Northern Kentucky Area Planning Commission  
Meeting Minutes: August 26, 2013

Chairman Tom Litzler called the August 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.

<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>
<td>X</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 2015</td>
<td>X</td>
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<td>Commissioner Nancy Atkinson</td>
<td>May 2012 through April 2014</td>
<td>X</td>
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<td>Commissioner Sherry Carran</td>
<td>May 2011 through April 2015</td>
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<td>Commissioner Bill Goetz</td>
<td>May 2012 through April 2014</td>
<td>X</td>
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<td>Commissioner Gene Weaver</td>
<td>May 2011 through April 2015</td>
<td>X</td>
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Also present were: Trisha Brush, GISP, Director of LINK-GIS Administration; Jan Crabb, PHR, Finance/HR Administrator; 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 – suggesting that members keep Gene Weaver and his family in their thoughts as they deal with the loss of Commissioners Weaver’s mother-in-law, and Doug Beckham, Edgewood City Administrator, who suffered a stroke last week and is in ICU. He then led the Pledge of Allegiance. After Ms. Remley called the roll, he asked that the record reflect that a quorum was present.

**ACCEPTANCE OF AGENDA**

Chairman Litzler asked that items 17 and 18 be moved up to the beginning of Ongoing Business since staff had other meetings to attend. He asked if there was a motion to accept the agenda as amended. Commissioner Goetz made a motion to accept the agenda as amended; Commissioner Meier 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 no members of the public present.

**ONGOING BUSINESS**

Chairman Litzler asked for review of a recommendation from the Bylaws, Personnel, and Procedures Committee regarding amendments to the *NKAPC Personnel, Rules,*
Regulations and Policies Manual. Commissioner Meier indicated that the committee had met last Thursday to discuss the funeral leave policy and the disciplinary action procedure. Ms. Crabb then outlined the proposed changes to the funeral leave policy (a copy of which is attached to the original minutes).

A lengthy discussion followed regarding the number of days that should be granted for various family members. Commissioner Goetz stated that he did not think that the number of days was adequate and that he would like to see five days for section 1 and three days for section 2. Commissioner Spoor indicated that he liked leaving additional time to the executive director’s discretion and recommended that each case be documented as to why additional time was granted or denied. Commissioner Atkinson also stated that she did not believe one day for the loss of a grandchild was enough.

After additional discussion, Chairman Litzler asked for a motion. Commissioner Meier made a motion to adopt the proposed changes to the Funeral Leave policy with the following additional changes - amending the number of days to five under section 1 and the number of days to three under section 2; adding “upon the approval of the executive director: to section 3; and adding “provided written approval is obtained prior to putting it on their timesheet”; Commissioner Spoor seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Goetz, Meier, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Ms. Crabb outlined the proposed changes to the Limitation Period on Disciplinary Act and Grievance Process/Due Process Rights sections of the manual (a copy of which is attached to the original minutes). She indicated that these changes were made based on language provided by Mr. Edmonson.

After brief discussion, Chairman Litzler asked for a motion. Commissioner Goetz made a motion to adopt the proposed changes to the Limitation Period on Disciplinary Act and Grievance Process/Due Process Rights as presented; Commissioner Carran seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Goetz, Meier, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler asked for review of a notification from the Kenton County Planning Commission regarding a text and map amendment to the Fort Mitchell Zoning Ordinance that will impact 2332 Royal Drive. Mr. Scribner advised members that the City of Fort Mitchell is seeking a zone change for an area of approximately 30 acres which includes the NKAPC building. He stated that the City is creating a new zoning district – a Mixed Business Land Use (MBLU) zone – which deletes residential and open space. He indicated that this area is currently zoned Limited Highway Service (LHS).

Mr. Scribner outlined the area and stated that the developer asked that it include the Montgomery Inn site, the gas station, Sibcy Cline, Super 8, and the Drawbridge. In order to avoid “spot zoning”, the NKAPC Building was also included.

There was discussion regarding defining hotel versus motel, non-conforming use, and the elimination of open space from the new district. Mr. Scribner stated that staff recommends that the Commission show its support in favor of the two applications.
There was additional discussion regarding development plans and stormwater concerns. Mr. Scribner indicated that SD1 would be involved in the development process to address stormwater run-off.

Chairman Litzler asked for a motion. Commissioner Goetz made a motion in support of the applications with direction to the executive director to communicate this action to the Kenton County Planning Commission; Commissioner Atkinson seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Goetz, Spoor, and Chairman Litzler in favor of the motion. Commissioner Meier abstained from the vote. The motion passed 5 to 1 abstention.

Chairman Litzler asked if the Minutes of the July 22, 2013 business meeting were acceptable or if anyone had any additions/corrections. Ms. Remley advised members that there was one correction on the first page in the first paragraph – June was changed to July. Chairman Litzler asked if there were any other additions/corrections. Commissioner Meier made a motion to accept the Minutes of the July 22, 2013 business meeting as amended; Commissioner Atkinson 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 and Commissioner Goetz present but not voting. The motion passed unanimously.

Ms. Crabb gave an overview of the July financial report through the end of July ($35,399 in the black). After a brief discussion, Chairman Litzler asked for a motion. Commissioner Goetz made a motion to accept the July report as presented subject to audit; Commissioner Meier seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Goetz, Meier, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler asked for the report from legal counsel. Mr. Edmondson stated that he had nothing to report.

Chairman Litzler asked the executive director for his report. Mr. Gordon advised members that the NKAP Council meeting scheduled for Thursday has been cancelled. He indicated that the August and November meetings were being combined into one meeting which would be held at 5:45 on October 24th. He stated that the timing of this meeting would be better for the RFP and that update reports from the deputies would be sent to Council members later this week by email.

Mr. Gordon stated that he was sorry to report that the Commission would be losing Mike Carpenter after September 6th. He stated that Mr. Carpenter has accepted the Assistant Building Official position with Campbell County. Mr. Gordon reminded members that, when cut backs were made, Mr. Carpenter volunteered to move to zoning from the building department and attributed the success achieved in Ludlow to Mr. Carpenter’s hard work. Mr. Gordon indicated that Mr. Carpenter would be greatly missed but understood his decision. This is an opportunity for him to get back into the building field and, with the senior building official in Campbell County planning to retire in a year or two, provides an opportunity for advancement.
Mr. Gordon recognized Sheila Spradling and Lori Remley for the work they have been doing to bring NKAPC’s building plans into compliance with the Records Retention Schedule. He stated that they have been working hard and are close to meeting schedule requirements.

Mr. Gordon advised members that the Cities of Park Hills and Villa Hills will be disbanding their code enforcement boards and joining the Kenton County Joint Code Enforcement Board. There was discussion regarding the process and Mr. Edmondson indicated that the Fiscal Court has pursued its first reading of the ordinance already.

Mr. Gordon updated members regarding his recent meeting with Judge Executive Arlinghaus. He stated that they had discussed reducing 911 funding from $85 to $60 per parcel for this year and looked at other avenues by which to collect this fee. Mr. Gordon also stated that he provided the Judge with information regarding the GIS address layer which contains over 85,000 separate address points currently and advised him that more addresses would be added once the data from Duke and Owen Electric is incorporated. He advised the Judge that this layer would be up-to-date and ready for use next summer should the County decide to go that route. A brief discussion followed.

Mr. Gordon then advised members that the City of Ryland Heights has been moved to a Class 5 status by the General Assembly and that this entitles it to a seat on the Kenton County Planning Commission. He explained that Barbara Carlin, a Ryland Heights resident, already serves on the commission as a County member. He is hopeful that Ryland Heights will appoint Ms. Carlin as their representative since she is familiar with the process and up-to-date on the issues; however, the County will have to appoint someone else to fill its empty seat. Mr. Gordon indicated that he hoped these changes would be accomplished by October.

Mr. Gordon asked if members had any questions. Chairman Litzler asked if the current sign regulations addressed what happens to signs when businesses go out of business. Mr. Scribner indicated that the current regulations did not address this issue. A brief discussion followed.

Chairman Litzler asked for reports from committees or members of the Commission. Commissioners Goetz and Spoor indicated that they would report on Long-Range Operations Committee activities when item 14 of the agenda was discussed.

Chairman Litzler asked for review of the July invoice for professional services to the Kenton County Planning Commission.

Mr. Gordon briefly outlined how the KCPC is billed and explained that he recently found out that a detailed list of charges was prepared for documentation purposes but that the KCPC members never saw it. He indicated that staff would now be providing the full breakdown to KCPC members.

Mr. Gordon also advised members that staff is capturing as much detail as reasonably possible with regard to how their time is spent. There was discussion regarding the timekeeping process and the itemized statement of charges for KCPC.

Chairman Litzler asked for review of the recommendation from the executive director regarding accounts receivable from the Kenton County Planning Commission for professional services rendered.
Mr. Gordon indicated that he was withdrawing his recommendation regarding this issue and that he was waiting for the auditor’s language. He stated that this will be the first year that the auditor’s report will include language expressing concern about KCPC’s deficit balances. He advised members that he is hoping to have this for their consideration at the next meeting.

There was discussion regarding the $60,323 debt which has accumulated since 2009. Mr. Gordon reminded members that they had been discounting services provided to KCPC at 60% since the crash and that in FY04 through FY08 the discount for services was at 25%.

Chairman Litzler asked for review of the recommendation from the executive director and the Long-Range Operations Committee regarding draft Resolution 824-2013 as amended (which would superseded Resolution 817-2010). In Commissioner Weaver’s absence, Commissioner Spoor provided an update on behalf of the Long-Range Operations Committee. He indicated that the committee had met to clean up various reserve fund issues. He outlined the changes shown on draft Resolution 824-2013 (a copy of which is attached to the original minutes). There was discussion regarding setting goals instead of listing as “NA”. Commissioner Spoor suggested changing “NA” to “To be determined as appropriate” and the other members were in agreement.

After a brief discussion, Chairman Litzler asked for a motion. Commissioner Goetz made a motion to adopt Resolution 824-2013 as amended; Commissioner Carran seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Goetz, Meier, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler asked for a review of a request from the executive director for a sense of the Commission regarding a contract for services with the Kenton County PVA for certain updates to the LINK-GIS parcel layer. Mr. Gordon advised members that he has received notice that the PVA has again lowered its charge for parcel data which was originally quoted at $35,000 annually per LINK-GIS partner and then lowered to $21,600. He indicated that the price for these data is now $8,500. He stated that he had met with Mark Vogt on August 2nd and when asked if he would sell the data to the partnership as a whole for $8,500, Mr. Vogt responded that he would not. Mr. Vogt indicated that each of the four partners would have to pay $8,500 or he wouldn’t sell the data to any of them because one partner would buy a copy and pass it around to the other partners.

Mr. Gordon advised members that he had also met with Ron Lovan of the Water District and Dave Rage of SD1 and that they were not interested in paying $8,500 to the PVA. They both indicated that they would be willing to pay $2,500 to NKAPC to collect the data and were confident that the quality of the data would meet their needs.

Mr. Gordon stated that he had also met with Judge Executive Arlinghaus and he had stated that the $8,500 was not in the budget but later in the meeting indicated he might be willing to pay $8,500 just to keep the peace.

Mr. Gordon indicated that he does not believe the Water District or SD1 will change its position and restated Commissioner Spoor’s opinion that it was the Commission’s fiduciary responsibility to go with the most cost effective option.
There was discussion regarding the quality of the data and how often it is updated by the PVA versus how often NKAPC would be updating it. Ms. Brush indicated that they had recently had to explain to the City of Erlanger that NKAPC is not selling parcel data and was not in competition with the PVA. City officials stated that they had just purchased a KCOR membership ($1,600 annually) from the PVA and questioned why they should have to pay more. She stated that the situation makes it hard to service the cities and puts staff in a difficult position.

Members asked how other PVA and GIS departments handled this issue, i.e. Louisville. Ms. Brush indicated that she had spoken to her counterpart and that parcel data is provided at no cost. She indicated that as of now neither Campbell nor Pendleton Counties are charging for these data. She stated that staff is able to gather the data through KCOR and that the data will be updated on a weekly basis starting in September.

Commissioner Spoor indicated that he believes the situation has gotten worse. He stated that he believes that staff collecting the data is the way to go and is the most cost effective solution. He also stated that there is no guarantee that the PVA’s price won’t go back up. Commissioner Spoor indicated that members would be doing Kenton County taxpayers a disservice if they gave into the PVA’s demands which he believes borders on extortion.

There was additional discussion regarding the frequency of updates and Mr. Gordon stated that the LINK-GIS partners do not need daily updates. He indicated that both the Water District and SD1 have stated that quarterly updates would be fine.

After discussion, Chairman Litzler stated for the record that the Commission’s position remains the same and that NKAPC will not pay $8,500 for the data. Commissioner Spoor indicated that, even if the three other LINK-GIS partners agree to pay the PVA, he would not vote in favor of paying $8,500 for the data.

Ms. Brush asked members if staff collects the parcel data and keeps it up-to-date, can they then provide the data to the cities at no cost. Members responded yes and stated that the data was public information and that the cities were already paying a fee to the PVA.

Ms. Brush then took the opportunity to show members an example of how aerial photography is being use and showed them a map of Pride Parkway. She also provided members with a copy of a landslide brochure produced by UC and the Kentucky Geological Survey. Ms. Brush indicated that Christy Powell had worked closely with Professor Paul Potter on the project and that he was very appreciative even though NKAPC was not credited on the brochure. She stated that this was done on purpose in order to avoid any potential issues.

Chairman Litzler asked for a review of a recommendation from the executive director regarding a one-month extension (final) to the professional services agreement with Dinn Focused Marketing for Direction 2030. Mr. Gordon provided some background information and indicated that there is still some work to be done. He also stated that there is $1,200 left in the budget to complete this work.

After a brief discussion, Vice Chairman Meier asked for a motion. Commissioner Atkinson made a motion to approve a one-month/final extension to the professional services agreement
with Dinn Focused Marketing for Direction 2030; Commissioner Spoor seconded the motion. Vice Chairman Meier asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Goetz, Meier, and Spoor, in favor of the motion. For the record, Chairman Litzler had excused himself and was out of the room at this time. The motion passed unanimously.

NEW BUSINESS

Chairman Litzler opened discussion on proposed Resolution 825-2013 setting the 2013 NKAPC tax levy. Mr. Gordon indicated that the 2012 tax rate is 3.0% and the compensating rate would be 3.1% for 2013; however, the rate of 2.933% will meet budget requirements. He stated that this would be the fourth year in a row that the Commission has reduced its tax rate.

After some discussion, Chairman Litzler asked for a motion. Commissioner Goetz made a motion to approve Resolution 825-2013 setting the 2013 NKAPC tax levy at 2.933% for all real and personal property in Kenton County; Commissioner Atkinson seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Commissioners Atkinson, Carran, Goetz, Meier, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.

DISCUSSION

Chairman Litzler opened ongoing dialog regarding the fiscal management recommendations given to the Commission by the NKAPC Council and the FY14 Budget Review Committee.

Mr. Gordon advised members that the RFP for Council recommendations 14 and 15 has been drafted and is undergoing internal review, including review by Mr. Edmondson. There was discussion regarding the RFP and the cost of the work to be done. Members expressed concerns again regarding the cost of an external review and the uniqueness of NKAPC’s structure. After some additional discussion, Chairman Litzler asked if this issue would be on the October Council agenda and Mr. Gordon indicated that it would. Chairman Litzler asked members to review the RFP and provide any comments to Mr. Gordon by Tuesday, September 3rd.

Chairman Litzler asked if there was any other business. There was none.

With no further business, Chairman Litzler reminded members of upcoming meetings as noted on the agenda. Commissioner Atkinson made a motion to adjourn; Commissioner Meier seconded the motion. With no objections, Chairman Litzler adjourned the meeting at approximately 7:30 PM.

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Tom Litzler, Chairman

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Dennis Andrew Gordon, FAICP
Executive Director/Secretary