

the Work Session on April 20th to discuss this. Chair Cole then asked Mr. Peeler what was the nature of his conversations with NCDENR. Mr. Peeler said that he was talking with them about HB 484 which is the statute for this kind of project. Commissioner Muzzulin asked what HB 484 was. Mr. Peeler said that HB 484 is the House Bill that eventually became a part of the General Statutes in how the process for doing a wind farm project goes through NCDENR. Chair Cole asked Mr. Peeler to further explain his conversation. After a lengthy discussion, Chair Cole asked the Board to instruct County Manager Heath and herself as to how they need to handle this situation. Wallace E. Nelson made a motion to reaffirm the Board's support of the economic development proposal of Ibedrola on the Desert Wind Farm Project. The motion was seconded by Edward R. Muzzulin. After some comments, the motion was unanimously approved. Chair Cole asked County Manager Heath to contact the State and Iberdrola to notify them of the Board's action tonight.

ADJOURNMENT

There being no further comments or business to discuss, the Special Called Meeting was adjourned and the Work Session began at 7:30 p.m. on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

Janice McKenzie Cole, Chair

Clerk to the Board

REGULAR MEETING

May 4, 2015

6:45 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, May 4, 2015, at 6:45 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Janice McKenzie Cole, Chair Edward R. Muzzulin, Vice Chairman
Kyle Jones Fondella Leigh
Wallace Nelson Matthew Peeler

MEMBERS ABSENT: None

OTHERS PRESENT: Frank Heath, County Manager Mary Hunnicutt, Clerk to the Board
Will Crowe, County Attorney

After the Chair called the meeting to order, Commissioner Nelson led in prayer and the Chair led the Pledge of Allegiance. Ms. Cole said that the first item of business was to hold two public hearings.

PUBLIC HEARINGS

Rezoning Request No. REZ-15-01, by Ken Elliott

Chair Cole opened the first Public Hearing stating that the purpose of the public hearing was to receive citizens' comments to consider Rezoning Request No. REZ-15-01, by Ken Elliott, to rezone +/-21.52-acre tract known as Tax Parcel No. 2-0061-0029G from RA-43, Residential & Agricultural Zone to RA, Rural Agriculture Zone. Site located on east side of Wynne Fork Road (SR 1338), one-fourth mile south of Skinner's Road (SR 1337). There were eight (8) people present. The Chair recognized Donna Godfrey who presented an overview of the request. Ms. Godfrey said that the Planning Board approved this request at their April 14, 2015 meeting. She further explained that the applicant and the property owner were present if they needed to ask them a question. Commissioner Peeler asked Ms. Godfrey if anyone spoke for or against the request during the Planning Board meeting. Ms. Godfrey said that there were three (3) people that showed up but it was after the Conditional Use Permit was processed. One of the property owners had written a letter to Ms. Godfrey ahead of the meeting and that letter was presented to the Planning Board at their March meeting. Mr. Peeler further asked if a copy of that letter was provided to the Commissioners. Ms. Godfrey said that it was not but provided Mr. Peeler with a copy of the Skinner's letter at that time. Chair Cole asked Mr. Elliott or Mr. Brown if they wanted to add anything that has been said. Neither Mr. Elliott nor Mr. Brown wanted to add anything. Ms. Cole asked if anyone had signed up to speak. Ms. Hunnicutt, Clerk to the Board, said that no one had signed up to speak. Ms. Godfrey said that basically the Skinner's letter asked that they desired that any pond excavation activities be moved further from their property line. Chair Cole swore in Mr. Elliott. Commissioner Peeler asked Mr. Elliott if they were able to work with Ms. Skinner in this request. Mr. Elliott said that he would be able to do so. Ms. Godfrey corrected her statement with saying that the letter was from Mrs. Spellman on behalf of the Skinner Family. There being no further questions or comments, Chair Cole closed this public hearing at 6:57 p.m. and opened the second Public Hearing.

Conditional Use Permit Application No CUP-15-01, by Ken Elliott

Chair Cole opened the second Public Hearing stating that the purpose of the public hearing was to receive citizens' comments to consider Conditional Use Permit No. CUP-15-01, requested by Ken Elliott, to conduct a Mining Operation to excavate a 6.97-acre pond on the above-noted +/-21.52-acre tract, subject to approval of Rezoning Request No. REZ-15-01. There were sixteen (16) people present. The Chair recognized Donna Godfrey who presented an overview of the request. Ms. Godfrey said that the Planning Board approved this request at their April 14, 2015 meeting. She further explained that the applicant and the property owner were present if they needed to ask them a question. Chair Cole asked if there were any questions of Ms. Godfrey. Commissioner Peeler asked Ms. Godfrey that, since this is an industrial site, is there a segregation plan to handle dust, sand, and water away from the existing drainage system. Ms. Godfrey said that there are State permits that handle this. Mr. Elliott would probably better answer that question. Chair Cole asked Mr. Elliott, who was already sworn in, if he had any further comments. Mr. Elliott said that he had a few general statements to give. After Mr. Elliott spoke, Ms. Cole asked if anyone had signed up to speak. Ms. Hunnicutt, Clerk to the Board, said that no one had signed up to speak. There being no further questions or comments, Chair Cole closed the Public Hearings and proceeded with the Regular Meeting at 7:10 p.m.

AGENDA

On motion made by Edward R. Muzzulin, seconded by Fondella Leigh, the Board unanimously approved the Agenda as amended.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Wallace E. Nelson, seconded by Matthew Peeler.

1. **Approval of Minutes:** April 6, 2015 Regular Meeting and April 20, 2015 Special Called Meeting
2. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Sharon S. Ward	Finance Officer – Fill-In	Appointment	72/12	\$26.32/hr.	5/1/2015
Sharon D. Smith	Part-Time Telecommunicator	Resignation			4/30/2015
Brenda Newbern	Assist Accounting Tech IV	Contract		\$30.00/hr.	4/1/2015

3. **Step/Merit Increases:**

Employee Name	Employee Job Title	Grade/ Step	New Salary	Effective Date
Katie Williams	Administrative Assistant – Rec. Dept.	58/5	\$24,909	5/1/2015
Stacey Mitchell	Deputy/SRO	65/5	\$33,898	5/1/2015
Janet Stallings	Secretary/Technician – Soil Conservation	61/5	\$28,425	5/1/2015
Beverly Gregory	Tax Clerk	58/15	\$31,792	5/1/2015

4. **Budget Amendments:**

**BUDGET AMENDMENT NO. 23
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-000	State Grants - DSS	5,698	
10-610-454	Daycare	5,698	

EXPLANATION: To budget additional Daycare Funds for FY 2014-15 approved by the State.

**BUDGET AMENDMENT NO. 24
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-018	Mentoring Focus - Local	500	
10-672-570	Mentoring Focus Funds	500	

EXPLANATION: Increase in Local Funds for FY 2014-15 received from N.C. Recreation & Park Association Nourishing NC for Garden Project.

**BUDGET AMENDMENT NO. 25
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-020	Federal Drug Funds	3,230	
10-510-334	Sheriff- Fed Drug Funds	3,230	

EXPLANATION: To budget Federal Funds received in FY 2014-15.

5. **Resolutions:** The following Resolutions were approved by the Board:

**Older Americans Month 2015
A Proclamation**

Whereas, Perquimans County includes a thriving community of older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

Whereas, Perquimans County is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

Whereas, since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life’s most basic functions, such as bathing or preparing meals; and

Whereas, these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of Native American elders; and

Whereas, we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

Whereas, our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social inclusion.
- Emphasizing home- and community-based services that support independent living.
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners do hereby proclaim May 2015 to be Older Americans Month. We urge every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

ADOPTED the 4th day of May, 2015.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTESTED:

Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

A RESOLUTION OF THE NORTH CAROLINA PERQUIMANS COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF ALTERNATIVE METHOD OF RECOGNITION FOR VETERANS STATUS TO WW II COASTWISE MERCHANT MARINERS

Findings 1: Some US Merchant Marine Seamen of WW II gained veteran status under a court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987). The USCG later **required** they meet certain eligibility requirements.

Findings 2: Some 10,000 to 30,000 **coastwise** seagoing tug and barge merchant seamen have been or may be denied recognition upon application because actions taken by government agencies (prior to P. L. 95-202) have removed required eligibility records from being available to the veteran.

Findings 3: Commandant, USCG Ltr 5739 Ltr of 09 Apr 2010 states, "**The US Government did not issue mariner credentials to females during the World War II.**"

Findings 4: USCG Information Sheet #77 (April 1992) identifies **acceptable forms of documentation** for eligibility meeting the requirements pursuant to Schmacher V. Aldridge, 655 41(D.D.C 1987)

- a. Certificate of Discharge (Form 718A)
- b. Continuous Discharge Books (ship's deck/engine logbooks. (Non-military document)
- c. Company letters showing vessel names and dates of voyages. (Non-military document)

Findings 5: Commandant USCG Order of 20 March, 1944 **relieves masters** of tugs, towboats and seagoing barges **of the responsibility of submitting reports of seamen shipped or discharged on forms 718A**. This action removes item (a) from the eligibility list in Findings 4.

Findings 6: USCG Information Sheet # 77 (April, 1992) further states "Deck logs were traditionally considered to be the property of the owners of the ships. After World War II, however, the deck and engine logbooks of vessels operated by the War Shipping Administration were turned over to that agency by the ship owners, and **were destroyed during the 1970s because they were too burdensome to keep and too costly to maintain.**" This action effectively eliminates item (b) from the eligibility list in Findings 4.

Findings 7: Company letters showing vessel names and dates of voyages are highly suspect of ever existing due to the strict orders prohibiting even the discussion of ship/troop movement. Then consider item (c) of Findings 4 should be removed from the eligibility list. USCG Info Sheet # 77, page 2 refers.

Findings 8: Excerpts from Pres. Roosevelt's fireside Chat 23: On the Home Front (Oct. 12, 1942): "In order to keep stepping up our production, we have had to add millions of workers to the total labor force of the Nation. "In order to do this, we shall be compelled to use **older men, and handicapped people, and more women, and even grown boys and girls,** wherever possible and reasonable, to replace men of military age and fitness; **to use their summer vacations, to work somewhere in the war industries.**" Underage combatants had served in all of America's wars from the time of the Revolution. The unknown number who served in the Second World War perpetuated that legacy. They served with distinction and valor, and indisputably demonstrated that, despite their age, they could serve as well as those around them.

Findings 9: Post the Revolutionary War; many Acts of Congress were enacted to provide pensions to those veterans applying for support. Thousands of servicemen were without documented service and remained without any viable means to prove service. Excerpts from documents retained at the NARA provide: **Generally the process required an applicant to appear before a court of record in the State of his or her residence to describe under oath the service for which a pension was claimed.** This establishes precedence for using certified oaths in conjunction with the Social Security documents as alternative documentation.

Findings 10: US CG Official Shipping/Discharge documents (Forms 718A) were obtained from the National Archives and Records Administration, Wash. DC that contained information proving Active Duty (AD) services for some WW II coastwise barge and tug Mariners. Together with information obtained via a FOIA request to the National Maritime Center, research brought forth additional information. **Research conducted between June-August 2013, in concert with the NMC,** using official records of 1172 coastwise mariners and the USCG Merchant Marine Casualties of WW II report of 1950 identified:

WW II Coastwise Mariners Listing: Excel Sheet #1

1172	Mariners identified via official USCG Shipping/Discharge Forms 718A
84	Mariners may be women according to their feminine sounding names; OR 7.2%
1058	Mariners' ages were specified. Ages ranged from 10 to 78.
583	Mariners identified within draft age and included those in 4F status; OR 55.1% of known ages.
525	Mariners identified at over the draft age of 37; OR 49.6% of known ages.
114	Mariners with age not specified; OR 09.7%
47	Mariners who served were under the age of 17; OR 4.4% of known ages.
16	Mariners KIA with 1 receiving DD Form 1300.

National Maritime Form DD 214 Listing: Excel Sheet #2

794	Mariners were identified on NMC Coastwise Mariners listing identifying Active Duty services.
291	Mariners on NMC listing had no USCG MMLD numbers listed; OR 36.6%
85	Mariners issued DD Form 214 from NMC listing, OR 10.7% of NMC; OR 7.2% Of WW II CMM

Merchant Marine KIA & MIA Casualties from all causes = 9521 * (usmm.org)

5662	Mariner Casualties from USCG per 1950 Report * (USCG 1950 casualty report)
3859	Mariner Casualties from Other Sources * (Additional sources = Art. Moore and US Congress)

Merchant Marine Casualties recognized by all sources = 414

344	Mariner Casualties from USCG 1950 Casualty Report * (USCG 1950 casualty report)
70	Mariner Casualties from NMC report & not listed on USCG 1950 Casualty list * (NMC DD 1300 Report)
1	Mariner in NMC DD 1300 files as having received Form DD 1300 yet 16 identified on WW II CM listing

Rationale: 9521 Merchant Mariners KIA or MIA serving and **only 414** receiving Veteran status.

Findings 11: The USCG cannot provide a **true estimate** of merchant mariners serving in WW II. **GAO/HEHS-97-196R** refers. Estimates range from 250,000 to 840,000 from recognized historians and GAO audit... None of these historians were aware of these 10,000 to 30,000 coastwise merchant seamen where many served without proper credentials and were not included in above estimates. **Some were elderly handicapped; others women and some were school children** who served in billets, drew wages and paid taxes. They served on the same vessels in the same hostile war zones and performed the same services alongside others who were documented. **Yet, only about 91,000 merchant mariners have been recognized as veterans with just 1192 of these veterans in receipt of compensation or pension benefits the VA refers.** This is a vast disparity in ratio of the other service branches.

Findings 12: DOD and NARA Agreement N1-330-04-1 of Jul, 08, 2004 puts in place a procedure to transfer military personnel files of individuals from all services, (including civilian personnel or contractual groups who were later accorder military status under the provisions of Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987). This agreement affects military personnel records of individuals **62 years** after separation from service. Action has taken place for all **except** the US Merchant Marine IAW above stated court order. This **inaction** by the **Department of Homeland Security via (COMDT USCG)** has caused many of the mariners to have **gone unrecognized** for their services. Many seafarers have passed without ever gaining recognition or benefits and soon all will be History. National Personnel Records Center estimate there are between 1400 to 2500 Cubic feet of Shipping/Discharge documents being stored at the NARA district offices and NMC yet to be transferred to the National Personnel Records Center in St. Louis, Missouri. NMC cites **about 91,000 out of 250,000 to 840,000 have ever received recognition** as veterans; and, with many unable to gain access because of age and health condition requiring assistance for others outside family. Had compliance taken place, these records would have been available to all and providing the mariner a chance to being recognized many years ago and enjoying the benefits awarded to them via court order.

Whereas: (1) By court order, Schmacher v. Aldridge 665 F Supp 41 (D.D.C. 1987) **provided for veteran status** to certain US Merchant Marine seamen during WW II (07 December, 1941 to 31 December, 1946) with the same benefits accorded all veterans as administered by the Veterans Administration. There were **no provisions** for the elderly handicapped, women or schoolchildren to even be considered for their services as mariners serving anywhere within the US Merchant Marine providing an avenue to veteran status.

Whereas: (2) The USCG Information Sheet #77 of Apr. 1992 identifies specific criteria to be used to prove active duty performed by an individual seaman for the purpose of attaining veteran status and findings (5), (6) & (7) identified specific **official government actions** that **removed** these particular documents from the reach of the mariner. This **clearly identifies the requirement** to put in place a method of utilizing **alternative** documentation and other approved methods to replace specific documents removed from use by the government actions cited elsewhere in this document.

Whereas: (3) Women **were removed** from ships at the onset of WW II and not allowed to serve in any capacity by direction of the War Shipping Administrator, Admiral Emory S. Land. The Captains of the Ports (USCG COTP) were given specific directions to **deny** official USCG maritime credentials to any woman requesting them. They **served but without official credentials** in every capacity on most vessels. Families were the sole crew on many barges throughout the WW II and afterwards. Companies **welcomed this** arrangement because **critical** crew replacements were **reduced** considerably. This allowed those barges to move the bulk war materials more quickly and freed the more abled bodied seaman to man the larger seagoing ships taking vital supplies to troops on all the fronts, keeping the enemy from our doors. A **win win** situation vital to war defense. **To date** there is **no law or other avenue** recognizing women as veterans of the US Merchant Marine during WW II

Whereas: (4) President Roosevelt's speech of 12 Oct, 1942 **puts in place the use of elderly and handicapped individuals, school children and women in an effort to support war efforts** by replacing men of military age and fitness, and in stepping up our production of war materials for those on the front lines. Because of this speech, women, the elderly disabled and schoolchildren entered the varied war defense plant services in droves and many found their way into the coastwise barge and tug trades as well.

Whereas: (5) DOD & NARA Agreement N1-330-04-1 of July 08, 2004 **provides for the transfer** of military records to the National Personnel Records Center, St. Louis, MO for use as archival records, open to the public. But **inaction by the DHS for the mariner in**

over 10 years has caused the veteran loss of due access of his records that may have accorded him recognition as a veteran. Recommend Congressional inquiry into delay of WW II Merchant Mariners personnel records.

Whereas: (6) Previously attempted hills, HR 1288 and S-1361, would have provided for alternative records to be used in place of records lost, destroyed or denied for coastwise seamen affected; and allowed women and school children be recognized for their services rendered for the first time ever. There are **no laws** in place to allow for resolution of this issue.

Whereas: (7) The elderly disabled, children and women have served in every war this nation has ever known. Most have served without recognition but history is replete with actions of young children stepping up to serve, some receiving our highest honors and others serving in our highest ranks of service, congress and the presidency: e.g. President Andrew Jackson (age **13**); America's first Admiral, David Glasgow Farragut was appointed a midshipman at (age **9**) by President James Madison; Willie Johnson (age **11**) was recipient of the Medal of Honor; Albert Cohen of Memphis TN who enlisted at age **11** & KIA age **15**. History is filled with children defending this nation and Coastwise Mariners had their fair share of them. **Findings #9 & #10 provide support info.**

Whereas: (8) Although they served gallantly and with honor, actions taken against those that were elderly and disabled, school children and women by denying them official credentials during WW II is considered **discrimination** today.

Whereas: (9) The process used to determine whether an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized as having performed active duty service under the court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge Jr 665 F Supp 41 (D.D.C 1987). There are no considerations in any **existing** legislation that provides for women who served, under aged schoolchildren or elderly handicapped seaman any avenue to attain veteran status. **Nor** is there a current avenue to use alternative methods of recognition or other actions that have proved effective in past wars for use in lieu of documents that were denied and/or destroyed by several specific official government actions.

The following actions are recommended:

(1) Initiate congressional actions to: Provide sufficient response to support Merchant Mariners' provisions of HR 1288 (with wording intact to insure all coastwise barge and tugboat mariners who served during WW II (regardless of age, gender or disability) are recognized as veterans in accordance with or similar to: court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987, **granting veterans status**

(2) Initiate congressional inquiry into: Delay of WW II Merchant Mariners personnel records movement to National Military Personnel Center.

(3) Initiate congressional actions to: Recognize WW II Mariners identified as KIA/MIA as Veterans of this Nation.

Now, therefore, be it resolved that the Perquimans County, North Carolina Board of Commissioners hereby supports these efforts on behalf of the World War II Coastwise Merchant Mariners and urges our Representatives in the Senate (Senators Richard Burr and Thom Tillis) and in the House (Representatives Walter Jones and George K. Butterfield) to fully support and initiate all necessary actions, including full support of HR 1288, "WW II Merchant Mariners Service Act", to pass legislation approving the above findings and recommendations.

ADOPTED the 4th day of May, 2015.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

RESOLUTION APPROVING NORTHEASTERN WORKFORCE DEVELOPMENT CONSORTIUM AGREEMENT

WHEREAS, the counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington, being independent and contiguous units of local county government (the "Counties"), wish to agree to establish a workforce development consortium ("Consortium") to act jointly as a Local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014; and

WHEREAS, in addition to specific authority to enter into the agreement attached hereto, a "County Appointed Representative" for WIOA purposes upon whose representations the State, the Workforce Development Board, the Albemarle Commission (as the local administrative/fiscal agent) and the other Counties may rely, must be designated and authorized to execute the attached agreement and such other agreements as are necessary for purposes of WIOA and who shall sit on the Consortium Board.

BE IT RESOLVED, THAT the Commissioner Fondella A. Leigh, is hereby designated the "County Appointed Representative" for the foregoing purposes and as such she is fully authorized to execute the attached agreement and such other and further agreements on behalf of this County as are necessary for these purposes.

The foregoing Resolution was adopted by the Perquimans County Board of Commissioners on this 4th day of May, 2015.

Clerk to the Board

6. **ECBH Quarterly Fiscal Monitoring Reports:** The State requires that the Quarterly Fiscal Monitoring Report be presented to the Board for review. The report for period ending on March 31, 2015 was presented.

INTRODUCTION OF NEW EMPLOYEES/STAFF

The following new staff member was introduced to the Board:

- **Jewel Winslow, Extension Director:** Ms. Winslow introduced Meredith Lindsay, who was appointed as the Assistant Extension Agent, 4-H, on May 1, 2015. Ms. Lindsay said that she was excited about working with the Perquimans County Cooperative Extension. Chair Cole welcomed her to Perquimans County.

DAVE GOSS, BOYS & GIRLS CLUB

Mr. Goss wanted to update the Board on the status of the Perquimans County Boys & Girls Club and to ask the County to support the club for next fiscal year. There is a consensus that there is a need for this club. The Perquimans County Boys & Girls Club has now become an extension club of the Edenton/Chowan County Boys & Girls Club. This has helped our Club greatly, especially with reducing the costs by half. The Board of Directors that we have established for this Club will now become an advisory board to work toward obtaining financing, finding a location, and input in setting up programs and staff. Elizabeth Spruill, Executive Director of the Edenton/Chowan County Boys & Girls Club, wanted to be here tonight but she had a conflict. She will be the Director of our Club and all staff will report to her. Mr. Goss presented a video of the Edenton/Chowan County Boys & Girls Club. After the video, he requested \$10,000 from the County to support this effort for FY 2015-16. He said that they are currently working with the Perquimans County Library for an afterschool program. He further asked that the Board consider allowing them to use the current Library site when a new Library is built. Mr. Goss also introduced another advisory board member that has been helpful to his efforts. Mr. Goss asked the Board if they had any questions. The following questions were asked:

- **Commissioner Muzzulin:** Mr. Muzzulin asked what the on-going costs would be. Mr. Goss said that it would be about \$80,000 per year.
- **Chair Cole:** Ms. Cole asked how Edenton was obtaining their financing. Mr. Goss said that they were obtaining individual support, grants, and fund raisers. He said that they raise about \$300,000 per year.
- **Commissioner Peeler:** Mr. Peeler asked what the minimum membership would be. Mr. Goss said that, when you are an extension club, the minimum membership would be 50 children.

- **Commissioner Peeler:** Mr. Peeler asked how the Boys & Girls Club, Mentoring Youth Program, and Afterschool Program will work together. Mr. Goss said that he hoped that they would be able to work together. He further stated that Clayton Griffin was on their Advisory Board.
- **Commissioner Jones:** Mr. Jones stated that the at-risk kids are grossly under served.
- **Commissioner Nelson:** Mr. Nelson said that the Afterschool Program has impacted the kids. Mr. Goss said that the schools have provided iPads, etc. but the kids do not have internet access so they need places to go to use the internet. That is where the library comes into play. One problem that we are facing is transportation. He said that this is where the churches can help by using their church vans to transport children.

There being no further questions or comments, Chair Cole called for Jonathan White to make his presentation.

JONATHAN WHITE

Mr. White provided the Board with copies of several Resolutions that have been adopted for Dare, Hyde, Pasquotank, and Carteret Counties to assist with the proposed new regulations on southern flounder. Mr. White introduced Mike Blanton who presented his request to the Board. He presented information to support their request and how these regulations affect the NC commercial fishermen. He said that the legislators are having a meeting on the week of May 18th and would like to have these Resolutions so they can provide it to the legislators before then. These new regulations will be effective September 1, 2015. Chair Cole asked if there were any questions:

- **Commissioner Peeler:** Mr. Peeler asked about the supplemental process.
- **Chair Cole:** Ms. Cole asked how they have worked with our Legislators. Mr. Blanton said that he wants to set up a meeting of the commercial fishermen and Rep. Steinburg.
- **Commissioner Nelson:** Mr. Nelson asked if any other counties did not supported this Resolution. Mr. Blanton said that Lenoir and Wayne Counties were against the Resolution.

Chair Cole asked if anyone would like to make a motion. Commissioner Nelson said that he liked some of the items mentioned in the Carteret Resolution and would like to discuss it further in two weeks. County Manager Heath said that we could take some of those items and add it to our current Resolution. Matthew Peeler made a motion to compile a Resolution from both our Resolution and Carteret County's Resolution but remove No. 3 Whereas and No. 4 Whereas. The motion died for a lack of second. Edward R. Muzzulin made a motion to allow the County Manager and Chair to prepare the Resolution using items from both Resolutions. Kyle Jones seconded the motion. Chair Cole asked for any questions or comments. Commissioner Peeler asked that Whereas No. 3 and No. 4 be removed. Commissioners Muzzulin & Jones agreed to amend the motion to include this request. The amended motion was unanimously approved by the Board.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Chair Cole asked if there were any Commissioner's Concerns or Committee Reports. The following reports were made:

- **Commissioner Muzzulin:** Commissioner Muzzulin asked about the status of the Boat Ramp Project. County Manager Heath said that it is still in the bidding process.
- **Chair Cole:** Ms. Cole said that there had been several traffic accidents along Harvey Point Road that have resulted in serious injuries and deaths. She feels that we need to request NCDOT to do a study of these accidents and see if there is any connection between those accidents. Also, she feels that they need to increase the speed limit signage along the road. Also better notifications of pending curves. She wants County Manager Heath to contact NCDOT to see if anything can be done to help this situation.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Highway I-44:** County Manager Heath reported that on May 1, 2015, U.S. Representative Butterfield reintroduced the highway bill to have Highway I-44 to run from Raleigh to Norfolk. U.S. Senator Tillis has indicated that he plans on introducing the bill in the U.S. Senate. This would assist with receiving Federal Funding.
- **RPO Meeting:** County Manager Heath said that we had our RPO meeting in Dare County on April 22nd. They are still working on the Comprehensive Transportation Plan which is not completed yet because their engineers keep getting other jobs but they hope to have it completed by the end of this year.
- **State Senator Bill Cook:** The Board met with Senator Cook on April 17th. The Board discussed pending Legislative priorities with him. The Board has a meeting scheduled with State Representative Steinburg on May 8th to discuss the same things with him.
- **Budget Process:** Mr. Heath reported that the Department Heads presented their Budget requests in April and he feels that we are well within the budget process. We will continue with Budget Work Sessions in May.
- **Memorial Day Festivities:** County Manager Heath asked if any of the Board members would be interested in laying the wreath at the Veterans' Memorial on May 25th. If you are interested, please let Mr. Heath know.
- **Tax Collections:** With the absence of Mr. Jennings, Tax Administrator, Mr. Heath distributed copies of the current Real Estate Collections. It shows that we have met our budgeted number for this year.
- **River City CDC:** River City CDC is partnering with local churches to have a summer camp program to handle minor home repairs this summer. Several applications have been received for County residents.

TRILLIUM BOARD APPOINTMENTS

Chair Cole explained that we have been asked to appoint two individuals to the Northern Region Advisory Board. They are to be a Commissioner or designee and someone with Social Services or Financial background. We have received an application from Kathleen Ingram that Commissioner Peeler had contacted. Her background is in Social Services. She further stated that Commissioners Nelson and Peeler had expressed an interest in serving on the Board. While serving as Chair of the East Carolina Behavioral Health Board, she feels that Mr. Nelson would be the best appointment because of his background. Mr. Peeler voiced his strengths like working with new organizations and that he has the time to do this and Ms. Ingram lives close to him and feels that his expertise would be an asset to this Board. On motion made by Kyle Jones, seconded by Edward R. Muzzulin, the Board unanimously appointed Wallace Nelson and Kathleen Ingram to the Trillium Board.

PLANNING BOARD ITEMS

Donna Godfrey, County Planner, presented the following item for Board action:

Rezoning Request No. REZ-15-01, by Ken Elliott: A Public Hearing was held earlier in the meeting to receive citizens' comments to consider Rezoning Request No. REZ-15-01, by Ken Elliott, to rezone +/-21.52-acre tract known as Tax Parcel No. 2-0061-0029G from RA-43, Residential & Agricultural Zone to RA, Rural Agriculture Zone. Ms. Godfrey said that the motion would have two parts. Wallace E. Nelson made a motion to find Rezoning Request No. REZ-15-01 to be consistent with applicable County Planning and Zoning policies (including Section 604.A and Article XVII of the Zoning Ordinance. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. For the second part, Wallace E. Nelson made a motion to approve Rezoning Request No. REZ-15-01, based upon the following Section 1302A(1) through (5) guidelines to rezone Tax Parcel No. 2-0061-0029G (a +/-21.52 acre tract) from RA-43, Residential & Agricultural Zone to RA, Rural Agriculture Zone (site located in 800-block of Wynne Fork Road ¼ mile south of Skinner Road:

- (1) The proposal will place all property similarly situated in the same category, or in appropriate complementary categories.
- (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements and not merely uses which applicants state that they intend to make the property involved).
- (4) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- (5) The proposed change is in accord with the Land Use Plan and sound planning principles.

The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

Conditional Use Permit Application No CUP-15-01, by Ken Elliott: A Public Hearing was held earlier in the meeting to receive citizens' comments to consider Conditional Use Permit No. CUP-15-01, requested by Ken Elliott, to conduct a Mining Operation to excavate a 6.97-acre pond on the above-noted +/-21.52-acre tract, subject to approval of Rezoning Request No. REZ-15-01. Ms. Godfrey said that the motion would have two parts. Kyle Jones made a motion to find proposed Conditional Use Permit No. CUP-15-01 to be consistent and in harmony with the existing development pattern in and around the 800-block of Wynne Fork Road in Hertford, NC. The motion was seconded by Wallace E. Nelson and unanimously approved by the Board. For the second part, Kyle Jones made a motion to approve Conditional Use Permit No. CUP-15-01 to conduct a Mining Operation to excavate a 6.97-acre pond on a +/-21.52-acre track known as Tax Parcel No. 2-0061-0029G, based upon compliance with the County minimum standards pertaining to buffers and screening and conditioned upon the following Conditional Use Permit, adopting other Section 903 Findings to support the motion and subject to approval of Rezoning Request no. REZ-15-01:

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-Beginning of Conditional Use Permit document to be recorded-
Final Draft Conditional Use Permit (Case No. CUP-15-01)
by Franklin A. Brown, Jr. / Brown's Land Developing, Inc., Owner
and Ken Elliott, Authorized Applicant
for
Proposed M & L Sand Mine on Wynne Fork Road (SR 1338),
south of Skinner's Road (SR 1337)

NOTES: On Monday, May 4, 2015, the BCC approved Draft No. 1 CUP-15-01. This Final Draft CUP document differs from the Draft No. 1 CUP as follows:

- 1) The Planning Board's meeting date was corrected;
- 2) The BCC's Hearing date was added; and
- 3) Spacing between some lines was adjusted to retain pagination.

Otherwise, the two documents are the same.

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CONDITIONAL USE PERMIT No. CUP-15-01
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On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

Owner/Applicant: Franklin A. Brown, Jr. and Michelle L. Brown
182 Winfall Blvd.
Hertford NC 27944

Property Location: Tax Map 2 Block 0061 Lot 0029G (portion of)

Street Address: East side of Wynne Fork Road (SR 1338), one-fourth mile south of Skinner's Road (SR 1337), Hertford, NC 27944

Zoning District: RA, Rural Agriculture Zone (pending approval of Case No. REZ-15-01 (to rezone from RA-43, Residential & Agricultural to RA District).

Meeting and Hearing Dates: Planning Board on 4-14-15 & Board of Commissioners on 5-4-15.

Proposed Use of Property: In their attached cover letter, the Applicants state that *"This Conditional Use Permit application is for permission to excavate a 6.97-acre pond, constructed by Brown's Land Developing, Inc., Hertford, NC, on property owned by Franklin A. Brown, Jr., on Wynne Fork Road, Hertford, NC, in Perquimans County, Map No. 2-0061-0029G. The requested permit area is located on wide, flat, sandy farmland and woodland, and will not present any problems regarding runoff to adjacent areas. The purpose of the excavation will be to serve for recreational purposes by the landowners and increase the scenic value of the property."*

"The excavation area will be located geographically 200 feet from the nearest public highway or dwelling and is accessible only by a private access road. Excavation activities will be screened from public view on all sides by existing full growth woodland and vegetated sand berms. Public access to the permit area is limited by private property, and private gated road access. There

CONDITIONAL USE PERMIT No. CUP-15-01
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will be minimum 25ft. wide unexcavated buffers on all sides of the permit area, and the operator will maintain a minimum 75ft. wide undisturbed buffer on all sides of the excavation area."

"Upon receipt of the approved permits from the Perquimans County Planning and Zoning (Office) and NCDENR, Brown's Land Developing, Inc. plans to excavate the pond to an average depth of 25 feet below natural ground level, and will include construction of proper cut slopes on all sides of the excavated area, as required in the (State) permit. Reclamation of permit area will include grading, leveling, and grassing of all affected areas. The entire process should be completed within 10 years."

Having heard all the evidence and argument presented at the hearing(s), the Perquimans County Board of Commissioners finds that the application is complete, that the conceptual plan has potential to comply with all applicable requirements and minimum design standards of the Perquimans County Zoning Ordinance for the development proposed, and therefore approves the *"M&L Sand Mine on Wynne Fork Road, Hertford, NC"* also known as Case No. CUP-15-01, subject to all applicable provisions of the Zoning Ordinance and other related conditions as follows:

A. General: This Conditional Use Permit No. CUP-15-01 sets forth the conditions under which the M&L Sand Mine shall be developed and utilized. As such, the Applicants, heirs and assigns shall conduct operations in accordance with the following:

1. **The Site Plan and Application materials** submitted to and approved herein by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office with this CUP document; and
2. **Standard Section 907 Supplemental Regulations:** Verification and acknowledgement of the extent of the approved Sand Mine, subject to reasonable conditions as determined by the Board of County Commissioners, to be necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in the Zoning Ordinance. Additional Considerations are hereby required by this Conditional Use Permit and created for this specific property, below:
 - a. **Compatibility with Neighboring Properties:** Specific conditions felt to be needed to ensure compatibility of the proposed Sand Mine use with the use and enjoyment of neighboring properties include the following:
 - (1) **Vegetative buffering:** Prior to commencement of mining activities as shown on the attached Mine Map, vegetative buffering shall be established in compliance with Section 1803 to screen and beautify those portions of the Sand Mine perimeter within the view-shed of area residents, especially those which face west toward Wynne Fork Road and those which face properties to the north; and
 - (2) **Hours of operation of the Sand Mine:** shall be limited for the quiet enjoyment of nearby residents within and beyond those portions of the Sand Mine "INITIAL POND EXCAVATION" area on Monday through Saturday from dawn to dusk. There shall be no mining activities on Sunday.

CONDITIONAL USE PERMIT No. CUP-15-01
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- b. **State and Federal regulations:** The Applicants, heirs and assigns are responsible for compliance with all other required permits to commence excavation activities and related site work approved herein.
- c. The Applicants' attached plans are considered conceptual and demonstrate the ability of the subject property to generally comply with the minimum standards of the County's Zoning Ordinance. Prior to any land-disturbing activity, the Applicant shall submit an Application for Zoning Permit along with a final Site Plan which provides more detailed information as required by Section 509 and the scaled locations of all mining activities noted herein. In six to twelve months after the issuance of a Certificate of Zoning Compliance and commencement of mining activities, the Applicant shall meet with the Planning & Zoning and Soil & Water Conservation District staff to re-evaluate whether driveway

improvements (such as paved aprons at the edge of the road pavement) are needed and if determined to be needed, such improvements shall be made by the Applicants, heirs and assigns within ninety days.

- d. In the event this Conditional Use Permit is approved by the Board of County Commissioners, the Applicants, heirs and assigns shall ensure that the mining operation has met all applicable Federal, State and local regulations and permitting requirements. No permits authorizing land disturbing activities shall be issued prior to compliance with all applicable regulations.

B. Section 903 Findings: The Applicants, heirs and assigns are also responsible for ensuring compliance with the Conditions that they submitted at Item 12 in their attached letter (also known as "Statement of the nature of the proposed use") in support of Section 903 findings:

- 1. The proposed use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted and approved: "Sand mine area will only be accessible through a gated private access road to prevent inadvertent public entry, controlled by operator and landowner. Mine will be screened from public view by distance and existing trees and shrubs. "No Trespassing" signs will be posted every 250 feet (or further if line-of-sight is available) around perimeter of mine."
2. The proposed use meets all required conditions and specifications: "Permit applications are being submitted to Perquimans County Planning and Zoning Department, NCDENR Energy, Mineral & Land Resources Division, and NCDENR Division of Water Quality (for dewatering and storm water control). Excavation will not begin until all approved permits have been received by operator. Yearly reporting and monitoring will be performed as required by all agencies."
3. The proposed use will not substantially injure the value of adjoining or abutting property, or that the use is of a public necessity: "Current primary use of property is agriculture; proposed use will not decrease value of site or that of adjacent properties. Excavation area is located behind wooded visual screening 350 feet from nearest public highway and 200 feet from nearest dwelling. Main excavation area is located behind existing screen of full-growth trees on all sides except for a 400ft. long section of the north and northwest excavation area perimeter which is screened by cultivated field and constructed 4ft. tall vegetated berm. Values may increase due to addition to neighborhood of a scenic recreational use pond."

CONDITIONAL USE PERMIT No. CUP-15-01
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- 4. The proposed location of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan: "Location of proposed sand mine is in a lightly populated RA zoned agricultural area. Sand mining is an accepted use in the RA-Agriculture Zone with an approved Conditional Use Permit. This mine will conform to harmony of the area by use of foliated perimeter berms and full ground cover over affected areas during and after use. At the end of use reclaimed pond will serve as recreational and scenic addition to landowner's property."

C. Minimum information required at time of first Annual Report:

- 1. All permits referenced in the Applicants' attached letter/Statement of the nature of the proposed use; and
2. All other State or Federal permits required prior to excavation activities and related site work.
D. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as any departure from the conditions contained herein as well as "Any significant change in land use, and change in in the project boundary and/or change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans." However, it is understood that the conceptual layout of the mining operation as shown on the Site Plans may require adjustments in the exact location of the screening, fencing, and operational considerations which must comply with the Perquimans County Zoning Ordinance pertaining to the "Mining, Quarrying, Sand Pits, and Mineral Extraction" use otherwise permitted as a Conditional Use per the Article VIII Table of Uses. Section 903 criteria shall be followed in processing changes to the approved plan or conditions.
E. The Applicants, heirs and assigns shall conduct operations strictly in accordance with plans and narrative submitted to and approved by the Board of Commissioners.
F. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

Janice McKenzie Cole, Chair, Board of County Commissioners Date

Attest: _____ (Seal)
Mary P. Hunnicutt, Clerk to the Board Date

CONDITIONAL USE PERMIT No. CUP-15-01
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I (We), _____, Owner(s) of the above identified property, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned does/do further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Owner Date

Owner Date

The State of North Carolina
Perquimans County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____, 20____.

Notary Public

My Commission expires: _____ (Not valid until fully executed and recorded)

The State of North Carolina
Perquimans County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____, 20____.

Notary Public

My Commission expires: _____ (Not valid until fully executed and recorded)

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Proposed M & L Sand Mine on Wynne Fork Road (SR 1338), south of Skinner's Road (SR 1337)

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DEBRIS CONTRACT EXTENSION

Chair Cole recognized Jonathan Nixon, Emergency Services Director, who presented the following Addendum I which extends the Debris Contract with Unified Recovery Group, LLC for an additional year:

ADDEMDUMI

Owner: Perquimans County and the Towns of Hertford and Winfall, North Carolina
Provider: Unified Recovery Group, LLC
Contract: Agreement for Debris Management and Removal Services dated July 2nd, 2012
Subject: One year extension of Contract.

As required in paragraph III of the above mentioned contract titled, "Agreement for Debris Management and Removal Service", by and between Perquimans County, North Carolina, the Town of Hertford, North Carolina and the Town of Winfall, North Carolina, referred as the "Owner" and Unified Recovery Group, LLC, referred as the "Provider", mutually agree to extend the contract for the period of one year.

IN WITNESS WHEREOF, the parties have set their hands and seals on this 4th day of May, 2015.

Perquimans County, North Carolina, OWNER
By and through Chair

Attest:

Janice McKenzie Cole
Town of Hertford, North Carolina, OWNER
By and through Mayor
Horace C. Reid

Mary P. Hunnicutt

Attest:

Cindy E. Sharber

Town of Winfall, North Carolina, OWNER
By and through Mayor
Frederick Yates

Attest:

Brenda S. Dillard

Unified Recovery Group, LLC, PROVIDER
By and through Manager

On motion made by Edward R. Muzzulin, seconded by Wallace E. Nelson, the Board unanimously approved the one-year extension of the debris contract with Unified Recovery Group, LLC.

ELIJAH WHITE INTERNSHIP REQUEST

County Manager Heath reported that Tammy Miller-White's son, Elijah White, has requested an internship with the County this summer. It will be for 150 hours with no pay. Mr. Heath felt that he would be able to use him in the Planning and Mapping areas since he is studying graphic design. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved Elijah White for a 150-hour internship with the County this summer.

JOB INCENTIVE PROGRAM RESOLUTION

County Manager Heath presented a Job Incentive Program Resolution that we had received from Scotland County regarding a request to have the North Carolina State Legislature develop a job incentive program geared toward Tier I Counties. In their Agenda Packet, we included a Resolution for the Board to consider. On motion made by Matthew Peeler, seconded by Edward R. Muzzulin, the Board unanimously approved the following Resolution:

A Resolution Requesting that the North Carolina State Legislature Develop a Jobs Incentive Program Geared Toward Tier I Counties

WHEREAS, Perquimans County work to recruit new industry and expand existing industry in order to strengthen the tax base and create jobs; and

WHEREAS, the task presents unique challenges because most industries today seek a skilled workforce while the chronically unemployed in Perquimans County is populated by a mostly unskilled workforce; and

WHEREAS, Perquimans County have had success with recruiting industries that create fewer than 200 jobs and employ a mix of skilled and unskilled workers but do not meet the employment or salary threshold imposed by the North Carolina Department of Commerce JDIG (Joint Development Investment Grants); and

WHEREAS, despite sustained and strong recruitment efforts by Perquimans County, they cannot compete with larger, more prosperous counties in the State that reap generous financial rewards from JDIG.

BE IT THEREFORE RESOLVED that Perquimans County Board of Commissioners request the North Carolina State Legislature enact a Criteria for Operation and Implementation of Job Development Investment Program tailored specifically for Tier I counties that would promote job creation for unskilled workers, improve the local and regional tax base and usher in prosperity for all North Carolina counties.

ADOPTED the 4th day of May, 2015.

(SEAL)

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTESTED:

Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

PUBLIC COMMENTS

Chair Cole asked if there were any public comments. There were no public comments.

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:15 p.m. on motion made by Matthew Peeler, seconded by Edward R. Muzzulin.

Janice McKenzie Cole, Chair

Clerk to the Board

* * * * *