

The Alleghany County Board of Commissioners met in quasi-judicial session on Wednesday, May 21, 2014, at 6:30pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chairman Larry Cox, Vice-Chair Tom Smith, Commissioner Larry Davis, Commissioner John Goudreau, Commissioner Karen Leys, County Manager Don Adams, County Attorney Donna Shumate and Clerk to the Board Karen Evans.

Chair Cox called the meeting to order and explained the purpose of the meeting.

County Manager Don Adams reviewed the procedures for this quasi-judicial public hearing; the Board will discuss if any of the Commissioners have a conflict of interest, Chair shall call on the Planner and the applicant to present the application, all people speaking must be sworn in by the Clerk to the Board prior to offering testimony, reserve objections to the end of the testimony, after the application is presented then the Chair will ask if there are any questions from the affected property owners, sign-in sheet, expert witnesses will be allowed to be called, if the Chairman deems it appropriate to call someone who is representing several affected property owners to speak next, allowing for questions after that testimony, then other affected property owners to speak next and allowing for questions following those testimonies, go through that process until it is complete and then at some point it will go back to the Board for discussion/debate and possibly a decision.

Louise Paglen objected to attorneys giving factual information and are not witnesses in judicial proceedings.

County Manager Don Adams stated that objections will be noted for the record then we will proceed forward.

Chair Cox asked people to not interrupt, and to let people say what they want to say because the Board wants to hear it. He said the Board will try our best in this hearing. He discussed conflict of interest; if a Commissioner has a strong 'personal interest' in the case he or she must not participate in that case and a 'personal interest' includes a financial interest in the outcome, a close personal, family or business relation with the parties, a predetermined opinion about the outcome (a disqualifying bias), or undisclosed outside communications about the case. He individually asked each Commissioner if there are any conflicts. All members stated they did not have a conflict of interest.

Oath administered to Travis Dalton by Clerk to the Board Karen Evans.

Travis Dalton described the packet and gave a summary of the project as follows: conditional-use permit application for the construction and operation of a wireless tower located near Glade Valley Church Road, Sparta, NC, parcel owned by Earl and Carol Harris has a gross acreage of 32.79 acres, structure is a 120 foot wireless tower and will consist of 100' x 100' leased area for buildings, buffer and site details listed on plans, listed adjoining subdivisions consist of Glade Valley School subdivision, set of color photos for the proposed area, according to the Alleghany County Land Development Plan, (Maps 18 and 20) this property is in rural community cluster and rural community areas. He asked the Board to please review the attachments for further explanation of these categories. He continued describing the pages in the packet; the definitions of rural community clusters and rural community, color photographs of the site, table of contents for the conditional-use permit, conditional-use permit application, project description, appointment of agent, site justification/co-location maps/coverage maps, community compatibility assessment, boundary of property by metes and bounds/survey, lease agreement, site plan, aerial map/GIS map, Blue Ridge Parkway letter, construction timeline, impact statement, vicinity map with 2,000 foot buffer, addresses of parcels.

Oath administered to Louise Paglen by Clerk to the Board Karen Evans.

Louise Paglen listed out the people she represents; Blue Ridge Christian School, Michael and Katee Hettleman, Bill Fleckenstein, Tom Gentry, Bob and Janice Alexander, John Chalk, Helen Duncan. She asked about the process for a conditional-use permit for a cell tower also needs a special-use permit under the Wireless Communication Tower Ordinance.

Travis Dalton said that is correct.

Louise Paglen asked about also applying for a conditional-use permit because the use is inconsistent with the zoning. Travis Dalton explained everything is considered residential-agriculture in the Property Rights Protection Ordinance and if you want to do something else, it requires a permit.

Louise Paglen and Travis Dalton talked about any cell tower anywhere in the county, outside of the extraterritorial jurisdiction, requires a conditional-use permit. They talked about if the application tonight is approved, the company would still have to apply for a special-use permit because they are two separate ordinances, and the Planner would have to make a recommendation to the County Commissioners on the special-use permit. They discussed the company has to look at other tower sites. He referenced the wording of the Ordinance. She asked about looking at the water tower. He said there is documentation showing there wasn't another site to fit their needs. She asked if he was aware that there was a water tower on the Harris property. He said yes he is. She asked has it been considered as a possible location. He answered not to his knowledge, and referred to wording in the Ordinance including if the water tower is of the appropriate height to be considered. She talked about as part of the conditional-use permit, there is the compatibility assessment that the applicant must answer yes or no. He agreed. She referred to two questions that seem applicable in this situation; new unsightly view. She asked if the Planner discussed that with American Tower. He stated no because it is up to the governing board to determine if it is correct. She said that is what happened at the Planning Board meeting when they determined it wasn't compatible based on the assessment. He agreed. She referred to the question in the assessment that asks about the impact to property values. He agreed. She asked those property owners in 2,000 feet are the affected property owners. He agreed based on the Ordinance. She said that American Tower answered that question no and the Planner didn't ask them about it. He said once again that is for the governing body to do. She said that was one of the reasons the Planning Board denied the application because they determined it would have a negative impact on the property owners. He stated they determined that the witness at the time was not an expert based on the impact study submitted. She asked doesn't a Planning Board member have real estate experience and said in his opinion that it would have a negative impact on property values. He answered yes.

Dave Pokela stated that he represents the American Tower, and he lodged an objection to the extent of that questioning in respect to the Planning Board and their reasons for denying it.

Oath administered to Dave Pokela, Madan Belgode, Michael Smith and Graham Herring by Clerk to the Board Karen Evans.

Dave Pokela said he respects that this is a local board conducting a quasi-judicial hearing but there are certain things that must be done to protect the record. He talked about sending the County Attorney an email about the type of hearing this is; certiorari or de novo, and it is his understanding that we are proceeding with a de novo hearing and for the record he lodges an objection to rehearing the entire matter plus he wanted to introduce some things into the record with respect to that.

Commissioner Leys asked that the difference in the two hearings be explained.

Chair Cox said that a de novo hearing is the Board starts with the evidence as it being completely new and the other one is the Board would be reviewing the Planning Board's decision whether they made the correct decision. County Attorney Donna Shumate stated that is correct.

Dave Pokela gave items to the Clerk to the Board Karen Evans to be introduced into the record; email to the County Attorney regarding the type of hearing for this meeting, an audio and minutes from the Planning Board meeting. He talked about he emailed the County Attorney in reference to the required vote on this matter since the North Carolina General Statutes (NCGS) has changed to being a majority rather than 4/5.

County Attorney Donna Shumate stated that she hasn't had any conversations with the Commissioners since receiving the email.

Dave Pokela said that the vote tonight should be a simple majority as the Statutes exist right now. He cited NCGS 153A-51A regarding public safety as it relates to radio frequency emissions, and stated that testimony would not be allowable based on that Statute. He handed the document to the Clerk. He addressed an objection made by Ms. Paglen earlier about comments from a lawyer. He cited NCGS 160A-393 (k) (3) about the evidence submitted at this hearing. He began to present a PowerPoint presentation and stated he is representing American Towers, who is proposing a 120-foot monopole tower like the other tower sites previously approved by this Board. He continued with his PowerPoint presentation including in the past, cell phones had been used for voice transmission, but things have changed in the last ten years and now they are heavily relied upon for data transmission, sending and receive texts, accessing the internet, to send and receive emails, download apps, access online medical information and banking. He talked about more consumers rely exclusively on wireless devices and the growth trends of wireless services. He talked about the increased usage is putting a strain on the current infrastructure, and because of the increased usage the cell towers need to be closer together to meet those needs. He gave an overview of the location

by showing several different maps and aerial views. He discussed a map of the surrounding area where the tower would be located. He reviewed a map showing the proposed towers, existing towers and the tower in discussion tonight. He discussed they were trying to provide coverage so that there would not be dropped calls as one travels through Allegheny County and this current cell tower request would be critical in providing that coverage.

Madan Belgode stated that he works for AT&T as a radio frequency design engineer and explained what that means.

Dave Pokela and Madan Belgode discussed these are the maps for coverage with and without the Glade Valley tower. Dave Pokela went to a slide that shows a map of AT&T coverage without the Glade Valley tower and talked about the AT&T white space initiative to provide coverage in the white spaces and then to a slide showing coverage with the Glade Valley tower. Dave Pokela discussed the legend and what the colors mean. Madan Belgode agreed.

Dave Pokela talked about public safety and quoted NCGS 153A-349.50 (a) and 153A-349.50 (a) (1). He said that according to Wendy Williams 57% of 911 calls are received by cell phones. He reviewed the coverage maps. He talked about the health, education, business and economic development benefits and quoted the School of Government. He discussed co-locating on other towers and there were no towers close enough to co-locate. He added that they had done an ASR (Antenna Structure Registration) search within one mile of the site, stating that anything beyond that is not something they can utilize. He noted that water towers aren't required to be registered is why it doesn't show up on this report. He talked about the water tower is old and rusty and cannot be used. He stated that AT&T puts about 600-800 pounds of equipment on these structures, and that particular water tower has been deemed insufficient because of its age and condition.

Dave Pokela asked Madan Belgode if he has seen the water tower. Madan Belgode said yes he has. Dave Pokela asked if the water tower is insufficient because of its age and condition. Madan Belgode said yes.

Dave Pokela discussed another issue that came up with the Planning Board; the location of certain sites that might be historic sites. He explained they have submitted paperwork and received a statement stating the proposed tower site will not affect historic properties. He reviewed the site plans of the tower including the tower location, the access road, the 100' by 100' area, fenced in area, equipment shelter, generator facility and open space for future co-locations. He next described the compound layout, including the center where the monopole tower will be. He then described the antenna tower elevation slide, including the AT&T antenna at the top and the three co-location antenna sites to be for future providers. He stated that there is a co-location in progress at the Twin Oaks site for Carolina West. He reviewed the uses of the properties around the proposed site. He provided photograph simulations of the area showing the proposed tower from different views. He reviewed a map of the view shed based on topography and different property owners' views; Gentry property, Alexander property, Chalk property. He showed a video showing the Harris property and the view at the tower and from the road. He talked about the property owners' views; Ebright property, the church property.

Michael Smith stated that he is a state-certified general appraiser and has been appraising property full time for 17 years primarily in Allegheny County. Dave Pokela asked him if he has been qualified before to give expert opinion testimony on the value of real estate. Michael Smith said yes, at least a dozen times in a variety of setting; such as this, Superior Court, District Court, IRS. Dave Pokela asked if he visited the Harris property. Michael Smith answered yes he has. Dave Pokela asked if he visited the properties around the proposed site. Michael Smith answered yes he did. Dave Pokela asked if he evaluated the properties for any detriment if the proposed tower is approved. Michael Smith said yes that is what he was doing. Dave Pokela asked him to explain how he did his analysis. Michael Smith explained he was contacted to provide an independent analysis as to whether the proposed tower would have any negative impact on the surrounding properties. Michael Smith further explained that he broke it down into two phases; macro and micro, and how he looked at the properties for appraisal including other properties he visited in the county as a comparison.

Dave Pokela said he has the Impact Analysis completed by Michael Smith, and provided copies to the Board of Commissioners, County Manager, County Attorney, Clerk and Louise Paglen.

Louise Paglen asked if questions can be asked of the witnesses.

Chair Cox said after they are done.

Dave Pokela tendered Michael Smith as an expert.

Michael Smith explained how he looked at the properties including people that he spoke to during his analysis. He talked about property that is effected by towers; Rich Hill Mountain. Dave Pokela asked if the realtor he spoke was Ms. Presnell. Michael Smith said yes it is. Dave Pokela showed two PowerPoint slides that illustrate the area that Michael Smith referred to. Michael Smith agreed that is the area, described the area and explained the issues in trying to sell this property including can a tower affect property and this one is proof that it can however these are larger lattice towers and there are multiple towers versus the monopole that is being described in this case. Michael Smith said with that in mind, he looked at properties immediately surrounding the proposed tower site, and determined that most of those properties didn't have any significant or noticeable impact from the proposed tower but he located one track, the McLaughlin track, that might be impacted so he looked at it further. Michael Smith said this track is wooded and the closest property line to the tower site, he talked about the topography in the area starts going down and pretty quickly gets you down below the tower site, and leaving 3 rows of trees it would be pretty hard to see in full site. Michael Smith talked about all of the things he took into consideration to determine there really wouldn't be any affect to values at all. Dave Pokela asked he considered all of the other properties as well. Michael Smith said he considered all of it and the uses in the area being all of the different types of uses in the area so there is really no reason to think any of those properties are negatively affected by the 120 foot tower. Dave Pokela asked if it was his conclusion when looking at this that the property that could be most affected was the McLaughlin property and it was his conclusion that it would not be negatively affected from the value standpoint. Michael Smith said that is correct. Dave Pokela asked about lot sales. Michael Smith explained one of the processes that he went through was to look at lot sales in tower sites location, and there was no noticeable difference in the prices from lots that could see the tower versus lots that couldn't see the tower, and he referred to his report showing the data. Dave Pokela asked about the Rich Hill property includes a lattice tower that is more than 120 feet. Michael Smith said that is what he considers a tower farm because there are at least 3 towers, they all are lattice-type towers and pretty sure one of them is lit. Dave Pokela asked if it was on a ridge line. Michael Smith stated that it is on the top of the ridge.

Dave Pokela said to complete the record, he thinks Mr. Herring's impact Statement is already in the record.

Travis Dalton said yes.

Dave Pokela stated that Mr. Herring is here to answer any questions. He provided a copy of the application, copy of the PowerPoint to the Clerk. He provided a copy of the PowerPoint to Louise Paglen, the Board of Commissioners, County Manager, County Attorney and the Planner. He reviewed the items for the Board to consider; how the proposal matches the Land Development Plan's goals and objectives including there are several items that there is no impact to and addressed the goals that the proposed cell tower meets. He said he thinks the Board will find this plan is consistent with the Land Development Plan's goals and objectives. He talked about then the Board will look at the compatibility assessment, and he began to answer those questions including this tower does not create unsightly views. He talked about stealth technology and provided pictures to the Board showing the stealth technology. He talked about the different types of stealth technology and that is something they will provide if the Board wishes to do so. He continued with the compatibility assessment questions stating the site won't have any noise, no requirements of lights, no water run-off problems, no odor issues, no impact to land values as noted by earlier testimony and no traffic because it will only be 2 maintenance visits to the site per month. He said that they have submitted the application and isn't aware of any requirements that are not met.

Louise Paglen stated that she objects to any testimony that was not supported by an independent evidence witness. She referred to a North Carolina State Bar opinion that attorneys are not witnesses. She reiterated that she objects to any testimony by the attorney that was not supported by a witness.

Louise Paglen asked Madan Belgode when he visited the water tower. He stated coming to the hearing today. She said that he testified that the water tower would not be suitable for co-location and what that statement was based on. He stated yes and is based on his visual inspection of the tower. She asked if he relied on any documentation to make that decision. He said not at this point, no. She asked if American Tower or any cell phone towers used water towers for co-location. He said yes in some cases. She asked could an old water tower be stabilized to use for co-location. He answered he would not know that without the structure analysis. They discussed he did not have a structure analysis available to him when he testified that it wasn't an option for co-location. She asked would it be more expensive to use a water tower than build a new. He said he cannot answer that question. They discussed he prepared the report that is part of this record. She asked if he can answer questions about the pictures of other types of towers. He explained what is different about the tower. She asked about the height of the tower in the first picture. He said he would not be able to answer that question. She asked about the height of the tower in the second picture. He said

generally these types of stealth towers can go up to 120-130 feet. They discussed these types of towers are another option. She asked about having the fencing around the towers as noted in the report and the design he submitted. He said yes. She asked how many square feet is that area. He answered he didn't know. She asked isn't it in your report.

Dave Pokela said that it isn't in his report, and the construction drawings are from an engineering firm and they are different. Madan Belgode stated he did the radio frequency design. She and Dave Pokela talked about what information Madan Belgode submitted in the record; the AT&T engineering letter. She asked Dave Pokela how much area the fencing takes up. He answered the leased space is 100 x 100 and he thinks the fenced area is 70 x 70. She said it's in the record. They discussed when Dave Pokela testified about the view would not be obstructed and the property owners would not have an unsightly view. He explained the fence is surrounded by vegetative and there is a wall of trees. They discussed he doesn't know how tall the trees are and he doesn't know about the stealth monopole technology tower because he doesn't know the tower's height in the picture.

Louise Paglen and Michael Smith discussed that he was contacted by Dave Pokela at Nexsen Pruet and he has worked on one other case for him in the county and concluded that site would have no negative impact on surrounding property values and he was compensated \$2,850 for the work including tonight. She asked him to identify the 10 realtors that he spoke to. He said he doesn't have his list with him but he talked to Tim Carter. They discussed he does all types of appraisals in Alleghany County. He said he talked to Boy Man Dixon and Shirley Richardson along with a couple people in her office. They discussed his conversations including Paula Presnell told him about one location she is having a hard time selling but the others said they weren't having any problems. She asked what banks is he on the approved list of appraisers. He named Yadkin Bank, BB&T, Wachovia, First Community Bank, Southern Community Bank, and said there are several.

Louise Paglen and County Attorney Donna Shumate discussed the procedures about affected property owners can ask questions, too.

Oath administered to William Fleckenstein by Clerk to the Board Karen Evans.

Chair Cox declared a brief recess at 8:10pm.

William Fleckenstein stated his house is the closest to the site. He asked if Mr. Smith is aware that the pine trees he referred to are only 15-18 feet tall. Michael Smith said he was referring to trees on the McLaughlin property. They discussed that there are a variety of sizes in the trees around the site. They talked about Michael Smith stated his visited Mr. Fleckstein's property at 98 Bradford Lane on April 12 and again two days later and determined there would be no negative impact. William Fleckenstein showed everyone on the map where his property is located. Michael Smith talked about his property is below the rusty tower. William Fleckenstein stated that Michael Smith said he visited every property but made no mention of his property. Michael Smith stated he did visit every property but didn't name every property.

Oath administered to Katee Hettleman by Clerk to the Board Karen Evans.

Katee Hettleman stated she lives in Glade Valley and is on the board for the School located right across the road from the site. She started to review the information on the map.

County Attorney Donna Shumate asked if this is questioning the witness or presenting evidence.

Louise Paglen asked if Dave Pokela could answer the question since it was in his testimony.

Katee Hettleman asked Michael Smith how he created this map. Michael Smith explained he created the map after visiting the properties and using the GIS system for assistance. She talked about there are areas marked residential vacant that actually have homes. He explained those areas are residential or vacant. She said she wanted it to be clear that there are houses near the site. He stated his testimony was there are a variety of land uses in that area.

Chair Cox said we are still in the part of the hearing to ask the applicant questions and we will get to the respondent's testimony portion where the applicant or anyone else can ask questions as well. He asked if there are additional questions.

Mindy Hall asked if she could make a statement in response to Mr. Smith's appraisal.

Chair Cox asked her if she is an affected property owner.

County Attorney Donna Shumate explained at this point it is only asking questions of the applicant.

Chair Cox reiterated that this is questions for the applicant.

Louise Paglen stated Mindy Hall will be sworn in as an expert witness and asked that she be allowed to ask another expert witness a question or at least let her ask the question. She stated that we are all tired and thought each side would have 30 minutes, which clearly American Towers has had more than that.

Chair Cox said we want everyone to be heard and that's true. He asked the County Attorney for guidance.

County Attorney Donna Shumate said at this point it needs to be questions of the applicant's witnesses.

Louise Paglen asked can she ask her expert witness what her question is.

Chair Cox said to confer with her please.

Louise Paglen and Mindy Hall privately talked.

Louise Paglen asked Michael Smith to explain the difference between appraised value and marketability value as to whether property will sell at all. Michael Smith clarified to explain the difference between appraised value and what. Louise Paglen said she withdraws the question and will ask her expert witness when she testifies.

Dave Pokela asked Michael Smith a question about Mr. Fleckstein's property being impacted by the rusty water tower. Michael Smith said yes.

Dave Pokela asked Madan Belgode a question about Louise Paglen's questions about reviewing the water tower for co-location. Madan Belgode agreed. They discussed Madan Belgode wasn't involved in any prior analysis about that site for co-location including not working with Susan Stancil and the acquisition team in considering the water tower site but Madan Belgode reviewed it today to testify tonight. They further discussed that some structures are so old they don't require an engineer study and this is so old and unsuitable that it is not suitable for the type of equipment that AT&T proposes.

Chair Cox asked for additional questions. No one spoke. He asked the respondent to present and asked Louise Paglen to go first since she represents several people.

Louise Paglen agreed with County Attorney that this is a quasi-judicial hearing. She read NCGS 160A-388 (b) (1) (8). She proposed to the Board since the applicant presented a lot of information that wasn't part of the notice of the appeal and that her clients have been prejudiced and haven't had to time to review the information, she asks that this hearing be continued according to the Statute. She asked the County Attorney if she needs the cite. County Attorney Donna Shumate answered no.

No one spoke.

Louise Paglen said so there's no answer to do so and she is just stating it for the record.

Chair Cox said he supposed so because the Board is here to hear everyone.

County Attorney Donna Shumate said she isn't a judge and can't make a ruling on anything.

Louise Paglen said so the record will show there is no response to my request.

Chair Cox said that the Board is hear tonight to hear everybody.

Louise Paglen explained her reasons for asking for a continuance including it's 8:30 at night and this is a difficult time to be doing a quasi-judicial hearing plus they were told it would be 30 minutes. She said she wants the record to reflect that she made the request, there was no response and they are just now starting.

County Attorney Donna Shumate said that if the Board proceeds, that is a response in itself.

Louise Paglen said she is just making the record clear. She stated that she will not be testifying tonight; she will only be summarizing on behalf of her clients what the important issues are here tonight. She said we are discussing if this tower meets the compatibility uses including does it cause unsightly views and impact to land values. She talked about what is already in the record including the diagrams and pictures of cell phone towers make it clear that it is an unsightly view and her clients are here to express their opposition to the tower or use the water tower as a possible choice or ask American Towers to mediate a solution to this. She asked that a letter sent to the Commissioners by John Chalk, which she does not have a copy, be entered into the record. She asked that a letter from Carl Robert Alexander be added to the record. She handed the letter to Dave Pokela to read since she only had one copy.

Chair Cox stated that he received the letter from Mr. Alexander but did not read it.

Louise Paglen said that her request is for it to be considered by the Commissioners and entered into the record.

Chair Cox said that we have one Commissioner who said they didn't get it.

Commissioner Goudreau said he did not receive it.

Chair Cox explained he didn't read the letter because he didn't want to prejudice what was going to be presented tonight.

Dave Pokela asked for time to read the letter.

Commissioner Leys asked if the Board will be privy to this letter.

Louise Paglen said she only has the one copy and will be glad to read it into the record.

County Attorney Donna Shumate said we can make copies.

Louise Paglen stated that she requests to be allowed to read it into the record since there is only one copy.

County Attorney Donna Shumate said we can do both.

Louise Paglen read the letter from Bob and Janice Alexander notarized by Donna Crouse Edwards.

Dave Pokela said his objects to the letter because Mr. Alexander is a witness not present.

County Attorney Donna Shumate stated what we have done before is to allow someone to do their presentation then make the objections.

Louise Paglen pointed out that in Dave Pokela's presentation he stated that this was a quasi-judicial proceeding and rules of evidence do not apply because otherwise most of what has been presented would have been excluded. She pointed out NCGS 153A-349.52 governs the construction of new wireless cell phone towers. She said in Dave Pokela's testimony the need for this service in this area because it is not relevant to public safety, land development or zoning issues. She talked about the public safety portion was not in the notice of appeal so they are not prepared to respond to that issue.

Oath administered to Tom Gentry by Clerk to the Board Karen Evans.

Tom Gentry, board of trustees for Glade Valley Church, explained he lives ¼ mile from the property. He talked about the area and timber being cut so there will be a good view from the church. He said most people who cut trees here clean it up and replant trees. He stated let's not worry about the view tonight. He said his concern is for Bill, whose property is very close, because he is going to be looking up at the tower when he comes out of his house. He asked if Bill tries to sale his home and someone up the road is trying to sale their home where you don't see the tower, which one would someone buy. He stated that everyone knows that this tower will be close to a church, a school and residences, and if this site is approved then it looks like all sites would have to be approved from now on. He talked about people receive pretty good income from the tower location and one reason could be because of the amount the value will be affected.

Louise Paglen showed Tom Gentry a picture and asked if that is the church and cemetery he is referring to. Tom Gentry said yes it is. She asked him to describe the area. He talked about it is a dead-end road, church isn't active but the cemetery is very active and his opinion is the church is 600 feet from the proposed site and the timber will be cut at some point. She said to let the record reflect the picture is of the Glade Valley church. She asked Tom Gentry what his profession is. He answered that he has been in banking/lending for 25 years. They discussed how he would view an appraisal of a property adjacent to a cell tower, like Bill's, that didn't discount for the tower, they would be hesitate to accept the appraisal, which is based on his years of lending experience.

Oath administered to Paula Presnell by Clerk to the Board Karen Evans.

Louise Paglen asked Paula Presnell what her occupation is. Paula Presnell stated that she owns Mountain Dreams Realty, which is about a mile up the road from the site, and has been a licensed real estate agent since 1998. Louise Paglen asked how many properties has she sold. Paula Presnell said she doesn't have any idea. Louise Paglen asked in any given year. Paula Presnell said she has been a resident of Alleghany County all of her life so she pretty much knows the county. Louise Paglen said Paula Presnell has 20 years selling real estate in this county so she would proffer Ms. Presnell as an expert in real estate values in this county. They discussed Michael Smith did contact Paula Presnell about property. Louise Paglen asked about the address for the property that Michael Smith spoke about. Paula Presnell stated 1111 Rich Hill Mountain Road, Glade Valley. Louise Paglen asked Paula Presnell to describe the property. Paula Presnell explained the property should have sold, it was overpriced, got it down to the current market, house has been on the market in excess of 1,600 days, 3-story log home in pristine condition, fantastic views, great neighborhood, house has been shown in excess of 24 times, has asked agents for feedback and everyone but one said the tower has been the deciding factor not to buy this property. Paula Presnell explained they had a house listed next to this where the lady was in dire straights and took about a \$45,000 hit to get rid of it because she had to go into a nursing home. They discussed buyers said they didn't want to look at it and some people think there are health issues involved and resale value. Paula Presnell talked about this will affect every one of us, first cell phone tower was installed on her father's property, the property owner will realize a chunk of money but what about everyone else, tourism is a big deal because people come here to see the views but there is something on every ridgeline going to Piney Creek and asked why do we need another cell phone company. They discussed that Paula Presnell discusses with property owners the market value of their property and conversations with the property owners on Rich Hill Mountain Road about the affects of the cell phone tower to their property. Louise Paglen asked Paula Presnell based on her opinion would this proposed tower site would negativity affect the property values and create an additional unsightly view in that area. Paula Presnell said yes it would. Louise Paglen asked if Paula Presnell disagrees with Michael Smith's testimony. Paula Presnell yes and explained he did call and ask would it affect the property values and she told him yes it would. Louise Paglen asked if she was receiving compensation for her testimony. Paula Presnell said no.

Oath administered to Mindy Hall by Clerk to the Board Karen Evans.

Louise Paglen asked Mindy Hall to state her occupation and describe what she does. Mindy Hall said she is a real agent with United Country for the last 7 years doing listing and selling including how she reviews the area where property is selling to determine the price of the property and looks at things such as whether a cell phone tower is close. Mindy Hall explained that is how they determine the marketability of a property in order to price it appropriate on the seller's side and then on the buyer's side trying to fit in their needs. Mindy Hall discussed a report that shows there were 88 houses in Alleghany County sold last year and during that same timeframe 250 new homes were listed, so there is a lot of competition therefore they have to price accordingly. Louise Paglen submitted the report for the record. Louise Paglen asked if she has experience in listing or showing properties next to a cell phone tower. Mindy Hall explained that the only properties that she has experience with are the same 2 that Paula Presnell discussed on Rich Hill Mountain Road, same cell phone tower and people won't get out of their cars because of the tower. Mindy Hall asked would they be allowed to put in a larger tower when the need arises and that is her concern. Louise Paglen asked Mindy Hall if she is being compensated for tonight. Mindy Hall stated no she isn't. Louise Paglen asked does Mindy Hall know Michael Smith or is he someone she recognizes doing a lot of appraisals in this county. Mindy Hall stated that she has spoken to him once about another matter, and he is not someone that she works with because there are appraisers that come from other places and she pursued him for a different matter. Louise Paglen said since Mindy Hall is a listing and buyer's agent, does she see a lot of appraisals. Mindy Hall explained that they hardly ever contact the appraisers because they are contacted by the lenders. They discussed Mindy Hall has not seen his appraisals other than the one already discussed. Mindy Hall talked about the reference made by Michael Smith to another location and her point is in a different market maybe the cell phone tower wouldn't make such a difference but she doesn't see it turning around any time soon. They discussed additional papers Mindy Hall had regarding the location of the Rich Hill Mountain

properties, showing list for the properties and price/time on the market for the properties. Louise Paglen showed the documents to Dave Pokela and then asked that the documents be entered into the record.

Oath administered to Dr. Jim Frasier by Clerk to the Board Karen Evans.

Reverend Dr. Jim Frasier provided a history of his work experience including he was the Chaplain at Glade Valley School and the church is very familiar to him. He described his walks that were beautiful. He said it bothers him that the beauty of that lane will be destroyed. He agreed that the church isn't active but there will be an occasional wedding or funeral held there. He talked about the cemetery including his own son is buried there. He said it is a pristine area at the end of the lane. He said that it worries him that the tower might cause spoilage of the beauty in the area. He suggested putting the towers in more isolated areas.

Louise Paglen asked Bill Fleckstein to speak. Bill Fleckstein said he had comments prepared but since Michael Smith ignored his property, which is the closest property to the tower site, he doesn't think there is a need to take up the time for the Board to listen to his speech. He said it has more effect to his property and the view from his backyard. He stated he has a picture of his backyard's view with the tower drawn in. He said he doesn't see how anyone can dispute that the tower will have a negative effect on his property. He talked about he bought the property 18 months ago and put money into it to fix it. He explained he expects the water tower to be gone with a big wind storm. He stated if this tower is erected then he would expect to see a decrease in his property values because of a negative view. He talked about he takes the same walk as described by Reverend Frasier, and it is beautiful. He said the Board is elected by the people to pursue what is in the best interest for the people. He urged the Commissioners to consider what is best for the residents of Alleghany County when they are voting. Louise Paglen asked that the photograph be added to the record.

Commissioner Leys asked how many feet is the proposed tower from Mr. Fleckstein's home.

Bill Fleckstein said there is a dip so if you go down the dip and up it is a long way but if you look across you are probably looking at 100 yards.

Oath administered to Larry Prince by Clerk to the Board Karen Evans.

Louise Paglen asked Larry Prince to state his name and occupation. Larry Prince stated his name and said he is speaking tonight on behalf of the Blue Ridge Christian School and he is supporter of the School and he believes in the founding principles of the School. He talked about why he invested in the property and probably wouldn't have if there was 120 foot tower. He said this isn't based on any analysis, just what he sees. He stated he wouldn't want to live next to it and doesn't want the kids to have to look at it every day when they come to school or out on the playground. He said it isn't fair to them.

Oath administered to Ben Gatton by Clerk to the Board Karen Evans.

Louise Paglen asked Ben Gatton to state his name and occupation. Ben Gatton stated his name and said he is the Headmaster for the School. He stated that he lives on the Bob Alexander property directly across from the School. He described how the School uses the land around us and how they teach the children why it is important to us. He explained they take the same walk as previously described. He talked about the scenic lane walk. He explained one of the things they teach the children is to appreciate nature and learn to explore outside. He talked about various ways they use the scenic route including for English and PE. He further talked about reasons they choose this area for the School was to revitalize the historic areas. He asked the Board of Commissioners to consider the children who use this road. Louise Paglen and Ben Gatton discussed two pictures of the Blue Ridge Christian School. Louise Paglen entered the two pictures into the record.

Louise Paglen asked if there will be closing arguments from the attorneys.

Chair Cox said no, the Board wants to hear from everyone not necessarily the attorneys but he understands the role of the attorneys.

Dave Pokela asked did the Chalk letter get admitted into the record or not. Commissioner Goudreau and Chair Cox stated no. Clerk to the Board Karen Evans stated she has the Alexander letter.

Dave Pokela asked to question Paula Presnell. It was noted that she had left the meeting. County Attorney Donna Shumate asked does anyone have her cell number to ask her to come

because it is proper for him to have opportunity to question her. She said she saw her step out but didn't realize she was leaving. Chair Cox stated that someone will try to call her to get her back.

Dave Pokela asked to question Mindy Hall. He asked Mindy Hall how many appraisers in Allegheny County does she think would come testify against all of these people. She said most of them because they don't do appraisals to please her and they are held to strict laws about doing appraisals. He said it is almost impossible to find an Allegheny appraiser to testify against this group tonight. He asked did she only consider 2 cell tower sites. She said those are the only two she has experience with. He summarized one property has sold and the other hasn't with the sold property selling for less because the lady had to go into the nursing home. She said that house sold for significantly less than it would have had it not be located next to the cell tower. He asked isn't the one that is for sale being impacted by the tower farm according to Mr. Smith. She agreed. He said didn't he testify that situation is different than the situation in Glade Valley with a single monopole tower. She said right.

Dave Pokela asked to question Bill Fleckenstein. Dave Pokela asked him when he bought his property he didn't have an unimpeded view shed. Bill Fleckenstein asked being if he could see or not. Dave Pokela mentioned the water tank. Bill Fleckenstein said you really can't see the water tank. Dave Pokela asked if he was concerned about the water tower falling. Bill Fleckenstein said he isn't concerned about it falling, just that the next big wind he expects it to not be there anymore and he didn't view it as a negative when he purchased the property. Dave Pokela asked if it's not suitable for a windstorm then it isn't suitable for co-location, right. Bill Fleckenstein said he isn't an expert on that so he can't say. Dave Pokela asked when he did the photo simulation, what kind of technology was used. Bill Fleckenstein stated he used a camera and he knows where the tower is going to be because he walks there every morning and there is a stake in the ground so he knows where that is from his backyard.

Chair Cox declared a brief recess at 9:15pm.

Dave Pokela asked Paula Presnell about the tower properties she based her opinions on are the ones that Michael Smith considered on Rich Hill Mountain. Paula Presnell said yes. He asked about the one property that is for sale, didn't he say that property value could have decreased because of the lattice type tower and the tower farm. She agreed. He stated didn't he show the difference in the Glade Valley site because it is only one tower and is a monopole tower and isn't 25 yards away from a house. She said that is what he said, but she is a real estate agent and she disagrees, and he is an appraiser. He said aren't the facts that the one that is for sale on Rich Hill Mountain about 25 yards away from the tower. She said probably less than that. He said that the property down the street was sold. She explained that her sister sold it because she was going into a nursing home and it was also listed before she got it.

Paula Presnell stated her roots run deep here and the tower only benefits two entities; the property owner and AT&T. She said we are setting a horrible precedent if we keep allowing towers to be here. She talked about she has multiple people from other areas where their AT&T phone will not work here and her advice is to get a phone that works here and leave it in their house here. She said people living here have to look at the tower everyday, and we are the ones who have a vested interest. She talked about putting ourselves in the same boat and at what point do you quit selling your soul.

Dave Pokela asked wouldn't it be good for the citizens of Allegheny County that there be some competition. Paula Presnell said no because we already Verizon, US Cellular and Carolina West and why do we need some more. He asked what happens if someone's car breaks down at 2am. She said you go knock on someone's door.

County Attorney Donna Shumate said she thinks the question needs to be asked if there are any other property owners that have questions other than the applicant to Paula Presnell.

Chair Cox asked if anyone has any questions.

Bill Fleckstein asked what the decrease of value is for his house if she is familiar with it. Paula Presnell said she knows where it is but don't know. He asked if she knows what it would bring his value down because his is the closest one to it. She answered based on the other property, 25% is her opinion.

Dave Pokela explained that the Board is sitting here as judges and should this matter go on to Superior Court any evidence that was inadmissible that isn't objected to becomes admissible and the only way he doing his duty is to object to the evidence that was inadmissible. He objected to the May 20 letters from the Bob Alexander, the Alexander's, because that is someone who is not here to be

cross-examined, he hasn't given any foundation to be qualified as an expert, he hasn't submitted any data or background that would support his valuation testimony. He cited the Evergreen Construction case at 194 NC App. 371, the opinion of an appraiser or expert without evidence to support the opinion is not competent. He said the letter also addressed health concerns and he has already put into the record that is not relevant either. He objected to Mr. Gentry because he is not an expert on values and views. He stated that those issues are addressed in the Clarke case at 136 NC App. 114. He cited the Clarke case and the recent 2013 Court of Appeals case with Blair Investments being inadmissible. He referred to his speculative testimony about what some other land owner would do about cutting trees on the McLaughlin property is inadmissible. He talked about he provided information about values and he has never been qualified as an expert on values and didn't provide any background data. He stated that Paula Presnell also didn't provide any background data so her opinions are inadmissible and he objects to those. He said she made reference to health issues which are inadmissible. He talked about Mindy Hall also didn't provide any background data other than the two sites so that is inadmissible under the Evergreen Construction case. He talked about Reverend Frasier's testimony about his statements about a spoiled view are the very types of testimony that is speculative and inadmissible under the Clark case and the Blair Investment case. He talked about Mr. Fleckstein gave valuation testimony and he isn't qualified as an expert witness and is inadmissible. He talked about Mr. Prince admitted that he isn't an expert but tried to give expert opinion evidence that is inadmissible and then gave a conclusion about not wanting to see the tower which is inadmissible under Clark/Blair Investments. He objected to Mr. Gatton because he never tied his testimony to any sort of conclusion at all but didn't say it would harm in any way.

Louise Paglen said she would like to offer two articles from the Institute of Government that addresses quasi-judicial zoning decisions, wireless telecommunication facilities and zoning and what is considered what substantial evidence is. She said she would to offer it, not as evidence, but as guidance because the lawyer's comments are confusing. She showed them to Dave Pokela, who stated no objection. She reiterated that she is not offering it as evidence and she hasn't had as much time to testify as her opponent.

Chair Cox asked for additional questions. No one spoke.

Commissioner Leys asked what is expertise in valuation. Dave Pokela explained that it is someone who studies the sale of properties, familiar with the sale prices and can compare those to other sale prices. He further explained how someone is tendered as an expert and how opinions have to be backed up by data. She said she understands the data and she hasn't seen the hard evidence on a piece of paper. She asked doesn't a 25-year banking veteran have the skill to be knowledgeable on land and values. He said as a general question, it depends on the person but it needs to be someone who can come up and lay a foundation of their familiarity of the sales prices across the market, not the loan values. He talked about even if the foundation was laid tonight, which it wasn't; the opinion was inadmissible because of lack of data. She said the question of what kind of discount for cell tower properties is inadmissible tonight because it is an opinion. He asked if she is referring to Paula Presnell's testimony. She answered yes. He explained that it is inadmissible because she didn't provide any background data to support that.

Commissioner Leys said that she learned that cell towers have a noise similar to the HVAC unit and asked if that is true. Graham Herring stated not to his knowledge. Chair Cox said as he understood it, it was the towers on Rich Hill Mountain. Dave Pokela said he isn't familiar with those towers. Chair Cox asked is it true that the monopole has no noise. Dave Pokela said that's his understanding. Graham Herring said that there is an HVAC unit on the utility shed to maintain the temperature.

Commissioner Leys asked Dave Pokela where is the tower on the picture he provided. He showed her the tower location. She talked about these are pretty large trees on the property and at some point could be harvested. She asked would the tower be seen from the front porch of the church at that time. He explained he took the picture from the front porch, it would have to be a lot of trees taken down and he isn't sure about the angle. He said he doesn't know. She said most of the time it is clear cut and she thinks the tower would be seen from the porch. He said we don't know, and Mr. McLaughlin isn't here to testify that he is going to cut the trees. She said we have to assume the trees will be cut. He said it's speculation that the trees will be cut because we don't know.

Commissioner Leys asked what does the Ordinance consider a tower if a church is in the view shed. Planner Travis Dalton said there is nothing in our Ordinance.

Commissioner Leys talked about her opinion that Michael Smith stated that the McLaughlin's property values aren't affected. She asked is that true. Dave Pokela said yes he believes that. She said as it stands now but what about in further years. He said we don't know because all we know is there are a lot of trees there now and don't know where anyone might build on that property, he

testified that if any property was likely to be affected it would be that one and he doesn't think it will. Chair Cox asked if that was a question for Mr. Smith. Michael Smith talked about the trees are there, he didn't base his opinion solely on the trees, talked a lot about the topography of the property, it is a true statement and gave examples of how it could have affected the value if the topography was different, and if the trees weren't there it wouldn't significantly affect the property values. She asked Dave Pokela that she assumes that he believes Mr. Smith is an expert in value. Dave Pokela said definitely. She asked if Mr. McLaughlin developed his property, would it affect it. Michael Smith explained he doesn't think so because of the lay of the land, the best use of the property and wouldn't have a view. She referred to a picture of a slick pole and clarified that it could be substituted. Dave Pokela said yes, we knew that there was some concerns and wanted to provide alternatives. She asked if this pole functions the same as the tower in the plans. Graham Herring said not necessarily. Madan Belgode said it depends on the tower's height. Dave Pokela said it would be 120 feet. Madan Belgode said we would more or less get the same coverage but it would be a little less but better than what they have now. She asked are they more expensive to build. Madan Belgode said it is more on the frequency point of view. She asked not as powerful. Madan Belgode agreed. She commented about the picture isn't a true picture of the area because there is no fence about it. She said it is a nice picture and a better alternative than some choices.

Commissioner Smith asked Travis Dalton talked about this complies with our existing Ordinance.

Commissioner Smith asked the County Attorney if this hearing has been a quasi-judicial hearing. County Attorney Donna Shumate said yes, she thinks this complies.

Commissioner Goudreau asked Louise Paglen, since Paula Presnell left, what is the tax value of the property on Rich Hill. Louise Paglen said she can't answer that because she doesn't know. He asked what the list price is. Louise Paglen said she can't answer that because she doesn't know.

Commissioner Davis said Commissioner Smith asked his question about complying with the Ordinance.

Chair Cox asked about the using stealth technology, would everything be the same except the technology. Dave Pokela said he believes the concern with the mono pine is that it wouldn't have as many co-location opportunities. Madan Belgode explained that it wouldn't be probable on a mono pine. Dave Pokela asked about a slick pole. Madan Belgode said that slick pole would be a little less because can only have one as opposed to three. Dave Pokela said that multiple co-location opportunities are lost on any of the alternatives. Chair Cox asked if everything else would be the same because it is not clear on the picture. Dave Pokela said yes it would.

County Attorney Donna Shumate said based on those questions, she thinks we need to go back to Commissioner Smith's question to Travis Dalton about whether the alternatives will comply with the Ordinance because that may impact his answer.

Travis Dalton explained that our Ordinance requires for co-location to be present when a new tower is built so using stealth technology, a variance for the special-use permit would have to be granted for this one tower or it would not comply with the Ordinance. Commissioner Smith and Travis Dalton talked about the Ordinance says three but he will have to look to see if it is three more or three counting the main one. Travis Dalton said that he knows the ones that they provided have three extra locations.

Commissioner Leys asked about the number on the slick poles. Madan Belgode answered one or two and explained in some cases it can be two others. He talked about what is preferred from a frequency point of view; two total.

Chair Cox asked isn't it the intent of the Ordinance to include co-location. Travis Dalton answered yes so there will be fewer towers.

Chair Cox asked for additional questions. No one spoke. He talked about the Board will take a few minutes to discuss this and hopefully make a decision. He said that when/if the Board gets to a motion he will ask the County Attorney to review that so it is made properly.

Commissioner Davis said he thinks a property owner should be able to make money off of his land and asked isn't that property protection. Chair Cox asked is he saying a person should have the right to do what he wants with his property as long as it meets the Ordinance. Commissioner Davis agreed.

Commissioner Goudreau said the Board has heard from a lot of people and a lot of testimony. He thanked everyone that came out, and he is aware that this is emotional and a hard decision. He said that one thing the Board has to do is to focus on what complies with the Ordinance and the testimony, not emotions and feelings. He stated that it's not the popular decision all the time. He talked about hearing the expert testimony from American Towers and on the other side hearing more emotion and that is something they have to take into consideration.

County Attorney Donna Shumate said we have the Ordinance and can answer the question about co-location.

Travis Dalton said the ordinance requires one additional co-location. He stated he wanted to clarify that.

Chair Cox asked if it true then one could not be added. Madan Belgode explained on the mono pine it would be more difficult to get it and the slick pole would be one additional one.

Chair Cox asked the Commissioners if they have additional comments or questions.

Commissioner Leys said she has a question for the County Attorney.

County Attorney Donna Shumate explained that herself, the County Manager and the Planner are discussing the cell tower ordinance requirements.

County Manager Don Adams reminded everyone that we are talking about two separate ordinances; Property Rights Protection Ordinance and Cell Tower Ordinance. He explained tonight is about the Property Rights Protection Ordinance. He said he asked them to look at what are the Commissioners' options regarding co-location if the Board goes that way and if there are any options regarding a variance if the needed. County Attorney Donna Shumate said yes there is. He talked about it is a separate ordinance than what is being considered tonight and there is the ability to consider a variance in that ordinance, which opens up more options for the Board to consider tonight.

Commissioner Leys talked about the community capability assessment, question a. does the proposed project create a new or increased level of unsightly views for the affected property owners and asked is that up to the Commissioners to decide to vote yes or no so could a Commissioner consider the landscape would be changed dramatically in the future in their decision.

County Attorney Donna Shumate said you have to consider what has been presented and not what may happen in the future. She reiterated you have to make your decision on what has been presented and not what you speculate could happen in the future unless it has been presented and you determine that is competent evidence.

Commissioner Leys and County Attorney Donna Shumate talked about competent evidence that has been presented tonight and not personal speculation on what may happen in the future.

County Manager Don Adams and County Attorney Donna Shumate discussed the Board does decide what is competent evidence but they can't speculate about things that wasn't presented tonight.

County Manager Don Adams referred to information about the reasons for the Board about the basis of approval or basis of denial and then when a motion is made to approve or deny the Attorney will ask what evidence you heard tonight. County Attorney Donna Shumate added what facts do you find based on the evidence you have heard supports the conclusion that you are making. He talked about if the Board approves this the following questions must be answered; use is a conditional use, use sufficiently meets the goals and objectives of the Land Development Plan and the community compatibility assessment, applicant has demonstrated that the development has not dramatically increased or added to problems or conflicts caused by incompatible land uses, use meets all required conditions and specifications imposed by the Ordinance. He explained that the denial is the exact opposite; does not meet the goals and objectives of the Land Development Plan, applicant's proposal could not sufficiently minimize the problems or conflicts caused by incompatible land uses as identified by the community compatibility assessment, applicant's proposal could not meet the development standards of this Ordinance. He talked about a decision has been made by the Planning Board and the question tonight is if this Board is going to uphold the Planning Board's decision and deny the permit based on what he just described or is this Board going to reverse the Planning Board's decision and approve the permit based on what he just described. County Attorney Donna Shumate said the Board could also modify. He talked about this is a conditional-use permit so there could be other conditions placed on the permit like the type of tower.

Chair Cox talked about making a decision and entertain some motion.

County Manager Don Adams explained there is a cheat sheet for the Commissioners, which is the same thing the Planning Board uses. He read the wording for the motion to approve; motion to approve this conditional-use permit, the use is consistent with the plan, the use is reasonable, the use is in the public interest, the use is a conditional use as specified by this Ordinance, the use does sufficiently meet the goals and objectives of the Land Development Plan, the applicant has successfully minimized the problems or conflicts caused by incompatible land uses, the applicant has demonstrated that the development has not dramatically increased or added to problems or conflicts caused by incompatible land uses. He said then you would add specific information.

County Attorney Donna Shumate explained she wants specific information about testimony and this document provided what information using whatever you are basing your decision on so we can do the findings of fact to go into this decision.

County Manager Don Adams read the denial portion of the cheat sheet; motion to deny this conditional-use permit, the use is/is not consistent with the plan, the use is not reasonable, the use is not in the public interest, the applicant's proposal could not sufficiently meet the goals and objectives of the Land Development Plan, the applicant's proposal could not sufficiently minimize the problems or conflicts caused by incompatible land uses. He explained the Board will need to state the facts you heard tonight to justify that. He further explained when this is done the findings of fact will come back before the Commissioners, which the County Attorney will prepare. County Attorney Donna Shumate explained it is a written findings of fact of what you decide based on the facts as you state them.

Chair Cox asked if further discussion is needed. No one spoke. Chair Cox asked for a motion to approve or to deny.

Commissioner Leys asked for a brief recess.

Chair Cox declared a brief recess at 10:08pm.

Chair Cox asked for a motion to approve or to deny.

Commissioner Goudreau made a motion to overturn the Planning Board's decision and made a motion to approve the conditional-use permit; the use is consistent with the plan, the use is reasonable, the use is in the public interest, the use is a conditional use as specified by this Ordinance, the use does significantly meet the goals and objectives of the Land Development Plan, the applicant has successfully minimized the problems or conflicts caused by incompatible land uses as identified by the community compatibility assessment process, the applicant has demonstrated that the development has not dramatically increased or added to problems or conflicts caused by incompatible land uses and its meets all of the required conditions and specifications imposed by this Ordinance and the Planning Board, specifically the expert testimony by Mr. Smith that shows land values aren't significantly impacted since he an expert appraiser that has conducted multiple appraisals and that is a primary factor in the decision.

County Attorney Donna Shumate clarified that he is using that testimony to answer the question about does the project impact land values of the affected property owners. Commissioner Goudreau stated that's correct. She asked in making your motion, do you find that the applicant has complied with all of the other elements of the community compatibility assessment. Commissioner Goudreau said he does and in Mr. Pokela's testimony he shown that through the concern of public safety and public interest. He talked about we've heard testimony of the Planner that they have met all of the requirements of the Ordinance with all of the restrictions placed on them at the time the Ordinance was written. She asked if that is based on the PowerPoint presentation. He said that and his testimony.

Commissioner Smith seconded the motion on the floor.

Commissioner Leys said she is speaking for herself, the group failed tonight to offer any conclusive data and we have to follow our Ordinances and without any proof, you didn't bring your own appraiser, your own expertise, you didn't bring reams of paper with the data.

Someone from the audience said we asked for time.

Commissioner Leys said she will have to vote yes with this motion because of that issue.

Chair Cox asked for further discussion.

The Board voted on the motion on the floor. Vote 5:0.

Someone from the audience said thank you for this action on behalf of the Alleghany County residents.

Being no further business, Commissioner Davis made a motion to adjourn this meeting at 10:22pm. Commissioner Goudreau seconded the motion. Vote 5:0.

Respectfully submitted,

Attest:

Karen Evans
Clerk to the Board

Larry Cox
Chairman