

**PIKEVILLE/PIKE COUNTY/ELKHORN CITY
JOINT PLANNING COMMISSION
AUGUST 10, 2004
MINUTES**

BILL BLACKBURN:

I would like to welcome everyone here this evening to the Pikeville/Pike County/Elkhorn City Joint Planning Commission Meeting. If you've not yet signed the role, there is a role being passed around, you'll need to do that. First on our agenda tonight, we're going to conduct a public hearing to receive comments in support or in opposition to the following: First of all, an application from Bell South Mobility, LLC, doing business as Cingular Wireless, Kentucky, to construct, maintain and operate a wireless communications facility on property located at U.S. Highway 119 and Burning Fork Road, Pikeville, Kentucky, 41501. If you will, when you do speak up tonight, speak as loudly and clearly as possible. We've been without a reporter for sometime, we've been recording the meetings, and uh- we're just very happy, I can't emphasis how happy, to have Judy Coleman here with us this evening to take the minutes and so forth, and we appreciate that very much. We have a number of stenographers here in our community, and believe me they stay busy, very, very busy, so we're glad to have Judy with us this evening. So it's time to conduct the public hearing on the Bell South Mobility, and who do we have speaking on behalf of that?

DAVID PIKE:

Chairman, David Pike, I'm the regional counsel for Cingular Wireless for this part of the process. As always as an attorney I can be mercifully brief or I can be brief in the way only a lawyer can use the word brief. It would be helpful if the chair would inquire whether there is anyone here in opposition to this site, that might go a long way toward helping determine the length of my presentation.

BILL BLACKBURN:

Alright, is there anyone here in opposition to this proposal or this proposed site?

RUSSELL DAVIS:

I don't know that I'm in opposition of it, but my name is Russell Davis, and I'm the city attorney for the city of Pikeville, but we've asked, have sent a proposal for regulation for the design and placement of the radio tower, Cingular tower, to this committee for consideration and adoption. In looking briefly through the application, it looks like maybe, and I can tell that maybe he's gone back and maybe tried to submit things to be in accordance with that, or our proposed regulations is pretty close to what he's used to providing other, provide to other communities.

DAVID PIKE:

Since there are no locally adopted regulations that are

applicable to this facility or this structure, what we submitted is the standard uniform application that is in compliance with the Kentucky Revised Statutes as adopted in House Bill 270, which dictates the terms of the materials that are submitted, and of course under the terms of those statutes, local counties are prohibited from requesting additional application materials beyond those parameters. Now, we often times, as a courtesy, try to provide additional documentation if requested, but the application that has been submitted is in full compliance with the terms of the statutes, and obviously in our review with local staff and the like, there are no objections based on there being any deficiencies under those terms. I believe a careful review of the application would indicate that it is in compliance, I would note that in order to facilitate reviews of that type, even though applications of this type are typically confidential when filed under the terms of this statute, we voluntarily, and without prior request, waive that confidentiality in order to afford the public, and the city or its representatives, a full opportunity to review that application and provide the maximum input.

RUSSELL DAVIS:

The, have you looked at our, the City of Pikeville's proposed rules and regulations?

DAVID PIKE:

No, I have not.

RUSSELL DAVIS:

Well, they are modeled after House Bill 270.

DAVID PIKE:

If they are modeled after House Bill 270, we are in full compliance.

RUSSELL DAVIS:

In looking through your application, it looks like, line for line, that it addresses all those, but a couple of questions I would have is, and the things the city attorney that most concerns me in there was to appropriately utilize the resources of what we have here, and that is, looking to see if your company has looked at alternate tower, alternate towers maybe to place your equipment on, and I recognize in Pike County they're, they're so broad that there probably isn't, and then you'll look at alternatives, and I think it's required by the statute you look at that maybe, if you could help me along just, you know.

DAVID PIKE:

Oh, no, absolutely, and counselor you're directly on target, and that's not only an appropriate inquiry, arguably it is the inquiry that local planning commissions should make. And that's to explore whether or not there are other available co-

location alternatives, because naturally from a planning perspective, and a governmental perspective, we don't want to see the construction of new towers if there are existing facilities, that through the use of co-location, can effectively replace the need for that new facility. In this instance, we did a thorough search of the entire search area, now this is the Zebulon site we're dealing with right now, not the Elkhorn site which will be up in a moment, and there are no other suitable tall structures anywhere in the search area. Now in the case of the next site, there are a couple of tall structures and I am prepared to discuss when that case is called as to why they are not suitable. But there are no other tall structures that are located in our search area suitable for this proposed facility.

RUSSELL DAVIS:

Are you required to present a map that shows other locations of cell towers?

DAVID PIKE:

Yeah, yes.

RUSSELL DAVIS:

Do you know, right off hand, approximately how far the closest tower is?

DAVID PIKE:

It is nowhere within our search area. We can examine the application and find the answer to that, but it was nowhere

within our search area, and if its not within the search area it won't do the job, it's just that simple.

RUSSELL DAVIS:

The other thing, what are the further requirements, as far as in the future if there are other potential providers want to locate a cell tower in the same area, can they-, are we required to allow-, do we have to do something special to be able to let them hang it on your tower?

DAVID PIKE:

Great question. This gentleman has a future representing planning commissions if you're not already doing it. And that anticipates what I would have dedicated in my primary presentation. What makes our facility different from any of the other wireless facilities that you have in your community, is this is one of the first facilities that was proposed and constructed by one of the major national wireless communications carriers. Cingular is currently the second largest provider of wireless communication services in the country, assuming the merger AT&T Wireless is approved, on an interim basis as anticipated in October, it will become the largest provider of those communication services. This facility is pre-engineered for a minimum of three wireless communications carriers, and we have existing interlocking agreements with all of the other major national carriers to allow them to co-locate on our facilities.

That will provide a significant inducement for the expansion of wireless communication services in this community in the future, so by lowering the threshold and the costs associated with other carriers entering the market, that regrettably has not always been the case with existing facilities that are not owned by the other major national carriers.

RUSSELL DAVIS:

And I would tell this commission, that's what we are looking for is, in the future for providers to try to co-exist together, to use the same tower so you don't have two towers within 100 feet of themselves. When the new house bill was adopted it basically took away, whether it is good or bad, but it takes away almost really any zoning rights you had to control the placement of cell tower, or towers. There are some restrictions, like how close you can be to residents, but on our mountain tops there is, that problem is not applicable to this case. There are some requirements that, for the large part if you objected to it being in a residential neighborhood, if they, if all the technical stuff was okay, the fact that it is in a residential area you can no longer do anything that mattered, that's why we want to essentially adopt the requirements of House Bill 270 in our ordinance. I was under the impression that we had to do that to be able to even force those, maybe not, maybe we probably ought to do that anyway, but I guess the long and short of it is

finding out that they looked for other sites, and there are provisions made to allow other providers to use their site, you know, it sounds like they meet the criteria to the statute, the statute, and I'm sure you can, well I didn't have to tell him that it applied, but that's what I wanted to make sure that at least that part was complied, where we can control the setting.

DAVID PIKE:

Oh no, counselor your preaching to the state on these topics. I will add, and not just by virtue of your presence here, but your presence here prompts me to make the same offer that we have made to localities, we also offer what is essentially free placement for government owned antenna on our facilities, essentially the bottom line, as long as it does not interfere with primary wireless carrier placements on the facility, we found that isn't a very popular program in the state of Cingular employment, and that you'll have some appropriate contact that will be led to the right person in Cingular to do that. Often times that can eliminate the need for localities to be able to have to build their own facilities at great costs, and they can benefit from our vertical infrastructure, and get good placements for emergency antenna, either to be utilized by local emergency personnel. Essentially, through the questions that we've had, I think we've done a pretty good job of discussing how this site was chosen. Constructing wireless communication

facilities in this part of Kentucky is a challenge, based on the geography. On behalf of Cingular Wireless, I'm here to say that we're glad to have arrived here, and this is not the last application we'll have for you tonight, it's also not the last application we'll have for you. And I'd like to suggest to you that's a good thing, because as one of the major national carriers, we will bring a unique level of technology and service to this market, and also with towers that are capable of co-location, and existing contracts with all the other major national carriers, it would be our hope that other companies would choose to co-locate on our structures. If there are any questions, I'll be glad to try to answer them. Does that adequately deal with your concerns?

RUSSELL DAVIS:

Yes sir.

BILL BLACKBURN:

Any questions for David Pike, or any other comments?

Yes.

DONOVAN BLACKBURN:

I'd like to make one comment.

BILL BLACKBURN:

This is Donovan Blackburn our city manager.

DONOVAN BLACKBURN:

Rusty, I'd like to welcome Mr. Pike. Which was the

comment that I wanted to make, we asked Rusty to look at the, establish an ordinance in town, or for the city obviously, because of the concerns that Rusty's mentioned where that you were in compliance, but also I want to give Pikeville its dues, part of the reason that we have this in front of you this evening, is because the class that I was going to be attending with the city, you presented this to us as a necessity or as it is, as others locate to the area, as well as more technology is presented, that we felt with all the compliance we have, and the geographic location as well as the specific need, so I appreciate this input.

BILL BLACKBURN:

We hope to get passing marks from our teacher.

DONOVAN BLACKBURN:

If our teacher failed, we'd be in trouble.

BILL BLACKBURN:

Any other questions or comments? I want to commend Rusty, our city attorney, on a very impressive job this evening. It amazes me how, how many years have you been city attorney?

RUSSELL DAVIS:

Since 1987.

BILL BLACKBURN:

I knew it had been quite a while, but to research this and come up and do what you did, we thank you for that, we

appreciate it. Any other comments or questions? The next item is the application from Bell South Mobility Cingular Wireless to construct, maintain, and operate a wireless communications center on property located at Highway 460 and John Moore Branch. So I guess you are up again, unless it has been pretty well covered.

DAVID PIKE:

Well, there's one very important addition, and that is I would like to introduce Alvin and Mary Wright, who are our land owners and are here to answer any questions. Of course they're obviously hopeful that this will be approved, because of the benefit to them, and also to the benefit to their neighbors, and to their community. I would state again, for the record, that we're prepared to make the same offer, in this instance, that we made previously regarding the placement of government antenna on this facility for essentially the same \$1.00 a month, which is a housekeeping, or record keeping entry, so that our computers can keep track of what is currently on our facilities. I would also like to indicate that in this instance, there were a couple of tall structures in the general vicinity, one of them was an AM facility and the other one was a 90 foot BTS microwave tower. We investigated both of those thoroughly, neither of them were even close to being tall enough, in order to meet the requirements. One of the real challenges of providing wireless communication services, in the mountains, is that of course this is essentially

a line of sight technology, and you have to be able to see down into the valleys in between all the hills, and that requires some pretty monumental structures, and I might add some pretty expensive structures, and in this instance we looked at those co-location alternatives, neither of them could come close to meeting the objectives that are necessary in order to provide a reliable communications network in Pike County. If there are any other questions I'll be glad to try to answer them.

BILL BLACKBURN:

Any questions, yes?

WILLARD CUZZONT:

My name is Willard Cuzzont, I'm the planning engineer with the Kentucky Highway Department in District 12, and I just wanted to double check, as this is my first meeting, that the locations of those proposed towers that they have taken into consideration that we are in the process of constructing 460 all the way to the Virginia state line, so I'm assuming that the location of your tower that you actually put it into it that the proposed construction of US 460 has the right of way.

DAVID PIKE:

Your road will not be running through this mountain top.

WILLARD CUZZONT:

We are doing some work right now in the John Moore

Branch, a bridge right of way.

DAVID PIKE:

And we hope to be providing, with the assistance of other facilities, good service on that new road way.

BILL BLACKBURN:

Any other questions or any opposition here to the tower, the second tower here in Elkhorn City at 460 and John Moore Branch? Very good. If there is not, we'll move on to the proposed cellular phone tower regulations. I guess Rusty Davis would like to speak on that.

RUSSELL DAVIS:

Yes, these regulations really just model what's allowed for us to do in House Bill 270, that was fairly recently adopted by our legislature. It looks, well this is what they have to do anyway, so apparently I don't see that it would be any impediment to anyone. We kind of assumed that we would have to do this to be able to at least get the minimum of what the statute required that they could provide us, maybe not, but anyway that's why we've asked this planning commission to adopt these rules and regulations, so that we would have some protection that the statute allows us to do. You know, when I first looked at it, probably in our area, because of the _____, its not going to be quite the issue that it might have been in flat land, were you can read the paper where people are concerned about cell

towers going up in residential areas. As long as you're not concerned about the ascetics of towers being on the ridge lines, generally a lot of the other issues disappear, and we don't have a lot of houses on top of ridge lines, not a lot of other infrastructures, water, sewer lines to interfere, or anything like that. And as far as ascetics, at least if we can keep them to a minimum number of towers, which this allows us to do, it looks like it covers what we need. In the city, at least we recognize that cell service is very desirable for our community, good cellular service is what we need, and we need the assistance of the providers, and even finding locations in the city to the extent that we can, because we recognize that that's going to help us. Our police force relies upon more and more cell phones to communicate back with us, because they turned out to be better secure, veru quick, and maybe, sometime in the future, they'll just replace all together, the radio traffic that we particularly use now. We would recommend that this commission adopt these.

BILL BLACKBURN:

Very good. Any other comments or questions in this public hearing before we adjourn. We are going to adjourn the public hearing, and go into our regular meeting, and take up some of these items. There being no other comments, the public hearing will stand adjourned. And I now call a regular meeting of the joint planning commission to order. All in favor just let

it be known by saying I.

COMMISSION:

I

BILL BLACKBURN:

Any opposition? There is none. In the last meeting, I'll just briefly summarize that, we will have our brand new court reporter, here is going to draw up the minutes from the tape of the last meeting, but I'll just briefly summarize those. In the last meeting, we considered a request by James Huffman, Jimmy Huffman, for a zoning reclassification of properties located at 113 and 115 Bank Street, there was, all the appropriate regulations were followed in his applying for that, there was no opposition, and after discussion that was approved unanimously, and that was pretty much what we dealt with in the last meeting. So if there is no objection, those summarized minutes will stand approved, subject to getting a full report from our court reporter. Any objection. If not they'll stand approved. And then treasurer's report, Rick has there been any expenditures since the last meeting?

RICK GORTNEY:

We paid our post office box rent, \$38.00. We have an ending balance this month of \$2,005.82.

BILL BLACKBURN:

Any questions or comments related to our treasurer's.

report? There being none, if there is no objection, they'll stand approved as stated. Next item on our agenda is we'll move on to consider taking any action with regard to matters heard during the public hearing, and I guess we're in order to do that. Rusty.

RUSSELL DAVIS:

Yes.

BILL BLACKBURN:

All right we'll move on, I guess, to the first item, is number A listed there above your agenda under public hearing, the approval of the tower at Highway 119 and Burning Fork Road. The floor is open for discussion, questions, comments, whatever. I guess we ought to go ahead and take this and vote on it this evening, is that correct?

RUSSELL DAVIS:

Yes, you can go ahead and vote on it this evening.

BILL BLACKBURN:

Okay. What is the will of the commission, do I have a motion?

JOHN ELLIOTT:

I make a motion we approve it.

BILL BLACKBURN:

A motion has been made to approve the tower at Highway 119 and Burning Fork Road as it has been proposed and discussed

in the public hearing, is there a second to the motion?

PHENIS POTTER:

I so move.

BILL BLACKBURN:

All right, motion has been made and seconded, motion is on the floor, is there any other discussion? There not being we will have a role call. Phenis?

PHENIS POTTER:

Yes.

BILL BLACKBURN

RICK?

RICK GORTNEY:

Yes.

BILL BLACKBURN:

John?

JOHN ELLIOTT:

Yes.

BILL BLACKBURN:

Tim?

TIM BELCHER:

Yes.

BILL BLACKBURN:

And the chairman votes yes. Move on to the second item under consideration, the tower at Highway 460 and John Moore

Branch, what's the will of the commission? Any discussion or comments? What's the will of the commission?

JOHN ELLIOTT:

I move we approve this site location also.

BILL BLACKBURN:

John Elliott moves we approve this site, is there a second to the motion?

PHENIS POTTER:

I'll second it.

BILL BLACKBURN:

Phenis seconds the motion. Motion made and seconded, on the floor, any other discussion? Have a role call. Phenis.

PHENIS POTTER:

Yes.

BILL BLACKBURN:

Rick?

RICK GORTNEY:

Yes.

BILL BLACKBURN:

John?

JOHN ELLIOTT:

Yes.

BILL BLACKBURN:

Tim?

TIM BELCHER:

I'll abstain.

BILL BLACKBURN:

And I vote yes. The chairman votes yes.

DAVID PIKE:

Thank you.

BILL BLACKBURN:

Thank you, David, for being here. The seminar we attended recently was very informative, and as I understand it Europe is ahead of us in the use of cell phones and this technology, and none of us can stand for America to be second in anything, amen.

DAVID PIKE:

We're catching up tonight.

BILL BLACKBURN:

Very good. We know this is the future, and our area needs this desperately to be competitive in this modern day economy, and we know right now we've got several dead spots in our community with the use of cellular phones, so I think I can speak on behalf of most everyone here, we're very happy to see this, and hope for other towers in the near future. Next item up here is the, to consider approval of an amendment of a subdivision plat for the Burl Johnson Sub-Division, located at Robinson Creek. I received this, I believe Thursday of this last

week, and they just barely got it on the agenda, so-, oh yeah we got to do that as well, is that next? Okay. Alright, we'll hold off until Burl Johnson's here first, and then consider, next, it was called to my attention that we must have over looked that, the draft of, that Rusty has proposed, you all have a copy of that, I believe. The cellular draft for cellular phone tower regulations. Thank you all for coming. Draft here for cellular phone tower regulations that's pretty well was explained in the public hearing, do you need to mention anything else about it?

RUSSELL DAVIS:

No, we just ask that the, that this commission adopt the rules and regulations as set forth in the proposed ordinance, and direct those back to the city commission to adopt this amendment to our comprehensive _____ ordinance. Like I said, basically all the items are listed there, or what the statute lets us do, and while I was looking at Mr. Pike's application is almost verbatim. I could tell that their application covered them all so. I don't think it's, it wasn't any design to, you know, impede the building of cell phone towers, it's just that we probably ought to take advantage since the House Bill said we could adopt these regulations, and we probably should in case there should be some operator that doesn't think he has to comply with the state guidelines, okay. And like I said, the biggest thing here, is it requires them to

look at other alternatives, which they did, and to design their tower so in the future other providers can use the same tower without having to build a tower right next door, and I think that's going, you know, help us in our ascetics concern, and we're not covered up with towers.

TIM BELCHER:

What can we do, ascetically, on these towers?

RUSSELL DAVIS:

You know, it is...

TIM BELCHER:

That's my big concern, and that's...

JOHN ELLIOTT:

You know at the planning session, they showed they could make them in palm trees, and various other...

RUSSELL DAVIS:

I'll tell you, Mr. Pike will tell us that from ascetically, I don't know that you could really force them to do anything. Obviously the tower doesn't have to be taller than what would be required to do the job, but I, you know, the regulations don't seem to allow us to make them disguise it, or make it look other than a tower, and you know, that's probably some of the reasons for the House Bill, is to stop the bickering over where they could be located and recognize that they probably had to be located sometimes in residential areas, but I guess, is

there anything that, in general, and I call tell you what Mr. Belcher's talking about, I know he has been very conscientious about our Breaks Interstate Park, he lives up in that area, and the first person that comes and wants to set up a cell tower in the Breaks State Park.

DAVID PARK:

We understand that.

RUSSELL DAVIS:

He is going to be concerned about how we can make that not look a cellular tower.

DAVID PIKE:

Well there's a couple of thoughts for you to consider, I would not even begin to think about providing legal advice to this commission, I will tell you what some other commissions have done, how about that. There are commissions, first of all, recognize that something like a state park view, that you described, the changes are that that would not be approved by the state's park preservation officer, which is a whole other set of regulation that has to be satisfied, because these facilities have to meet NEPA, the National Environmental Protection Act requirements, because it's a federally licensed facility, and that means the SHIPO, or the state's historical preservation officer, has to act on it, so it probably wouldn't get clearance there.

TIM BELCHER:

Has that been done yet?

DAVID PIKE:

What?

TIM BELCHER:

Has that been done, regarding the facility at Elkhorn?

DAVID PIKE:

We're still waiting on our final SHIPO approval on that site, I believe. We anticipate, however.

TIM BELCHER:

That's my concern with that. Cause I know you can stand on the state line overlook, and you're going to be able to see this new tower.

DAVID PIKE:

Well, the question is not just, well, you know there are different levels of intrusion, you know, whether you can see it verses whether it looms or is directly proximate. I will tell you what some commissions have done, is not necessarily in their regulations, but often times, sometimes in their regulations, sometimes in a comprehensive plan, it's kind of an option between communities, is they have expressed a preference for one type of structure over another, unless there is a good reason for that selection. So as an example, northern Kentucky has opted to, say that, where possible, they prefer to have a monopole type

construction, unless there is a reason why not. And often times what that kind of shakes out to be, is if it's short enough, if it's 200 feet or less, you end up doing a monopole, because, and that's, I think most people agree that's a reasonable form of comprehensive planning or local zoning regulations. Also, in some areas, there has been a preference, were possible, for utilizing guide towers as opposed to self supporting towers, because at a distance they tend to present a lower visual cross section, because, you know, the self supporting towers get very wide for the base, and if you're looking over long distances those lines tend to disappear, which would be an issue for the type of placement that you've done. And that can be done as an element of your comprehensive plan, or has been done as an element of regulations, as an example, in the city of Owensboro, it's done as an element of their comprehensive plan, something very similar to that. In the sovereign state of Lexington, it is done as an element of their regulations, and that's kind of an option regarding how you might view it. Those commissions have concluded that you can express an preference for height of structure, unless there is a good reason demonstrating why that structure would not be appropriate.

RUSSELL DAVIS:

And we're currently working on our new comprehensive plan, so maybe Terry can take that back to Summit to have them.

look what's feasible for this area, I'm not, you know, a particular towers, I'm not sure I would know what's feasible, but they could probably check in, you know, some of the options for it to look like in the, when we look at our new comprehensive plan is this, is one tower site more preferable than the other, in our region, like what we have on the ridge tops.

DAVID PIKE:

And, you know, the other thing that communities have done very successfully, is to express a preference in terms of zoning, where that, you know, the first preferences would be industrial, then commercial, then agricultural, and only residential as a last resort, if no other option was available. And if it is of any help to anyone here, I am obviously not a citizen of your community, but if you would like to e-mail me, I will send you some samples of what other communities have done in this regard, counselor, for you to take a look at. There are some very good models out there, in places like Owensboro, in particular. Gary Notsinger was one of the early planners to get into this, and did, has done what I still think is one of the state of the art jobs, and I can send you some literature to you, and samples as well.

RUSSELL DAVIS:

I probably will take advantage of that, and it may be that as we go through, as we go through our process, we may come

back and ask that these rules and regulations be amended to maybe include some further regulations, or preferences, you know, to extend, we might just do that. But, the ones we have now are really just a mirror of what the House Bill allows us to, appears to allow us to do.

TERRY ANDERSON:

I think, in looking at the, our comprehensive plan and what we're describing, it looks to be a big difference in looking through the city versus more wide spread, because my understanding the structures that he's talking about as we've seen here in the plan, is that you'll see the poles and the guidelines are taking up a considerable amount of land mass versus the free standing type tower, of course when you're looking at 14 square miles of land mass, it is a very refined area, and you don't want to go too far out on top of these ridge lines. We'll look at that and be very careful how we approach how we work it.

BILL BLACKBURN:

Any other questions or comments? Tim, just as a matter of curiosity, is that fire tower that you see from the State Line Overlook, is that in Virginia or Kentucky?

TIM BELCHER:

Its in Kentucky.

BILL BLACKBURN:

Is that actually on the Kentucky side. Any other questions or comments. You have the draft before you, what's the will of the commission. Do I have a motion to approve this draft?

TIM BELCHER:

I move.

BILL BLACKBURN:

Tim Belcher makes a motion to approve this draft, is there a second.

RICK GORTNEY:

I second it.

BILL BLACKBURN:

A motion has been made, and seconded by Rick Gortney, I'll have the role call. Phenis?

PHENIS POTTER:

Yes.

BILL BLACKBURN:

Rick?

RICK GORTNEY:

Yes.

BILL BLACKBURN:

John?

JOHN ELLIOTT:

Yes.

BILL BLACKBURN:

Tim?

TIM BELCHER:

Yes.

BILL BLACKBURN:

And I vote yes. Very good. Now I think we are ready to move on to this consideration of an amended sub-division plat, and I'll pass this around for you all to look at, I believe that was the old plat. Burl Johnson, who has some property up along Robinson Creek, presented a plat to the joint planning commission several years back, you can find the date there, back around 2000, it was approved by the then joint planning commission. He had a parcel two here, and I think what he has done, I wasn't actually in the office when he dropped this off to one of the girls, but he has re-divided this, I think it has been approved by the health department, and Landco, Phillip Potter did the engineering and work on it. Let's see if I got this for you all to look at. What Mr. Johnson shared with me is he said it was his understanding that, we followed up with this on a phone call, that he wasn't necessarily required to do this, but his attorney, Mr. Webster, advised him in the past this was the proper procedure to go through, and that's what we have. Here's the old

one, if you fellows want to compare it, I've not really done that, you might want to look at that. I think it is primarily these here, is what he's worried about on here. It looks like Paul Hopkins, with the public health department, has signed off on this, as far as the septic is concerned. Karen, do you see anything here, you're pretty familiar with the regs and all that, does he look pretty much in line with what we would need to do?

KAREN HARRIS:

I believe so.

BILL BLACKBURN:

What's the will of the commission concerning this, do you need more time to look at it? Have any questions or comments about anything on the plat? If any of you are familiar with that area up there, this is right before you get, I believe, to the, yeah, there it is, Alter Gate Methodist Church there on the right, what is that little creek there, Bear Fork or whatever. You turn left off the four-lane heading on in toward, past the bank there, and you turn left head down Robinson Creek, this is on down there a good little ways before you get to the Alter Gates Methodist Church along the right there, there's a pretty good flat along that. I think he has already sold a number of these lots through there. Any questions or comments on these.

TIM BELCHER:

I make a motion.

BILL BLACKBURN:

A motion is made by Tim to approve this revised plat,
is there a second to the motion?

JOHN ELLIOTT:

I'll second it.

BILL BLACKBURN:

Motion is made and seconded. We'll have a role call.
Phenis?

PHENIS POTTER:

I'll have to abstain since Phil did the work.

BILL BLACKBURN:

Rick?

RICK GORTNEY:

Yes.

BILL BLACKBURN:

John?

JOHN ELLIOTT:

Yes.

BILL BLACKBURN:

Tim?

TIM BELCHER:

Yes.

BILL BLACKBURN:

And I'll abstain the motion and I'll tell you the

reason I'm abstaining. When I called, or he called me back the other day and asked me about it, and I told him we got it on the agenda, and he said we already had him on the agenda, and right before he hung up, he said by the way there's some property I might list with you sometime. I really wish he hadn't of said that, because it made me feel funny, but I can assure you that there is no collusion there. I think that was perfectly innocent, but I will abstain on that, on that account. But it does pass. Yes.

TERRY ANDERSON:

I have, I have some zone maps, and I realize I am not on the agenda, but I would like to see if I could bring those before you to let you look at those, and see if we can get it on record to look at those.

BILL BLACKBURN:

I guess we're in order to do that, yes. This is Terry Anderson with Summit Engineering.

TERRY ANDERSON:

These two right here I have left some tags on. We talked a little bit about these at the last meeting, and I mentioned to you, but we had as many ordinances as we were aware of, at that time, listed on there, and when we were discussing it last time around, you all mentioned a couple of other ones that I checked into and those I've been added to. If you will open up

to page two.

BILL BLACKBURN:

Is this the one down at the end of Third Street we looked at?

TERRY ANDERSON:

This right here is the Jim Harris property that was just switched over, here's Lowe's right here, and this is where the Super 8 is. This is the property they just changed and put a street in here, it's not shown on this, but the street runs right down through here. That's been changed, and of course that _____, I think it's 1998 plan. That was one we'd already mentioned. On the next page, skip that nothing changes. Now page four, I believe, page four, we discussed, let's see, this is the Chuck Chrisman properties, the Chrisman properties, we had some zoning changes in there. One of them was actually changed again this dark blue that you see under lines, at R1 area, we showed that as R1 before, but I did make a correction on this, and there was an amendment to that, originally it showed it as a little spike on this map, and this, the boot that is down below, is included in that amendment, so I went ahead and made that correction and changed that accordingly. That's the only difference in what I showed you last time around. You got any questions, as we go along here, just.

BILL BLACKBURN:

We question something about the end of Third Street or if that was correct.

TERRY ANDERSON:

Yes, that's on the next page, and let's see, it's got a number on it, on this page, at the end of Second Street, I believe.

BILL BLACKBURN:

Yeah that's it, Second Street.

TERRY ANDERSON:

Now, there's property down there, I checked back on that and we did find the ordinance on it, I just didn't have it in my file, so I've added that, and the change it to R1T and, that's what the ordinance calls for.

BILL BLACKBURN:

Is all that R1 town houses, or what is that, R1T?

TERRY ANDERSON:

Let's see. I believe that's what this is.

BILL BLACKBURN:

That's what's there, so I'm just, I'm guessing that's what it is.

TERRY ANDERSON:

Without having the, without having _____, I don't know it well enough to tell it off the top of my head. I

just know this is the ordinance that was approved, actually in 2004.

BILL BLACKBURN:

Do you all have any questions for Terry? Are we to take action on this tonight?

KAREN HARRIS:

You can.

BILL BLACKBURN:

Okay.

TERRY ANDERSON:

I'll mention to you, while he is looking through there, the R3 area on Kentucky Avenue, right here, that was changed a while back. This area, C3, is changed a while back, we thought that, I don't know, I can't remember if everybody was here last meeting, I think everybody was, but there is another little blue area right there, and I've just kind of pointed it, this is the one you talked about in the last meeting, that has I guess been approved tonight, so I guess we'll put that in, the two houses outside of our door here. That's the only, that one and the R1T, is the only changes here. At the bottom you will see one that is light blue, C2, and that's Dr. So's property and that was changed. Dr. So's property, that was changed a while back also.

BILL BLACKBURN:

Any other questions or-?

TERRY ANDERSON:

Just flip to the next page, I think there might have been one other one. I guess that is all of them.

BILL BLACKBURN:

That's in here somewhere.

TERRY ANDERSON:

Yeah, it's in the R1 section.

BILL BLACKBURN:

3-3 I thought. I would say that's it, non-residential, residential development. 322-33, that's where it was, 33. Does that ring a bell with you, Karen that, RT in that?

TERRY ANDERSON:

R1T.

KAREN HARRIS:

R1T is...

BILL BLACKBURN:

Is that town house?

KAREN HARRIS:

That's residential town houses.

BILL BLACKBURN:

Okay, that's what we were thinking. Alright, what's the will of the commission on adopting what Terry has presented here, the new zoning map, the revised zoning map?

PHENIS POTTER:

There's no one here to object to it, therefore I'll make a motion to accept it.

BILL BLACKBURN:

All right Phenis makes a motion to approve it, is there a second?

JOHN ELLIOTT:

I second it.

BILL BLACKBURN:

John Elliott seconds it. Have a role call. Phenis?

PHENIS POTTER:

Yes.

BILL BLACKBURN:

Rick?

RICK GORTNEY:

Yes.

BILL BLACKBURN:

John?

JOHN ELLIOTT:

Yes.

BILL BLACKBURN:

Tim?

TIM BELCHER:

Yes.

BILL BLACKBURN:

And the chairman votes yes. Very good. Any other business to come before us this evening?

TERRY ANDERSON:

I'll let you all keep those copies if you want. What I recommend is that we keep one of those copies here at City Hall, so somebody can make a photo copy of that when they go to, they have a planning change in mind, or a zoning change in mind, then they can give you a copy of that, you know, a photocopy of that section of the page, bring it to you, and you can clearly understand which property you're talking about or looking at. And as we keep it at City Hall, if we could have somebody up date it, and I would be glad to, for whatever information I get, I'd be glad to update our side of it more frequently than what we have been. It might be a consideration that you all take to update this map a little bit more frequently than what we have been as one of the things we talked about before. I don't know if it is something you all want to decide today, but it may be something that you want to do over the next year or six months. That's just for your all's information, you know, whatever you want t do about that.

BILL BLACKBURN:

Very good Terry, thank you. We'll just leave these copies with you, and I got those other files that Leon had that I

need to bring over here and may just go ahead and get a place and put them all on it. Here, is there any objection to that on the part of the joint planning commission we just keep our files, let her find us a hole here somewhere to keep all of our files in. Are you all agreeable to that, any objection to that? Are we not glad to have a court reporter here with us this evening? If there's no other discussion, is there a motion for adjournment?

JOHN ELLIOTT:

So moved.

TIM BELCHER:

I second.

BILL BLACKBURN:

Motion made by John, seconded by Tim, all in favor say I.

EVERYONE:

I.

BILL BLACKBURN:

That will conclude our meeting. Thank you fellows.

.....

Phenias Potter
John Elliott
Tim Belcher
Bin Blackburn
Rick Portney

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Pikeville / Pike County / Elkhorn City
Joint Planning Commission
Meeting

August 10, 2004 - 5:00 P.M.

Sign-in Sheet

1. Alvin Eugene Wright
2. Mary Rose Wright
3. David A. Leko - Pike Legal Group
4. Terry Anderson - Summit Engineering
5. Jessica Fike
6. Russell H. Davis, Jr. City Attorney
7. Karen Harris City Clerk
8. Donovan Blackburn City Manager
9. Judy Coleman Court Reporter
10. Phenis Potter Planning Commission Member
11. Rick Gortney " " "
12. Bill Blackburn " " Chairman
13. John Elliott " " Member
14. Tim Belcher " " "
15. Willard Cuzzort (KYTC - Dis. 12)
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.

**PIKEVILLE/PIKE COUNTY/ELKHORN CITY
JOINT PLANNING COMMISSION
REGULAR MEETING AGENDA
AUGUST 10, 2004 - 5:00 P.M.
CITY HALL PUBLIC MEETING ROOM - 118 COLLEGE STREET, PIKEVILLE**

1. Conduct Public Hearing to receive comments in support or in opposition to the following:
 - A. Application from BellSouth Mobility LLC, d/b/a Cingular Wireless-Kentucky to construct, maintain, and operate a wireless communications facility on property located at U.S. Hwy 119 & Burning Fork Road, Pikeville, Kentucky 41501
 - B. Application from BellSouth Mobility LLC, d/b/a Cingular Wireless-Kentucky to construct, maintain, and operate a wireless communications facility on property located at Hwy 460 & John Moore Branch, Elkhorn City, Kentucky 41522
 - C. Proposed Cellular Phone Tower Regulations
2. Adjourn Public Hearing
3. Call Regular Meeting of Joint Planning Commission to Order
4. Consider approval of the Minutes of the previous meeting.
5. Consider approval of the Treasurer's Report
6. Consider taking any necessary action with regard to matters heard during the Public Hearing.
7. Consider approval of an amended subdivision plat for the Burl Johnson Subdivision, located at Robinson Creek.
8. Adjournment (Next regular meeting is October 12, 2004 at 5:00 p.m.)