

**Members Present**

Randy Smith

Richard Smith

Rod Cury

Gaynelle Thompson

Virginia Hart

**Staff Present**

Kevin Blankenship

Brad Ratliff, Town Attorney

**Members Absent**

Priscilla Russ

The meeting following the joint public hearing with the Richlands Town Council was called to order by acting chair, Randy Smith.

The purpose of the joint public hearing had been to take public comment to consider revising and amending the Zoning Ordinance for the added of Fortune Teller/Palmist in Zone B-2 of the Town of Richlands Zoning Ordinance.

Town Attorney Brad Ratliff had been asked to join the Planning Commission following the joint public hearing to clarify legal questions that may have been raised over the request. He briefed the commission on the legal background of similar requests in other Virginia localities as it pertains to freedom of speech vs. limits of commercial speech. He clarified several points of law regarding the issue that were questioned by commission members.

Following a period of discussion by the commission members, Rod Curry made the motion to grant Mountain Magic a conditional use permit. Virginia Hart seconded the motion. A vote was taken, and the motion failed by a 3-2 vote.

After further discussion, Rod Curry made a second more specific motion to grant Mountain Magic a conditional use permit at their current location. Virginia Hart seconded the motion. A vote was taken, and the motion failed by a 3-2 vote.

Chairman Randy Smith then prepared a report for the Town Council members to be read when the meeting resumed. The statement informed Council that the motion to revise the B-2 Zoning to include Fortune Teller/Palmist had failed. A copy of his report to Council is attached.

Members present agreed that the debate on the request and the issue had been extremely difficult; each was very aware of the intense interest in the request by numerous citizens. But discussion by the commission had been carried out in a thoughtful, respectful way without rancor, and all members' input had been valued. The meeting was adjourned, and Planning Commission members returned to the scheduled Town Council meeting where Chairman Randy Smith would present the report to Council.

Submitted by:

Virginia Hart, Secretary

*Virginia Hart*

*Approved* 4/3/18