

STAFFORD COUNTY PLANNING COMMISSION MINUTES
May 24, 2017

The meeting of the Stafford County Planning Commission of Wednesday, May 24, 2017, was called to order at 6:30 p.m. by Chairman Tom Coen in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Tom Coen, Sherry Bailey, Steven Apicella, Darrell English, Mike Rhodes, Crystal Vanuch

MEMBERS ABSENT: Roy Boswell

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Susan Blackburn, Kathy Baker

DECLARATIONS OF DISQUALIFICATION

Mr. Coen: Now we move to Declarations of Disqualification. Are there any this evening? Seeing and hearing none, we move on to Public Presentations. This is the time where members of the public can come forward to talk about an issue that is not one of the two public hearings this evening. The public hearings are on the pet store item and the Falmouth Overlay District. So, it's on a topic other than that. I remind you that you have 3 minutes to speak. When you come forward, please state your name and address. You're addressing the Board as a whole, not individual members. Remember, this is not a dialogue. It's where the public gets to express their information within the 3 minute time period. At the start of your comments, the green light will shine. When you have hit 1 minute, the yellow light will shine, and then at red light goes on we ask that you wrap up your comments. So, is there any member of the public that would like to speak?

PUBLIC PRESENTATIONS

Mr. Harvey: Computer please.

Mr. Gavan: Hello, my name's Gregory Daniel Gavan. Thank you for having me. I'd like to talk today about R17-64, the Resolution we passed two weeks ago. For the record, I'd like to clarify a few misstatements from our last meeting. I believe this meeting was April 26. Mrs. Susan Blackburn's comments when analyzing and explaining light values in their metrics, comparing lumens to foot-candles. In her statement, if you look at the record, it's about an hour and three-quarters into the meeting, she tries to describe the difference between lumens and foot-candles. She made a misstatement, I'm sorry. She said that lumens and foot-candles measure two very different things and they're confusing. They are not. They measure the exact same thing. That's it. One is metric; one is English or Imperial. Lumens is the metric standard. They both measure brightness. Foot-candles is the Imperial or English standard. One foot-candle is 10.76 times brighter than a lumen. For the record, Mrs. Blackburn offered a misstatement that now needs to be corrected for the record. Mr. Jim Hamilton's statements were given supreme relevancy. He did a great job providing information regarding lights in public spaces; I agree with most of what he presented. Only one problem, he was speaking about public lighting. The subject was private property lights and light trespass on private property land that abuts other private property land. This poses sort of a misstatement that now needs to be corrected. Mr. Rhodes, or excuse me, the whole Planning committee overstepped its authority when it redacted, retracted, and dismissed Mr. Dayton's, the Deputy County Administrator's statement. It was a written letter, signature in 2015... Jeff, if we could turn to that for just a second. Mr. Dayton should have been allowed to speak and redact or correct his own record. Instead, I just felt that you

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overstepped your boundaries. I brought up points that were about problematic wording in the exemption regarding aimed at and pointed at. If we could go to the next slide Jeff. This is what you voted for. Nobody really kind of did their homework to find out how bright that was. If I could just read the bottom there. This commercial lighting level is far too bright for residential uses. Most homes in Stafford illuminate at far less than 10% of this level. Nobody has even 10% of this, less than 10% of this, in any home that I looked at. One would reasonably expect, which is me, residences found in Hartwood would not be anywhere near this level. I live on a golf course and a park; it's very dark out there. I wouldn't expect it to be the same as somebody who lives across from a 7-Eleven or a convenience store on Route 1 and... I'll just wrap it up. That's it.

Mr. Coen: Alright, is there anyone else that wishes to speak? Seeing none, we'll wrap up the public comment period. We now move to the Public Hearings. Mr. Harvey, it's onto you.

PUBLIC HEARINGS

1. Amendment to the Zoning Ordinance - Proposed Ordinance O17-12 would amend Stafford County Code Sec. 28-25, "Definitions of specific terms," to create the term veterinary vaccination clinic, define the term, and to allow it within a pet store. Veterinary vaccination clinics would be limited to the administration of vaccines to dogs and cats, testing for heartworm, and the sale of heartworm preventatives for dogs and flea/tick preventatives for both dogs and cats. **(Time Limit: June 1, 2017)**

Mr. Harvey: Thank you Mr. Chairman. Mrs. Blackburn will be giving the presentation for our first public hearing tonight.

Mr. Coen: Good evening Mrs. Blackburn again.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, this evening you are hearing a proposed Ordinance Amendment, O17-12, and this will be amending the Stafford County Code Section 28-25, Definitions of specific terms, to amend the definition of pet store to allow for a vaccination clinic for dogs and cats and created the definition for vaccination clinic for dogs and cats. Now staff had received a request to amend the definition of a pet store to include a clinic for vaccinating the dogs and cats, and this was the result of a nationally known pet store wanting to occupy a commercial space in a project that was zoned P-TND, which is Planned-Traditional Neighborhood Development. Currently, the definition for a pet store excludes all veterinary services. The P-TND district permits as a by-right use all the retail uses permitted by-right in the B-2, Urban Commercial Zoning District. The retail uses include a pet store, but currently the definition for a pet store explicitly excludes all veterinary services. And if adopted, this proposed amendment would amend the definition of a pet store to include the vaccination clinic for dogs and cats and create a definition for such a clinic. At the March 8th meeting, the Planning Commission voted to conduct a public hearing and you voted to add the services providing heartworm testing and preventative medication for dogs and cats, and flea and tick preventative medication. And this was to be added to the definition for veterinary clinic and this has been done. So, the current proposed amendment that we have tonight does include that definition. And this will allow for... if you all vote to approve this and forward it onto the Board, this amendment will provide a service for the residents of the County in caring for their pets and accommodate a service in the pet store that has become an industry standard. And the deadline for holding a public hearing and making recommendations is June 1st. And do we have any questions?

Mr. Coen: Alright, any questions for Mrs. Blackburn? See none, thank you ma'am. Alright, now we move to the public hearing, the public comment time period of which again you are able to come up and

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Speak on this topic, about the veterinary pet stores issue. You have 3 minutes. When you come up, you state your name and address; the green light will turn on. When you have hit 1 minute the yellow light turns on, and then when the red light hits, we ask that you wrap up your comments. Alright, anyone willing to speak on this item? Seeing none, we will close the public hearing and see if there's a will of the Commission on this.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes sir.

Mr. Rhodes: I make a motion that we recommend forward... we send forward recommending approval of proposed Ordinance O17-12.

Mr. Coen: Alright, is there a second?

Mrs. Vanuch: I'll second.

Mr. Coen: Alright, we have a motion and second. Any comment Mr. Rhodes?

Mr. Rhodes: No, Mr. Chairman, it incorporates the comments from the last time in the public hearing, and I think it is an appropriate way to go forward.

Mr. Coen: Okay, Mrs. Vanuch?

Mrs. Vanuch: No further comment.

Mr. Coen: Any other member? Hearing none, we will now go for the vote. And the motion passes 6 with 1 member absent (*Mr. Boswell absent*). Thank you Mrs. Blackburn.

Mrs. Blackburn: Thank you.

Mr. Coen: Mr. Harvey, the second public hearing for the evening.

2. Amendment to the Zoning Ordinance - Proposed Ordinance O17-20 would amend Stafford County Code Sec. 28-35, "Table of uses and standards," to expand the list of prohibited and conditional uses within the FR, Falmouth Redevelopment Area Overlay Zoning District. The additional prohibited uses would include adult business; boat sales; broadcast station; building material sale and storage yard and mulch sale; convenience center; fleet parking (which is currently a conditional use); high intensity commercial retail; hospital; laboratory research and testing facility; marina; motor vehicle rental; nightclub; and theater with 3,500 or more seats. In addition, the amendment would require a conditional use permit for the following uses in the FR Overlay Zoning District: medium intensity commercial retail and theater with fewer than 3,500 seats. **(Time Limit: June 30, 2017)**

Mr. Harvey: Mr. Chairman, the next public hearing presentation will be made by Kathy Baker.

Ms. Baker: Good evening Mr. Chair and members of the Commission. This item is an Ordinance amendment to the Falmouth Redevelopment Overlay District, and the proposal is to amend the district to prohibit additional uses within the overlay district. The FR District regulations were created in October of 2016 and, within that Ordinance, there were certain uses that were specified to be prohibited. The

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Planning Commission has recommended adding other prohibited uses to the Ordinance. Just as a reminder, this is the location and the zoning map of the area which you see in purple. And this is the subject area of the Falmouth Redevelopment Overlay District. The district has not been imposed yet on any of the properties; that has had a public hearing and has been to the Planning Commission, as well as the Board of Supervisors. The Board is currently holding that rezoning until these changes are made, if there are changes made to the district. The purpose of the FR District is to provide suitable and sufficient opportunities for redevelopment within a historic district. It is also to allow flexibility and new construction and reuse of existing buildings. It's also to maintain the historic nature and cultural context of the Falmouth Area, and to allow more by-right uses than permitted in the underlying district. And this is to promote reuse, particularly of some of the vacant buildings within the Historic District. Additionally, restricting certain underlying uses that are not compatible within the Historic District. So, as the Ordinance currently stands, you have certain permitted and prohibited uses. If you look in the left-hand column, in addition to what you have in the underlying districts such as B-2, Commercial or R-1 Residential zoning, you have these additional uses that would be permitted as a by-right use. In the middle column, you have specific uses that, in addition to the existing conditional uses within the zoning district, under an Overlay you would be permitted to have these uses which would require a conditional use permit. And that's drive-through facilities, adult daycare, fleet parking, hotels or motels, or wholesale business. And in the right-hand column you see the uses that are currently prohibited under the FR Overlay District. So, with the proposed Ordinance, O17-20, you'll note that it was originally included adding adult business and nightclub as prohibited uses, and this was upon recommendation of the Planning Commission during earlier discussions. So, the Board did refer this Ordinance to the Planning Commission and also gave you all the authority to make changes to the Ordinance, including adding other uses. So, at your April 26 meeting, you did discuss additional uses to prohibit and so now this Ordinance has been amended to incorporate the prohibition of these additional uses. And these are the additional uses that we have incorporated. On the left you'll see medium intensity commercial retail and theater with fewer than 3,500 seats would require a conditional use permit now. And then the prohibited uses that we would add to those that are already prohibited include adult business, boat sales, broadcast station, building material sale and storage yard and mulch sale, convenience center, fleet parking -- I'll note that under the existing Ordinance, fleet parking requires a conditional use permit, so now that's moving from that column into the prohibited use column. Also prohibited would be high intensity commercial retail, hospital, laboratory research and testing facility, marina, motor vehicle rental, nightclub, and a theater with more than 3,500 seats. So, I would be happy to answer any questions that you may have.

Mr. Coen: I do have one question. I know that Ms. McClendon had very wisely pointed out that in the new chart, we talk about under 3,500 and over 3,500 seats, but we don't actually talk about if they were exactly 3,500 seats. And am I capturing that correctly? So, that maybe we want to tweak that and change some language in that to say 3,500 or more, right.

Ms. Baker: That's up to you if we need to look and see if that's listed anywhere else in the Ordinance, throughout the Ordinance, because that language came specifically from the way that the Ordinance is currently written.

Ms. McClendon: Ms. Baker? I would encourage the Commission to look at adding the language, theater with 3,500 or more seats. It's consistent with its other placement in the Zoning Ordinance in a different category, so I believe we'd mirror it.

Ms. Baker: Okay.

Mr. Coen: Okay, well then any other questions before we move on? Okay, is there a feel for...

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Mr. Rhodes: Public hearing?

Mr. Coen: Yes, we have our public hearing on this. Any member of the public wish to talk about this item? Seeing none, we'll close the public hearing. And so is there a feeling by the board about this item, first about adjusting it to say the 3,500 or more, and then we can go forward from there.

Mr. Rhodes: It makes perfect sense.

Mr. Coen: Okay, Mr. Rhodes...

Mrs. Vanuch: Do we need a motion for that?

Mr. Coen: Do we need a motion for that Ms. McClendon?

Ms. McClendon: You can put it in the motion.

Mr. Coen: Okay, so Mr. Rhodes, am I understanding you're making a motion for O17-20 with the amendment of saying a theater of 3,500 seats or more?

Mr. Rhodes: Yes, Mr. Chairman, I make a motion that we send forward with recommending approval of Ordinance O17-20 with the modification to the additional prohibited uses in the Overlay District to state theater with 3,500 or more seats.

Mr. Coen: Okay, and either Mrs. Vanuch or Mr. English were battling for it.

Mrs. Vanuch: I'll second.

Mr. Coen: Okay, Mrs. Vanuch was second. Anything Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, I'd simply highlight and note, as we all know, we've done a number of public hearings on this item. They've been helpful, beneficial and informative. We've made modifications as we've gone along. We had several speakers that felt necessary to come out and discuss it as it evolved along, and I think that the representation here is a further reinforcement that we've been able to incorporate and adjust and modify to make it a meaningful ordinance. So I feel good going forward sir.

Mr. Coen: Thank you sir. And Mrs. Vanuch?

Mrs. Vanuch: I would just echo Mr. Rhodes' comments. Nothing further.

Mr. Coen: Okay, any other board member? Alright. I'll just add that it was, and sort of tag what Mr. Rhodes was saying. First we had a great deal of public input, then this body made some input, then the Supervisors had input, and staff of course had input. So, the whole process worked very well and that everybody had a say and was heard. So, with that, we will go to a vote to either approve or not O17-20. And that passes by a vote of 6 to 0 with one member absent (*Mr. Boswell absent*). And that takes care of both of our public hearings for the evening. We have no Unfinished Business. We have no New Business, so we move to the Planning Director's Report. Mr. Harvey.

UNFINISHED BUSINESS

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NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

✧ R-5, Age-Restricted Housing Zoning District

Mr. Harvey: Thank you Mr. Chairman. I have two items on my list for tonight's discussion. One is last week the Board referred a proposed new zoning district, the R-5 Age-Restricted Housing Zoning District to the Planning Commission. You previously had a public hearing on that. Since the Planning Commission had its hearing and made its recommendation, it was brought to the Board's attention that the proponent of the new district had observed that the initial language that was referred out of the Board's Community and Economic Development Committee. It was supposed to reference that the density was based on the gross tract area. For some reason, that was modified and the proponent of the amendment has indicated that would have an adverse impact on their thought process for the overall amendment and a project that they're contemplating. Similarly, they also expressed concerns about the density. They had initially requested 24 units an acre and, when the Commission forwarded its amendment, it looked at 12 units an acre. The applicants expressed to me that 24 units per acre is something that they need in order to have a viable project for that zoning category. So the Board, when they referred it back to the Planning Commission to hold another hearing to correct the problem, stipulated that the Ordinance would have 24 units an acre and the gross tract area as part of the Ordinance amendment proposal. So, the Commission is asked to consider holding a public hearing. You can make recommendations or an alternative Ordinance to see how... to deal with it as you see fit.

Mr. Coen: Alright, thank you Mr. Harvey. And if our conversation was what I remember, the next available public hearing night would be June 28th, our second meeting in June; correct sir?

Mr. Harvey: That's correct.

Mr. Coen: Alright. So, is there any discussion on that item? If not, then we'll...

Mr. Rhodes: What is the time limit on action, our time we have to act?

Mr. Coen: What's the time limit Mr. Harvey?

Mr. Harvey: Mr. Chairman, Mr. Rhodes, you would normally have a hundred days from tonight's meeting.

Mr. Coen: Okay. And the... since we only have one meeting in July and one in August, and from Mr. Harvey those both will be rather heavy meetings since they'll have other public hearings on that. The 28th is probably the most judicious. Alright.

Mr. Rhodes: I make a motion to recommend forward for public hearing.

Mr. Coen: Alright, we have a motion by Mr. Rhodes. Seconded by...

Mrs. Bailey: Second.

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Mr. English: Second.

Mr. Coen: ... Mrs. Bailey. Sorry Mr. English. Any comment Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Coen: Mrs. Bailey?

Mrs. Bailey: No sir.

Mr. Coen: Alright, any other member? Okay, we'll now vote to go to a public hearing. Alright, and that has passed unanimously with one member absent (6-0; *Mr. Boswell absent*). Alright, so now that is... Mr. Harvey, that takes care of your first item, so now your second item on your report.

✧ Discuss Legislative Process

Mr. Harvey: Yes, Mr. Chairman, the next item is to discuss the legislative process. On an annual basis, the Board of Supervisors works with our State Delegation in the General Assembly to advocate for legislation that the County seems to think is advantageous to our purpose and mission. Every year in the last several years the Planning Commission has expressed some ideas to the Board as to what you think might be good as far as changes in State legislation. The year, the Board is speeding up its process. It's taking its initial suggestions in June, so I have this item on the list for discussion if the Commission wants to discuss it tonight or take it up at your next available meeting to go over the ideas that you have for legislation. In the past two years, there have been two items for legislative discussion. One was preliminary subdivision plans, and the Commission noted in 2014 the Code changed it, eliminated the requirement for preliminary subdivision plans for neighborhoods for 50 or fewer lots. That's had a chilling effect on the number of preliminary plans that have been presented to the Planning Commission. Also, another amendment that you've asked for over the years is dealing with cluster subdivisions. In particular, how cluster subdivisions are configured and also what's eligible for open space. So I ask the Commission for some guidance as to whether you want to discuss it tonight or have it as a regular agenda item on a future agenda.

Mr. Coen: Alright. Is there... Mr. Harvey, first, it's not going to inhibit the work of our... the people who are helping us with bringing these issues to legislature if we were to take it up either in the first or second meeting in June?

Mr. Harvey: No sir. The guidance I've received is the Board's going to start solidifying its initiatives in June. I don't have a specific date.

Mr. Coen: Okay. Is there a desire to add anything else to the list or to wait until our... it would be June 28th would be, or June 14th? Does anybody have any other issues to bring forward or do we want to wait?

Mr. Rhodes: Mr. Chairman, I would just share the observation that at minimum, these two, in my opinion, these two should still go forward. If we add to it, certainly so be it. If they're going to start their work early in June, we might consider recommending these forward and reserving the right to add if we come up with some in the next couple weeks. These are still problematic. It's not the issue that they don't come before us per se on the preliminary subdivision plans for the sake of them coming before us, it's the issue that it then so strongly motivates doing these small developments that we're just getting all these little pockets instead of a more comprehensive planning perspective to it. And that's the

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concern, the more so about the first one. And the second one just leads to a lot of different odd behaviors. So, I think they're still worth going forward. I suggest we might consider endorsing these forward and going ahead with these, but then also commenting we may come up with some more after the next meeting.

Mr. Coen: Alright, any other comments? I brought up one to Mr. Harvey and Ms. McClendon the other day, which was stormwater management. That seems to be a large issue that came forward to the Supervisors at their last meeting when they were talking about one of the drive-through restaurants, and it's something that many Supervisors are dealing with on an almost daily basis from what they were saying. So, I think that it would be beneficial to them to know that we understand that this stormwater management issue is a problem and the State giving them some more leeway or some more guidance as to how to handle it would be beneficial, if people are alright with bringing that onto the list as well.

Mr. Harvey: Mr. Chairman, just to elaborate a little bit more, our discussion was that you have some situations where there's apparent drainage issues and then a project comes forward. The project, when it comes forward, the Code says that it cannot make the drainage problem worse. So they have to mitigate at least a minimum to the existing condition today. But if that existing condition's not adequate, then you have some concerns. So, would it be the desire to require through the State standards that stormwater management overcompensate in cases where there are drainage complaints and things of that nature?

Mr. Coen: I'm alright with that. Mr. Rhodes is looking pensive.

Mr. Rhodes: No, I don't really have a concern per se, and I think that that makes sense to go forward. But it might be worth giving ourselves two weeks to get... just to see if there's any nuance to how you define that. Is it fix it all? Is it make it... you know, I'm not sure what it is and I would wonder if there's a couple... we always rely on our neighboring jurisdictions... if there are any, while I know we're stuck on state, if they might have an opinion if we just even just reach out to a couple Planning Directors, Mr. Harvey, and just see if there's a sense as to how you might define that. Because I think we need to give a little bit of a fidelity to a position that they take forward. They certainly could just take forward a we need to do something about this, but it might help if we can get a little bit more.

Mr. Coen: Go ahead Mr. Harvey.

Mr. Harvey: And Mr. Chairman, Mr. Rhodes, just to clarify, under State law we have to basically adopt the State's regulations. So, you're probably not going to find a lot of variation amongst jurisdictions. There may be some discussion about how you get to that, achieve that state standard but, for the most part, it's all the same. So this would be asking for an additional standard that would require additional reduction...

Mr. Rhodes: Would it benefit us at all... I fully understand. My thought would be if, oversimplified, but if you just reach out and brainstormed with a couple, if we could get it changed what would be want it to change to or how would we want to go so that there's something to be pitched forward versus just you've got to change it.

Mr. Coen: So, would you be amenable, and Mr. Harvey, because as of right now we don't have any public hearings for June 14th.

Mr. Rhodes: Ah.

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Mr. Coen: So, that we send forward the two that we have used in the past, we let them know that we're working on something that is relating to stormwater management and/or if anybody thinks of anything else, that we might send up later. And that we of course would like to have their thoughts since they're dealing with the same issue so that we're working in conduit with them. Is that sort of an agreement by people? That way they know this is coming on the road, so if they start in June, they know that we're on the same... we're going down the same flow of water that they're thinking about. Alright. And you don't need any vote or anything on that, right?

Mr. Harvey: No sir.

Mr. Coen: Ms. McClendon's shaking her head so I'll take that as an answer. Alright, thank you sir. And if anyone else thinks of anything, certainly they can relay it to all of us and to staff, and then we can move forward on that one as well. Anything else Mr. Harvey?

Mr. Harvey: That concludes my report Mr. Chairman.

COUNTY ATTORNEY'S REPORT

Mr. Coen: Thank you Mr. Harvey. Now we move to the County Attorney?

Ms. McClendon: I have no report at this time Mr. Chairman.

Mr. Coen: Thank you ma'am. So we move to Committee Reports; Sign Ordinance Committee. Mrs. Bailey, you are the one present so you get to report.

COMMITTEE REPORTS

- ✧ Sign Ordinance Committee
Next Meeting: May 18, 2017 at 1:00 p.m.

Mrs. Bailey: We did have a meeting on May 18th and we had one member who was absent, so some of the information we were not able... or we didn't look at or discuss. But we did ask for Mrs. Blackburn to go back and put together a grid of sorts of the sign ordinances in comparison to some of the other localities out there, so we can see where we stand at today and where some of the other localities stand. Had a discussion about the meeting that we attended in Richmond and that was our meeting.

Mr. Coen: Thank you Mrs. Bailey. Any particular date yet for the next meeting? Not yet? Alright. The Parking and Drive Aisle one I believe is meeting June 1st.

- ✧ Parking and Drive Aisle Standards Committee
Next Meeting: June 1, 2017 at 4:00 p.m.

Mrs. Vanuch: That is correct. We are meeting on June 1st; we'll update you at the next meeting.

- ✧ Landscaping Standards Committee
Next Meeting: May 24, 2017 at 4:30 p.m.

Mr. Coen: Okay, thank you. The Landscape Standards subcommittee met this evening, prior to this meeting. We went through sort of the list of issues and topics that we'll have to go into next. We initially scheduled to meet before our June 14th meeting to look at one topic in particular, and sort of

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moving at the different topics, either one or two at a time. And so that's where that stands for that committee. Right? So, now we move to Chairman's Report. The only thing that I will bring forward is as of right now we have nothing of major substance for our June 14th meeting. So, it's my prerogative I understand that I can cancel the June 14th meeting. So unless people are demonstrating displeasure -- alright, so the June 14th meeting is cancelled. People can recover from June 13th.

Mrs. Vanuch: Election Day.

Mr. Coen: Primary Election Day. Alright, Other Business, there's a TRC meeting on June 14th and that's the Rock Hill District, so that's you Mrs. Vanuch. We have no minutes to approve and so I now adjourn the meeting.

CHAIRMAN'S REPORT

OTHER BUSINESS

3. TRC Information - June 14, 2017
 - ✧ North Stafford Office Complex BDG - Rock Hill Election District

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:02 p.m.