

**NORTHERN KENTUCKY AREA PLANNING COMMISSION  
MEETING MINUTES  
AUGUST 27, 2003**

Chairman Afton Kordenbrock called the monthly business meeting of the Northern Kentucky Area Planning Commission to order at 5:45 pm in the first floor conference room of the Commission's offices in Fort Mitchell. Attendance of the members was as follows.

**Term Present Absent**

Chairman Afton Kordenbrock May 2002 through May 2004 X

Vice Chairman Paul Hahn May 2001 through May 2005 X

Treasurer Bill Goetz May 2002 through May 2004 X

Commissioner Billy Bradford May 2001 through May 2005 X

Commissioner Tom Kriege May 2002 through May 2004 X

Commissioner Tom Litzler May 2002 through May 2004 X

Commissioner Lou Noll May 2001 through May 2005 X

Also present were Dennis Andrew Gordon, FAICP, Executive Director; Michael Schwartz, AICP, Deputy Director for Planning Services; Sandi Keene, T-Mobile/VoiceStream; Mike Rollins, T-Mobile/VoiceStream; Greg Thompson, T-Mobile/Voice Stream; Jim Wagner, Wagner Associates; Bill Remke, Property Owner, Toby Carpenter, adjoining property owner; John Schmidt, NCAD; Garry Edmondson, legal counsel; and Gail H. Deatherage, Administrative Assistant.

Commissioner Bradford gave the invocation and Chairman Kordenbrock led the Pledge of Allegiance.

**ACCEPTANCE OF AGENDA**

Chairman Kordenbrock asked if the agenda's contents were acceptable or if anyone had any additions/corrections. Commissioner Goetz made a motion to accept the agenda as presented; Commissioner Noll seconded the motion. Chairman Kordenbrock asked for a voice vote on the motion, which found unanimous approval. The motion passed.

**PUBLIC HEARING:**

TF-2003-32, an application by VoiceStream Wireless/T-Mobile for an approximate 10,000 square foot area located approximately 1,200 feet north of the intersection of Independence Road with Maher Road, Unincorporated Kenton County. The site in question is located on property at 1254 Maher Road, Unincorporated Kenton County for location and extent of a Wireless Communication Facility, including a 199 foot high monopole, including associated ground structures.

Mr. Gordon noted that Mr. Schwartz would present the overview and background of the application for a cell tower.

Mr. Schwartz provided some background information on the site in question, the zoning for the area surrounding the site, and the Recommended Land Use Map identification of the area of the site. He stated that the applicant has submitted information that is confidential and proprietary and is meant to be used only by the NKAPC staff and commission. He explained the supporting information/bases for the staff recommendation, noting the proposed cell tower is necessary to provide for ongoing reasonable coverage of the applicants' service area. He then presented via slide presentation graphics showing the approximate location of the proposed 199 foot monopole cell tower and its approximate proximity to the adjoining property, noting that the proposed tower is located in an area which is currently heavily wooded. He said the proposed tower is to be located more than 840 feet from the nearest residential structure, 100 feet from the nearest property line, 530 feet from the nearest structure, and that the separation should provide for a sufficient setback. He stated that the applicant proposes to install a six-foot high chain link fence, topped with three strands of barbed wire around the proposed lease area.

Mr. Schwartz stated that although the applicant has not specifically requested them, some waivers will be necessary for the construction of the proposed facility such as the requirement that the use of barbed wire or sharp pointed fence be prohibited; the requirement that screening be provided around the leased area; and, the requirement that the surfacing of all driveways comply with the requirements of the requirements of the applicable local zoning ordinance. Mr. Schwartz stated that the NKAPC's RF Consultant, Mr. Wagner, has performed an evaluation of the proposed facility and are included as part of the information they had received in their packets.

Mr. Wagner noted that members had received a copy of his report with the staff recommendation and then gave a brief overview of his evaluation of the proposed facility, noting that it was his conclusion that an additional wireless facility at the proposed location or within the general vicinity is necessary to meet the coverage objectives of the provider. He stated that two alternative sites, an existing tower to the east and the Independence water tower were proposed for evaluation and neither site met satisfactorily the objectives of the provider as compared with the performance of the proposed site. He stated that no other alternative structures were found to exist within a practical distance on which to collocate.

Ms. Keene spoke on behalf of the applicant and gave a handout (attached and made a part of the original Minutes). She introduced Mr. Rollins, who gave further clarification on the location, etc. regarding their application and also noted they are in general agreement with the staff recommendation. Ms. Keene and staff answered several general questions with regards to painting the tower as required by the Kentucky Heritage Council, and set back requirements with regard to local zoning regulations, road surface, etc.

Mr. Remke, an adjoining property owner to the proposed cell tower site, made general comments and questioned the distance of the cell tower to his property. He expressed concern about future effects of having the tower located near his property should he decide to develop it in the future. He also asked about the removal of trees on the proposed site which were acting as a buffer to his property. Mr. Schwartz explained the distance from the property line and stated it is in conformance with local regulations. Ms. Keene said that she was not aware of any clearance of trees on the cell tower site.

Mr. Carpenter stated he was the owner of the site in question and noted he has cleared some trees from his property because he is putting in a lake, but that he has not removed any trees near the proposed site.

After some general discussion, Commissioner Litzler made a motion to accept the staff recommendation for TF-2003-02 with the three conditions listed in the staff report; Commissioner Noll seconded the motion. Chairman Kordenbrock asked if there were any questions.

Commissioner Goetz expressed concern that the waiver to surface the driveway should not be waived and stated he feels this is a business and that this regulation should be enforced.

After some further discussion, Commissioner Goetz moved to amend Commissioner Litzler's motion by striking the waiver for the surface paving of the driveway to the cell tower; Commissioner Bradford seconded the motion. Chairman Kordenbrock asked if there were any questions; there were none. He asked for a roll call vote on Commissioner Goetz's motion to amend, which found Commissioners Kriege, Litzler, Noll, and Chairman Kordenbrock opposed and Commissioners Goetz and Bradford in favor. The motion failed by a vote of four to two. Chairman Kordenbrock then called for a roll call vote on Commissioner Litzler's original motion, which found Commissioners Goetz, Bradford, Kriege, Litzler, Noll, and Chairman Kordenbrock in favor. The motion passed unanimously.

## OLD AND UNFINISHED BUSINESS

Chairman Kordenbrock asked if the Minutes of August 13, 2003, were acceptable or if anyone had any additions/corrections. Commissioner Litzler made a motion to accept the Minutes as presented; Commissioner Goetz seconded the motion. Chairman Kordenbrock asked for a roll call vote which found Commissioners, Goetz, Bradford, Kriege, Litzler, Noll, and Chairman Kordenbrock in favor. The motion passed unanimously.

Chairman Kordenbrock noted that the May 2003 Report of Receipts and Expenditures had been passed out at the last meeting and asked if anyone had any questions. There were none. He asked for a motion to approve the May 2003 Report of Expenditures and Receipts. Commissioner Goetz made a motion to approve the report as presented; Commissioner Litzler seconded the motion. A roll call vote on the motion by Commissioner Litzler found Commissioners Goetz, Bradford, Kriege, Litzler, Noll, and Chairman Kordenbrock in favor. The motion passed unanimously.

Mr. Gordon noted that the preliminary June 2003 Report of Receipts and Expenditures was ready but had not been sent to the members. He said he could make it available now or at the next meeting. Chairman Kordenbrock noted he could present it at the next meeting.

Chairman Kordenbrock asked for a report from Legal Counsel. Mr. Edmondson noted there was nothing new to report in the Jump lawsuit. He noted that the SOB update would be given later on the agenda.

Mr. Gordon noted that he was getting figures together for the tax rate hearing scheduled for the September 10 meeting. Some general discussion ensued with regard to the tax rate, etc.

Mr. Gordon noted he has presented the "vision" report and its contents to the deputy directors and the full staff and felt it had been received well. He also stated he was working with the fiscal assistant on numbers for salaries, etc.

Mr. Gordon passed out the FY03 performance review forms to the commission and noted that deputy directors will be conducting staff performance reviews by the end of September. If anyone had any comments or questions he would appreciate them.

Mr. Gordon noted that there is a section in the new Personnel Regulations, Policies, and Procedures Manual that deals with systems security. He said he would soon be implementing new computer network security on all NKAPC computers and gave some information on this process. He noted that the information technology intern hired this summer had been very good and had brought to staff's attention the need for more stringent computer network security. He stated he had offered some very good suggestions for beefing up this area.

Mr. Gordon then passed out the final site visit report from Duncan and Associates on Sexually Oriented Entertainment and Related Businesses. Mr. Edmondson noted that it was the first product of our contract and felt they had done a good job in this report.

Mr. Gordon reminded the Commission of the Council's decision to hire Walker VanGorder CPA as the new auditing firm for NKAPC and KCPC. He said that their audit of the FY03 books would begin in October and be completed by the end of December 2003. He noted this firm would provide assistance to the fiscal assistant in implementing GASB 34.

Mr. Gordon noted that the new Timeslips software was being used as the basis for July billing. He said that our clients would be receiving significantly more detailed information.

Mr. Gordon noted in staff news that Christy Davis, GIS Department, has completed her Master's Degree program in Geography from Murray State University; that Melissa Jort, Principle Planner, became engaged while on vacation in Paris, France; that six persons from the GIS Department had attended the state GIS conference and that five of those persons had made presentations; and that Ryan Kent, GIS Department, who was one of the speakers at the June Area Planning Council dinner program on Kenton County brownfields, had been invited to attend a national conference on brownfields in Portland, Oregon, and make a presentation there.

Mr. Gordon noted that as an update on healthcare cost issues, that Ivan Frye was looking at several healthcare proposals for Kenton County that he hopes will save some monies. He noted more details would be forthcoming.

Mr. Litzler asked about how Ms. Bresser was doing. Mr. Gordon noted she had attended the full staff meeting on Tuesday morning but had not yet been released to return to work full time.

Mr. Schwartz then gave an update on Planning Services. He said Ms. Jort was working on manufactured housing regulations, the Urban Forestry Grant, and the Kyles Lane Project. He stated Ms. Hughes is busy coordinating the KAPA Conference, which will be held in Bowling Green on September 10, 11 and 12. He noted that the National Urban Forestry has additional grant monies which will be given to us to develop guidelines and criteria for staff reports to the KCPC, Campbell County Planning Commission and the Cold Spring Planning Commission. Mr. Schwartz noted he had been appointed to the Lunken Airport Master Plan Oversight Committee and gave some additional information on what this committee will be studying.

Chairman Kordenbrock thanked Mr. Gordon and Mr. Schwartz for the update and asked if anyone had any questions. There were none.

Chairman Kordenbrock asked Commissioner Litzler for a report on the Building/Office Committee. Commissioner Litzler noted he met with Mr. Huff and conveyed the action by the Commission of extension of the lease with no raise in lease cost to Mr. Huff. He said that Mr. Huff was pleased with that action. He noted that Mr. Huff still feels their new building will be ready for occupancy by the end of September.

Chairman Kordenbrock asked Commissioner Kriege for a report on long-range financial planning. Commissioner Kriege noted he would be meeting with Mr. Gordon to keep things moving along and to get the projected numbers together in order to make the multi-year projections anticipated by the Commission.

Chairman Kordenbrock asked Commissioner Noll for a report on proposed amendments to the personnel policies. Commissioner Noll noted that members had received the proposed amendments to the NKAPC Personnel Regulations, Policies, and Procedures Manual in an August 15 memorandum. With no recommendations for further amendments, Commissioner Noll made a motion to adopt the proposed amendments to the personnel regulations manual; Commissioner Litzler seconded the motion. Chairman Kordenbrock asked if there were any questions; there were none. He asked for a roll call vote which found Commissioners Goetz, Bradford, Kriege, Litzler, Noll, and Chairman Kordenbrock in favor. The motion passed unanimously.

Chairman Kordenbrock recalled the Commission had received the executive director's report on rehabilitating the Commission's building and his recommended strategy for achieving these goals. He asked if members agreed to the concept and to offer any comment. After some general discussion and comments, Commissioner Kriege made a motion to authorize the executive director to proceed with his recommendations for rehabilitating the Commission's building but to return for specific approval on final plans; Commissioner Litzler seconded the motion. Chairman Kordenbrock asked if there were any questions; there were none. He asked for a roll call vote which found Commissioners Goetz, Bradford, Kriege, Litzler, Noll, and Chairman Kordenbrock in favor. The motion passed unanimously.

## NEW BUSINESS:

Chairman Kordenbrock noted that the executive director had asked for a discussion item regarding the Commission's ongoing review of wireless communications facilities. Mr. Gordon stated that he wanted to work further on this issue with legal counsel. He asked permission to proceed in this direction. Chairman Kordenbrock stated that he felt review of cell tower applications is an important function of this Commission and that it had been determined some time ago that cell towers applications are of area-wide significance and should come before this Commission. He asked for other comments from the members.

Commissioner Goetz stated that all this Commission does is make recommendations to the KCPC and wonders just how much impact these recommendations have on the KCPC. Mr. Litzler asked if this was something that would fall under the normal duties of legal counsel. Mr. Edmondson replied that it would. He stated too that it was determined by him several years ago that cell towers are of area-wide significance and that this body should review the application and make recommendation to the KCPC for their consideration.

After some further discussion, Commissioner Kriege made a motion to authorize the executive director to pursue with legal counsel an issues paper for determination on whether future cell tower applications could be sent directly to the KCPC for action; Mr. Goetz seconded the motion. Chairman Kordenbrock asked if there were any questions; there were none. He asked for a roll call vote which found Commissioners Goetz, Bradford, Kriege, and Litzler in favor; Chairman Kordenbrock and Commissioner Noll voted against. The motion passed four votes to two.

Chairman Kordenbrock then asked for a motion to go into executive session to discuss a personnel matter, pursuant to KRS 61.810. Commissioner Goetz made a motion to go into executive session; Commissioner Kriege seconded the motion. The motion passed with unanimous consent and the Commission went into executive session at 7:45 pm.

Chairman Kordenbrock closed the executive session at 8:15 pm and he noted that during the Executive Session personnel matters were discussed and that no actions were taken.

Commissioner Goetz made a motion to accept the resignation of Barry Burke; Commissioner Litzler seconded the motion. Chairman Kordenbrock asked if there were any questions; there were none. He then asked for a roll call vote, which found Commissioners, Hahn, Goetz, Bradford, Kriege, Litzler, Noll and Chairman Kordenbrock in favor. The motion passed unanimously.

Chairman Kordenbrock asked if there were any other comments or business to come before the Commission. There being no further business, he adjourned the meeting with unanimous consent at 8:15 pm.