

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Darpel, Chair, called the meeting to order at 6:15 PM on Thursday, September 1, 2011, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Eilerman. The meeting was held in the Commission Chambers of the NKAPC Building in Fort Mitchell. Attendance of members (for this meeting as well as those during the year to date) was as follows.

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<b>Member</b>	<b>Jurisdiction</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>	
		<b>a</b>	<b>e</b>	<b>a</b>	<b>p</b>	<b>a</b>	<b>u</b>	<b>u</b>	<b>u</b>	<b>e</b>	<b>c</b>	<b>o</b>	<b>e</b>	
		<b>n</b>	<b>b</b>	<b>r</b>	<b>r</b>	<b>y</b>	<b>n</b>	<b>l</b>	<b>g</b>	<b>p</b>	<b>t</b>	<b>v</b>	<b>c</b>	
Mark Barnett	Taylor Mill	X	X		X	X	X							
Ms. Brown	Erlanger	X	X	X		X			X	X				
Barbara Carlin	Kenton Co	X	X	X		X	X		X	X				
Barry Coates	Covington	X	X	X	X	X	X		X	X				
James Cook	Kenton Co	X	X	X	X	X			X					
Ron Cook	Elsmere			X	X	X								
Paul Darpel, Chair	Edgewood	X	X	X	X	X	X		X	X				
Chuck Eilerman	Covington	X	X	X	X	X	X		X	X				
Tom France, V.Chair	Ludlow	X		X	X	X	X		X	X				
David Hilgeford	Villa Hills	X		X		X			X	X				
Lynne Hood	Crestview Hills	X	X	X	X	*			X	X				
Marc Hult	Covington	X	X	X	X	X	X							
Mark Hushebeck	Lakeside Park	X	X	X		X			X	X				
Dan Ruh, Treasurer	Fort Wright	X	X	X	X		X		X	X				
Mark Rogge	Crescent Spgs	X	X	X		X	X		X	X				
Shad Sletto	Fort Mitchell	X	X	X		X	X		X	X				
Maura Snyder	Independence	X	X	X	X	X	X		X	X				
Joe Tewes	Bromley	X	X	X	X	X	X			X				
Melissa Worstell	Park Hills		X	X	X	X	X		X	X				

“X” denotes attendance at the regular meeting and “x” denotes attendance at the continuation meeting.  
“\*” denotes arrival after roll call was taken.

Also present were Matt Smith, Legal Counsel, and the following NKAPC staff: Martin Scribner, AICP, Deputy Director for Current Planning.

**AGENDA:**

Ms. Snyder made the motion to approve. Ms. Worstell seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Worstell, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Mr. Tewes and Mr. Darpel in favor. The motion carried.

**APPROVAL OF THE MINUTES:**

Mr. Darpel commented on page 7 at the top of the page, five lines down where it reads the list of the names of those voting but does not state whether they voted for or against so that needs to be noted that they voted in favor. Mr. Darpel stated he voted against. There being no further changes or comments, Ms. Snyder made the motion to approve as amended. Ms. Brown seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Ms. Worstell and Mr. Darpel in favor. Mr. Sletto and Mr. Tewes abstained. The motion carried.

**RECEIPTS AND EXPENDITURES:**

There were no questions or comments with regard to the financial statement. Mr. Eilerman then made the motion to accept with Ms. Snyder seconding the motion. A roll call vote on the matter found Mr. Eilerman, Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Worstell, Mr. Tewes and Mr. Darpel in favor. The motion carried.

**ACTIONS SINCE LAST MEETING:**

The memorandum regarding the actions taken by Staff over the past month was distributed for informational purposes only. There were no questions or comments.

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

No action required.

**PUBLIC HEARINGS:**

Mr. Darpel noted a request to table had been received with regard to item 2047R. Mr. Darpel asked how long this had been tabled the first time. Mr. Scribner stated it was tabled for a month previously. Mr. Darpel then asked if they wanted to table it for another month. Mr. Scribner stated they did and they also wished to add some material to it. He stated he instructed the city to submit another application for something else to keep it clean and to table the current issue until next month's meeting. Mr. Hilgefurd then commented that he would be very interested in seeing where in their zoning SOB's are permitted because they are not permitted in this zone. He stated if you write SOB's totally out of your ordinance the court can throw it out. He stated if they can show where they are permitted within the Ft. Wright zoning. He stated there is no sense in voting on something that they know is not going to stand in court. Mr. Smith then commented that it may be best to address that at the next month's meeting but he stated Gary Edmonson has looked at this before and asked if someone could just be prepared to speak on that at the meeting because it has been raised. Ms. Snyder then made the motion to table the issue to next month's meeting. Mr. France seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. France, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. Hilgefurd, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Worstell, Mr. Tewes and Mr. Darpel in favor. The motion carried.

**2049R**

**APPLICANT:** Kenton County Planning Commission per Paul J. Darpel, Chair

**REQUEST:** proposed text amendments to the zoning ordinance of all Kenton County jurisdictions deleting all current flood plain regulations and adding new floodplain regulations in keeping with U.S. FEMA requirements.

Staff presentation and Staff recommendations by Mr. Martin Scribner

**NKAPC STAFF RECOMMENDATIONS:**

Favorable recommendation on proposed text amendments to the zoning ordinances of all Kenton County jurisdictions deleting all current floodplain regulations and adding new floodplain regulations in keeping with U.S. FEMA requirements.

Mr. Scribner clarified the number assigned to the issue as 2049R and not 1049R as noted.

No one registered to speak on the issue for or against.

Mr. Rogge questioned the numbering as outlined in the staff report. Mr. Scribner clarified the matter of the numbering stating some had been taken directly from another document to combine the two and he may have missed a couple of numbers in the process. It was noted and Mr. Scribner stated he will take care of that. Ms. Brown noted under page 18d with regard to the designation of local administrator and the appointment of such. She asked if this was out of the old document or new. Mr. Scribner noted this was from the old. Mr. Darpel stated that is something that can be looked at later if needed. Mr. Scribner stated if there is a minor change the legislative body can make the change without sending it back to the commission. Ms. Brown just wanted to clarify this so they wouldn't have to go back through the whole process. Mr. Smith reiterated same.

There being no further questions or comments the public hearing was recessed for discussion. The public hearing was then closed. Mr. Rogge then made the motion to approve issue 2049R based on Staff's presentation with minor corrections. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Rogge, Ms. Hood, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ruh, Mr. Sletto, Ms. Snyder, Ms. Worstell, Mr. Tewes and Mr. Darpel in favor. The motion carried.

**Unfinished Business:** None.

**Reports from Committees:**

***By-Laws*** – Nothing to report. No meeting held.

***Executive*** – Mr. Darpel stated they did meet and sat down and discussed the NKAPC and the ballot initiative with the tea party and Home Builders Association. He stated they had pretty much decided that they would sit back and wait and see what happens and decide on a time to act. He stated his concern is that he did not want to be unprepared to react if necessary and felt the need to come up with a Plan B. He stated they met to try to put together a memorandum on how the committee feels and to put together a course of action for the Kenton County Planning Commission. He stated he has met with many on the issue including mayors and members of the homebuilders association on the issue. He stated the executive committee then met to discuss the position of the committee. He stated it was only a couple pages long and then he handed it over to Matt Smith, legal counsel. He stated Mr. Smith did an excellent

job and he gives him a lot of credit because he spent a lot of hours on the issue with regard to the content of the memorandum and it's basically his work. Mr. Darpel then summarized the memorandum. He stated the budget for the commission is \$68,000 a year and right now in the bank there is \$20,000. He stated clearly that is not going to last long if the commission is dissolved and the funding disappears. He stated he feels the commission gets excellent service from their staff and he thinks the KCPC needs that level of service for the people of Kenton County. He then opened up the discussion to any comments as to whether or not the commission wants to send this out as their official position on the matter. He further stated the executive committee wants the planning commission to see this as their position if that is the choice of the commission obviously. He then stated he welcomed any comments. Mr. France stated he agrees with Mr. Darpel. He further noted if you look through the document you see the vast array of services the staff provides the commission. Mr. Eilerman complimented Mr. Darpel and Mr. Smith on the job they did on the memo and stated the one thing that concerns him is what would need to happen may not be feasible. He stated he thinks it important to point out that this is the way the funding would need to progress (should it be dissolved) but it may not occur that way. He stated if the localities cannot come up with these funds and there is no longer a tax therefore there are not funds to support the staff, he asked what would happen to the responsibilities that are currently being handled by the staff? Mr. Darpel stated first of all the responsibility would still be there and they commission is still required to do that. He noted there are differing opinions to be honest and he hoped it wouldn't come to that. He then stated he thinks it's a point worth noting and he is glad Mr. Eilerman brought it up. Mr. Darpel then stated they are already putting together a budget of what the Kenton County Planning Commission would have to do should this happen. Mr. Darpel stated they are hoping they won't have to do that but if it does, they will have to sit down with the cities. Mr. Darpel stated he wants to be ready but at the same time it will take some time to answer all those questions as to how it's going to be funded. Mr. Darpel then stated the memorandum is an educational piece that is intended to say this is where we are, this is what we would like to see happen, this is where we need to be prepared to go. Mr. Hilgefurd asked if the memorandum was going to be sent out to the cities. Mr. Darpel stated he would like to send it to the cities and have the representatives on the commission go to their respective city and see if they have any questions or comments on it. He stated people need to be educated on this because it really is not easy to understand. Mr. Smith wanted to clarify that if this issue should be successful in November that statutorily the commission still has the ability to engage in all their operations to wind up their affairs to the next fiscal year before anything would be wound down. Ms. Brown stated the committee has done a really nice job in showcasing what a great benefit and discount this commission gets in being able to operate with a \$68,000 budget by using the consolidated services of the NKAPC and this very nicely sets forth what is needed and where the commission stands. Ms. Hood asked if they had thought about trying to get this out publicly. Mr. Darpel then stated they are providing it to the cities and he thinks by attrition it's going to get out that way. Mr. Darpel further stated this is the beginning and gives a starting point for discussion. Mr. Hilgefurd then made the motion to make the memorandum prepared on the NKAPC be sent to the cities or any other interested parties as their position on the tax associated with the NKAPC. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Hood, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Ms. Snyder, Ms. Worstell, Mr. Tewes and Mr. Darpel voted in favor. Mr. Sletto voted against. The motion carried.

**2020 Sourcebook (model zoning ordinance)** – Nothing to report. No meeting held.

**Subdivision Regulations** – Mr. Darpel stated they have been meeting and going through the regulations to try and understand them and get educated. He stated he has gone to the mayor's and the home builders so he thinks it is progressing nicely. He stated the timeframe is for the end of the year but if it takes longer, it takes longer. He noted there will be a meeting coming up in next Tuesday, October 6<sup>th</sup>. He further noted the task force met and the comprehensive plan needs to be readopted before the end of the year. He stated he does not want to not have it updated and reapproved by the end of the year. He stated

they have put together a task force and are looking at the whole thing. He stated they will have something in front of them to discuss at the next meeting. He stated there will probably be one or two extra meetings to get this done.

**Report from legal counsel** – Mr. Smith noted there was nothing to report.

**Announcements from Staff** – Mr. Scribner stated there will a couple continuing education opportunities this month. He stated the first one is the Kentucky Chapter of the American Planning Association is hold their fall conference the 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> at the Embassy Suites in Covington. He stated Mr. Eilerman asked last month if there were any funds available from the NKAPC to send some members to this and the answer he got was no. He stated it is a pretty affordable conference though because it is local. He also noted Wednesday is an 8 hour planning training and it's only \$30 for the whole day and a good opportunity to get some education. He stated the other two that are going on there is a Board of Adjustment on September 17<sup>th</sup> from 8 to noon. He noted the other one is a webinar on September 28 at 4:00 in the meeting chambers. No rsvp is required for the webinars.

**Correspondence:** None.

**New Business:** - Mr. Darpel asked if there was any other information on the Farmer's Tour to be held on the 17<sup>th</sup>. Mr. Scribner stated he did not and that it was not sponsored by the NKAPC. He did note that it would count for four hours of training as it did last year.

**Public Comments:** Mr. Darpel stated they will take public comment on the tax issue for those interested in speaking. The first person to speak was Mr. Jim Collett, mayor of Crescent Springs. He stated he complimented the commission for laying out some details. He stated he is interested in the timing of when the financial burden would fall upon the cities. He stated they as a city have already passed their property tax rate for the fiscal year so they really can't do anything to increase funds until the next fiscal year. He stated they really only have two means of increasing revenues; one would be by increasing property tax and the other is by increasing the insurance premium tax, both of which their hands are tied. He stated services are going to have to be reduced because the cities simply don't have the funds. He stated the next question is what authority they have to pass it on to the cities. He asked how it would be prorated out if this should pass. He stated as a mayor he is greatly concerned because they as a city don't have the wherewithal to pay this. He stated the only thing he can see is services are going to be cut and the word needs to get out to the public that if you want to see the services, don't ax the tax. Mr. Darpel stated they attempted to put this together to show what will happen if the funding goes away and the burden then falls to the cities. Mr. Collett stated this is a very good first start and it explains a lot of things as far as what the financial impact is going to be.

Mr. Tom Vergamini, council member for the City of Crescent Springs addressed the commission. He stated he thinks the memorandum is very good. He stated one of the purposes behind this is to help educate voters. He also stated it is a Kenton County issue. He stated let's assume that the tax issue succeeds and the funding goes away. He stated one of the things that is going to kill the cities in Kentucky is the current pension system. He stated those benefits can never be taken away. He stated as organization that has never had employees, do you hire employees and more importantly, how do you pay the retirement benefits? He stated the reason he brings this up is they as cities have to pay, in addition to their compensation, 18.9% of their compensation as their contribution to the pension plan. He then stated for every \$10,000 paid to an employee, \$1890 is their contribution to the employee contribution plan. He stated that is the reason he was questioning this. He further stated he is glad this document exists and he certainly hopes that the press gets the word out as to what this is going to cost a Kenton County taxpayer because right now he knows what he is paying. He said it is .30 per \$100 dollars. If on January 1<sup>st</sup> this

thing goes away and he's paying .35 per \$100 then he just made a bad mistake. He stated he better know that now because between now and November 8<sup>th</sup> is a very short time to get a lot of information to a lot of voters. He stated he thinks they've done a great a job with the memorandum.

Mr. Col Owens addressed the commission. He stated he serves as Chair of the Kenton County Democratic Party and that's really the basis of why he's here. He stated he didn't plan to say anything but after listening decided to make a couple quick comments. He stated this is a terrific document and it really lays out an approach to what to do. He stated he fears this will get on the ballot and he hopes for the best but you have to fear for the worst. He further stated his suggestion would be to get a common message with the commission, maybe a few bullet points on a page, to get to the public for them to understand. He stated to find very simple message ways for the people to get it because pension plans and such are very important but he thinks it needs to be simple. He stated he thinks the public needs to understand there is something very valuable here that can be lost and it can come back to haunt them in a variety of ways. He also stated they stand ready to help for what that's worth and he thanked everyone for all their efforts.

None.

There being nothing further to come before the commission, Ms. Snyder made the motion to adjourn. Ms. Hood seconded. All in favor. None opposed. The meeting then adjourned at 7:43 p.m.

APPROVED:

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Chair

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Date