AT THE CONTINUATION MEETING OF THE BOARD OF SUPERVISORS HELD VIRGINIA:

IN THE MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, DINWIDDIE COUNTY, VIRGINIA, ON THE 2ND DAY OF FEBRUARY, 1994,

AT 12:30 P.M.

LEENORA EVEREIT, CHAIR PRESENT:

DONALD L. HARAWAY, VICE-CHAIR

ELECTION DISTRICT #1 HARRISON A. MOODY **ELECTION DISTRICT #4** 

ELECTION DISTRICT #3

ELECTION DISTRICT #2

EDWARD A. BRACEY, JR.

ABSENT: AUBREY S. CLAY ELECTION DISTRICT #5

#### IN RE: AMENDMENTS TO THE AGENDA

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Haraway, Ms. Everett, voting "aye", the following amendments were approved:

:bbA Under Executive Session -- Section 2.1-344(a) (7) Legal

b. Winn Case

Acquisition of Real Property -- Section 2.1-344(a) (3) a. Farm Credit Building -- to the 1:00 P.M. Session

#### IN RE: EXECUTIVE SESSION

Upon motion of Mr. Bracey, seconded by Mr. Haraway, Mr. Moody, Mr. Haraway, Ms. Everett, voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) (1) Personnel - 1. Prospective Candidates - Employment; Section 2.1-344(a) (6) Investment of Funds - 1. Water and Sewer Projects; 2. Contractual Services; Section 2.1-344(a) (7) Legal - 1. Co-Composting Facility Contract; 2. Winn Case; Section 2.1-344(a) and (3) Acquisition of Real Property - 1. Farm Credit Building; the Board moved into Executive Session at 1:00 p.m.

Mr. Clay arrived at: 4:37 P.M.

The Board moved the Executive Session to the Home Place Restaurant at 6:40 P.M. to continue the meeting.

A vote having been made and approved, the meeting reconvened into Open session at 7:50 p.m.

# CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", the following certification resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open masting required by the second second property and the s from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

# IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", the meeting adjourned at 7:52 P.M.

LeeNora Everett Chair, Board of Supervisors

Charles W. Burgess, or County Administrator

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE VIRGINIA:

MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, DINWIDDIE COUNTY, VIRGINIA, ON THE 2ND DAY OF FEBRUARY, 1994, AT 7:30

PRESENT:

LEENORA EVERETT, CHAIR DONALD L. HARAWAY, VICE-CHAIR

HARRISON A. MOODY EDWARD A. BRACEY, JR. AUBREY S. CLAY

BENJAMIN EMERSON THOMAS GIBBS

ELECTION DISTRICT #3
ELECTION DISTRICT #2

ELECTION DISTRICT #1

ELECTION DISTRICT #4

ELECTION DISTRICT #5

COUNTY ATTORNEY DEPUTY SHERIFF

#### MINUTES IN RE:

Upon motion of Mr. Haraway, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the January 19, 1994, Continuation Meeting, January 19, Regular Meeting, are hereby approved in their entirety.

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the minutes of the January 5, 1994, are hereby amended as follows: under Public Hearing A-93-8, Mr. Ben Emerson, County Attorney, stated that due to a pending law suit between the Manufactured Housing Association and the County there were some changes that were made this summer to the present ordinance. Through discussions with the plaintiff an agreement has been reached that certain counts of the law suit can be dismissed, if these changes are made to the Ordinance. The changes that were made to the Ordinance did not affect the integrity of the Ordinance; but they deal principally with semantic differences we had with the plaintiff over the way the Ordinance was drawn. The dismissal of these counts would allow the law suit to focus on certain remaining counts which we believe are irreconcilable differences. Mr. Emerson read the following summary of the revisions of the Ordinance:

#### CLAIMS IN RE:

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the following claims are approved and funds appropriated for same using checks #27458 thru #27704, (void checks #27446-27457 and #27584-27600); General Fund - \$77,631.48; Self Insurance - \$7,388.36; Law Library - \$261.81; Fire Programs - \$190.99; Courthouse Maintenance Fees - \$1,350.00; Jail Commission - \$2,823.80; Landfill Funds - \$6,259.51 for a total of \$315,553.79.

#### IN RE: CITIZEN COMMENTS

- Mr. John Boswell of Weakly Road, Petersburg, told the Board he was concerned about the temporary fuel tank located at the Wythe Power Plant. He stated a tractor trailer tank was still on location and the plant has been in operation long enough to have the fuel tanks in place.
- 2. Ms. Kay Winn appeared before the Board to express her concern regarding the inaccuracy of the Board of Supervisors' Meeting Minutes. She also stated the advertisements for the Public Hearings for the Planning Commission Meetings contained no designation of Code sections being amended. Ms. Winn asked that in the future when ever there is a request for a rezoning or amendment to the County Ordinance that copies be made available to the citizens.

# IN RE: AMENDMENTS TO THE AGENDA

Upon motion of Mr. Moody, seconded by Mr. Haraway, Mr. Moody, Mr. Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", following amendments were approved.

Add: 16. Executive Session - Section 2.1-344(a) (7). Legal (a) Co-Composting Facility Contract; Section 2.1-344(a) (6) Investment of Funds (a) Water and Sewer Project; Section 2.1-344(a) (3) Acquisition of Real Property (a) Farm Credit Mall

# IN RE: RESOLUTION -- MAX ROBERTS

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", the following resolution was adopted:

WHEREAS, Mr. Max D. Roberts has served the County of Dinwiddie with distinction and integrity for twelve years on the Dinwiddie County Planning Commission and the Dinwiddie County Transportation Safety Committee from December, 1981 to December, 1993; and

WHEREAS, the Board of Supervisors on the 2nd day of February, 1994 is desirous of acknowledging these qualities and further to express its appreciation for this work on behalf of the County;

NOW THEREFORE BE IT RESOLVED THAT the Board of Supervisors of Dinwiddie County, Virginia hereby commends Mr. Max D. Roberts for his many contributions and devoted service to the County of Dinwiddie; and

BE IT FURTHER RESOLVED, BY the Board of Supervisors of Dinwiddie County, Virginia that this resolution be delivered to Mr. Max D. Roberts and a copy spread upon the minutes of this meeting.

Mr. Clay presented the resolution of appreciation to Mr. Roberts.

## IN RE: PUBLIC HEARING -- P-93-3 -- WEST PETERSBURG REZONING

This being the time and place as advertised in the Progress-Index Newspaper on January 21 and January 26, 1994, for the Board of Supervisors to conduct a public hearing to consider a rezoning of a 9.141 acre site, identified as Tax Parcels 121-133, 21A-(1)-97-114 and part of 9-43, located in West Petersburg Subdivision, Section 2, in the Rohoic Magisterial District, from R-1, Residential to Residential R-2, Residential Conditional.

Mr. Wayne Knox, Zoning Administrator, stated that the County of Dinwiddie has requested to rezone a 9.141 acre tract of land from R-1 Residential, Limited to R-2 Residential, General conditional, for the purpose of developing a subdivision with 10,000 sq. ft. lots. The property is located at the end of Greensville Avenue and is further identified as Tax Parcel 9-34 and situated in the Rohoic Magisterial District.

The R-1 zoning district requires a minimum of 20,000 square feet of lot area for permitted uses. Some of the proposed lots in this subdivision will be less than that minimum. Therefore, in order to maximize the number of developable lots, it is more prudent to request a change in zoning from R-1 to R-2 conditional.

The R-2 conditional zoning would require a minimum of 10,000 sq. ft. of lot area for permitted uses. The conditions attached to this rezoning would limit development to single-family dwellings only.

# Staff Recommendation:

The Dinwiddie County Planning Commission, at its January 12, 1994 meeting, recommended this request for approval to the Board of Supervisors. The rezoning to R-2 Conditional would be in keeping with the present neighborhood character, which is single family dwellings. It would further allow for the positive development of an otherwise undeveloped segment of the neighborhood. Further, this rezoning is another step in fulfilling the requirements of the West Petersburg Improvement Project Grant. Therefore, staff recommends approval of this request.

No one spoke in opposition to the rezoning request.

Reverend Peter Jeffrey, Project Manager, stated that ten homes are a part of the contract and if the lots are too small maybe some other areas could be found in the neighborhood.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett voting "aye", the Public hearing was closed.

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett voting "aye",

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, that the recommendation of the Planning Commission for the rezoning of a 9.141 acre site, identified as Tax Parcels 121-133, 21A-(1)-97-114 and part of 9-43, located in West Petersburg Subdivision, Section 2, in the Rohoic Magisterial District, from R-1, Residential to Residential R-2, Residential Conditional was approved.

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett voting "aye", the above motion was amended to include;

BE IT FURTHER RESOLVED, that in order to assure compliance with Virginia Code Section 15.1-491(g), it is stated that the public purposes for which these Resolutions are initiated are to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

## IN RE: RESOLUTION -- REDISTRICTING LINE

Ms. Betty Jeter, Registrar, stated that there is a pending Bill in the General Assembly to amend Sec. 15.13-7.5 of the Code of Virginia to allow reapportionment of boundaries of districts or wards. The foregoing provisions notwithstanding the governing body subsequent to the decennial redistricting may adjust district or ward boundaries in order that the boundaries might coincide with state legislative or congressional district boundaries provided no adjustment shall affect more than five percent of the population of a ward or district or 250 persons, whichever is lesser. She stated it would affect Mr. Clay and Mr. Bracey's district and both were in agreement with the boundary changes.

Upon motion of Mr. Clay, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", the following resolution was adopted:

BE IT HEREBY RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia supports and requests passage of Senate Bill number 216 to amend and reenact Sec. 15.1-37.5 of the Code of Virginia relating to reapportionment of local district or ward boundaries.

# IN RE: AUDIT REPORT -- FY 1992-93

Mr. Spencer Elmore, Certified Public Accountant, Robinson, Farmer, Cox, Associates, appeared before the Board to give the Fy 1992-93 audit report. He stated he had both an unusual and good report. The county experienced an increase in taxable property values of a little more than 33 percent, approximately \$178 million, in the last fiscal year. This was due to the reassessments last year.

Of the \$178 million, real estate went up by almost \$153 million and public service corporation properties went up by about \$20 million. He stated the machinery and tools had an increase growth rate of approximately \$4 million. Personal property rates also had a 4 percent increase. Mr. Elmore said the tax collection rate was 95 percent and the current collection rate plus the delinquent rate was 98 percent. The tax delinquent rate went down in the last fiscal year to 8.9 percent of the total tax levy.

Mr. Elmore cautioned the county regarding the per capita debt, which he stated had grown to about \$541 per capita.

Mr. Elmore stated the revenues exceeded the total expenditures by \$1.2 million. He attributed the \$1 million surplus to thrifty spending habits of departments and strict management policies. He praised the county for overall good money management.

Mr. Haraway stated he was somewhat surprised that the report was issued with the qualified opinion and he asked Mr. Elmore to address the issue. Mr. Elmore stated the report has always been issued with a qualified opinion on the lack of a general fixed asset account group. He stated the State does not require local governments to maintain a general fixed asset account group. Mr. Haraway stated he was of the opinion that the report last year did not have this qualified opinion on it. The Assistant County Administrator stated that the statement was on the report but it did not have the word "qualified" on it. Mr. Elmore stated it was a qualification of the audit report under the auditing standards, they are required to report that now. Mr. Haraway stated his concern was that it would cost the county more for long term financing by having the word qualified in the report. Mr. Elmore stated he would be extremely surprised if that comment had any impact on interest rate on bonds. On a county like Dinwiddie, if it were to seek a bond rating, in all probability it would get an "A" rating, Mr. Elmore stated.

Mr. Haraway stated he was also concerned about the lateness of the audit report. He asked if it was because of something the county was doing. Mr. Elmore stated his company did all the field work at all the localities first and then all the reports were done once this process was completed.

Mr. Haraway asked if it was a practice with Mr. Elmore's firm not to issue a management letter? Mr. Elmore responded they do issue management letters normally. Mr. Elmore stated the longer his firm stayed with a locality the less need there was for a management letter, because they are advising throughout the year. He stated he did not feel a management letter was necessary. Mr. Haraway stated many of the Board members had received complaints about one particular department area and that was his first answer, well let's look at the management letter to see if there are any comments about that area. Mr. Haraway asked if Mr. Elmore had found anything outside the general accounting that would cause our citizens to be concerned. Mr. Elmore stated not really; but his firm was continually working with the county and Bright Software System to work out the bugs there; but overall, there was not enough deficiency to include a management letter.

#### IN RE: ADOPTION OF SECONDARY SYSTEM SIX YEAR CONSTRUCTION PLAN

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Haraway, Ms. Everett voting "aye", Mr. Bracey, voting "nay", the following resolution was adopted:

WHEREAS, a public hearing was held jointly with the Virginia Department of Transportation on January 5, 1994 to receive public input on the Secondary System Six Year Construction Plan; and

WHEREAS, after giving consideration to the comments at the public hearing and the recommendations from the Virginia Department of Transportation representatives, the Board of Supervisors concurs with the priorities listed in the Secondary System Six Year Construction Plan;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA that the priority list of construction projects for Dinwiddie County be adopted as presented by the Virginia Department of Transportation.

Mr. Franklin Zitta told the Board he appreciated them including Blue Tartane Road in the Six-Year Plan.

Mr. Clay asked that a reduce speed limit sign be installed on Rt. 40 at McKenney going east to west.

## IN RE: AIRPORT AUTHORITY LOAN EXTENSION REQUEST

The County Administrator stated that the Airport Authority had requested an extension on the \$100,000 loan which was due October 26, 1993, due to some litigation the Authority is involved in at this time.

Anne Scarborough had the following questions concerning the loan:

1. What was the repayment agreement with the Authority on the loan?

- 2. What happened to the 180 day agreement and how does the Authority expect to repay the county?
- 3. Are there any penalties since the Authority did not repay the loan?

Mr. Burgess stated there is some outstanding litigation as far as the Airport property is concerned. There may be some monies that come forward at some future date as settlement of the litigation. Therefore, by having this note you will have standing to receive some of these funds. If the Board forgives this loan then it will not have this standing. He stated it would be in the best interest of the county to maintain this promissory note in the event that there are monies awarded are there are resources to satisfy this loan.

Mr. Bracey stated he felt there should be a penalty or late fee for nonpayment. The County Administrator stated there was a 5% penalty in the contract.

Upon motion of Mr. Haraway, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", the Airport Authority's \$100,000 loan due date was extended for 180 days with the 5% penalty to be added

Ms. Scarborough asked the Board to respond to her questions.

Ms. Wendy Ralph, Assistant County Administrator, stated the Airport had an environmental problem which had not been budgeted for. Consultants were brought in to assist them in determining what the extent of the environmental concern might be. That was not a budgeted item for them so they came to the Board and asked for the funds to take care of payment just for this up-front consultant advice. The Authority did not have the funds for this so they approached the Board for this loan and a note was drawn so that we would have a record of the loan. Until the litigation is over there is some question as to whether it might be able to be recovered; if the loan contract is not there then the county would not have any possibility of recovering the funds. The extension would be for 180 days from October 26, 1993.

# IN RE: GRANT RESOLUTION -- WATER AND SEWER PROJECT

Postponed until after the Executive Session.

## IN RE: COUNTY ADMINISTRATOR COMMENTS

The County Administrator had the following comments:

- 1. Budget Workshop date to meet with the School Board: Wednesday, February 23, 1994 at 7:00 P.M.
- 2. Mr. Burgess asked for authorization from the Board to serve on the Virginia Association of Counties Planning and Natural Resources Committee.

Upon motion of Mr. Bracey, seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", Mr. Charles W. Burgess, Jr., County Administrator, was authorized to serve on the Virginia Association of Counties Planning and Natural Resources Committee.

2. The County Administrator advised the Board that the deadline for a locality to adopt a Cable TV Ordinance is March 15, 1994. He stated the staff realizes the Board has not had an opportunity to determine if a local ordinance is desired. A discussion of this matter will be scheduled for the February 16, 1994 meeting. Time-is-of-the-essence and if the Board should determine that an ordinance is desired then a public hearing will have to be advertised for the March 2, 1994 meeting. Should the Board determine the ordinance is not desired, the public hearing could be cancelled.

Upon motion of Mr. Haraway, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", the County Attorney was authorized to advertise for the adoption of a Cable TV Ordinance for the March 2, 1994 Board Meeting.

3. The Assistant County Administrator asked that the discussion of the History Book sales be postponed until the February 16, 1994 Meeting.

#### IN RE: BOARD MEMBER COMMENTS

Ms. Everett invited everyone to attend a 50 year World War II Anniversary Celebration at the Prince George County High School at 7:00 P.M., Thursday, February 3, 1994.

#### IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) (7). Legal (a) Co-Composting Facility Contract; Section 2.1-344(a) (6) Investment of Funds (a) Water and Sewer Project; Section 2.1-344(a) (3) Acquisition of Real Property (a) Farm Credit Mall; the Board moved into Executive Session at 9:21 p.m. A vote having been made and approved, the meeting reconvened into Open session at 10:09 p.m.

#### IN RE: CERTIFICATION OF EXECUTIVE MEETING

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", the following certification resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board of Supervisors of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

# IN RE: CO-COMPOSTING FACILITY CONTRACT -- SECOND LIEN CHESTER LANDFILL CONTRACT

Mr. Haraway moved that the County Attorney take whatever action is necessary to perfect as a second lien the county's security interest on the Chester Landfill Contract which is created under the operations contract with Virginia Bio-Fuels, Corporation. The motion was seconded by Mr. Clay. Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye".

## IN RE: MCKENNEY WELL PURCHASE

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", an amount not to exceed \$1,500 was appropriated for the purchase of a well lot for the Town of McKenney.

# IN RE: GRANT RESOLUTION -- WATER AND SEWER PROJECT

Upon motion of Mr. Haraway, seconded by Mr. Clay, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye",

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia, hereby accepts a grant in the amount of \$200,000 from the Governor's Opportunity fund; and

BE IT FURTHER RESOLVED THAT THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA commits to the grant requirements for providing water and sewer utilities to serve Virginia Motorsports Park of which the County's contribution is \$410,000.

## IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Haraway, Mr. Moody, Mr. Clay, Mr. Bracey, Mr. Haraway, Ms. Everett, voting "aye", the meeting adjourned at 10:15 P.M. to be continued until February 16, 1994 at 1:00 P.M., at the Pamplin Administration Building for an Executive Session for: 1. Personnel — Section 2.1—344 (1) (a) Prospective Candidates — Employment (b) Assignment of Duties 2. Legal — Section 2.1—344 (7) (a) Consultation with Council — Cable TV Regulations (b) Co-Composting Facility Contract 3. Acquisition of Real Property — 2.1—344 (3) (a) Farm Credit Building 4. Industrial — Section 2.1—344 (1) (5) (a) Prospective Industry Update.

LeeNora Everett

Chair, Board of Supervisors

ATTEST:

harles W. Burgess,

County Administrator

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