

Northern Kentucky Area Planning Commission

Meeting Minutes: August 24, 2005

Chairman Bill Goetz called the monthly business meeting of the Northern Kentucky Area Planning Commission to order at 5:15 PM in the Commission Chambers of NKAPC Building in Fort Mitchell. Attendance of the members was as follows.

	Term	Present	Absent
Chairman Bill Goetz	May 2004 through May 2006	X	
Vice Chairman Tom Kriege	May 2004 through May 2006	X	
Treasurer Afton Kordenbrock	May 2004 through May 2006	X	
Commissioner Tom Litzler	May 2004 through May 2006		X
Commissioner Lou Noll	May 2005 through May 2007	X	
Commissioner Dick Spoor	May 2005 through May 2007	X	
Commissioner Gene Weaver	May 2005 through May 2007	X	

Also present were: Marshall Slagle, Covington; John Scola, CBW Network; Tom Bosse, legal counsel, CBW Network; Steve Carr, PDH, Inc.; Candace Smith, Covington; Dennis Andrew Gordon, FAICP, Executive Director; Mike Schwartz, AICP, Deputy Director for Current Planning; Stacy Hege, legal counsel; Garry Edmondson, legal counsel; and Gail H. Deatherage, Administrative Assistant

Chairman Goetz led the Pledge of Allegiance and Commissioner Noll gave the invocation.

ACCEPTANCE OF AGENDA

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

PUBLIC HEARING

Chairman Goetz opened a public hearing on cell tower application TF-2005-33. He pointed out that members had received information regarding this application prior to the meeting. He asked those persons in attendance to register if they wished to speak for or against the application. Chairman Goetz asked Mr. Schwartz to provide staff's review comments and recommendation.

Mr. Schwartz stated that the applicant, Cincinnati Bell Wireless (CBW), requested a Wireless Communications Facility, including a 130 foot monopole and associated ground structures, at an approximate 760 square foot area to be located approximately 400 feet west of Eastern Avenue and approximately 400 feet north of Levassor Avenue, on property addressed as 2526 Madison Avenue in Covington. He read for the record the considerations (copy attached to the Original Minutes). He explained that the site in question is the Holmes High School campus and that areas adjacent to the site in question are zoned R-1E, a mixture of single-family, two-family, and multi-family residential dwellings.

Mr. Schwartz noted that the applicant has submitted the necessary documents for staff consideration: an application for identifying the request; a search ring for the proposed facility, a grid map, propagation maps showing current/proposed coverage; and the proposed lease agreement, etc. He noted that the proposed tower is located approximately 310 feet from the nearest property line, approximately 25 feet from the nearest structure, and 410 feet from the nearest residential structure. He reported that waivers for construction of the proposed facility would require that screening be provided around the entire lease area, and that lease areas be not less than 5,000 square feet in size. Mr. Schwartz noted that Mr. Wagner, NKAPC's RF Consultant, had performed an evaluation of the proposed facility (copy included with the staff report and attached to the Original Minutes).

Mr. Schwartz stated staff's recommendation to approve the application from Cincinnati Bell Wireless (TF-2005-33) with the following conditions: that the monopole be uniform gray color; that it not include any lighting unless required by federal/state regulations; that it be designed as a flag pole with an American flag; and, that CBW antennas be mounted internally. Mr. Schwartz answered general questions from the Commission.

Chairman Goetz asked for comments from Cincinnati Bell Wireless representatives. Mr. Carr explained that on-going discussions with Holmes High School representatives, neighborhood groups, and surrounding homeowners had shown that the location to the north side of the bleachers was the preferred location. He then provided some overview on the company's selection of the proposed site and how it fit into the company's coverage for the area/Ohio River valley. He noted that the stealth flag pole was not agreeable to Holmes High School as they do not want a flag as they feel it would interfere with stadium lighting. He explained further the location/installation of antennae on the pole. Mr. Carr answered some general questions from the Commission.

Upon Mr. Goetz's request for comments from those in support of the application, Mr. Slagle noted that the Wallace Woods Neighborhood Association is in favor of the proposed location and supports the staff findings.

Chairman Goetz asked if anyone in the audience was opposed to the cell tower application.

Ms. Smith noted that she was not opposed generally but expressed some concerns. She passed out several pictures she had taken and noted her concerns were with the intrusion of the tower into the overall integrity of the neighborhood, the landscape, warning sign regarding radiation, etc. She said that she felt there would be continuing safety issues, vandalism, etc. She questioned why the antennas could not be put on top of Holmes High School and asked the Commission to consider this option.

Mr. Carr explained that placing the antenna on the Holmes High School Building would not provide adequate height for the needed coverage and that it also was neither aesthetically pleasing to nor desirable by the school officials. He noted that whenever possible, the company utilizes stealth technology. He stated that there is no danger from the amount of radiation emitted from the antennas.

Chairman Goetz closed the public hearing and asked from Commission member comments.

Commissioner Noll noted he was satisfied with the relocation of the tower and feels this location is better than the previous proposed site.

Commissioner Noll made a motion to accept the staff recommendation including conditions 1 and 2, eliminating Condition 3, changing Condition 4 to slick-mounted antennas not projecting more than 18 inches from the monopole; and, adding Condition 5 that all future antennas be slick mounted; his motion included granting the landscape waiver. Commissioner Spoor 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, Spoor, Kordenbrock, Kriege, Weaver, and Chairman Goetz in favor. The motion passed unanimously.

OLD AND UNFINISHED BUSINESS

Chairman Goetz asked if the minutes of the August 24, 2005, business meeting were acceptable or if anyone had any additions/corrections. Chairman Goetz noted he wanted to clarify his comments included in the Minutes regarding Cold Spring. He said he is concerned about recouping costs when servicing Cold Spring. Mr. Edmondson noted that his comments were that the citizens of Visalia were "considering" a petition for dissolution. Commissioner Kriege made a motion to accept the minutes as amended; Commissioner Noll seconded it. Chairman Goetz asked for a roll call vote, which found Commissioners Kriege, Noll, Kordenbrock, Spoor, Weaver, and Chairman Goetz in favor. The motion passed.

Chairman Goetz asked for consideration of the July 2005 Report of Receipts and Expenditures. Mr. Gordon explained various line items and answered questions from the Commission. Commissioner Weaver made a motion to accept the July 2005 Report of Receipts and Expenditures subject to audit; Commissioner Kriege seconded the motion. Chairman Goetz asked for a roll call vote, which found

Commissioners Weaver, Kriege, Noll, Kordenbrock, Spoor, and Chairman Goetz in favor. The motion passed.

Upon being asked by Chairman Goetz, Mr. Edmondson noted there was nothing new to report from legal counsel.

Chairman Goetz asked for update reports from Mr. Gordon.

Mr. Gordon reported that an interlocal agreement was pending with the City of Cold Spring to continue to administer and perform building inspection services, zoning administration services, subdivision inspection, and support of the city's planning commission and board of adjustments. He noted that the city council had pursued first reading of the agreement already and that it would be approved subsequent to the Commission's meeting, and go into effect on September 1, 2005. He reported that this would be on the agenda for the Commission's September 14 meeting.

Mr. Gordon noted that Commissioner Kordenbrock had requested information on contractual revenue from Campbell County. He distributed an overview of this information which also included revenue information from Pendleton County. He noted that projected revenue from the two counties is approximately \$260,000 for FY06.

Commissioner Kordenbrock expressed his adamant opposition to any staff involvement in Campbell County and noted he would vote against the contract unless our fees are higher. Chairman Goetz noted he felt that a discussion on extra-territorial contracts would be in order and asked Mr. Gordon to put the issue on the agenda for September 14.

Mr. Gordon reported that Larisa Keith would be leaving NKAPC to work for OKI. He expressed disappointment at losing Ms. Keith but noted he understood her desire to further her work experience in another area.

Mr. Gordon reported that the Kenton County Mayors' Group will be meeting in the Commission Chambers on September 17 at 9:00 AM to get an update on Phase II of the SOB Study.

Some discussion ensued with regard to current and rising gas prices and reimbursement of staff for use of private vehicles. Mr. Gordon noted that the federal reimbursement level is currently 40.5 cents per mile and pointed out that this rate was set in January 2005 when gasoline was \$1.70 per gallon. He reported he is having staff look into how other agencies handle reimbursement and that he would get back to the Commission with some type of proposal.

Mr. Gordon noted that if all members can be present on September 14, he would like to have a group picture taken of the Commission. He noted members will be notified if this is a definite date.

Chairman Goetz asked for members' comments and reminded that Commission members are invited to

the NKAPC family picnic to be held on Saturday, September 10, at Craig's Creek in Warsaw and asked members to let Ms. Deatherage know if they planned to attend.

Mr. Noll noted that the next Long Range Planning committee meeting will be on September 6 at 4:30 pm.

Commissioner Spoor noted that he had met with Messrs. Gordon and Edmondson earlier in the day regarding the Commission's carry over in funds from FY05. He stated the issue before the Commission is whether to use the excess funds to pay down long-term debt or to invest it to earn interest and improve the Commission's long-term financial stability. He said he would continue to research this and will report back to the Commission at some future date.

Mr. Gordon reminded members that the Commission had adopted an investments policy in December 1994 and suggested that it should be updated or amended to meet present needs. He noted he had given a copy of the resolution to Commissioner Spoor and legal counsel for their review.

Chairman Goetz noted he and Commissioner Weaver had attended a meeting of the Kenton County Planning Commission's Executive Committee regarding payments that commission is making to help pay for costs of renovating the Commission Chambers. He noted that an interesting discussion ensued and gave some overview of the comments by those attending the meeting.

Chairman Goetz asked if there were any other comments or other business to come before the Commission. There being no further business, he adjourned the meeting with unanimous consent at 7:06 PM.

Bill Goetz, Chairman

Dennis Andrew Gordon, FAICP

Secretary