

PIKEVILLE/PIKE COUNTY/ELKHORN CITY
JOINT PLANNING COMMISSION
FEBRUARY 8, 2005
MINUTES

BILL BLACKBURN:

This is the Joint Planning Commission meeting, this is our regularly scheduled meeting. We will have a public hearing tonight, and then the regular meeting. First of all I need to swear everyone in. If you plan on speaking tonight during the hearing or the regular meeting, you'll need to be sworn in. So if there's a possibility you'll be speaking tonight, everyone who thinks they will, just stand. If there's a possibility that you'll be speaking, just stand, raise your right hand. Is that everyone? The ones seated aren't going to be contributing? Alright. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth? If so, say, I do.

COLLECTIVELY:

I do.

BILL BLACKBURN:

Very good. You may seated. First on our, if you come in late, you'll need to get on the roll sheet there. Bill, anyone else that comes in, if you'll see that they get that, I'd

appreciate it. If you do come in late and you've not been sworn, I'll need to swear, swear you in, if you're going to speak.

First of all tonight is the public hearing agenda. We're going to consider public comment concerning a request from BellSouth Mobility, Cingular Wireless Kentucky, to construct a wireless communication facility at 424 Weddington Branch. Who do we have here to address that, David?

DAVID PIKE:

Yes. For the recorded record, my name is David Pike, I'm a regional counsel for Cingular Wireless, my offices are in Shepherdsville, Kentucky, and the exact mailing address and other contact data is of record in the application. It's a pleasure to be back before you folks again this evening, not only because it's always good to come to Pikeville for a public hearing, but it also says some good things about the state of technology advancement that may be in the offing for your community. Cingular Wireless, since the last time I was here, has now become the nation's largest provider of wireless communication services, thanks to the successful merger with AT&T Wireless, and we're hopeful that we're going to be able to bring in an enhanced range, not only better coverage in our service, but an enhanced range of wireless data and other services here to this community. As part of that effort we're, we have an application pending this evening for the construction of a new

cell tower site. Of course providing wireless communication services in this area of the country is something of a challenge based on some of the things that make it great to live here in terms of the great scenery. Those same hills make it somewhat difficult to provide effective wireless coverage, especially based on the fact that this is essentially a line site technology. It requires us to construct tall towers on top of mountain tops in order to be able to do a good job of providing that enhanced coverage. And that's exactly what we're asking to do here today. I think, I've, you know, I want to acknowledge your staff for their hard work with us in seeing to it that we have provided all the information necessary not only to meet the requirements of the statute but also of your local regulations, and that's obviously a pretty thick application that we tendered to deal with everything under the shining sun that you can imagine that might be relevant to this cell tower application. Let me give you just a quick thumbnail sketch to refresh your recollection if it's been a while since you've looked at the application. This is a proposal for a construction of a 340 foot self supporting tower. Now a self supporting tower is the type of structure in which you don't have guide lines that provide the structural support, instead it's kind of a lattice work type structure, the sort of thing that you would get if you gave a really big kid a really big erector set and told him to build a

really big tower. We practice what we preach however, and I also practice what I preach in the seminars that I do. This tower will not only accommodate our wireless antennas but is also built to provide the opportunity for multiple co-locations by other companies. That means that all other companies would be welcomed to place their wireless antennas on this structure and, based on our national rent agreements with all the other major wireless providers, that will allow them an easier access to enhance wireless services in this immediate area, without the construction of new cell towers. And obviously we strongly believe that that's the way to go and certainly the Kentucky General Assembly does, based on the terms of HB-270 and the previous acts, which strongly encourage that type of construction. These, obviously towers like this, you know, we wish that there was some technology that would allow us to not have to build these, they're obviously very expensive to build, and the roadways leading to them are in some cases even more expensive than the tower itself. But we're committed to providing improved wireless communications services in this community, this is the way to do it, and we think we have a text book application that's well documented. There's a lot that I could say here tonight, and being a lawyer I struggle against being a lawyer too much sometimes and talking longer than I should. If there are any questions, I'll be glad to try to

answer them.

BILL BLACKBURN:

Any questions?

WILLIAM VANHOOSE:

I've got a question. The map they sent out here, I really couldn't tell much about the location. I'm an adjoining property owner.

JUDY COLEMAN:

I'm sorry, what's your name, sir?

WILLIAM VANHOOSE:

Pardon?

JUDY COLEMAN:

What's your name?

WILLIAM VANHOOSE:

William Vanhooose.

BILL BLACKBURN:

Bill, were you sworn in? Did you come in after we swore everybody in.

JUDY COLEMAN:

Yes, Uh-huh.

WILLIAM VANHOOSE:

I did.

BILL BLACKBURN:

Then you need to stand for a moment and let me swear

you in. Raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, if so, say I do.

WILLIAM VANHOOSE:

I do.

DAVID PIKE:

Sir, your question is where is this located on the property?

WILLIAM VANHOOSE:

Yes. I talked to a lady that was there with you all several months ago and gave me the location, you know, that's suitable, because the first location they did, they put it on top of a coast, that caused a problem and had to be moved, and I just want to make sure, this map here doesn't really reflect enough to tell.

DAVID PIKE:

I think probably the easiest way to do this, if I could suggest, and that way we've got a good record established, Madam Clerk, do we have a copy of the application here this enough.

JUDY COLEMAN:

I'm not sure.

DAVID PIKE:

If we do, we can use that copy, otherwise, I'll be

glad to use one from my file.

BILL BLACKBURN:

The application is not here, it's only the summary of it.

DAVID PIKE:

That's fine, then I'll be glad to use one from my files.

BILL BLACKBURN:

Do we have a full application downstairs?

KAREN HARRIS:

We do.

BILL BLACKBURN:

We have a copy downstairs, David.

DAVID PIKE:

I have one here, and that will, this will be fine, I don't want to put anyone out, Karen.

WILLIAM VANHOOSE:

I'm all for it, I just want to make sure it gets in the right spot.

DAVID PIKE:

There is a generalized drawing, there's a specific drawing of the property perimeter.

WILLIAM VANHOOSE:

It doesn't have the elevation.

DAVID PIKE:

No, sorry. Well, this generalized, but that ought to give you some insight. What we're looking at here is a copy of Exhibit C-1 for the recorded record, that's filed with our application. Does that answer your question?

WILLIAM VANHOOSE:

It doesn't tell me the elevation, and the exact, usually it's got the elevation, and it knows where the coal seams are and stuff.

DAVID PIKE:

That's all that's required by the statute to be filed.

WILLIAM VANHOOSE:

Okay, David Sanders, I believe is helping me locate that. Do you mind looking at it and see if that's where it was.

DAVID PIKE:

It wasn't published here, it wouldn't be in the planning, but I'll be glad to look at it.

DAVID SANDERS:

Elevation is 1,231 feet.

RICK GORTNEY:

If I could seen that, David?

DAVID SANDERS:

Absolutely.

RICK GORTNEY:

Do you care if I look at that?

WILLIAM VANHOOSE:

I was thinking it was around 1,500 foot level.

RICK GORTNEY:

Thank you.

BILL BLACKBURN:

What'd you say, 1,231 isn't it? It's got the coordinates here, David is, that's more his...

DAVID PIKE:

I can give you the ground elevation in a moment, after this gentleman is done with these drawings.

BILL BLACKBURN:

It says 1,231, Bill on this.

WILLIAM VANHOOSE:

I thought they were going up like to 1,500 foot, but then they were going to up 300 more feet.

DAVID SANDERS:

I think this says 1,232 then, seems to be in the gap between the ridge on the right, not at the high knob. And I don't remember.

WILLIAM VANHOOSE:

You know where I located for the Burton guy slid back.

DAVID SANDERS:

This is not where you'd spotted it on the map.

WILLIAM VANHOOSE:

It's not where we first thought it was going to be, is what I'm saying. It's in a terrible place, but that seems like the about elevation of the Parclay Coal Seam.

DAVID SANDERS:

This is actually about a couple hundred feet below, 1,500 feet bel..., or 150 feet below the high knob, was there, obviously construction reason that you did not want it to go that high?

DAVID PIKE:

Absolutely, road construction for some of these higher elevations would be prohibited.

WILLIAM VANHOOSE:

That would be my concern if it was located on, you know, one of the coal seams, you're going to be losing money. Nobody thought of that but Mr. Burton, he was up on about the 1,500 mark, we thought that would be above the Parclay but not high enough for the people to see.

BILL BLACKBURN:

Are you a Lessor for the land or?

WILLIAM VANHOOSE:

I have the mineral on this piece of property, and I

own the adjacent property. So that would be my concern of, you know, it interfering with future mining projects. I mean, I don't want to stop anything, you know, unless, you know, before they moved it over on the off, but that 1600 feet elevation and that's Peach Orchard seam under it, and I got with them, you know, and picked out a spot, but that's why I looked at this map and it didn't give me a detailed enough description as if they put it where we first agreed.

DAVID PIKE:

Mr. Chairman, if I could interject here, I'm obviously not in a position to comment on the validity of your mineral rights or not, that it would take something of a divining rod and direct access to the Almighty to figure out a lot of mineral rights in this part of the state. I would suggest if you have mineral rights on this property, and this is your first communication directly with Cingular on that issue, because I don't think we've talked before have we?

WILLIAM VANHOOSE:

What's your name?

DAVID PIKE:

David Pike.

WILLIAM VANHOOSE:

No, this was with a Burton, I believe was his name, he's out of Knoxville, he was Burton.

DAVID PIKE:

Must have been some subcontractor or something.

WILLIAM VANHOOSE:

They build the site their self.

DAVID PIKE:

It must've been a subcontractor. What I would suggest is the following. There's nothing in this approval that would in any way prejudice or adversely effect your property rights, and if you have property rights then you've still got them, after this is over, one way or another. And if at the end of the day, those property rights prohibit or adversely effect us proceeding, then obviously we're going to have to follow up and find that out with you after this proceeding, but there's nothing about this administrative approval that effects any underlying real estate rights that he has. `Agreed?

WILLIAM VANHOOSE:

I don't know if I agree to that or not.

DAVID PIKE:

Okay, well, I think that's accurate, and we've got a valid application and this isn't the place to argue whether, over the validity of underlying real estate rights concerning the application. What I would urge the board to do is go ahead and vote on our application. Because there's no way that we will be able to settle this this evening, and there's no guarantee that

we will be able to resolve it even before the next meeting, as an example. Obviously what we're going to do, since we cannot construct the facility unless we know we have a good title to the tract, since that's one of the issues that we always have to resolve since we're a Federal Licensee, is follow up with this gentleman later and determine whether or not, in fact, we can build this tower at this location. If the answer is no, then we'll be back to you with a new application and a new site, it's just that simple.

WILLIAM VANHOOSE:

I was just trying to save everybody the trouble of having to move some more papers and know that, you know...

DAVID PIKE:

And we are now, as of this communication we are on notice regarding your real estate rights, and there's no question of that, as of this evening. I think that's clear to everybody, that you are asserting that you have real estate rights at this location and that we are going to have to deal with you on some level to determine A) if that's valid, and if it is then determine whether this site is satisfactory for you or not.

WILLIAM VANHOOSE:

Well, I mean, that's why it had to be moved from the first place.

DAVID PIKE:

So that's where we are, what I would urge this board to do, since we have a valid application, is to vote on that application, and then we'll have to deal with such other real estate rights as they exist on this tract of property with this gentleman.

DAVID SANDERS:

Do we understand then, Mr. Pike, that you are going to resolve that property rights issue?

DAVID PIKE:

By resolved, here's what we mean. First we have to determine if that's a valid claim or not. Since I have no way of knowing whether it's valid or not. And that's in no way besmirching you, your character or anything else sir. Obviously that's something we have to determine. And anyone whose done a mineral rights search knows that that's not always a simple operation. But assuming that it is, and he has a claim at this location, obviously we can't build anything until we satisfy him on some level or another.

WILLIAM VANHOOSE:

Well the surface owner, you know, notified them that there were an underlying coal lease.

DAVID PIKE:

So anyway that's where we are.

_____:

Excuse me, Mr. DeBourbon wants to make a comment.

BILL BLACKBURN:

Mike DeBourbon?

MICHAEL deBOURBON:

Yes. My name is Mike deBourbon, Mr. Pike, and I'm a lawyer as well, since I've been here I think we've all learned it's hard for me not to lawyer. But I've learned to do it quickly, and I want to speak on behalf of the Pikeville/Pike County Airport. Has Cingular taken into consideration the airport that is not too far from here, you know, I'd like to know on behalf of the airport, what is the elevation of this tower means to it?

DAVID PIKE:

Sure, let's see, who ended up with those drawings? An approval as required from the Kentucky Airport Zoning Commission requires any disruption that can occur. And that's an absolute given and a FAA approval would be required as, and I would be glad to provide you with that accurate construction elevation just a moment. While I'm looking, is there any other question that you have?

MICHAEL deBOURBON:

No, I don't think, other than the comments that, I believe, that I've found that the people that live in this region

to find out precisely where the coal is. There's no divine intervention.

BILL BLACKBURN:

You all found quite a bit in the past didn't you, Bill.

WILLIAM VANHOOSE:

Yeah.

DAVID PIKE:

Okay, the baseline elevation is 1,231 feet, 1,231 feet, that's the ground elevation, and the total structure height that's proposed is 349 feet to the top of the proposed lightning rustle on top of that elevation.

MICHAEL deBOURBON:

So then when an airplane comes through there's a tower of 1,580 feet.

DAVID PIKE:

Above that, above the previous location, yes, sir.

MICHAEL deBOURBON:

As far as you know, has airport zones in Frankfort and the FA in the subject district given their comments about the tower.

DAVID PIKE:

I believe the answer to that is both have given approval, but I cannot distinct, but I cannot say that with

certainty since I was not there, so. I would be glad to check on that and provide you with a copy of the record after this if you'd like.

MICHAEL deBOURBON:

I don't, just so long as they have it, we're under their jurisdiction.

DAVID PIKE:

And we're required to, obviously to obtain their approval from the Airport Zoning Commission as well as FAA.

MICHAEL deBOURBON:

That's all the comments.

BILL BLACKBURN:

I just wonder, just a question, out of curiosity, could that possibly, what you just mentioned about the height of the tower and the nearness of the airport, may have been a factor in this elevation, I don't know that, but I'm just wondering.

DAVID PIKE:

My suspicion that, that's good thinking, Mr. Chairman, my suspicion is no, and I say why, and I'll say why, because we could've just built a shorter tower at a higher elevation if that had been the case. My very strong thinking here is that this is a difficulty with the cost of road construction, because for many of the sites that we have engineered in Eastern Kentucky, frankly some of those sites we've

had to walk away from based on cost of the road, not the tower, even as expensive as these towers are, to construct the roads and get the geo-technical engineering done to make it work on these mountaintops, is unbelievably expensive.

WILLIAM VANHOOSE:

There's a tower closer to the airport right now that A&T have, and it's at 1742 at the base.

BILL BLACKBURN:

What is the elevation at the airport, Mike?

MICHAEL deBOURBON:

It's 1,142, you set your altimeter at 1,142 and then when you put on top of that, so that would put it 42, down in the valley, I think if you were flying airplanes out of a Wal-Mart, I think the elevation there was 600, about 700 feet from there, 600 to 700 feet from the valley going up.

BILL BLACKBURN:

Any other comments related to the tower in this public hearing, this is the public hearing, we'll be having the regular meeting after this to consider any action. Is there any other comments during this public hearing? Questions? Comments? If not, the next item on the agenda for the public hearing is to consider public comment with regard to a request from Frank Bailey to amend the zoning for a parcel of property located at the junction of Elm Street and Hambley Boulevard, from C-3 to C-

1. And the public hearing is now open for discussion for this item. Comments. Questions. Yes, Minnie Sue?

MINNIE SUE ELLIOTT:

Bill, you know my home's on that, close to that place, and I'm interested in whether I can get in or out of my driveway, you all have already blocked me off with the garage, parking garage, on the upper end which I didn't use very often, I don't have any other way to go out except to go out through Hatcher Court out, that's what it used to be called. How many stories is that motel going to be? Then well that's another question I want to ask too, am I going to be able to get any sunshine, I mean, so far, I don't think in my back yard I will be able to, and I've lived in this home what you might say all my life, my grandparents built it and I don't want to leave it, and well it's on the National Historical Society, well it's home to me and I'd just like to know what's going to take place.

BILL BLACKBURN:

Yes, Robert.

ROBERT SMITH:

I'm Robert Smith and I'm representing the city manager. At this point, Minnie Sue, there has no final height on the hotel, proposed hotel, they're right now looking at several different, or at least two different companies. They're looking at Hyatt and they're looking at _____. As far as height

that hasn't been determined, they are looking at a 100 rooms right now with the first set of drawings that I was told about, but I haven't seen, but was told about. They are trying to make a bid on the blueprint, and they're not paving up the entire area at this point.

MINNIE SUE ELLIOTT:

Well may I ask you another question? Next door to me is an old, well it should've been torn down years ago, Mr. Bailey has bought it, so now what's his name, he's been living on it, and will that be used for parking?

ROBERT SMITH:

I do not know what is Mr. Bailey's plans are for that. I have not heard. I do know he did buy the property, I do not know why.

MINNIE SUE ELLIOTT:

I was just wondering because they have it every way I turn.

ROBERT SMITH:

Also I have a question about the zoning change here, I, if I'm not mistaken it's changed from C-1 to C-3 and not the way we just...

LAYNE TACKETT:

Oh, C-3 is the central business district.

ROBERT SMITH:

Central business district, yes sir.

LAYNE TACKETT:

C-1 is neighborhood.

ROBERT SMITH:

Yes, sir, if I'm not mistaken that is C-1 now is this is requesting to be changed to C-3.

LAYNE TACKETT:

Why would you want it to be set for a business district?

ROBERT SMITH:

I'm just thinking that's what the sign said out there, I know that's not what it says here, but currently I'm thinking it's zoned C-1 and there again I could be wrong.

BILL BLACKBURN:

Karen, could you all get the zoning map and, Robert why don't you and Karen, well we need to clear that up definitely, get the zoning map and the reg's on it, while he's doing that, we'll get that cleared up. Any other comments, questions, answers for Minnie Sue?

REED POTTER JR.

I might have some. Though I have no authority there, I'm Reed Potter Jr., I'm with the tourism commission and have been involved just about from the beginning, trying to help

promote, getting this, we hope, _____ facility in town. That all started from a meeting of a group known now as Team Pike County, when they brought in a technology development cabinet out of Frankfort, Kentucky to look at our community, our assets, especially with the Civic Center coming, and that's what we needed, what we need to do here to get ready for the Civic Center make sure it's indeed _____, and one of their suggestions they highly recommended, is that we have to have more hotel rooms, the number of hotel rooms we have, not only in Pikeville but in all of Pike County, and even including Floyd County, if you look at those around the MAC, there at the Holiday Inn, we are locally under enough so now really what we need is to supply the rooms for that facility, if we're going to bring in any money to go see the shows. So they suggested that if you didn't get rooms quickly that the Civic Center could fail for that reason, that all we'd be doing is local, cause other people wouldn't be able to get a room. So we went to work as a group and started trying to recruit one. The things the city did was they funded the hotel study and we brought in an independent person to look at our situation as we stand right now, that study found that we needed, how many rooms does the study show, it was a lot, we needed a lot of rooms and that's current, that's without the Civic Center, they based that on the survey of current hotels, their occupation, and how many people that are coming to stay in

Pikeville now are actually driving to Floyd County, spend the night, and then drive back up here to do their business. So, based on that, we did a study, we were able to attract several different hotel chains, expressed interest to come look at the area, Mr. Bailey, from the beginning when he found out we had a need, he originally hadn't envisioned that as a hotel site, he got together with several others who said what you need, he told them we needed a hotel, and he wanted not just a hotel, which we already have several here, but a better facility, a two or three star facility. That's what the study was showing that way we don't compete with the local hotels that are already in place, we're actually getting a whole other market they don't have. And he said that he had property, he'd be glad to work with us any way he could, one of the things he expressed is his desire to make that hotel, if there ends up being one there, something that would be very attractive historically, because he lives there on the street also, and he wants to see all of College Street improved, I think he shares the vision that eventually all of College Street as yet another, not only a historic district but like a Main Street Renaissance Program where everything from where we stand right now all the way back to the City Park becomes historic and maybe get the utilities underground.

MINNIE SUE ELLIOTT:

It is all, both sides of the street.

REED POTTER:

Right, it's historic now, they're trying to pull out the downtown project, maybe even turn the pavement back to bricks, maybe move the utilities underground, so when he met, when we met with the hotel groups, the one's that's been here, every time we've met with them we were told that that is extremely important and vital that this hotel not be some ugly, sore thumb sticking up there, and they said it wasn't a problem at all, and had pictures of other hotels they've put in historic districts, so that the facade would be more classical looking and blend in with the buildings like this building, so that it would enhance the historic nature of the area, not look like some modern glass high-rise or something. So they are aware that now that he's committed, I can't speak for him, but I think he's also expressed to others that he's committed to make sure that they have the proper facilities outside and make it look like it blends in with that historically, so if that, that's the only thing then, as far as I know, there's been no mention of blocking you out or using that alley.

BILL BLACKBURN:

Is there someone here for Frank, or someone that can address that about the alley behind her house as far as the access?

JOHN COLE:

I represent _____ tonight, we can probably run and get hold of someone and ask them that what time the meeting is going on, and get an answer tonight, if you want us to try to make a phone call.

ROBERT SMITH:

Well as far as I know the City Commission has already reviewed this issue, they've never asked to use the alley, the hotel blueprints doesn't include alley, so I don't know if there would ever be any move to use that, and if there were to be, there would have to be a City Commission issue, they'd have to grant before somebody would have permission to give up that alley access.

BILL BLACKBURN:

Is that presently a public alley through there?

ROBERT SMITH:

Yeah, all of it.

DAVID SANDERS:

Yeah, there is a, there is or will be a process for closing any city street and, including alleys, and so you could not just close or build on it without going through public hearings and the process that's necessary with regard to utilization by neighbors, and community, and things of that nature, before it could be closed and built on, that doesn't mean

that someone else can't use it, including the hotel that's going to be constructed there, they'd have the right to use just as any other citizen would. But the street could not be closed, or the alley could not be closed.

ROBERT SMITH:

The architect from the Hanson or from Hylton, came in and did the foot print, the newest prints that we have, they've never mentioned having to close the alley, personally that I've ever heard anything about.

DAVID _____:

As a matter of fact when I had spoken with that same architect, he did not want to use the alley, specifically.

BILL BLACKBURN:

I'm sorry, sir repeat that.

DAVID _____:

That I did speak with the architect and he specifically did not want to use the alley for any hotel traffic.

BILL BLACKBURN:

I think your other question, Minnie Sue, was the sun exposure and I'm just looking at the plat we have here from the rear of your house roughly faces in a northwestern direction, that's correct, isn't it? Your house has more of a southeastern frontage to it and gets, you usually this the case you get the morning and the afternoon and then it goes out towards McDonalds

in the, late in the afternoon, so as far as the height of the motel, that's one of the questions we were addressing, if it was six stories or whatever, but that would be down towards the end it looks like from this plat. The sun goes over her yard in the evening down towards McDonalds, or down past the old Hillbilly Liquors or the grocery store there, it comes that way doesn't it in the afternoon?

MINNIE SUE:

Yes, late afternoon it comes around that way.

BILL BLACKBURN:

I don't know. Is the motel, it's going to be, and I know your still working on the specific plans and all that, but it's apparently down closer to the Convention Building?

ROBERT SMITH:

To the parking structure, it's will be either someway touching or close to touching the parking structure, so it'd be on that end of the block, it's not planed on being on the upper end of the plat, they plan to opt to utilize that end of the lot.

BILL BLACKBURN:

You weren't going to utilize the end of the lot with the building, is what you're saying?

ROBERT SMITH:

The plan that I seen does not include that end up

there toward the Hillbilly Grocery.

BILL BLACKBURN:

Okay.

ROBERT SMITH:

It's back toward, the reason we're doing it is we had to use the width on the widest part of the lot down towards the parking lot there.

BILL BLACKBURN:

Well her concern was about the sunshine, and it would be apparently more the, I think, from the path of the sun it would be more of the 2 o'clock on sun, sunshine would be down that way.

ROBERT SMITH:

So it shouldn't effect the sunshine, you know, very little.

MINNIE SUE ELLIOTT:

I know that sounds like a crazy thing.

BILL BLACKBURN:

No, no, we want to address your concerns.

MINNIE SUE ELLIOTT:

But he asked...

BILL BLACKBURN:

That's what this is all about, go ahead.

MINNIE SUE ELLIOTT:

But if they decide to see, I'm about the only one anymore on that side where my car will come out, but down below me, well Beulah Sword and I don't know what other people are down there, but if in the future if they decide that there's not enough traffic, will they close me off? I mean that's the concern in here, I don't know how things are done sometimes in Pikeville, years later they just decide to do something and they do it, and that's what I'm concerned about. I know now you're saying that I can use, you know, I can have access, I was just wondered if in time they'd stop the traffic, as far as the traffic, that wouldn't bother me, that doesn't bother me at all, I'm just worried about my having somewhere to park.

BILL BLACKBURN:

That being, and I appreciate your questions, that being a public alley, that's probably beyond our jurisdiction to deal with that subject anyway, that would be more for the, would be for the city commission and so forth, that being a public roadway, and I guess from that too, as far as any public roadway out here, there's no guarantee that sometime in the future they might address some change one way or the other, but that would really be in their venue to consider, consider that.

MINNIE SUE ELLIOTT:

They said something about how far it went, Mr.

Bailey told them this. He said the motel would go up, you know there's blacktop there in front the tobacco store, and he said he went up to the edge, the motel would go that far, and that the rest of it would not be, the only way he was going to leave that building there, but that's how far the motel would go that way out toward, you know, Elm Street.

BILL BLACKBURN:

So that pretty much leaves the rear of your house...

MINNIE SUE ELLIOTT:

No, no, it's smack dab, this is right, I'm on the edge of it.

BILL BLACKBURN:

On the edge of it there.

MINNIE SUE ELLIOTT:

Yeah, see there's a driveway between Mr. Bailey and I. And it's right smack dab, I'm on the edge. And then that part of it doesn't, again doesn't bother me, I was just saying that's what he told me.

BILL BLACKBURN:

Any other responses or comments? Robert let's hear, I'm sorry John, go ahead.

JOHN COLE:

I spoke to Don this morning, and he wanted me to just mention a few things to the commission here. He said the

city favored the hotel and stands firm behind the petition to the board for that. Also the feasibility test results came back and showed the city can support the motel as applied for. And then too we need motels for the economy and then also for the downtown area and is to bring in business to the city, and we would have more jobs and people coming in. We truly need this hotel to support the Civic Center. Without the hotel we know the Civic Center would just set back, and he just wanted me to stress this out to you all and let you know that's his opinion on it.

BILL BLACKBURN:

Yes, Mickey.

MICKEY ANDERS:

I'm Mickey Anders and I would like to report that the Chamber of Commerce is also very interested in this project and sees it as key to the economic growth, providing jobs for our community and they too, I spoke to them, the business community is very interested in this taking place.

BILL BLACKBURN:

Robert, in likeness on the exact designation there.

ROBERT SMITH:

The zoning map I'm looking at right now, currently is zoned C-1 and the change needs to be made to C-3, I think it's incorrect on the agenda.

BILL BLACKBURN:

So that's just a typo for the record in the agenda.

ROBERT SMITH:

I think so, you know, that's a 3-1 change.

BILL BLACKBURN:

Reckon the advertising has been done correctly, Karen? Let me look here, here it is, it may have just been a typo on the agenda. No it's the same way it's.

_____:

C3 to C1.

BILL BLACKBURN:

Yes, the advertisement in the public hearing, does it, let Rick look, let's look at it. Here's Hambley Boulevard, south bound, here's Huffman.

ROBERT SMITH:

It's currently zoned as C3.

BILL BLACKBURN:

Did you bring up the code book? Do you have the code book?

ROBERT SMITH:

I have a code book, but it doesn't have a map in it.

BILL BLACKBURN:

You know what I'm saying, get the code book and let's read what it says for C3 and C1. Make sure we're looking

at apples to apples here.

ROBERT SMITH:

C3 is for central business district. C1 is a neighborhood district.

LAYNE TACKETT:

List of construction activities on those, so...

BILL BLACKBURN:

The C3 is more liberal in setbacks and all that isn't it. Yeah, -0-, I think it's got -0- set back and all that. Currently we want, we're bound by state statutes and city ordinance, by the law on how we do all this and we want to do it correctly, of course, according to statutes, and ordinances, and law, so we may need, if there's been an inadvertent typo here, we may need to get the city attorney, Rusty Davis', advice on some of this, let him get back with the code book.

ROBERT SMITH:

I'm going to go look at the sign.

BILL BLACKBURN:

Okay, do that great, he's going to run out there and look at the sign, but it would still be, I guess, if this is wrong in the paper, that would need to be addressed. We could probably take possible action later subject to that being addressed appropriately. Any other comments or questions? Were all your questions answered Minnie Sue?

MINNIE SUE ELLIOTT:

Yes they were.

BILL BLACKBURN:

Were you satisfied with those answers?

MINNIE SUE ELLIOTT:

Until I find out about the driveway, I suppose.

BILL BLACKBURN:

That was your major concern? And from what we said about the sunshine, I think, that being down at the tail end there and the sun going down that way, you know, I don't know how much of an effect that would have.

MINNIE SUE ELLIOTT:

That's down too far, but that's alright. You can't do nothing about the sun I suppose.

BILL BLACKBURN:

This is for just for our knowledge, the C3, as Layne said, is the central business, that has lesser setback requirements and all that, which would help out in this situation so that's one of the issues.

ROBERT SMITH:

That's correct, you are correct, it has, they can build tighter to each other.

BILL BLACKBURN:

Any other comments or questions about the second

item on the public hearing, the re-zoning from C3 to C1, and it should be probably as we understand it, or it is C1 and it should be C1 to C3, is the change that we're talking about here.

Alright, any other questions or comments on that? If there are none, the public hearing will be adjourned and we'll immediately go into our regular meeting, and we'll call that to order, and I guess Clerk we'll need to have a roll call for attendance and for the record.

JUDY COLEMAN:

Phenis Potter - here

David Sanders - here

Rick Gortney - here

Layne Tackett - here

Bill Blackburn - here

BILL BLACKBURN:

At this time we'll call the regular meeting to order. We need to have approval of the minutes from October 26th and December 14th. Everyone should've received those in the mail and been able to review those minutes. Any questions or comments about the minutes as you have received them from the clerk.

DAVID SANDERS:

I would like to make one small correction on the December 14, 2004 minutes, Kenny Chrisman is correctly Kenny Latherman. He may be oftentimes referred to as a Chrisman, but

he is a Latherman.

BILL BLACKBURN:

Okay, alright, he's a Chrisman in-law. Okay, other than that?

DAVID SANDERS:

Other than that, Mr. Chairman, I would recommend we approve the minutes as presented.

BILL BLACKBURN:

Motion has been made by David Sanders to approve the minutes that you did receive, is there a second to the motion?

PHENIS POTTER:

I'll second it.

BILL BLACKBURN:

Phenis seconds the motion. Roll call.

JUDY COLEMAN:

Phenis Potter - yes.

David Sanders - yes.

Rick Gortney - yes

Layne Tackett - yes

Bill Blackburn - yes

BILL BLACKBURN:

Move on to the treasurer's report, Rick.

RICK GORTNEY:

Okay, we had a beginning balance of \$971.92.

expenses this month, we wrote a check for \$98 to Ms. Coleman, for our court reporter, we have a maintenance fee on our checking account for \$12.00, which leaves us a balance of \$861.92.

BILL BLACKBURN:

Any questions or comments to Rick about the treasurer's report? If there's no objection, I think we can do it this way, if there's no objections, it will stand approved as stated. Alright, let's move on to consider approval to grant a request from BellSouth Mobility to construct a wireless facility at 424 Wedding Branch, Pikeville, Kentucky.

DAVID SANDERS:

Mr. Chairman, I would like to abstain from this discussion, in the fact that I'm Mr. Vanhose's engineer with regards to the coal seam, and I feel that I probably ought not to be a part of this discussion.

BILL BLACKBURN:

Okay.

LAYNE TACKETT:

You wouldn't want to answer questions.

DAVID SANDERS:

I probably could, but I don't know how proper it would be Layne.

BILL BLACKBURN:

Alright the, I noticed the, I better question this

too just to make doubly sure, who is the owner, I noticed on here a Ramsey Stone Coal Company, who is the owner of this property, if I can ask that question?

DAVID PIKE:

It's got a name on the bottom of the Lease, and that would be who signed it. Ramsey Stone Coal Creek Associates Incorporated, executed by Joe Ramsey, General Partner.

BILL BLACKBURN:

I saw that. Are Bill and Frank involved in this, involved in that too?

WILLIAM VANHOOSE:

I believe it's mainly Joe's family. They have some surface in there, is my understanding.

BILL BLACKBURN:

Okay, I've had some previous dealings with, I want to make this perfectly clear for the record, with Frank and that side of the family so I didn't want to, I was going to abstain too if that were the case, but not with Joe. The motion is now on the floor, or for consideration, or do we have a motion for consideration?:

LAYNE TACKETT:

Not yet, no, not yet. Bill, what could we do to make this agreeable with you.

WILLIAM VANHOOSE:

I'm for it, I just wish they'd get it to where it won't be a problem down the road for them and for me both, you know, on the coal seam. And when I'd met with the other guy, we were putting up at a different elevation, because he gave me a map and said draw where you want it and it'll be out of your way, and this doesn't seem to be where we agreed to now, it's just going to have to see where it's at and maybe have an engineer look, I think that's pretty well the elevation of the Parclay coal seam. But it was in a, say a swag or something where there's not much cover over it, you know, it may be coal that, you know, can't be mined, it's something that's going to have to be looked at a little deeper.

BILL BLACKBURN:

For clarification here, this might simplify things for us, again, this is similar to the item we discussed earlier, really this, that's a separate matter probably outside our jurisdiction, if I understand what you're saying, you're for the tower.

WILLIAM VANHOOSE:

Oh, yeah, I don't have any problem, you know.

BILL BLACKBURN:

And this other is just a matter of working out as Mr. Pike said earlier the particular rights and deeds and Leases.

DAVID PIKE:

Assuming this gentleman has valid mineral rights, we have to satisfy him before we can build this tower, and I have no reason to think that this is not completely accurate, on the other hand I haven't looked at it, so.

WILLIAM VANHOOSE:

I've had the Lease for over 30 some years and I'm...

DAVID PIKE:

You understand, I'm a lawyer and I can't say...

WILLIAM VANHOOSE:

I looked it up in the other lessees there, and they're a part of the coal owners, and it's, I want to work hand in hand with everybody...

DAVID PIKE:

And we, we recognize that if he has valid rights he has to be satisfied prior to construction of this. But that is outside of this agency's jurisdiction.

BILL BLACKBURN:

Does that satisfy you Bill, what he just said?

WILLIAM VANHOOSE:

As long as we get it worked out, I'm sure I've got valid right, I've had it a long time.

DAVID PIKE:

Otherwise, well he can take us to Circuit Court,

it's just that simple.

BILL BLACKBURN:

Any other discussion or comments on this, any other questions? What's the will of the body?

PHENIS POTTER:

I move that we grant permission.

BILL BLACKBURN:

Motion has been made to approve the tower, is there a second to the motion?

RICK GORTNEY:

I second.

BILL BLACKBURN:

Motion has been made and seconded to approve the tower, any other discussion? If not, roll call.

JUDY COLEMAN:

Phenis Potter - yes

David Sanders - I abstain

Rick Gortney - yes

Layne Tackett - yes

Bill Blackburn - yes

DAVID PIKE:

Thank you gentlemen, and on behalf of my client I apologize for the confusion, we'll see what we can do to iron that out.

BILL BLACKBURN:

Thank you all for coming, you're welcome to stay. The next item on the agenda is to consider approval of request for zoning change on property owned by Frank Bailey, located at the junction of Elm Street and Hambley Boulevard, from C3 to C1.

ROBERT SMITH:

C1 to C3.

BILL BLACKBURN:

Okay, I was reading this as it states in the agenda, but it has been pointed out that's incorrect, been a typo and it should be C1 to C3 is the correct reading of that. I think what we might do, we'll, we can go ahead and discuss this tonight with that qualification, if we do take action that we need to check with our city attorney just to make sure of the legalities of all this, whichever one, what does it say on the sign?

ROBERT SMITH:

The sign says from 1 to 3.

BILL BLACKBURN:

The sign says from 1 to 3, so the sign is correct.

ROBERT SMITH:

Right.

BILL BLACKBURN:

Alright, what do you call that, that's a transposition, apparently there was just a transposition made in

the typing of all that which is a common human mistake, but we need to be aware of that, as we discuss this, it's more a technicality as we discuss that, this evening. Further discussion? Further discussion on the item that is on the agenda now for action. Any other discussion? What's the will of the body?

LAYNE TACKETT:

Mr. Chairman, I make a motion that we approve the change in zoning of that area, pending approval of the city attorney.

BILL BLACKBURN:

Alright, motion's made by Layne Tackett to approve this zone change from C1 to C3, which is basically to permit the building of the motel as it has been discussed in our public hearing which is a matter of record. Is there a second to the motion?

PHENIS POTTER:

I'll second.

BILL BLACKBURN:

Motion has been made and seconded by Phenis Potter, alright, motion is now on the floor, is there further discussion? Clerk call the roll.

JUDY COLEMAN:

Phenis Potter - yes

David Sanders - well as I normally abstain, I'm not for sure what our involvement is, but our plat was used as a document in this, and therefore with that involvement I need to abstain.

Rick Gortney - yes

Layne Tackett - yes

Bill Blackburn - and I have had some business in the past with Mr. Bailey, so I will abstain as well.

BILL BLACKBURN:

Motion is made and approved to approve the zoning change, subject to our city attorney's review of this item to make sure the proper legalities regarding the typographical error. Item number 6 on our public meeting agenda is to consider approval of request from Bob Branham for a minor subdivision amendment for his property located in the Lovers Leap Subdivision.

BOB BRANHAM:

Mr. Chairman, I'm Bob Branham, and I am...

BILL BLACKBURN:

Were you sworn in earlier?

BOB BRANHAM:

Yes, I was.

BILL BLACKBURN:

Okay, thank you for coming Minnie Sue.

MINNIE SUE ELLIOTT:

Thank you Bill, I appreciate all of you.

BILL BLACKBURN:

Appreciate you.

BOB BRANHAM:

I have bought some property up on Lovers Leap Subdivision from Eric and Keith McPeek, and I bought another strip of property from Clarissa Friend, and another strip of land from the owners of the subdivision, and Mr. Sanders may be able, I can't remember the name but it's...

DAVID SANDERS:

It's Edgewater Development.

BOB BRANHAM:

Edgewater Development is who it is.

DAVID SANDERS:

Likewise I want to abstain on this one, Bill.

BILL BLACKBURN:

You're not going to get to vote tonight are you?

DAVID SANDERS:

No.

BOB BRANHAM:

There's more property there, the way I had to buy it

there's more property than I needed for one home, so I'm petitioning you all to let me divide this, subdivide this into three lots, and we're taking it down to the Lovers Leap Subdivision, and here's the map, if I can show you the property. You go to the top of the hill and you turn left and the property's on the right and I'm already building a house there, and there's another couple hundred feet there that I would like to have, if possible, to sell, that's two lots in the future.

DAVID SANDERS:

That's where Jamie Hamilton lives.

BOB BRANHAM:

As part of the Lovers Leap Subdivision.

BILL BLACKBURN:

We, just for information purposes, we have reviewed this a couple of meetings, there's not been any changes since the last meeting has there?

BOB BRANHAM:

No.

BILL BLACKBURN:

And we have even discussed it.

BOB BRANHAM:

Without quorum.

BILL BLACKBURN:

Without, yes, without a quorum, and then I think at

the last meeting there might've been some mis-communication about your presence at that time.

BOB BRANHAM:

I was in the hospital actually, I'm sorry.

BILL BLACKBURN:

Well, are you better now?

BOB BRANHAM:

Well, I'm out of the hospital, I must be.

BILL BLACKBURN:

We're glad you're doing better.

BOB BRANHAM:

I'm sorry, I didn't make it, I know I was on the agenda the last time, but I just couldn't make it.

BILL BLACKBURN:

Did you say, is Jack involved in this too?

DAVID SANDERS:

In Edgewater, but not on the property, no.

PHENIS POTTER:

I'll have to abstain too, business with Jack.

RICK GORTNEY:

Well I don't think that would have any bearing, but it's whatever you decide.

BILL BLACKBURN:

What's the will of the body on this?

PHENIS POTTER:

I move that we approve it.

BILL BLACKBURN:

Motion's made by Phenis to approve, is there a second?

RICK GORTNEY:

I'll second.

BILL BLACKBURN:

Rick seconds the motion. Motion's made and on the floor, any other discussion? Clerk call the roll.

JUDY COLEMAN:

Phenis Potter - yes

David Sanders - I abstain

Rick Gortney - yes

Layne Tackett - abstain

Bill Blackburn - yes

DAVID SANDERS:

You know I presently have property, marketing property for Jack.

BILL BLACKBURN:

That's going to put us in a bind isn't it.

LAYNE TACKETT:

Let me explain why, why I've abstained, and then I'll take the will of the board on whether or not I should cast a

vote. I was not in on the original discussions on this, this is the first time it has come to my attention. That was on the agenda the last time but we didn't get into it, but that's my reason for abstaining.

BILL BLACKBURN:

I understand and that's a very good point. Would the board, or would the commission object to us discussing this with Layne so he'll have an i---, he's made a very valid point, he's the new member on and he wasn't here when this discussed, so I move that we discuss this further, and think that would be appropriate to educate him on what's being asked for here and then take action, if there's no objection to that. Would there be any objection to that?

DAVID SANDERS:

If I could speak out of school here, Layne, Mr Branham has purchased property from numerous people as he's described. And he has agreed, and signed onto the covenants and restrictions of the Edgewater Development Subdivision, and has accepted those terms, and the subdivision association has accepted that, so there are, to my knowledge, no issues here at all, except the formal approval of dividing the lot, one lot into three lots. And it would be considered a minor subdivision tract and typically would not be a problem.

BOB BRANHAM:

And the size of the lots are similar to the size of the other lots up there?

DAVID SANDERS:

Yeah, I think I was a signatory to the deed to Mr. Branham and that's part of my own personal issues, so.

LAYNE TACKETT:

Madame Clerk, I wish to change my vote to yes.

DAVID SANDERS:

And I'll abstain.

BILL BLACKBURN:

So the motion is approved.

BOB BRANHAM:

Thank you.

BILL BLACKBURN:

I can say this now, the motions been taken, but I can say this now, pretty much it was, the gist of the last meeting when there was an effective quorum present was it was pretty much just a formality. Let's move on to item number 7, is consider a request from Food City for an additional curb to serve a Gas 'n Go for their Cassady Boulevard location. I have someone here to speak to this?

JOHN CECIL:

My name's John Cecil and I'm Vice-President for

Operations of Food City, and of course a resident of Pikeville, and have with me Lou Seudere as our Vice-President of Planning and Development, and I think you have, did you get a copy of the plan we sent out?

BILL BLACKBURN:

Did all the members get a copy of that, the plan that was sent out? Did you get a copy Layne?

LAYNE TACKETT:

I don't know if I got it or not.

JOHN CECIL:

Pretty much what we're asking for is a right turn in, you know, at the location we're building on there on Cassady Boulevard, a right turn in and a right turn out only. Nobody would be crossing traffic.

BILL BLACKBURN:

I did study your plat there, so this actually, this is a new turn in and turn out in between the regular road there that separates Lowe's and Food City, this is another turn out on toward the curb, but it's just a one way in and a one way out.

JOHN CECIL:

One way in and one way out, that's right.

BILL BLACKBURN:

Just, as I understand it, to help the traffic flow.

JOHN CECIL:

It would serve that location much better.

CHARLIE BYERS:

My name is Charlie Byers and I'm here as a city engineer tonight, and the city has looked at the plan and layout are agreeable to the curb cut, the only addition that the City of Pikeville would like there is a striped island out in the middle of the road there and they would like that island to be raised, to prevent the left turn movement.

LOU SEUDERE

In Cassady Avenue itself.

CHARLIE BYERS:

Yes, in Cassady Avenue.

BILL BLACKBURN:

I'm sorry give me your name again.

LOU SEUDERE:

I'm Lou Seudere, I'm Vice-President of Real Estate for Food City.

BILL BLACKBURN:

And you're the one in charge of seeing this is done or...

LOU SEUDERE:

Yes, between the two of us.

BILL BLACKBURN:

I just wanted to show that you nodded that's that all right.

JOHN CECIL:

Yes.

BILL BLACKBURN:

Alright, for the record. Very good, any other questions or comments, either for or against, questions? Yes. Anyone? Go ahead Rick.

RICK GORTNEY:

Him talking about a raised median, as you all, I work with the highway department, and it's very hard to keep people from turning when they want to turn, when they come out of Wal-Mart and see gas, they're going to go over there. And I think it will take a little bit more than a raised median to stop them. I mean, I think you really need to look at some delineators or.

LOU SEUDERE:

Well, I think what we're going to do, you know, we're going to put the -Y- in the entrance itself it should, I mean, if anybody's going to try to make a left turn they're going to have to cut it Idaho to get into it in the first place, because we're going to put the asphalt, what I call an asphalt -Y- or an asphalt -T- in there to facilitate the right turn

moving in and to prevent somebody on an outbound site attempting to make a left turn out of there, and usually if we get the spread on that correctly, that as a general rule particularly precludes somebody from making a left turn in without have to do some sort of an out-of-the-ordinary maneuver, I think that coupled with the raised six inch median, that'll be striped across there and make sure that we get it aligned appropriately with that entrance and all, should be sufficient to, I mean, you're in highway work too, and I understand what you're saying, I mean, are you talking about adding some yellow guards up there kind of like they have...

RICK GORTNEY:

Yeah, like they have down through the plaza now.

JOHN CECIL:

I was going to ask, something like is on 23 now?

RICK GORTNEY:

Yes, are you aware of the Citgo coming into the Plaza area, they have a right turn in and a right turn out only situation. And several times we've had several incidences where people coming down the wrong way, you know, they go over there and they will...

LOU SEUDERE:

We have no problem with that.

RICK GORTNEY:

They will cross them pavements.

LOU SEUDERE:

I mean, you know, we, it's our desire, I mean, your citizens are our customers, we want them to be safe as well, so, you know, whatever will accomplish, reasonably, to facilitate the safe movement of traffic, we're all for it, so, you know, whatever it is, if that's part of the request of the city, we have no problem with that.

DAVID SANDERS:

And your suggestion in addition to the raised median, that they put a couple or three signal, I don't know what those are called.

RICK GORTNEY:

They're delineators.

DAVID SANDERS:

Delineators.

RICK GORTNEY:

Delineators, like in the...

DAVID SANDERS:

Does that seem reasonable to do that.

LOU SEUDERE:

As far as I'm concerned that would be reasonable.

DAVID SANDERS:

That would, I think that would at least give a stronger message to the left turn, left turn in or left turn out.

LOU SEUDERE:

Okay.

BILL BLACKBURN:

Any other comments, questions from the public or from the commission? Now Charley what I understand you saying earlier was that the city engineers and all approved all this.

CHARLES BYERS:

Yes.

BILL BLACKBURN:

Go ahead Dave.

DAVID SANDERS:

Let me have an opportunity to make a motion. I make a motion we approve the curb cut with two conditions. One that they construct a raised median to prohibit the left turn and on the raised median appropriately spaced, they'll put delineators in there to further protect the left turn.

BILL BLACKBURN:

You're making that motion as, with approving this with those qualifications.

DAVID SANDERS:

Two conditions.

BILL BLACKBURN:

Alright, everyone understand the motion that's been made. Now fellows we've all probably shopped at Food City, but I don't believe we have to abstain. Motion's been made, is there a second.

LAYNE TACKETT:

I second.

BILL BLACKBURN:

Motion's made and he's showing me his Food City Value card. Motion's made and seconded. Alright any other discussion on the motion? Clerk call the roll.

JUDY COLEMAN:

Phenis Potter - yes

David Sanders - yes

Rick Gortney - yes

Layne Tackett - yes

Bill Blackburn - yes

BILL BLACKBURN:

I'm looking forward to being able to get gasoline there, I just live right below there. Let's see, I guess that's, is there any other. There's nothing else on our agenda this evening, is there anything else from the commission, we need to address?

DAVID SANDERS:

I'd just like to make a comment, if I could Bill, and our treasurer's spending all of the money and he needs to, but I'm just curious as to whether or not we're being paid the fees for all these plat reviews that we're doing, and Mr. Branham, did he pay his \$150 bucks for his three lots. Not picking on you, but...

BOB BRANHAM:

I couldn't hear what you're saying any ways.

DAVID SANDERS:

We have a fee for plat approval, and the fee is \$50 per lot, I don't, help me out Karen, it's some dollar plus \$50 a lot, is it not?

KAREN HARRIS:

I can get \$3 a lot, it's \$50.

DAVID SANDERS:

Is it \$3 a lot, \$50 plus \$3 a lot, okay, but still it is a fee, and I know we've done three or four subdivision plat approvals recently and I don't know if we're collecting fees.

KAREN HARRIS:

Yes, I have forwarded that check to Mr. Gortney.

DAVID SANDERS:

Okay, so we are, we are collecting.

KAREN HARRIS:

You're talking about \$25 and...

DAVID SANDERS:

I'm just curious as to whether or not we need to address the fee issue, because very soon we're going to be destitute and we're going to need money somewhere, seriously it's, you can't, we can't meet each month with less money than the prior month.

BILL BLACKBURN:

Thank you all for coming.

DAVID SANDERS:

These guys are slipping out, we're talking about fees now. Okay. But not now, but somewhere in the very near future, I think we are going to need to address this.

BILL BLACKBURN:

One issue I might mention here along this and it's a factor, for a number of meetings there we were without a stenographer, and thankfully we found Judy over here has done an excellent, excellent job and we appreciate having her and she's been very faithful. But one of the things she's done, since she came on as our stenographer is she's had to catch up on all the meetings we went without a stenographer, so we've been used, all these fees have basically gone for in the past are basically to pay the stenographer for recording the minutes and occasional

plaque or something to recognize somebody or something like that. But the great rule of it was to pay for the recording of the minutes. So I think one of the reasons it looks like we've taken such a hit in our balance is because we were catching up on a lot of that. How much further, and Judy's done a great job in catching up on all that, and I know you all been receiving those copies of the minutes. About how far are we now, is that most all of them, have they been caught up?

JUDY COLEMAN:

There's one tape, October of 2003, that's just really tough to..

BILL BLACKBURN:

Really tough to...

JUDY COLEMAN:

To get much out of.

BILL BLACKBURN:

From outside of that, it's pretty much caught up on everything.

JUDY COLEMAN:

That's it.

BILL BLACKBURN:

So, I think pretty much what will be seen come out of here in the future is just meeting by meeting, will be coming out of the account.

KAREN HARRIS:

Well, I might mention one other thing Bill, we got and the planning commission will get the most of this. But if the \$2,500.00 fee that you've got for hearing the cell tower application. The only thing about it is is that the ordinance there is that the electrical inspection, building inspection fees, and stuff will come out of that, and I was waiting to talk with Rick to find out how he wanted to handle that, if he wanted me to deposit that in the fee's account, and let us take care of the electrical inspection and then forward the remaining amount to the planning commission. I really don't know how to work that one since that was the first one that we got.

BILL BLACKBURN:

We ought to discuss that with Rick, do we need to take action on that, is it just something you all...

KAREN HARRIS:

I would think I'll be able to do the bids, but how he wants to handle that.

BILL BLACKBURN:

How much are you estimating those other inspections are going to take out of the \$2,500.00?

KAREN HARRIS:

I was talking with Robert earlier today about that and he thought maybe \$100.00 or something, maybe like that.

BILL BLACKBURN:

So you're saying \$2,000.00 plus would be coming into the account.

KAREN HARRIS:

Yes.

DAVID SANDERS:

Did Appalachian Wireless also pay their fee?

KAREN HARRIS:

They come in under the wire, their application came in prior to the adoption of the cell tower ordinance. So they only paid, had to pay the \$100.00, \$25.00 of that went to the planning commission and the other went to the plat cost and advertising.

DAVID SANDERS:

Okay, Mr. Chairman, I wasn't complaining about our expenses.

BILL BLACKBURN:

No, I realize, I know that. I was just making that so everyone would be aware of it.

DAVID SANDERS:

I just, I'm just obviously concerned that Mr. Gortney's going to be floating some bad checks and I don't want him to do that.

JUDY COLEMAN:

Well, I took that into consideration when I made my charges, the charges are almost half of what they would normally be.

DAVID SANDERS:

Again.

BILL BLACKBURN:

Oh, we appreciate that, hey, we love you Judy.

JUDY COLEMAN:

I knew it was going to tape on it.

BILL BLACKBURN:

We're glad to have you. If you all know what it's like to find a stenographer around here. Hey, we're not complaining at all. And we appreciate you and you've done an excellent, excellent job and we hope you'll continue to do that, please.

PHENIS POTTER:

Don't deserve you.

BILL BLACKBURN:

Please, we're more than happy. And I think everybody understands that total gist of what we've been discussing is totally positive. But I think this infusion right here will help us a great deal on it. It will help us and then as the other fees come in and so forth, I think we'll hopefully

get caught up and ahead of the game. Any other discussion on that item, or questions about it? I want to say before we close, is there any other discussion on any items? Again, I want to thank all of you for coming out and doing your public service, you don't get any re-numeration, it's just your all's desiring to serve your city, and I respect you all and I think you do an excellent job, I think Layne is the welcomed newcomer to the group and I can see right now he's top notch and we certainly appreciate Phenis, and David, and Rick, and you fellows for giving of your time and serving so well, You know, I think what we all want to do is, and I think we take pains to do it, is do things right. And I think we live in one of the best communities in America, and I mean that sincerely, and I think we take great pride in that, and we want to do it first class, and I want to say along those lines, we want to appreciate Karen, she's usually the front line of all this and if you want to know, Karen's down here, she's very modest, but believe me, she's an encyclopedia on the city, not only in this, but in all the records. And we appreciate her and taking the front position on all this and doing a great job, super job, we appreciate you. Any other discussion.

LAYNE TACKETT:

I just say that I got my training for being on this commission, serving on another joint planning commission, same

commission that is, in 1974, I guess it was. I got my training from John Rasnick and Leon Huffman.

DAVID SANDERS:

You survived it quite well, Layne.

BILL BLACKBURN:

Any other discussion, if not, is there a motion to adjourn?

LAYNE TACKETT:

I believe we ought to let David make this one.

DAVID SANDERS:

I make that motion to adjourn.

BILL BLACKBURN:

David makes a motion to adjourn, is there a second?

PHENIS POTTER:

I'll second it.

BILL BLACKBURN:

All in favor stand.

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