

KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes

Mr. Paul Darpel, Chair, called the meeting to order at 6:15 p.m. on Thursday, May 5, 2016, and opened the proceedings with the Pledge of Allegiance and invocation by Mr.. Hult. The meeting was held in the Commission Chambers of the PDS Building in Fort Mitchell. Attendance of members (for this meeting as well as those during the year to date) was as follows.

Commission Member	Jurisdiction	J	F	M	A	M	J	J	A	S	O	N	D
		a	e	a	p	a	u	u	u	e	e	o	e
		n	b	r	r	y	n	l	g	p	t	v	c
Diane Brown, V. Chair	Erlanger	X	X		X								
Nancy Collins	Ryland Hts.					X							
Barry Coates	Covington	X	X	X		X							
Gailen Bridges	Kenton Co	X	X	X	X	X							
Paul Darpel, Chair	Edgewood	X	X	X	X	X							
Tom France	Ludlow	X	X	X	*	X							
Joe Gray	Covington	X	X	X	X								
Brian Wischer	Villa Hills		X	X	X	X							
Lynne Hood	Crestview Hills	X	X	X	X								
Marc Hult,	Covington	X	X	X		X							
Keith Logsdon	Lakeside Park	X	X	X		X							
Joe Pannunzio	Elsmere	X	X	X	X	X							
Stan Porter	Taylor Mill	X	X	X		X							
Greg Sketch	Crescent Spgs	X	X	X	X	X							
Brian Dunham	Kenton Cty			X	X	X							
Jack Toebben	Fort Wright	X	X	X	X	X							
Jeff Bethell	Fort Mitchell	X	X	X	X	X							
Maura Snyder	Independence	X	X	X	X	*							
Joe Tewes	Bromley	X	X	X	X								
Phil Ryan, Treasurer	Park Hills	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 PDS staff: Ms. Emi Randall, Mr. Andy Videkovich, and Mr. Alex Koppelman, and Mr. Mike Ionna.

AGENDA

Mr. Darpel asked for any questions or comments with regard to the agenda. There being none, he asked for a motion to approve. Mr. Bethell made the motion to approve. Mr. Bridges seconded. All in favor by acclamation.

APPROVAL OF THE MINUTES:

Mr. Darpel noted the minutes were distributed and asked for any questions or comments. Mr. Bethell noted a typo on page 2 under PDS staff recommendations where it reads “lakes” an anchor store he thought it should read “takes”. Mr. Darpel commented he thought it should read “lacks” an anchor store instead. Mr. Darpel also noted on the same page about six lines down Direction “3030” should read “2030”. Mr. Bethell further commented regarding issue 1603-0002 the roll call has him voting against and he voted in favor of the motion. Mr. Darpel wanted to clarify on the bottom of page 5 where it reads “Mr. Darpel stated he has to make that decision...” he stated for clarification because he doesn’t want anyone to read that incorrectly with regard to the question of tabling the matter. He noted it should read Mr. Darpel stated Mr. Franxman needs to make that decision and that the commission cannot make that recommendation on their behalf. He commented on the second to last page, a couple quick things as to clarification – he noted “they” refers to KCPC so he said it should read “KCPC” does not have the ability to supplement... He also stated in the sentence after that it should read “our” instead of “out”. A motion was then made by Mr. Ryan and seconded by Mr. Sketch to approve the minutes as amended. A roll call vote on the motion found Mr. Ryan, Mr. Sketch, Mr. Bethell, Mr. Bridges, Mr. Dunham, Mr. France, Mr. Pannunzio, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. Mr. Coates, Mr. Hult, Mr. Logsdon, Ms. Collins and Mr. Porter abstained. The motion carried.

Mr. Darpel stated he failed to mention a welcome to new Commissioner Nancy Collins as the new representative for Ryland Heights. He then acknowledged her appointment and welcomed her to the Commission.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures were distributed. He commented he didn’t really see anything that jumped out at him. There being no questions or comments, he asked for a motion. Mr. Bethell made the motion to approve. Mr. France seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. France, Mr. Bridges, Mr. Coates, Mr. Dunham, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Ryan, Mr. Sketch, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. Ms. Collins and Ms. Snyder abstained. The motion carried.

AUDIT REPORT

Mr. John Chamberlain addressed the Commission and presented the audit report. He previously distributed a copy of the report and commented he appreciated the opportunity to prepare the audit. He then went through the power point presentation with regard to the audit. He commented there were no instances found of violations of laws or non-compliance so there were no issues to report. He commented further the operating cash is more significant than it

has been in previous years. He stated the fund balance for the year ended June 30, 2015 has jumped up to roughly \$60,000. Mr. Chamberlain then referenced the letter distributed prior to his presentation. He stated there were no significant issues there either. He then summarized the audit opinion and briefly discussed the total assets. Mr. Darpel asked about the fourth slide referencing cash reserve. Mr. Chamberlain stated that shouldn't be referred to as a reserve but as a cash position. Mr. Hult stated this is a clean audit report. He commented there is one change he would suggest and that is the spelling of his name as Marc. Mr. Dunham commented about the change with PDS after June 2015. He asked if that change occurred during 2015. Mr. Darpel clarified the change was actually June 2014 and then explained the changes that were made. He clarified he made a reporting entry with regard to the changes and commented it was not an accounting issue.

Following the brief discussion on the matter, Mr. Darpel then asked for a motion to adopt the FY15 audit report. Mr. Hult made the motion with Ms. Snyder giving the second. A roll call vote on the motion found Mr. Hult, Ms. Snyder, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Dunham, Mr. France, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Ryan, Mr. Sketch, Mr. Toeppen, Mr. Wischer and Mr. Darpel in favor. Ms. Collins abstained. The motion carried. Mr. Darpel thanked Mr. Chamberlain for coming out and giving his report.

ACTIONS SINCE LAST MEETING:

The memorandum regarding the actions taken by Staff over the past month was distributed for informational purposes only.

RECENT ACTIONS BY LEGISLATIVE BODIES:

Mr. Darpel stated the legislative items that were approved the past month were in front of the Commissioners. No action was required.

PUBLIC HEARINGS:

FILE: PC1603-0003

APPLICANT: St. Agnes Parish per Michael Hargis on behalf of the Diocese of Covington

LOCATION: 1680 Dixie Highway; an area of approximately 12 acres located on the northeast corner of the intersection of Dixie Highway with Sleepy Hollow Road in Fort Wright.

REQUEST: A proposed map amendment to the Fort Wright Zoning Ordinance changing the described area from R1-D (a single-family residential zone) and R-2 (a multi-family residential on) to INST (an institutional zone).

Staff presentation and Staff recommendation by Mr. Andy Videkovich.

PDS STAFF RECOMMENDATION:

To provide a favorable recommendation of the proposed map amendment to the Fort Wright Zoning Ordinance changing the described areas from R-1D (a single-family residential zone) and R-2 (a multi-family residential zone) to INST (an institutional zone), subject to the condition that the proposed text amendments adding the INST Zone, including appropriate cross references to other sections of the City's Zoning Ordinance be adopted prior to, or simultaneously with, the adoption of this proposed map amendment (PC1601-0006).

Mr. Mike Hargis addressed the Commission for the applicant. He stated they have been working with the city to clean up some issues over the years and one of the recommendations was to create the institutional zone. He stated that would make them similar to Covington Catholic and Notre Dame and other facilities around. He stated it's a very simple issue and they don't think they should be in a residential zone. He noted he was available to answer any questions.

There being no further comments. Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. There being none, Mr. Darpel then asked for a motion. Mr. Ryan made the motion to approve based on staff's recommendation and the testimony heard, along with the condition that the institutional zone is approved by the City of Ft. Wright. Mr. Toeppen seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. Toeppen, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Dunham, Mr. France, Mr. Hult, Mr. Logsdon, Ms. Collins, Mr. Pannunzio, Mr. Porter, Mr. Sketch, Ms. Snyder, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously.

FILE: PC1603-0004

APPLICANT: City of Erlanger per David Hahn, Director of Economic Development
REQUEST: Proposed text amendments to the Erlanger Zoning Ordinance amending the requirements governing home occupations; the proposed text amendments relate to employees, signs, traffic, licensing and commodities being sold in conjunction with home occupation.

Staff presentation and Staff recommendation by Mr. Mike Ionna.

PDS STAFF RECOMMENDATION:

Favorable recommendation on the proposed text amendments to the Erlanger Zoning Ordinance amending the requirements governing home occupations as it pertains to employees, signs, traffic, licensing and commodities being sold in conjunction with home occupations.

Mr. Hahn addressed the Commission for the applicant and stated he was available to answer any questions. He noted they are obviously in favor of the application. He stated they have a lot of professional people such as attorneys and CPAs, etc. that prompted the home regulations regarding this.

There being no further questions or comments, Mr. Darpel recessed the public hearing for discussion. There being none he then reconvened and closed the public hearing. Mr. Darpel asked for a motion on the matter. Mr. France made the motion to approve the application as submitted. Ms. Snyder seconded the motion. A roll call vote on the motion found Mr. France, Ms. Snyder, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Dunham, Mr. Hult, Mr. Logsdon, Ms. Collins, Mr. Pannunzio, Mr. Porter, Mr. Ryan, Mr. Sketch, Mr. Toeppen and Mr. Darpel in favor. Mr. Wischer voted against. The motion carried.

FILE: PC1604-0001

APPLICANT: City of Kenton Vale per Michael Pendery, Mayor
APPLICANT: A proposed text amendment to the Kenton Vale Zoning Ordinance allowing fences, walls, and obstructions to views in the side and rear yards of corner lots.
REQUEST: Proposed text amendments to the Kenton Vale Zoning Ordinance amending the requirements

Staff presentation and Staff recommendation by Mr. Koppelman

PDS STAFF RECOMMENDATION

To provide a favorable recommendation of the proposed text amendment to the Kenton Vale Zoning Ordinance allowing fences, walls, and obstructions to views in the side and rear yards of corner lots.

Mr. Dennis Briggs addressed the Commission and stated Staff summed it up better than he could but basically he wanted to fence in his yard to keep the dog in and the kids out. He noted he was available to answer any questions.

There being no further comments, Mr. Darpel recessed the public hearing for discussion . There being none, he then reconvened and closed the public hearing. He asked for a motion on the matter. Ms. Snyder then made the motion to approve based on Staff's recommendations and the testimony heard. Mr. Bethell seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Dunham, Mr. France, Mr. Hult, Mr. Logsdon, Ms. Collins, Mr. Pannunzio, Mr. Porter, Mr. Ryan, Mr. Sketch, Mr. Toeppen, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously

APPLICANT: Kenton County Planning Commission

REQUEST: Action on a recommendation from the Executive Committee to adopt new Cellular Antenna Tower and Small Cell Tower Regulations for the entire planning jurisdiction.

Staff recommendations and Staff presentations by Ms. Emi Randall

Mr. Dunham stated staff did a terrific job along with the commissioners with regard to the issue. He asked if there were any open issues regarding the issue. Ms. Randall stated there were none that she was aware of. She stated they worked with the city and took their comments and addressed any comments they had.

Mr. Darpel stated he did get a call from the city administrator to table this to allow them to look at the franchise agreement portion of this. He stated they really haven't gotten a lot of comments after the many many meeting that were held on the issue.

Mr. Kramer addressed the Commission and thanked the planning commission and staff as well as those that attended the meeting over the past months. He stated they are in the forefront with this issue. He stated he is available to answer any questions and is asking for approval. Mr. Darpel thanked Mr. Kramer for getting them up to speed on the issue and commented he was very approachable on the issue.

Ms. Sharmili Reddy addressed the Commission and stated she is representing five communities working together on a franchise agreement with the cell towers. She asked that the commission allow thirty more days to allow them time to work on the franchise agreement. She stated they wanted to get to a point where there is a model agreement in place before it is approved. She stated they certainly understand the need for cell towers and they are not here to stop them, they are just asking for thirty more days to work out the franchise agreements. Mr. Ryan asked about the cities that were involved

with the franchise agreements. She stated as a working group they clearly understand the need for them and as the Constitution requires this they would like the additional time to put together the franchise agreements. She commented they are in a little bit of a dilemma in terms of having the agreement in place but they hope to have the model in place by the time of the next meeting in June. She stated they are doing the best they can and they are all trying to move it as fast as they really can. She further commented she is not asking for an indefinite extension, just an additional thirty days. Mr. Smith stated he hesitated to have it come back again after having meetings being held. He stated he agreed with Mr. Darpel suggestion to make an effective date of June 5, 2016. Mr. Bridges asked what the problem would be in passing it this evening effective June 5th or passing it on June 5th. Mr. Darpel then asked Mr. Kramer if this is something that would be objectionable to have this effective June 15th. Mr. Kramer stated thirty days doesn't kill them but they would like to have a stop date so they can get started. He noted they own the pole and everything involved with the pole and they maintain it as well. Mr. Darpel stated they have a bit of a balance for the folks that are waiting to get their cell towers in and those cities that want to have the franchise agreement in place. Ms. Reddy stated it just puts them in a position where they have to say no when they don't have those franchise agreements in place. She further commented she doesn't want to tie the hands of the cities by not having the agreement in place. She stated they could just say no but they don't want to be put in a position where they have to say no because they don't have it in pace for those cities that do want them. Mr. Sketch commented that the thing that bothers him is they have been working on this for nine months and then to come in and have it brought up at the last minute doesn't make a lot of sense. Mr. Reddy stated the conversation has been going on for a few months now so it is not a last minute issue and they are trying to move this forward as best they can. Mr. Porter stated this sounds like the type of thing that can go on and on and he feels it should just be approved. Mr. Kramer commented that the investment they've made is probably already half a million dollars. He stated they've stopped while this regulation is going on and to hold it up another thirty and sixty days becomes problematic. He stated he would rather see it passed with an effective date tonight so they can get going on this. He stated the thirty days doesn't kill them, but to work on this nine months and to delay it again is problematic. He further commented they have equipment ordered based on the outcome of the meeting tonight. He stated they will gladly work with anybody with regard to the franchise agreements and those cities that want them. He stated they don't have franchise agreements everywhere but they still set poles in areas. He stated they worked with everybody and for them it's part of the community. Mr. Hult asked if he was aware of any conflicts with existing franchise agreements. Mr. Kramer stated he was not and noted that in many instances, a city's franchise agreement is expired and has been for years.

There being no further comments, Mr. Darpel recessed the public hearing for discussion. Mr. Dunham commented the delay would make sense if asking for the delay was to review something more clearly or by passing it this evening it would hurt any of the cities, that is fine. But that is not what he heard and commented he has only heard they want a delay because they don't want to say no. He commented further it doesn't justify delaying approval. Mr. Bethell commented that with five cities discussing it he doesn't feel they will come to an agreement in 30 days. Mr. Toebben commented to let the cities work it out and doesn't feel it should be delayed. Mr. Pannunzio stated he doesn't think it should be delayed after all this work has been done on it, it should be passed and move on. Mr. Hult stated his other concern is Boone County is doing this the other way around. Mr. France then commented that he feels they owe it to the city to give them the thirty days and that's a reasonable solution. There being no further discussion, Mr. Darpel then reconvened the public hearing. Mr. Bridges stated he wanted to go

on the record and stated he disagrees with Section 3.3 that describes the rights of the applicant to appeal but that opportunity is not given to any injured neighbor or other injured parties. He noted he just wanted it on record. Mr. Smith commented he would like to make a record to as far as the rationale behind that is the cell tower regulations are similar to the subdivision regulations in they are really the application of an administrative act and either you comply or you don't. Mr. Smith stated there really isn't anything to appeal if they comply with the regulations. Mr. Darpel then closed the public hearing. Mr. Sketch made the motion to approve the cell towers as written with an immediate effective date as it was presented by Staff. Mr. Pannunzio seconded the motion. A roll call vote on the motion found Mr. Sketch, Mr. Pannunzio, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Dunham, Mr. Hult, Mr. Porter, Mr. Ryan, Ms. Snyder, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. Mr. France and Mr. Logsdon voted against. Ms. Collins abstained. The motion carried.

Mr. France commented briefly and commended Ms. Reddy on everything she has done with Direction 2030 and getting recognized nationally.

Reports from Committees:

20/20 Sourcebook (model zoning): – Mr. Darpel commented they need to meet but have not met.

By Laws: - Mr. Ryan stated there was a meeting but not a quorum so no decisions or actions were taken.

Direction 2030 Implementation: – Nothing to report.

Executive: – Mr. Darpel stated they had not met this month.

Subdivision Regulations – No meeting held.

Reports from Commission Members – Mr. Hult stated OKI continues their presentation of the 2040 Transportation Plan. He also suggested commissioners go to the OKI website to take a look at that. Mr. Bridges noted Heritage Day is going to be May 14th and is free. Mr. Darpel stated if you haven't gone, it's definitely worth checking out.

Media Committee: Nothing to report.

Reports from Legal Counsel – Nothing to report.

Announcements from Staff – Ms. Randall stated tomorrow is Donna Bresser's birthday and she has a large card if anyone wants to sign it. She also noted there is a yellow form at everyone's chair that will allow the staff reports to receive the packets via electronic mail which will save PDS a considerable amount. She stated there is also another box where you can check it and have the packet at your chair if a hard copy is wanted. She stated she would be collecting those forms at the end of the meeting for those interested.

General Correspondence: Nothing to report.

New Business: None.

Public Comments: None.

There being nothing further to come before the commission, a motion to adjourn was made by Ms. Snyder and seconded by Mr. Ryan. The meeting then adjourned at 8:42 p.m.

APPROVED:

v-Chair Deanne Brown

Date July 7, 2016

Deanne Brown