MINUTES – MARCH 18, 2019

The Caswell County Board of Commissioners met in regular session at the Caswell County Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, March 18, 2019. Members present: Rick McVey, Chairman, Jeremiah Jefferies, Vice Chairman, Sterling Carter, William E. Carter, Nathaniel Hall, Steve Oestreicher and David Owen. Also present: Bryan Miller, County Manager, Brian Ferrell, County Attorney and Luke Burris representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman McVey opened the meeting with a moment of Silent Prayer.

PLEDGE OF ALLEGIANCE

The Board of Commissioners and all the guests in the audience recited the Pledge of Allegiance.

(Commissioner S. Carter entered the meeting at 6:31 p.m.)

APPROVAL OF AGENDA

Chairman McVey stated that he wanted to amend the agenda to include the MOU for the School System as well as Personnel to the Closed Session.

Commissioner W. Carter asked to remove Item #8 and reschedule for the April 1, 2019 meeting.

Commissioner W. Carter moved, seconded by Commissioner Jefferies to approve the agenda as amended. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Owen moved, seconded by Commissioner Jefferies to approve the Consent Agenda. The motion carried unanimously.

The following items were included on the Consent Agenda:

A. Approval of Minutes of March 4, 2019 Regular Meeting

B. Approval of Minutes of March 8, 2019 Special Meeting

C. Approval of 2019 Local Government Agencies General Records Retention and

Disposition Schedule

PUBLIC COMMENTS

Chairman McVey opened the floor to Public Comments.

Ms. Elin Claggett made the following statement:

“My name is Elin Claggett and I reside at 108 Jaye Lane, Providence, NC. In November 2018, the election ballot included the Caswell County Public School Bond which read as follows: “Shall the order authorizing up to $36,500,000 of general obligation bonds, plus interest, of the County of Caswell, North Carolina for the purpose of paying costs of capital improvements to the County's public school facilities including safety and security improvements to County schools and improvements, construction and renovation at the County's high school, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds, as adopted by the County of Caswell Board of Commissioners on June 18, 2018,be approved?” The purpose of a Project Monitor advocating on behalf of the Board of County Commissioners is to ensure tax payers’ millions are protected rather than just let the Board of Education (BOE) run amok. The proposed changes totally exclude input during construction from the Project Monitor, County Manager, and Board of County Commissioners. This lack of oversight will enable maximum spending of resources by the Superintendent/Board of Education. After maximum spending of $18.5 million, the Board of Education will then be able to come back to the Commissioners to ask for more funding – according to requested changes of the Cooperative Agreement (MOU). This is exactly how the Senior Center and the Detention Center had millions of dollars in change orders and overruns – mistakes that were paid for by the 9,000 households in this county. In regard to fiscal responsibility, the BOE passed their budget 2 months AFTER the start of the fiscal year. Three months later (12/18/18), $400,000 off-budget spending was approved for the construction of handicap bathrooms and enclosure. These funds came from $709,000 in their capital fund balance. Last Spring there was at least an additional 7 million dollars’ worth of projects on the school’s itemized wish list. The concept of no oversight is like putting a child in charge of a cookie jar and being surprised when the cookies are gone. As guardians of tax payers’ money, your responsibilities are oversight of this most costly project. Change orders are inevitable but if excessive, the school board may need to make choices. The bond campaign was focused on a new central BYHS building and security – not on $2,235,000 for Athletic Facilities (home bleachers, press box, track lanes, moving softball field & concession stands). That provides a $2,235,000 spending latitude should significant costs of the primary BYHS structure arise. Yes, I’m suggesting choosing classroom needs over a press box or concession stand to stay on budget if necessary. Additionally, the school system has over $3 million in savings with $1.4 million allocated to improving the safety of all schools. That leaves an additional $1.6 million from this savings account available for overruns or change orders. The combined money from savings and Athletic Facilities allocations total approximately $3.6 million. Or to simplify, 10% of excess is already built into the plans although may require making choices. Choices may be needed, dependent on oversight. Build BYHS primary structure and complete the safety upgrades as voted on by the citizens and taxpayers. Use the sales tax rebates to pay down the loan – this is taxpayers’ money, not BOE money. Prevent excess spending by utilizing the Project Monitor to advocate for the County’s interest versus giving complete and sole authority to the BOE’s Project Manager and Superintendent. Thank you for your time and consideration.”

Ms. Julie Adams stated that she resides at 3078 Old NC Highway 86N, Yanceyville. She stated that her family moved here several years ago, her husband is a pastor and they love it here in Caswell County. Ms. Adams stated that he is 100% in support of the Board of Education and their decision on the new high school. She added that she is a parent who came from a large county to a poor county so she thinks this county needs this high school. She asked for a status update because she feels like the two boards are going back and forth. She stated that she respected Ms. Claggett’s comments but this is the time now for the students, and children and while the county has the sales tax refund why not invest that back into the schools. Ms. Adams stated that it is not about athletes versus academics but it is the whole school. She stated that he is not from Caswell County and she respects those who are but the school is run down. Ms. Adams added that they have 6 daughters of their own which are going through the school system and she thinks the county owes it to the students and teachers. She added that she prays that the two groups can come together and find a common ground and move forward with the project. She thanked the Board for its time.

Mr. Michael Adams stated that he lives at 3078 Old NC Highway 86N, Yanceyville. He stated that what was presented to the tax payers is what we voted on and he thinks it was approved in a convincing fashion that this is what the tax payers want because the county has facilities that drastically need updated and it does need safety. Mr. Adams stated that part of the safety issue does include the athletic fields. He thinks that athletics are very important to the students and a lot of these facilities need the love just like the classrooms. Mr. Adams stated that with the new facility the county will be the crown jewel of this region. He added that we need to let people know that we are not just a small community that doesn’t care and that we love our family, our community and our students. Mr. Adams asked the Board to use the tax money and invest it into the athletic facilities as it was introduced from the beginning.

Mr. Joshua Brumfield stated that he did not know about this meeting until this afternoon and he wanted to be completely upfront that he is not knowledgeable about everything. He stated a lot needs to be done with the athletic fields because the basic necessities are not there. Mr. Brumfield stated that there is no practice field. He added that the booster club raised money for the weight room and the attendance has skyrocketed. Mr. Brumfield stated to look at Salem High School in Virginia. He added that the at risk youth play sports and added that 80 kids would not graduate without athletics. Mr. Brumfield stated that we want to improve the image of Caswell County schools. He asked why the county would upgrade everything else but the field. Mr. Brumfield stated that most of the student body and staff thinks we are getting new athletic facilities.

Ms. Alice Robinson stated that she lives at 5973 Highway 86N. She thanked the Board for their interest and concern for children. Ms. Robinson stated that several months ago when the Back to School Blast was held some of the Board was there but the Board supported the effort 100%. She stated that some of the Board has received the LifeSavers for their support and if they have not they will receive it tonight. She added that she is stunned because she thought the school construction was a done deal because the voters have spoken. She stated that she went through the high school when everyone was invited. Ms. Robinson stated that she is an advocate for the school system. She stated that the students need something to be proud of. Ms. Robinson stated that the Board’s promises need to be kept.

Chairman McVey asked if anyone else would like to speak during Public Comments. With no further comments Chairman McVey closed Public Comments.

RECOGNITIONS

Commissioner S. Carter stated “I was going to ask if the Home Town Strong Initiative had been mentioned at the previous meeting. Was there any…Yanceyville was selected as one of the few towns throughout this state for the Governor’s initiative called Home Town Strong so I would like to recognize that for the sake for the sake of the minutes, that the public is aware of that and resources will be available to the county when it comes to economic development and getting our name on the map so to speak. It’s a great program and I’m looking forward to what it may produce.”

PARKS AND RECREATION MASTER PLAN AMENDMENT

Mr. Miller stated that the County conducted a Parks Master Plan two years ago and as a result the Town has to us and ask that the County include the map in the agenda as part of the Master Plan, just to make an amendment to the plan or an addendum to the plan. The Town is seeking PARTF money which is a Parks and Recreation Trust Fund group and this will help the Town to achieve the maximum number of points when making application to PARTF. He added that the idea of a splash pad is mentioned several times throughout the county’s plan and this is building on that thought of a splash pad.

Mr. Brian Collie, Yanceyville Town Manager, stated that the Town has a proposed Pavilion Park or Yanceyville Park and a site plan is in the Board’s agenda. He added that this plan proposes a splash pad as well as some playground equipment and outdoor restroom facilities for children and adults with special needs. He added that part of the funding institutes that the Town is looking at is the PARTF which is the Parks and Recreation Trust Fund and the Town is competing with every other town and county in the state and with the most amount of points the Town may receive the funding. Mr. Collie stated that the grant that the Town is looking at is not a full funded grant and one of the key aspects is it needs a site specific portion from a Parks and Recreation Master Plan in which the county adopted in 2017 which includes the Town of Yanceyville and specifically a splash pad. He asked the county to consider a possible amendment to the recreational master plan to incorporate the site specific plan. Mr. Collie stated that one part of the application is to do surveys in the community on what the recreation needs are and specific address this survey as to whether the community wants this project. He added that 1017 surveys have been received with 999 of those supporting the splash pad project which is a 98.4% support rate.

Commissioner Oestreicher asked Mr. Collie if the support rate is site specific on the surveys. Mr. Collie responded yes it is site specific.

Commissioner Owen stated that he wanted to remind the Board that this does not obligate the County in any way financially towards this project. Mr. Collie responded that this does not obligate the County towards any financial obligation. Commissioner Owen stated that the Town wants the County to amend the Master Plan to include the site plan so the Town can get grant money for this project.

Commissioner Owen moved, seconded by Commissioner W. Carter to amend the Recreation Master Plan to include the Yanceyville park project. The motion carried by a vote of 6 to 1 with Commissioner Oestreicher voting no.

CASVILLE VOLUNTEER FIRE DEPARTMENT RELIEF FUND MEMBER

Mr. Miller stated that the Casville Volunteer Fire Department is requesting an appointment to its board that handles monies for the Fireman’s Relief Fund. He added the Relief Fund was developed to assist firemen in their needs and the monies are derived from the state and all money has to be approved by the board appointed to oversee these funds. Mr. Miller stated the board is a 5 member board: 2 members elected by the fire department, 1 selected by the fire commissioner, and 2 appointed by the local government. He stated that the Casville Fire Department is requesting that Tom Pugh be appointed to the Fireman’s Relief Fund Board from the Board of Commissioners. Mr. Miller stated that one member needs to be replaced by this Board due to health issues.

Commissioner Owen asked if this was the recommendation from that board. Mr. Miller responded that Mr. Pugh was the recommendation from the Casville Fire Department.

Commissioner Hall asked if the County advertised for this appointment from the Board. Mr. Miller responded that this position was not advertised. Commissioner Hall asked why no. Mr. Miller responded that this is not a board that the county oversees and it does not make recommendation to the county, it oversees the monies for this fund. Commissioner Hall stated that this Board makes the appointment. Mr. Miller responded that this is correct. Commissioner Hall stated that if the Board makes the appointment it should follow the appointment process and do the advertising for the position. Mr. Miller responded that if that is the pleasure of the Board it can be done.

Commissioner Owen asked if the Board has ever made an appointment to that committee. Mr. Miller responded yes the Board had made two appointments in the past for Ms. Debbie Clayton and Ms. Mary Jo Henderson.

Commissioner S. Carter asked “I would like to ask the clerk after reflecting on Mr. Hall’s comment, are there any other boards that are not county boards that also come through us for appointment yet have no direct impact on us I guess that you are aware of? Are there other fire department with similar or just that one?” The clerk responded that she was not aware of any. Commissioner W. Carter responded that the fire departments appoint their own board. Chairman McVey responded that he is assuming it was because Casville had its own tax district. Commissioner S. Carter continued “And my follow up thought is, where is this in writing in relation to our role in appointing? I am just curious, I have never heard of something like this.” Commissioner Owen responded that he is not 100% sure but he believes it is because it is a relief fund and he believes the requirement comes out of that organization that provides the amount of money.

Chairman McVey asked the county manager to take a look at the requirements of this appointment. Mr. Miller responded that he would be happy to do that.

DISCUSSION AND APPROVAL OF MILTON’S USE OF A DUMPSTER

Mr. Miller stated that Friday, May 3rd the Garden Club of Virginia will visit Milton as part of the Historic Garden Club and in effort to make the event a successful as possible the county has had a request that a free dump day to be instituted before May 3rd and the event would be made available to all county residents and not just those residing in Milton. He had that there has been an additional request to provide Milton with a large open top dumpster over one of the weekends before this event. Mr. Miller stated that this event will bring between 500 to 600 people through the beautiful town of Milton on Friday, May 3rd. He added that this is the first time this tour has ever crossed the North Carolina state line and this would be a perfect time for Milton and Caswell County to make a great first impression. Mr. Miller stated that the Board has authorized similar events in the past with a County Beautification Day waiving the solid waste fees free of charge to allow county residents to dump at the Yanceyville site free of charge. He added that the previous days have excluded tires, hazardous waste, liquid waste, any large construction jobs, dump trucks or large trailers or contractors, businesses or farms. Mr. Miller requested that the County Beautification Day be Friday, March 29th and Saturday, March 30th and the Board to waive the fees for disposal of the trash.

Mr. Ferrell stated that this would be a fee subsidy instead of a fee waiver because the tipping fees have to be paid.

Commissioner Hall moved, seconded by Commissioner Jefferies to approve the County Manager’s request.

Commissioner Owen asked for a clarification, if the County would place open containers in Milton and if the motion would include this. Commissioner Hall responded yes. Commissioner Owen asked how many containers would be placed in Milton. Mr. Miller responded one container would be placed in Milton.

Commissioner Oestreicher asked if the motion included the prohibitions that were mentioned by the county manager. Commissioner Hall responded that it would include the prohibitions that he county manager mentioned. Commissioner Oestreicher asked that this be added to the motion for clarity sake. Commissioner Hall responded that this would be fine with him.

Commissioner Hall moved, seconded by Commissioner Jefferies to approve the County Manager’s request and to include the prohibitions that were mentioned earlier. The motion carried unanimously.

Commissioner Hall stated that he has personally been extremely upset over the last 2 or 3 months with the amount of trash in his community and that this issues needs to be address and at the next meeting he would like to present something to the Board.

DISCUSSION ON CODE OF CASWELL COUNTY, NORTH CAROLINA

Mr. Miller stated that the codification was included in the agenda for the commissioners to become familiar with and was not necessarily put in the agenda packet for discussion but if the Board would like to discuss it can be done. He suggested that the Board bring this back at a later date and to organize a public hearing for the codification of the ordinances. Mr. Miller stated that the codification puts all the ordinances in a more legible, legal document and reduces any redundancies in the ordinances and takes away any conflicting statements in the ordinances. He added that he would be happy to answer any questions the Board has or any process in the codification process but his recommendation is to set a public hearing probably the second meeting in April before the Board decides to do anything with the codification.

Commissioner Owen suggested that this information come back before the Board before having a public hearing. He added that he has had the opportunity to go through some of it and there are a couple of things that he has some questions about and he would like to put this item back on the agenda. Commissioner Owen stated that he does not have a problem with a public hearing but he would like for the Board to discuss it first.

Mr. Miller asked Commissioner Owen if he would like to discuss this item at the next meeting. Commissioner Owen responded if it agreeable with the Board. Chairman McVey asked the Board if they agreed with this. He stated that this would be on the next agenda.

Commissioner Oestreicher stated that the Board had a long, lengthy discussion and public comments on the Kennel Ordinance that the Board agreed to modify and add to the Animal Ordinance which is included in the codification and he asked if the changes could be included in this document. Mr. Miller responded not at this time. He added that the codification process was completed by a third party and the Board needs to focus on what is in front of the Board. Mr. Miller stated that there will be modifications to the Animal Control ordinance and including the Kennel portion as part of those modifications and when these are complete and approved by the Board these changes will be sent to the third party to have them include in this as part of the contractual obligation. He added that the Kennel Ordinance is scheduled for a public hearing the second meeting in April. Mr. Miller stated this will be on the website before the meeting for the Board and public but he would prefer not to interchange the two before the public hearing takes place.

Mr. Ferrell stated that the consultant closed the door on additional changes to the code sometime back in the fall and staff agreed and after the codification has been adopted it can be amended. Commissioner Oestreicher has the concern that the appearance will be ‘bait and switch’ and if the Board knows we are going to make changes to the Animal Control Ordinance and the Board has a public hearing on the Kennel Ordinance it seems rather confusing to him. He suggested postponing the public hearing on the codification.

Mr. Miller stated that if it is the pleasure of the Board he is happy to go back to the consultant that helped with the codification and ask for a quote to redo the codification to include any amendments made to the Animal Control Ordinance. Commissioner Oestreicher responded that that is not what he is asking for. He is asking to postpone the public hearing on the codification until after the Board has amended it to include the Kennel Ordinance portion specifically. Commissioner Oestreicher stated that he did not want two public hearings on the codification. Mr. Miller stated that he served at the pleasure of the Board and he is willing to do whatever the Board would like.

Commissioner Hall asked for clarification, he wanted to know if there was going to be a public hearing on the codification. Mr. Miller responded yes. Commissioner Hall asked why a public hearing on the codification is necessary. He added that the county started this project at least 4 or 5 years ago and the county entered into a contract or an agreement to have this done and all that is being done is codifying the ordinances that the county already has. Commissioner Hall stated that he did not under why the need for a public hearing. Mr. Ferrell responded that the nature of the codification is essentially a re-adoption of all the county’s existing ordinances except for the land use ordinances and in state statutes there is a public hearing requirement so this is to just approve the ordinances in the new format.

Commissioner Oestreicher stated that he wanted to repeat his comment again, he could not understand why this had to be done twice especially on the change for the second time.

Commissioner Hall stated that the Board is doing this so there is no loophole in statutes for the codification and it is not being done to include the kennel portion but it can be added. He added that all the Board is doing is closing the contract with the vendor on the codification. Commissioner Oestreicher responded that he is not convinced.

Commissioner Owen stated that this is just finishing the project that was started and if we want to amendment on the kennel portion the vendor will want to charge more however it is built into the contract the availability to add after the codification is approved. Mr. Miller responded that this is correct. Commissioner Owen stated that his suggestion would be to move forward with the public hearing and once the Board approves the kennel portion it can be added to the codification.

Chairman McVey asked if a motion was needed. Mr. Miller responded no and that he understood the Board to say that this would be on the agenda for the next meeting and a motion is not needed for this.

RECESS

The Board took a brief recess.

MOU FOR THE SCHOOL SYSTEM

Chairman McVey stated that the School Board had a meeting this past week and Commissioner Jefferies, Oestreicher and McVey attended the meeting and the School Board had asked them to bring some requests back to the Board again and Chairman McVey said that he would bring the changes back to the Board and he asked the Board how to proceed.

Commissioner Owen stated that the Board has voted twice unanimously on the MOU and the Board is not holding up the project, the School Board is, and the Board is ready to move forward but the School Board has to agree because the Board has to protect the taxpayers and if there was an issue with safety on the athletic fields it should have been included in the $1.4 million in the safety money and if the $400,000 of sales tax dollars can do it fine but he is not going to change his mind, the money needs to go back to the taxpayers.

Commissioner Jefferies stated that he is not changing his mind.

Commissioner S. Carter stated “I made my comments at the last meeting.”

Commissioner Hall stated that he is staying where he is at.

Commissioner Oestreicher stated that the last copy that was sent did not include two project managers, one per board and from his reading that was acceptable to both boards and paying for those out of the sales tax rebate. He added that he agrees with Commissioner Owen on the sales tax estimation of $400,000. Commissioner Oestreicher stated that the money leftover should go towards paying down the debt. He agreed to change the amount for paying off Dillard is fine because the county has made a payment on that. Chairman McVey responded that there is $429,300 left owing on Dillard and when the original agreement was drawn up it was $600,000+. Commissioner Oestreicher stated that instead of arguing over how much is owed the intent is to pay it off and that is all the MOU needs to say. He added that the only other point of contention he thinks is the change orders and that is a matter of good faith that the project manager and project monitor will help guide the superintendent and county manager on how necessary the change orders are and this is part of the USDA perspective on the money and this needs to stay. Commissioner Oestreicher stated that everybody should agree that these are minor changes and every day we spend talking about this is another day we are losing ground, time and money. He suggested making the changes that he discussed and move on.

Commissioner W. Carter stated that he agrees with Commissioner Owen and Oestreicher that he would like to see the project moving forward. He added that the construction company will have a project manager so there is only a need for the project monitor. Commissioner W. Carter stated that this needs to be approved and move on because that is what the taxpayers are looking for. He added that as far as security before this was put on the bond referendum the Board of Education said they had $3 million to pay on the loan and the security at all the school is $2.4 million and he suggested that the security be done then. Commissioner W. Carter stated that it is too much back and forth and it needs to move forward.

Commissioner Oestreicher stated that what he did not see in this version was the specific addition of getting ownership in order to get the sales tax rebate and he asked general counsel for guidance. Mr. Ferrell responded that the initial draft came from the School Board and the Board reacted with a draft that the Board adopted after the work session and another set of changes came back from the School Board and it was discussed at a meeting that there would be further changes but then he received a telephone call from the manager to stop work because the Board was interested in sending back the initial draft approved by the Board of Commissioners and this initial draft did have language about the transfer but it did not allocate the sales tax one way or another and that was his recollection. Commissioner Oestreicher asked the county attorney if the approved draft covers the ownership transfer. Mr. Ferrell responded that it does because it was talked about early on in the discussion and it also included a joint monitor but he did not think it was called that in the draft but it was called an owner’s representative and that would work for both the School Board and the Board of Commissioners.

Chairman McVey asked how the Board stood on the MOU. Commissioner Jefferies responded that the Board has told where they stand. Chairman McVey stated that he is asking the Board again. Commissioner Jefferies stated that his motion was no changes and it was voted unanimously and every time we vote it comes back with changes and we voted 100%. Chairman McVey stated it was voted unanimous and every time the Board has sent something it has come back and they asked him to bring it back to the Board again and that is what he did. Commissioner Jefferies thanked Chairman McVey for bringing the MOU back.

Chairman McVey asked if it is the consensus of the Board to send the previous MOU back to the School Board. Commissioner S. Carter stated “My comments were made at the last meeting.” Chairman McVey asked if it is the consensus now to send the previous MOU back. Commissioner S. Carter responded “Yes sir.” Commissioner Hall stated that it is his opinion that the Board not take any action. Chairman McVey stated that no action will be taken on the MOU and it will be left as is.

COUNTY MANAGER’S UPDATES

Community Meeting

Mr. Miller notified the Board that there will be another Community Meeting concerning Zoning this Wednesday at 6:30 p.m. at the Southern Caswell Ruritan. He added that there have been two meetings so far and he is happy to see what the third meeting entails.

ANNOUNCEMENTS AND UPCOMING EVENTS

1. Joint Meeting – Stokes County, Rockingham County and Caswell County – Pine Hall, NC – April 11, 2019 at 6:30 p.m.
2. District Meeting – April 25, 2019 @ 5:00 p.m. – Chatham County

Commissioner Hall stated that the Piedmont Triad Regional Council has a position vacancy for a project that they have here in Caswell County and this information will be forwarded to all the commissioners and the clerk.

CLOSED SESSION

Commissioner Oestreicher moved, seconded by Commissioner Owen to go into Closed Session to consider the compensation, terms of appointment and performance of an individual public officer (NGS 143-318.11(a)(6)) and to prevent the disclosure of information that is privileged or confidential (NCGS 143-318.11(a)(1)). The motion carried unanimously.

REGULAR SESSION

Commissioner W. Carter moved, seconded by Commissioner Oestreicher to resume the regular meeting. The motion carried unanimously.

ADJOURNMENT

At 7:50 p.m. Commissioner Owen moved, seconded by Commissioner Hall to adjourn. The motion carried unanimously.

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Paula P. Seamster Rick McVey

Clerk to the Board Chairman

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