

MINUTES
APRIL 11, 2006
PIKEVILLE/PIKE COUNTY/ELKHORN CITY
JOINT PLANNING COMMITTEE

BILL BLACKBURN:

Do you swear and affirm to tell the truth, the whole truth, and nothing but the truth? If so, say I do.

EVERYONE:

I do.

BILL BLACKBURN:

The first item on the public hearing agenda is 'Consider Discussion Concerning Application from Eastern Kentucky Network, doing business as Appalachian Wireless, to construct a wireless communications facility at Ratliff's Creek.'

If you will speak up so the clerk can record everything. Whoever is gonna do that just come on up and address the commission and body if you will.

WILL KENDRICK:

Mr. Blackburn, members of the commission, my name is Will Kendrick and I represent the applicant, Appalachian Cellular. We have submitted to this honorable Joint Planning Commission our application to construct, maintain, and operate a cell tower in the ridge between

Ratliff's Creek and Buckley's Creek. The need for this facility is demonstrated by the increased requests for usage of cell facilities and particularly to serve Pike Central High and Pikeville High. The main artery of travel through the area, of course, US 23 and 119, and in particular the shopping center areas where Lowe's, Wal-Mart and those areas, restaurants and businesses and buildings are located.

People are particularly requesting, our customers are, that they have service inside the buildings. With the location of this tower we will be able to provide service not only for people who are standing out in the parking lot at Applebee's or Lowe's or Wal-Mart or someplace, but inside those buildings as well.

It's our intention and it's our purpose and indeed our mission as a local business with local personnel, local employees, and a part of this business community, to provide the best service possible to serve the needs of our business customers institutional and educational and health providers and the consumers who use the cell phone telephone service.

We get a lot of comment from visitors and tourists who are anxious that we be able to provide the best service possible. We want to see those folks, as all of you all do, return to the area and make favorable comments on

the facilities and services available to the people where they live so they'll want to come to visit Pikeville and eastern Kentucky too.

Our application is complete and technically correct in all respects. I have with me here tonight Marty Thacker, who can answer any questions concerning the technical aspects of the tower and Dennis Shepherd, as well, who was involved in the acquisition and live entry for the site and the general location and dealing with matters on the ground. So we're happy to answer any questions that you have or any member of the public may have. Thank you.

BILL BLACKBURN:

Anyone from the public here to address this matter this evening? Bill?

BILL VANHOOSE:

I just had an interest in the general location, how far it is from my property line and what-not, we own the adjoining property. I guess, also, I'd like to know what time period you all are talking about there would be construction going on.

I talked to some people about mining some of the property. On my property. I don't know if they have the other part leased or not, but I know on my side it's just been sitting. Ask what their time period is when they

were gonna have it put up.

DAVID SANDERS:

Yes, I would like to add a question to that, too, with regards to the map presentation. There does not seem to be a surveyed location of the boundary. There's no corners or descriptions, descriptions with regards to the property line, and whether or not... is this property purchased property or leased property or... It's really unclear as to how it's gonna be affixed.

WILL KENDRICK:

I can say that the property is purchased property from Treap Construction. I believe that the deed is included as exhibit five to our exhibits to our application. I prepared that exhibit. As to the specific location...

DAVID SANDERS:

Exhibit six has a deed.

WILL KENDRICK:

That's correct. I'm sorry.

DAVID SANDERS:

So you're indicating there, this deed says....

WILL KENDRICK:

It is a surveyed description.

DAVID SANDERS:

It says there is a flat, but there's not a flat attached to this application. Is that correct, Mr. Kendrick?

WILL KENDRICK:

It looks like it's not attached to the deed description, but it is a surveyed description, by Phillip Potter, LLS, and the meets and bounds of description -?- it appears that is 6, and it's gonna be located pretty much the way that it's shown on exhibit eight, which is Mr. Potter's map or plat. I trust that clarifies the question as to the location that's shown on the map.

We're required to notify any property owners within a 500 foot radius of the site. That's shown on the map as well.

BILL BLACKBURN:

So this basically, access issue, is off of Ratliff's Creek there, you turn up Evergreen Lane. I think Steve Treap lives there, doesn't he? Then you go up that road and on up the hill to the; I see Evergreen Lane here. About a mile up Ratliff's Creek, or half a mile to a mile. Then you turn left up Evergreen Lane and go on up through the hollow there, up the hill. This thing is not scale?

WILL KENDRICK:

One inch equals 200 feet, Mr. Blackburn.

BILL BLACKBURN:

Okay. So you're saying that these people were of course the Edith Cassidy estate. That's who Bill's -, and the Clyde Hall-.

DAVID SANDERS:

Aren't there a number of other towers on the ridge between Ratliff's Creek and Ferguson Creek and I'm sorry, I don't know the name of that knob.

BILL VANHOOSE:

Duty Knob.

DAVID SANDERS:

Yeah. Did you look at Duty Knob and whether or not you could co-locate your reception with one of those towers? Which is a part of that. Is that addressed in this application somewhere?

WILL KENDRICK:

Yes.

DAVID SANDERS:

Do you know where it's addressed with co-location?

BILL BLACKBURN:

The way I read this scale it's about 75 feet

to your line.

BILL VANHOOSE:

Yeah. It's not a contoured map _____.
It kinda looks like they've got their lines somewhere over
the center of -?-

BILL BLACKBURN:

Well, on this one if you take the scale;
that's not taking into consideration any contouring is it,
David?

DAVID SANDERS:

No.

BILL BLACKBURN:

This way it'd be 75 feet in a straight line
from the tower.

DAVID SANDERS:

To the property line.

BILL BLACKBURN:

Over to the edge of your property.

BILL VANHOOSE:

Is this gonna be a guide tower or a free-
standing?

_____? _____:

Free standing tower.

BILL BLACKBURN:

What is the base of this tower?

_____?_____:

Pardon?

BILL BLACKBURN:

The base of it.

_____?_____:

How wide it is?

BILL BLACKBURN:

Yes.

_____?_____:

23 feet I believe.

BILL BLACKBURN:

I think, Bill, what you're concerned about is, it messing up any mining underneath, the minerals.

BILL VANHOOSE:

Well, I'm down on the other side of the ridge. I think maybe Elkhorn Coal owns some of it; that's one of my concerns. Which I know I can only mine what's on my side. Over -?- distance or something -?-.

BILL BLACKBURN:

This is the second time we've had this brought up. As you all felt, from being right here, we'll understand that's naturally a concern. Coal here represents

revenue and jobs and taxes and so forth. What are the stipulations right now about mining under a tower or how near the towers can you go and so forth?

MARTY THACKER:

I'm Marty Thacker. We have not had that brought up before.

WILL KENDRICK:

We've not had any problems with any coal companies as to the any of our numerous towers. This was ___?___ I'm a lawyer so I'm not used to testifying, Mr. Blackburn. We have not, in the numerous locations that we have made, a towers in eastern Kentucky, had a coal company or mineral owner object to any kind of location. We, of course, recognize the importance of coal and the coal businesses and coal owners and coal miners and coal operators. We want to provide all of them cell service if we can and we do. But that's never been a - we've never had any kind of legal issue come up about that. As we, again, we advertise this hearing and our application and no objections have been filed in that regard, concerning the mineral or coal by anyone.

BILL BLACKBURN:

Well, that's of course, one of the perks of this meeting tonight is for the public to come and address

those issues. Bill represents the estate that's 75 feet feet from you there, the Cassidy, and that's what he's addressing.

You mentioned there, that the mineral owners have never had a problem. I guess the reverse of that is, if they started mining and coming back under you all, are you all gonna have a problem? With the blasting underneath and the removal of the coal.

WILL KENDRICK:

Again we've not had it come up, but, if there's some kind of conflict like that, what my expectation would be, would be that this tower is an improvement the same as a dwelling or some other kind of building is an improvement. Any kind of mining underneath it, if it was near enough to the surface of the improvement or structure, would require some type of barrier be left in the coal underneath it.

Of course there's many regulations concerning blasting and barriers and so forth to protect the mines and the property owners and the improvement. So, any type of walls that would be applicable, I would say to any kind of improvement or structure, would apply to our tower as well. Of course we're making a huge monetary investment there.

BILL BLACKBURN:

Any other discussion or questions from the body?

DAVID SANDERS:

I'd like to go back to my question that I still haven't had response to, and this is the co-location. One of the things that we're charged to do, is to do co-location, when possible. My question, with regards to Duty Knob, and I've found the exhibit here on exhibit 19. It doesn't address that at all. Is there a reason that Duty Knob was...

MARTY TAHCKER:

The reason that we actually did not - we looked at a co-location at Duty Knob. Even at best, the lease was not a real good lease that the folks had on the tower. It was, in air miles, it was quite a distance from Wal-Mart, Lowe's. You still have 119 area up Buckley's Creek and the high school. Duty Knob and over here behind Duty Knob. It actually blocks those areas.

DAVID SANDERS:

Duty Knob is higher in elevation than the site you selected? How does it block?

_____?_____:

It sends out through cardinal. But the

signal and connection hits the site of it. It's _?_.

DAVID SANDERS:

So you took actual readings at Duty Knob and your evaluation of the site?

MARTY THACKER:

We would therefore rather rent there, as we mentioned if we could get by without it; the tower is expensive. -?- our signal was satisfactory.

DAVID SANDERS:

Without sounding a little bit honourous, I don't want to. Do you have any sites that you've co-located on someone else's tower?

MARTY THACKER:

Yes.

DAVID SANDERS:

You do have some that you have co-located?

BILL BLACKBURN:

Part of what our training and instructions have been in dealing with these; I want you all to understand this. I don't think there's anybody in here that's not the great helper. It benefits all of us. Emergency services, business services across the board. Personal, family.

But once it's our training, instructions

then in dealing with this as a commission, a planning commission, is that we would encourage the co-locating where possible. One of the reasons is because aesthetic reasons and the lack of necessity to have dual towers when one tower served the purpose, you're saying was fully explored? Locating on another tower was fully explored?

MARTY THACKER:

Yes.

BILL BLACKBURN:

There's no other suitable way to do that?

MARTY THACKER:

I don't think there were any other suitable locations to accomplish what we wanted to accomplish -?-.

WILL KENDRICK:

Just so you can know - this is Will Kendrick - the base of the tower is 26 feet wide.

BILL BLACKBURN:

The commission have any other questions or comments? Floor?

BILL VANHOUSE:

I need to know the location, I don't own that over there. I was curious about mining, getting a permit. Mr. Sanders might know if there's a blasting distance. If you go to the center of the ridge, I don't know what kind of

shooting requirements it would take.

DAVID SANDERS:

There are restrictions, Mr. Vanhooose, that would have to be addressed in a mining location. It can range from 100 feet to 300 feet to 500 feet based upon the mine plan. Based upon the agreement of the sale company for co-use of the land.

BILL VANHOOSE:

The city is in the process of annexing. -?- of Buckley's Creek. Except for where people are living. -?- Gonna be awful close to the city limits, too.

BILL BLACKBURN:

The city of Coal Run?

BILL VANHOOSE:

Pikeville.

BILL BLACKBURN:

Pikeville's gonna go all the way to Buckley's Creek?

BILL VANHOOSE:

We -?-. They're getting ready to do the septic reclaim. -?- near our property line too close and the time period it might be for that.

BILL BLACKBURN:

Karen, we might get Rusty to look at this, as the city attorney. This is gonna keep coming up and it's a good question. As Will mentioned this evening, it may just be the standard law out here that covers all the structures. Houses and any other structure. This may fall into that. A lot of these cell tower statutes and so forth are relatively new. Of course this is particular to our area. It may have not been addressed on a statewide or nationwide level.

WILL KENDRICK:

We're sensitive to any property owners' concerns. If it comes up, we'll address it with the proper authorities and with the private landowners. As far as whether this is annexed in the city or not, we're here acknowledging and recognizing the jurisdiction of this committee. We're before you asking your approval or your blessing or whatever is required. We're used to working with all jurisdictions, cities, counties, and with jurisdictions such as this one, which is a joint effort. We recognize that -?-

BILL BLACKBURN:

Any other questions or comments from the commission?

DAVID SANDERS:

Hey, Bill, I know I'm gonna have to shut-up. But, on the other side, -?- McVey, the one from the Damron property - again there was a tower on the other side of Dinky Road, it was a telemedia tower, not telemedia, it's a television tower. Was that tower examined as a co-location to the site you selected? On the left of Dinky Road?

DENNIS SHEPHERD:

-?- property, we looked at everything. There's also a radio tower there, a large one. We just could not get a response from that company. The TV tower it was there, it's just not high enough to serve the area. The reason we located there, in particular, was when 119 is completed this is gonna serve that area. Up that road, besides the area that we're serving with that.

One thing I'd like to add here is that we have to get the property before we can make the application for the permit. So, we're buying a piece of property or we're leasing it, hoping to get the permit. Kind of a catch 22 situation. We do look at every possibility of locating our towers in that area, if we can, it's a hundred times cheaper.

DAVID SANDERS:

I guess the only thing I would look for is, and I know the application's only briefly addressed it.

That issue is clearly addressed. The towers have been identified and that they've been discounted for the reasons that you just gave. I think that a more complete application would actually address those issues so that we would know that we're not putting cell towers and other towers all over this county. With multiple users out there, there's tower within 500 feet of one another.

WILL KENDRICK:

Assuming approval, and assuming construction of that tower, we're perfectly willing to lease space, to negotiate with other cell providers for the use of our equipment. Again, our folks live, work, eat, breathe, buy their groceries here, same as you all. We want to be good citizens and we know what this area means to tourism and the beauty that we have in eastern Kentucky. We want to be as conserving and preserving of that as we can and still do business and provide our customers with the best possible service. The type that their used to anywhere.

BILL BLACKBURN:

That was item one on the public hearing agenda. Any other discussion on the Ratliff's Creek tower and the public hearing?

LAYNE TACKETT:

I have one little question. Bill asked a couple times when the construct date would be.

MARTY THACKER:

We're looking at mid-summer. Probably July, August time frame or something.

BILL BLACKBURN:

Any other discussion? Move on to item two. It's the McVey tower location. Discussion on this tower.

DAVID SANDERS:

I'm sorry, Mr. Chairman, I did jump out of sequence there when I asked my question but I'm taken care of.

BILL BLACKBURN:

Any other discussion on it? Fellas, a lot of this we're learning as we go along. The technology is great, we're thankful for it. We're thankful for all the jobs you all provide. I guess that is something in the future that we should consider. If the tower can be adjusted one way or the other, not to interfere with a mine opening or a large seam of coal, that should be a proper consideration in this area. Because it is tantamount to jobs and more cell phones purchased.

WILL KENDRICK:

We do, if I may, Mr. Sanders, file notice as required by the regulations and law for public notice, and directions of anybody that has comments to serve them here. File them with Karen, and, of course, they're more than welcome to send us a copy, too. In fact, we appreciate it when they do.

I feel like that everybody's accorded a fair chance and that we're all playing under the same rules of public notice and open discussion about this. That's how we operate and that's how we would like for everybody to operate. I'm particularly in tune with Mr. Sanders' request for better documentation. We're learning this too. It's one thing to put the bare minimum in an application to comply with law, but I can tell you that in the future we will attempt to document the efforts that we actually make, if that suits the commission. To contact other tower owners or any kind of effort that are actually performed in that area. These gentlemen are familiar with that and they've stood up here today and told you about those efforts. It wouldn't hurt at all to better document that so it's right before the commission ...

DAVID SANDERS:

I appreciate that, Mr. Kendrick. We're somewhat naive ourselves with this co-location issue. It's

difficult for us to understand whenever there's another tower in sight and it's just a few hundred feet away. Why do you need a second one? I think clarity to that issue would make it easier for us, and obviously, make it easier for the company to do what they need to do. Thank you.

WILL KENDRICK:

Thank you.

BILL BLACKBURN:

Any other discussion before we move on to our regular meeting? If not, we'll move on to the regular meeting agenda. This time I'll ask the clerk to call the role, if she will.

DAVID SANDERS:

Here.

JOHN ELLIOTT:

Here.

LAYNE TACKETT:

Here.

JIMMY KISER:

Here.

RICK GORTNEY:

Here.

BILL BLACKBURN:

Here. We need to approve the minutes as you all received them in the mail, is there any questions?

LAYNE TACKETT:

I move for approval.

RICK GORTNEY:

Second.

WILL KENDRICK:

Can we be excused?

BILL BLACKBURN:

The motion has been made to second it. Any other discussion? If there's no objection, they'll stand approved as printed. Any objection? I guess we'll actually be taking action on this, won't we?

DAVID SANDERS:

We would. It's on the agenda to take action.

BILL BLACKBURN:

Treasurer's report.

RICK GORTNEY:

Bad news. I issued Ms. Coleman a check for our last taking of the minutes. The bank refused to take the check. Not that we didn't have money in it. It's just that we opened this checking account in 1972. The bank has since changed hands and that was no problem. We went to Community Trust. They have now changed numbers, bank

account numbers. The bank account numbers on our checks are no longer any good. I can't even deposit the last two checks I've gotten. I'm gonna have to order new checks.

BILL BLACKBURN:

Do I hear a motion?

DAVID SANDERS:

I thought most of these banks provided free checks during a change-over. Do they not?

RICK GORTNEY:

No, well, since it wasn't.....

DAVID SANDERS:

We're poor folk, Rick.

RICK GORTNEY:

That was my question. We opened at Pikeville National Bank and Trust in 1972. When I took over as treasurer, that was the first thing, I went to the bank cause I was concerned about that. They said, "no problem". Out of 350 checks we wrote 76 checks since 1972. They said, "no problem, this checking account is good".

DAVID SANDERS:

We're probably not real high on their client list, are we?

RICK GORTNEY:

Up until about two weeks ago it was a good checking account. Everything was running fine until Ms. Coleman took her check for the last taking of the minutes and she was not able to cash the check. I had to call the bank and get it cleared before she would cash the check. I went to the bank and pointed out that it was fine up until they changed the bank account numbers. The numbers on the bottom of the check is no longer the bank account number.

BILL BLACKBURN:

I notice it has, the actual numbers, only got seven numbers instead of nine as their typical of.

RICK GORTNEY:

Yeah. Everything was okay two weeks ago; now they're saying that we have to get new checks and we do have to pay for them.

DAVID SANDERS:

I think you ought to do it, myself. I make a motion that he does what he has to, to get us back in business.

BILL BLACKBURN:

Motion made. Seconded. Let Rick just take care of the checking account there. Any other discussion? If there's no objection, the motion will stand approved. Any others to report?

RICK GORTNEY:

That's it, Bill. We do have money; I just don't know how much.

DAVID SANDERS:

Or where it's at.

BILL BLACKBURN:

Move on to item number four on the agenda. That's 'onsider necessary action regarding the application construction of the Ratliff's Creek cell tower for Appalachian Wireless.' What's the will of the commission?

DAVID SANDERS:

I think they made the demonstration necessary for approval by the statutes and I will make the motion we approve the site.

BILL BLACKBURN:

David makes the motion to approve the site. Is there a second?

RICK GORTNEY:

I second.

BILL BLACKBURN:

Rick Gortney, he seconds the motion. Motion is on the floor, any other discussion?

LAYNE TACKETT:

I'd like to have some sort of assurances that Bill's mining operation not be seriously affected by the cell tower.

DENNIS SHEPHERD:

I don't have any of the technical things that deal with that. That's a good point, we need to find something. This was not a requirement but it should be. We looked at their property, and mining was the issue on some of theirs. He ran me all over the mountain over there one day, on foot, in the wintertime, looking for a site. But also, Mr. Treap, that we bought this property from, is going to be building houses right near our tower. That's going to have the same restriction as the tower will have, concerning any mining within that certain border. I don't know what that is, but we do need to know that and we do need to have it as part of our application.

BILL BLACKBURN:

Any other questions or comment. We're all trying to get some clarity on this. Again, it's relatively new to all of us. Another tower outfit; we ran into this before. I think they ended up actually moving the tower. Did they not?

BILL VANHOOSE:

No. They built a temporary one. Where that was built, there's not a thing down there that I know of.

BILL BLACKBURN:

So will you all understand our position. We're just trying to take care of everybody.

DAVID SANDERS:

That was somewhat of a little different issue in that the coal in the surface was not severed. If you'll recall. In this case the coal has been severed and the surface ownership is different. I think the title was actually different.

BILL BLACKBURN:

I think in that case it was actually on the deed to the particular property.

BILL VANHOOSE:

Yes.

BILL BLACKBURN:

Well, this is not, this is adjacent. Let me just ask one thing before you speak, just to get clarity here. I think this, from what you all said earlier, right now the situation is, anytime you build a structure near, I mean, this is actually on the adjacent property. I am right in that?

BILL VANHOOSE:

Yes.

BILL BLACKBURN:

There's laws about building too close to houses and so forth. This would be if anyone were building anything up there. A house or any other thing within or near the border of that property. The same thing would still apply. Are we correct on that?

DAVID SANDERS:

It would impact it. Yes.

BILL VANHOOSE:

The other company had a map that you could read, and I agreed to a spot but they decided they was gonna move it 400 feet down the elevation without telling anybody. That was the problem with the other one. They seem to have theirs located on a map that you can read. Like I say, I don't own this property over there. They do. Did you all buy the mineral under it? -- stay on the surface?

DENNIS SHEPHERD:

We bought the surface. I doubt that Mr. Treap even owns that. I think Elkhorn Coal owns the mineral. They own the coal.

JOHN ELLIOTT:

For your all's information, there's a two

inch, active gas line in the middle of where you're wanting this tower.

DENNIS SHEPHERD:

Thank you; I'm very cautious around those.

BILL BLACKBURN:

Any other discussion on this? Layne, does that satisfy you?

LAYNE TACKETT:

If it does Bill.

BILL BLACKBURN:

Are you satisfied with this, Bill?

BILL VANHOOSE:

I don't want to hold anybody's project up because something may or may not get mined. Like I say, I don't own that property and I don't have to live beside of it. I think really -?-

BILL BLACKBURN:

Any other discussion? The motion's been made and seconded I believe. Clerk, call the role.

JIMMY KISER:

Yes.

LAYNE TACKETT:

Yes.

JOHN ELLIOTT:

Yes.

DAVID SANDERS:

Yes.

RICK GORTNEY:

Yes.

BILL BLACKBURN:

Yes. Move on to the fifth item on the agenda. That's the tower at McVey for Appalachian Wireless. Is there a motion on item number five?

LAYNE TACKETT:

I make a motion that we approve.

BILL BLACKBURN:

Motion is made by Layne to approve. Is there a second?

JIMMY KISER:

Second.

BILL BLACKBURN:

Jimmy seconds the motion. Motion is made and on the floor. Discussion from the public or from the commission? There be none. Clerk, if you will, motion made and seconded, call the role.

DAVID SANDERS:

Yes.

JOHN ELLIOTT:

Yes.

LAYNE TACKETT:

Yes.

JIMMY KISER:

Yes.

RICK GORTNEY:

Yes.

BILL BLACKBURN:

Yes. Consider the sixth item. Consider a letter of request for Gerald Robinette, of Appalachian Wireless, with regard to the cell tower relocation at Phelps. Do you all want to address that?

DENNIS SHEPHERD:

That fits in with this mining thing because we have moved the tower. It was not ours. We had located on - co-located on another tower. They had to move it, of course, we had no right -?- We think we've found a spot to relocate in that same area. The coal companies are very helpful in helping us with that. We need to search in that area. When we had to move it a little bit, we lost some people. When you lose your customers due to good service, he's not happy and I don't blame him. We're on a good spot and property owner is willing. We very much appreciate the

opportunity to continue to serve that area.

BILL BLACKBURN:

Have we been presented the proposal for that relocation?

DENNIS SHEPHERD:

No. We do not have the lease agreement finished and we were co-locating on their tower. We no longer have a tower, no longer intend to use the tower, so we're going to have to get the lease completed before we come to you with that.

BILL BLACKBURN:

So you're not really making a formal proposal this evening?

DENNIS SHEPHERD:

Not at this time. That was just a temporary thing, for the time to keep going we just moved a small, temporary tower over to serve the area until we secure the lease for that property.

BILL BLACKBURN:

Questions or comments concerning this temporary tower from the public or the commission?

JIMMY KISER:

Will you be putting it on the same tower, I

understand it that you was co-locating with one and then...

DENNIS SHEPHERD:

That tower no longer exists.

JIMMY KISER:

Okay. So you have to build a new tower?

DENNIS SHEPHERD:

We have to build a new tower.

JOHN ELLIOTT:

You're looking at putting a temporary in until the new tower can be built. That's what you ask our approval of now?

DENNIS SHEPHERD:

Right. We would like to have approval of that. We are almost to the point of securing a lease. That should happen shortly. We would hopefully be ready to approach your next meeting with that full application.

BILL BLACKBURN:

For the temporary tower?

DENNIS SHEPHERD:

For the full tower.

BILL BLACKBURN:

But you're asking permission tonight for a temporary tower?

DENNIS SHEPHERD:

To keep service in the area.

DAVID SANDERS:

I'm not for sure, but I don't think this board needs to approve a temporary tower. Maybe Mr. Kendrick can address that, but I don't believe that you'd have to have approval for a temporary facility. Only a permanent facility requires an approval by us.

LAYNE TACKETT:

Didn't we have a cell company come to get approval for a temporary.....

DAVID SANDERS:

They asked for approval for a temporary tower down near the plaza. I guess until they decide to do something different. Unfortunately, does not address the length of time for temporary. We can grant approval for temporary facility I suppose. I will make a motion we permit Appalachian Wireless to locate a tower temporarily in the Phelps area to serve that community.

LAYNE TACKETT:

Second.

BILL BLACKBURN:

The motion is made and seconded. It's on the floor. My only concern there would be, is, if we don't have the authority to do that and there was someone out there

affected by that. Do you get what I'm saying? They put up a temporary tower, and we okayed it, and it was in the path of the plane or something. Do we have that authority? That would be my concern.

DENNIS SHEPHERD:

I'm gonna let Marty answer. He's the technical one.

MARTY THACKER:

The tower would be only 120 feet which would not require FAA or -?- requirements.

BILL BLACKBURN:

What if we pass this just with the stipulation that Will give Rusty a call and just make sure we're okay and things. Would that be agreeable? Just give us a little more comfort level.

DAVID SANDERS:

That's fine.

WILL KENDRICK:

If the commission would act on this and approve it, I'll be glad to coordinate it with Mr. Davis. We don't mean to ask for approval that we don't need. When we get them, we want to do whatever the requirements are. So, I'll be glad to do that.

BILL BLACKBURN:

How's the commission feel? Is that agreeable?

DAVID SANDERS:

I would like to amend that the height of the tower be restricted below any height that would require LCC approval. Secondly, that the tower be followed up by council, with the city attorney, that we have not violated any standards.

WILL KENDRICK:

I'm able to give you both those assurances.

JOHN ELLIOTT:

You mean FAA, don't you?

DAVID SANDERS:

Okay. FAA, I'm sorry. Not FCC. Thank you, John.

BILL BLACKBURN:

Alright. The motion has been made, amended, and agreed to. Any other discussion? Clerk, call the role.

DAVID SANDERS:

Yes.

JOHN ELLIOTT:

Yes.

LAYNE TACKETT:

Yes.

JIMMY KISER:

Yes.

RICK GORTNEY:

Yes.

BILL BLACKBURN:

Yes. Consider discussion with Big Sandy Area Development Plan representatives concerning comprehensive economic development plan for Pike County. Fellas, I think that concludes your business. Appreciate you all coming. You're welcome to stay if you like. Appreciate your good work.

DENISE THOMAS:

Denise Thomas, with Big Sandy Area Development.

BILL BLACKBURN:

I'm supposed to swear everybody in that speaks, but I don't think we'll be taking any acts on anything you're delivering this evening.

DENISE THOMAS:

That's true. I am working with the county and the Industrial Development Authority in preparing an economic development plan for Pike County. I am in the process of working with, interviewing, and meeting with various agencies and estate holders within the county. That

is not the pupose for being here today. I would like to have this body's input into that process. Into how you envision Pike County looking in the next 15 to 20 years and what action items, what goals and objectives, that you would like to see considered as a part of an economic development plan in the county. I do have a couple of instruments, survey tools, that I would like to distribute to you for your review and input. Whether that be tonight or whether that be sent to me at a later time, or I can e-mail, as well. However you would like to address that. I'd like to distribute these to you.

DAVID SANDERS:

Are you talking about comprehensive economic development plan very similar to what the city of Pikeville has just completed a little more than a year ago?

DENISE THOMAS:

Correct. --?--

I don't know how you want to, if you want to consider discussion on this this evening, or, if you would like to think about it. Have me come back to your next meeting. It's up to your decision.

JOHN ELLIOTT:

As I understand from the meeting this morning

she's wanting individual's opinions and then a group effort together from each of these committees she sent them to. My suggestion is, of course, that we each as individuals feel this out and send them to her. But than also, bring our individuals together and then do a group effort, may be somewhat.....

DENISE THOMAS:

She's got a lot of time.

BILL BLACKBURN:

Would you like to come, well, what's the will of the rest of the commission?

LAYNE TACKETT:

I think John's suggestion is the right one.

BILL BLACKBURN:

Everyone pretty much in consensus with that? Let us study this a little bit on our own. Would you be able to come in 60 days?

DENISE THOMAS:

Certainly. When is your next meeting?

BILL BLACKBURN:

It's every other month.

DAVID SANDERS:

June the 13th.

_____? _____:

When do you have to have this stuff in, not today?

DENISE THOMAS:

My goal is to have everything together by the end of May. If that doesn't happen, it's not... if approved, I may. If that's not possible then I understand and we can meet at another time.

JOHN ELLIOTT:

To do it before the end of May we'd have to have a special meeting. Of course, it would have to be a public notice deal if that's what we decide to do with this. I wouldn't think it would have to be. It's whatever you all want to do. Our next meeting is not scheduled until the second Tuesday in June.

BILL BLACKBURN:

June 13th.

JOHN ELLIOTT:

June 13th.

DENISE THOMAS:

I'll look forward to that.

BILL BLACKBURN:

We can still do this individually.

LAYNE TACKETT:

Then do it together on the 13th?

BILL BLACKBURN:

It's a good thing. We'd certainly like to review it when it's completed.

LAYNE TACKETT:

What is the time frame for the actual completion of it?

DENISE THOMAS:

Our goal for completion is by October.

BILL BLACKBURN:

What's the will? Review it? Plan on seeing her at the next meeting. Is that the motion, John?

JOHN ELLIOTT:

That would be my motion. Realizing we'll have to take some time for discussion of this and decide what we're going to do prior to the meeting or at the meeting.

BILL BLACKBURN:

You'll probably have a lot more to share with them anyway from input from everyone, won't you?

DENISE THOPMAS:

Certainly.

BILL BLACKBURN:

Is there a second to that?

LAYNE TACKETT:

Yes. Second.

BILL BLACKBURN:

Layne seconds it. Any other discussion?

Clerk, call the role.

DAVID SANDERS:

Yes.

JOHN ELLIOTT:

Yes.

LAYNE TACKETT:

Yes.

JIMMY KISER:

Yes.

RICK GORTNEY:

Yes.

BILL BLACKBURN:

Yes. Denise, appreciate your good work.

Appreciate you being here this evening.

DENISE THOMAS:

Thank you. If I may get e-mail addresses for

those of you who have them and I can follow-up individually, as well. If you have any questions of me, you can give that discussion before your next meeting.

BILL BLACKBURN:

That's the last item, isn't it? Is there a motion for adjournment?

DAVID SANDERS:

So moved.

LAYNE TACKETT:

Second.

MEETING ADJOURNED

Joint Planning Commission 4-11-06

Ben Blackburn

Jimmy Kiser

Jayne Jackson
~~John Elliott~~

Wats C. V. Moore

Karen Harris

Dennis Hyslop

Marty Shaker

William S. Kendrick

Judy Glenn

Paul Sanders

Denise Thomas - BSADS