AGENDA
KOKOMO COMMON COUNCIL
CITY OF KOKOMO, INDIANA
PUBLIC INFORMATIONAL MEETING AT 5:30 P.M.
COUNCIL MEETING IMMEDIATELY FOLLOWING. AUGUST 10TH, 2020
COUNCIL CHAMBERS CITY HALL 100 S. UNION ST

CALL TO ORDER:

INVOCATION:

PLEDGE:

ROLL CALL:

APPROVAL OF MINUTES:

COMMUNICATIONS:

COMMITTEE REPORTS:

ORDINANCE #6967:

McKibben
Ordinance establishing an Ordinance Violations Bureau for the City of Kokomo
First Reading

RESOLUTION #2749

1
The Common Council of the City of Kokomo, Indiana met Monday July 27th, 2020 at 6:00 p.m. in the City Hall Council Chambers.

The meeting was called to order by President Rudolphi.

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

Councilwoman Sanders introduced Pastor Michael Carson, A.M.E. Church of Kokomo.

Pledge:


Absent:

The Minutes of the Council Meeting July 13th, 2020 were declared approved as presented.

COMMUNICATIONS: President Rudolph states he received two Tax Abatement Compliance Forms. They are from Coan Engineering and Chrysler. Both comply and were filed on time.

President Rudolph calls for any communications from the audience. Diana Bond of Kokomo states her concern is fireworks throughout the city since June. She is looking into a petition.

John Roberts of Kokomo, would like the Council to do something the fireworks are out of control, he has printed out the State Statue on Fireworks. The Fireworks are so loud and powerful.

Councilwoman Sanders stated there is a time limit, a time frame that they are legal.

Joe Wampler of Kokomo is a business owner in Kokomo of several fireworks stores. He would like to know how the city is going to be able to police the firework complaints. He states he knows several officers in the City and it is his understanding that the officer would have to see the person setting of illegal fireworks in order to enforce anything. It is illegal to let off any fireworks other than on your private property. His issue is enforcement, a waste of the officer’s time to try and enforce this. Do we really want to infringe on the rights of others?

Rick Hartung of Kokomo stated that maybe we should use social media as a means of getting the word out about fireworks and how it effects some people. Reach out. Use Social Media, be respectful of your neighbors.

There were no committee reports given at this meeting.

ORDINANCE #6966

An Ordinance amending Ordinance #6279, as amended, now
Therefore, be it ordained by the Common Council of the City of Kokomo, Indiana

That Ordinance # 6279, as amended, with as subsequent
Amendments be an is hereby amended as follows.

Ordinance #6966 was read by the Clerk by title only. Councilwoman Sanders moves to suspend the rules and pass Ordinance #6966 on first and second reading. Councilman Miklik seconds. Councilwoman Sanders votes to suspend the rules and pass Ordinance #6279 on first and second reading.

Votes is: All
Nay: None, Vote to suspend passes

Councilwoman Sanders states this is Case P08-z-20 is the petition of Oldhamii, LLC requesting the Kokomo Plan commission petition and recommend to the Kokomo Common Council for a change in zone classification from office commercial to medium density residential. The property is located at 503 W. Sycamore ST. Kokomo IN. 46901. Paul Wyman states this property was zoned as commercial and has recently been converted into a single family home.

Councilwoman Sanders moved for passage of Ordinance #6966 seconded by Councilman Miklik

Vote for passage as follows:
Aye: All
Nay: None
The Vote was 9-0 for passage

RESOLUTION #2748

A special Resolution of the Common Council of the City of Kokomo, on an application of KHA RAD I LP authorizing
Certain actions and proceedings with respect to the financing of Certain economic development facilities to be owned and operated by KHA RAD I LP

Resolution #2748 was read by the Clerk by title only. Councilman Grecu states, Whereas the City of Kokomo is authorized to issue revenue bonds and lend he proceeds to a developer for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation and equipping said economic development facilities. A representative of KHA Rad I LP, an Indiana limited partnership, or another limited partnership or limited liability company to be formed by it. (collectively, the Borrower) has advised the City that the Borrower proposes that the City lend proceeds of an economic development financing to the Borrower to provide a portion of the funds to pay the costs of acquisition, design, construction, renovation, improvement and/or equipping of the existing apartment buildings located in the city. The Project will be owned and operated by the Borrower for the use as a multifamily rental housing facility which will provide affordable multifamily rental housing. The retention of job
opportunities and the creation of approximately 57 full-time equivalent temporary construction jobs. Councilman Grecu moved for passage of Resolution #2748 seconded by Councilwoman Sanders.

Councilman Miklik stated he had a question for the KHA Director. His question was, are the rules/agreements different then what they have in place now? Derrick Steel KHA, stated Public Housing will be converted to a voucher program. Will they be treated different “no.” it is a change from Public Housing, to a Voucher system?

Councilman Miklik questioned, if a person living in these units has violated the law, has not met their requirements, do you still have the authority to evict them? Mr. Steel stated “yes” they do. KHA will maintain the authority to enforce the rules.

Councilman Acord’s question to Mr. Steel. During construction, and a tenant is relocated, do they have the right to go back when remodeling is complete? Mr. Steel” yes” and they will do their best not to displace anyone.

Councilwoman McKibben stated, how many units are currently occupied? Mr. Steel could not give an exact number. KHA is and has been in the process of holding units back for the purpose of the construction. This will create as little disruption as possible. Councilwoman McKibben stated, she had heard or read that many cities were phasing out high rises. Mr. Steel referred that question to Tim Martin Advantix Development.

Mr. Martin stated, market studies are done before any project like this is ever started, to ensure there is a need. Without projects like this to remodel existing properties where would you place all these people already living there. The monies to build these type of properties is very limited, using these tax credits and bonds to maximize every dollar they can to make Capital Improvements.

Councilman Acord stated have the properties for this phase been evaluated? if so has it been determined as to what they would need?

Mr. Martin stated, each property was subject to a Capitol needs inspection, some common items that will be done are, roofing, exterior doors and windows, sodding where needed. Electrical upgrades, new safety systems compliant with current code, interior finishes, cabinets, countertops, sinks, flooring, lighting and bathroom improvements.

Councilman Acord stated, have you done this program in any other location?

Mr. Martin stated four transactions, 880 units, and about 35 million in Capital Improvements in Evansville Indiana projects were started in 2013 and completed in 2018.

Councilman T. Stewart stated he would like Mr. Martin to explain the Piolet Program, in short Mr. Martin stated it is payment in lieu of taxes. It is an amount based on percentile of what is collected annually and that payment is made to the local municipality.

Councilman Rudolph stated, of the 335 units how may are uninhabitable or what is the real need? Mr. Martin stated 23 million was their needs assessment.
Joe Wampler of Kokomo questions: are we going to keep on staff the people who are working here? Robert Davis Kokomo stated, he has 12 members he wants to make sure they have employment, they have two years on their current contract. He wants to make sure this is fair to everybody.

Councilman Miklik stated, that is not the issue at hand this evening. Those discussions would happen at latter time.

Councilwoman Sanders stated, this evening we are here to discuss the bond, these are good questions but this isn’t why we are here this evening.

Councilman Grecu moved for passage of Resolution #2728 seconded by Councilwoman Sanders

Vote for passage follows:

Aye: All

Nay: None

The vote was 9-0 for passage

President Rudolph states, this marks the end of this Council Meeting our next Council Meeting will be August 10th, 2020

Adjourned at 6:52 p.m.

Presiding Officer

Attest:

City Clerk
ORDINANCE #6967

ORDINANCE ESTABLISHING AN ORDINANCE VIOLATIONS BUREAU FOR THE CITY OF KOKOMO, INDIANA

WHEREAS, the City of Kokomo has reviewed its policy as it relates to Ordinance Violations, the enforcement of city ordinances, and the collection of any fines associated with a violation; and

WHEREAS, the City of Kokomo found that a centralized system for enforcement of certain city ordinances and the collections of fines levied by the City for any violations would be in the best interest of the City of Kokomo and its citizens; and

WHEREAS, the establishment of a violations bureau is the most efficient and cost effective to meet the goals inherent to good city government.

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

SECTION I

ESTABLISHMENT, LOCATION AND PERSONNEL OF KOKOMO ORDINANCE VIOLATIONS BUREAU.
(A) Establishment. The Kokomo Ordinance Violations Bureau (hereafter “Bureau”) is hereby established pursuant to Indiana Code, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.

(B) Location. The Bureau shall be located at the City Hall/Office or such other location in the City as may be designated by the City Executive.

(C) Personnel. All personnel of the Bureau shall be City employees. The City Controller shall be designated as the administrator of the Bureau without additional compensation.

SECTION II

BUREAU AUTHORITY. The Bureau shall have authority to accept admissions of responsibility for municipal civil infractions for which a municipal ordinance violation citation has been issued and served, and to collect and retain the civil fine/costs for such violations specified pursuant to this or any other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation. The Bureau shall not determine or attempt to determine the truth or falsity of any alleged ordinance violation. The role of the Bureau shall be limited to either accepting an admission and payment, or a denial of the violation to be forwarded to the City Attorney.
SECTION III

NOTICE REQUIREMENTS. All municipal ordinance violation citations shall be issued and served by authorized city officials as provided by current ordinance. A municipal ordinance violation citation shall include the following:

1. The alleged violation.
2. The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation.
3. The amount of the fine/costs for the violation.
4. The methods by which the violation may be admitted or denied.
5. The consequences of failing to pay the required fines/costs or contact the Bureau within the required time.
6. That if any court proceedings are necessary, court costs will be included in the total amount requested to be paid.
7. The address and telephone number of the Bureau.
8. The days and hours that the Bureau is open.
9. A late fee will be assessed if the fine is not paid within 30 days of violation and no formal denial is received by the Bureau during this 30 day time period.

SECTION IV

ADMISSION OF VIOLATION. When notice of a violation has been given, the person must contact the Bureau within twenty (20) days of receiving the citation to either admit or deny the alleged violation. If there is admission to the violation, then payment shall be made to the Bureau at the time of admission.

SECTION V

DENIAL OF VIOLATION. A person shall be deemed to have denied the violation if that person notifies the Bureau of a denial, if there is a failure to pay the fine, or if there is no response to the violation. If there is a denial of the violation, the Bureau shall forward the alleged violation to the City Attorney for review. If the City Attorney deems it appropriate to pursue the matter, it shall be filed in a court having jurisdiction to hear such cases.

SECTION VI

RECORDS AND ACCOUNTING. The Bureau shall retain a copy of all municipal ordinance violation citations and shall account to the City Council at such intervals as the City Council may require concerning the number of admissions and denials within the jurisdiction of the Bureau as well as the amounts collected.

SECTION VII

AVAILABILITY OF OTHER ENFORCEMENT OPTIONS. The remedies set forth herein are not exclusive to the City. Nothing in this ordinance shall be deemed to preclude the City from
initiating any other legal action to enforce city ordinances, including but not limited to injunctive relief, abatements, liens or any other relief allowed by city, state or federal law.

SECTION VIII

SCHEDULE OF ORDINANCES AND FINES

<table>
<thead>
<tr>
<th>ORDINANCE CODE SECTION</th>
<th>FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal at large §90.01-99</td>
<td>$250.00</td>
</tr>
<tr>
<td>Interference with authorized official's duties</td>
<td>$250.00</td>
</tr>
<tr>
<td>Public Nuisance §90.01-99</td>
<td>$250.00</td>
</tr>
<tr>
<td>Ownership of vicious dog or wild animal §90.01-99</td>
<td>$500.00</td>
</tr>
<tr>
<td>Violation of potentially dangerous dog §90.01-99</td>
<td>$350.00</td>
</tr>
<tr>
<td>Violation of food, drink, and shelter §90.01-99</td>
<td>$350.00</td>
</tr>
<tr>
<td>Violation of tethering requirements §90.01-99</td>
<td>$250.00</td>
</tr>
<tr>
<td>Violation of Animal left in vehicle §90.01-99</td>
<td>$250.00</td>
</tr>
<tr>
<td>Burning violation §100.01-99</td>
<td>$100</td>
</tr>
<tr>
<td>Parking §72.01-99</td>
<td>$20.00</td>
</tr>
<tr>
<td>Handicap Parking Violation §72.60-61</td>
<td>$50.00</td>
</tr>
<tr>
<td>Parking in Fire Lane §72.41 and 47</td>
<td>$50.00</td>
</tr>
<tr>
<td>Smoking §133.01-99</td>
<td>$50.00</td>
</tr>
<tr>
<td>Business violating smoking §133.04-99</td>
<td>$100.00</td>
</tr>
<tr>
<td>Noise §132.01-99</td>
<td>$100.00</td>
</tr>
<tr>
<td>False Alarm §119.01-99</td>
<td>$75.00</td>
</tr>
<tr>
<td>Non-payment after 30 days on any violation §119.01-99</td>
<td>$25.00</td>
</tr>
<tr>
<td>Alarm with no permit §119.01-99</td>
<td>$250.00</td>
</tr>
<tr>
<td>Alarm company non-compliance §119.01-99</td>
<td>$200.00</td>
</tr>
<tr>
<td>Second hand dealer §115.01-99</td>
<td>$2500.00</td>
</tr>
<tr>
<td>Park fireworks/weapons §96.01-99</td>
<td>$1000.00</td>
</tr>
</tbody>
</table>
**Ordinance #_____**

PASSED AND ADOPTED by the Common Council of the City of KOKOMO, Howard County, Indiana, this ____ day of ____________, 2020.

AYE

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

NAY

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

ATTEST:

____________________________________________________

CITY CLERK

PASSED by the Common Council of Kokomo, Indiana by a ____ vote of all members present and voting this ____ day of ____________ 2020.

______________________________
Tyler Moore, Mayor
ATTEST:

Diane Howard, City Clerk

Presented by me to the Mayor of Kokomo, Indiana, this ___ day of _____________, 2020 at the hour of ______________ o’clock P.M.

Diane Howard, City Clerk

This Ordinance approved and signed by me this ___ day of _____________, 2020 at the hour of ______________ o’clock P.M.

Tyler Moore, Mayor
RESOLUTION NO. 2749

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA, ACKNOWLEDGING THE LIFE AND CONTRIBUTIONS OF REPRESENTATIVE JOHN LEWIS

WHEREAS, the Honorable John Robert Lewis, a member of the United States House of Representatives, and a pioneer in the Civil Rights Movement, died on Friday, July 17, 2020 at the age of 80;

WHEREAS, Representative Lewis devoted his life to the noble cause of human rights and civil liberties and worked to create a more perfect union;

WHEREAS, John Lewis was born the son of sharecroppers and attended segregated public schools in a segregated community beset by rampant racism and discrimination;

WHEREAS, as a college student inspired by the teachings and preachings of the Reverend Dr. Martin Luther King, Jr., John Lewis participated in sit-in demonstrations at segregated lunch counters throughout the South and became Chair of the Student Nonviolent Coordination Committee (SNCC) organizing students and grassroots campaigners to bring positive change in the face of injustice;

WHEREAS, at the age of 23, he was one of the original Freedom Riders who risked their lives traveling across the South, challenging the nation’s segregation laws;

WHEREAS, John Lewis helped organize the now historic 1963 March on Washington in which he addressed the Nation as its youngest speaker and at the time of his death was the last surviving orator;

WHEREAS, John Lewis courageously led more than 600 peaceful protesters across the Edmund Pettus Bridge in Selma, Alabama, where they were confronted by 150 Alabama State
troopers and sheriff's deputies wielding clubs, bullwhips and tear gas in the brutal encounter which became known as “Bloody Sunday.” The violence perpetrated against the civil rights activists, which included a fractured skull suffered by John Lewis, was captured on national television and provoked such outrage that it is credited as the defining event which precipitated the passage of the Voting Rights Act of 1965;

WHEREAS, John Lewis was elected to the United States House of Representatives in November, 1986, and served for thirty-four (34) years;

WHEREAS, Representative John Lewis lived his life with integrity and honor, setting an example for all the citizens of the United States with his passionate public service and tireless activism; and

WHEREAS, the life of John Robert Lewis uniquely embodies the challenges and achievements which at once confronts and inspires people throughout the world, and in particular Black Americans;

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

Section 1: Common Council of the City of Kokomo, Indiana hereby acknowledges:

A. The contributions of the Honorable Representative John Lewis in the Civil Rights Movement to end legalized racial segregation; and

B. The life of John Lewis, embodying the spirit of love and dignity through his unceasing advocacy for reconciliation, justice, and equality for all humanity.

RESOLVED this ___ day of ____________, 2020.

Lynn Rudolph
President of the Common Council
ATTEST:

Diane Howard, City Clerk

Presented to the Mayor by me this ___ day of ____________, 2020, at ______ a.m/p.m.

Diane Howard, City Clerk

APPROVED by me this ___ day of ________________, 2020.

Tyler Moore, Mayor

ATTEST:

Diane Howard, City Clerk