

STAFFORD COUNTY BOARD OF ZONING APPEALS
January 24, 2023

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, January 24, 2023, was called to order with the determination of a quorum at 7:00 PM by Chairman Kecia Evans in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kecia Evans, Dana Brown, Jon Ireland, Steven Apicella, John Harris, Abraham Panjshiri, Jeffrey Spinnanger

MEMBERS ABSENT: Robert Gibbons (*Alternate*)

STAFF PRESENT: Douglas Morgan, Stacie Stinnette

DECLARATIONS OF DISQUALIFICATION

Ms. Evans: So we have a quorum, and we're gonna let the record reflect that we have a quorum tonight with 1, 2, 3, 4, 5, 6 – 6 voting members present. Alright. Is there any declarations of disqualification? So before we hear the first case, does any board member wish to make any declaration or statement concerning any cases to be heard before this board tonight? Alright, I do have a... I am going to ask the board for a motion. We've... I found out from staff that we do not have a case in February. And so I'm asking to do, if we can select who can be the Chair, Vice Chair, and Secretary. So is... can I get a motion on the floor to do it for tonight instead of February. Tonight is January, I mean not January... yeah, I want to change the elections. So we can elect positions for tonight. So can I get a motion on that?

Mr. Ireland: I move to suggest moving the elections to tonight instead of February.

Ms. Evans: Alright, is there a second?

Mr. Harris: Second.

Ms. Evans: Is there a discussion? Alright, those in favor... Oh, go ahead.

Ms. Brown: I'm gonna vote no on this only because I just found out...

Ms. Evans: I didn't ask for the vote.

Ms. Brown: I know. Well, we're having a discussion, we're having a discussion. I don't feel comfortable with this because nobody knew ahead of time. That's all.

Ms. Evans: Okay. Alright, I will take that into consideration. Alright. So those who are in favor for to do the elections tonight say aye.

Mr. Apicella: Aye.

Mr. Harris: Aye.

Mr. Ireland: Aye.

Mr. Panjshiri: Aye.

Mr. Spinnanger: Aye.

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Ms. Evans: Aye. Those who are not in favor say nay?

Ms. Brown: Nay.

Ms. Evans: Alright, so the motion passes. We will elect new election officials tonight.

Mr. Harris: At what part of the agenda, Madam Chairman?

Ms. Evans: Actually, we can do it right now.

Mr. Harris: Okay. Madam Chairman, I'd like to open up the nomination process and nominate the current Chairman and Vice Chairman to continue for the 2023 year.

Ms. Evans: Thank you.

Mr. Ireland: I second.

Mr. Harris: Madam Chairman... oh, I made the motion, I can't call for it.

Ms. Evans: Right. *[Laughter]* Those who are in favor say aye.

Mr. Apicella: Aye.

Ms. Brown: Aye.

Mr. Harris: Aye.

Mr. Ireland: Aye.

Mr. Panjshiri: Aye.

Mr. Spinnanger: Aye.

Ms. Evans: Aye. Those who oppose say nay. Alright. Well, And that's our discussion because it looks like it's unanimous. And so Kecia Evans will be Chair and Dana Brown would be Vice Chair. Secretary? Is there a nomination for Secretary? Okay, I nominate Jon Ireland. Steven, would you like it? No. Abraham. Okay. Well, Jon Ireland, I nominate you for to be continued...

Ms. Brown: I'll second, I'll second Mr. Ireland.

Ms. Evans: Alright. So there's motion on the floor for Jon Ireland to be Secretary. Those who are in favor say aye.

All members: Aye.

Ms. Evans: Those who oppose say nay. Alright, everyone is in favor so Jon Ireland you will be Secretary. Okay. Alright, thank you very much. Alright, let's move on to business. Alright, so the BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to hear and decide appeals from any order, requirement, decision,

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or determination made by the Zoning Administrator. Hearing of appeals will be conducted in two parts. The first one will be a review of jurisdiction and standing. The second will be the hearing of the merits of the case, if required, after the review of jurisdiction and standing. We also hear and decide upon requests for variance from the Zoning Ordinance, when a literal enforcement of the Ordinance would result in unnecessary hardship to the owners of a property. And we hear and decide on requests for special exceptions, where the Zoning Ordinance allows for special exemptions. The hearing will be conducted as follow in order. I will ask the BZA Secretary to read the case. I will then ask the applicant or their representative to come forward and state their name and address, and present the case to the board. You will be allowed 10 minutes to present your case. I will then ask for any member of the public who wishes to speak in support of the application to come forward and speak. You will only have 3 minutes. After hearing from those in favor of the application, I will ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. You will only have 3 minutes. After all public comments have been received, the applicant shall have 3 minutes to respond and provide closing remarks. Members of the Board may ask questions of the applicant to clarify or better understand the case. We ask that each speaker present their views directly to the Board and not to the applicant or other members of the public. We require that applicants, speakers, presenters, and audience to act with the level of decorum and respect appropriate as a courtroom setting. This Board requires that any person who wishes to speak before this Board shall be administered an oath. Therefore, I ask anyone who wishes to speak tonight to stand and raise your right hand. Do you hereby swear or affirm that all testimony before this Board shall be nothing but the truth?

Audience: I affirm.

Ms. Evans: Alright, thank you; be seated. Right after the applicant's final response, I will close the public hearing. After the public hearing has been closed, there shall be no further public comments. Alright. As a reminder, I ask that when you come down to the podium to speak, please first give your name and address clearly into the microphone so our recording secretary can have an accurate recording, record of the speakers. Also, please sign the form on the table at the rear of the room, okay, if you haven't done it already. Alright. So are there any changes or additions to the revised agenda? Well, there was.

Mr. Morgan: There was... yes, Madam Chair, there were and they were approved. There's no additional changes.

APPLICATIONS AND APPEALS

1. SE23-01/22154833 – Brown Sugar Bed & Breakfast – A request for a Special Exception per Stafford County Code, Sec. 28-35, Table 3.1, "District uses and standards," A-1, Agricultural, to allow for Bed and Breakfast Inn on Tax Map Parcel No. 26-42B. The property is zoned A-1, Agricultural, and is located at 709 Stony Hill Road, within the Hartwood Election District.

Ms. Evans: Alright. I now ask the staff if the application has been deemed complete.

Mr. Morgan: Yes, Madam Chair, the application has been deemed complete.

Ms. Evans: Okay, so does BZA member Steven Apicella have any additional questions for staff?

Mr. Apicella: No.

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Ms. Evans: Does BZA member Jeff Spinnanger have any additional questions for staff?

Mr. Spinnanger: No.

Ms. Evans: Does BZA member John Harris have any additional questions for staff?

Mr. Harris: No.

Ms. Evans: Does BZA member Abraham Panjshiri have any additional questions for staff?

Mr. Panjshiri: No.

Ms. Evans: Does BZA Secretary Jon Ireland have any additional questions for staff?

Mr. Ireland: No.

Ms. Evans: Does BZA Vice Chair Dana Brown have any additional questions for staff?

Ms. Brown: I actually do. Okay, if I could, for staff, could you just clarify the total amount of square footage that's going to be used for the business? There was a bit of a contradiction. Page 2 of the staff report said there was going to be 1,807 square feet of the basement and 2,170 square feet for the main level for a total of 3,977. But page 6 of the application said 1,200, so.

Mr. Morgan: Yes, Madam Vice Chair, that would be a question that I would refer to the applicant to clarify exactly what their area is and define that for the board.

Ms. Brown: Okay, and then does the property have a permit for the basement?

Mr. Morgan: Yes, ma'am, it does. The building and structure was approved and permitted, building permit number 22266461. Along with the Health Department permit that you see, there's a sewage disposal and showed for the total square-footage. And in your packet I've also included the area floor area and the Commissioner of Revenues information on this property and construction.

Ms. Brown: Okay, and then I noticed on the affidavit portion of the application, according to the tax records, the house is jointly owned with a Mr. Darren Brown. And he did not sign anything that he was aware of this.

Mr. Morgan: Yes, I believe both applicants and property owners are here this evening.

Ms. Brown: I know in a previous case when this happened before we, we had them sign and we had someone on staff who was a notary. Would that work tonight?

Mr. Morgan: That will, that could work, yes. And I'd be glad to do that. I'm a notary.

Ms. Brown: Great, great. And then the last one was, have there been any neighbor complaints to date about the property?

Mr. Morgan: We have not received any phone calls or emails or any correspondence regarding this application.

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Ms. Brown: Thank you, that's all I had.

Ms. Evans: Alright, thank you. I will now ask the secretary to read the first case.

Mr. Ireland: The Board of Zoning appeals is considering a request for special exception to allow a Bed and Breakfast Inn on Tax Map Parcel number 26-42B. The property is zoned A-1, Agricultural, and is located at 709 Stony Hill Road, within the Hartwood Election District. The applicant is requesting a Special Exception to operate a Bed and Breakfast Inn within the primary residence. The definition of a Bed and Breakfast Inn is "a commercial enterprise, housed in a building primarily designed as a single-family residence, where rooms are available for rent, typically on a short-term basis and at least one meal a day is offered to overnight guests and where no more than ten (10) short-term lodging rooms and meals served family-style are provided. The operator of the inn shall live on the premises." Approximately 1,807 square feet of finished area in the basement will be utilized for the guests, as well as 2,170 square feet on the main level. Breakfast will be provided each morning. Additional meals will also be available. The applicant will adhere to all ADA Regulations and comply with all federal, state, and local laws and regulations.

Ms. Evans: Thank you. I now open the public hearing. Will the applicant or his or her representative please come forward to represent their case.

Dr. Brown: Hello, I'm Dr. Vinita Hambrick-Brown and I live at 709 Stony Hill Road, Fredericksburg, Virginia, 22406. Hello again, everyone. I've already introduced myself. But in addition to that, I'm the proud owner of Brown Sugar Bed and Breakfast. I have a strong background in servant leadership, specializing in human resources for over 23 years in the United States Army. I have the distinct honor and transitioning for retirement in March. I'm a little excited. The skills, knowledge, and relationships made over time impact my capabilities to making this business venture a success. *Inaudible, audio static...* in the military as a Human Resource Officer ignited my passion for serving and engaging people, which has now transformed into luxury hospitality with Brown Sugar Bed and Breakfast. As a zealous believer, Brown Sugar Bed and Breakfast will be an invigorating and revitalizing experience with layers of sophisticated service. Capitalizing on luxury, Brown Sugar has restful charm accommodations, offering a country retreat to relax and recharge. We are the perfect getaway from the hectic world as peaceful homeland destination offers gorgeous sunrises, stunning sunsets, and nightly stargazing. Our goal is to make our guests want to come back. Equally it is our goal to provide a safe place for our guests to relax and recharge, to be the best version of themselves when they return home. Brown Sugar Bed and Breakfast has a unique setting and will hold a distinctive place in the hospitality and lodging industry. Our target audiences will be travelers with a historic interest; our national parks and cemeteries, museums, and farms. Our local patronage, vacationers and wonder warriors. I previously served as a Director of the Army's Wounded Warrior program, and I know oh too well the positive impact of a retreat like this for our recovering service members that are wounded, ill, and injured. Brown Sugar Bed and Breakfast would like to be that destination choice for our heroes to revitalize their mind, spirit, and soul during extensive recovery process and return motivated and inspired. I humbly request before you today the opportunity to be that positive pillar in my community with an approval of Brown Sugar Bed and Breakfast. What are your questions?

Ms. Evans: Alright, thank you. Is there any member of the public who wishes to speak in support of the application? Please come forward. Is there any member of the public who wishes to speak in opposition to the application? Please come forward. Alright, there's none. At this time, I will open up for questions from the board members. This is the time for the board members to ask any and all

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questions of the applicant before I close the public hearing. As a reminder, once the public hearing is closed, we cannot take any further questions from the floor. Each board member will have no more than five minutes to ask their questions. Does BZA member Steven Apicella have any additional questions for the applicant?

Mr. Apicella: Nope.

Ms. Evans: This BZA member Jeffrey Spinnanger have any additional questions for the applicant?

Mr. Spinnanger: No.

Ms. Evans: Does BZA member John Harris have any additional questions for the applicant?

Mr. Harris: Thank you, Madam Chairman, for the opportunity to one, thank you, ma'am, for your service and your service that you provided to the troops. We certainly do sincerely appreciate that.

Dr. Brown: Thank you for your support.

Mr. Harris: And we appreciate your bringing this type of opportunity to the Hartwood District, which I know well. I do have a few questions if I could. And this is to aid you in the operation of your facility. And it would make it part of our record so that we have a good understanding of how this moves forward. Your neighbors who have discussed this application with me are very positive from the standpoint of looking forward to it. But they did have a few questions. And they would like them to be addressed as a matter of record so that we have a clearer understanding. And one of those is the effect of the ABC law in the Commonwealth on your property. How does that affect your type of operation?

Dr. Brown: Sir, thank you for the question. As I've continued to research and evolve in my knowledge, I have not done the full research as far as the ABC requirements. I was kind of on pause waiting for this moment to transpire. But I would like to apply for an ABC license, if permitted.

Mr. Harris: So I guess, to the answer that I heard was that you would comply with all the ABC laws required with this application?

Dr. Brown: That's exactly what I said.

Mr. Harris: Yes, ma'am, that's what I thought. And then the next question was the discharge, or the casual or recreational or hunting, discharge of weapons of noise, that sort of thing, backstops, perimeter, security, with regard to your guests. They would have a different context of use of the property than you as the owner. So that is something that I think you need to address in your relationship with your tenant, and... or your casual tenants as they come about. The other thing that the community inquired about, and you described it quite well, the stars in the sky and sunny mornings, but there's also their right to privacy and respect of property rights as well. And they asked that I convey to you that they hope that your guests would honor their property rights as much as you want yours represented, of course.

Dr. Brown: Absolutely.

Mr. Harris: Yes, ma'am. And then I guess the, the two other issues were noise events, special events, how that would be handled. You can address that in just a moment. And then the next question was,

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you are aware that this is a special exception, and that in the event that we're not in compliance, or we have community objections or complaints that this can be revoked?

Dr. Brown: Yes.

Mr. Harris: Okay, so you understand that, and your neighbors wanted you to understand that as well. They want to be good neighbors, and symbiotic relationship to occur. Alright, so just so that we all understand that. And that concludes my questions. If you'd like to address those few I discussed with regard to noise, music, special events. Is that part of your marketing approach?

Dr. Brown: Yes, it is, sir. And we will be respectful. The noise pollution will be kept to a minimum. I believe, I think we set everything to be done by 10 o'clock, as a respectful time.

Mr. Harris: And the ABC laws, the gun discharge, and the respect of property rights, because there's are some big animals that are across the street and fireworks, noise, etc. And you know what it's like in a rural area with gun discharge, it's kind of annoying sometimes, although it does happen. But so those are the things that your neighbors raised. But they think that there will be a positive attribute, as long as we adhere to being a good neighbor.

Dr. Brown: Yes, sir.

Mr. Harris: Thank you, Madam Chairman. That concludes my comments.

Ms. Evans: You're quite welcome.

Mr. Morgan: Madam Chairman, if I can clarify something.

Ms. Evans: Yes.

Mr. Morgan: In regards to special events, your application is for a Bed and Breakfast. So if you do have four guests that are staying there and want to have, get together and have cocktails, that's fine. Unfortunately, special events are only permitted in A-1 zoned property on acres of 20 or more. So special events to be housed outside or events that are large in nature would not be permitted.

Mr. Harris: Thank you for clarification.

Dr. Brown: Thank you.

Ms. Evans: Does BZA member Abraham Panjshiri have any additional questions for the applicant?

Mr. Panjshiri: No, Madam Chair.

Ms. Evans: Alright. Does BZAA Secretary Jon Ireland have any additional questions for the applicant?

Mr. Ireland: No, I don't.

Ms. Evans: Does BZA Vice Chair Dana Brown have any additional questions for the applicant?

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Ms. Brown: Yes, Madam Chair. I echo his comments. Thank you for bringing this business to Stafford. I'd like to know how many people live in the dwelling besides yourself?

Dr. Brown: Myself, my husband, and daughter.

Ms. Brown: Okay, so there's three of you. Okay. And how many bedrooms do you have?

Dr. Brown: We have three; we've made a fifth. But we have three on the books. I mean four, I'm sorry, four on the books.

Ms. Brown: Okay. And I didn't see anything in the packet about what hours of operation or days. Is it all year round?

Dr. Brown: We are electing to do a year round.

Ms. Brown: Okay. And that's all I have. Thank you.

Ms. Evans: Alright, thank you. I did have one question, but I think that they asked it, so I have no questions. Okay.

Dr. Brown: Thank you.

Ms. Evans: Alright. So now, everyone's asked questions, can I get a motion on the floor to approve or deny?

Ms. Brown: Do we want to talk about conditions?

Ms. Evans: Where do... you have conditions? Or are we gonna follow...?

Mr. Apicella: Madam Chairman, you haven't closed the public hearing yet.

Ms. Evans: Oh, I'm sorry. The hearing... hold on. Thank you, Steven. So I will now close the public hearing for this application, and bring the matter to the Board for discussion. So Dana, yes, now we can discuss...

Ms. Brown: Thank you.

Ms. Evans: ... the conditions. So staff can read the conditions back to us. So yes, go ahead.

Ms. Brown: I had a couple I wanted to add. The ones on there were fine. But I did want to add like after number 1, that no more than five guests at one time. And the reason that is, is because the perk report. The perk report perked for eight, a total of eight people at one time, four bedrooms, that's two to a bedroom. If the husband, the wife, and the daughter are there, that's three people so that would only be able to have five guests at one time. I wanted to add if I could no on-street parking would be allowed. And we've put this in another one. If for some reason, the septic system or the well, something would wear out, I wanted to add in there that the applicant would not be eligible for County subsidized pump and haul. And that's all I wanted to add if you guys were agreeable.

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Mr. Spinnanger: Can I make a suggestion? Instead of no more than five guests, say no more than eight occupants. Their daughter may move out some day. It's still within the purview of the perk. It gives them a little bit of flexibility in the future without having to come back.

Ms. Brown: How about no more than eight at one time?

Mr. Spinnanger: Yeah.

Ms. Brown: Eight occupants at one time?

Mr. Spinnanger: Perfect.

Mr. Harris: It's every parent's dream that their child moves out.

Ms. Evans: Alright. So does anyone else have any? Alright. So staff I'm gonna ask... go ahead, I'm sorry.

Mr. Ireland: When we put conditions on it, I like to hear from the applicant to know whether that meets your anticipated business plan. I mean, were you expecting more even though the sewer system doesn't support more than eight? Because if it affects your ability to do your business plan, perhaps you'd want to take it back, deal with the sewage system, and then come back to the board as opposed to anybody, you know, saying that we're not going to approve it for some reason.

Dr. Brown: No, sir. This is perfect.

Mr. Ireland: Okay, great. Thank you.

Ms. Evans: Alright, so I'm gonna ask staff to read the conditions back.

Mr. Morgan: The additional conditions that I have mentioned are no more than eight occupants at any one time. No on-street parking permitted. If well and septic fail, subsidized pump and haul will not be eligible for this property.

Ms. Brown: County subsidized pump and haul.

Mr. Morgan: Is that correct?

Ms. Evans: Yes.

Mr. Morgan: Okay.

Mr. Harris: Madam Chairman?

Ms. Evans: He hasn't finished. Are you finished? You finished? Okay. Alright. So can I get a motion?

Mr. Harris: Yes, I move for approval with the conditions amended.

Ms. Evans: Alright. Oh, is there a second motion?

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Mr. Ireland: Second.

Ms. Evans: Those in favor say aye.

All members: Aye.

Ms. Evans: Those who oppose say nay. There's no nays so it is approved. Alright.

Ms. Brown: Congratulations.

Ms. Evans: Congratulations.

Dr. Brown: Thank you.

Ms. Evans: I didn't even ask if there was a discussion. So you're approved.

Dr. Brown: Thank you all so much. Thank you.

Ms. Evans: Thank you.

Mr. Morgan: If you guys wouldn't mind just waiting a moment, Stacie will get your husband's name and notarize that for you.

Dr. Brown: I appreciate that. Thank you.

Ms. Evans: Alright. The next item is Unfinished Business. Do we have any unfinished business? Do we have any unfinished...?

UNFINISHED BUSINESS

Mr. Morgan: No, Madam Chair.

Ms. Evans: Okay. I was like, you wanted to say yes? Alright. Can I get the Zoning Administrator's Report?

ZONING ADMINISTRATOR'S REPORT

Mr. Morgan: Yes, Madam Chair. With the reorganization happening this evening, I would like to go ahead and pass around a draft of the upcoming meeting schedules for 2023. If you'll note in what I'm providing to you, it outlines all the meeting dates for 2023. With the exception of June, June 27th there's a conflict. The Board Chambers will not be available. And I would need a motion and an approval from the Board to cancel the June meeting, reschedule the June meeting, or make some action so that this calendar can be publicized.

Ms. Evans: Alright. So you're asking for us to do a motion? Alright.

Mr. Morgan: We would... at this meeting, yes, it would be nice to have. And we want to make sure that if we do cancel the June 27th meeting, which kind of runs in line with the Board's, almost in line with the Board's summer retreat, that June 27th meeting, we do not have chambers. And as we know

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before, when we are not in these chambers, there has been errors with recordings and having audio available.

Ms. Evans: Alright. Well, then can I get a motion on the floor to... so we're going to cancel the June... June 27th.

Mr. Morgan: It's June 27, 2023. It's right there in the middle, it's highlighted.

Mr. Harris: Right. But I meant do we need a date to replace it, or just leave it void?

Ms. Evans: No, we're just going to skip that one. We're going to leave it void. He's asking to leave it void, so.

Ms. Brown: Is there no other dates available that we could do? If we had, if we had a case?

Mr. Morgan: On Tuesdays, no. On Tuesdays, no, but we have not checked every calendar date for June.

Ms. Evans: So before the... okay, so can I ask before we make a motion or cancel this meeting, can we check, can staff check to see if there's any other days that would be available if no one no other board member opposes to that?

Mr. Morgan: If the Board so chooses to have it Monday, Tuesday, Thursday, Friday, or Monday, Wednesday, Thursday, Friday, we can check those dates, but they would have to fall in line within those two weeks of our consistent cycle. So it will be difficult but we will certainly look at those dates.

Ms. Evans: Okay.

Mr. Morgan: If the board so chooses.

Mr. Spinnanger: So, Madam Chair, I'd like to make a motion that we cancel the June meeting.

Mr. Harris: Second.

Ms. Evans: Okay, there's a second. Those who approve, those who are for it say aye?

All members: Aye.

Ms. Evans: Those who oppose say nay. Alright, so June 27, 2023 meeting is cancelled. Alright.

Mr. Morgan: And I have nothing further, Madam Chair.

Ms. Evans: Alright, thank you. Can we can I get a motion for the approval of the minutes, September 27, 2022 minutes?

ADOPTION OF MINUTES

2. September 27, 2022

Mr. Ireland: I move to approve the minutes from September 27, 2022.

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Ms. Evans: Is there a second?

Mr. Spinnanger: Second.

Ms. Evans: Alright. Any discussion? Those in favor say aye.

All members: Aye.

OTHER BUSINESS

Ms. Evans: Those opposed say nay. Alright, motion passes. Approval of the minutes have been approved. Is there Other Business? There's no other business, alright. Can I get a motion to adjourn?

ADJOURNMENT

Mr. Harris: So moved, Madam Chairman.

Mr. Spinnanger: Second.

Ms. Evans: Alright, we're out of here.

With no further business to discuss, the meeting was adjourned at 7:30 PM.