

**Northern Kentucky Area Planning Commission  
Meeting Minutes: November 8, 2010**

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 the NKAPC Building in Fort Mitchell. Attendance of members was as follows.

	<b>Term</b>	<b>Present</b>	<b>Absent</b>
Chairman Bill Goetz	May 2010 through April 2012	<b>X</b>	
Vice Chairman Tom Kriege	May 2010 through April 2012	<b>X</b>	
Treasurer Tom Litzler	May 2010 through April 2012	<b>X</b>	
Commissioner Sherry Carran	May 2009 through April 2011	<b>X</b>	
Commissioner Paul Meier	May 2010 through April 2012	<b>X</b>	
Commissioner Dick Spoor	May 2009 through April 2011	<b>X</b>	
Commissioner Gene Weaver	May 2009 through April 2011	<b>X</b>	

Also present were: Richard Deters, Legal Counsel for the District 6 of the Kentucky Transportation Cabinet; Scott Hiles, Deputy Director for Infrastructure Engineering; Dennis Andrew Gordon, FAICP, Executive Director; and Lori Remley, Administrative Assistant.

Chairman Goetz asked for a moment of silent prayer and led the Pledge of Allegiance.

**ACCEPTANCE OF AGENDA**

Chairman Goetz asked for review of the agenda and recommended that item 11 be moved up to follow item 3. Commissioner Kriege made a motion to accept the agenda as recommended; Commissioner Weaver seconded the motion. Chairman Goetz asked for a voice vote on the motion which found unanimous approval. The motion passed.

**ONGOING BUSINESS**

Chairman Goetz asked for the executive director’s recommendation regarding a KYTC request to submit an amicus brief in Board of Education of the Bellevue Independent School District v. Commonwealth of Kentucky, Transportation Cabinet, Department of Highways. Mr. Gordon provided background information and recommended that NKAPC file a brief in support of the Transportation Cabinet’s position. He stated he agrees that school districts in Kentucky are exempt from local zoning but that when a school district declares part of its land holdings ‘surplus’ to its mission and then leases that part to a for-profit entity, that action separates that part from the school district’s exemption from zoning. He then introduced Richard Deters, legal counsel for the KYTC.

Mr. Deters advised members that since the 1960s federal mandate, there has been a reduction in billboards along our roadways. He stated that the Board of Education of the Bellevue Independent School District applied for a permit for a billboard on school property along I-471 and that KYTC's hearing examiner denied the request based on the fact the city had denied approval of the structure. He indicated that the city issued a building permit but included with it the condition that the School Board must obtain approval from the KYTC. Mr. Deters provided additional background and stated that the School Board appealed the hearing examiner's denial to the District Court. He advised that the judge found in favor of the School Board and ruled that the School Board is exempt from local zoning. As a result of this ruling, KYTC filed an appeal with the Court of Appeals.

In response to various questions, Mr. Deters advised members that the School Board would lease the ground to the billboard company and the company would own everything above ground. He also stated that there would be a hearing/conference in mid-December. He also outlined the approximate filing deadlines for the court and stated that the filing fee for an amicus brief is \$150. Mr. Deters thanked the Commissioners for their time and consideration.

After a lengthy discussion, Chairman Goetz asked for a motion. Commissioner Spoor made a motion to authorize the filing of an amicus brief in support of the Kentucky Transportation Cabinet's position at a cost not to exceed \$2,000; Commissioner Carran seconded the motion. Chairman Goetz asked for a role call vote on the motion which found Commissioners Spoor, Carran, Kriege, Litzler, Meier, Weaver, and Chairman Goetz in favor of the motion. The motion passed unanimously.

Chairman Goetz called for comments from the public and noted that there were no members of the public present.

Chairman Goetz asked if the Minutes of the October 18, 2010 business meeting were acceptable or if anyone had any additions/corrections. Commissioner Litzler made a motion to accept the October 18 minutes as presented; Commissioner Spoor seconded the motion. Chairman Goetz asked for a role call vote on the motion which found Commissioners Litzler, Spoor, Kriege, Meier, and Chairman Goetz in favor of the motion with Commissioners Carran and Weaver present but not voting. The motion passed unanimously.

Mr. Gordon gave a brief overview of several line items in the October financial report and reviewed the most recent fee-based revenue report. After a brief discussion, Chairman Goetz asked for a motion. Commissioner Weaver made a motion to accept the October reports as presented subject to audit; Commissioner Meier seconded the motion. Chairman Goetz asked for a role call vote on the motion which found Commissioners Weaver, Meier, Carran, Kriege, Litzler, Spoor, and Chairman Goetz in favor of the motion. The motion passed unanimously.

Chairman Goetz noted that legal counsel was not present to report.

Chairman Goetz asked the executive director for his report. Mr. Gordon outlined November 2 election results stating that, on January 1, there would be nine new mayors as well as a new judge-executive. He indicated that this made the 2011 Lou Noll Symposium even more important. Mr. Gordon also advised members that TANK will be joining the Northern Kentucky Water District, SD1, and NKAPC as a sponsor of the symposium and that the agenda

will be completely new. He stated that the recently-completed NKAPC video will be part of our presentation and that the timing of its completion was perfect. Mr. Gordon reminded members to save the date – Saturday morning, February 12.

Mr. Gordon updated members on the public information/education/engagement initiative and provided feedback on recent interviews that Jay Fossett and Pat Crowley have been conducting.

Mr. Gordon advised members that he had received a request for information from the fiscal court a few weeks ago regarding the GIS Partnership, The Hills project, and the new Kenton County Subdivision Regulations. He indicated that he received a phone call last week from the fiscal court asking for the same information again. Mr. Gordon stated that he is in the process of providing the requested information and believes these requests are due to policy questions about work being done outside of Kenton County.

Mr. Gordon informed members that Katherine Terwort has set the first meeting of NKAPCouncil's intergovernmental relations committee for Tuesday, November 30. He outlined the committee members as follows:

1. Councilman Tom Vergamini, Crescent Springs (Chairman)
2. Commissioner Sherry Carran, Covington
3. Mayor Mark Kreimborg, Taylor Mill
4. Commissioner Kris Knochelmann, Kenton County
5. Mayor Michael Hellmann, Park Hills
6. City Manager Larry Klein, Covington
7. City Administrator Tim Williams, Crestview Hills

Finally, Mr. Gordon provided members with an update regarding 2011 medical insurance costs. He stated that Mike Williams of Sherrill Morgan Associates is negotiating with Anthem to get the numbers down and that he expects to have a proposed contract for Commissioners' review at the December 13 meeting.

Chairman Goetz asked for the report from Infrastructure Engineering. Mr. Hiles advised members that they are the first group to see the proposed draft subdivision regulations and that the document is not yet public. He stated that the document is, for the first time, illustrated with 150-200 drawings.

Mr. Hiles then outlined the three main goals of the proposed regulations –

1. Improved Design Flexibility
2. Intergovernmental Coordination
3. Greater Taxpayer Protection

He stated that a digital copy of the regulations would be available through the NKAPC website. He noted that Table of Contents contained hot links to the various topics and each topic had hot links to related issues.

Mr. Hiles stated that he expects the proposed regulations to be made public by the end of the month. A brief discussion followed Mr. Hiles' PowerPoint presentation (a copy of which is attached to the original minutes).

Chairman Goetz opened discussion on the request from Independence regarding paving work being completed in Shaw Estates. Mr. Gordon provided background information and advised members of emails received from Dan Groth and Mayor Chris Moriconi. He indicated that legal counsel for the Kenton County Planning Commission (KCPC) is in agreement with NKAPC legal counsel that it would be inappropriate for KCPC or NKAPC to contribute funds to complete the paving of Shaw Estates.

During the discussion of this issue, Mr. Hiles refreshed members' memories regarding the bonding process and how bond prices are determined. He stated that, under the proposed subdivision regulations, bonds would be reviewed on a yearly basis.

After a brief discussion, Chairman Goetz asked for a motion. Commissioner Meier made a motion to instruct legal counsel to put his legal opinion in writing and send it to city officials; Commissioner Weaver seconded the motion. Chairman Goetz asked for a roll call vote on the motion which found Commissioners Spoor, Weaver, Carran, Kriege, Litzler, Meier, and Chairman Goetz in favor of the motion. The motion passed unanimously.

Chairman Goetz asked for reports from committees or members. Mr. Litzler commented on the recent farm tour (Saturday, November 6) and stated that it was very nice/informative.

## **NEW BUSINESS**

Chairman Goetz asked for the recommendation from the executive director regarding an end-of-year party. Mr. Gordon recommended forgoing the expense of an end-of-year party and having a staff breakfast instead. After some discussion, members agreed that a breakfast would be more appropriate given the economy.

Chairman Goetz then made a recommendation regarding the executive director's FY10 incentive.

After a brief discussion, Chairman Goetz asked for a motion. Commissioner Carran made a motion that, based on the executive director's FY10 performance, the Commission authorize a performance incentive payment in the amount of \$1,500; Commissioner Spoor seconded the motion. Chairman Goetz asked for a roll call vote on the motion which found Commissioners Carran, Spoor, Kriege, Litzler, Meier, Weaver, and Chairman Goetz in favor of the motion. The motion passed unanimously. Mr. Gordon thanked the Commission.

Chairman Goetz asked if there were any other comments or business to come before the Commission.

With no other comments, Chairman Goetz adjourned the meeting at 7:20 PM.

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Bill Goetz, Chairman

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Dennis Andrew Gordon, FAICP  
Executive Director/Secretary