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MINUTES

The Salisbury-Wicomico County Planning and Zoning Commission (“Commission”) met in regular session on March 21, 2024, in Room 301, Council Chambers, Government Office Building with the following persons participating:

COMMISSION MEMBERS:

Charles “Chip” Dashiell, Chairman
Daniel Moreno-Holt
Matt Drew
Mandel Copeland
Joe Holloway
D’Shawn Doughty

PLANNING STAFF:

Amanda Rodriquez, City of Salisbury, Department of Infrastructure and Development (“DID”)
Henry Eure, City of Salisbury, DID
Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development (“PZCD”)
Janae Merchant, Recording Secretary, PZCD

Laura Ryan, City of Salisbury, Department of Law

The meeting was called to order at 1:30 p.m. by Chairman Dashiell.

Announcement: Chairman Dashiell

Chairman Dashiell announced the replacement for Mr. Brian Soper, Ms. Amanda Rodriquez will be our new City Planner. He congratulated her on her promotion.

MINUTES: The February 15, 2024 minutes were brought forward for approval. Mr. Joe Holloway submitted a motion to approve, seconded by Mr. D’Shawn Doughty and duly carried. The minutes from the February 15, 2024 meeting were **APPROVED** as submitted.

COMPREHENSIVE SITE PLAN APPROVAL – CHICK-FIL-A RESTAURANT – Bohler Engineering – 828 – 842 S. Salisbury Blvd. – General Commercial District – M-0115, G-0002 & 0008, P 0468 & 0468 - #202400257 (H. Eure)

Mr. Henry Eure was joined at the table by Mr. Steve Fortunato and Ms. Elizabeth Celko (both with Bohler Engineering). Mr. Eure read the Staff Report.

The applicants proposed constructing a new Chick-fil-A restaurant and have requested a 20% increase in parking; bringing the total parking spaces to 32.

Staff presented the Comprehensive Site Plan Review. These included Site Plan, Parking, Refuse Disposal, and Landscaping.

The Planning Staff recommended approval of the proposed plan for 32 parking spaces for Chick-fil-A subject to the four (4) conditions below.

1. Provide trees in all landscaped islands at the end of parking rows.
2. Re-subdivide the two (2) properties into one (1) lot.
3. Subject to further review and approval from the Salisbury DID, Salisbury Fire Department, and other agencies as necessary.
- 4. Add a crosswalk at the south end of the property.**

Mr. Fortunato mentioned they were looking for a 20% parking increase. The entrances have been placed far away from South Salisbury Boulevard so as not to cause congestion.

Mr. Matt Drew inquired how delivery trucks would get in and out of the facility. Mr. Fortunato said the trucks would block the parking spaces, however, Chick-fil-A restricts their deliveries to off-hours. Mr. Drew also learned four (4) bike parking spaces will be available near the outdoor seating area.

Mr. Drew asked how pedestrians would access the south side of the property. After several discussions, it was determined to add a fourth condition **“Add a crosswalk at the south end of the property.”**

There were discussions on the number of cars potentially queuing in the drive-through lanes, it was estimated at twenty (20). Mr. Fortunato and Ms. Celko are working with their traffic consultant to review queuing. Mr. Doughty suggested discussing with the State Highway Administration (“SHA”) and their traffic consultant concerning the potential of congestion from Register Street and Monticello Avenue.

As there were no additional comments, Chairman Dashiell requested a motion to approve the proposed plan for 32 parking spaces for Chick-fil-A subject to the following four (4) conditions and that would be the three (3) conditions that are already mentioned in the Staff Report and adding number four (4) to **“Add a crosswalk at the south end of the property.”** Mr. Drew entered a motion to approve then it was seconded by Mr. Doughty and duly carried.

Chairman Dashiell stated the motion was **APPROVED.**

REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – GATEWAY PLAZA SHOPPING CENTER – Phillips Signs for V Holdings, LLC – 28772 Ocean Gateway – Neighborhood Business – M-0106, G-0002, P 3272, L 0 - #202400307 (H. Eure)

Mr. Eure was joined at the table by Mr. Pete Vartabedian (V Holdings LLC) and Mr. Gary Spence (Phillips Signs). Mr. Eure presented the Staff Report.

Phillips Signs, on behalf of the owner, proposed new building colors and wall signs for the Gateway Shopping Center. New illuminated cabinet wall signs are proposed to replace the existing non-illuminated individual letters. The building colors proposed are earth tones, modern gray, and black. The proposed changes will continue to upgrade and improve the appearance of the 35-year-old shopping center.

Staff recommended approval of the proposed Revised Comprehensive Development Plan as submitted.

As there were no additional comments, Chairman Dashiell requested a motion to approve the proposed Revised Comprehensive Development Plan as submitted. Mr. Doughty entered a motion to approve then it was seconded by Mr. Holloway and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

REVISED SIGN PLAN APPROVAL – WAL-MART – PB2 Architecture & Engineering for Wal-Mart Store #1890 – 2702 N. Salisbury Blvd. – General Commercial – M-0029, G-0005, P 0507, L 4 - #202400308 (H. Eure)

Mr. Eure was joined at the table by Mr. Jeff Davis (pb2 architecture + engineering). Mr. Eure presented the Staff Report.

The applicant proposed to replace all existing wall signs with new signage as part of a corporate update to all stores. The building will receive a new paint scheme, matching Sam's Club, very similar to the originally approved colors.

Staff recommended approval of the Revised Sign Plan for Walmart as submitted.

As there were no additional comments, Chairman Dashiell requested a motion to approve the Revised Sign Plan for Walmart as submitted. Mr. Daniel Moreno-Holt entered a motion to approve then it was seconded by Mr. Mandel Copeland and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – DUNKIN'/BASKIN ROBBINS – W.F. Horn for North Salisbury Holdings, LLC – 109 Hampshire Road – General Commercial – M-0029, G-0005, P 0507, L 2AAA - #202400309 (H. Eure)

Mr. Eure was joined at the table by Mr. Andy Warfield (Franchise Management and Salisbury Holdings) and Mr. Jamie Page (Project Manager, Dunkin' / Baskin Robbins). Mr. Eure then presented the Staff Report.

The applicants proposed exterior improvements to the existing Dunkin' Donuts/Baskin Robbins building including building colors and signs. There will be no changes to parking and landscaping.

Staff presented the Comprehensive Development Plan Review. These included Building Elevations and a Sign Plan.

Staff recommended approval of the Revised Comprehensive Development Plan for the Dunkin' / Baskin Robbins building.

Mr. Warfield mentioned the brand requires us to remodel our stores every ten (10) years. The newest, current style of the brand has some color changes and different signage, getting rid of the word "Donuts."

As there were no additional comments, Chairman Dashiell requested a motion to approve the Revised Comprehensive Development Plan for the Dunkin' / Baskin Robbins tenant space as submitted. Mr. Holloway entered a motion to approve then it was seconded by Mr. Doughty and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

REVISED SITE PLAN APPROVAL – ZOETIS – Zoetis, LLC – 601 Beam Street – Industrial Park – M-0102, G-0021, P 0053 - #202400310 (H. Eure)

Mr. Eure presented the Staff Report.

The applicant proposed to install a 6 ft. chain link fence enclosing the property to increase the security of the site. The fence would be placed 10 ft. from Industrial Parkway and 8 ft. from Beam Street, extending to the intersection of both streets.

Staff recommended an alternative plan, placing the fence 20 ft. from both streets and bypassing the stand of trees located at the southwest corner of the site. They believed the original request would have the fences too close.

Mr. Drew questioned if the fence on the north side could go all the way to the property line; Mr. Eure agreed.

As there were no additional comments, Chairman Dashiell requested a motion to approve the Site Plan approval of the 6 ft. tall fence with a 20 ft. setback from both streets for Zoetis LLC as submitted in the alternative plan. Mr. Doughty entered a motion to approve then it was seconded by Mr. Moreno-Holt and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL/WELLHEAD PROTECTION PLAN APPROVAL – OCEAN AISLE PHASE IV – Parker & Associates, Inc. for 1501 Sharen Drive-3, LLC – Southeast Corner of Old Ocean City Rd. & Beaglin Park Drive – Planned Development District #1 (Robertson Farm) – M-0121, G-0005, P 2582, L 23AA - #202400292 (H. Eure)

Mr. Eure was joined at the table by Mr. Brock Parker (Parker and Associates) and Mr. LB Steele (Rinnier Development on behalf of the owner). Mr. Eure then presented the Staff Report.

The applicants proposed constructing a 3-story, garden-style 24-unit apartment building, bringing the total units to 264 across all phases of Ocean Aisle. The total acreage of the parcel being developed is 1.95 acres.

Staff presented the Comprehensive Development Plan Review. These included the Site Plan, Building Elevations, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement/Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, Wellhead Protection District, Forest Conservation Program, Traffic, and Wicomico County Board of Education.

The Planning Staff recommended approval of the Final Comprehensive Development Plan/Wellhead Protection Plan for Ocean Aisle Phase IV subject to the five (5) conditions below.

1. The site shall be developed in accordance with a Final Comprehensive Development Plan approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury DID.
2. Extend the shared-use path to the intersection of Beaglin Park Drive and Old Ocean City Road.
3. Re-subdivide Phases III and IV into one (1) lot.
4. Colors of the proposed development shall be consistent with the existing Ocean Aisle development.
5. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and any other appropriate agencies.

Mr. Steele requested to enter one comment for the record, technically the owner's name is 1501 Sharen Drive-3, LLC.

As there were no additional comments, Chairman Dashiell requested a motion to approve the Final Comprehensive Development Plan and Wellhead Protection Plan for Ocean Aisle Phase IV subject to the five (5) conditions listed in the Staff Report. Mr. Moreno-Holt entered a motion to approve then it was seconded by Mr. Drew and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

FINAL SUBDIVISION APPROVAL – NORTH POINTE COMMONS – Parker & Associates, Inc. for K. Hovnanian Delaware Division Inc. – East North Pointe Drive & Oliphant Drive – General Commercial – M-0029, G-0006, P 0078, L Par AA - #202400299 (H. Eure)

Mr. Eure and Mr. Parker were joined at the table by Mr. Jonathan Contant (K. Hovnanian Delaware Division Inc.). Mr. Eure then presented the Staff Report.

The applicants proposed a subdivision of a 23.33-acre parcel into 233 residential lots for townhouse development. All lots will have frontage on city streets, with city services and utilities.

The Planning Staff recommended approval of the Final Subdivision Plat for North Pointe Commons subject to the four (4) conditions below.

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The Final Plat shall comply with all requirements of the Forest Conservation Program.
4. This approval is subject to further review and approval by the Salisbury DID.

Mr. Drew inquired about access to Oliphant Drive. Mr. Parker mentioned they are giving access to and from Oliphant Drive if it is needed.

As there were no additional comments, Chairman Dashiell requested a motion to approve the Final Subdivision for North Pointe Commons subject to the four (4) conditions listed in the Staff Report. Mr. Doughty entered a motion to approve then it was seconded by Mr. Moreno-Holt and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – NORTH POINTE COMMONS – Parker & Associates, Inc. for K. Hovnanian Delaware Division Inc. – East North Pointe Drive & Oliphant Drive – General Commercial – M-0029, G-0006, P 0078, L Par AA - #202400299 (H. Eure)

Mr. Eure, Mr. Parker, and Mr. Contant remained at the table. Mr. Eure then presented the Staff Report.

The applicants proposed to construct a 233-unit townhouse development on an existing 23.33-acre parcel.

Staff presented the Comprehensive Development Plan Review. These included the Site Plan, Building Elevations, Sign Plan, Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, Forest Conservation Program, Transportation, Streets, and Pedestrians.

The Planning Staff recommended approval of the Final Comprehensive Development Plan for North Pointe Commons subject to the four (4) conditions below.

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval.
2. Provide a sidewalk/pedestrian access path to the interior walking path between lots 186 and 187.
3. Provide additional landscaping and screening along the western property line to supplement existing screening.
4. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and other agencies as appropriate.

Mr. Moreno-Holt was concerned with a large open space in the back because the backs of the buildings will face the open space. He thought it would limit public use. Mr. Contant explained there were challenges in this area; some parts of the site drain and others do not so they had to place the infiltration areas based on where drainage could be found.

As there were no additional comments, Chairman Dashiell requested a motion to approve the Final Comprehensive Development Plan for North Pointe Commons subject to the four (4) conditions mentioned in the Staff Report. Mr. Doughty entered a motion to approve then it was seconded by Mr. Drew and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

REVISED CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL – SALISBURY MARKET CENTER – Parker & Associates, on behalf of Green Street Housing – Lake Street & W Main Street– Central Business District – M-0106, G-0017, P-1641, 1643, 1646, 1648- #22-018 (A. Rodriquez)

Ms. Rodriquez and Mr. Parker were joined at the table by Tom Ayd (Green Street Housing), Commissioner, Mr. D’Shawn Doughty, recused himself from this discussion. Ms. Rodriquez then presented the Staff Report.

The applicant requested approval for a mixed-use project. The project consists of one (1) four-story building containing 11,500 sq. ft. of commercial space on the ground level, and 51 multi-family apartments on floors 2-4. The site would include a playground, covered porches, a patio area, and an outdoor communal gathering area.

The Planning Staff recommended approval of the Preliminary Certificate of Design and Site Plan for Salisbury Market Center subject to the ten (10) conditions below.

1. The site shall be developed in accordance with an approved Final Comprehensive Development Plan.
2. Reduce the number of units to 50 to meet the density restriction.
3. Obtain **a new** approval from the Salisbury Historic District Commission.
4. Obtain revised approval from the Chesapeake Bay Critical Area Commission.
5. Submit to State Highway Administration (“SHA”) for additional pedestrian improvements to include potential crossing at US Rt. 50 and Lake Street.
6. Extend the existing Riverwalk on the easterly property line along Mill Street according to City Standards.
7. Submit a detailed Landscaping and Light Plan.
8. Exterior signage shall be subject to Planning Commission review and approval.
9. The project is subject to further review and approval by Salisbury DID, City Fire Marshal, and other applicable agencies.

10. Submit a Community Impact Statement.

Mr. Holloway voiced his concerns about the lack of parking downtown and asked if situations where there were public concerns if a public hearing could be scheduled. Chairman Dashiell said we have opened conversations to the public and we have been respectful of one another. He said the best place for these discussions to occur is between the developers and the public, particularly those people who are impacted.

Mr. Bob Taylor and Mr. Michael Weisner submitted written statements for the Commissioners' consideration. Chairman Dashiell announced two individuals wished to be heard, though this is not a Public Hearing.

Ms. Nancy Roisum (Beaver Dam Drive) distributed documentation to the Commissioners before approaching the podium. Her discussion was related to the number of houses/housing projects being built in the City of Salisbury and the impact the additional people will have on traffic, jobs, grocery stores, public facilities, etc.

Mr. Robert Taylor (North Park Drive) approached the podium. He began referencing the density Special Exception for Lot 1 (Salisbury Town Center) which was approved by the City’s Board of Zoning Appeals. He discussed the hearing in Circuit Court before Judge Jackson who granted the preliminary motion to dismiss the appeal by the developer. The decision was based on, under State Law, the base density can be raised by a variance, not a special exception. Chairman Dashiell reminded Mr. Taylor to specifically keep his comments focused on today’s case only. Mr. Taylor then discussed the lack of parking in Downtown Salisbury.

Mr. Brad Gillis (Old Mill Lane) approached the podium. He mentioned he is in favor of this project. The parking discussions will be ones that will be actively considered and he knows from having investments and being involved in downtown that there are solutions actively in place to provide ample parking.

Mr. Holloway made a motion to table this discussion until a determination is made on whether the Commission is responsible for deciding on parking or not. Chairman Dashiell asked if there was a second to the motion. Hearing nothing, Chairman Dashiell said the motion failed for lack of a second motion.

Mrs. Roisum approached the podium again to say if you are not an attorney you are not supposed to act like you are an expert on a particular law in advising decision-makers.

As there were no additional comments, Chairman Dashiell requested a motion to approve the Preliminary Certificate of Design and Site Plan subject to the nine (9) conditions that are listed in the Staff Report and adding a tenth condition that says to **“Provide a Community Impact Statement.”** Mr. Daniel Moreno-Holt entered a motion to approve there was no second to the motion.

After a discussion on adding another condition about parking concerns, it was determined to proceed with this case as a Preliminary in hopes time will allow research on what is expected of the Commissioners as it relates to parking. Chairman Dashiell requested a motion to approve the Preliminary Certificate of Design and Site Plan subject to the nine (9) conditions listed in the Staff Report adding the word **“new”** approval from the Salisbury Historic District Commission and adding a tenth condition to **“Provide a Community Impact Statement.”** Mr. Drew entered a motion to approve, it was seconded by Mr. Copeland and duly carried. Mr. Holloway opposed the vote and Mr. Doughty recused himself from voting.

Chairman Dashiell stated the motion was **APPROVED**.

FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – PHILLIP MORRIS LANDING – Parker & Associates, Inc. on behalf of Salisbury 50 LLC– Phillip Morris Drive & Mt Hermon Rd – Light Business & Institutional District – M-0109, G-0006, P 2576, 2578, 2579 - #22-012 (A. Rodriquez)

Ms. Rodriquez and Mr. Parker remained at the table. Ms. Rodriquez presented the Staff Report.

The applicant proposed to develop an agricultural field into a 432-unit apartment development with a clubhouse, open green space, a playground, and a community pool.

Staff presented the Comprehensive Development Plan Review. These included the Site Plan, Building Elevations/Floor Plans, Sign Plan, Landscaping Plan, Development Schedule, Fire Service, Stormwater Management, Forest Conservation Program, Transportation, Streets, and Pedestrians.

The Planning Staff recommended approval of the Final Comprehensive Development Plan for Phillip Morris Landing subject to the six (6) conditions below.

1. The site shall be developed in accordance with this Final Comprehensive Development Plan Approval.
2. Submit a detailed Sign Plan for approval prior to the installation of any signage.
3. Install lighting throughout the site in accordance with City Construction standards.
4. Reduce the parking shown on the plan to the allowable 778 spaces as addressed by the waiver granted at the Preliminary Comprehensive Development Plan approval per Ch17.196.020.H.
5. Provide a specific Development Schedule.
6. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and other agencies as appropriate.

As there were no additional comments, Chairman Dashiell requested a motion to approve the Final Comprehensive Development Plan for Philip Morris Landing subject to the six (6) conditions mentioned in the Staff Report. Mr. Drew entered a motion to approve then it was seconded by Mr. Copeland and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

Mr. Mandel Copeland left the meeting at 4:00 p.m.

FINAL COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – SHAREN DRIVE SELF STORAGE – Parker & Associates, Inc. on behalf of Rinnier Development Co. – Sharen Drive & Old Ocean City Road – Planned Development District #1- Robertson Farm – M-0039, G-0007, P 269, L- 1&2 - #22-021 (A. Rodriquez)

Ms. Rodriquez and Mr. Parker were joined by Mr. LB Steele (Rinnier Development). Ms. Rodriquez presented the Staff Report.

The applicant proposed to develop the existing single-family dwelling and accessory structures into a 272-unit self-storage facility.

The Zoning Code requires approval of a Final Development Plan. Staff noted the following concerning Zoning Code Requirements. These included the Site Plan, Development Schedule, Transportation, Streets, and Pedestrians.

The Planning Staff recommended approval of the Final Comprehensive Development Plan for the Sharen Drive Self Storage Facility subject to the three (3) conditions below.

1. The site shall be developed in accordance with this approved Final Comprehensive Development Plan.
2. Submit a sign plan for approval prior to the installation of any signage.
3. This approval is subject to further review by the Salisbury DID, Salisbury Fire Department, and other outside agencies as appropriate.

As there were no additional comments, Chairman Dashiell requested a motion to approve the Final Comprehensive Development Plan subject to the three (3) conditions mentioned in the Staff Report. Mr. Doughty entered a motion to approve then it was seconded by Mr. Holloway and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

STAFF ANNOUNCEMENTS

Ms. Rodriquez mentioned there are some staff changes within the City; they are losing their main Transportation Manager, Will, who is going to a private consulting group. They are onboarding two (2) Associate Planners and prepping them to present to the Commission within the next couple of months.

Ms. Lori Carter thanked Mr. Dashiell for attending the County's Critical Areas meeting. She hopes to return to the Commission in a couple of months once they complete the mapping exercise.

Mr. D'Shawn Doughty left the meeting at 4:08 p.m.

Ms. Carter agreed with Mr. Taylor's suggestion of a Work Session to provide the Commissioners with what they can and cannot do concerning parking.

Ms. Carter introduced a semi-new staff member, Mr. Nate Morton, our GIS Specialist. He is part of the succession plan whenever Mr. Frank McKenzie retires. She thanked everyone for what they do; she knows it is not always easy, especially when all these projects are happening. She recognized they were doing their very best for the citizens of Wicomico County.

Chairman Dashiell believed Mr. Holloway helped raise the issue of parking and we need to do better. Ms. Carter brought to everyone's attention, that back in 1987 she served on several committees and the focus at that time was getting "beds and heads" and now that has changed. Chairman Dashiell strongly believes the parking situation needs to be resolved, possibly by having a work session or creating a parking commission group. Making parking decisions is outside the scope of the Planning Commission's duty.

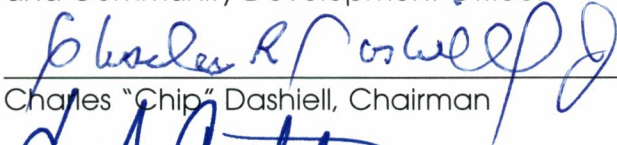
Though Ms. Ryan is not the attorney for this case, she updated the Commissioners on what has occurred with the Town Center litigation. Through her research, she determined the Board of Appeals denied the request for the Town Center to increase density. It was then appealed to the Circuit Court where Judge Jackson determined the Board of Appeals did not have the authority to increase the density via a Special Exception so he dismissed the appeal. The City's other attorney has filed a motion for reconsideration of that decision. A judge now needs to go back and reconsider the decision. Her

understanding was that responses to the motion for reconsideration would be due next week or so and then after that, it would be ripe for the court to decide on the motion for reconsideration.

As there were no additional comments, Chairman Dashiell asked for a motion to adjourn. Upon a motion by Mr. Holloway, seconded by Mr. Drew, and carried unanimously, the Commission meeting was adjourned at 4:25 p.m.

The next regular Commission meeting will be on April 18, 2024.

This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Wicomico County Department of Planning and Zoning, and Community Development Office.



Charles "Chip" Dashiell, Chairman



Lori A. Carter, MBA, Secretary



Janae Merchant, Recording Secretary

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M.A. [unclear]