “poison pill clause” as he calls it. Mr. Roberts felt it would be placing a target on the complaint back. He is asking the Council to remove that clause.

Diana Bond Kokomo stated she had sent out an email to all Council with her concerns and just wanted to speak on a few of those items that were in the email.

Councilman Acord stated he was not in support of this Ordinance. Last year there were fifty-five calls for fireworks. Of those, eighteen were out of the time frame listed in this Ordinance.

Councilman Rudolph stated having the complaintant sign provides the police with the tools needed to do their job. It makes the people and police work together.

Councilwoman Sanders stated the provision in the Noise Ordinance gives the people lawfully using fireworks the information need. In addition, an understanding that there are penalties if they go outside the guidelines.

Councilman Tony Stewart calls for vote.

The vote follows:
Aye: 6

Nay: 3

The Clerk called roll. The vote was 6-3 for passage on the second reading.

President Grecu states this marks the end of this Council Meeting. Our next meeting will be May 24th, 2021 at 6:00 p.m.

Adjourned at 6:34 p.m.

________________________

Presiding Officer

ATTEST:

________________________

City Clerk
ORDINANCE NO. 6994

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, HOWARD COUNTY, INDIANA ESTABLISHING A LOCAL FUND FOR FEDERAL ASSISTANCE RECEIVED FROM THE AMERICAN RESCUE PLAN ACT OF 2021

WHEREAS, the City of Kokomo, Indiana (the “City”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Common Council (the “Common Council”) which is this City’s legislative and fiscal body and is therefore authorized to create local funds;

WHEREAS, from time to time, the Common Council is empowered to establish local funds for various governmental purposes;

WHEREAS, on or around March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021 ("ARP");

WHEREAS, the Indiana State Board of Accounts issued State Examiner Directive 2021-1 requiring the establishment of a separate fund for federal assistance received through the ARP;

WHEREAS, the City is an entitlement city and will receive an allocation from the United States Treasury from the Coronavirus Local Fiscal Recovery Fund under Section 603 of the Social Security Act, as added by Section 9901 of the ARP ("APR Funds"); and

WHEREAS, the Common Council now desires to create a local fund to receive the ARP Funds and to expend certain available and appropriated funds in accordance with Section 603 of the Social Security Act and federal and state guidance.

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

1. Establishment of ARP Coronavirus Local Fiscal Recovery Fund. The Common Council hereby establishes the “ARP Coronavirus Local Fiscal Recovery Fund,” Fund Number 1760 (the “ARP Fund”), to be designated as a local fund.

2. Purpose. The ARP Fund shall serve as a local fund which supports expenditures in accordance with Section 603 of the Social Security Act and guidance issued by federal and state agencies.

3. Initial Expenditure. The Common Council hereby appropriates the ARP Funds to be used for any lawful purpose in accordance with Section 603 of the Social Security Act and guidance from all Federal and State agencies regarding said expenditures.

4. Administration of the Fund. The City Controller shall keep records and monitor activities of the ARP Fund. Disbursements made from the ARP Fund will be made in accordance with the City’s claims approval process.
5. **Effective Date.** This Ordinance shall be in full force and effect immediately upon adoption and compliance with I.C. § 36-4-6-14.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, this ____ day of __________, 2021.

Matthew Grecu, Presiding Officer
Kokomo Common Council

ATTEST:

__________________________
Diane Howard, City Clerk
City of Kokomo, Indiana

PRESENTED by me, the undersigned City Clerk of the City of Kokomo, Indiana, to the Mayor, for approval and signature, this ____ day of __________, 2021 at __:___m.

__________________________
Diane Howard, City Clerk
City of Kokomo, Indiana

The foregoing Ordinance No. ____________ is hereby APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Kokomo, Indiana, this ____ day of ____________, 2021 at __:___m.

__________________________
Tyler O. Moore, Mayor
City of Kokomo, Indiana