

**STAFFORD COUNTY PLANNING COMMISSION**  
**WORK SESSION MINUTES**  
**October 4, 2006**

The work session of the Stafford County Planning Commission of Wednesday, October 4, 2006, was called to order at 5:30 p.m. by Chairman William Cook in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent: Kirby

Staff Present: Harvey, Zuraf, Judy, Stepowany, and Gregori

Declarations of Disqualification

None

UNFINISHED BUSINESS:

1. Amendment to the Comprehensive Plan – A proposed amendment to the Land Use Plan text and map component of the Comprehensive Plan. The proposed amendment would redesignate Assessor's Parcel 46-62 from Agricultural to Institutional Use and be included in the Urban Service Area. The proposed amendment would be for the purpose of constructing a public high school. Agricultural use permits single family residential development at a density of one (1) dwelling unit per three (3) acres. Institutional use would permit development which serves a public or social function, including schools. **(Deferred to October 4, 2006 Work Session)**

Scott Horan, Stafford County School Board, stated the FAA had finalized the study of the Stafford Regional Airport impact on the school site. He stated a representative from the Airport Authority was present to answer questions.

Mrs. Carlone stated she was concerned about both Stafford Regional Airport's (SRA) and Dogwood Airpark's proximity to the school site.

Joe Delia, FAA, stated an aeronautical study was conducted and the distance between the Stafford Regional Airport and the school site met FAA standards under any and all conditions.

Mr. Di Peppe stated the Planning Commission received an informal letter from Mr. Delia stating the site was safe as long as commonsense and the safety of children was not considered.

Mr. Delia stated the site was thirteen thousand feet from the SRA. He stated there was still potential for impact on the school site. He stated the FAA would prefer a site which was not directly lined up with the airport runway.

Desi Arnez, Stafford Regional Airport Authority, stated he was concerned about the corporate jets which would be landing at the airport. He stated a missed approach point was a bad time for a pilot to be over a school site.

Mr. Rhodes asked how far the school site was from the SRA.

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Mr. Horan stated the school site was two and a half miles away from the airport.

Mr. Cook stated he was concerned the missed approach would be further out with no back course.

Mr. Mitchell stated with sixty flights or more landing at the airport he was concerned about the potential for error.

Mr. Arnez stated that was also the concern of the Stafford Regional Airport Authority.

Mr. Rhodes asked if the school was in the direct approach of the runway.

Mr. Delia stated it was within the approach surface, but not in direct alignment with the school site.

Mr. Cook asked how many take off and landings where from the west.

Mr. Arnez stated about one-third of the flights where from the west.

Mrs. Carlone asked what the proposed student population was at the school site.

Mr. Horan stated there would be eighteen hundred students in the school.

Mr. Di Peppe asked if exhaust fumes from the planes would affect the environmental health at the school site. He asked if there was any danger to the students' health.

Mr. Horan stated the school was far enough away from the airport that there would be no harmful effects.

Mr. Pitzel asked what the road plan was for Clift Farm Road.

Mr. Horan stated there would be a continuous turn lane and Clift Farm Road would be widened.

Mr. Mitchell stated he was concerned that an FAA official in Texas reviewed the site without ever visiting the site. He stated the width of Clift Farm Road was less than twenty feet.

Mr. Horan stated there would be improvements to Clift Farm Road.

Mr. Mitchell stated even the improvements were not fully mitigated to a school site.

Mr. Di Peppe stated he had concerns about putting kids in the flight path. He stated Annette Kidby was concerned that these issues were not addressed when the School Board was looking at the site.

Mr. Horan stated he provided the information on the location of the proposed school site to the School Board.

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Mr. Di Peppe made a motion to deny. Mr. Mitchell seconded the motion

Mr. Rhodes stated the original packet the Planning Commission received stated the School Board recommended the site, but he was concerned the new information would change their minds.

Mr. Pitzel stated he understood how hard it was to find school sites.

The motion to deny passed 5-1 (Mr. Pitzel was opposed, Mrs. Kirby was absent).

Mr. Cook stated Mr. Di Peppe and Mrs. Carlone would like to speak on behalf of the Reservoir Overlay District Committee.

Mr. Di Peppe stated he was concerned that the Board of Supervisors made a special exception for ten individuals who built docks in the Abel Lake Reservoir without permits. He stated in his opinion the Ordinance was not being enforced unless there was complaint from a citizen. He stated a precedent was being set by telling people you do not have to abide by the County's regulations. He stated the thirty-eight thousand people in the County should have some say on what happens to their drinking water. He stated seven of the ten docks built in the reservoir had pressure treated wood which may contain arsenic. He stated clean drinking water was a right and the rights of thirty-eight thousand citizens supersede the rights of ten.

Mrs. Carlone stated she took exception to the fact that the public and the Reservoir Overlay Committee did not have input on the recommendation from the Board of Supervisors.

**ORDINANCE COMMITTEE**

Mr. Stepowany stated Item 1 was an amendment to section 22-67, revised preliminary subdivision plans. He stated there was not a written criterion in the Subdivision Ordinance for an approved preliminary plan with changes to the construction plan or a final plat. He stated revisions which do not alter the basic design layout of the subdivision, do not change the functional interrelationship of the individual features of the subdivision to each of the surrounding properties and do not change traffic patterns to increase the traffic volume of the subdivision or the surrounding properties. He stated examples of allowed technical changes were the name of the subdivision, changes which would correct errors, adjustment of lot lines, relocation, addition, or removal of utility easements, changes in response to amendments in County Ordinances. He stated the changes have to be provided to the Planning Department in writing and the director would have to make the decision to approve or disapprove any changes.

Mr. Rhodes asked if the written request was by the applicant or by staff.

Mr. Stepowany stated the request was to be made by the applicant.

Mr. Rhodes asked what happens if the request was not approved or disapproved within ten days.

Mr. Harvey stated the amendment does not specify what the ramifications are.

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Mr. Rhodes stated he would hope it would be disapproval and not automatically approved. He asked if ten days was enough time for the Planning Department to review the revisions.

Mr. Harvey stated ten days was adequate.

Mr. Rhodes asked if the Planning Commission could assume the list of technical changes presented was a thorough list.

Mr. Judy stated the list was a sampling of technical changes.

Mr. Pitzel asked what problems, if any, the Planning Department was hoping to correct with this Ordinance.

Mr. Harvey stated there was no definition of what was a major change and minor change.

Mrs. Carlone asked how the Planning Department determined what was major revision and minor revision to adjustments of lot lines.

Mr. Harvey stated it may have to do with the configuration of the lots.

Mr. Stepowany stated the lot lines could be adjusted as long as the number of lots remained the same and there were no change to the roads.

Mr. Cook made a motion to keep Item 1 in committee. Mr. Pitzel seconded. The motion passed 6-0 (Mrs. Kirby was absent).

Mr. Cook stated the Planning Commission would like to discuss the Adult Business Ordinance.

Mr. Harvey stated the Planning Department completed the map for areas which would exclude adult uses based on the draft Ordinances for October 18, 2006.

Mr. Stepowany stated the map located all the schools, churches, hotels, parks, residential and agricultural areas and added a five hundred foot buffer.

Mr. Cook asked if there enough space available for Adult Businesses based on the map.

Mr. Judy stated there was enough space available.

Mr. Cook made a motion to send the Adult Business Ordinance to Public Hearing on October 18, 2006. Mr. Mitchell seconded. The motion passed 6-0 (Mrs. Kirby was absent).

**ADJOURNMENT**

With no further business to discuss the Planning Commission Work Session adjourned at 6:58 p.m.

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William Cook, Chairman

# ***STAFFORD COUNTY PLANNING COMMISSION MINUTES***

## ***October 4, 2006***

The regular meeting of the Stafford County Planning Commission of Wednesday, October 4, 2006, was called to order at 7:30 p.m. by Chairman William Cook in the Board of Supervisors Chambers of the Stafford County Administration Center.

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

MEMBERS ABSENT: Kirby

STAFF PRESENT: Harvey, Zuraf, Judy, Stepowany and Gregori

PUBLIC PRESENTATIONS:

PRESENTATION: Financial Impact Model

Patricia Kurpiel gave a presentation c the Financial Impact Model. She stated the sub-committee had looked at the current zoning, land use, and alternatives. She stated the sub-committee addressed the outputs of the build out which were revenue, expenses, capital costs, and debt. She stated the model had three parts: a demographic module, income module, and expense module. She stated in Stafford County there were thirty-eight thousand homes and it was expected to double within the next twenty years. She stated the estimate for commercial space was one million square feet. She stated the income module was divided into two elements, revenue associated with residential units and the non-residential square footage. She stated Stafford County revenue was going up every year. She stated the expense module was based on the current levels of service the Board of Supervisors adopted when they adopted the proffer guidelines. She stated the expenses exceed revenues every year of the planning horizon. She suggested strategies to reduce the deficit would be increase the tax rate, change the levels of service, and moderate the population growth rate. She stated the Steering Committee was considering the impacts, intergrating what they were learning, and further studying the analysis.

The Planning Commission thanked Mrs. Kurpiel for her presentation and hard work.

PUBLIC HEARINGS:

1. Amendment to Zoning Ordinance- Amendment to Section 28-162, Applicability; Section 28-163, Review; and, Section 28-164, Requirements, of the Zoning Ordinance, pursuant to O06-79. The amendment clarifies Section 28-162 that the voluntary conditions proffered by the applicant as part of a conditional rezoning application are applicable in addition to the regular requirements of the zoning district if approved by the Board of Supervisors. The amendment revises Section 28-163 to clarify that conditional proffers are voluntarily submitted along with an application for conditional rezoning or, alternatively, a statement of intent to file written proffers is submitted with the application. The amendment revises Section 28-164(a)(2), in compliance with a recent change in state law, to provide that proffered conditions must be offered by the owner prior to the public hearing of the board of supervisors, except that the board may accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal.

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Mr. Stepowany presented the staff report. He stated Ordinance O06-79 would allow the Board of Supervisors to accept amended proffers without having another Public Hearing in front of the Planning Commission as long as the proffers did not materially effect the overall proposal. He stated a material effect would be the addition or deletion of a proffer or a change in the proffers that increased the density. He stated staff recommends approval of O06-79.

Mr. Cook opened the Public Hearing.

With no one coming forward the Public hearing was closed.

Mr. Di Peppe made a motion for approval. Mrs. Carlone seconded. The motion passed 6-0 (Mrs. Kirby was absent).

2. Amendment to Zoning Ordinance- Amendment to Section 28-273, Nonconforming Structures, of the Zoning Ordinance, pursuant to O06-80. The amendment modifies the provisions for the enlargement or alteration of a nonconforming residential structure provided the Board of Zoning Appeals grants an approval of a special exception and the proposed enlargement or alteration will not increase the actual condition of the non-conformity and, also, the comprehensive plan does not envision a change in the character or use of the district in question.

Mr. Stepowany presented the staff report. He stated Ordinance O06-80 was to amend the provisions for additions to non-conforming structures. He stated the Board of Zoning Appeals could grant a special exception as long as the non-conformity was not increased.

Mr. Pitzel asked what the difference was between this Ordinance and similar Ordinances.

Mr. Stepowany stated the Ordinance would not allow the Board of Zoning Appeals to increase the non-conformity.

Mr. Cook opened the Public Hearing.

Doug Gross stated he opposed the Ordinance. He stated the Planning Commission should recommend denial. He stated in his opinion the Ordinance added more restrictions to non-conforming homes. He stated the zoning in Stafford County was not correct.

Ressa Schindel stated in her opinion the Ordinance needed more work

Kathy Beard, Stafford Council for Progress, asked how this would apply to multi-family dwellings such as apartments or town homes. She stated the Ordinance only protects single family dwellings.

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

Mr. Stepowany stated the Ordinance was recommended by the Board of Supervisors and the Board of Zoning Appeals. He stated this process would be easier and less complex.

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Mr. Pitzel asked if single family dwellings included condominiums.

Mr. Stepowany stated no.

Mr. Judy stated the Ordinance only addresses single family detached dwellings.

Mr. Cook asked if a non-conforming structure was damaged could the dwelling be rebuilt the exact same way.

Mr. Rhodes stated Section C reads as long as the non-conformity was not expanded and the Comprehensive Plan does not envision a change in the zoning the home could be rebuilt the same standards.

Mr. Di Peppe made a motion for approval. Mr. Rhodes seconded.

Mr. Mitchell stated he did not support the Ordinance because the Board of Zoning Appeals has turned a lot of citizens down.

Mr. Judy stated special exceptions were different from a variance request.

Mr. Mitchell stated he was concerned that houses are currently conforming, and then zoning changes make the same house non-conforming.

The motion passed 5-1 (Mr. Mitchell was opposed, Mrs. Kirby was absent).

3. Amendment to Subdivision Ordinances- Amendment to Section 22-87, Content; and, Section 22-88, Required Documentation, of the Subdivision Ordinance, pursuant to O06-81. The amendment requires a keymap and an electronically formatted computer file which contains all information shown on a final plat to be submitted with the application for the final plat. The keymap shall be drawn at a scale of 1"=400' and shall include parcel/lot boundary lines, lot numbers, street names, subdivision name and section and address numbers, if available. The amendment revises Section 22-88 by deleting subparagraph (b) which would allow the preparer of a final plat to pay a fee in lieu of submitting the electronically formatted computer file which contains all information shown on the final plat.

Mr. Stepowany presented the staff report. He stated Ordinance O06-81 would require an electronic file be submitted with the application for the final plat. He stated currently the electronic file must be submitted prior to the approval of the plat or the surveyor can pay a fee instead of submitting the electronic file. He stated the keymap would help expedite listing the property information.

Mr. Pitzel asked what the electronic file format was required.

Mr. Stepowany stated DXF.

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

Mr. Di Peppe made a motion for approval. Mr. Rhodes seconded. The motion passed 6-0 (Mrs. Kirby was absent).

4. Amendment to Zoning Ordinance – Proposed amendment to Sections 28-25, Definitions of Specific Terms; 28-35, Table of Uses and Standards; and Table 3.1. District Uses and Standards, of the Stafford County Zoning Ordinance, pursuant to O06-83. The amendment would modify the definition of public facilities, create a definition for public works, and establish new regulations for public facilities and public works.

Mr. Stepowany presented the staff report. He stated the location of some public facilities may have an adverse impact on the property and require a Conditional Use Permit (CUP). He stated the CUP would be for those uses which were generally compatible with other land uses permitted in a Zoning District but have a unique character or special impacts such that the impact on an area cannot be predetermined. He stated not all public facilities would have an adverse impact on property which would justify a need for a CUP. He stated staff recommends approval of proposed Ordinance O06-83.

Mrs. Carlone asked if the proposed Ordinance was in conflict with the Ordinance previously passed requiring a CUP for the public schools in the A-1 Zoning District.

Mr. Stepowany stated public schools were a public works facility, because the schools were paid for by the tax payers of Stafford County.

Mr. Pitzel stated public works facilities were constructed by the County or the Commonwealth.

Mr. Stepowany stated this was true except for Wastewater Treatment facilities after the adoption of this Ordinance.

Mr. Pitzel stated public facilities could be paid for with private funds.

Mr. Stepowany stated that was correct.

Mr. Pitzel stated if the County constructs the facility it could be placed anywhere, but if anyone else constructs it they would need a CUP.

Mr. Stepowany stated yes except for Wastewater Treatment facilities.

Mr. Cook opened the Public Hearing.

With no one coming forward, the Public Hearing was closed

Mr. Di Peppe made a motion for approval. Mr. Rhodes seconded. The motion passed 6-0 (Mrs. Kirby was absent).

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**UNFINISHED BUSINESS:**

5. SUB2501328; Ellison Estates Section 2, Preliminary Subdivision Plan - A preliminary subdivision plan for 7 single family residential lots, zoned A-2, consisting of 9.97 acres, located at the north end of proposed Ellison Court and approximately 1,100 feet west of Jefferson Davis Highway and 1,300 feet north of American Legion Road on Assessor's Parcel 38-45H, within the Aquia Election District. **(Time Limit: May 24, 2006) (Deferred to October 18, 2006 at applicant's request)**

Mr. Cook stated item 5 was deferred to October 18, 2006.

6. Amendment to the Comprehensive Plan – A proposed amendment to the Land Use Plan text and map component of the Comprehensive Plan. The proposed amendment would redesignate Assessor's Parcel 46-62 from Agricultural to Institutional Use and be included in the Urban Service Area. The proposed amendment would be for the purpose of constructing a public high school. Agricultural use permits single family residential development at a density of one (1) dwelling unit per three (3) acres. Institutional use would permit development which serves a public or social function, including schools. **(Deferred to October 4, 2006 Work Session)**

Mr. Di Peppe made a motion to deny. Mrs. Carlone seconded. The motion to deny passed 5-1. (Mr. Pitzel was opposed Mrs. Kirby was absent)

7. Amendment to Subdivision Ordinance - Amendment to Section 22-153, Lots for Water and Sewer Mains, of the Subdivision Ordinance, pursuant to O06-62. The proposed amendment would require all water and sewer easements, in their entirety, serving water and/or sewer mains between lots in a residential subdivision to be located on lots conveyed to and maintained by a homeowners association. The width of the easement shall be in accordance with Chapter 25 and Chapter 26.2 of the Stafford County Code. **(Deferred at Staff's Request)**

Mr. Cook stated item 7 was deferred.

8. RC2600183; Reclassification; Ferry Farm Plaza - A proposed reclassification from A-1, Agricultural Zoning District to SC, Suburban Commercial Zoning District to allow the construction of commercial uses on Assessor's Parcels 55-61 and 55-63A consisting of 6 acres, located on the southwest corner of White Oak Road and Ferry Road within the George Washington Election District. **(Time Limit: December 5, 2006) (Deferred to October 18, 2006 Work Session)**

Mr. Cook stated item 8 was deferred to October 18, 2006 Work Session.

9. RC2600334; Reclassification; Yusufi Property - A proposed reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District for office/retail on Assessor's Parcel 19-24 consisting of 0.62 acres, located on the south side of Garrisonville Road approximately 1,100 feet west of Shelton Shop Road within the Rock Hill Election District. **(Time Limit: December 5, 2006) (Deferred to October 18 Work Session)**

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Mr. Cook stated item 9 was deferred to October 18, 2006 Work Session.

10. CUP2600130; Conditional Use Permit – Suh Gas Station - A request for a conditional use permit to allow vehicle fuel sales in a B-2 Zoning District on Assessor's Parcels 29-90A and 96 consisting of 3.2 acres, located on the north side of Courthouse Road at the intersection with Wyche Road within the Aquia Election District. **(Time Limit: December 19, 2006)(Deferred to the November 15, 2006 Work Session)**

Mr. Cook stated item 10 was deferred to November 15, 2006 Work Session.

11. RC2501130; Reclassification – Forbes Landing - A proposed reclassification from A-1, Agricultural Zoning District to R-1, Suburban Residential Zoning District on Assessor's Parcels 46-21, 46-26 and 46-27 consisting of 47.99 acres, located on the east side of Forbes Street approximately 200 feet north of Layhill Road within the Falmouth Election District. The Comprehensive Plan recommends the property for Suburban Residential use. The Suburban Residential designation would allow residential development at a maximum density of three dwelling units per acre. **(Time Limit: December 19, 2006)(Deferred to October 4, 2006 Regular Meeting)**

Mr. Di Peppe stated he would like to compliment Dove Tail for their hard work on the Phase II Study. He stated CT Park put in an additional easement to make the site work. He stated would like to commend everyone for working together to make this project feasible. He made a motion for approval. Mrs. Carlone seconded. The motion passed 6-0 (Mrs. Kirby was absent).

**NEW BUSINESS**

None

Mr. Cook stated since there was no new business he would like to discuss the two Ordinances from the Work Session.

Mr. Stepowany stated Item 2 addressed revisions to plats which were already approved and recorded. He stated once a plat was recorded if the applicant made revisions the Planning Department needs ten days to review the revisions. He stated instead of the documentation on the plats being prepared by the APELSLA, the Planning Department would prepare the documentation in accordance with their current requirements.

Mr. Pitzel asked what would happen if the Planning Department had not responded within ten working days.

Mr. Harvey stated the applicant could go to the court and file a ten day notice.

Mr. Judy stated he would look into the ten day notice and decide what was appropriate.

Mr. Cook made a motion for approval.

Mrs. Carlone seconded the motion.

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Mr. Rhodes stated he would like to keep Item 2 in committee until there was more clarification on what would happen if the modifications were not approved or disapproved after ten days.

Mr. Cook withdrew his motion for approval.

Mrs. Carlone withdrew her second.

Mr. Rhodes made a motion to keep Item 2 in committee. Mrs. Carlone seconded. The motion to passed 6-0 (Mrs. Kirby was absent).

Item 3

Mr. Stepowany stated Item 3 established a purpose for construction plans. He stated the construction plan has to match the preliminary plan. He stated the construction plan shall be in compliance with the approved preliminary plan except for technical changes as described in Section 22-57.

Mr. Rhodes asked if Item 3 should be addressed at the same time as Items 1 and 2.

Mr. Stepowany stated it would be best to send all three Items to Public Hearing at the same time.

Mr. Pitzel stated this Ordinance would establish a function for construction plans.

Mr. Cook made a motion to retain Item 3 in committee. Mrs. Carlone seconded. The motion passed 6-0 (Mrs. Kirby was absent).

Mr. Cook stated there would be an Ordinance Committee Meeting at the October 18, 2006 Work Session.

MINUTES

August 2, 2006 Work Session

Mr. Mitchell made a motion for approval. Mr. Rhodes seconded. The motion passed 6-0 (Mrs. Kirby was absent).

August 2, 2006 Regular Meeting

Mr. Pitzel stated on Page 4, Paragraph 6 should be corrected to read "Mr. Allen stated if the homeowner had to repair or add on to their system, they would have to put in risers to make the system have at grade access."

Mr. Mitchell made a motion for approval with the corrections. Mr. Di Peppe seconded. The motion passed 6-0 (Mrs. Kirby was absent).

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the Board of Supervisors authorized a new position for a Redevelopment Administrator in the Planning Department to help with the vision for Boswell Corner and the Courthouse area.

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Mrs. Carlone asked if the Planning Commission could resend the Critical Resource Protection Area setback Ordinance.

Mr. Harvey stated the Planning Commission always has a right to resend items to the Board.

Mr. Cook stated the Critical Resource Protection Area Ordinance was put in committee.

**COUNTY ATTORNEY'S REPORT**

Mr. Judy stated the Circuit Court heard the Crow's Nest case and the judge agreed with the County.

**SECRETARY/TREASURER REPORT**

No Report

**STANDING COMMITTEE REPORTS**

Mr. Pitzel stated the Comprehensive Plan would be sent to the Planning Commission in January and to the Board of Supervisors in February.

**CONSENT AGENDA**

**SPECIAL COMMITTEE REPORTS**

None

**CHAIRMAN'S REPORT**

Mr. Cook stated the first meeting of July 2007 was scheduled for July 4, 2007. He stated he would like to amend the schedule to cancel the first meeting in July and the second meeting in August.

Mr. Mitchell made a motion for approval. Mr. Di Peppe seconded. The motion passed 5-1 (Mr. Pitzel was opposed, Mrs. Kirby was absent).

Mr. Cook stated he appreciated the input from Mr. Arnez and the FAA during the Planning Commission Work Session.

Mr. Stepowany stated the YMCA on Mountain View Road would have access to the traffic light. He stated in the event the school was closed for snow the YMCA has to clear the roadway.

The Planning Commission reaffirmed their vote to send the Adult Business Ordinance to Public Hearing on October 18, 2006.

The motion passed 5-1 (Mr. Pitzel was opposed, Mrs. Kirby was absent).

**ADJOURNMENT**

With no further business to discuss Mr. Mitchell made a motion for adjournment. Mr. Di Peppe seconded. The meeting was adjourned at 9:20 p.m.