

**Northern Kentucky Area Planning Commission  
Meeting Minutes: May 28, 2013**

Chairman Tom Litzler called the May 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 Tom Litzler	May 2012 through April 2014	<b>X</b>	
Vice Chairman Paul Meier	May 2012 through April 2014	<b>X</b>	
Treasurer Dick Spoor	May 2011 through April 2015	<b>X</b>	
Commissioner Nancy Atkinson	May 2012 through April 2014	<b>X</b>	
Commissioner Sherry Carran	May 2011 through April 2015	<b>5:23</b>	
Commissioner Bill Goetz	May 2012 through April 2014		<b>X</b>
Commissioner Gene Weaver	May 2011 through April 2015	<b>X</b>	

Also present were: Mayor Mike Martin, Villa Hills; Larry Heinzelman, Villa Hills; Trisha Brush, GISP, Director of LINK-GIS Administration; Jan Crabb, PHR, Finance/HR Administrator; Scott Hiles, CPC, Director of Infrastructure Engineering; Sharmili Reddy, AICP, Planning Manager; Martin Scribner, AICP, Director of Planning and Zoning; Brian Sims, CBO, Chief Building Official; Dennis Andrew Gordon, FAICP, Executive Director; and Lori Remley, Administrative Assistant.

Chairman Litzler asked for a moment of silence and led the Pledge of Allegiance. He asked that the record reflect that a quorum was present. He also asked that the record reflect that the Oath of Office was administered by Ms. Remley to Commissioners Spoor and Weaver prior to the start of the meeting.

**ELECTION OF OFFICERS**

Chairman Litzler asked if anyone was interested in serving as chairman and indicated that he would be willing to serve another term. Commissioner Weaver nominated Tom Litzler for chairman; Commissioner Atkinson seconded the nomination. Commissioner Litzler asked if there were any other nominations. There were none.

Chairman Litzler asked if anyone was interested in serving as vice chairman. Commissioner Meier stated that he would be willing to continue serving unless someone else wanted to serve. Commissioner Atkinson nominated Paul Meier for vice chairman; Commissioner Weaver seconded the nomination. Chairman Litzler asked if there were any other nominations. There were none.

Chairman Litzler asked if anyone was interested in serving as treasurer. Mr. Spoor indicated that he was willing to continue serving as treasurer. Commissioner Atkinson nominated Dick Spoor for treasurer; Commissioner Meier seconded the nomination. Chairman Litzler asked if there were any other nominations. There were none.

Commissioner Meier made a motion to close nominations and Commissioner Weaver seconded the motion. Chairman Litzler called the question to close nominations and elect Tom Litzler as chairman; Paul Meier as vice chairman; and Dick Spoor as treasurer for Program Year 2013-14. The roll call vote was unanimous and the slate of officers was elected.

Pursuant to provisions included in the NKAPC Bylaws, “the Secretary position shall be filled by the executive director who shall see to the accurate preparation and completion of minutes and records for each meeting of the Commission.”

Commissioner Carran joined the meeting at this time (5:23 PM) and Ms. Remley stepped aside to administer the Oath.

### **ACCEPTANCE OF AGENDA**

Chairman Litzler suggested moving Item 15 up to follow Item 5 and asked if there were any objections. There being none, he asked if there was a motion to accept the revised agenda. Commissioner Meier made a motion to accept the agenda as amended; Commissioner Weaver seconded the motion. Chairman Litzler asked for a voice vote on the motion which found unanimous approval. The motion passed.

Chairman Litzler called for comments from the public.

Larry Heinzelman, 996 Apple Blossom, Villa Hills, indicated he would like to address the Commission regarding a proposed interlocal agreement with the City of Villa Hills.

Chairman Litzler asked Mr. Gordon to provide members with information leading up to the interlocal agreement. Mr. Gordon advised members that Villa Hills’ Mayor Martin had contacted him early last week regarding joining One Stop Shop. Mayor Martin stated that he was in the process of scheduling a special council meeting and asked if Mr. Gordon could make himself available. On Thursday, Mr. Gordon received a call from the City Clerk who advised him that the special council meeting was scheduled for 5:00 PM on Friday, May 24<sup>th</sup>.

Mr. Gordon stated that he attended the meeting on Friday to answer any questions the Council had. He indicated that the Council voted to authorize the signing of the Interlocal Agreement by a vote of 4-2. Mr. Gordon then stated that he had the contract signed by Mayor Martin and was recommending members authorize Chairman Litzler to sign on behalf of NKAPC.

Chairman Litzler then asked Mr. Heinzelman if he would like to address the Commission.

Mr. Heinzelman stated that he appreciated the opportunity to speak and that he was here to speak about code enforcement. He indicated that citizens of Villa Hills were concerned that NKAPC code enforcement officers would remove signs supporting the Villa Hills Police Department. He stated that these signs were not liked by the mayor and that the signs have been disappearing from people’s yards.

Mr. Heinzelman indicated that the Mayor/Council had dismissed Joe Schutzman without warning and that Mr. Schutzman should have the opportunity to defend himself. He asked the Commission for 30 days to allow Mr. Schutzman and his attorney to respond to the charges. He indicated that this was grossly unfair to Mr. Schutzman and that it was his understanding that the City Council hadn't even seen the contract before being asked to vote on it.

Mr. Gordon advised members that the quickness of this process had been one of the talking points between council members on Friday and that was why the vote had been 4 to 2. Two council members had voted no and a third had stated that if they didn't approve the contract the city would be left without a building inspector and code enforcement. Mr. Gordon also advised members that he had emailed the interlocal agreement and proposed ordinances to the City Clerk/Administrator prior to the meeting.

Mayor Martin stated that the interlocal agreement had been forwarded to City Council members and that they did have it prior to the meeting.

Mr. Gordon reminded members that the agreement can be cancelled with 60 days notice.

Mr. Heinzelman again asked members for 30 days and stated that it would be grossly unfair not to give Mr. Schutzman time to respond.

Commissioner Carran advised Mr. Heinzelman that she serves as the Mayor of the City of Covington and that she understands the position the City of Villa Hills is in. She stated that it is Mayor Martin's and the City Council's responsibility to protect the city. Commissioner Carran stated there are other actions that can be taken to protect Mr. Schutzman and that 30 days probably wouldn't be enough to resolve the issue. She advised Mr. Heinzelman that at one point the previous Mayor of Covington and the Commission had voted to cancel its contract with NKAPC but the city had since come back because it was more cost effective.

Mr. Heinzelman stated that the City of Villa Hills received good service from Schutzman Inspections.

Chairman Litzler asked Mayor Martin if he would like to address the Commission and advised Mr. Heinzelman that he would have an opportunity to address any issues raised by the Mayor.

Mayor Martin thanked the Commission members for their time and allowing him to speak. He stated that he is one of seven elected officials in Villa Hills and that he did not make this decision on his own. He indicated that sometimes not everyone is happy with decisions made but that he could line the people up all the way around the building that weren't happy with the service. Mayor Martin advised the Commission that he had received calls from residents, even on Sundays, complaining that they couldn't get Mr. Schutzman to return their calls. He stated that there are 7,995 people living in Villa Hills and that he/the Council are trying to provide the best service. He echoed Mr. Gordon's statement that the contract can be cancelled with 60 days notice.

Commissioner Weaver stated that whatever the internal issues are in Villa Hills, they don't involve NKAPC and that he wished them the best. He indicated that the City of Villa Hills has asked for NKAPC assistance and that the Commission would be dropping the ball if it didn't

respond. Commissioner Weaver stated that this was not meant to be disrespectful of Mr. Heinzelman or the citizens of Villa Hills. He encouraged Mr. Heinzelman to speak to the City Council about his concerns and if the Council wants to cancel the contract it can be done with 60 days notice.

Mr. Gordon indicated that if the city determined that the contract should be cancelled two or three weeks in, there would be no sense in continuing and the contract could probably be cancelled without the 60 day notice. Members nodded in agreement.

Commissioner Weaver stated that NKAPC's code enforcement officials are fair and open-minded and would not just remove the signs as Mr. Heinzelman feared. Mr. Heinzelman stated that he was asking for an opportunity to reverse the Mayor's action with regard to Joe Schutzman. Commissioner Weaver agreed with Commissioner Carran's statement that it would probably take longer than 30 days.

Mayor Martin advised the Commission that it was not just his decision but that of the majority of the Council.

Commissioner Spoor stated that Mr. Heinzelman's concerns could all be addressed in the next election and that the Commission was not going to turn down a request for help from one of its member governments because of an internal dispute.

Chairman Litzler indicated that 14 other cities were already using NKAPC's services and that the citizens of Villa Hills are paying for some of the services by way of their taxes even though the city has chosen not to use them. He reiterated Mr. Gordon's statement that the contract could be cancelled if the City Council made that decision.

Mr. Heinzelman asked that NKAPC code enforcement officials be a little lenient with regard to the signs - if there is a problem to ask the residents to move the sign, don't just remove it.

Commissioner Meier stated that there was a city ordinance governing signs and that the residents should follow that ordinance. Mr. Heinzelman stated that the signs were originally placed as allowed by the ordinance but with people mowing grass the signs may have been moved and once again asked that the signs not be removed. Commissioner Weaver indicated that people would be notified of any violations before any action was taken. Mr. Gordon gave Mr. Heinzelman his word that staff would not remove the signs without contacting the property owner first.

Based on his conversations with the Mayor, Mr. Scribner indicated that he believed the City of Villa Hills had adopted the model sign ordinance which provided for a five foot set back from the right of way. He stated that property owners who violated this restriction would receive a letter asking them to move the sign back or remove it. He asked Mr. Heinzelman how big the signs were and Mr. Heinzelman responded that they were 18" x 24". Mr. Scribner suggested that Mr. Heinzelman spread the word that the signs must be five feet behind the right-of-way line and confirmed that staff wouldn't just pull the signs out of yards. Chairman Litzler asked Mr. Scribner if staff was ready to hit the ground running if the contract was approved. Mr. Scribner responded that they were.

Commissioner Spoor advised Mr. Heinzelman that the ordinance that would be enforced was set by the City Council of Villa Hills, not by NKAPC. Commissioner Carran stated that regulations are there to protect the residents as well as the image of the city.

Mr. Heinzelman indicated that it would take some time to get the word out. He also stated that the residents were a little protective of these signs and felt that it was a freedom of speech issue.

Commissioner Meier asked if there was a city newsletter or website that could be used to get the message out, suggesting that the message come from Mr. Heinzelman rather than the City.

Chairman Litzler stated that he wanted to make it clear that NKAPC was not taking sides and that staff would be enforcing Villa Hills ordinances.

With no further discussion, Chairman Litzler asked if there was a motion with regard to the proposed interlocal agreement with Villa Hills. Commissioner Spoor made a motion to authorize the Chairman to sign the agreement on behalf of NKAPC; Commissioner Weaver seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Meier, Spoor, Weaver, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler thanked both Mr. Heinzelman and Mayor Martin for their comments. Mr. Heinzelman thanked the Commission for its warm reception and for hearing him out. Mayor Martin thanked the Commission for its time.

## **ONGOING BUSINESS**

Chairman Litzler asked if the Minutes of the April 22, 2013 special meeting were acceptable or if anyone had any additions/corrections. Commissioner Atkinson made a motion to accept the Minutes of the April 22, 2013 special meeting as presented; Commissioner Carran seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Meier, Spoor, Weaver, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler asked if the Minutes of the April 22, 2013 monthly business meeting were acceptable or if anyone had any additions/corrections. Commissioner Meier made a motion to accept the Minutes of the April 22, 2013 monthly business meeting as presented; Commissioner Spoor seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Meier, Spoor, Weaver, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler asked if the Minutes of the May 6, 2013 special meeting were acceptable or if anyone had any additions/corrections. Commissioner Weaver made a motion to accept the Minutes of the May 6, 2013 special meeting as presented; Commissioner Atkinson seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Meier, Spoor, Weaver, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Commissioner Weaver left the meeting at this time (5:53 PM).

Ms. Crabb gave an overview of the April financial report along with a fee-based revenue report through May 24<sup>th</sup> (\$78,219 in the black). After a brief discussion, Chairman Litzler asked for a motion. Commissioner Meier made a motion to accept the April report and fee-based revenue report as presented subject to audit; Commissioner Spoor seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Meier, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler noted for the record that legal counsel was not present to give a report.

Chairman Litzler asked the executive director for his report. Mr. Gordon updated members regarding the status of TRAKiT implementation and stated that delivery of the final product is expected tomorrow. He indicated that staff will be using it for a few weeks before it goes live on June 27<sup>th</sup>.

Mr. Gordon advised members that the LINK-GIS/Kenton County Partnership met earlier today and discussed how to address the parcel data issue. He indicated that the online information companies can't provide the data as originally thought so staff recommended that Steve Lilly and Michelle Allender collect the data from the County Clerk's Office and that each of the partners pay \$2,500 per year to cover their time. Mr. Gordon stated that the partners did not take action and that they are still hopeful the PVA issue can be resolved even though Mark Kreimborg indicated that Mark Vogt was holding the line.

There was discussion regarding the need to keep this information current and whether or not to continue providing NKAPC information to the PVA. Members were in agreement that it was to the benefit of the residents of Kenton County to continue providing the data and that they did not want to be petty or retaliate against the PVA.

Mr. Gordon updated members regarding the recent Budget Review Committee meeting and stated that the meeting had gone well. He indicated that he believes Mayor Bell has a better understanding of the hybrid step/grade pay system. He stated that the only change made to the budget was to the NKAPCommission expense line item – reducing the Commissioners continuing education budget from \$7,500 to \$4,000. Mr. Gordon indicated that some of the committee members expressed concern about the public perception of Commissioners going to national conferences in such places as Las Vegas, Chicago, etc. He stated that they felt continuing education could be obtained locally and would not be scrutinized as harshly.

Mr. Gordon stated that the Budget Review Committee made four recommendations to the full NKAPCouncil:

1. Look into refinancing long term debt at a fixed rate. Commissioner Spoor stated that with the pending lawsuits it would be difficult, if not impossible, to obtain refinancing.
2. Consider participating in the CTK Medical Program through Kenton Fiscal Court and the City of Covington. Commissioner Carran provided additional information regarding the clinic and program.
3. Provide information to Judge Arlinghaus so he can approach Boone County Judge Gary Moore regarding merging their GIS program with ours.
4. Rename the "Sinking" fund. Commissioner Meier indicated that members had previously discussed this and recommended contacting VanGorder Walker for their

input. Commissioner Spoor suggested changing the name of the account to Operating Reserve.

Additional discussion followed. Chairman Litzler suggested that the By-Laws, Personnel, and Procedures Committee take a look at the continuing education policy with regarding to the reduction of funds.

There was a brief discussion regarding committee appointments, the status of the funeral leave policy, and review of the grievance procedure. Members agreed that committee appointments would remain the same for the 2013-2014 year. Mr. Gordon stated that Ms. Crabb is working on language for both the policy/procedure issues.

Chairman Litzler asked for the report from HR regarding health care for FY14. Ms. Crabb provided handouts (a copy of which are attached to the original minutes) and advised members that there would be an 11.57% increase in health care costs. She stated that Mike Williams has suggested starting a new plan year on December 1<sup>st</sup>. She indicated that, under the Affordable Care Act (ACA) which goes into effect January 1<sup>st</sup>, deductibles will be capped at a maximum of \$2,000 per individual and \$4,000 per family. If we renew our policy in December as suggested, we will maintain our current deductibles and keep our rates down for another eleven months.

Ms. Crabb briefly reviewed the two plans being offered to employees and stated that the only change from this year's plan is a \$50 increase in the ER deductible. She explained that employees would be paying 10% of the premium cost of their plan and would have an opportunity to reduce or eliminate their portion by participating in a biometric screening. She then outlined the bio-screening and incentive program.

Additional discussion followed regarding the ACA. Ms. Crabb stated that insurance brokers are anticipating a 20-40% increase in health care costs after the ACA goes into effect.

After discussing the proposed FY14 health care plans and opt-out incentives, Chairman Litzler asked for a motion. Commissioner Meier made a motion to approve the committee's proposal for FY14 health care coverage and incentive plans; Commissioner Spoor seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Meier, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler opened discussion on a draft Statement of Goals and Objectives as the basis for the new area-wide comprehensive plan. Ms. Reddy began her PowerPoint presentation (a copy of which is attached to the original minutes) by stating she is excited about where they are. She spoke about their efforts to find a middle ground and advised members that the current statement of goals and objectives hasn't been touched in 40 years. She indicated that staff has been working to develop new goals and objectives for the new plan that are representative of the community.

Ms. Reddy stated that they have held over 70 meetings in an effort to get people involved. She indicated that they have received 182 comments, all of which have been addressed by the taskforce.

Ms. Reddy then outlined the proposed goals and objectives (a copy of which is attached to the original minutes).

Members expressed concern about the wording of Goal #3(A) – “Remove unnecessary or burdensome regulatory barriers to job creation, attraction or retention.” Ms. Reddy agreed that this language could be misused. Commissioner Meier stated that the regulations were in place to protect everybody not just to regulate those trying to develop property.

Commissioner Carran advised members that she had met with Ms. Reddy and Ms. Haverkos last week regarding Goal #3. She stated that one individual introduced this point and that these goals should protect the community as a whole not individuals. She encouraged members to attend the June 6<sup>th</sup> KCPC meeting. Commissioner Carran stated that staff has done good work but believes this statement is supportive of an individual not the county/community overall. After further discussion, Mr. Scribner stated that staff felt they were at the point that they needed to schedule the required public hearing.

Chairman Litzler asked for reports from committees or members of the Commission. Commissioner Carran updated members on the Recommendation 15 Committee meeting held on April 30<sup>th</sup>. She stated that members of the committee agreed to combine Recommendations 14 and 15 and go out for an RFQ. The RFQ was drafted and sent to the committee members for comments; however, when the final draft was sent out, language had been added that she and other committee members believe changes the agreed upon scope of the project. Commissioner Carran indicated that she had emailed Mayor Wiest with her concerns and stated that she felt another meeting should be held before the RFQ is published.

## **NEW BUSINESS**

Chairman Litzler asked for review of a staff proposal to increase all One Stop Shop program fees in amounts equal to an across-the-board 1.7 percent effective July 1<sup>st</sup> in keeping with the terms of our interlocal agreements, in accordance with the 2013 Kentucky CPI, and with the support of the NKAP Council. Mr. Gordon provided an explanation of the proposed fee schedule and asked if there were any questions.

After a brief discussion, Chairman Litzler asked for a motion. Commissioner Atkinson made a motion to increase all One Stop Shop program fees in amounts equal to an across-the-board 1.7 percent effective July 1<sup>st</sup> in keeping with the terms of our interlocal agreements, in accordance with the 2013 Kentucky CPI, and as recommended by the NKAP Council (Recommendation #2); Commissioner Carran seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Meier, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler asked for review of the executive director’s claims for third quarter expense reimbursements. Mr. Gordon provided members with a handout outlining his third quarter expenses and stated that he would be happy to answer any questions they may have.

Chairman Litzler asked for a motion. Commissioner Spoor made a motion to authorize reimbursement of the executive director’s third quarter expenses; Commissioner Meier seconded the motion. Chairman Litzler asked for a roll call vote on the motion which

found Commissioners Atkinson, Carran, Meier, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.

## **DISCUSSION**

Chairman Litzler then opened ongoing dialog regarding FY14 annual work program and budget as well as the fiscal management recommendations given to the Commission by the NKAP Council.

Mr. Gordon advised members that the LINK-GIS Campbell and Kenton County partners had met that afternoon to discuss the financial aspects of the Campbell County Partnership and outlined the discussion that had taken place.

Mr. Gordon stated that he wanted to let members know that he had been approached by Mayor Radford at the May 18<sup>th</sup> Mayors Group Meeting. He indicated that Mayor Radford had told him that Mayor Wynn has been singing NKAPC's praises and that they are looking at things in Bromley.

Mr. Gordon told members that the City of Villa Hills had had the first reading of the ordinances relating to the fee schedule and building code. He stated that NKAPC cannot use its fee schedule until after the second reading. Until that time, the City will make up the difference between the two schedules. Mr. Gordon indicated that the fees, as well as the forms, are very similar.

Mr. Gordon also advised members that he received an email from a Villa Hills Council Member requesting the total tax revenue received from residents of Villa Hills, staff salary information, a copy of financial reports, and information regarding code enforcement.

There was discussion regarding the addition of Villa Hills and the impact on the three code enforcement officers.

Chairman Litzler asked if there was any other business. With none, he reminded members of upcoming meetings as noted on the agenda.

With no other business to discuss, Commissioner Atkinson made a motion to adjourn; Commissioner Carran seconded the motion. With no objections, Chairman Litzler adjourned the meeting at approximately 8:25 PM.

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Tom Litzler, Chairman

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Dennis Andrew Gordon, FAICP  
Executive Director/Secretary