

**Northern Kentucky Area Planning Commission
Meeting Minutes: December 9, 2004**

Chairman Bill Goetz called the special meeting of the Northern Kentucky Area Planning Commission to order at 5:15 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 Bill Goetz May 2004 through May 2006 X
Vice Chairman Paul Hahn May 2003 through May 2005 X
Treasurer Tom Kriege May 2004 through May 2006 X
Commissioner Billy Bradford May 2003 through May 2005 X
Commissioner Afton Kordenbrock May 2004 through May 2006 X
Commissioner Tom Litzler May 2004 through May 2006 X
Commissioner Lou Noll May 2003 through May 2005 X

Also present were: Jenny Gulick, Davey Resource Group; Barry Schwartz and Sherry Carran from the Kenton County Conservation District; Melissa Jort-Conway, MCIP, Principal Planner; Jan Crabb, Fiscal/HR Administrator; Scott Hiles, Deputy Director for Infrastructure Engineering; John Lauber, Acting Deputy Director for Building Codes Administration; Sharon Shinnars, Associate Secretary; Mike Schwartz, AICP, Deputy Director for Current Planning; Dennis Andrew Gordon, FAICP, Executive Director; Garry Edmondson, legal counsel; and Gail H. Deatherage, Administrative Assistant.

ACCEPTANCE OF AGENDA

Chairman Goetz asked for review of the agenda. Commissioner Noll made a motion to accept the agenda as presented; Commissioner Hahn seconded the motion. Chairman Goetz asked for a voice vote on the motion, which found unanimous approval. The motion passed.

PRESENTATION

Chairman Goetz noted that Ms. Gulick of Davey Resource Group was present to give comments on the now-complete Kenton County Forest Quality and Assessment Study (Canopy Study). He also stated that Ms. Jort-Conway was present. Ms. Gulick said she was pleased to give the Commission an overview of the completed Canopy Study and noted that the Commission is the first group to hear the presentation. She thanked staff for its work on the project, noting that digital photos which formed the basis of the effort came from the Commission. She then provided an overview of the completed study. She explained that the forest quality assessment identified the extent and quality of the County's urban and rural forest canopy covers and stated that this would create a baseline of forest resource data for Kenton County. She then presented a slide presentation with the study's major findings. (A copy of the Forest Quality Assessment Executive Summary is attached to the original minutes.) She stated that Kenton County has

approximately 43,340 acres of forest cover-41 percent of the County's total land mass. She stated that staff has the study's final data. She answered several general questions from members regarding dissemination of the data by NKAPC staff and pointed out that some of this data has been used in the KY 17 Corridor Study. Some discussion ensued about the information being included in the comprehensive plan update and it was noted by staff that it would be included.

Ms. Carran noted that she is working with a group looking into air quality standards with funding from the federal government and gave a brief overview.

Chairman Goetz thanked Ms. Gulick and those attending for their presentation and comments.

OLD AND UNFINISHED BUSINESS

Chairman Goetz asked if the minutes of the November 10, 2004 meeting were acceptable or if anyone had any additions/corrections. Mr. Gordon noted that Mr. Schwartz was inadvertently left out of the list of those attending the meeting and that the Minutes have been corrected. Commissioner Noll made a motion to accept the minutes as corrected; Commissioner Bradford seconded it. Chairman Goetz asked for a roll call vote, which found Commissioners Noll, Bradford, Hahn, Kordenbrock, Litzler, and Chairman Goetz in favor. The motion passed unanimously.

Chairman Goetz asked for comments on the Report of Receipts and Expenditures. Mr. Gordon noted there was nothing out of the ordinary and that this report is through the end of October. He gave an overview on various income and expenditure items and answered some general questions from the Commission. Commissioner Noll made a motion to accept the October Report of Receipts and Expenditures, subject to audit; Commissioner Hahn seconded the motion. Chairman Goetz asked for a roll call vote, which found Commissioners Noll, Hahn, Bradford, Kordenbrock, Litzler, and Chairman Goetz in favor. The motion passed unanimously.

Chairman Goetz asked for a report from legal counsel. Mr. Edmondson said there will be a hearing on the request for permanent injunction in the SOB litigation on December 22 at 9:00 am. He stated that a lot of work has been done on this case, looking at worst case scenarios. He also reported that he had nothing new to report regarding the Cloyd litigation.

Chairman Goetz asked for update reports from Mr. Gordon and staff.

Mr. Gordon stated that he met earlier this year with Judge/Executive Ralph Dress who indicated that Fiscal Court wanted NKAPC to look for its own health and liability insurance coverage. He said he asked Ms. Crabb to chair an employee task force to search for the best coverage possible without an increase in cost. He stated the committee has been meeting on an on-going basis since then and has attended seminars to educate themselves regarding health coverage. He introduced Ms. Crabb to give a brief update on the committee's findings and to answer any general questions.

Ms. Crabb reported that the task force had been reminded throughout this process of how good the Commission's current coverage is. She then gave an update on the work the task force has pursued, noting they had selected Sherrill Morgan Inc. & Associates as our broker and hoped to be able to cross over to the new insurance carrier by January 1, 2005. She noted that staff members have completed their applications for the broker. Some discussion ensued with Commission members expressing concern about having insurance coverage by January 1. Ms. Crabb answered some general questions with regard to various plans and concerns of task force members. After further discussion, Mr. Gordon noted that when the task force is ready with a recommendation, he would have the members present it to the Commission for its approval.

Mr. Gordon reported that Mr. Lauber was present in his new capacity as Acting Deputy Director for Building Codes Administration. Mr. Lauber thanked the Commission for their support and gave a brief personal background update on his tenure at NKAPC. He then introduced Sharon Shinnars, the new Associate Secretary in the Building Codes department. Ms. Shinnars gave a brief personal history of her work history and personal background. Chairman Goetz thanked Mr. Lauber for the update and welcomed Ms. Shinnars to the NKAPC.

Mr. Gordon reported that members had received the new organization chart showing all approved positions as well as a picture of each employee. He gave an overview of internal promotions pursued as part of the restructuring of staff: Larisa Keith, AICP, to Senior Planner in the Long Range Planning Department, Susan Conrad, AICP, Research Analyst in the Long Range Planning Department, and Melissa Jort-Conway, MCIP, to Senior Planner in the Current Planning Department.

Mr. Gordon explained his strategy for bringing new staff on board during the remainder of FY05. He pointed out the several new positions that will be funded by the levy and those that will be funded as needed through One Stop Shop revenues. He gave some comments regarding his thinking on when these positions should be filled, particularly those funded through the levy. He noted that with the pending renovation of the building, these positions will be phased in over the next several months. He said the position funded through One Stop Shop would be filled only as needed.

Commissioner Kordenbrock expressed concern that we are adding new positions and questioned whether they were really necessary as he feels the money could be used elsewhere to pay off notes, etc. Chairman Goetz responded that these positions had been discussed and approved through adoption of the budget, that the positions are not something new, and that Mr. Gordon is merely updating the Commission with regard to how and when he intends to fill them. Mr. Gordon noted that he understands Mr. Kordenbrock's concern, but that the Commission has been understaffed for many years, and that there are many issues and projects which could not be addressed due to this understaffing. He said he feels that these issues can be addressed soon with the anticipated staff. Commissioner Hahn responded he felt the Commission should be in a position to act and not merely react and that these positions have been discussed many times over the last few months and ultimately approved by the Commission.

Mr. Gordon reminded members that one of their goals included in the Realizing the Vision strategy was

to put GIS on sound financial footing and that the FY05 budget accomplishes this. He reported he had had discussions with the Kenton County partners (Fiscal Court, Sanitation District No. 1, Northern Kentucky Water District, and the PVA) and they each agreed to an annual assessment of approximately \$20,000 and that these monies would be put into a "holding fund." The holding funds would be used to pay for new aerial photographs every three years. He said the Kenton County partners would meet soon to discuss what will replace the current partnership. He also reported that a Campbell County GIS partnership would be created and its work pursued on a billable hours basis. He then answered some general questions from the Commission.

Mr. Gordon then spoke on the need for a data recovery/network security plan, noting that he has had discussions with Ms. Brush and Mr. Wallace about getting this done. He said that they are working on a network security plan that will require the entire network, including individual hard drives, to be backed up on a weekly basis and the resulting tapes to be kept off site. Chairman Goetz noted that Cincinnati Bell has a very good disaster recovery system and suggested that staff look into this.

Mr. Gordon reported that the FY04 audit is still incomplete. He explained the holdup has been on untangling the GIS numbers since the partnership's financial picture was technically closed as of June 30, 2004. He said the auditors are hopeful to have the audit completed soon.

Mr. Gordon said he had discussed with Chairman Goetz the procedure for financing the renovation project. He provided some background information on the funding process with Kentucky League of Cities (KLC), noting it was a two-step process. The first is to put a "hold" on monies with KLC. He stated he had put a hold of \$2.1 million, feeling this should be more than an adequate amount for refinancing the present mortgage and paying for the renovation project. He stated that now that we know what the renovation will cost (pending an item later on the agenda), he will be able to calculate a more exact dollar amount to finance.

Mr. Gordon gave an update on One Stop Shop progress and noted members had received an updated report. He noted that talks are proceeding with the City of Covington for its building inspection program.

Mr. Gordon gave a detailed overview and comments on the proposed inspection permit fee schedule and fee task force meetings and progress to date. He noted that much thought and work had gone into this proposed fee schedule and that the builders, developers, and the Home Builders Association were strongly behind this effort. Mr. Noll asked about public input on this and Mr. Gordon noted there was no requirement for public input and that it was builders who would be paying the fees, not the public. Mr. Edmondson noted that these kinds of items are not subject to public approval.

Commissioner Bradford asked about progress on a unified code enforcement board. Mr. Gordon noted he would start working on this with legal counsel after the first of the year.

Commissioner Noll suggested a ten minute recess. The Commission recessed at 7:10 pm and resumed its

session at 7:25 pm.

Mr. Gordon gave an update on staff's coordinated subdivision regulations initiative. He said that staff is pursuing a draft of the regulations for Kenton County and will soon be pursuing a draft for Campbell County and these would then be in line with Boone County's regulations. He also noted that it has been proposed by staff that subdivision plat review be internalized, with staff doing the review, thus eliminating Kenton County's morning subdivision review meetings. He explained briefly the plat review process that developers would pursue and noted that this will be on the County Planning Commission's agenda for January 2005. He said this is the first step in standardizing the review process in all three counties, an initiative that has the full support of the development community. Mr. Noll asked about public input or lack thereof. Mr. Gordon replied there would be no public input on plats because it is not required by law. Mr. Edmondson noted that subdivision regulations are, by case law, administrative, and that the regulations are enforced by rules and that the public has no "right" to comment or object. He noted if there are deficiencies in the regulations, they would be addressed by the Subdivision Regulation Review Committee, and the public would come to the public meeting and express their concern at that time, explaining that the Kenton County Planning Commission is the only authority to adopt and amend subdivision regulations.

Mr. Gordon reported that a second phase of the Dixie Highway corridor study has been proposed by OKI. He said Judge Drees and officials from OKI had made a formal proposal NKAPC staff to pursue this study. He explained that Kenton County Fiscal Court would provide the funding for this phase and that this would be initiated the second quarter of CY05 with funding being made available in FY06. He gave some further comments on various aspects of the project and the study area, noting more information would be forthcoming.

Mr. Gordon reminded members that they had received information on the Modern Roundabout Seminar to be held on January 10 at Thomas More College. Some discussion ensued with regard to roundabouts and traffic circles.

Mr. Gordon told members that their packets included a list of the holiday closings for CY05.

Mr. Gordon said staff would begin working on procurement regulations for the Commission in early 2005, noting that they have started looking at other model procurement codes.

Mr. Gordon reported that bids for the building renovation were opened on November 30 with 15 bidders participating; and, that bids for office equipment were opened on December 2 with five bidders participating. He stated that building renovation bids came in approximately \$80 to 90,000 less than anticipated and that Kramer and Feldman Inc. of Cincinnati was the low bidder. Mr. Gordon reported that Mr. Humpert had researched and investigated the company thoroughly and recommended that their proposal be accepted as the lowest and best bid in the amount of \$563,449. He noted that members had received a copy of Mr. Humpert's letter recommending Kramer and Feldman, Inc.

Mr. Gordon noted that staff would oversee the day-to-day process during the renovation. After some discussion regarding various aspects of the bid package, Commissioner Kordenbrock expressed extreme displeasure at the cost of the renovation, which did not include equipment, moving and relocation of the conference room. Chairman Goetz noted that these decisions had been discussed and approved previous meetings at which Commissioner Kordenbrock had missed due to illness or being out of town.

Commissioner Hahn made a motion to authorize the chairman and executive director to proceed with a contract with Kramer & Feldman, Inc. for \$588,449; Commissioner Noll seconded the motion. Chairman Goetz asked if there were any questions; there were none. He then asked for a roll call vote which found Commissioners Hahn, Noll, Bradford, Litzler, and Chairman Goetz in favor; Commissioner Kordenbrock voted no and stated it was his understanding that the project estimate of \$590,800 was for the complete renovation. He stated his belief that the project was "overbid" and that the bid of an additional \$176,000 for equipment was too much. He does not agree with moving or spending additional monies on the conference room. Commissioner Noll stated that he takes exception that the bidding process was "overbid." The motion passed 5-1, in favor.

Mr. Gordon said that members had received copies of the furniture bid analysis from Interior Project Management, Inc., recommending OFS/Allsteel for this project at a price of \$179,359.13. After some discussion comparing the two lowest bids, Mr. Gordon noted that he had looked at the equipment furnished by both companies and believed that there is a substantial difference in the steel components and strength of the two finalists. He concluded that OFS/Allsteel was by far the superior product.

Commissioner Noll made a motion to accept the bid of OFS/Allsteel as the best bid for office furniture and modular components at \$179,359.13 and to authorize the chairman and executive director to sign the contract; Commissioner Hahn seconded the motion. Chairman Goetz asked if there were any questions; there were none. He asked for a roll call vote, which found Commissioners Noll, Hahn, Bradford, Kordenbrock, Litzler, and Chairman Goetz. The motion passed unanimously.

Mr. Gordon noted that the furniture is modular and in the event the Commission would ever move in the future, it would accompany the staff.

Chairman Goetz introduced the next item, the proposed amendments to the NKAPC Bylaws. Chairman Goetz noted he would like to add "at a minimum" to the last sentence of Article 8, 2a, Committees.

Commissioner Litzler made a motion to adopt the proposed bylaw amendments as amended by Chairman Goetz's request; Commissioner Hahn seconded the motion. Chairman Goetz asked if there were any questions; there were none. He asked for a roll call vote, which found Commissioners Litzler, Hahn, Bradford, Kordenbrock, Noll, and Chairman Goetz in favor. The motion passed unanimously.

Chairman Goetz noted that he was about finished with the evaluation forms for Mr. Gordon's FY04 performance review and hoped to have something ready by next week.

Mr. Gordon recommended Ralph Grieme be reappointed as NKAPC's representative to the OKI Board of Trustees for NKAPC for 2005. Commissioner Litzler asked if Mr. Bowdy would be interested in being the representative and Mr. Gordon stated he felt that he would not be interested. Mr. Gordon told members that OKI's nominating committee had already appointed him to an at-large seat as a trustee so there was no need to feel that they needed to pick between himself and Mr. Grieme, that both would be there representing NKAPC.

Commissioner Noll made a motion to appoint Ralph Grieme as the NKAPC representative on the OKI Board of Trustees for 2005; Commissioner Bradford seconded the motion. Chairman Goetz asked if there were any questions; there were none. He asked for a roll call vote, which found Commissioners Noll, Bradford, Hahn, Kordenbrock, Litzler, and Chairman Goetz. The motion passed unanimously.

Chairman Goetz asked for comments from members.

Commissioner Kordenbrock asked for a total cost estimate of renovating the building, architect fees, payments, etc. He said he feels the project is going to cost the Commission a lot of extra money. He asked about the 120 days for project completion and if there is a penalty. Mr. Edmondson noted that the performance bonds would cover any penalties.

Chairman Goetz read a thank you note from the family of John McCormack for the donation in memory of the former Commission member who passed away recently. He read a letter of commendation for staff members Keith Logsdon, Larissa Keith, and Melissa Jort-Conway from Mayor Gene Weaver and Larry Klein from the City of Fort Wright. He also read a letter thanking Michael Carpenter for his help in getting a permit.

NEW BUSINESS:

Mr. Gordon said that staff had done extensive research for a permit-tracking software package for the One Stop Shop program. He reported that SunGuard Pentamation met our needs in every way possible and recommended the purchase of their software package in an amount not to exceed \$100,000. Mr. Gordon explained the many attractive features of this software and noted that the price includes instruction, installation, data conversion, etc. He stated this would eventually allow applications for building permits, zoning permits, tracking violations, etc., on line. He noted further that because we are buying this under the Fiscal Court's account that we are able to get such a good price.

Commissioner Noll made a motion to pursue the SunGuard Pentamation tracking software for a price not to exceed \$100,000; Commissioner Hahn seconded the motion. Chairman Goetz asked if there were any questions; there were none. He asked for a roll call vote, which found Commissioners Noll, Bradford, Hahn, Kordenbrock, Litzler, and Chairman Goetz. The motion passed unanimously.

Mr. Gordon passed out the proposed meeting schedule for CY05. After some discussion, it was determined that February 23, June 22, and October 26 meetings would remain on the meeting schedule,

but that the March 23 meeting would be cancelled due to attendance at the APA National Conference. Without objection, Chairman Goetz declared the proposed calendar adopted as amended.

Chairman Goetz 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 9:00 pm.