

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Dunham, Vice Chairman, called the meeting to order on May 5, 2022, at 6:15 p.m. and opened the proceedings with the Pledge of Allegiance and invocation by Mr. Ryan. The meeting was held in the Planning and Development Services office located in Covington, Kentucky. Attendance of members (for this meeting as well as those during the year to date) was as follows:

Commission Member	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Anthony Baker	Covington	X		X									
Margo Baumgardner	Crestview Hills		X	X	X	X							
Todd Berling	Fort Wright		X	X	X	X							
Jeff Bethell	Fort Mitchell		X	X		X							
Gailen Bridges	Bromley	X	X	X	X	X							
Paul Darpel, Chair	Edgewood	X	X	X	X								
Brian Dunham	Kenton Cty	X	X	X		X							
Tom France	Ludlow	X	X	X	X	X							
Keith Logsdon	Lakeside Park		X	X	X	X							
John Hennessey	Villa Hills	X	X	X	X	X							
Matthew Martin	Taylor Mill	X	X	X	X	X							
Joe Pannunzio	Elsmere		X	X	X								
Dan McElhenny	Erlanger			X		X							
Sean Pharr	Covington		X	X	X	X							
Phil Ryan, Treasurer	Park Hills	X	X	X	X	X							
Kareem Simpson	Covington	X		X	X								
Greg Sketch	Crescent Spgs	X		X	X								
Maura Snyder	Independence	X	X*	X	X	X							
Debbie Vaughn	Kenton Co	X	X*	X	X	X							
Kristi Zavitz	Ryland Hts.			X									

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Mr. Andy Videkovich

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

AGENDA:

Mr. Dunham asked for a motion to approve the agenda. Ms. Snyder made the motion to approve the agenda as submitted. Mr. Martin seconded the motion. All in favor by acclamation.

APPROVAL OF THE MINUTES

Mr. Dunham asked for any questions or comments with regard to the meeting minutes for April. There being none, he then asked for a motion to approve. Mr. Bridges made the motion to approve. Mr. Ryan seconded. Mr. Bethell abstained. All others in favor by acclamation.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures report was distributed. There being no questions or comments, he asked for a motion to approve the report. Ms. Snyder made the motion to approve. Mr. Ryan seconded the motion. All in favor by acclamation.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS

FILE: PC2203-0002

APPLICANT: New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company d/b/a AT&T Mobility per David A. Pike on behalf of KY Crown Point LLC.

LOCATION: An area of approximately 3,750 square feet located approximately 500 feet south of the terminus of Edgecliff Drive and approximately 40 feet east of the right-of-way of Interstate 71/75. The site is located on a property at 725 Edgecliff Road in Covington

REQUEST: Location and extent of a Wireless Communications Facility and associated ground structures, including modification requests on the required setbacks, landscaping, and camouflaged tower design; the applicant proposes to construct a 199 foot macro cell tower with a setback approximately 44 feet from the northwest property line and 43 feet from the southeast property line where 99.5 feet is required, using existing vegetation in place of landscaping along the northwest and southeast property lines, and using a monopole design instead of an alternative tower structure.

Staff presentation and Staff recommendations by Mr. Andy Videkovich

PDS STAFF RECOMMENDATION

Favorable recommendation on the location and extent of a Wireless Communications Facility and associated ground structures, including modification requests on the required setbacks, landscaping, and camouflaged tower design.

Mr. David Pike addressed the Commission in favor of the application and stated he is a principal with Pike Legal Group for the applicant. He stated Mr. Carpenter is present also to speak if needed. He thanked Andy Videkovich and Patrick Denbow for their work on this issue and stated this is a very sophisticated jurisdiction and they wanted to make sure they were meeting those objections. He additionally stated they were gratified that Staff came to the same conclusions. He stated they filed all requirements based on statutes and have waived confidentially. Mr. Pike then commented about the site selection and explained the reasoning behind the site location. He stated this is the first time in all his years of working on these that a tower was decommissioned. He stated they were in the position of finding somewhere else to locate that had the right elevation and the right co-location. Mr. Pike additionally stated there are three different setbacks that are required with this location. He stated this tower is completely in keeping with the scale of towers in the area at 99 feet. He noted this tower does not need to be lit at night for safety purposes. He further stated the existing tree cover does a better job of camouflaging the site than any fencing would provide. He noted they have over-engineered the tower to exceed what is required and it is designed to bend like a reed and not fall like a tree during a weather event. He additionally stated the average tower is 33 feet taller. He added they could take advantage of the height of the location and were able to make it lower. He stated they will be able to achieve a dramatic improvement with enhanced service to the area. He further stated they always attempt to co-locate wherever they can, but in this instance they cannot, which is why they are before the Commission. Mr. Pike stated they have worked very hard at investigating any alternative sites as required by law. He then reviewed what are not reasons to deny a proposed cell tower under Federal Telecommunications Law. He commented that 70% of all 911 calls are taken from cell phones. He also noted 68% of households only have cell phones so many emergency communications are linked via cell phones. He commented after 9/11 the communications systems were overwhelmed, so changes were made so emergency personnel would be able to get through in emergency situations. Mr. Pike then noted he would like to file all documentation of the record as well as their powerpoint presentation as part of the record. He then stated he hopes it is realized how vital telecommunications are, and noted AT&T Mobile can drastically improve service in this area if approved.

Mr. Mike Sage addressed the Commission as a neutral party and asked if this tower would impact his property values either way. Mr. Smith stated none of them are experts in that area so they wouldn't be able to make a valuation as to that. Mr. Sage stated he believes in the future the hill will be developed due to the view. He stated because of this he wanted to know if his property values would go up or down. Mr. Ryan stated unfortunately they don't get into the property value aspect of that.

There being nothing further, Mr. Dunham recessed the public hearing for discussion. Mr. Ryan stated he thinks it was a very well done presentation. He noted he thinks it would be good to put a condition on it if the vegetation is removed and that it be replaced. Mr. France commented stating leaving the natural vegetation is better than putting in six foot trees. He further noted he thinks this is a good solution to the tower that was lost. There being no further questions or comments, Mr. Dunham reconvened and closed the public hearing. He then asked for a motion on the matter. Mr. Pharr made the motion to approve the application and each of the waivers based on being in compliance with regulations and that the waivers are justified, with an added condition that if the vegetation gets removed the applicant will replace it. Mr. Berling seconded the motion. A roll call vote on the issue found Mr. Pharr, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. McElheny, Mr. Martin, Mr. Ryan, Ms. Snyder, Ms. Vaughn and Ms. Baumgardner in favor. The motion carried.

FILE: PC2201-0001
Bylaws Amendment

Mr. Vidkovich stated he does not have a formal presentation and that the amendments were distributed in the packets. He noted this change would make things easier in the long run and this is to adjust things to better represent Staff's cost. Mr. Dunham stated he chaired the Bylaws Committee and it was reviewed and found to be in line. Mr. Dunham then asked for a motion on the issue. Ms. Vaughn made the motion to approve based on the analysis and the review by the Bylaws Committee. Mr. Ryan seconded. The motion was tabled for a question by Ms. Snyder. She asked about the costs incurred with tabling issues if requested by the Commission or the applicant, if they would be charged the fee due to the tabling. Mr. Vidkovich stated this would only apply if the applicant tables it for an undetermined amount of time. Ms. Vaughn then renewed the motion she had previously made. The continued roll call found Ms. Vaughn, Mr. Ryan, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. McElheney, Mr. Pharr, and Ms. Snyder in favor. The motion carried.

Reports from Committees

Bylaws – Mr. Dunham stated there was nothing to report.

Direction 2030 Implementation – Mr. Bridges stated they did not meet.

Executive– Mr. Dunham stated they met before the meeting to review the budget. He stated that it will be presented at next month's meeting.

Social Media - No meeting heldt. Mr. Ryan stated they will be sending out a survey for a meeting in June.

Subdivision Review – Mr. Berling stated they did a final review last month of the subdivision regulations and believes it will be presented for next month's meeting.

Z21 Review - Mr. Bridges stated there was nothing to report.

Comments from Commissioners - Nothing to report.

Report from Legal Counsel – Nothing to report.

Reports/Announcements from Staff - Mr. Vidkovich stated he would like to introduce Cody Sheets who is now full time with the Planning Commission.

General Correspondence - None.

New Business – Mr. Dunham stated they have some continuing education that needs to be approved. He stated formal approval of that was needed. Ms. Snyder made the motion to approve. Ms. Baumgardner seconded. All in favor. None opposed.

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. All in favor by acclamation. The meeting then adjourned at 7:36 p.m.

APPROVED:

Chair

Date

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Margo B...				X	X	X							
Todd Ber...				X	X	X							
Jeff Beth...				X		X							
Gailen Br...				X	X	X							
Paul Darp...				X	X								
Brian Du...				X		X							
Tom Fran...				X	X	X							
Keith Log...				X	X	X							
John Hen...				X	X	X							
Matthew I...				X	X	X							
Joe Pannunzio	Elsmere		X	X	X								
Dan McElheney	Erlanger			X		X							
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Greg Sketch	Crescent Spgs	X		X	X								
Maura Snyder	Independence	X	X*	X	X	X							
Debbie Vaughn	Kenton Co	X	X*	X	X	X							
Kristi Zavitz	Ryland Hts.			X									

Clean copy for signature.

Please scan & email to me if approved.

Thanks!
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APPROVED:

Chair



Paul J. Darpel, Chair

Date

6/2/22