

The Common Council of the City of Knox met in regular session at the Knox City Hall at 7:00 P.M. central time on Tuesday, June 10, 2014 with the following members present: Rick Chambers, Mayor; Greg Matt, Donald Kring, Linda Berndt, Jeff Berg and Ronald Parker, Councilors; Shari Spaid, Deputy Clerk-Treasurer and City Attorney David Matsey. The following proceedings were had to wit:

RE: AMEND AGENDA

Mayor Chambers asked that the council add "Nipsco Lease" as 4B on the agenda. Councilor Berndt made a motion to add Nipsco lease to the agenda. Motion was second by Councilor Kring and was passed by a vote of Five (5) Ayes and No (0) Nays.

RE: APPROVAL OF MINUTES

Previous meeting's minutes were sent to the councilors prior to the meeting. Councilor Berg made a motion to approve minutes as presented. Motion was second by Councilor Parker and was passed by a vote of Five (5) Ayes and No (0) Nays.

RE: NIPSCO LEASE RENEWAL - CITY ANNEX BUILDING

Mayor Chambers stated that Nipsco is asking for a 1 year extension on their leasing of the City Annex Building. There are 2 one year extensions included in the contract. The mayor told the council that they have replaced the door and put in a new furnace. Councilor Parker made a motion to extend Nipsco's lease one year at the same amount of rent (\$200.00 per month). Motion was second by Councilor Matt and was passed by a vote of Five (5) Ayes and No (0) Nays.

RE: ORDINANCE #1142 - OUTDOOR STORAGE - FINAL READING

Mayor Chambers stated that the plan commission added a special use appeals section to ordinance as requested last meeting. Mr. Smith from Smith Farm Store told the Council that he feels that this ordinance is singling him out from the other businesses. The council felt that it was not singling him out and felt that this ordinance affects all the businesses in town. After discussion Councilor Parker made a motion to accept plan commission's changes. Motion was second by Councilor Berg and was passed by a vote of Five (5) Ayes and No (0) Nays.

**ORDINANCE NO. 1142
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
KNOX, INDIANA, AMENDING THE KNOX MUNICIPAL CODE TO
AMEND SECTION 8 OF TITLE IX. C-2 GENERAL COMMERCIAL DISTRICT
OF APPENDIX A - ZONING OF THE MUNICIPAL CODE TO ALLOW AND
REGULATE CERTAIN OUTDOOR DISPLAYS AND STORAGE**

WHEREAS, the City Council of Knox, Indiana, is desirous of promoting, preserving, and protecting the public health, safety, and welfare of the City of Knox by implementing and enforcing ordinances, rules, and regulations of the City of Knox; and

WHEREAS, the city council has previously adopted ordinances to regulate zoning in the general commercial district in the City as to certain business operation; and

WHEREAS, the City Council has reviewed its current zoning ordinance and recommendations of the Knox Planning Commission as to outdoor sales and displays and outdoor storage restrictions and has determined that its current ordinance in those regards should be amended to permit and regulate certain outdoor sales and displays and outdoor storage;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF KNOX, INDIANA, TO WIT:

SECTION 1. That the Code of Ordinances, City of Knox, Indiana, is hereby amended by repealing in its entirety Section 8 of Title IX. C-2 General Commercial District of Appendix A - Zoning and replacing it with a revised Section 8 reading as follows:

Section 8. Business operations.

All Business operations shall be conducted within a completely enclosed building except as follows:

A. Outdoor sales and displays. Outdoor sales and displays shall be permitted only if the uses comply with the following:

1. Outdoor sales and displays shall be permitted only within an area not greater than 15% of the gross floor area of the building, except outdoor garden displays, which may have an area up to 50 % of gross floor area less the percentage used for other outdoor sales and displays. The combined outdoor displays may not exceed 50% including up to the 15% maximum for displays other than gardening sales. If the maximum is used for other displays other than gardening sales. If the maximum is used for other displays, only 35% of gross floor area may be used for garden displays.

2. Outdoor sales and displays must be located at least 25 feet from any residentially used or zoned property and meet all other setbacks. A property shall not be considered residentially used if the first floor is occupied for commercial use.

3.. Outdoor sales and displays shall be located no less than 25 feet from the edge of any street or highway, at least 5 feet on either side of a sidewalk, and more than 3 feet from any building entrance. The height of the displays cannot exceed 6 feet if adjacent to the structure, or 4 feet if the display is away from the building.

4. Outdoor sales and displays are not allowed in areas set aside, required or designated for driving aisles, driveways, emergency access ways or fire lanes, public or private right-of-ways, loading or unloading zones, landscaped or buffer areas, handicap access areas or any other required open area, and the displays may not interfere with vehicular traffic.

5. Vending and ice machines shall be permitted outside of the building when located against and parallel to the building facade and shall count toward the total outdoor sales and display area.

6. All applications for outdoor sales and displays shall have a site plan showing where the displays for each sales event shall be located on the property.
7. All sidewalk sales and displays shall provide a continuous clear and unobstructed 4-foot path for pedestrian movement. Materials located at the edge of a pedestrian way adjacent to a street shall not extend along the edge of a pedestrian way adjacent to a street shall not extend along that edge at a distance of more than 10 feet without providing a break of not less than 3 feet in width to allow for access to the pedestrian walkway, and shall be no higher than 4 feet.
8. Outdoor sales and displays shall only be accessories to a principal business that conducts its business activities within a completely enclosed building or group of buildings, shall be conducted by employees of the principal business and shall be owned by the owner of the principal business and not a consignment operation or arrangement.
9. Outdoor sales and displays shall not be permanent. They shall only be in use during the season or holiday for which they were meant to be used. Outdoor sales and displays shall be removed within 30 days after the seasonal or holiday time period has elapsed. This includes greenhouses, tents, canopies, tables, display racks, shelving and any other structure used in displays and sales of merchandise.
10. The display items can only be items normally produced or sold in the principal structure during business hours.
11. Outdoor display areas may be located on concrete, asphalt or brick paved areas and shall not be located on lawn areas or landscaped areas.
12. Additional parking space shall be required to replace displaced parking area as required by the Comprehensive Knox Zoning Ordinance.
13. No outdoor display shall obstruct visibility at the intersection of two or more roadways, driveways or traffic lanes.
14. All outdoor display items must be maintained and displayed in a neat, orderly and safe manner. Failure to do so may result in the revocation of any outdoor sales and display permit.
15. Lighting of outdoor merchandise is prohibited. No electricity shall be utilized by an outdoor display. No noise shall be generated by an outdoor display.
16. All outdoor sales and displays must meet all other applicable federal, state and local laws and ordinances.

B. Outdoor storage. Outdoor storage shall be permitted only if it complies with the following:

1. Outdoor storage shall be limited to those areas designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure.
2. Outdoor storage shall only occur in the rear yard of the business, and be screened from view from the abutting property by a fence of sufficient height so that all outdoor storage areas are effectively screened.
3. Outdoor storage shall have a setback of 25 feet to any public right-of-way.
4. Goods, merchandise or products stacked on pallets and/or wrapped in packing material such that the items are not readily available to the public for immediate retail sale shall be considered outdoor storage and not outdoor display.
5. In all districts of manufacturing, trash containers shall be enclosed on four sides with a gate.
6. Outdoor storage of tires shall meet the following standards:
 - a. Tires shall be stored in compliance with applicable public health regulations.
 - b. Tires stored outdoors shall be neatly stacked, with no stack greater than 8 feet high.
7. Vehicles that are in a state of disrepair must be stored in a fenced area meeting the appropriate fencing and screening ordinance or regulation.
8. All outdoor storage must meet all other applicable federal, state and local laws and ordinances.

C. Exemptions:

Auto dealers, boat dealers, tractor dealers, RV/ATV/motor cycle dealers or truck/trailer rentals that have 75% of their gross sales from the types of vehicles listed herein are exempt.

D. Permit required:

No outdoor sales and displays or outdoor storage shall be installed, erected, operated or used within the zoning areas governed by the City of Knox prior to receiving a permit from the planning administrator.

E. Fees:

An annual fee will be required for any outdoor sales and displays or storage. A site plan may be requested by the planning administrator.

F. Special uses - granted by the Board of Zoning Appeals:

Any exceptions for the above requirements for Outdoor Sales and Displays listed in Section 8, paragraph A, and Outdoor Storage listed in Section 8, paragraph B shall require a special use permit authorized by the Board of Zoning Appeals. An application for special use shall be filed with the zoning administrator, and a public hearing must be held before a decision can be made by the Board of Zoning Appeals.

G. Violations:

Uses conducting outdoor sales and displays or storage in a manner not permitted by this section may be cited in accordance with Title XXII Section 1,2 and 3 of the Comprehensive Zoning Ordinance #355 of the City of Knox.

SECTION 2. The Sections and provisions of this ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

SECTION 3. This ordinance does not affect violations and/or prosecutions for ordinance violations committed prior to the effective date of this ordinance, does not waive any fee or penalty due or unpaid on the effective date of this ordinance, and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

SECTION 4. This ordinance shall become effective and be in full force and effect after its passage and approval by the Mayor.

PASSED AND ADOPTED BY THE Common Council of the City of Knox, Indiana, this 10th day of June, 2014.

DONALD KRING, PRESIDENT
Common Council, City of Knox

JEFF BERG
Councilmember

LINDA BERNDT
Councilmember

GREG MATT
Councilmember

RONALD PARKER
Councilmember

ATTEST:

JEFF HOUSTON, CLERK-TREASURER

PRESENTED by me to the Mayor of the City of Knox, Indiana, on this 10th day of June, 2014, at _____ P.M.

JEFF HOUSTON, CLERK-TREASURER

ACCEPTED AND APPROVED by me this 6th day of June, 2014.

RICK CHAMBERS, MAYOR
CITY OF KNOX, INDIANA

ATTEST: _____
JEFF HOUSTON, CLERK-TREASURER

RE: GATEWAY DEPOT - DISCUSSION

Mayor Chambers had e-mailed a proposal from Jim Shilling to the council to discuss regarding the Gateway Depot and property. He stated that no action need be taken now. The mayor suggested we form a committee for discussion with the Historical Society. Greg Matt and Jeff Berg volunteered for the committee. A date was set for Thursday July 3.

RE: ACQUISITION OF PARKVIEW PROPERTY

Mayor told the council that a lady has acquired a trailer on 406 Giles Court from her father. She has moved into it a now wants to get out of Parkview. She approached the mayor with an offer to sell it to the city for \$6,500.00. The mayor gave each one of the councilors a copy of her proposal. He stated that this may fall under the grant that we are looking at and we may want to hold off on this for now.

Another proposal is 8 lots owned by Estoks for \$12,000.00 These properties are located on the northeast corner of Parkview which borders the park. The City owns property on both sides. There were suggestions on where funds would come from to pay for these properties. After discussion was held Councilor Matt made a motion to purchase properties contingent on the Clerk-Treasurer's approval of where the money is coming from. Motion was second by Councilor Berg and was passed by a vote of Five (5) Ayes and No (0) Nays.

RE: 2015 HOLIDAY AND BOARD OF PUBLIC WORKS AND COUNCIL MEETING DATES

The mayor presented to the council the list of 2015 holiday dates and the dates of the 2015 Board of Public Works and Common Council meetings. Councilor Parker made a motion to approve these dates. Motion was second by Councilor Matt and was passed by a vote of Five (5) Ayes and No (0) Nays.

RE: CLERK-TREASURER' REPORT

The deputy clerk-treasurer reported to the council that we have received our June settlement for the amount of \$868,125.17.

RE: MAYOR'S REPORT

Street signs were replaced last summer. This summer warning signs will be replaced at a cost of \$1,200.00.

We are looking at a grant from INDOT for railroad signs.

DNR approve our flood plain ordinance.

Mayor presented list of yards needing to be mowed.

Farmer's Market books are out by the state farmer's market. He will distribute them to the vendors.

The mayor contacted INDOT about lane markings on Clabaugh Drive. There have been a lot of complaints. INDOT has been here and replaced sensors for the lights. They will send an engineer down to locate sensors and determine whether they can paint lines or not. The engineer will be meeting the mayor next week.

Granny's Market donated and planted planters at the Community Center. There are plants for the planters for downtown but have not been planted yet.

Water lines on Henry Drive are complete and paving is done.

An animal control officer has been hired. She should be starting sometime next week.

Mayor sent e-mail to councilors regarding Area 5. He stated that there are no contractors that wants to bid on it.

Mutual Aid agreement - Ken Pfof and Ted Bombaghetti are working with Bass Lake on contract with them.

Crown Hill Cemetery issued a notice that people will not be able to maintain their own lots and there have been a lot of complaints about it. He has not had any luck in finding out who is on the cemetery board. The mayor asked Councilor Berndt for some names of people on the cemetery board so he may get some information regarding the subject.

Flea Market - has had a lot of complaints. There has been a special BZA meeting regarding the issue. There will be another special meeting on June 30.

RE: COUNCIL ITEMS

Councilor Matt - Property on 10 S. Heaton Street (burnt building) has been setting there a long time. Mayor stated that the owner was working with the insurance company but does not know what happened with that. He will have the building inspector send them a letter.

Councilor Matt said he was approached by someone concerning a sign by the plant business by Studio Printers. There is landscaping around sign with timbers around it. It looks as if it was hit by a snow plow and the timbers were laying over on their side and rusty metal spikes were exposed. Mayor will look into it.

Councilor Matt asked about Marsh Manor. City Attorney Matsey stated that the building inspector is involved in working on that matter. They are starting condemnation process again.

Councilor Kring asked about 3 hydrants being replaced on Lake Street. The mayor stated that all three of them are bad and in order to work on them they would have to turn water off and issue a boil order. They are going to hire a contractor to help them out. They will turn off the water to fix all three at the same time so that there is only on boil order.

RE: VOUCHERS AND ALLOWANCES

The following properly filed vouchers (See Voucher Docket, Voucher #18491-18559) were presented and approved.

There being no further business to come before the council at this time the meeting upon motion was duly adjourned.

Rick Chambers, Mayor

Attest: _____
Shari Spaid, Deputy Clerk-Treasurer