

PIKEVILLE/PIKE COUNTY/ELKHORN CITY
JOINT PLANNING COMMISSION MEETING
AUGUST 9, 2005.
MINUTES

BILL BLACKBURN:

Is there anyone here for the Hearing for the Cingular Wireless? Is there anyone here to discuss that today? The tower they're proposing at 2546 U.S. 23 South. Are any of you all here to discuss that?

HANNAH SPARKS:

We're here, but I've not really -- I've got two (2) registered letters and I really didn't know if we needed to be here.

BILL BLACKBURN:

I'm sorry.

HANNAH SPARKS:

That's okay. I didn't know if we needed to be here. If it was something that we needed to be here for, so.

BILL BLACKBURN:

Okay. We'll go over that in just a second. Then we've got a forum now anyway. Wayne, you saved, you saved the day, buddy. You saved the day, welcome.

Karen, did what's his name, Pike. Did he not say anything about showing up or anything?

KAREN HARRIS:

I understood Bob Green or Mr. Pike would be here.

BILL BLACKBURN:

Who?

KAREN HARRIS:

Uh, David Pike or Robert Green.

BILL BLACKBURN:

Bob Green, okay. Maybe they'll come in here in a few minutes.

We would like to welcome everyone here this evening. I guess we need to call the row. Uh, we have David Sanders, John Elliott, Wayne Tackett, Rick Gortney, and Bill Blackburn present. You can get that off the printed row, so that will take care of the row. Uh, let's move on to the public hearing. We have one item scheduled on that. Uh, everyone that will be speaking tonight will need to be sworn in. So if you're here tonight and you're going to be speaking to an item on our agenda or at the regular meeting, we will go ahead and swear the ones in. If you think you may speaking, please stand and raise your

right hand. Are you folks going to be speaking?

HANNAH SPARKS:

I don't know. I, I guess so.

BILL BLACKBURN:

Okay, stand just in case. Do you swear or affirm to tell the whole truth, the truth, the whole truth and nothing but the truth? If so say I will.

SPEAKERS:

I will.

BILL BLACKBURN:

The first item up is the Cingular Wireless Tower that's on our public hearing agenda. 2546 U.S. 23 South. Are you all here in favor of or in opposition of the tower?

HANNAH SPARKS:

We're here in favor of it.

BILL BLACKBURN:

Okay.

HANNAH SPARKS:

I -- We received the Registered letter and I didn't understand if we needed to be here, and that is the

reason that we are here. Only I really didn't have anything other than a couple of questions that I needed to find out. Something about frequencies.

REPORTER/CLERK:

I'm sorry, but could you stand and say your name for me? Because I'm having a real hard time understanding, and we are tape recording it too.

HANNAH SPARKS:

My name is Hannah Sparks.

REPORTER/CLERK:

Okay. Thank you.

HANNAH SPARKS:

The only thing I was wondering about was the frequency from the tower. Would it be -- Would it uh -- I can't think of the word I am trying to say.

BILL BLACKBURN:

Interfere?

HANNAH SPARKS:

Yeah, there you go. Usually my husband does this- Would interfere with anything. Would it uh, maybe healthwise later on down the road.

BILL BLACKBURN:

Probably, I guess, the tower people would need to address any of that. Uh, they may come in a little later in the -- Are you all the property owners or --

HANNAH SPARKS:

Yeah.

BILL BLACKBURN:

Okay. So you are actually involved with the lease with the company and so forth. That would probably be better addressed by them, by the tower people then. They may be in shortly.

Uh, did the rest of the Board. Did you all receive information on this? Do you all have any questions about it?

DAVID SANDERS:

Yes. Yes, I was hoping one of them would be here, Mr. Blackburn, because we've gone through the process over the last few months and approved numerous tower site locations, and to my knowledge none of them have been constructed, and I'm kind of curious as to what direction they're taking on this. If they're just systematically permitting tower site locations with some thought or future

thought of construction, or are they actually going to be constructing these sites. I know, I know we had one at Weddington's Branch, and we had one up in Elkhorn City, and then we had one here in the city limits itself which I think may have been Appalachian Wireless. I'm, I'm not for sure if I'm correct.

BILL BLACKBURN:

I believe that's correct.

DAVID SANDERS:

Do you have a comment, Rick, on that?

RICK GORTNEY:

Yeah. Well I, I'm with you all on that question. My question is are they just buying that property, or are they actually going to actually construct something?

LAYNE TACKETT:

I'm, I'm somewhat -- I was -- Is there some way they can get a corner on the market permitting

DAVID SANDERS:

Well they could in the sense if, and we haven't received adequate data with regards to the

co-locations yet, but if they have a site approved and then another company came in like Appalachian Wireless then, and wanted to put a tower in a similar location, I'm not for sure what we would do. You know, we would either have to approve a second tower in an adjacent to this, because they may say we really don't want to wait on Cingular to construct their tower before we, you know, before we can co-locate with them.

BILL BLACKBURN:

I think that is an excellent point.

DAVID SANDERS:

I'm just somewhat curious as to how this is going to develop and, and what role we should play in approving these site locations, and I really wish that someone from Cingular was here to address those concerns.

BILL BLACKBURN:

Hannah, did they give you all any idea when they were going to start construction?

HANNAH SPARKS:

No, no. No, uh really they haven't really told us anything. As a matter of fact, we haven't spoken to anyone. Uh, they told us when we came -- I did call and

they said that someone would be here from Cingular Wireless, so we came. And uh, really I guess, uh I haven't spoken to anyone, but I tell you, I think it's a good thing really, because you can't get it. I mean, they do need a tower here really bad. They don't reach out far enough and uh, a lot of places you can't even get a signal, and I, I'm not opposed to it. I just uh -- Like I said, I didn't know if the frequencies may would interfere. I even called Cebridge, and they said it wouldn't interfere with the, cable, and so, as far as that, really there's uh -- And then I did have someone to ask me if maybe on the line if the frequencies would might cause health problems, but I don't, I don't know. I'm just -- That was just something I told them I would ask them, but I really haven't spoken to anyone.

BILL BLACKBURN:

Okay.

HANNAH SPARKS:

But I'm still not opposed to it. I will say that.

BILL BLACKBURN:

Why don't we move on to the regular meeting on the public hearing unless you all have something else you

would like to discuss, and hopefully maybe they will come in here in the next few minutes, and then we can address the question that David brought up which I think that's an excellent question. How does that sound to the rest of the members? Is that agreeable with you all?

PLANNING COMMISSION MEMBERS:

Yes.

Yes.

MR. BLACKBURN:

We'll just move on to our regular meeting. At this time I will call it to order. We have already called the roll and acknowledged who is here so we will dispense with that. We need approval of the minutes from the February 8th and April 12th meetings. Is there a Motion to do that?

DAVID SANDERS:

I'll make the motion we approve those minutes. I've read through these minutes, and I'm satisfied with them.

BILL BLACKBURN:

David has approved them. Is there a second?

RICK GORTNEY:

I second.

BILL BLACKBURN:

Rick second's the motion. If there is no objection, they will stand approved. Any objections? They will stand approved. Let's move on to the treasury report. Rick.

RICK GORTNEY:

We had a beginning balance of \$3,471.22. Our two expenses this month was \$440.00 for the minutes, and \$38.00 for box rent which gave us a balance of \$2,993.22. We received one check from Cingular for approval for their application being \$2,500.00, which gives us a working balance of \$5,494.53.

BILL BLACKBURN:

Any questions or comments about the treasurer's report?

LAYNE TAKETT:

It looks good to me. Those are good numbers.

BILL BLACKBURN:

If there is no objection they will stand approved as stated.

Let's move on. We'll just skip Item No. 4 and see if they come in. Uh, and let's move on to Item No. 5, Consider Approval of Final Subdivision Plat of Phase 6, Cedar Creek Development Block 6B.

I believe yours is uh. Let's see is this the same? Are you the -- You'll be okay. You're the next item.

CHRIS CHRISMAN:

My name is Chris Chrisman and I am representing Bowles Family Partnership. We are finishing construction of the 20 lot subdivision titled Block 6B to be a subdivision. We have had the water and sewer tested. The streets have been checked by our City Building Inspector. Everything is finished and completed, and we have submitted the final subdivision plat for approval. I have the final Mylar to get signatures on, and we will do that tomorrow morning, subject to your all's approval, subject to the signatures being affixed on the final.

BILL BLACKBURN:

Any questions or comments for Chris? You all have received this in the mail and have had a chance to review it.

CHRIS CHRISMAN:

All the lights have been monumented. The

final survey is here. There's really nothing else to be done.

LAYNE TACKETT:

I move we approve it.

BILL BLACKBURN:

The motion is made by Layne to approve that. Now this is subject to everybody else signing off, and we will sign last, of course. The motion is made as such. Is there a second?

RICK GORTNEY:

I second it.

BILL BLACKBURN:

Rick seconds the motion. Clerk call the row.

REPORTER/CLERK:

Layne Tackett.

LAYNE TACKETT:

Yes.

REPORTER/CLERK:

Rick Gortney.

RICK GORTNEY:

Yes.

JOHN ELLIOTT:

I wish to abstain.

DAVID SANDERS:

My company prepared this map so I likewise abstain.

BILL BLACKBURN:

Yes.

CHRIS CHRISMAN:

We have one question about signatures. The final plat that you all have a copy of there and that I have here, has a signature line for the Advisory Committee. I was not aware that we needed a place for the Advisory Committee's signature on the final plat. I will be happy to contact John Charles and get that, if necessary.

BILL BLACKBURN:

Okay. I'm not sure. What is the policy on that, Karen? Do you know?

KAREN HARRIS:

I believe on a final subdivision plat that that isn't necessary. That the preliminary should have been. That that should have been on the preliminary.

CHRIS CHRISMAN:

That is on the preliminary.

BILL BLACKBURN:

There has been no changes since he signed the preliminary. It is exactly the same. Is that correct, Chris?

CHRIS CHRISMAN:

Yes, Sir, and the City Engineer can certify. I mean he did the inspections. So do I need to take it off of the, of this?

KAREN HARRIS:

I believe that you will. I don't think that they will record it with a blank signature.

CHRIS CHRISMAN:

Well, I'll get with uh --

BILL BLACKBURN:

Just make it easier on yourself. Or you want to get him one, and if it's easier to do that, and get him to sign it, or you can take it off. Just make it easier on yourself.

CHRIS CHRISMAN:

I'll see if I can get hold of him today or tomorrow one.

BILL BLACKBURN:

Okay.

CHRIS CHRISMAN:

Are you going to be around tomorrow?

BILL BLACKBURN:

I should be, or you can get Rick at the state, or one of us at the State Highway Department. You're down there next to Governor...

RICK GORTNEY:

Yeah. Where the former governor used to live.

CHRIS CHRISMAN:

Okay. Thank you.

BILL BLACKBURN:

Let's move on to Item No. 6. Now I believe we are ready for you, Mrs. Narola, is that correct?

KAUYSHIKA NAROLA:

Yes. We own Lot 1 and 2 , we built a house

on Lot 1. The second lot is empty but we used a little bit of land, about 10 feet fromj the second lot, and we have the second lot that Dr. _____ said he wanted a swimming pool...

BILL BLACKBURN:

He owns -- He owns Lot No. 3?

KAUSHIKA NAROLA:

Yes.

BILL BLACKBURN:

So you want to sell him your part of Lot No. 2 to him that you are not using?

KAUSHIKA NAROLA:

Yes. ...?...

BILL BLACKBURN:

Any questions or comments from the Commission?

LAYNE TACKETT:

Is there a minimal limit on them lots?

RICK GORTNEY:

It wouldn't make a difference on that because you are making two lots bigger.

LAYNE TACKETT:

Oh, okay. Alright.

RICK GORTNEY:

You're turning three lots into two?

BILL BLACKBURN:

We did this once before I think with uh --
That was Steve Dutch and someone else, they turned one into
two?

KAUYSHIKA NAROLA:

Yes, Steve Dutch and Dr. Mann.

BILL BLACKBURN:

That is a good question, but he will be using
it rather than turning that into one lot with a pool and so
forth. Any other questions or comments from the commission?
What's the will of the body?

JOHN ELLIOTT:

I don't see any problem with it. Do you know
of one, David?

DAVID SANDERS:

No.

JOHN ELLIOTT:

I make a motion we approve it.

BILL BLACKBURN:

John makes the motion to approve it. Is there a second?

LAYNE TACKETT:

I second it.

BILL BLACKBURN:

Layne second's it. Clerk, call the row.

REPORTER/CLERK:

Layne Tackett.

LAYNE TACKETT:

Yes.

JOHN ELLIOTT:

Yes.

REPORTER/CLERK:

Rick Gortney.

RICK GORTNEY:

Yes.

DAVID SANDERS:

Yeah, I'll abstain since my company did the

plat.

BILL BLACKBURN:

Yes.

KAUSHIKA NAROLA:

Thank you.

BILL BLACKBURN:

Thank you for coming. Let' see-- Well, we are back to Cingular Wireless and they have not shown up. I hate to hold up progress. What -- What do you all want? Hold this until they show up at the next meeting or --

DAVID SANDERS:

I would, since, I guess it's my question that I raised, Mr. Blackburn, I would like to go forward with the approval process, but I would at the same time, would like to have some mechanism to put Cingular Wireless, to give them some notice to give us a construction schedule with these prior site approvals, and uh to inform us as to when they are going to do this. And I don't know that you can say that the next one's going to be looked at very heavily, but I -- I'm not really of the mind that I would like to approve a lot of these site locations until they start constructing them. You know the process is for them to have

some plan in place, and I don't know if they have a plan in place right now.

LAYNE TACKETT:

Could we, as a, as a commission, require them to submit an application to submit along with it, a construction schedule?

BILL BLACKBURN:

Uh, I don't know if that is in our adopted regulations, Layne. Somebody is going to have to go back and see what our regulations would allow us to do with them. I don't want to cross over the line with what we are requesting, but I think it will be very, very appropriate for us to ask, you know, when are they going to construct these facilities and how many sites do they want approved before they start constructing, uh just as a courtesy, more than as a demand.

JOHN ELLIOTT:

I've got a problem though with the fact that a public hearing is being held and there is no representative, and we do have public here that have questions, which I think I know the answer to, but I wouldn't begin to answer for them, and I feel that my own personal opinion is that they should be present for that

before we approve anything. So it looks to me like we ought to table it and give them a chance to show up and answer some questions.

BILL BLACKBURN:

I agree.

DAVID SANDERS:

That's fine with me too. I don't know what again -- Their construction schedule is probably not going to be affected one way or the other due to the fact that we've had two or three other sites that they haven't started on.

...?... until next week.

BILL BLACKBURN:

You're pretty sure they've not -- Well, that's what I was just thinking. You're pretty sure they've not started up at Elkhorn or Weddington or --

RICK GORTNEY:

They are not up at Elkhorn.

DAVID SANDERS:

They have not at Elkhorn and they have not at Weddington.

BILL BLACKBURN:

So it wouldn't seem too urgent to wait until the next meeting if they have not even start on the --

DAVID SANDERS:

Right, and again the cell towers don't have to be in any sequential order necessarily, and, you know, folks that are in business make business decisions for a variety of different reasons. So, they may well with approval, see this particular site as more important to them than either one of the other two, but I -- I guess my concern is just about them stock piling approvals and what do we do with co-location issues, particularly with, and in this particular area we clearly know there is two, two cellular companies, and is this there way of doing it. Maybe it is. I don't know, but I guess I would like to hear from them what their thoughts are, and I think John has got a very valid point that if these cell tower locations are important to them, then they should have a representative here and recognize this public hearing, and recognize that we may have some questions. At the last one, we had numerous questions. That if I remember wasn't approached.

LAYNE TACKETT:

We sure did.

JOHN ELLIOTT:

We did.

LAYNE TACKETT:

We sure did.

DAVID SANDERS:

So it's not as if they weren't aware of it, and I, I would agree with John.

BILL BLACKBURN:

Any other discussion before we consider the motion to table?

DAVID SANDERS:

You are putting it in the form of a Motion?

JOHN ELLIOTT:

I make it a motion to table this.

BILL BLACKBURN:

John Elliott makes the motion to table this until a representative is here at the next meeting. Is there a second to that?

DAVID SANDERS:

I will second that.

BILL BLACKBURN:

Clerk, call the row.

REPORTER/CLERK:

Layne Tackett.

LAYNE TACKETT:

Yes.

REPORTER/CLERK:

John Elliott.

JOHN ELLIOTT:

Yes.

REPORTER/CLERK:

Rick Gortney.

RICK GORTNEY:

Yes.

REPORTER/CLERK:

David Sanders.

DAVID SANDERS:

Yes.

REPORTER/CLERK:

Bill Blackburn.

BILL BLACKBURN:

Yes.

BILL BLACKBURN:

Any other items on our agenda?

DAVID SANDERS:

I would just like to raise one question, and I know Mr. Branham, Tivis Branham has been a member of this commission for a long time. Has he resigned?

BILL BLACKBURN:

I think officially he did resign.

LAYNE TACKETT:

As far as I know, I believe now, I'm guessing, but I believe that I am his replacement.

DAVID SANDERS:

So he was a city representative then?

LAYNE TACKETT:

Yes, I believe.

DAVID SANDERS:

Who is the -- Who is the county representative? I think we are one short on count so...

BILL BLACKBURN:

I think we are.

KAREN HARRIS:

You are one short for a county representative.

DAVID SANDERS:

Well, with the question that we constantly have with quorums, should we not request Mr. Deskins to appoint another member?

BILL BLACKBURN:

He contacted me some time back and I mentioned a couple of names to him that we were considering, but they turned it down. So, I think he has been in the process of looking around. Do you all have anyone you would like to recommended for that or have anyone in mind? Is it going to be the county that it has to be from?

DAVID SANDERS:

It will be the county because there are three representatives from Elkhorn City here, and Layne, I guess I'm sorry, Layne, I thought you were the county appointee.

LAYNE TACKETT:

No.

DAVID SANDERS:

See being a city appointee, there are three from the city. So we are missing one from the county, and uh, it will have to be from the county. Maybe we -- Maybe I can come up with something and get a name to Bill or something, but I will let you know if I do so, Bill. But we need to get another member.

BILL BLACKBURN:

Very good. Any other discussion? Is there a motion to adjourn?

LAYNE TACKETT:

I move to adjourn.

BILL BLACKBURN:

Layne so moves. Is there a second?

RICK GORTNEY:

Second.

BILL BLACKBURN:

If there is no objection, we will stand adjourned. Thank you all.

MEETING ADJOURNED

DAVID SANDERS

Bru Blackburn

John Elliott

Rick Goetz

Chris Chism

Karen Harris

Kayshika Navls

Herchel Sparks

Hannah Sparks