Planning and Development Services Management Board  
Meeting Minutes: May 16, 2019

Chairman Paul Meier called the monthly business meeting of the Planning and Development Services Management Board to order at 5:15 PM in the Commission Chambers of the PDS Building in Fort Mitchell. Chairman Meier led those gathered in a moment of silence and the Pledge of Allegiance.

Chairman Meier asked Ms. Remley to call the roll. Attendance of members was as follows.

<table>
<thead>
<tr>
<th>Name</th>
<th>Term</th>
<th>Present</th>
<th>Absent</th>
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<tbody>
<tr>
<td>Chairman Paul Meier</td>
<td>May 2016 through April 2020</td>
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<td>Vice Chairman Beth Sewell</td>
<td>May 2017 through April 2021</td>
<td>X</td>
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<td>Treasurer Tom Litzler</td>
<td>May 2016 through April 2020</td>
<td>X</td>
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<td>Jessica Fette</td>
<td>May 2018 through April 2020</td>
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<td>Tyson Hermes</td>
<td>May 2019 through April 2021</td>
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<td>X</td>
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<td>Matt Mattone</td>
<td>May 2016 through April 2020</td>
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<td>Gary Waugaman</td>
<td>May 2019 through April 2021</td>
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Following the roll call, he asked that the record reflect that a quorum was present.

Also present were Garry Edmondson, Legal Counsel; Nicole Cullum, CB, Accountant; Dennis Andrew Gordon, FAICP, Executive Director; and Lori Remley, Executive Assistant.

**ACCEPTANCE OF AGENDA**

Chairman Meier asked if there were any changes to the agenda. With none, Mr. Waugaman made a motion to accept the agenda as presented; Commissioner Sewell seconded the motion. A voice vote found unanimous approval.

Chairman Meier asked if there were any comments from the public and noted that there were none.
ONGOING BUSINESS

Chairman Meier asked if the minutes of the May 1, 2019 meeting were acceptable or if anyone had any additions/corrections.

With none, Mr. Mattone made a motion to accept the minutes of the May 1, 2019 meeting as presented; Mr. Waugaman seconded the motion. Chairman Meier asked for a voice vote on the motion which found unanimous approval. The motion passed unanimously.

Ms. Cullum reviewed the April financial statement (a copy of which is attached to the original minutes). She reported that, at 83.3% of the way through the fiscal year, revenues were above projections at 99.3%, fees for services were above projections at 91.7%, and expenses were below projections at 78.3% of budget. She noted that One Stop Shop Program revenue was above projections at 94.3% with expenses below projections at 74.6%.

Following a brief discussion, Chairman Meier asked for a motion regarding the April financial report. Commissioner Sewell made a motion to accept the April 2019 financial report subject to audit; Mr. Waugaman seconded the motion. Chairman Meier asked for a roll call vote on the motion which found Board Members Sewell, Waugaman, Fette, Litzler, Mattone, and Chairman Meier in favor of the motion. The motion passed unanimously.

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

Chairman Meier then asked for a report from the executive director. Mr. Gordon stated that he had provided members with written comments prior to the meeting and asked if members had any questions. There were none.

Mr. Gordon advised members that the Council’s Budget Review Committee had met and had voted unanimously to recommend the draft budget to the full Council as submitted by the Board. He noted that committee members had requested additional information which staff provided. He said they had until 5:00 PM today to question the information provided. As of 5:00 PM, no questions or objections had been received.

Mr. Gordon stated that Council President Jansing is looking at moving the Council meeting up and that once a decision is made, he will advise members.

Chairman Meier asked for a report on the response from the City of Covington’s Tax Increment Financing Board regarding PDS’ request for a member seat as part of the amendments to the city’s TIF District agreement. Mr. Gordon advised members that he had presented the Board’s request for a seat on the TIF board; however, the TIF board is not willing to rewrite its bylaws and redo everything to create a seat for PDS. He stated that, after hearing their reasons, he isn’t sure it is worth getting into a struggle over and that he would recommend going forward to sign the agreement amendment.
During the discussion that followed, Commissioner Sewell noted that someone from PDS could attend the TIF board meetings but that they wouldn’t have a vote. Chairman Meier stated that they could approve the amendments and request that PDS be advised of the meeting schedule so someone can attend.

Following a brief discussion, Chairman Meier asked for a motion regarding the amendments to the Covington TIF District agreement. Mayor Fette made a motion to authorize the chairman to sign the amended TIF agreement; Mr. Mattone seconded the motion. Chairman Meier asked for a roll call vote on the motion which found Board Members Fette, Mattone, Sewell, Waugaman, Litzler, and Chairman Meier in favor of the motion. The motion passed unanimously.

Chairman Meier asked for reports from members. Mr. Litzler took the opportunity to compliment Pat Denbow for his recent presentation to the Fort Wright Board of Adjustment. He stated that Mr. Denbow did an excellent job. Commissioner Sewell seconded Mr. Litzler’s comments regarding Mr. Denbow’s professional skills.

**NEW BUSINESS**

Chairman Meier asked for review of a recommendation from the executive director and legal counsel to: (1) declare enCode Plus a sole source cloud-based code publishing, content management, and codification system for Kenton County’s subdivision regulations and zoning ordinances; (2) pursue a contract with enCode Plus, LLP, of Sugarland, Texas, for purchase of enCode Plus for a cost not to exceed $65,000; and, (3) pay for the service from the Planning Excellence and Work Program Reserve funds as planned.

Mr. Gordon stated that, as noted on the agenda and the information provided by email earlier this week, staff is making a recommendation related to the ongoing Z21 initiative. He reminded members that he has shared information over the last year regarding staff’s search for the right software platform on which to publish the Kenton County Subdivision Regulations and the new Z21 zoning ordinances.

Staff identified enCode Plus early on and found it met every one of PDS’ needs and then some. The search was concluded in late March and they have been in talks with the company since. Because enCode Plus meets PDS’ combined needs where others don’t, staff has to make the choice to go out to bid and possibly live without some of those needs or to pursue this program as a sole source product.

Mr. Gordon stated that he hoped members had the opportunity to review the seven-page description of the program’s features. He then noted 15 of the most desirable features.

1. Ability to export html text easily into pdf or Word formats and vice versa.

2. All text amendments to new Z21 ordinances will be archived automatically so the history of which requirements were in effect at what time is always available. This
history moves with any reorganization of the ordinances. The ordinance number, date of approval, etc. is kept when sections are amended... like in KRS.

3. All cross references will remain in place and functioning if provisions are moved about in the ordinance.

4. Staff can share draft amendments with local officials behind the curtain so to speak and seek comments, all within the context of the existing text.

5. All tables—and the Z21 ordinances will include quite a few—are dynamic, meaning included words may be linked and searchable. Buttons included in tables can link to contents of other tables.

6. This software will permit PDS’ Google analytics account to track and report how users are using the site. This will be useful when staff sees amendments are necessary.

7. This html software facilitates hyperlinks to outside sources, like KRS Chapter 100, the Direction 2030 comprehensive plan, and the Kenton County Subdivision Regulations... all of which staff intends to utilize.

8. One of the features it includes—and that staff wants to pursue—is a link to local MLS data such that a user can look up properties using the enCode Plus site and it will provide a one-page printout showing the site with all permitted uses and requirements from the zoning ordinances as well as information from the MLS. For economic development purposes alone, this is going to be a great resource.

9. The software and website are smartphone and tablet friendly... something that’s not all that common for zoning ordinances. Direction 2030 does this now so having the zoning ordinances in the same format compliments it.

10. All defined words are activated to pop up within the text by rolling the cursor over them.

11. Software can accept and publish video clips... like a message from the chief elected official or a short fly through of the ordinance.

12. The site includes calculators for buffer yards, floor ratio area, landscaping and screening, parking and loading, signage, site capacity, and site yield, etc.

13. Two versions for viewers: as running text and within an e-Reader.

14. All of this sits on top of PDS’ GIS system which gives staff a multitude of ways to serve up data. Further, enCode Plus is an Esri corporate partner meaning everything it does with GIS is automatically compatible with PDS’ data.
15. Company provides an unlimited number of user seats so long as they are registered with enCode Plus.

As previously explained in his email, Mr. Gordon reminded members that enCode Plus is a sole source provider and that Mr. Edmondson has reviewed the company’s certifications and agrees that they meet the legal definition. There was a brief discussion regarding what constitutes a sole source provider and Mr. Edmondson explained the concept.

Mr. Gordon stated that being a sole source provider doesn’t provide any pressure during the bid process for the vendor to put his best price forward. He said that the intent in putting this before members now was to create some pressure.

Mr. Gordon indicated that he believes staff can secure what they need for less than the $65,000 as indicated in the draft motion. By authorizing staff to sit down with the vendor with approval in hand, they will assume a position much like someone who’s looking for a house or car who has the financing approved and is ready to go.

Mr. Gordon reminded members that this pursuit is something that has been discussed for several years—since Direction 2030 comprehensive plan was crafted —and that the amount of time spent on the pursuit lends more credibility to the recommendation before them.

Mr. Gordon concluded with a recommendation that the Board:

a. declare enCode Plus a sole source cloud-based code publishing, content management, and codification system for Kenton County’s subdivision regulations and zoning ordinances;

b. pursue a contract with enCode Plus, LLP, of Sugarland, Texas, for purchase of enCode Plus for a cost not to exceed $65,000; and,

c. pay for the purchase from the Planning Excellence and Work Program Reserve funds as planned

Mr. Gordon asked if there were any questions and discussion regarding the software followed.

Mayor Fette stated that she needed to leave for another meeting but that she had several questions, the most important of which is, are there any other vendors that offer some of the services without all the “Cadillac” services? Mr. Gordon stated that there aren’t any vendors that provide all the needed services and that enCode Plus is the only vendor that fulfills all PDS’ needs.

Mayor Fette left the meeting at 5:52 PM.
There was discussion regarding sole service provider status and the cost of continued service after the initial cost of $65,000 or less. Mr. Gordon stated that staff expects the continued annual costs to be approximately $10,000. Discussion followed.

Mr. Gordon also advised members that the consultant the City of Covington is using for its new neighborhood development code is with the same company. There was additional discussion regarding costs, bundling, and possible discounts.

Members asked how they would demonstrate that enCode Plus is a sole source provider. Mr. Gordon stated that it is the only software available that is compatible with LINK-GIS and Esri programs.

There was discussion regarding other communities that use enCode Plus and which reserves the funds would be pulled from.

Chairman Meier asked for a motion regarding the executive director’s and legal counsel’s recommendation. Mr. Waugaman made a motion to declare enCode Plus a sole source cloud-based code publishing, content management, and codification system for Kenton County’s subdivision regulations and zoning ordinances; pursue a contract with enCode Plus, LLP, of Sugarland, Texas, for purchase of enCode Plus for a cost not to exceed $65,000; and, pay for the purchase from the Planning Excellence and Work Program Reserve funds as planned; Mr. Litzler seconded the motion.

Chairman Meier asked if there was any discussion on the motion. Mr. Gordon assured members that he will come back to the Board if he isn’t comfortable with the negotiations and that he wouldn’t be talked into a bad agreement.

With no further discussion, Chairman Meier asked for a roll call vote on the motion which found Board Members Waugaman, Litzler, Mattone, Sewell, and Chairman Meier in favor of the motion. The motion passed unanimously.

Chairman Meier asked if there was any other new business to come before the Board. With none, Commissioner Sewell made a motion to adjourn the meeting and Mr. Waugaman seconded it. With all in favor, the meeting adjourned at 6:13 PM.

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Paul Meier, Chairman

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Dennis Andrew Gordon, FAICP
Executive Director/Secretary