Northern Kentucky Area Planning Commission  
Meeting Minutes: August 24, 2011

Chairman Bill Goetz called the special 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.

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<th>Term</th>
<th>Present</th>
<th>Absent</th>
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<tbody>
<tr>
<td>Chairman Bill Goetz</td>
<td>May 2010 through April 2012</td>
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<td>Vice Chairman Tom Kriege</td>
<td>May 2010 through April 2012</td>
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<td>Treasurer Tom Litzler</td>
<td>May 2010 through April 2012</td>
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<td>Commissioner Sherry Carran</td>
<td>May 2009 through April 2013</td>
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<td>Commissioner Paul Meier</td>
<td>May 2010 through April 2012</td>
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<td>Commissioner Dick Spoor</td>
<td>May 2009 through April 2013</td>
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<td>Commissioner Gene Weaver</td>
<td>May 2009 through April 2013</td>
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Also present were: Steve Arlinghaus, Kenton County Judge Executive; Donna Horine, Ritte’s East Neighborhood Group; Larry Klein, Covington City Manager; Bill Wells, Covington Neighborhood Collaborative; Scott Wartman, Kentucky Enquirer; Gretchen Boyce, NKAPC; Trisha Brush, GISP; Deputy Director for GIS; Mike Carpenter, citizen and NKAPC; Susan Conrad, AICP, NKAPC; Edward Dietrich, AICP, NKAPC; Tom East, GISP, NKAPC; John Lauber, NKAPC; Keith Logsdon, AICP, Deputy Director for Long Range Planning; Rick Masters, NKAPC; Christy Powell, NKAPC; Martin Scribner, AICP, Deputy Director for Current Planning; Sheila Spradling, citizen and NKAPC; Sharon Shinners, citizen and NKAPC; Garry Edmondson, Legal Counsel; 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 stated that since this was a special meeting the agenda would be followed as published.

**ONGOING BUSINESS**

Chairman Goetz called for comments from the public.

Donna Horine, Ritte’s East Neighborhood Group, encouraged the Commission to maintain funding of small area studies. She stated that the long-range planning staff has been
instrumental in helping the citizens of Latonia improve Latonia and bring the neighborhood together.

Chairman Goetz advised members of the public that the discussion regarding the possible reduction of the levy was added to the agenda due to action taken by the Mayors Group on Saturday. He indicated that the Commission is looking at the budget and discussing what services could be maintained. Chairman Goetz stated that the tax rate would be set at the August 29th special meeting. He then asked if there were any more comments from the public.

Tom East, a Kenton County citizen of 21 years and an NKAPC employee since 1990, stated that he was the first manager of the GIS system and probably knows more about its history than anyone in the county. Mr. East indicated that there was a lot of incorrect information being circulated about GIS and that he wanted to set the record straight. He stated that work done in Campbell County is paid for entirely by Campbell County funds through contractual agreements. He went on to say that the rumor that $264,000 was being spent to set up a similar system in Campbell County was untrue.

Mr. East spoke about the initial set up and the $6M figure being rumored to have been paid by Kenton County taxpayers. He stated that this information is incorrect and that not all of the money used came from Kenton County. Additionally, he indicated that no Kenton County funds were used to pay for the mapping data for Boone County. He stated that SD1 paid for this data in its entirety and that Boone County paid SD1 for it.

Mr. East provided background regarding the initial partnership and stated that when the Water District joined, it also purchased data rights from SD1. He went on to say that the partnership went to great lengths to segregate funding.

Mr. East stated that when the Campbell County Fiscal Court and PVA joined early in the last decade, Campbell County dealt directly with the Water District and SD1 to purchase data.

Mr. East expressed concern regarding the misinformation used to influence the mayors on Saturday. He stated that since 2008, NKAPC has cut its budget 15% and questioned how the mayors could recommend an additional 40% cut before the Council’s fee study is complete. He asked why those wanting to dissolve NKAPC would now be pushing to reduce the tax. If they are so confident, why not wait until the petition has been verified?

Mr. East encouraged members to stand strong behind the budget approved by the Council’s elected officials on June 30th.

Commissioner Carran stated that the Mayors’ Group recommendation was based on the assumption that the issue would be on the ballot in November.

Sharon Shinners, a Kenton County resident and an employee of NKAPC, stated that the work done at NKAPC staff goes above and beyond its job description. She indicated that staff works hard for the citizens of Kenton County. She asked that members stick to the budget and honor their commitment. Ms. Shinners stated that there are a lot of people who support us and use our services. These people rely on our mapping and planning which are vital and necessary to the county.
Larry Klein, Covington City Manager, recommended that, without a full review, members only cut the subsidy of permit fees. He stated that the discussion at the Mayors Group Meeting on Saturday was based on hearsay and misinformation. He discussed cutting GIS and long-range planning. He indicated that planning was the most important duty the agency pursues and spoke about his involvement with several of the small area studies. He stated that he could understand why some people wouldn’t want any planning – so they can build whatever they want, wherever they want, and make more money.

Mr. Klein spoke about how Walmart came to the area and that a lot was learned about the importance of citizen involvement. He indicated that several mayors felt that their cities were “built out”. He stated that cities such as Taylor Mill and Independence had supported them when it was their turn and that now it is their turn to be supportive of Taylor Mill, Independence, and others.

Mr. Klein encouraged members to close ranks, not to fear defeat and not to make decisions based on the desires of special interest groups.

Bill Wells, Covington Neighborhood Collaborative, stated that he has worked with NKAPC staff in the past and that he is looking forward to working with NKAPC staff on an upcoming project. He also questioned whether cutting 40% now would change anything in November.

Steve Arlinghaus, Kenton County Judge Executive, apologized for arriving late and stated that he agreed with some of Mr. Klein’s comments. He asked the question, is the issue going to be on the ballot in November? He answered ‘yes’, there are enough signatures. He stated that Mayor Moriconi made a point at Saturday’s Mayors Group meeting – citizens don’t know what NKAPC does and that they will be in favor of a tax cut. Judge Arlinghaus stated that he believes it will be the “demise” of NKAPC and that one way of defeating the initiative is to be proactive.

Judge Arlinghaus stated that we need to determine what we really need as a community and that we don’t have time for a detailed study. He indicated that he suggested the 40% reduction at the Mayors Group meeting rather than risk the complete demise of NKAPC and having to start over. He is of the belief that GIS should be self funded by the people who use the information and that NKAPC can still survive if they “circle the wagons”. He stated that there needs to be a Plan B if NKAPC goes away on November 8, especially since the Kenton County Planning Commission doesn’t have any funds. He feels that, with NKAPC gone, the costs of the GIS system will be absorbed by others.

Judge Arlinghaus asked which would be best, running the risk of fighting or compromising in the hopes of neutralizing the Tea Party and HBA. He also stated that, by compromising, the Commission would also gain the support of the Chamber.

Chairman Goetz stated that he was disappointed with Judge Arlinghaus’ approach and the misinformation he used to form a position. He stated that he doesn’t agree with eliminating GIS and long-range planning. He addressed comments made about charging for all GIS information provided and stated that the County doesn’t charge for all of the information it provides to outside entities.
Judge Arlinghaus stated that he and several of the mayors had met with the Tea Party and HBA and that both groups had requested a 50% reduction. He again stated that there isn’t time to do a detailed study and that the study should have been started a year ago.

Chairman Goetz stated that he has encouraged more involvement by the Council and that most don’t understand what the Commission does. He indicated that cutting 40% without understanding the ramifications would be a mistake.

Judge Arlinghaus agreed that it would be good to have more dialogue if there was more time. He stated that his motion was to reach the “goal” of 40% but 25% might work.

Commissioner Carran stated that compromising and cutting 40% would send the wrong message to citizens – that there was 40% fluff in the agency. She also indicated that this would send a bad message to the Tea Party and HBA. She referred to recent comments made by Brian Miller about OKI and asked what the next step would be – move from agency to agency demanding cuts.

Commissioner Carran stated that NKAPC has reduced its budget 15% since 2008 but the HBA hasn’t adjusted to the market. She acknowledged that Saturday’s vote could not be changed but stated that she didn’t think there had been enough discussion before the vote was taken. Ms. Carran also indicated that the GIS information provided at Saturday’s meeting was inaccurate.

Judge Arlinghaus responded that there had been a 20 minute discussion prior to the vote and that the majority of the mayors believe it is necessary to take a proactive position – 16 to 2 with Covington and Kenton Vale voting no. He stated that a 40% reduction may not defeat the petition at the polls but may leave something salvageable.

Commissioner Meier stated that as the Mayor of Crestview Hills, he felt no action would mean the death of the Commission. He indicated that the tax rate should have been looked at sooner and that a reduction would mean offering fewer services. He recommended taking a look at the extra duties taken on, i.e. code enforcement, and suggested taking a look at giving it back to the cities/county.

Commissioner Weaver commented on Judge Arlinghaus’ reference to the Tea Party and HBA and stated that neither had yet to offer a Plan B. He reminded everyone that NKAPC staff had already taken hits and made reductions. He stated that it was unrealistic to “encourage” an additional 40% reduction nine days before the tax rate is to be set especially since the budget was already in place. Commissioner Weaver cautioned against cutting for the sake of cutting because you might be cutting muscle.

Judge Arlinghaus agreed that there are a lot of folks who are supportive; however, the general public doesn’t understand where we are coming from. He also indicated that the Kenton County Planning Commission will still exist.

Commissioner Weaver asked who would staff KCPC and Judge Arlinghaus stated that he would defer to Garry Edmondson to explain how it would work. Commissioner Weaver stated that cutting without a well thought out plan is wrong and would be viewed as “tucking tail”.
Judge Arlinghaus stated that the Tea Party and HBA did make a suggestion by comparing us to Boone County.

Commissioner Carran addressed Judge Arlinghaus’ comment that the Mayors Group made the suggestion for the 40% reduction because of supposed inaction but there has been action. The Council formed the Fee Review Committee and the Commission is continuing to look at change.

Garry Edmondson outlined what happens if NKAPC is dissolved. He indicated that KCPC would continue and that he has met with Matt Smith, KCPC legal counsel. He then advised that KCPC would have to employ staff, develop a budget, and pay for GIS. KCPC would then have to tell the member governments how much each would have to pay. This payment could be based on per capita, population, or some other formula. If a city refused to pay, a moratorium on services would be placed on that city and that the city would not be able to enforce zoning within its boundaries. He stated that since GIS is owned by a separate partnership and that the partnership would take over and KCPC would need to purchase services from it.

Judge Arlinghaus questioned Mr. Edmondson with regard to what would happen if a city didn’t pay its portion. Mr. Edmondson explained the “shortfall” language in the joint planning commission contract and stated that it would not apply since the parties did not anticipate NKAPC not being there. Each city would have to pay.

Judge Arlinghaus stated that one problem with GIS is the subsidizing of services to Campbell County. He indicated that Campbell County extracts services and questioned if it was paying enough. He questioned whether or not Campbell County should be able to pick and choose services and if they paid anything toward the initial cost of setting up the GIS system.

Dennis Gordon advised that the Campbell County partnership pays 100% of costs for all services. He explained the GIS Partnership and stated that it contracts with NKAPC for staff. Mr. Gordon stated that Kenton County benefits from Campbell County’s participation because it brings additional staff to the table and that these staff work on Kenton County projects too.

Mr. Gordon stated that the budget for GIS ($861,000) includes $150,000 for the 2012 aerial photography which is paid for in advance by the Partnership. The balance of the budget ($710,000) is for staffing for the partnerships. Mr. Gordon outlined the formation of the partnership and flyovers. He indicated that there has been no change in the operation of the partnership but only a change in how its financing is pursued. He stated that there are two legal entities – the Campbell County Partnership and the Kenton County Partnership and that all bookkeeping is kept separate.

Judge Arlinghaus closed his statements by reiterating that the issue of the 40% reduction had been debated at Saturday’s Mayors Group meeting and that it passed 16 to 2. He stated that this action shows that the mayors recognize the need for an alternative solution.

Trisha Brush, Deputy Director for GIS, stated that she found it interesting that no one had contacted her to discuss GIS until today when Tom Logan, Covington city engineer, came to see
her. She indicated that she had been prepared to give a presentation regarding GIS activities at the June Commission meeting but the Commission cancelled. She stated that the presentation showed, among other things, that GIS had been instrumental in bringing over $2M in grants to the region. Ms. Brush stated that $265,000 of this money went to Kenton County Public Works for roads and that over $1M went to local dispatch systems. She stated that GIS does good work but doesn’t stand in front of everyone beating its own drum.

Ms. Brush stated that GIS is an integral part of building data and savings lives. She spoke about a recent rape victim calling 911 from her cell phone and how the police were able to locate her using data provided by GIS. She also told of the court testimony in the subsequent case and how the certified GIS information used to locate was instrumental in a conviction.

Ms. Brush ended her comments by saying that GIS is helping to save lives and bring money to region but that there is more to it than that. GIS works behind the scenes in many different ways.

Mayor Meier indicated that he has seen emails from the Mayors Group requesting that GIS make a presentation at the September meeting. Mr. Gordon advised that it is on the calendar.

Martin Scribner, Deputy Director for Current Planning, advised members that the work current planning staff does with the Kenton County Planning Commission is based heavily on work done by long-range planning and GIS. He went on to state that there is no way staff can continue to provide the level of service without either. He stated that the logic of a comment – cut off the arm to save the body – made at the Mayors Group meeting on Saturday escapes him. He also stated that he had heard that the 16-2 vote was the result of a herd mentality and that the mayors didn’t have enough time to consider the issue.

Tom East commented on Garry Edmondson’s outline of what happens if NKAPC is dissolved. He stated that there was another possible scenario of what could happen and reminded everyone that when Campbell County withdrew in 1984, nine planning commissions were created. Mr. Edmondson provided additional history and stated that several city planning commissions operated illegally until the General Assembly acted to allow both the city planning commissions and joint planning commission to exist. He also indicated that this bill only applied to Campbell County.

NEW BUSINESS

At 6:37 PM, Chairman Goetz asked for a motion to go into executive session to discuss a pending lawsuit. Commissioner Spoor made a motion for members to go into executive session to discuss litigation pursuant to KRS 61.810(1)(c); Commissioner Weaver seconded the motion. Chairman Goetz asked for a voice vote on the motion which found unanimous approval.
Commissioner Meier left the meeting at 7:00 PM.

Commissioner Weaver made a motion at 7:16 PM to come out of executive session; Commissioner Spoor seconded the motion. Chairman Goetz asked for a voice vote on the motion which found unanimous approval.

Chairman Goetz asked if there were any other comments or business to come before the Commission. With no comments, Chairman Goetz adjourned the meeting at 7:18 PM.

Bill Goetz, Chairman

Dennis Andrew Gordon, FAICP
Executive Director/Secretary