

Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.

SMYTH COUNTY PLANNING COMMISSION
Thursday, February 24, 2022

The Smyth County Planning Commission met in their regular meeting on Thursday, February 24, 2022, at 6:30 P.M. in the Smyth County Office Building.

Commissioners Present: Joel Pugh, Chairman, Park District; Graham Davidson, Jr., Vice-Chairman Chilhowie District; Hazel Wagoner, Atkins District; Paul Shepherd, Rye Valley District; Tony Dean, Royal Oak District; David Spence, Saltville District

Commissioners Absent: Robert Campbell, North Fork District

Staff Present: Clegg Williams and Paula Harvey

At approximately 6:30 p.m. Mr. Pugh called the meeting to order.

Adoption of Agenda: Mr. Pugh opened the floor for a motion to approve the agenda as presented. Mr. Shepherd made a motion which was seconded by Mr. Dean and the following vote was recorded.

Vote: 6 yeas	Pugh, Davidson, Jr, Wagoner, Shepherd, Dean, Spence
0 nays	
1 absent	Campbell

Election of Officers:

Mr. Spence made a motion to nominate Clegg Williams as the Temporary Chairman and was seconded by Mr. Davidson, Jr., and unanimously carried.

Chairman: Mr. Williams then opened the floor for nominations of Chairman for calendar year 2022. Mr. Davidson, Jr., nominated Ms. Wagoner as Chair; it was seconded by Mr. Pugh. With no other nominations, Ms. Wagoner was elected as Chair for 2022, with the following vote recorded.

Vote: 6 yeas	Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence
0 nays	
0 abstain	
1 absent	Campbell

Vice Chairman: Ms. Wagoner opened the floor for nominations of Vice Chairman for calendar year 2022. Mr. Pugh., nominated Mr. Davidson, Jr. for Vice Chairman; it was seconded by Mr. Spence. With no other nominations, Mr. Pugh was elected to serve as Vice Chairman for 2022, with the following vote recorded.

Vote: 6 yeas	Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence
0 nays	
0 abstain	
1 absent	Campbell

Secretary: Ms. Wagoner opened the floor for nominations of Secretary for calendar year 2022. Mr. Davidson, Jr., nominated Mr. Dean; it was seconded by Mr. Pugh. With no other nominations, Mr. Dean was elected to serve as Secretary for 2022, with the following vote recorded.

Vote: 6 yeas	Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence
0 nays	
0 abstain	
1 absent	Campbell

Clerk: This action was tabled until the next meeting.

Set Calendar for 2022: Mr. Pugh made the motion to set the meetings for the fourth Thursday at 6:00 or 6:30 p.m. and to adopt the calendar as presented with the exception of November or December due to Thanksgiving and Christmas holiday. Mr. Dean seconded the motion and the following vote was recorded.

Vote: 6 yeas	Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence
0 nays	
0 abstain	
1 absent	Campbell

Minutes: Mr. Pugh made a motion to approve the minutes of the December 30, 2022, meeting. Mr. Davidson, Jr., seconded the motion and the following vote was recorded.

Vote: 6 yeas	Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence
0 nays	
0 abstain	
1 absent	Campbell

Adopt Operating Procedures: Mr. Pugh made a motion to adopt the operating procedures as presented. Mr. Davidson, Jr., seconded the motion and the following vote was recorded.

Vote: 6 yeas	Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence
0 nays	
0 abstain	
1 absent	Campbell

Adopt Annual Report for 2021: Mr. Pugh made a motion to adopt the annual report for 2021 as presented. Mr. Spence seconded the motion and the following vote was recorded.

Vote: 6 yeas	Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence
0 nays	
0 abstain	
1 absent	Campbell

Citizens' Time: No citizens were present.

Mr. Williams reminded the Commissioner of the upcoming scheduled Comprehensive Plan meeting and also asked the commissioners to provide him with an updated email address.

Recess: At approximately 6:48 p.m. Ms. Wagoner asked for a motion to recess. Mr. Pugh made the motion to recess the Planning Commission's meeting until their 7:00 p.m. public hearing and was seconded by Mr. Davidson, Jr. All were in favor

JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS

Board Members Present: Charlie Atkins, Chairman, Atkins District; Lori Deel, Vice- Chairman (electronically) Rye Valley District; Courtney Widener, Royal Oak District; Michael Sturgill, Chilhowie District; Roscoe Call, Saltville District; Kris Ratliff, Park District; Phil Stevenson, North Fork District

Board Members Absent: None

Commissioners Present: Joel Pugh, Vice-Chairman, Park District; Graham Davidson, Jr., Chilhowie District; Hazel Wagoner, Chair, Atkins District; Paul Shepherd, Rye Valley District; Tony Dean, Royal Oak District, David Spence, Saltville District

Commissioners Absent: Robert Campbell, North Fork District

Staff Present: Shawn Utt, County Administrator; Lisa Richardson, Assistant County Administrator; Clegg Williams, Zoning Administrator; Paula Harvey, Administrative Assistant.

Approximately forty citizens were present.

2/24/2022 7:01 PM Charles Atkins, Chairman of the Board of Supervisors, and Hazel Wagoner, Chair of the Planning Commission, called the joint public hearing to order.

2/24/2022 7:02 PM Clegg Williams read the following advertisements as placed in the Smyth County News and Messenger.

BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND SMYTH COUNTY PLANNING COMMISSION

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, February, 24, 2022, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application to the Zoning Ordinance of Smyth County, Virginia:

An application from JWM Enterprises, LLC, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Marion, Virginia, to rezone approximately 14 acres from Commercial to Industrial. The Smyth County Comprehensive Plan does not identify a density range and the general usage of these properties have most recently been a single-family dwelling, vacant, and a log yard. The property is located at 2312 Lee Highway and 2340 Lee Highway Marion, Virginia, and is identified as Tax Map Nos. 56G-1-42, 56G-1-42A, 56G-1-42B, the Eastern Portion of 56G-A-3, and the Eastern Portion of 56G-1-41A and can be found within Grid No. 5486 of the State Plane Grid Index.

At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.

Copies of the application(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by County Zoning Administrator at the address given above and may be viewed during regular business hours Monday through Friday.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator, at (276) 706-8315 at least 48 hours prior to the hearing.

Done by order of the Board of Supervisors and the Planning Commission

Shawn Utt, County Administrator
Joel Pugh, Chairman of the Planning Commission

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SMYTH COUNTY PLANNING COMMISSION**

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An application from George Palmer for a Special Use Permit to establish a truck stop. The project is proposed to be located on the three tracts of land adjoining 416 Chestnut Ridge Road, Marion Virginia, the subject tracts as identified as Tax Map Numbers 55-5-2; 55-6-1; and 55A-A-1 and are all zoned Commercial.

An application from JWM Enterprise LLC for a Special Use Permit to establish a mining, quarrying, mineral extraction, and processing operation. The subject properties are addressed as 2312 Lee Highway and 2340 Lee Highway, Marion Virginia, and are further identified as Tax Map Nos. 56G-1-42, 56G-1-42A, 56G-1-41B, the Eastern Portion of 56G-A-3, and the Eastern Portion of 56G-1-41A

At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.

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Done by order of the Board of Supervisors and the Planning Commission

Shawn Utt, County Administrator
Joel Pugh, Chairman of the Planning Commission

2/24/2022 7:06 PM Assistant County Administrator, Lisa Richardson, read the rules of Public Hearings.

2/24/2022 7:07 PM Mr. Williams presented an application for JWM Enterprises, LLC who is owned by Justin McClellan. Under that umbrella, Mr. McClellan operates as an excavation business and a trucking company. Mr. McClellan is wanting to consolidate the two businesses onto a single tract of land, approximately 14 acres in size. The subject tracts are addressed as 2312 and 2340 Lee Highway, Marion, Virginia, and they are identified as tax map number 56G-1-42, 56G-1-42A, 56G-1-41B, the Eastern portion of 56G-A-3 and the Eastern portion of 56G-1-41A and are all currently zoned Commercial. Mr. Williams discussed that the current County ordinance considers his two businesses a Contractor Equipment Storage Yard and a Truck Terminal and neither of those are allowed in the Commercial district and said Mr. McClellan is applying to have the property rezoned to Industrial where both uses are allowed by right.

Mr. Williams also discussed Mr. McClellan's application for a Special Use Permit for a mining, quarrying, mineral extraction and processing operation. Mr. Williams said this type of operation requires a Special Use Permit in the Industrial District.

2/24/2022 7:09 PM Justin McClellan, owner of JWM Enterprises, LLC provided a brief description of his request. Saltville District Supervisor Roscoe Call asked Mr. McClellan what he intended to mine. Mr. McClellan indicated that he intended to establish a shale pit.

2/24/2022 7:10 PM Mr. Atkins and Ms. Wagoner closed the public hearing regarding the JWM Enterprises, LLC application request.

2/24/2022 7:11 PM Mr. Williams presented an application for George Palmer to establish a Truck Stop on his property located near 416 Chestnut Ridge Road, Marion, Virginia and is identified by tax map numbers 55-5-2, 55-6-1, and 55A-A-1 and noted that all three tracts are zoned Commercial. Mr. Williams said that while considering this case, he would like to highlight Section 3-4.2 (g) which allows truck stops in the commercial district by issuance of a Special Use Permit and Section 6-2.3 which contains standards that must be met for any Special Use Permit being considered.

2/24/2022 7:12 PM Mr. Williams read two letters in to the record, one from Ms. Rebecca Dolinger and from Ms. Jennifer Greer regarding their opposition to the proposed Truck Stop.

2/24/2022 7:14 PM Mr. Williams reviewed code sections specific for Special Use Permit regarding Truck Stops and added that the County Comprehensive Plan identifies the three tracts as commercial/industrial.

2/24/2022 7:16 PM George Palmer spoke regarding his Special Use Permit request to establish a Truck Stop off of exit 39 in Marion. Mr. Palmer said Smyth County needs growth and he explained the positive responses he had received. Mr. Palmer also said the property developers and real estate team are capable and ready to move forward with the project.

2/24/2022 7:18 PM Arpit Soni spoke regarding the reopening of the Adwolfe Food Mart and added that it had created jobs and tax revenue for the County. Mr. Arpit said the Truck Stop project has potential for growth and noted that several large restaurant chains have expressed interest. Mr. Arpit discussed that a company called Speed Data LLC projected about 5.5 million in tax revenue from this project, including the new cigarette tax. Mr. Pugh asked Mr. Arpit what brand of Truck Stop and Mr. Arpit responded that they have had discussions with BP, Shell, and Exxon. Mr. Call asked Mr. Arpit if any big box/retail stores have expressed interest to which Mr. Arpit said not at this time but did say that Subway/Wendy's were verbally committed.

2/24/2022 7:22 PM Tom Roberts, Civil Engineer with H2Engineering in Blacksburg Virginia spoke

about the Special Use Permit for the Truck Stop and said they were asked to look at the water and sewer, storm water, VDOT, etc. with the intent to meet all zoning regulations. Mr. Stevenson asked Mr. Roberts if he had met with VDOT. Mr. Robert stated that both he and Soni met with VDOT. Mr. Atkins asked if there was a specific plan for the home currently on the property now and Mr. Roberts said they do not have a specific plan at this time. Mr. Roberts discussed the 100-year Floodplain and the area closest to the interchange and advised they were permitted to go ahead and fill that area. Mr. Roberts also said the parking lot to the Truck Stop could be in the 100-year Floodplain. Mr. Widener asked if the exit ramps leading to the property have been discussed with VDOT and if there were any concerns with congestion and Mr. Roberts indicated that VDOT did not imply that congestion would be an issue.

2/24/2022 7:22 PM Chairman Atkins asked for citizens who wished to speak regarding the proposal. The following citizens spoke:

- Derek Blevins – 149 Lancaster Lane, Marion, VA stated that the people that own the land are family members of his and he doesn't think they are bad people he just doesn't want the truck stop at the location. Mr. Blevins expressed his concern with the fate of the Crockett House, saying it is historical and most importantly a big part of Smyth County and it would be a shame to have it torn down. Mr. Blevins also discussed the wetland regulations on the property.
- Ashley Toliver – Chilhowie, VA stated that the property in question is included in the national wetland inventory. Ms. Toliver provided a hand out to the Commissioners and the Supervisors showing that the property is a protected wetland. Ms. Toliver also discussed a possible archeology study that may be needed for the property because of it being on burial grounds along with other environmental concerns.
- Rebecca Wilkinson Smith – 711 Chilhowie Street, Chilhowie, VA stated that if the Truck Stop came in that it would have detrimental effects to the environment. Ms. Smith discussed the issue with the property on wetlands and mentioned the 100-year Floodplain. Ms. Smith also expressed her concerns with drainage on the property.
- Kendall Johnson- 364 Greystone Road, Marion, VA stated he was here to oppose the proposed truck stop and addressed his concerns with the noise and the lights which can be seen from his home. Mr. Johnson was also concerned with the increased traffic at an already busy intersection. Mr. Johnson asked, "would you want this in your backyard"? and invited everyone to come sit on his back porch and see things from his point of view.
- Kenneth Harris – Greystone Road, Marion, VA – stated that he lives only about 500 yards from the proposed truck stop and asked for it to be denied due to air pollution, noise concerns, and increased traffic. Mr. Harris said he's lived there for 10 years and has never had any issues and added that he is in his 70s and would rather not see a truck stop come in that area.
- Joe Copenhaver – stated that he had no further comment at this time that his concerns had been covered.
- Lori Rouse Mann – Whitetop Road, Chilhowie, VA stated that she has a personal attachment to the Crockett House. Ms. Mann also discussed the home being a landmark and the most distinctive one along I-81.

- Jeanne Clapp stated she lived just across the road from the proposed truck stop and said most of her issues have already been discussed but added she is a widow and lives alone and that she is concerned with all of the increased traffic in the area.
- Mark Hash – Fairfield Lane, Chilhowie VA stated he lives directly across the street and that he is concerned with the fate of the Crockett House along with the environmental impacts and fumes from all the trucks and traffic.
- Veda Odle stated she has had the same arguments and added that there must be more studies done. Ms. Odle encouraged everyone to come together as citizens and be heard and to show up to all meetings as she plans to. Ms. Odle also suggested the public be allowed to join these meeting virtually as an option.
- Katy Black – Whitetop Road – Chilhowie, VA spoke in favor of the proposed truck stop and said she is the Manager at the new Adwolfe Food Mark and that the truck stop would be good for the County as it needs growth.
- Julie Rymer – Spring Valley Road – Marion, VA echoed the environmental concerns others had as well. Ms. Rymer said she feels that the truck stop would have a large environmental impact on that piece of land. Ms. Rymer also showed pictures of the property that was currently flooded due to the rain.
- Dave Rymer – Spring Valley Road – Marion, VA said he is a resident of Smyth County and that he was not impressed by the presentations of the owner and investors of the proposed truck stop. Mr. Rymer also added that he echoed the concerns the other citizens have as well.
- John Clark – 2654 Saltville Highway, Saltville VA stated he would like to emphasize that the water and sewer for the proposed truck stop would be served by the Town of Chilhowie. Mr. Clark discussed the history of the property and it also being part of the Civil War. Mr. Clark said he knows the Palmers and added that they are excellent people and good contributors. Mr. Clark said he hopes the Board can find some middle ground to where the property can be preserved as well as be commercially developed.
- Loren Rhea – 711 Chilhowie Street stated she felt both the environment and health would be concerns of hers. Ms. Rhea added that the Crockett House is a landmark and a very recognizable home and that Lucy Crockett wanted the home to be preserved in the future for generations to come. Ms. Rhea said that the people of Smyth County want the land free of a truck stop.
- Dr. Paul Grinstead stated that about a year ago the proposed property had a sewer pump station put in and added that a special drain had to be put in to assist with drainage issues. Dr. Grinstead also voiced his concerns with health issues and the elderly people that live around the area with the fumes going up and into the neighborhood. Dr. Grinstead said he heard a lot of open ended answers and as a former Planning Commission chair asked for the Board to look at the whole situation before making any decision.
- Gardner Umbarger stated a concern with an increased traffic flow in the area and recommended holding off on any decision until VDOT is consulted.
- Nancy Lagerhorn – 230 Cheshire Lane, Marion VA stated that when traffic has to come off

that exit and go through Chilhowie the big trucks have difficulty making the turn.

- June Harris – 335 Greystone Road, Marion, VA suggested that everyone come visit at busy times and watch the traffic and the trucks when they are turning in that area.

2/24/2022 8:19 PM Chairman of the Board, Charles Atkins and Chair of Planning Commission, Hazel Wagoner closed the joint public hearing

2/24/2022 8:20 PM Mr. Williams read a letter from Mr. Mike Pulice, Architectural Historian with the Virginia Department of Historic Resources for the record.

2/24/2022 8:22 PM Mr. Stevenson discussed and clarified what the County purpose on this decision. Mr. Stevenson said the Counties only concern with this would be to issue a Special Use Permit and added that the County has no control over the other issues discussed. Mr. Stevenson said I-81 is a commercial corridor and it will without a doubt grow.

2/24/2022 8:23 PM Chairman of the Board, Charles Atkins adjourned the Board of Supervisors portion of the meeting.

2/24/2022 8:24 PM Chair of the Planning Commission, Hazel Wagoner recessed the Planning Commission for a 5-minute break.

2/24/2022 8:37 PM Chair, Hazel Wagoner reconvened the Planning Commission.

2/24/2022 8:38 PM After more discussion, Ms. Wagoner called for a motion from the commissioners on the rezoning request and Special Use Permit for JWM Enterprises, LLC.

2/24/2022 8:38 PM Joel Pugh, Park District Representative made a motion to recommend to the Board of Supervisors to approve JWM Enterprises, LLC request to rezone approximately 14 acres'; addressed as 2312 Lee Highway and 2340 Lee Highway, Marion, Virginia and identified as Tax Map Nos. 56G-1-42, 56G-1-42A, 56G-1-41B, the Eastern Portion of 56G-A-3, and the Eastern Portion of 56G-1-41A from Commercial to Industrial and then to approve a Special Use Permit to establish a mining, quarrying, mineral extraction, and processing operation. David Spence, Saltville District Representative seconded the motion. The following vote was recorded.

Vote: 6 yeas	Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence
0 nays	
0 abstain	
1 absent	Campbell

The motion passed.

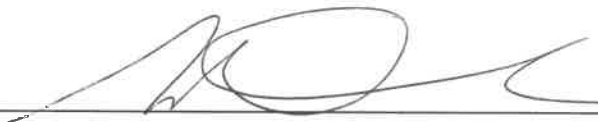
2/24/2022 8:39 PM Commissioner Pugh discussed the Special Use Permit for George Palmer to establish a truck stop on his property. Mr. Pugh said he heard loud and clear those in opposition. Mr. Pugh added that a neighbor that lives near the area told him they didn't have a problem with the proposed truck stop but that they wanted it to be a brand name station. Mr. Pugh said he was concerned with the brand along with the fate of the historical home on the property and added that he did not feel there is enough information for him to recommend it be approved. Discussion continued.

2/24/2022 8:45 PM Joel Pugh, Park District Representative made the motion to recommend the Board of Supervisors deny George Palmer's application for a Special Use Permit to establish a Truck Stop on the three tracts of land adjoining 416 Chestnut Ridge Road, Marion, Virginia. David Spence, Saltville District Representative seconded the motion. The following vote was recorded.

Vote:	6 yeas	Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence
	0 nays	
	0 abstain	
	1 absent	Campbell

The motion failed.

2/24/2022 8:47 PM Mr. Davidson, Jr., made the motion to adjourn the Planning Commission meeting and was seconded by Mr. Pugh. All were in favor.



Tony Dean, Secretary

Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.

SMYTH COUNTY PLANNING COMMISSION
Thursday, April 28, 2022

The Smyth County Planning Commission met in their regular meeting on Thursday, April 28, 2022, at 6:30 P.M. in the Smyth County Office Building.

Commissioners Present: Hazel Wagoner, Chairperson (arrived at 6:45), Atkins District; Graham Davidson, Jr., Vice- Chairman Chilhowie District; Paul Shepherd, Rye Valley District; Tony Dean, Royal Oak District; David Spence, Saltville District

Commissioners Vacant: Atkins District

Commissioners Absent: Robert Campbell, North Fork District

Staff Present: Clegg Williams and Becca Creasy

At approximately 6:30 p.m. Mr. Davidson called the meeting to order.

Adoption of Agenda: At approximately 6:40 p.m. Mr. Davidson opened the floor for a motion to approve the agenda. Mr. Spence made a motion which was seconded by Mr. Dean to revise the agenda to strike the election of Vice-Chair and the following vote was recorded.

Vote: 4 yeas	Davidson Jr., Shepherd, Dean and Spence
0 nays	
2 absent	Campbell and Wagoner
1 vacancy	Park District

Minutes: Ms. Wagoner opened the floor for a motion to approve the minutes. Mr. Spence made a motion to approve the minutes with typographical corrections as discussed for the Thursday, February 24, 2022 meeting. Mr. Davidson, Jr. seconded the motion and the following vote was recorded.

Vote: 6 yeas	Davidson, Jr., Shepherd, Dean, Spence, Wagoner
0 nays	
1 absent	Campbell
1 vacancy	Park District

Citizens' Time: No citizens were present.

Other Business: Mr. Davidson requested a resolution and plaque of appreciation for Joel Pugh be presented to Mr. Pugh at the next Planning Commissioner's meeting.

Upon a motion by Mr. Davidson, Jr., seconded by Mr. Spence, the resolution for former Commissioner Joel Pugh was adopted and the following vote was recorded.

Vote: 6 yeas	Davidson, Jr., Shepherd, Dean, Spence, Wagoner
0 nays	
1 absent	Campbell
1 vacancy	Park District

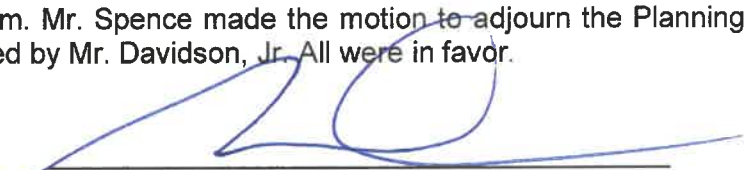
Mr. Williams discussed the need to add another Planning Commissioner to the Comprehensive Plan Committee since Mr. Pugh's vacancy. Mr. Spence made a motion to appoint Tony Dean which was seconded by Mr. Davidson and the following vote was recorded.

Vote:	5 yeas	Davidson, Jr., Shepherd, Spence, Wagoner
	0 nays	
	1 absent	Campbell
	1 vacancy	Park District
	1 abstain	Dean

Mr. Williams notified the members of two lawsuits filed against the County recently regarding the airstrip and truck stop approvals.

Questions/Comments for the Commissioners: Planning Commissioners discussed their disappointment with some of the comments made at the last Board meeting. Especially comments made about the Planning Commission's ability to make recommendations. They feel their recommendations are based on information provided at the public hearing. They discussed the joy they share serving on the Planning Commission and they understand there will be disagreements. That being said, the members collectively felt offended by the negative comments from a certain Board of Supervisors member. Their desire is to provide a forum for everyone's comments to be heard and considered, not to disrupt business development opportunities.

Adjournment: At approximately 7:20 p.m. Mr. Spence made the motion to adjourn the Planning Commission's meeting and was seconded by Mr. Davidson, Jr. All were in favor.



Tony Dean, Secretary