

R. Charles Ginn • Stephen C. Ginn

5571 N.E. 28th Avenue, Ft. Lauderdale, FL 33308 (305) 772-2419

3730 Middleton Avenue, Cincinnati, OH 45220 (513) 221-2248

Re: Village Plaza Shopping Center Renovation - Application for a Special Use Permit File No. 7.46.B.11

Objections to the Development Plan

January 12, 2003

FROM: Ginn and Company, adjoining property owner, Village Plaza, 3730 Middleton Ave., Cincinnati OH 45220 513-221-2248 presented by Stephen C. Ginn, Partner.

After much analysis, review of the Chapel Hill Development Plan, consultation with Richard Gurlitz regarding the expansion plans, discussions with Chapel Hill Planning personnel, our tenants, local manager, and personal investigation we would like to present the following information to help the council members make a fair decision about the Eastern Federal application.

As the adjoining property owner we have only two issues to discuss: PARKING and ROAD ACCESS.

It is obvious that we will suffer economic damages if you approve phase I and phase II of this project. The project "as applied for" is overbuilt and allowing deviation from the required parking minimums and floor space maximums will create a continuing hardship for our tenants and customers.

Highlights of factual information and potential problems:

- 1- As it exists today the theater is not creating any parking problems. It is an old theater (18,000 SF with 1,332 seats and a few screens) and not so popular as it once was. This is why Eastern Federal wants a new building. Currently the theater is short of required parking by 200+ stalls (See EXISTING SITE map).
- 2- The proposed development as modified to date (See PROPOSED SITE MAP) (WITHOUT PHASE II) indicates a 38,000 SF building, 1,718 seats, and 11 screens. While the applicant has made an effort to reduce the size of the building and increase parking they will be short of the required parking by 285 stalls.
- 3- We have included a handout of an informal study we did on a similar development built by Eastern Federal in Gainesville Florida. You can see the potential for problems by not allowing for adequate parking. It is obvious that the new stadium theater design creates high traffic volume.
- 4- The actual Eastern Federal parcel is 3 acres with 120 parking spaces. They rely on adjoining property owners for parking (mostly Mark Properties where they have a cross

easement agreement). There exists no cross easement agreement between Ginn and Company and Eastern Federal despite our attempts over the last 20 years to obtain one. This is why we rent employee parking from Mark Properties (further away). We have no reason to believe that Eastern Federal wants an agreement. The proposed plan has the box office near our property line and the drop off lane heads directly for our parking area. Because of this design it is only natural that patrons will tend to park on our property.

- 5- Applicants site plan shows curb cuts and egress that may not be maintained or allowed without a mutually agreeable cross access agreement. In the event council approves Applicants permit and we in fact are overrun with theater patrons we would be forced to take steps to insure that our tenants are not adversely affected by the additional traffic congestion. This will create expense for security, barricades, signs, potential liability and safety issues. We currently cannot allow additional commercial traffic across the rear of our center without a curb cut onto Franklin Street due to safety issues.
- 6- Applicants plan exceeds the maximum permitted floor area by 23,506 Square Feet.

Ginn and Company requests the following:

- 1- Completely drop Phase II from an already overbuilt plan.
- 2- Require a cross easement agreement between Ginn and Company and Eastern Federal.
- 3- Move the box office away from our property and design the driving lane to route drop off traffic back towards their own parking lot.
- 4- Further reduce the screens to 9 or add a second floor parking deck instead of phase II to help accommodate 11 screens. We will allow rear access for automobile traffic onto the deck. 60 additional spaces on a second floor deck can accommodate 240 patrons by code.
- 5- Provide security as needed to direct traffic away from the Ginn and Company property on weekends (Friday-Sunday) and holidays.

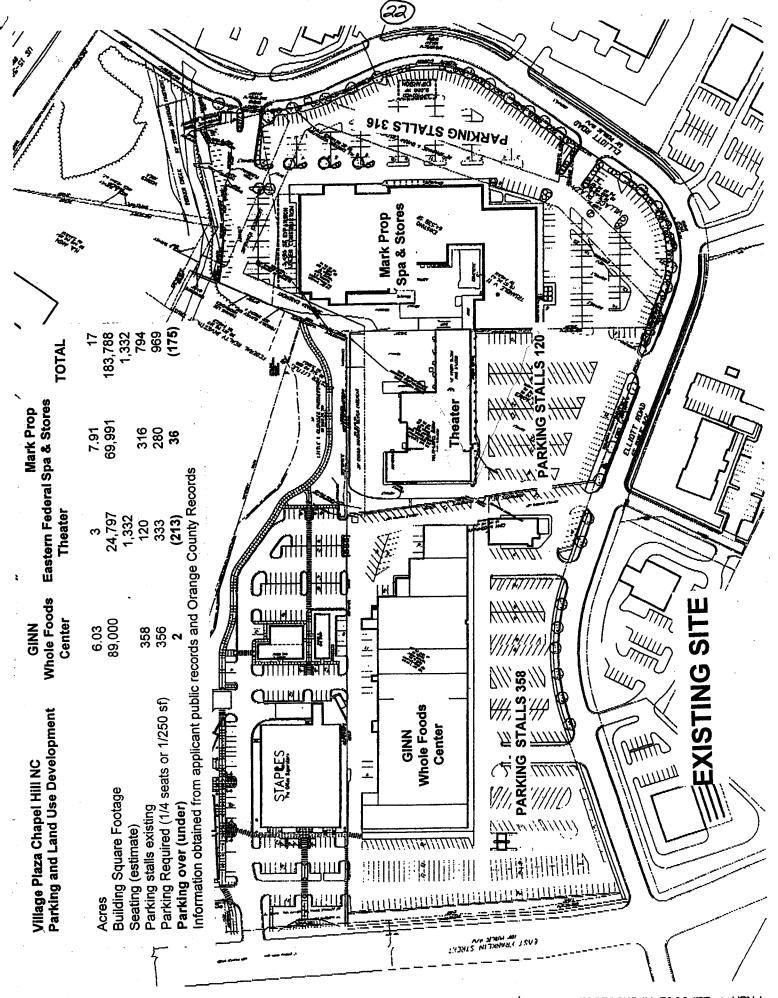
We do not take this matter lightly. In the event that applicant does not wish to implement items 1-5 above we request that Council deny the Special Use Permit. If all the suggestions above are adopted the applicant will continue to have a parking shortfall. We are willing to live with this. We are in favor of the project and look forward to a new theater. We respectfully ask that Council carefully consider the high traffic volume generated by this tenant type. We are very much in favor of mixed use, mass transit, pedestrian access, bicycle paths and parks, however to ignore the reality of parking requirements in this instance would be at the expense of all the neighboring businesses that support Chapel Hill. Perhaps the applicant's parcel is just too small to allow for a "code compliant" profitable theater operation based upon applicants current economic model.

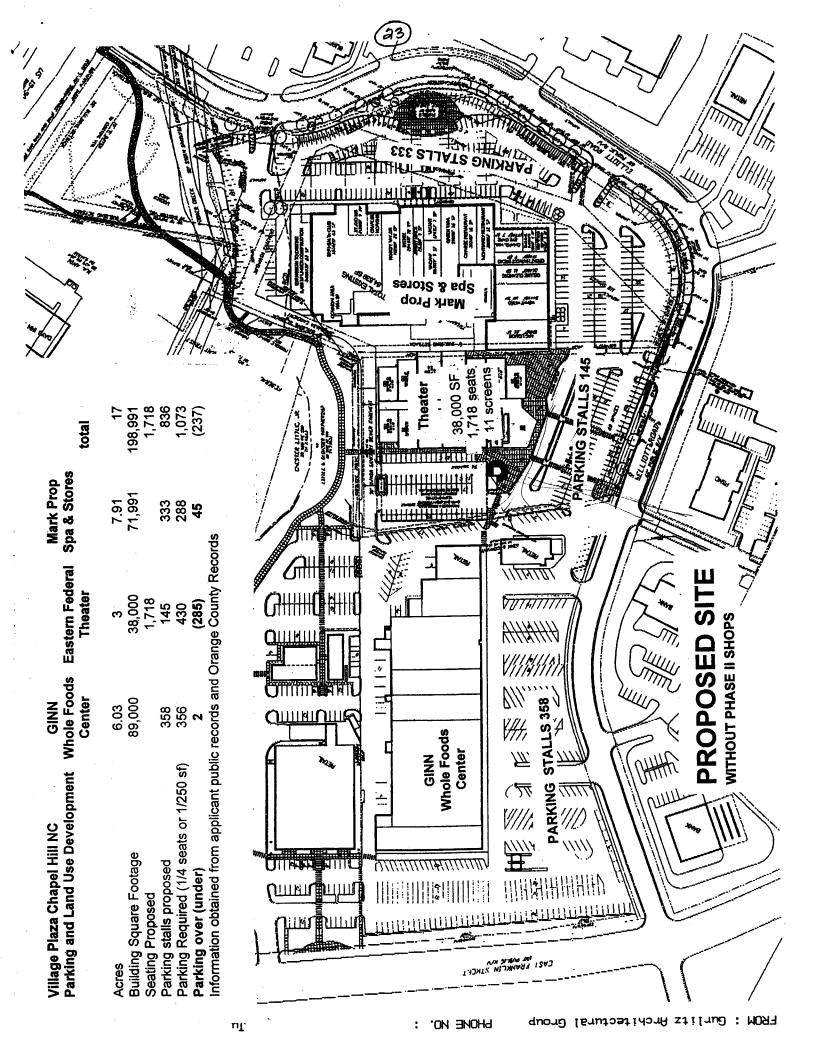
Sincerely,

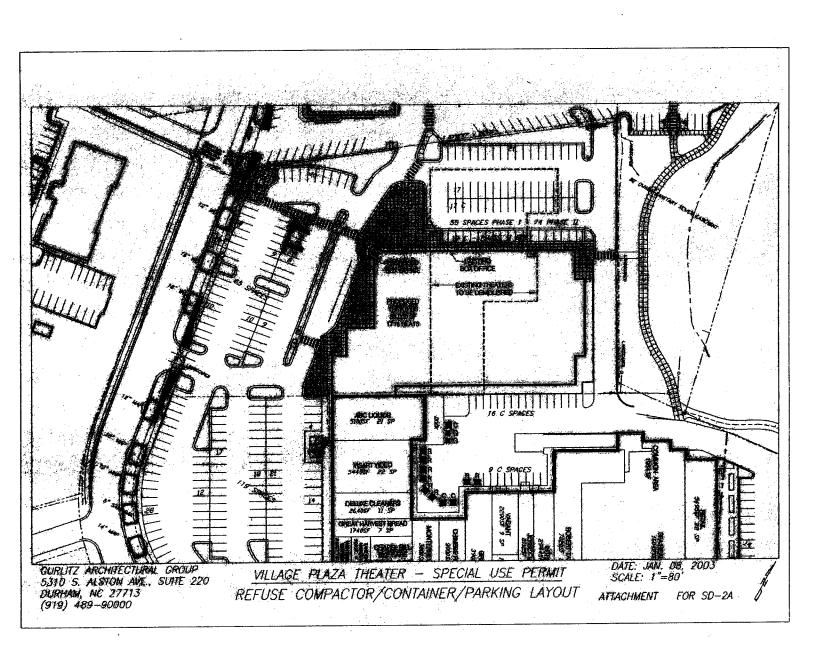
Stephen C. Ginn, Partner

Ginn and Company

Attachments: EXISTING SITE, PROPOSED SITE, LATEST DRAWING 1-8-2003







197EST DRAWING 1-8-2003

Document Index Subject: Village Plaza Shopping Center Renovation File No 7.46.B.11

Royal Park Plaza - Gainesville Florida Shopping Center and Theater Development Built by AMJ Inc., and EASTERN FEDERAL

EXAMPLE OF THEATER DEVELOPMENT AND IMPACT ON PARKING

AGE	DESCRIPTION
1	Introduction
2	Site map and parking calculation
3-4	Newspaper article about lack of parking 1-28-2002
5-15	Pictures Thursday day 4 pm / Friday Nite 7 pm
16	Construction picture
17	AMJ Company Info
8-21	Alachua County Property Records



Subject: Village Plaza Shopping Center Renovation

File No 7.46.B.11

EXAMPLE OF THEATER DEVELOPMENT AND IMPACT ON PARKING

Location:

Royal Park Plaza- Gainesville Florida Shopping Center and Theater Development Built by AMJ Inc., and EASTERN FEDERAL

This information was prepared as an example of how parking problems develop from inadequate parking around the new stadium type multiplex theaters. Gainesville Florida is not unlike Chapel Hill. They have a very comprehensive development plan which attempts to reduce parking and encourage use of mass transit, bikes, and pedestrian access. The attached example will show that the current parking requirements for new style theater occupancies are inadequate. This development was in fact constructed by Eastern Federal only 3 years ago. Just like the Chapel Hill project they demolished an existing old style theater and built a new stadium style complex. While the Theater enjoys success the adjoining tenants and landlords are left to deal with inadequate parking, safety and security issues, and unhappy tenants because their customers cannot find a parking stall.

The information came from the Alachua County Public Records, newspaper articles, and discussions with Mike Warren (owner of Royale Park Plaza).

Day photos were taken on Thursday, January 9, 2003 at 4. p.m. Night photos were taken Friday January 10, 2003 at 7 p.m. Also available is a video tape of the traffic flow during Friday night showing congestion and lack of adequate parking.

AMJ had 2 security guards working on Friday night directing traffic. Note how many vehicles still park on and damage the landscaping despite the guards best efforts.

Please keep in mind that the retail stores are only partially leased. The parking situation will only worsen as new tenants occupy the space.

Respectfully submitted,

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Stephen C. Ginn Ginn and Company 3730 Middleton Avenue Cincinnati OH 45220 513-221-2248 Village Plaza Owner Chapel Hill, NC ()

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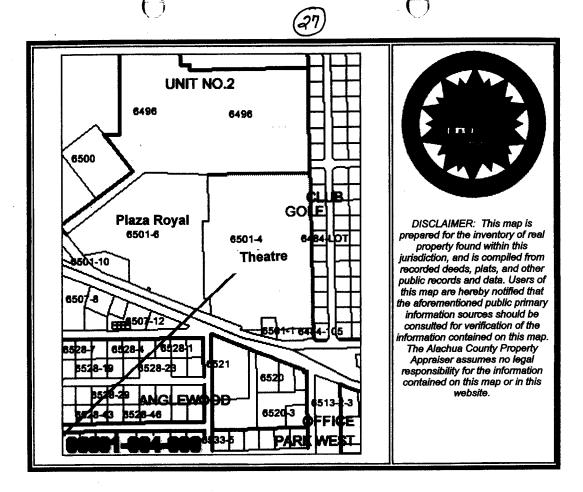
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Royale Park Plaza Gainesville Florida Parking and Land Use Development	Plaza Royal Center	Eastern Federal Theatre	TOTAL
Acres Building Square Footage	12.7 100,000 🗯	9.04 <i>5</i> 4,801	21.74 154,801
Seating (estimate)	100,000	2,750	10-1,001
Parking stalls existing	450	600	1,050
Parking Required (1/4 seats or 1/250 sf)	400	688	1,088
Parking over (under)	50	(88)	(38)

Information obtained from Alachua County Public Records and phone conversation with Mike Warren (Owner of Plaza Royal Center)

* NOT FULLY OCCUPIED yet!



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Monday, January 28, 2002 | Updated: 1 a.m.

Theater parking affecting local establishments

By Polly Creedon

Alligator Writer

Arriving at least 30 minutes early and following people around to find a parking spot probably sounds familiar to many UF students, but this scenario is becoming familiar off-campus as well.

OFFICENTER

Ashley Phillips, a UF liberal arts and sciences junior, said that when she and a friend went to eat at The Ballyhoo Grill, they ended up settling for a parking spot in the grass because Royal Park Stadium 16 moviegoers took most of the parking area reserved for the restaurant.

FRONT PAGE

Parking problems on Friday and Saturday nights in the Plaza Royale lots are becoming well known to patrons of the four businesses currently open in the mall: Cold Stone Creamery, Starbucks Coffee, Quizno's Subs and Stonewood Tavern & Grill.

FORUM

Parking for people going to the theater and restaurant in the adjacent lot often overflows into Plaza Royale, despite signs that inform drivers that spaces are limited to 90 minutes and direct Royal Park theater patrons to park only in the theater parking lot.

Search

GO!

Sharone Likerman, a UF advertising junior, has been going to the theater and its neighboring businesses in spite of the "ridiculous" parking problems on the weekends.

"There's definitely not enough parking at all around here," she said.

Part of the problem stems from the construction of an additional shopping center in the north end of the plaza. The gates that surround the construction zone have cut off several spots, and Likerman said she doesn't know where people will park when those new businesses open.

To help ease congestion, the construction company, AMJ Properties, hired Gainesville Police to patrol the area on busy nights, GPD spokesman Keith Kameg said.

Kameg said officers are present primarily to reconcile traffic disputes and to ask drivers to move if they are in the wrong area.

"Most people are now realizing that there are different parking areas for the different businesses," he said.

Peter Scher, Cold Stone Creamery owner, said construction is supposed to be done in a few months, but there is not a weekend that goes by that someone does not complain.



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He suggests avoiding the worst hours or parking on the street in front of the businesses.

Scher said all the businesses would like more parking spaces, but although they are scarce, "it would be a lot worse if there were no cars in the parking lot."

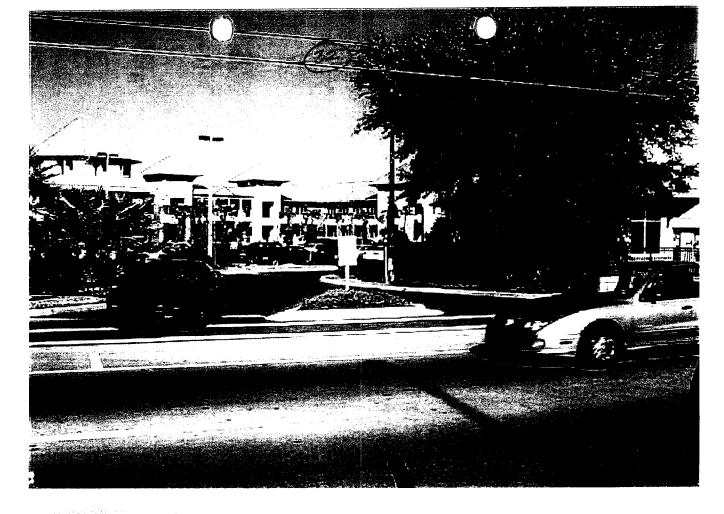










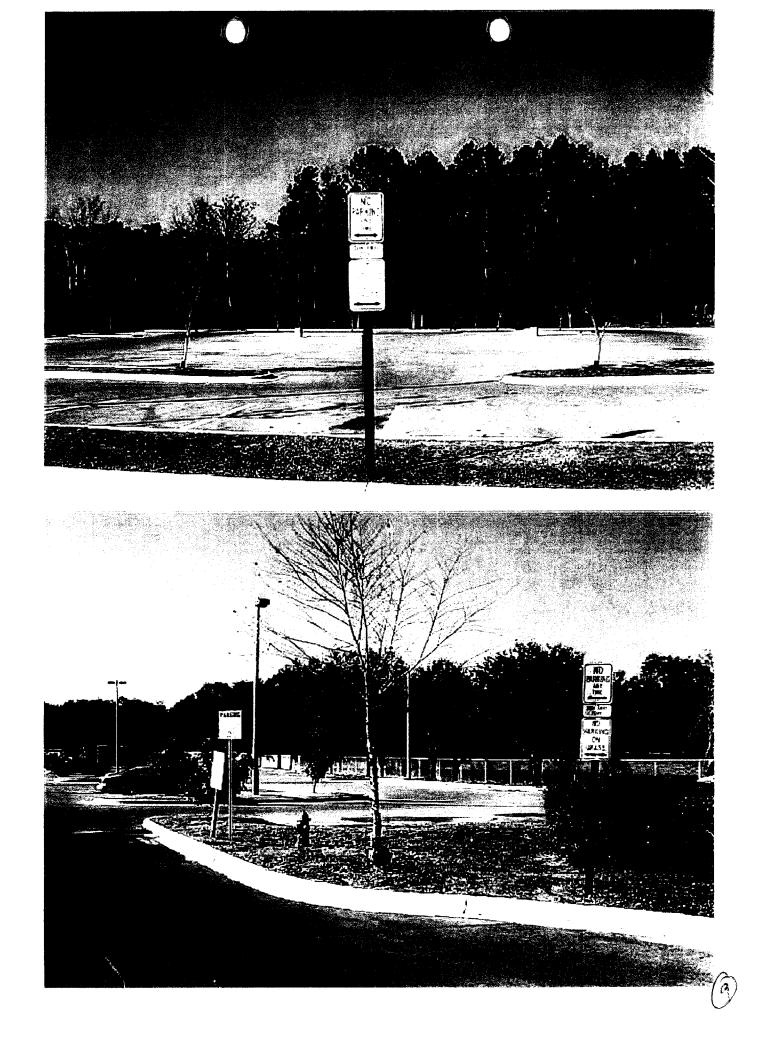




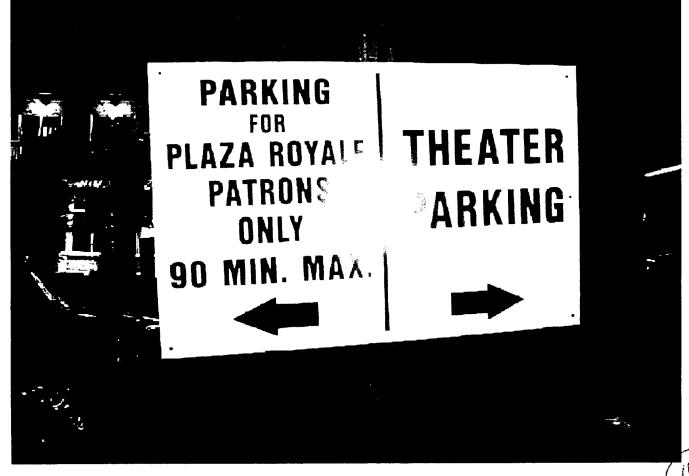






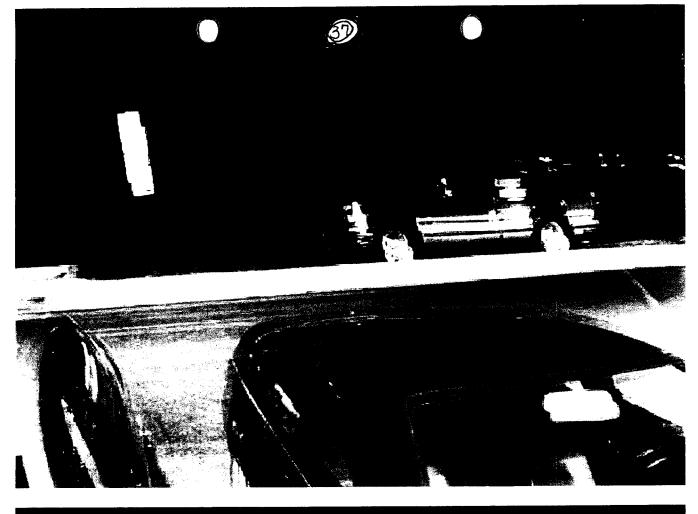


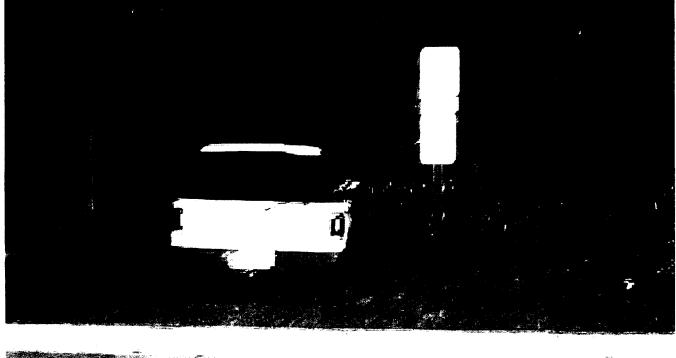


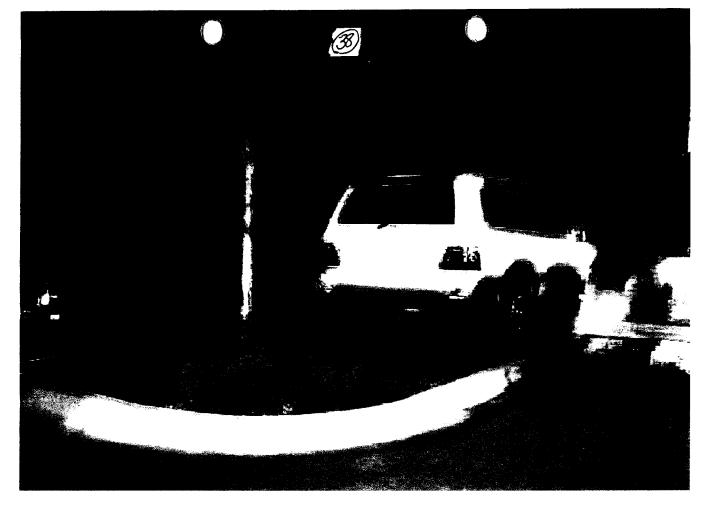


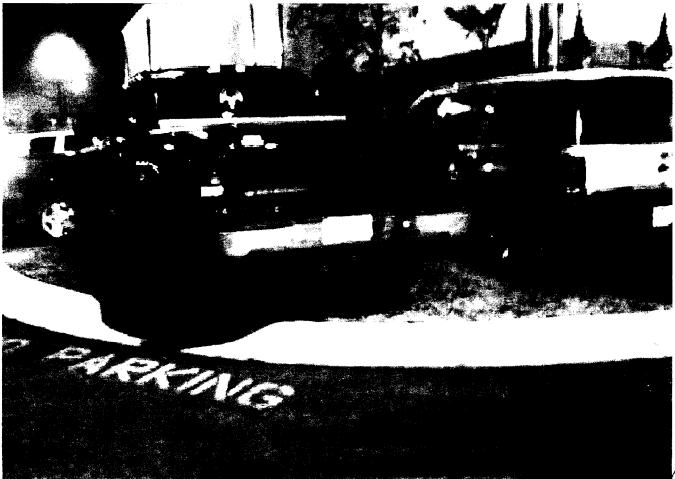


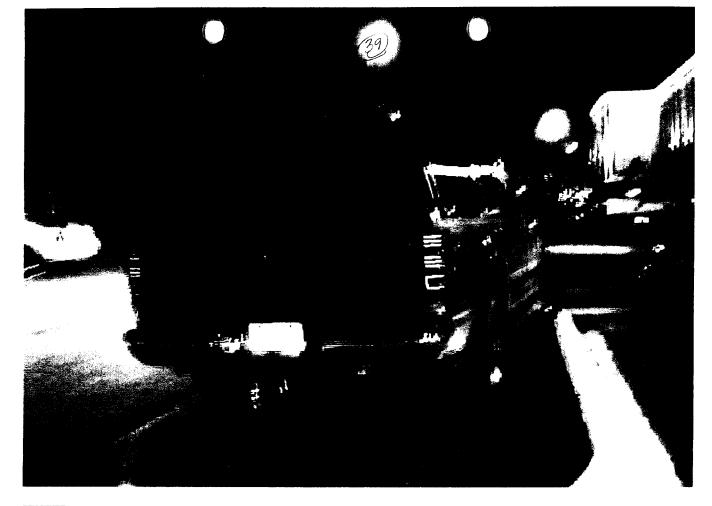












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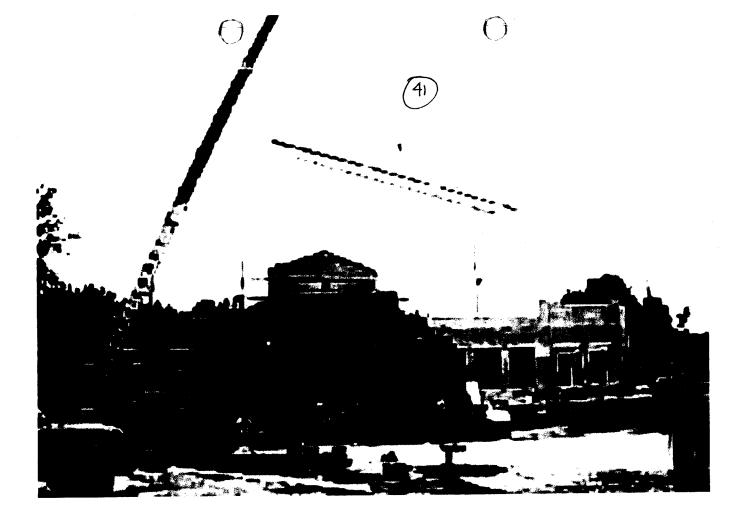
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Office Besslerments

General Controlor Real Estate Management

Residential Property Scarch

Career Opportunities

Crowne: Us Indicementan Request

Gainesville Links House

AMJ inc. of Gainesville

502 N.W. 16th Avenue Gainesville, Florida 32601 (352) 371-8100 (352) 338-0982 FAX



Commerce
Building
300 E. University
Ave.
Gainesville, FL

Gainesville, FL 32601



Plaza Royale 3802 Newberry Road Gainesville, FL 32607



502 Building 502 NW 16th Avenue Gainesville, FL 32601



2610 Executive Centre 2610 NW 43rd Street Gainesville, FL 32606



Blue Cross Blue Shield 3811 NW 40th Terrace Gainesville, FL 32607



34th Street
Center
(formerly Danka
HQ)
4701 SW 34th
Street
Gainesville, FL

32608



USDA 1 4440 NW 25 Street Gainesville, FL. 32606



Crafts and Stuff 6915 NW 4th Blvd. Gainesville, FL.



Madison Office Park

2850 NW 43rd Street Gainesville, FL 32606



17th Street Pine and 17th Street Ocala, Florida 34474



LePavillon 4401 NW 25th Place Gainesville, FL 32606



Tower Medical Center

2035 SW 75th Street Gainesville, FL 32607



Windward Village 1810 North Semoran Blvd. Winter Park, FL 32792



Penn Medical Building

51 Pennsylvania Street Orlando, FL. 32806



USDA 2 2614 NW 43rd Street Gainesville, FL. 32606



http://www.amjinc.com/



Search Date: 1/12/2003 at 12:09:46 AM - Data updated: 01/05/03

Parcel: 06501-004-000

Taxpayer: EASTERN FEDERAL CORP

901 EAST BLVD Mailing:

CHARLOTTE, NC 28203-5203

3702 W NEWBERRY RD Location:

GAINESVILLE

Sec-Twn-Rng:

2-10-19 THEATER

Tax Jurisdiction: Gainesville Area:

COMMERCIAL 1-10-19

Subdivision:

Legal: COM 3309.54 FT E & 449.32 FT S OF NW COR SEC S 1173.33 FT W 250.0 FT S 308.97 FT W 301.26 FT POB W 171.00 FT S 504.00 FT E 171.00 FT N 504.00 FT POB ALSO COM 3311.28 FT E & 1622.65 FT S OF NW COR SEC W 250 FT POB W 919.30 FT S 57 DEG W

Assessn	ssess ment History									
Year	Use	Land	Building	Misc	Total	SOH Deferred	Assessed	Exempt	Taxable	Taxes
2002	THEATER	787600	2399800	310100	3497500	0	3497500	0	3497500	93704.33
2001	THEATER	787600	2351800	323600	3463000	0	3463000	0	3463000	92418.19
2000	THEATER	787600	2185800	323600	3297000	0	3297000	0	3297000	89123.65
1999	SH CTR CMMITY	215500	537800	0	753300	0	753300	0	753300	20376.47
1998	SH CTR CMMITY	215500	534700	. 0	750200	0	750200	0	750200	21040.83
1997	SH CTR CMMITY	215500	533100	0	748600	0	748600	0	748600	21419.01
1996	SH CTR CMMITY	215500	389300	32300	637100	0	637100	0	637100	18299.04
1995	SH CTR CMMITY	215500	394800	32300	642600	0	642600	0	642600	18472.64
1993	SH CTR CMMITY	215500	413100	19700	648300	0	648300	0	648300	18591.11
1992	SH CTR CMMITY	215500	413100	19700	648300	0	648300	0	648300	18642.65

Land

Use	Zoning	Acres
THEATER	Commercial	9.04
		2002 Certified Land Value: 787600

Building

Year Built	1999	Агеа Туре	Square Footage
Use:	THEATER	BASE AREA (BAS)	54801
Bedrooms:	0	CANOPY (CAN)	2726
Baths:	60		Heated Area: 54801 Total Area: 57527
Stories:	1.5		
Exterior Wall:	CONCRETE BLOCK		
AC:	ROOF TOP AIR	1	
Heating:	FORCED AIR DUCT		
Year Built	1999	Area Type	Square Footage
Use:	THEATER	BASE AREA (BAS)	13026
Bedrooms:	0	1	Heated Area: 13026 Total Area: 13026
Baths:	0		
Stories:	1.5	•	•
Exterior Wall:	CONCRETE BLOCK		
AC:	ROOF TOP AIR	1	
Heating:	FORCED AIR DUCT		
			2002 Certified Building Value: 2399800

Miscellaneous

Description	Units
DRIVE/WALK	4240
PAVING 2	22300
FIRE PRO	54900

Property Search Results		Page 2 of 2
LIGHTS	(44)	 ıı]
LIGHTS		6
LIGHTS		29



GUTTER

2002 Certified Miscellaneous Value: 310100

Search Date: 1/12/2003 at 12:18:09 AM - Data updated: 01/05/03

Parcel: 06501-006-000

Taxpayer: PLAZA ROYALE LLC LEASEE

Mailing: 502 NW 16TH AVE

GAINESVILLE, FL 32601

Location: 3734 NEWBERRY RD GAINESVILLE

Sec-Twn-Rng: 2-10-19
Use: STORES

Tax Jurisdiction: Gainesville

Legal: COM NW COR SEC RUN E 3310.83 FT S 1622.70 FT W 719.13 FT POB S 934.64 FT N 67 DEG W 386.20 FT N 22 DEG E 25.00 FT N 67 DEG W 20 FT S 22 DEG W 25.00 FT N 67 DEG W 125.78 FT N 3 DEG E 154.08 FT N 67 DEG W 158.00 FT S 79 DEG W 156.97

Area: COMMERCIAL 1-10-19
Subdivision:

Assessment History

ASSESSMENT LIBEOLY				k /	the state of the s		4 4 4 4 4			
Year	Use	Land	Building	Misc	Total	SOH Deferred	Assessed	Exempt	Taxable	Taxes
2002	STORES	968900	813000	62900	1844800	0	1844800	0	1844800	49602.05
2001	STORES	968900	1152500	137000	2258400	0	2258400	0	2258400	60472.9
2000	STORES	968900	1144000	146300	2259200	0	2259200	0	2259200	61225.93
1999	STORES	968900	1132700	155600	2257200	0	2257200	0	2257200	61634.72
1998	STORES	728400	1121400	165400	2015200	. 0	2015200	0	2015200	56666
1997	STORES	728400	1111500	174900	2014800	0	2014800	0	2014800	57761.3
1996	STORES	728400	1140400	184600	2053400	0	2053400	0	2053400	58978.58
1995	STORES	728400	1121600	194100	2044100	0	2044100	0	2044100	58761.14
1993	STORES	728400	1125600	77900	1931900	0	1931900	0	1931900	55400.51
1992	STORES	754900	1125600	77900	1958400	0	1958400	0	1958400	56316.14

Land

Use	Zoning	Acres
STORE 1 FLOOR	Planned Development	9.15
STORE I FLOOR	Planned Development	3.56
		2002 Contified Land Value 069000

Building

AC:

Year Built	1988	•	Агеа Туре	Square Footage
Use:	WRHSE STORAGE	• •	BASE AREA (BAS)	29624
Bedrooms:	0			Heated Area: 29624 Total Area: 29624
Baths:	0			
Stories:	0.1			
Exterior Wall:	MINIMUM			
AC:	NONE		•	
Heating:	NONE		<u>.</u>	•
Year Built	2001		Area Type	Square Footage
Use:	RESTAURANT		BASE AREA (BAS)	6900
Bedrooms:	0		CANOPY (CAN)	355
Baths:	2.7	•	FINISHED STORAGE (FST)	260
Stories:	1		i .	Heated Area: 6900 Total Area: 7515
Exterior Wall:	CB STUCCO			
AC:	ROOF TOP AIR			
Heating:	FORCED AIR DUCT	•		
Year Built	2001		Area Type	Square Footage
Use:	STORE RETAIL		BASE AREA (BAS)	9678
Bedrooms:	0		CANOPY (CAN)	1700
Baths:	23			Heated Area: 9678 Total Area: 11378
Stories:	1			
Exterior Wall:	CB STUCCO			

ROOF TOP AIR

Prop	erty	Search	Result

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Heating:	FORCED AIR DUCT		 	 			. 21. 2. 3.
		 		 2002 Ce	ertified Bu	ilding Val	ue: 813000

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Description		Units
PAVING 2		48560
DRIVE/WALK		1566
LIGHTS		7
LIGHTS		
SPR SYSTEM		1
FENCE WD		287
PAVING 2		5244
DRIVE/WALK		1407
FENCE CB		160
FENCE WD		248
SPR SYSTEM		1
PAVING 2		2535
DRIVE/WALK		664
SPR SYSTEM		1
		Certified Miscellaneous Value: 62900

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Date	Price	Vacant	Qualified	OR Book	OR Page	Instrument
09/15/2000	1050000	No	No	2312	1864	Assignment



January 10, 2003

To: The City of Chapel Hill City Council

From: Crowell Little, Jr., Owner of Gateway Commons

Chris Shaw manages my property in Chapel Hill, which is called Gateway Commons. Currently, Staples, Blockbuster, Quizno's, Cingular, Equilibrium, and Hairspray are tenants there. Chris can speak on behalf of me.

I am aware of the theatre project that is adjacent to my property. I have not been contacted by the owners concerning their proposed project, and their request for a variance to the town's development policies, and I am certainly not in favor of it!

Five years ago I started to develop my property formerly the home to Lowes, and prior to 1974, the home of Crowell Little Motor Company. During the long approval process, I significantly changed my plans as to tenant mix, scope and design to meet every one of the town's requirements. These changes came at a large expense to me, both in current dollars and future income.

I gave up development of 1/3 of my property for a Greenway project the town desired. I have given a permanent easement to the town at the rear of my property. In short, I have complied to the town in every way. Now I understand you are considering a variance to parking spaces (400) for the development. It strikes me as interesting, and very inconsistent, that the Council had such a large concern for the traffic that would be generated by my project (which is/was a low traffic generator), and now is considering approving a project that is a huge traffic generator.

The very nature of the movie business generates hundreds of cars at the same time. If you were concerned about traffic on Franklin Street for my development, I would imagine you are distraught about a 11-screen movie theatre's traffic.

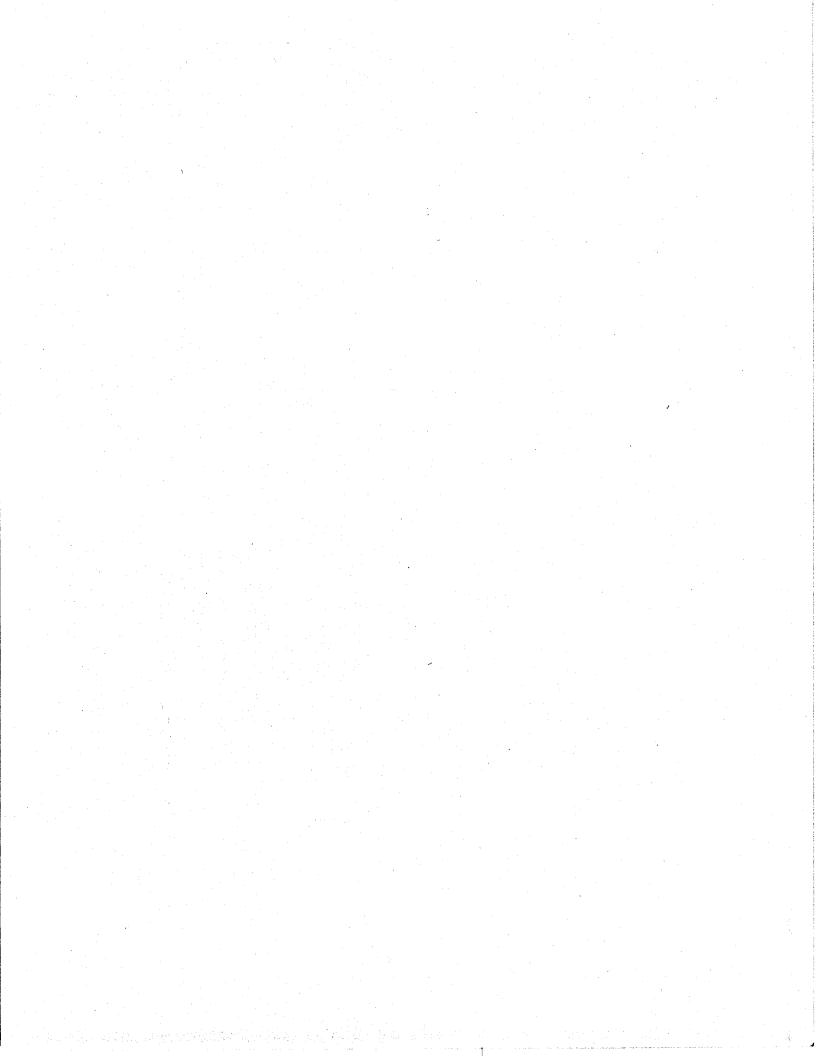
If you approve this volume of parking for the movie theatre, I can assure you that the movie-goers will park on my property, creating huge congestion and safety concerns. My tenants are open at night and on the weekends when the movie traffic would be heaviest.

Again, all I am asking is that any developments be held to the same standards as I was. To do otherwise, is to be inconsistent and unfair to those of us that played by the rules, all the rules.

I would ask for your attention to this matter and would appreciate your consideration and cooperation in settling this matter fairly. I would be happy to discuss the matter at any time and can be reached at (704) 383-0246 or Chris Shaw can be reached at (919) 967-2040.

Sincerely,

C. Crowell Little A. .
C. Crowell Little, Jr. Chris Sham (manager





RE: Agenda Item #6

MEMORANDUM

TO:

Mayor and Town Council

FROM:

W. Calvin Horton, Town Manager

SUBJECT:

Additional Correspondence for Village Plaza Application - -

Agenda Item #6

DATE:

January 13, 2003

We received the attached letter from a citizen offering comments on the Village Plaza application for a Special Use Permit. This letter arrived subsequent to our preparation of tonight's agenda materials.

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January 10, 2003

Mayor Kevin Foy and Members of the Town Council Town of Chapel Hill Chapel Hill, NC 27514

Dear Mayor Foy and Town Council Members,

I am writing to support the expansion of the Eastern Federal Corporation's movie theatres at Village Plaza. I write this letter as a member of the faculty in the finance area of the Kenan-Flagler Business School, and as a 15-year resident of the town. I teach real estate classes at the Business School, and am concerned about real estate markets in Chapel Hill, and in the Triangle at large. I am also concerned about the economic vitality of the town, and the need for services for its citizens.

The project that you will reconsider at the Town Council meeting on January 13 calls for increasing the number of movie theatres at the site, and allowing development of commercial or residential space in a second stage. At the earlier meeting, several of the Wellspring merchants indicated their concern with the proposal due to their perception of a lack of sufficient parking, and parking overflow which would impact the ability of their customers to access their stores. While this is understandable given their self-interests, I believe that this issue can be addressed with some compromise between Eastern Federal and the surrounding tenants. I also believe that the positive economic impact of the theatre expansion far exceeds the potentially minor inconvenience that these tenants will suffer as a result.

As you and the Council know, several recent developments outside of Chapel Hill have drawn a significant number of shoppers and dollars. New Hope Commons and Southpointe Mall consistently draw customers from within town limits. While I am not saying that the Town should encourage or approve developments of that scale and nature, it does seem that if we have a chance to retain, and potentially recapture, some of the economic and entertainment benefits, we should do so.

Currently, there are no stadium-seating movie theatres in town, and the Eastern Federal facility in its current state is economically unable to compete with the newer theatres at Southpointe. By approving the special use permit, the Council could move toward retaining the economic benefits of a state-of-the-art, brand new theatre for residents and for the local economy. Given my understanding of the economics of the movie business, the design that has most recently been proposed is the minimum that is economically feasible for a project of this nature.

From a real estate perspective, the movie theatre use will help to enhance the value of the neighboring properties, and will greatly improve the aesthetics of the area. The current one-level building is relatively unattractive, and the proposed plan will provide a much more appealing elevation. Development of an attractive infill development, with the



potential for a mix of retail and office space in Stage 2, provides the community an opportunity to engage in several uses on the same property. In addition, the movie theatre proposal will generally induce parking demand when other tenants in the center are closed. In many cases, if the restaurants and other shops are open, the movie theatre should draw additional traffic to these adjacent retailers.

Finally, Eastern Federal Corporation has served the Chapel Hill economy for over thirty years, and has a long-term business and personal relationship with many in our community. It is essential to encourage this type of investment by this type of corporation, as it will provide many long-term benefits for the community as a whole.

Approval of this project would show that council is determined to support development along current bus lines, and that could potentially reduce the dependence on automobiles. The eastern part of town is in need of businesses that draw customers at other times than during the day. The movie theatres provide just such a business.

Again, I hope that you will vote to support this important addition to the business community in Chapel Hill.

Sincerely,

David J. Hartzell 411 Ironwoods Drive Chapel Hill, NC 27516 962-3160

cc Cal Horton Roger Waldon