Northern Kentucky Area Planning Commission  
Meeting Minutes: August 27, 2012

Chairman Tom Litzler called the monthly business meeting of the Northern Kentucky Area Planning Commission to order at 5:20 PM in the Commission Chambers of the NKAPC Building in Fort Mitchell. Attendance of members was as follows.

<table>
<thead>
<tr>
<th>Term</th>
<th>Present</th>
<th>Absent</th>
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<tbody>
<tr>
<td>Chairman Tom Litzler</td>
<td>May 2012 through April 2014</td>
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<td>Vice Chairman Paul Meier</td>
<td>May 2012 through April 2014</td>
<td>X</td>
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<td>Treasurer Dick Spoor</td>
<td>May 2011 through April 2013</td>
<td>X</td>
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<td>Commissioner Nancy Atkinson</td>
<td>May 2012 through April 2014</td>
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<td>Commissioner Sherry Carran</td>
<td>May 2011 through April 2013</td>
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<td>Commissioner Bill Goetz</td>
<td>May 2012 through April 2014</td>
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<td>Commissioner Gene Weaver</td>
<td>May 2011 through April 2013</td>
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Also present were: Jan Crabb, PHR, Finance/HR Administrator; Garry Edmondson, Legal Counsel; Martin Scribner, AICP, Director of Planning and Zoning Administration; Dennis Andrew Gordon, FAICP, Executive Director; and Lori Remley, Administrative Assistant.

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

**ACCEPTANCE OF AGENDA**

Chairman Litzler suggested adding an item 3A for public comments and to move item 8 to follow item 12. He then asked if there was a motion to accept the 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 and noted that there were none.

**ONGOING BUSINESS**

Chairman Litzler asked if the Minutes of the July 23 monthly business meeting were acceptable or if anyone had any additions/corrections. Commissioner Weaver made a motion to accept the July 23 minutes as presented; Commissioner Atkinson seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Meier, Weaver and Chairman Litzler in favor of the motion with Commissioner Spoor present but not voting. The motion passed unanimously.
Ms. Crabb gave an overview of the July financial reports for NKAPC and LINK-GIS along with the fee-based revenue report through August 24th. After a brief discussion regarding investments, Chairman Litzler asked for a motion. Commissioner Meier made a motion to accept the July report as presented subject to audit; Commissioner Weaver seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Meier, Spoor, Weaver, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler asked for legal counsel’s report. Mr. Edmondson advised members that he is anticipating Judge Bartlett’s decision very soon. He stated that his federal RICO statute case against Petition Partners was dismissed for lack of standing. He indicated that this was not a total surprise and that he probably wouldn’t appeal the decision. Mr. Edmondson also advised members that he has been talking to people in Arizona regarding similar activities involving Petition Partners and that there is still the possibility of filing a criminal case against the company if the Commonwealth Attorney is willing to pursue it. A brief discussion followed.

Chairman Litzler asked the executive director for his report. Mr. Gordon followed up on what, if anything should be done to show appreciation to Arnold Simpson and Adam Koenig.

Chairman Litzler indicated that, after discussing this matter during the last meeting, he called Mr. Simpson and Mr. Koenig to thank them for their help and support and that due to ethical restrictions that is all we can do.

Mr. Gordon reminded members that it is once again review time and asked how they would like to handle his performance evaluation this year. After some discussion, members decided to gather their thoughts and discuss Mr. Gordon’s performance at next month’s meeting.

Mr. Gordon advised members that the auditors have been in and have completed their in-house work. He stated that he is hopeful to have the results by early October.

Mr. Gordon indicated that he was going to advise Commissioner Carran, chair of the personnel policy committee, that the Council’s mandated changes to the personnel manual have been drafted and are ready for review. Since Commissioner Carran was absent, he stated that he would email the committee members (Sherry Carran, Nancy Atkinson, Paul Meier) regarding scheduling a meeting to review the proposed changes. Commissioner Meier indicated that Wednesdays were not good for him.

Chairman Litzler then asked for reports from committees or members of the Commission. Commissioner Meier advised members that the Direction 2030 Task Force had recently met with the Kenton County Planning Commission and that things are going well. He stated that the next Task Force meeting is scheduled for September 19th at 5:30 PM.

In follow up to the earlier discussion regarding investments, Commissioner Spoor stated that he would look at the investment policy and if necessary call a committee meeting to discuss options.

Chairman Litzler stated that the Commission had received a Thank You card from Keith Logsdon for his retirement gift and reception. He also advised members that the Executive Committee had met with the Council’s Executive Committee a couple of weeks ago to discuss the status of the recommendations and that the meeting went well.
Chairman Litzler then asked if any of the other members had received a mailing from Duke regarding pipeline safety. None of the other members had received the information. Mr. Gordon indicated that this was something that might be able to be incorporated into the Envista program. He also stated that Duke would be attending the Envista Users Group meeting on Wednesday. Chairman Litzler gave the letter and literature to Mr. Gordon for handling.

Finally, Chairman Litzler recognized Mike Carpenter and Sheila Spradling for their work with Kathy Lindsey of Edgewood. He indicated that Ms. Lindsey was very complimentary of both Mr. Carpenter and Ms. Spradling and was greatly appreciative of their help.

NEW BUSINESS

Chairman Litzler opened the discussion on proposed Resolution 822-2012 setting the 2012 NKAPC tax levy. Mr. Gordon stated that it was staff’s recommendation to hold the tax rate at 3¢ per $100 on real and personal property and stated that this would provide a little more money than anticipated when the budget was approved but less than FY12.

After a brief discussion, Chairman Litzler asked if there was a motion to adopt Resolution 822-2012 as recommended by staff. Commissioner Spoor made a motion to adopt Resolution 822-2012 setting the 2012 NKAPC tax levy at 3¢ per $100 assessed valuation; Commissioner Atkinson seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Meier, Spoor, Weaver, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler then opened the discussion on a staff proposal to establish fees for the preparation of zoning verification letters ($50 for each standard letter and $75 for each letter requiring additional research) and for storing/backing up information hosted on nkapc.org ($0.04 per megabyte per day). Mr. Gordon stated that Mr. Scribner would address the first portion of this discussion.

Mr. Scribner provided information (a copy of which is attached to the original minutes) to members regarding the zoning verification letters. He indicated that requests for zoning verification letters have increased and that most only take 30-60 minutes to complete. However, others request additional information and can take three or four hours of research. Mr. Scribner stated that, after checking with other districts to see how they handle these requests, staff proposes to begin charging a flat fee of $50 for a standard zoning verification letter and $75 per hour for the more detailed requests. He advised members that these fees were determined by looking at what other districts charge and are in fact what Boone County charges. There was discussion regarding Council’s recommendation to recoup costs expended wherever possible and putting companies on notice that we will now be charging for these letters.

Chairman Litzler asked if there was a motion to accept staff’s proposal. Commissioner Meier made a motion to accept staff’s recommendation to establish fees for the preparation of zoning verification letters ($50 for each standard letter and $75 per hour for each letter requiring additional research) beginning September 1, 2012; Commissioner Spoor seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Meier, Spoor, Weaver, and Chairman Litzler in favor of the motion. The motion passed unanimously.
Mr. Gordon provided background information regarding staff’s proposal to establish fees for storing/backing up information hosted on nkapc.org (4¢ per megabyte per day). He indicated that this recently came to light when Highland Heights submitted several zoning text updates. He indicated that Highland Heights’ and Wilder’s zoning ordinances are updated under contract and NKAPC is compensated at the blended rate; however, both cities’ ordinances are posted on our website at no charge currently. After reviewing the amount of time expended by IT staff, it was determined that the cost of providing this service is approximately 4¢ per megabyte per day. He said this would yield several hundred dollars revenue from the two cities.

After some discussion, Chairman Litzler asked if there was a motion to accept staff’s proposal. Commissioner Meier made a motion to accept staff’s recommendation to establish fees for storing/backing up information hosted on nkapc.org (4¢ per megabyte per day) and to negotiate a new contract with both Highland Heights and Wilder; Commissioner Weaver seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Meier, Spoor, Weaver, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler opened the discussion on a proposed professional services agreement with the City of Erlanger for the study and technical work necessary to create a form-based code district within its zoning ordinance. Mr. Scribner provided background information regarding how the contract came about. He indicated that the city is looking at two areas – the old cinema site which is currently on hold and the Super Bowl area which is crucial to the city.

Mr. Scribner briefly outlined the project which would utilize a group of Ball State University planning students and would start with a two-day workshop. He indicated that Mayor Rouse is ready to move forward and that there is money in the city’s budget. He stated that the project is expected to take 12 months and cost $23,159 (excluding Ball State’s fee). He indicated that staff learned a lot during the Independence project which took 18 months and he is confident this project won’t take as long.

Mr. Gordon advised members that this is the first time NKAPC has charged for a large zoning update project. He indicated that, due to the scrutiny of the last year, jurisdictions will now have to invest 25% of the cost and that Mayor Rouse understands this decision since he was on the Council’s review committee.

Mr. Scribner briefly explained a form-based code which is more focused on buildings’ form than on the uses they house, on walkability, and new urban principles. He stated that Erlanger knows what it wants whereas Independence had to work through what it wanted.

There was a brief discussion regarding the terms of the contract, after which Chairman Litzler asked if there was a motion to approve the proposed agreement. Commissioner Weaver made a motion to authorize the Chairman to sign the professional services agreement with the City of Erlanger for the study and technical work necessary to create a form-based code district within its zoning ordinance; Commissioner Spoor seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Meier, Spoor, Weaver, and Chairman Litzler in favor of the motion. The motion passed unanimously.
Chairman Litzler asked about the fiscal management recommendations given to the Commission by the NKAP Council. Mr. Gordon indicated that he and Mr. Edmondson had met recently. He stated that he is preparing information and will get it to members soon.

Chairman Litzler asked if there was any other business, Commissioner Meier asked about the status of the two RFPs recently published. Mr. Gordon indicated that the deadline for the phone system RFP isn’t until September 14th. Mr. Scribner stated that five proposals were received with regard to the land management software. He indicated that the deputies and Mr. Gordon would be meeting on Thursday to develop a short list of two or three and that those proposals would be presented to the Commission. Chairman Litzler suggested including the Executive Committee of the Planning Council as well.

With no new business, Chairman Litzler reminded members of the upcoming meetings noted on the agenda and stated that the next Commission meeting would be held on Monday, September 24. With no other business to discuss, he adjourned the meeting at approximately 6:35 PM.

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Tom Litzler, Chairman

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Dennis Andrew Gordon, FAICP
Executive Director/Secretary