

BZA MINUTES

MAY 20, 2002

Members present: Charles Addington, James Trautman, Mike Blankley, Jeff Prescott, Mike Thurston.

Members absent: Bill Davis, Dale Clevenger.

Staff present: Cathy Flatter, Executive Director, Jamie Stump, Recording Secretary.

Legal Representation: Robert C. Oliver.

Others present: See attached sheet.

The meeting was called to order by Chairman Charles Addington at 7:00 P.M.

Chr. Addington: Board members we need to approve the minutes from the April 15th meeting. Do I hear a motion to that affect?

M. Blankley: I make the motion that we approve the minutes without reading.

J. Trautman: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Those minutes have been approved as written. First thing I will do is read a little to you so you know what to expect. The petitioner will be allowed to present the facts/arguments in support of his/her case without interruption by any other person. The board members will than be allowed to ask questions of the petitioner. Any interested person or parties sent a notice shall than be allowed to speak and present their facts or arguments uninterrupted. The board members may than ask questions of these interested parties. Other persons attending the hearing should than be allowed to speak to the board either presenting facts or questioning the board on any matter pertaining to the petition being heard.

BZA 2002-13-V (Jack Wright, Union City, IN)

Chr. Addington: First petition tonight will be Jack Wright. Would you come forward please. You live out 344 S. Columbia Street in Union City, is that right?

J. Wright: Yes.

Chr. Addington: State your name for the record please. This is a recorded meeting.

J. Wright: My name is Jack Wright.

Chr. Addington: Did you notify all the surrounding property owners?

J. Wright: Yes I did. I notified all the people.

Chr. Addington: Did you receive an Article V, Conduct of Hearing when you applied for this from the Planning Commission?

J. Wright: Yes I did.

Chr. Addington: Did we get receipts back on this Jamie?

J. Stump: Yes we did.

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Chr. Addington: Was this published in a timely manner, Jamie?

J. Stump: Yes.

Chr. Addington: You can tell us Mr. Wright what you want to do.

J. Wright: What I would like to do is, I am applying for a variance on my property. I guess the required is to be 25 feet off the property line from the street and I need to be about 12 feet off the property line. I am putting an addition onto my existing building and I could really use the extra room for a couple reasons. I have a diagram on the back of this paper, of the building plans and what it consists of before and after. I have a business there right now. I am just expanding my business and also with the new building and the extra sides it is going to make it wheel chair accessible.

Chr. Addington: Is this the paper you were referring to?

J. Wright: Yes.

Chr. Addington: We all have a copy of that paper.

J. Wright: That was another reason for the extra room. I have a picture of the property to where I want to extend it to in accordance to where the street is and then also the neighbors building that is almost located just about right on the street.

Chr. Addington: If you want to present that to us we will keep it. Hand it to Mike there if you would and we will pass it around if you are willing to give them up.

J. Wright: Okay. This just shows where I want to extend my building to. That is just about it.

Chr. Addington: Anything else? Any questions board members? When you say your east property line, that is the State Line right?

J. Wright: Yes it is. The State Line.

Chr. Addington: They are going to do that just right north of your shop? Right there by the picture window and come east, is that where you are going to do that?

J. Wright: That window there is actually going to be coming out.

C. Flatter: I guess I could just briefly explain to the board members, Jack's house faces Columbia Street and actually this is the rear of your property along State Line, isn't that correct?

J. Wright: Yes.

C. Flatter: He has a double frontage lot with the front of it being on Columbia and the back of it being on State Line, so he is required, any time he does any kind of work to this piece of property, he has a 25 foot setback along Columbia Street and a 25 foot setback along State Line because of the double frontage and with him only being 12 feet, that is why he is here tonight asking for that 13 feet of variance.

Chr. Addington: Bear with us a minute and we can look at these pictures for a minute.

B. Oliver: I may have missed this, what are these, model racing tracks?

J. Wright: Yes. They are slot cars.

C. Flatter: Jack how long have you been running this business now?

J. Wright: This is going on my third year.

C. Flatter: You came before the Board of Zoning Appeals prior to that and got the approval for a business.

Chr. Addington: I remember that.

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J. Wright: One of the reasons for expanding is because of large numbers of people that come at different times. We have had national events there and I just wanted to make it bigger so they have more room and I was adding some more tracks.

Chr. Addington: You would be coming right straight east there from that picture window is that right?

J. Wright: Yes.

Chr. Addington: Is there any one here that is a surrounding property owner that is opposed to this Mr. Wright's? If not we are ready to take action on BZA 2002-13-V. Do I hear a motion to that affect?

M. Blankley: So moved.

J. Prescott: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). I need a motion for a roll call vote.

M. Thurston: So moved.

J. Prescott: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

A roll call vote was taken: Mike Blankley, yes; Charles Addington, yes; Dale Clevenger, absent; Jeff Prescott, yes; Mike Thurston, yes; James Trautman, yes; Bill Davis, absent. The petition has been granted.

J. Wright: Thank you.

C. Flatter: You just need to come in and get your permits when you are ready for construction.

BZA 2002-14-V (Kenneth McCoy, Jr., Winchester)

Chr. Addington: Next is BZA 2002-14-V, Kenny McCoy. If you would come forward please. You live at 583 SE Shadey Lane?

K. McCoy: Yes.

Chr. Addington: Did you receive a Conduct of Hearing when you applied for the petition?

K. McCoy: Yes.

Chr. Addington: Did you notify all the surrounding property owners?

K. McCoy: Yes.

Chr. Addington: Did we get the receipts back on those Jamie?

J. Stump: Yes.

Chr. Addington: It was published in the newspaper in a timely manner?

J. Stump: Yes.

Chr. Addington: State your name for the record.

K. McCoy: Kenny McCoy, Jr.

Chr. Addington: Tell us what you want to do.

K. McCoy: I want to build a garage and I had them come out to take the trees out and everything then when, I can't remember the guys name, but he came out and I need to be 40 feet off of the center of the road.

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C. Flatter: It was Chuck, he was filling in for me.

K. McCoy: I am 36' 6" I believe. I gave all my paperwork to the Amish crew that is going to be doing this, but I believe that is what it was. To go back another 5 feet I would have to take out probably the biggest tree on my property and I would kind of like to keep it. That is why I applied for this.

Chr. Addington: Anything else?

K. McCoy: No.

Chr. Addington: Board members any questions? So you have all the trees out that you need to take out?

K. McCoy: Yes.

Chr. Addington: I saw where you have cut a couple trees there it looked like.

K. McCoy: Yes. I think I got seven all together.

Chr. Addington: Oh is that right? You cut that many?

K. McCoy: Yes.

Chr. Addington: Do we have anyone here in opposition that is opposed to this? If not I need a motion to take action on BZA 2002-14-V.

J. Trautman: So moved.

M. Thurston: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). I need a motion for a roll call vote.

J. Prescott: So moved.

M. Thurston: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

A roll call vote was taken: James Trautman, yes; Bill Davis, absent; Mike Thurston, yes; Jeff Prescott, yes; Dale Clevenger, absent; Mike Blankley, yes; Charles Addington, yes. The petition has been granted.

C. Flatter: Kenny I think we have your permit. We have both of the permits.

BZA 2002-15-V (Jason & Holly McNamara, Williamsburg)

Chr. Addington: Next will be Jason & Holly McNamara. You live at 10213 S. 475 West, Williamsburg, IN?

J. McNamara: Yes.

Chr. Addington: Did you notify all the surrounding property owners?

J. McNamara: Yes we did.

Chr. Addington: Did you receive an Article V, Conduct of Hearing when you applied for the variance?

J. McNamara: Yes.

Chr. Addington: Did we get the receipts back on these Jamie?

J. Stump: Yes.

Chr. Addington: Was it published in a timely manner?

J. Stump: Yes.

Chr. Addington: State your name for the record if you would please.

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J. McNamara: Jason McNamara.

H. McNamara: Holly McNamara.

Chr. Addington: Tell us what you would like to do.

J. McNamara: Basically we just want to section off 2 1/2 acres in the front and sell it and we want to build a new house in the back but we don't have the 40 foot road frontage to get our driveway to the back lot. We just need a 20-foot variance on the 40-foot road frontage.

Chr. Addington: Cathy would you explain that just a little bit for the board if you would?

C. Flatter: Yes I will. Under the agricultural zone, in your Zoning Ordinance, it is table 3.03, minimum lot area and dimensions for a residence required to have one acre of ground and you are required to have a minimum of 40-foot of street frontage and the lot has to be 100 feet wide and that is basically at the building line. So what Jason's wanting to do is split off the ground in the front and keep a 20 foot strip of ground back to your almost 4 acres or 3 1/2 acres, something like that, that you are going to have in the back. So he is only going to own 20 feet out to the road but he is going to have a lot of area once you get down that 20 foot drive, so for him to be able to legally split that off, he had to ask for the variance. It is a 20-foot variance that he is asking for.

Chr. Addington: I wanted to ask you a question. You will sell the part that is next to the road then, is that right?

J. McNamara: Right. Well from the road, half way back is what we want to sell, but I would just like to keep control of the strip up to the road where my driveway will be. I really didn't want to go with an easement. I want to be able to just own that small strip.

C. Flatter: Even if it had been an easement he would have had to come to the Board of Zoning Appeals and ask for a variance because he would have had no road frontage then. I can't issue permits without some kind of ownership to the road.

J. McNamara: I got some new information that has come up since I applied for this variance. I spoke with the electric company and you can see on my drawing where I drew in where the electric line comes in, they already have an easement for the electric line from the property line over to where the poles come in so if it would be possible I would like to change that and run my driveway up the other side that way.....

C. Flatter: On the North side?

J. McNamara: Right.

C. Flatter: As long as it is 20-feet.

J. McNamara: That way the driveways wouldn't be so close together because the way I wanted to do it before once you got up right next to the house, there would only be 10-feet between my driveway and theirs. But if you come up the other side of the yard, it would just be a lot better. There is already an easement there anyway.

Chr. Addington: You want to run it up towards the gas tank right?

J. McNamara: Yes.

C. Flatter: How far is your drive going to be from that garage?

J. McNamara: I think there is a dimension there.

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C. Flatter: There is 37 feet between. So the drive will be right at the very south edge, naturally.

J. McNamara: Well north edge.

C. Flatter: Yes north edge. So there will be 17 feet.

Chr. Addington: So you are just going to put it on the.....

J. McNamara: That would keep their garage in compliance with the.....

C. Flatter: They have to have at least 15 feet.

J. McNamara: Fifteen feet right. So that would keep them in compliance with their new property line also.

Chr. Addington: You are just going to put it on the opposite side than what you were asking for right?

J. McNamara: Right. I really just wanted to leave it up to whoever buys the place, whichever side they wanted would like for me to run it up more or less. Maybe they might not want me driving that close to their garage or maybe they would want it on the other side. I figure it may make it easier to sell if I let them choose what side of the yard I put the driveway on.

C. Flatter: Basically you can choose whether you want it on the north side or the south side. We are just granting the variance on the 20-foot requirement and if you decide to change it and maybe you decide to change it back, that is fine because we are just granting the variance.

J. McNamara: I would just like to leave it up to whoever buys the property.

Chr. Addington: Do you have any questions board members? Do we have any one in the audience opposed to this that received a notice? We are ready to take action on BZA 2002-15-V. Do I hear a motion to that affect?

M. Blankley: So moved.

J. Prescott: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). I need a motion for a roll call vote.

M. Thurston: So moved.

J. Trautman: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

A roll call vote was taken: Jeff Prescott, yes; Mike Thurston, yes; James Trautman, yes; Bill Davis, absent; Dale Clevenger, absent; Charles Addington, yes; Mike Blankley, yes. The petition has been granted.

J. McNamara: Thank you. So I don't have to do anything else? It may be awhile.

C. Flatter: Just when you are ready to start on your new house. Come in and see us like you did last time.

J. McNamara: Okay. Thank you very much.

BZA 2002-17-V (Mike Bookout, Losantville, IN)

Chr. Addington: The next petition will be BZA 2002-17-V. I am going to skip one here and do this one first. That would be Mike Bookout. You live at 8994 S. 1200 West?

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M. Bookout: Yes sir.

Chr. Addington: Did you receive a Article V, Conduct of Hearing when you applied?

M. Bookout: Yes.

Chr. Addington: Did you notify all the surrounding property owners?

M. Bookout: Yes sir I did.

Chr. Addington: Jamie did we get the receipts back on these?

J. Stump: Yes.

Chr. Addington: Was it published in a timely manner?

J. Stump: Yes.

Chr. Addington: Okay. Identify yourself for the record.

M. Bookout: Mike Bookout.

Chr. Addington: Tell us what you want to do Mike.

M. Bookout: I want to put a farm pond in and I want a variance on the distance from the center of the road to the slope of the pond on the footage from 62-feet which is close to counting the side ditch and the right-of-way down to approximately 50-feet to the center of the road to the edge or the slope of the pond.

Chr. Addington: Is there anything else?

M. Bookout: I have reasons. Do you want reasons of why I want to do that? Is that necessary?

Chr. Addington: If you want to sure.

M. Bookout: One reason is it reduces the size of the pond considerably because that is the frontage or the widest part of the pond. I can't really move the pond down in the field because I lose the place where I am going to dam it up because I can't really move it or keep the same size. Also if I leave a wider strip it requires more labor to mow it and upkeep. I have another reason here from the terrain and the natural slope, it works out better to leave less ground up at the front. It greatly reduces the size of the pond.

Chr. Addington: If you set it back?

M. Bookout: Yes. I would lose that much actual water area.

J. Prescott: Will there be a fence up along the road or are you just going to leave it open?

M. Bookout: Yes I am going to go ahead and put a fence up.

Chr. Addington: What kind of fence?

M. Bookout: A regular normal farm fence.

J. Prescott: A field fence.

Chr. Addington: You will just put it along the road? You won't put it around the pond? Just more less for safety purposes?

M. Bookout: Yes. They said that was the reason why it needed to be.....

C. Flatter: That is why our requirement is the 50-foot. It is a safety requirement.

Chr. Addington: I was just wondering what type of fence you would use so it would be in case someone crashed into it they wouldn't go into the pond.

J. Prescott: They may go into the pond. At least they won't walk into the pond without climbing the fence.

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Chr. Addington: That is what I was thinking about when I went down and looked at it was

J. Prescott: Me too. I was thinking about pedestrians or more about people just walking out to it.

Chr. Addington: Well I wasn't thinking about that as much as I was somebody, you know that it not too far from the road. I saw one down on 36 one time where someone ran off into that one down there at Hutchins. Of course that is a little different.

M. Bookout: Well they can run off the road and hit your house too as far as that goes. I mean my house is only 50 feet off the road.

J. Prescott: They could run into it when it is 100 foot off the road too.

M. Bookout: Actually it will be on the same line as my front porch.

Chr. Addington: Any questions from the board members? Should we put that in Bob about the, if he is going to do that just don't need to worry about that?

B. Oliver: I don't think you can condition that. What are you going to have? Do you want a cement wall up there?

M. Bookout: No. I don't want anything like that.

B. Oliver: See that is the thing. No I don't think you should condition that.

Chr. Addington: That is what I wanted to know. Is there anybody in the audience that opposes this that received a notice? Did you have anything else Mr. Bookout? Board members any other questions? Hearing none I need a motion to take action on BZA 2002-17-V.

J. Trautman: So moved.

J. Prescott: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). I need a motion for a roll call vote.

M. Thurston: So moved.

J. Prescott: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

A roll call vote was taken: Mike Blankley, yes; Charles Addington, yes; Dale Clevenger, absent; Bill Davis, absent; James Trautman, yes; Mike Thurston, yes; Jeff Prescott, yes. The petition was granted.

M. Bookout: Thank you.

C. Flatter: Mike you just need to come in and file for a permit now.

M. Bookout: Okay, thank you.

BZA 2002-16-SP & V (Verdeen Harris, Winchester, IN)

Chr. Addington: We are going to handle the Special Exception first. Would you come forward. You can come up too if you want. Did you receive a Conduct of Hearing when you applied for this Mr. Harris?

V. Harris: Yes.

Chr. Addington: Did you notify all the surrounding property owners?

V. Harris: Yes.

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Chr. Addington: Did we get receipts back, Jamie?

J. Stump: Yes.

Chr. Addington: Was it published in a timely manner?

J. Stump: Yes.

Chr. Addington: Identify yourself Mr. Harris for the record.

V. Harris: I am Verdeen Harris and I live at 900 Lime, Union City, Indiana.

Chr. Addington: Tell us what you would like to do.

V. Harris: I need a special exception to place my 12' x 65' mobile home within the city limits of Winchester and I also need a variance on the setback requirements on the property.

Chr. Addington: Any thing else?

V. Harris: Basically that is it.

Chr. Addington: What kind of condition is your trailer going to be in? Is it going to be an older model?

V. Harris: It is a 1972 Hillcrest but it is in good shape. Real good shape.

Chr. Addington: Those will be our permanently, the pictures. Board members do you have any questions? When were you going to do this Mr. Harris?

J. Trautman: Is this the same trailer in this picture?

V. Harris: The same one.

J. Trautman: There are shrubs out in the front of this picture.

V. Harris: It might have been after I mowed it down. Those were actually tomato plants out in front.

Chr. Addington: When was that one taken?

V. Harris: That was taken last summer. I probably took one picture and then turned around and took another picture after I mowed.

Chr. Addington: When are you going to do this if it is approved?

V. Harris: As soon as I can get someone to take some trees down for me and level it out for me. I would like to get it in by August.

Chr. Addington: Are you going to haul any fill dirt in or anything?

V. Harris: We have to put fill dirt in and level it up.

Chr. Addington: Where is this located now?

V. Harris: It is in Greenwood Trailer Park right now, in Union City.

Chr. Addington: You said it is a 1972 model?

V. Harris: It is a 1972.

C. Flatter: I don't know if all of you went down to the area where Mr. Harris is wanting to set this mobile home but there are three mobile homes there already just to the south of where you are wanting to place this, correct?

V. Harris: Yes.

S. Ludwick: He has pictures of what the lot looks like right now.

C. Flatter: If he wants to submit that he can.

S. Ludwick: There are no pictures of the surrounding area. I didn't take any.

C. Flatter: I will be the first to speak up, from looking at his mobile home compared to some of the other mobile homes that are in the area existing, this looks like a very nice home.

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Chr. Addington: It does. It has to look better than it does now. Surely.

B. Oliver: It is overgrown.

S. Ludwick: It is a little overgrown, yes.

J. Prescott: I was trying to think. I go by there every day.

M. Thurston: I was going to say I went by there not too long ago.

C. Flatter: One of them I hope I can get cleaned up here before too long. No guarantees in life.

Chr. Addington: How much fill are you going to have to haul in there do you know? Do you have any estimates.

V. Harris: I have no idea yet. I talked to Bob Paschal and he said he would give me an estimate once I got approval and stuff.

S. Ludwick: Basically so you can get in there and take out what is there before he can see how much he has to put back in.

Chr. Addington: I don't know if the question I am asking you is part of the variance or part of the special exception but you are aware there is an open ditch that goes down through there on the corner of it. It would be back to the north of where you want to set the trailer. You know that?

V. Harris: Yes.

Chr. Addington: There is also a sewer line that runs north of where you are going to set the trailer. It is going to run on north of the street under Martin Street. There is also a drainage ditch along the, I talked to Mr. Anderson today about it, he said there is a drainage ditch that runs along Martin Street, too, it runs underground. It runs into that catch basin there on the road.

C. Flatter: We do have a letter in the file from Gary Anderson too.

Chr. Addington: Board members any questions? No one here to oppose? I don't see anyone. We are ready to take action on BZA 2002-16-SP. If I can get a motion and a second.

M. Thurston: So moved.

J. Prescott: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). We need a motion for a roll call vote.

M. Thurston: So moved.

J. Trautman: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote on BZA 2002-16-SP.

A roll call vote was taken: Dale Clevenger, absent; Jeff Prescott, yes; Mike Thurston, yes; James Trautman, yes; Bill Davis, absent; Mike Blankley, yes; Charles Addington, yes. The special exception has been granted.

Chr. Addington: Now we will go to the variance for Verdeen Harris. Tell us about how far you are going to be away from the street or whatever you want to tell us on that.

S. Ludwick: Jamie do you have that drawing I gave you?

J. Stump: Yes. I made copies for everyone.

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C. Flatter: It is going to be 15 feet from the right-of-way. The requirement is 25 feet and also the variance on the square footage requirement because he is going to have 720 square feet and the zoning ordinance requires 950 square feet. It is a variance on the street setback requirement and square footage requirement on the dwelling.

Chr. Addington: Did you have any idea how far away it is from the property line on Mrs. Young there?

V. Harris: That I don't have any idea of what it is.

Chr. Addington: I didn't see it on the drawings is the reason I was wondering.

C. Flatter: It is 100' x 100' lot and he has 10 feet. It should be 10 feet from her property line.

S. Ludwick: It should be 10 feet from her property line.

C. Flatter: This is south here so they have 10 feet there.

Chr. Addington: Where do you see that?

J. Prescott: It is written on there.

Chr. Addington: I see it now. I apologize. I didn't see that.

J. Prescott: The only one we don't know is Shriver, right? How far we are from Shriver.

Chr. Addington: Fifteen foot I guess. No, no we are 20 feet from Shriver.

J. Prescott: It should be 28 feet.

C. Flatter: Oh I see you are talking about the offset.

J. Prescott: Yes, where the offset is. We are still 28 feet.

C. Flatter: It is hard to see the offset in this drawing, it didn't copy very well.

S. Ludwick: It is 28 feet from Shriver on the west side of the property is what you are looking at. Yes.

J. Prescott: Yes and where they are setting the mobile home they are way away from the corner so there is not going to be any obstruction there it doesn't look like by going closer to the street.

Chr. Addington: Any other questions board members? We are ready to take action on BZA 2002-16-V.

J. Trautman: So moved.

M. Thurston: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). I need a motion for a roll call vote.

J. Prescott: So moved.

M. Blankley: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

A roll call vote was taken: James Trautman, yes; Bill Davis, absent; Jeff Prescott, yes; Charles Addington, yes; Mike Blankley, yes; Mike Thurston, yes; Dale Clevenger, absent. The variance has been granted.

Chr. Addington: I guess that covers both variances then Cathy?

C. Flatter: Yes.

Chr. Addington: For the trailer and also for the setback requirements.

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V. Harris: Thank you.

C. Flatter: You just need to come in and see us and get a permit before you set the home on the property.

S. Ludwick: Thank you.

Chr. Addington: Is there anything else to come before the board?

J. Trautman: Yes. How are you coming out on your Ordinance?

C. Flatter: We haven't came any further. We haven't came along any more than what we were because I have been on sick leave and there weren't any petitions for the Planning Commission to meet this month.

Chr. Addington: Nothings has happened?

C. Flatter: No.

J. Trautman: I was just wondering if Winchester okayed them or not.

C. Flatter: No we haven't given it to them yet.

Chr. Addington: If there is nothing else.

The meeting adjourned at 7:40 P.M.

THE NEXT REGULARLY SCHEDULED MEETING IS JUNE 17, 2002 AT 7:00 P.M.
IN THE CONFERENCE ROOM (IN THE BASEMENT) OF THE RANDOLPH
COUNTY COURTHOUSE, WINCHESTER, INDIANA.



Charles Addington, Chairman

Mike Blankley, Vice Chairman



Jamie Stump, Recording Secretary