Planning and Development Services Management Board  
Meeting Minutes: April 23, 2015

Chairman Tom Litzler called the monthly business meeting of the Planning and Development Services Management Board to order at 5:17 PM in the Commission Chambers of the PDS 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 2014 through April 2016</td>
<td>X</td>
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<td>Vice Chairman Paul Meier</td>
<td>May 2014 through April 2016</td>
<td>X</td>
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<td>Treasurer Dick Spoor</td>
<td>May 2013 through April 2015</td>
<td>X</td>
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<td>Sherry Carran</td>
<td>May 2013 through April 2015</td>
<td>X</td>
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<td>Bill Goetz</td>
<td>May 2014 through April 2016</td>
<td>X</td>
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<td>Chris Moriconi</td>
<td>May 2013 through April 2016</td>
<td>X</td>
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<td>Gene Weaver</td>
<td>May 2013 through April 2015</td>
<td>X</td>
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Also present were: Beth Sewell, PDS Board Member-elect; Garry Edmondson, Legal Counsel; Rob Himes, Principal Zoning Official; Martin Scribner, AICP, Director of Planning & Zoning; Dennis Andrew Gordon, FAICP, Executive Director; and Lori Remley, Administrative Assistant.

Chairman Litzler asked for a moment of silence and 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 if there were any changes to the agenda. With none, Mayor Meier made a motion to accept the agenda as presented; Mayor Carran seconded the motion. A voice vote found unanimous approval.

Chairman Litzler asked if there were any comments from the public and noted that there were none.

**PRESENTATION**

Chairman Litzler asked for the presentation regarding the program requiring registration of foreclosed properties and discussions being pursued between County Attorney Stacy Tapke and Kenton County city officials. Mr. Scribner introduced Rob Himes, Principal Zoning Official, and stated that Mr. Himes has been working on the project with Stacy Tapke, County Attorney.
Mr. Himes began his PowerPoint Presentation (a copy of which is attached to the original minutes) by providing members with background information regarding foreclosures and vacant properties. He stated that Kentucky’s gross vacancy rate in 2014 was 12.6% and that this affects cities by decreasing property values and reducing tax revenue. He also indicated that this leads to increased maintenance and code enforcement.

Mr. Himes indicated that owners often leave before titles are transferred to the creditors and that during this time a city can spend between $5,000 to $34,000 to maintain and secure a single property. He also stated that any fines, fees or liens assessed for maintenance and code enforcement efforts are eliminated when the Master Commissioner sells the property.

Mr. Himes outlined the steps some jurisdictions are taking to try to hold creditors responsible. He indicated that 21 jurisdictions in Kentucky have passed a Vacant Property Registration Ordinance and that five of these jurisdictions are in Northern Kentucky (Campbell County).

Mr. Himes explained how, under the ordinance, creditors would be held responsible and establish a local contact for correspondence and violations. He stated that is would simplify and streamline code enforcement efforts.

There was discussion regarding how notification of foreclosure and vacant properties would be received. Mr. Edmondson explained that 95% of the time the County is listed as a party in foreclosure procedures due to the taxes involved. Mayor Carran stated that a lot of cities are having issues with vacant/abandoned properties and that this program would be huge for Covington if the County could get it set up.

Mr. Himes advised the Board that Safeguard properties has already made contact regarding properties in Ludlow and that there is now a national VPRO database for cities that have passed the ordinance. He stated that there was a house bill in 2012 but it hadn’t been passed and that he has received information from the City of Cincinnati which has been very helpful.

Mr. Scribner indicated that they are working to find a way for the cities and county to work together. He stated that staff is working to determine PDS’s role and if the program can be administered through One Stop Shop. He indicated that Ms. Tapke has drafted a model ordinance and is working one-on-one with the cities.

Commissioner Sewell joined the meeting at 5:32 PM.

Mr. Scribner stated that there two advantages to the VPRO program – contact information and creditors being held responsible. He indicated that the ordinance would dictate the amount of time creditors would be given to resolve issues and the fines that would be imposed if issues weren’t addressed in a timely manner.
There was discussion regarding code enforcement boards versus nuisance boards. Mr. Edmondson stated that a nuisance board’s fines are tacked on behind taxes and wouldn’t be eliminated in the foreclosure process.

Additional discussion followed regarding the penalty for not registering as a creditor within the time limit and the length of time a property could sit vacant.

Members discussed addressing the ordinance issue through the county versus the cities. Mr. Edmondson indicated that the cities can’t but the county could do it due to being a party and the taxes involved.

Mr. Gordon indicated that Ms. Tapke would be present at next week’s Council meeting in an effort to talk to as many mayors/local official at one time.

Chairman Litzler took the opportunity to compliment Mr. Scribner on the BOA training sessions and stated that these sessions were much better than what was offered before. Mr. Scribner thanked Chairman Litzler for his comments and stated that he is trying to find sessions that are relevant. A brief discussion followed.

**ONGOING BUSINESS**

Chairman Litzler asked if the Minutes of the April 7, 2015 business meeting were acceptable or if anyone had any additions/corrections.

With no changes, Chairman Litzler asked if there was a motion with regard to the minutes. Mayor Carran made a motion to accept the Minutes of the April 7, 2015 business meeting as presented; Mr. Moriconi seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Board Members Carran, Moriconi, Meier, and Chairman Litzler in favor of the motion with Board Member Spoor present but not voting. The motion passed unanimously.

In Ms. Crabb’s absence, Mr. Gordon gave an overview of the monthly financial report for the period ending March 31, 2015 (general fund, reserve funds, and fee-based revenue). He advised members that fee-based revenue ended the month $40,086 ahead of projections.

Chairman Litzler questioned paying off the building debt since the reserve accounts are fully funded and asked if this would be beneficial. Mr. Gordon indicated that the interest rate on the building debt is currently one-half of one percent. There was a brief discussion regarding the principal, interest and fees that would be paid next year.

Mr. Spoor explained that the bank actually guaranteed the debt and that the $26,300 in bank fees that would be paid next year were for this guarantee – letter of credit. He recommended leaving the debt outstanding as long as PDS is getting the fantastic interest rate. He stated that PDS’s ability to borrow is non-existent and that the program that these bonds were obtained under doesn’t exist anymore. He explained that PDS can’t borrow money like cities or other
government agencies can and that there is nothing wrong with debt on an asset – i.e. the building. He also indicated that the value of the property will go up when the Drawbridge site is developed.

After a brief discussion, Chairman Litzler asked for a motion regarding the financial reports. Mayor Meier made a motion to accept the March 31, 2015 financial report subject to audit; Mr. Spoor seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Board Members Spoor, Carran, Meier, Moriconi, and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler asked for the report from legal counsel. Mr. Edmondson advised members that they had received a letter from counsel for Kenton County PVA requesting information. A brief discussion followed.

Chairman Litzler asked for the report from the executive director. Mr. Gordon advised members that five responses had been received regarding the posting for the zoning position. He stated that the concrete work was complete and that the new standards had been used. He indicated that staff was waiting on a decision from him regarding the parking lot repairs. The company may not be able to schedule the work on a weekend for a couple of months – should we wait or should the work be scheduled during the week. Discussion followed and the general consensus was to schedule the work for as soon as possible.

Mr. Gordon stated that he would be meeting with a commercial appraiser tomorrow and that it would take approximately a week to ten days to get an update value on the building. Discussion followed.

Mr. Gordon stated that the technical specifications for the emergency generator have been determined and the numbers have been pulled together should the Board decide to pursue an RFP. Discussion regarding grants followed.

Mr. Gordon then reminded members of the upcoming meetings noted at the bottom of the agenda.

Chairman Litzler opened discussion on the final draft of the FY16 budget. Mr. Gordon advised members that the budget is balanced and that it meets the criteria that they previously discussed. Mr. Moriconi verified that the budget is based on a compensating rate. Mr. Gordon confirmed that it was. He also stated that he believed the last time they took the compensating rate was in 2011 and that it has been less than compensating for a few years. A brief discussion followed.

Mr. Moriconi asked about the general fund – professional staff figure. Mr. Gordon indicated that the amount included three new positions including benefits. Discussion followed.

Chairman Litzler asked that Mr. Gordon provide the Council’s Budget Review Committee with a sheet explaining the highlights. Mr. Gordon indicated that he would.
With no further questions or comments, Chairman Litzler asked for a motion regarding the proposed budget. Mayor Meier made a motion to accept the proposed FY16 budget and recommend it to the PDS Council; Mayor Carran seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Board Members Carran, Meier, Moriconi, Spoor and Chairman Litzler in favor of the motion. The motion passed unanimously.

Chairman Litzler asked for reports from committees and members of the Board. Mayor Carran indicated that she had attended the APA Conference. Chairman Litzler asked that she report on the conference at the next meeting so the new members would be present. Mr. Gordon indicated that over 7,000 registered for the conference.

Mayor Meier indicated that several changes needed to be made to the new sub regs and that he was concerned with how these changes were being addressed. He indicated that he would be attending the sub reg meeting next week. Discussion followed regard asphalt certification.

Chairman Litzler stated that Sharmili Reddy would be leaving PDS to join the City of Fort Mitchell. He wished her well and stated that PDS is losing a tremendous asset.

Mr. Spoor stated that it has been a pleasure working with the members and staff and that all will be missed. He reminded everyone that he will still be around and will be serving on the Covington and Fort Mitchell TIF Boards. He stated that he is just a phone call away if they need him.

Chairman Litzler thanked Mr. Spoor for his service and his financial expertise and gave Mr. Spoor a token of the Board’s appreciation. The other members of the Board also thanked Mr. Spoor for his service.

**NEW BUSINESS**

Chairman Litzler opened discussion on a recommended funding agreement with OKI for Centers for Disease Control/APA Plan4Health Grant.

Mr. Gordon provided members with background information regarding the contract and stated that a few changes had been made at the recommendation of Mr. Edmondson.

Chairman Litzler asked for a motion regarding the funding agreement with OKI. Mr. Spoor made a motion to approve and authorize the executive director to sign the funding agreement with OKI for Centers for Disease Control/APA Plan4Health Grant; Mayor Meier seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Board Members Carran, Meier, Moriconi, Spoor, and Chairman Litzler in favor of the motion. The motion passed unanimously.
Chairman Litzler opened discussion regarding staff’s request for authorization to sign an agreement with the City of Independence for interim building inspection responsibilities resulting from the resignation of its building inspector.

Mr. Gordon stated that Kevin Barbian would be leaving his position with the City of Independence next week and that the City has asked PDS to cover building inspections until they can evaluate whether or not to hire another inspector or go with the One Stop Shop program. He indicated that the City understands that the level of service may be impacted by staffing levels but that PDS cannot hire additional staff based on a temporary commitment from the City.

Following a brief discussion, Chairman Litzler asked if there was a motion with regard to the agreement with the City of Independence. Mayor Meier made a motion to authorize the signing of an agreement with the City of Independence providing interim building inspection services; Mayor Carran seconded the motion. Chairman Litzler asked for a roll call vote on the motion which found Board Members Carran, Meier, Spoor, and Chairman Litzler in favor of the motion with Mr. Moriconi present but not voting. The motion passed unanimously.

With no further business, Mr. Spoor made a motion to adjourn; Mr. Moriconi seconded the motion. With no objections, Chairman Litzler adjourned the meeting at 6:45 PM.

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Tom Litzler, Chairman

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Dennis Andrew Gordon, FAICP
Executive Director/Secretary