

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
April 26, 2006

The Work Session of the Stafford County Planning Commission of April 26, 2006 was called to order by Chairman William Cook at 5:30 p.m. in Board of Supervisors Chamber of the Stafford County Administration Center.

Members Present: Cook, Pitzel, Di Peppe, Rhodes, Kirby, Carlone, and Mitchell

Members Absent:

Staff Present: Harvey, Roberts, Stepowany, Wheatcraft, Zuraf, Knighting, and Merryman

UNFINISHED BUSINESS

1. RC2501629; Reclassification – Mid-Atlantic - A proposed reclassification from A-1, Agricultural to B-2, Urban Commercial Zoning District on Assessor's Parcel 19-71 consisting of 11.87 acres, located on the north side of Garrisonville Road at the intersection with Shelton Shop Road within the Rock Hill Election District. The Comprehensive Plan recommends the property for Urban Commercial and Suburban Residential uses. The Urban Commercial designation would allow development of Commercial Retail and Office uses and the Suburban Residential use would permit single family residential development at a density of three (3) dwelling units per acre. **(Time Limit: May 23, 2006) (Deferred to April 26, 2006 Work Session)**

2. CUP2501630; Conditional Use Permit – Mid-Atlantic - A request for a conditional use permit to allow vehicle fuel sales with convenience store and two drive-through facilities in the Highway Corridor Overlay Zoning District on Assessor's Parcel 19-71 consisting of 11.87 acres, located on the north side of Garrisonville Road at the intersection with Shelton Shop Road within the Rock Hill Election District. **(Time Limit: May 23, 2006) (Deferred to April 26, 2006 Work Session)**

Mr. Zuraf stated he would combine items 1 and 2. He stated both items were discussed at the April 5, 2006 Planning Commission meeting and deferred to the work session. He stated the applicant had amended the GDP and made minor changes to items 2 and 6 of the CUP. He passed out the revised GDP to the Commission members.

Mr. Leming, representing the applicant, explained the layout of the site while showing a diagram of the project and the transportation improvements. He stated Sheetz would be the tenant for fuel sales.

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Mr. Cook suggested the sign for gas prices should be computerized so prices could be changed from within the store. He stated the sign at WaWa on Garrisonville Road would be a good example.

George Morgan, applicant, stated he envisioned a similar sign.

Mr. Cook stated he would like brick pedestal with brick surround with an LED sign.

Mrs. Carlone asked if a fast food restaurant had been removed.

Mr. Leming stated yes, a restaurant was still allowed, but not a fast food restaurant.

Mr. Mitchell stated he thought the project would benefit the citizens, since it was providing office space, pharmacy, bank and fuel sales.

After a discussion by the Commission and the applicant concerning the red color of the Sheetz awning, it was decided the Sherwin Williams color chip provided would be proffered.

Mr. Leming stated he would amend the proffers to address the awning.

Mr. Rhodes made a motion to send item 1 to the full Commission to recommend approval. Mr. Mitchell seconded. The motion passed 6-1 (Mrs. Kirby voted no).

Mr. Rhodes made a motion to send item 2 to the full Commission to recommend approval. Mr. Mitchell seconded. The motion passed 6-1 (Mrs. Kirby voted no).

3. RC2501489; Reclassification – Stafford Lakes, Parcel 44-56 - A request for a Reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 44-56, consisting of 0.33 acres, located on the south side of Warrenton Road approximately 200 feet east of Village Parkway in the Hartwood Election District. The Comprehensive Plan recommends the property for Urban Commercial Use. The Urban Commercial designation would allow development of commercial, retail and office uses. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to the April 26, 2006 Work Session) (Time Limit: July 4, 2006)**

Mr. Harvey stated item 3 had been postponed at the applicant's request.

ORDINANCE COMMITTEE

Mr. Stepowany explained in detail the Ordinance concerning Phase I submission requirements and the definition of specific terms.

Mrs. Kirby asked if there were any provision to prevent structures from being demolished prior to submission.

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Mr. Harvey stated those issues would be addressed by Code and the Architectural Review Board.

After a brief discussion by the Commission concerning the proposed Ordinance, Mrs. Kirby made a motion to send the Ordinance to Public Hearing on May 17, 2006. Mrs. Carlone seconded. The motion passed 7-0.

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 7:00 pm.

William Cook
Chairman

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The regular meeting of the Stafford County Planning Commission of Wednesday, April 26, 2006, was called to order at 7:30 p. m. by Chairman William Cook in the Board of Supervisors Chamber of the Stafford County Administration Center.

MEMBERS PRESENT: Cook, Pitzel, Kirby, Carlone, Di Peppe, Rhodes and Mitchell

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Stepowany, Gregor, Roberts, and Merryman

DECLARATIONS AND DISQUALIFICATION:

None

PUBLIC PRESENTATIONS

Patricia Kurpiel suggested the Planning Commission move the Water Resource Ordinance forward. She gave a presentation which showed photos of erosion management measures that were not holding up after a recent storm and a photo of a house built on a slope and explained how the silt fences were not working. She stated in her opinion this Ordinance was really needed to protect our sensitive resources.

PUBLIC HEARINGS:

1. Comprehensive Plan Compliance Review – Smith Lake Estates, Section 2, Parcel 20-64 - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232, of the Code of Virginia (1950), as amended, for the extension of public sewer service outside of the County's designated Urban Service Area, to seven (7) proposed residential parcels on Assessor's Parcel 20-64, zoned A-1, Agricultural consisting of 24.62 acres, located on the south side of Kimberwick Lane, approximately 1,500 feet east of Pelham Way in the Griffis-Widewater Election District.

Mrs. Gregor presented the staff report. She gave a presentation showing the location of the property and stated staff recommends approval of the request due to the fact that this extension would avoid future extensions at the County's expense, and would help protect Smith Lake Reservoir against pollutants from drainfield failures.

Mr. Di Peppe asked if the project was 1800 feet from the reservoir, and the location of the sewer line.

Mrs. Gregor stated the project was approximately 1800 feet from the reservoir and the sewer line runs along side of Kimberwick Lane.

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Mr. Mitchell asked if we would send the wrong message, if someone bought the lots beside this parcel because those lots would be out of the district also.

Mrs. Gregor stated that could pose a possibility of setting up precedence if lots are developed immediately adjacent to the reservoir that the county would be willing to provide sewer extension to those areas in spite of it being out of the urban area. She stated in her opinion it could be a distinct possibility and needs to be a primary concern that the water supply be protected.

Mr. Harvey stated that there are certain limitations on how the systems are designed and how they can be accessed. He stated a lot of the public systems are low pressure systems, some are gravity, some are also low pressure, and their size was not going to accommodate a large spectrum of growth. He stated for the most part, staff believes it is important to protect our drinking water supply.

Mrs. Kirby asked how many parcels might fall into this category.

Mr. Harvey stated we have not done an analysis to see how that would fit in. He stated as far as future development it was going to depend on ownership and other factors of developability. He stated as you can see by the map, there are a number of streams that go up and bisect properties. He stated it would be hard to tell how it would work out in a specific area.

Mr. Pitzel stated we have justified others by stating that it was in the watershed. He stated he agrees that it was a precedent that has already been set.

Bruce Reese, representing the applicant, stated he would be happy to answer any questions the Commission may have.

Mrs. Carlone asked if there are any contingencies on any of the sites.

Mr. Reese stated no.

Mr. Pitzel asked if it would be gravity flow or low force with pumps.

Mr. Reese stated it would be low pressure force main tying into the existing low pressure system in Kimberwick.

The Public Hearing was opened.

Patricia Kurpiel asked the Planning Commission to vote against this extension of water and sewer. She read from the Citizen's Guide to Planning and Zoning in Virginia that was published by the Chesapeake Bay Foundation. She stated that as a community we need to start doing something about the impairments in our streams now. There have been about 19 addressed by DEQ.

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With no one else to speak, the Public Hearing was closed.

Mr. Reese stated the staff's position was that this was consistent with the Comprehensive Plan in the protection of a drinking source. He stated every drop of water that falls on the site will flow into Smith Lake, and cannot be avoided. He stated drainfields would fail, it was not a matter of "if", it was a matter of "when", and that was one reason why public sewer was a way to protect the source of drinking water for the county.

Mr. Cook asked if soil test have been done on all these lots and suitable drain fields have been found on these lots if necessary.

Mr. Reese stated yes.

Ms. Kirby made a motion for approval. Mr. Pitzel seconded. The motion passed 6-1 (Mrs. Carlone voted no).

2. Comprehensive Plan Compliance Review - Leeland Station, Sections 5 & 7 - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232, of the Code of Virginia (1950), as amended, for the extension of public sewer service outside of the County's designated Urban Service Area, to Assessor's Parcels 46-92B and 46-93, zoned PD-1, consisting of 119 acres located on the east side of Leeland Road, 1,000 feet north of Walnut Drive within the Falmouth Election District.

Mr. Cook stated the Public Hearing for Item 2 was cancelled.

3. Index of Official Road Names – Amend the Addressing Ordinance as follows:

<u>Location</u>	<u>Current Road name</u>	<u>New Road Name</u>
4200 feet east of Mountain View Road on the east side of Centreport Pkwy	No Name	Patterson Avenue

Mr. Stepowany presented the staff report. He stated staff recommends approval of this road name for emergency purposes.

Ms. Carlone asked how close it was to the Historic Lane.

Mr. Stepowany showed the location on the map.

The Public Hearing was opened.

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With no one coming forward, the Public Hearing was closed.

Mrs. Carlone made motion for approval. Mr. Kirby seconded. The motion passed 7-0.

4. Amendment to Subdivision Ordinance- Proposed amendments to Section 22-251, Procedure for appeal, of the Stafford County Subdivision Ordinance, pursuant to O06-31. Section 22-251 provides authority for an applicant who may be aggrieved by the decision of the agent or Planning Commission to appeal the decision to the Board of Supervisors. The amendment to Section 22-251 would provide authority for an applicant who may be aggrieved by a decision of only the agent to appeal the decision to the Board of Supervisors.
5. Amendment to Subdivision Ordinance- Proposed amendments to Section 22-252, Authority to Grant, of the Stafford County Subdivision Ordinance, pursuant to O06-32. Section 22-252 sets standards for Board of Supervisors in order for the Board to grant a decision on an appeal. Section 15.2-2260 of the Code of Virginia, 1950 as amended, does not authorize the Board of Supervisors to decide on an appeal of a decision by the Planning Commission on preliminary subdivision plans. This amendment clarifies the authority of the Board of Supervisors in that the Board may only decide on an appeal of a waiver determination by the Planning Commission.
6. Amendment to Subdivision Ordinance- Proposed amendments to Section 22-253, Time limits for acting on appeals, of the Stafford County Subdivision Ordinance, pursuant to O06-33. Section 22-253 provides the amount of days the Board of Supervisors shall act upon any appeal filed. The text of this section would be amended to set the standards needed in order for the Board of Supervisors to grant a decision on an appeal.
7. Amendment to Subdivision Ordinance- Proposed amendments to Sections 22-254, Decision final, of the Stafford County Subdivision Ordinance, pursuant to O06-34. Section 22-254 states a decision by the Board of Supervisors, in an appeal under this section, shall be final. The text of the section is deleted due to state law which allows an appeal of the Board of Supervisors decision can be filed with the Circuit Court. The amended text would specify the amount of days the Board of Supervisors shall act upon any appeal filed.

Mr. Stepowany presented the staff report for items 4, 5, 6 and 7. He explained the need for the Ordinance and the proposed Code sections that would be affected. He stated staff recommends approval.

Mr. Di Peppe stated the purpose of the revisions was to bring the Ordinances into compliance with the State Code.

The Public Hearing was opened.

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With no one coming forward, the Public Hearing was closed.

Mr. Mitchell made a motion to approve O06-31. Mrs. Kirby seconded. The motion passed 7-0.

Mr. Mitchell made a motion to approve O06-32. Mrs. Kirby seconded. The motion passed 7-0.

Mr. Mitchell made a motion to approve O06-33. Mrs. Carlone seconded. The motion passed 7-0.

Mr. Di Peppe made a motion to approve O06-34. Mr. Mitchell seconded. The motion passed 7-0.

8. Amendment to Subdivision Ordinance – Proposed amendment to Section 22-77, Review and approval, (Construction plans) of the Subdivision Ordinance, pursuant to O06-35. The amendment would delete the provision which requires a decision by the agent to be made within sixty (60) days of submission to approve the plans, profiles, and specifications. This is not a requirement under state code and the provision is not applicable.
9. Amendment to Subdivision Ordinance – Proposed amendments to Section 22-4, Definitions; and, Section 22-89, Review and approval (Final plat) of the Subdivision Ordinance, pursuant to O06-36. The amendment would define “Official submission” as: The status of a plan or plat which has been determined by the agent to have been filed in accordance with all subdivision requirements of this Chapter. The date on which the plan or plat is officially submitted shall establish the filing date for the plan or plat. Section 22-89(3)(a) would be modified to require the start of the sixty (60) days for action taken by the agent will commence with the official submission of the final plat.
10. Amendment to Subdivision Ordinance Proposed amendment to Section 22-57, Filing, of the Subdivision Ordinance, pursuant to O06-37. The amendment to Section 22-57 clarifies that an application for preliminary subdivision plan shall be submitted on forms provided by the Planning Department and shall not be considered officially submitted until after it has been determined by the agent that all of the submission requirements of the application has been met.
11. Amendment to Subdivision Ordinance – Proposed amendment to Section 22-6, Vesting of rights, of the Subdivision Ordinance, pursuant to O06-38.

Mr. Stepowany presented the staff report for items 8, 9, 10 and 11. He explained the Ordinances and the proposed sections that would be affected. He stated staff recommends approval of the proposed Ordinance.

The Public Hearing was opened.

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Spencer Hudson commented on the overall Ordinances. He stated we could not find the basis for the term officially submitted concept. He stated one might conclude that we are trying to circumvent the sixty day rule by placing all the responsibility on the agent. He stated that the submission should have a clear and concise set of guidelines to assure that the submitter and the agent are on the same sheet of music. He stated in his opinion the term officially submitted appears to put a monopoly on the time frame. He stated he strongly supports all four Ordinances.

With no one else to speak, the Public Hearing was closed.

Mrs. Kirby made motion to approve O06-35. Mrs. Carlone seconded. The motion passed 7-0.

Mr. Mitchell made motion to approve O06-36. Mr. Pitzel seconded. The motion passed 7-0.

Mrs. Kirby made motion to approve O06-37. Mrs. Carlone seconded. The motion passed 7-0.

Mr. Mitchell made motion to approve O06-38. Mrs. Kirby seconded. The motion passed 7-0.

UNFINISHED BUSINESS

12. RC2501629; Reclassification – Mid-Atlantic - A proposed reclassification from A-1, Agricultural to B-2, Urban Commercial Zoning District on Assessor's Parcel 19-71 consisting of 11.87 acres, located on the north side of Garrisonville Road at the intersection with Shelton Shop Road within the Rock Hill Election District. The Comprehensive Plan recommends the property for Urban Commercial and Suburban Residential uses. The Urban Commercial designation would allow development of Commercial Retail and Office uses and the Suburban Residential use would permit single family residential development at a density of three (3) dwelling units per acre. **(Time Limit: May 23, 2006) (Deferred to April 26, 2006 Work Session)**

Mr. Harvey stated item 12 had been discussed in Work Session and that the required proffer changes have been made and read the changes.

Mr. Cook stated it was recommended for approval in work session.

Mr. Mitchell made motion for approval. Mr. Rhodes seconded. The motion passed 6-1 (Mrs. Kirby voted no).

13. CUP2501630; Conditional Use Permit – Mid-Atlantic - A request for a conditional use permit to allow vehicle fuel sales with convenience store and two

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drive-through facilities in the Highway Corridor Overlay Zoning District on Assessor's Parcel 19-71 consisting of 11.87 acres, located on the north side of Garrisonville Road at the intersection with Shelton Shop Road within the Rock Hill Election District. **(Time Limit: May 23, 2006) (Deferred to April 26, 2006 Work Session)**

Mr. Cook stated this item was also recommended for approval in the Work Session.

Mr. Harvey stated that the revised conditions that were recommended at the work session have been made.

Mr. Mitchell made a motion for approval. Mr. Rhodes seconded. The motion passed 6-1 (Mrs. Kirby voted no).

14. RC2501259; Reclassification – Widewater Heights - A proposed reclassification from R-4, Manufactured Home Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 13-37 consisting of 12.18 acres, located on the south side of Telegraph Road approximately 1,000 feet east of Jefferson Davis Highway within the Griffis-Widewater Election District. The Comprehensive Plan recommends the property for Urban Commercial and Light Industrial uses. The Urban Commercial designation would allow development of commercial retail and office uses and the Light Industrial designation would allow light industrial, light manufacturing and office uses. **(Deferred to April 26, 2006 Regular Meeting)**

Mr. Cook stated we have a request from the applicant asking delay and table this. He stated it would be discussed at the May 17, 2006 meeting.

Mr. Pitzel made a motion to defer item 11 until the May 17, 2006 meeting. Mrs. Carlone seconded. The motion passed 7-0.

16. RC2501489; Reclassification – Stafford Lakes, Parcel 44-56 - A request for a Reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 44-56, consisting of 0.33 acres, located on the south side of Warrenton Road approximately 200 feet east of Village Parkway in the Hartwood Election District. The Comprehensive Plan recommends the property for Urban Commercial Use. The Urban Commercial designation would allow development of commercial, retail and office uses. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to April 26, 2006 Work Session) (Time Limit: July 4, 2006)**

Mr. Cook stated we received a request to defer this item until the new GDP was submitted for the adjacent parcel.

Mrs. Carlone made motion to defer. Mrs. Kirby seconded. The motion passed 7-0.

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17. RC2501263; Reclassification – Westlake - A proposed amendment to proffered conditions of Assessor's Parcels 35-20, 20A, 21, 23, 24, 27(portion), 27A, 27B, 28, 28B, 30A, 31, 32A and 43-55 (portion), 59, 59A, 59B, 59C, 59D and 59E, zoned R-2, Urban Residential-Medium Density, R-1, Suburban Residential, M-1, Light Industrial, A-1, Agricultural and B-2, Urban Commercial Zoning Districts, consisting of 1,116.52 acres located on the south side of Warrenton Road, west of Holly Corner Road and along Cedar Grove Road within the Hartwood Election District. The Comprehensive Plan recommends the property for Light Industrial, Suburban Residential, Urban Commercial, Agricultural and Institutional uses. The Light Industrial designation would allow light industrial, light manufacturing and office uses. The Suburban Residential designation would allow residential development at a maximum density of three dwelling units per acre. The Agricultural designation would allow development at a density of one dwelling unit per three acres. The Institutional designation would allow hospitals, schools and public buildings. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to May 3, 2006 Work Session) (Time Limit: July 4, 2006)**

Mr. Cook noted this item was deferred until May 3, 2006.

18. RC2501275; Reclassification – Staffordshire - A proposed amendment to proffered conditions of portions of Assessor's Parcels 36-66 and 37-5, 6, 9 and 10, zoned R-1, Suburban Residential, consisting of 260 acres located on Hulls Chapel Road approximately 1,200 feet north of Lakebreeze Way within the Hartwood Election District. The Comprehensive Plan recommends the property for Rural Residential use. Rural Residential use permits single family residential development at a density of one dwelling unit per three acres. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses. **(Deferred to May 3, 2006 Work Session) (Time Limit: July 4, 2006)**

Mr. Cook noted this item was deferred until May 3, 2006.

19. Amendment to the Comprehensive Plan, Widewater Area - Consider a proposed amendment to the Land Use Plan component of the Comprehensive Plan, in accordance with Section 15.2-2229 of the Code of Virginia (1950) as amended, to amend the map and text regarding Agricultural, Rural Residential, Office, Suburban Commercial, Neighborhood Center, and Park Land designations in the Widewater Area. The amendment would remove Neighborhood Center and Suburban Commercial designations, add Agricultural, Office, Rural Commercial, Urban Residential and Park Land designations, reduce the area of Rural Residential and Suburban Residential. In addition, the amendment would repeal the Widewater Area Plan component of the Comprehensive Plan, dated May 1994. **(Deferred to June 7, 2006 Work Session) (Time Limit: April 7, 2006)**

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Mr. Harvey stated at the Board of Supervisors meeting held last night, that the Board voted to roll that proposed amendment into the comp plan process. Therefore this item can be taken off of your agenda.

20. SUB2501228; Ruby Glen, Preliminary Subdivision Plan - A preliminary subdivision plan for 19 single family residential lots, zoned A-1, consisting of 64.79 acres, located on the east side of Sandy Ridge Road approximately 500 feet north of Sandy Ridge Court on Assessor's Parcels 56-90, 56-91B and a portion of 56-95B, within the George Washington Election District. **(Time Limit: April 24, 2006) (Deferred to May 3, 2006 Work Session at Applicant's request)**

Mr. Cook noted this item was deferred until May 3, 2006.

NEW BUSINESS

21. SUB2600281; Perry Farms Preliminary Subdivision Plan Revision – A revised preliminary plan to remove the hiking trail previously approved in conjunction with the storm water management pond on Assessor's Parcels 20-67 and 20-68 in the George Washington Election District. The action is requested jointly by Perry Farms Home Owners Association and the Silver Companies and will facilitate a future construction project to retrofit the existing storm water management pond to create a wet pond.

Mrs. Gregor presented the staff report. She explained this request was to remove the hiking trail. She stated that the staff recommends approval of the revision to the approved preliminary subdivision plan.

Mrs. Carlone asked about the safety of the children.

Mrs. Gregor stated once the trail is deleted, the criminal element would most likely be deleted.

Mr. Pitzel asked if they are requesting to remove the whole trail.

Mrs. Gregor stated yes.

Mrs. Carlone asked who would maintain the stormwater management pond.

Scott Kelly, Board Member of the Perry Farms HOA, stated that there was a recorded document on file with the County that stated the responsibility was shared between Doc Stone Commons and the Perry Farms HOA.

Mrs. Kirby made motion for approval. Mr. Mitchell seconded. The motion passed 7-0.

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PLANNING DIRECTORS REPORT

Mr. Harvey stated at the April 18, 2006 Board of Supervisors meeting, the Board denied the application for Teran's Bed and Biscuit. He stated at the April 25, 2006 meeting the Board referred the Water Resources plan back to the Planning Commission with a thirty day time limit.

COUNTY ATTORNEY'S REPORT

No Report

SECRETARY/TREASURER REPORTS

No Report

STANDING COMMITTEE REPORTS

Mr. Pitzel stated the Comp Plan Committee met with Peter J. Smith Contractors on April 18, 2006. He stated there were some changes made to the survey and public information meetings are being scheduled for June 6 and 7.

Mr. Di Peppe stated the Ordinance Committee was looking at the next group of Ordinances to work on. He stated The Friends of the Civil War Sites would like to give the Commission a presentation.

Mr. Cook stated they could make a presentation at the May 17, 2006 work session.

Mr. Stepowany stated the proposed Ordinance concerning the Phase I Survey was ready to for Public Hearing.

Mrs. Kirby made a motion to move the Phase I Survey Ordinance to Public Hearing. Mrs. Carlone seconded. The motion passed 7-0.

SPECIAL COMMITTEE REPORTS

No Report

CHAIRMAN'S REPORT

No Report

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 9:30 p.m.

William Cook, Chairman