

MINUTES OF MEETING HELD MAY 13, 2013

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday May 13, 2013, at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Jim Rutherford, Linda Stringer, Jerry Wheeldon, and Jimmy Eastham. City Attorney Carrie Wiese and City Clerk David Godsey. Absent: Council Member Tom Eastham.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on April 22, 2013 and the Special called meeting on May 6, 2013 along with both reports as mailed. Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, and Mr. J. Eastham.

Mr. Mitchell moved to approve a one-time donation to the Kentucky National Guard Memorial Effort. Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, and Mr. J. Eastham.

Mr. Wheeldon made a motion to go into executive session to discuss pending litigation for which disclosure of details might compromise litigation posture, pursuant to KRS 61.810(1)(c). Mr. Bourne seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, and Mr. J. Eastham.


No action taken in executive session.

Mr. New moved to approve the following Resolution No. 13-10 adopting and approving the execution of a Municipal Aid Co-op Program Contract in the amount of \$157,211. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, and Mr. J. Eastham.

<p style="text-align: center;"><u>RESOLUTION 13-10</u></p> <p>Incorporated City of SOMERSET</p> <p>Resolution adopting and approving the execution of a Municipal Aid Co-op Program Contract between the Incorporated City and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid for the fiscal year beginning July 1, 2013, as provided in the Kentucky Revised Statutes and accepting all streets referred to therein as being streets which are a part of the Incorporated City.</p> <p>Be it resolved by the Legislative Body of the Incorporated City that:</p> <p>The Legislative Body of the Incorporated City does hereby accept all streets referred to in said Contract as being city streets which are a part of the Incorporated City; and</p> <p>The Legislative Body of the Incorporated City does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and</p> <p style="text-align: center;">Page 1 of 2</p>	<p>The Chief Executive Officer of the said Incorporated City is hereby authorized and directed to sign said Contract as set forth on behalf of the Legislative Body of SOMERSET, and the City Clerk of SOMERSET is hereby authorized and directed to certify thereto.</p> <p>The vote taken on said Resolution, the result being as follows:</p> <table><tr><td><u>AYES</u></td><td><u>NAYS</u></td></tr><tr><td>MR. GIRDLER</td><td></td></tr><tr><td>MR. NEW</td><td></td></tr><tr><td>MRS. HUNLEY</td><td></td></tr><tr><td>MR. MINTON</td><td></td></tr><tr><td>MR. MITCHELL</td><td></td></tr><tr><td>MR. BOURNE</td><td></td></tr><tr><td>MR. BURNETT</td><td></td></tr><tr><td>MR. RUTHERFORD</td><td></td></tr><tr><td>MRS. STRINGER</td><td></td></tr><tr><td>MR. WHEELDON</td><td></td></tr><tr><td>MR. J. EASTHAM</td><td></td></tr></table> <p>COMMONWEALTH OF KENTUCKY ) SS: INCORPORATED CITY OF SOMERSET</p> <p>I, <u>David Godsey</u>, City Clerk of SOMERSET certify that the foregoing is a true copy of the Order above. Given under my hand and seal of office this the <u>13<sup>th</sup></u> day of <u>May</u>, 2013.</p> <p>SIGNED <u>David Godsey</u> CLERK OF SOMERSET</p> <p style="text-align: center;">Page 2 of 2</p>	<u>AYES</u>	<u>NAYS</u>	MR. GIRDLER		MR. NEW		MRS. HUNLEY		MR. MINTON		MR. MITCHELL		MR. BOURNE		MR. BURNETT		MR. RUTHERFORD		MRS. STRINGER		MR. WHEELDON		MR. J. EASTHAM	
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MRS. STRINGER																									
MR. WHEELDON																									
MR. J. EASTHAM																									

Mr. Wheeldon moved to give the City Attorney authority to meet with persons involved in the firefighter overtime law suit and settle with as many individuals as possible consistent with the general terms of the mediation agreement. Mr. Minton seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mr. Rutherford, Mrs. Stringer, and Mr. Wheeldon.

Mr. Burnett moved to approve the bid on the Somerset Gas Line Directional Bore Under Goose Creek in Clay County. The bid was awarded to Martin Contracting in the amount of \$197,730. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mr. Rutherford, Mrs. Stringer, and Mr. Wheeldon.



Kenvirons, Inc.

452 Versailles Road • Frankfort, KY 40601 • Phone: (502) 695-4357 • Fax: (502) 695-4363  
Civil & Environmental Engineering and Laboratory Services

April 25, 2013

Honorable Eddie R. Girdler  
City of Somerset  
400 East Mt. Vernon Street  
P.O. Box 989  
Somerset, Kentucky 42502

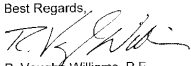
RE: Somerset Gas, Gas Line Directional Bore Under Goose Creek

Dear Mayor Girdler:

The City received and opened two (2) bids on the above referenced project on April 24, 2013. The bid prices were \$197,730.00 and \$260,000.00, and the engineers estimate was \$220,000.00. The low bidder was Martin Contracting, Inc. headquartered in Richmond, Kentucky.

Martin Contracting, Inc. submitted a list of references to this office for verification of their suitability to complete the project. References were contacted and all spoke very highly of the construction company. In addition, Shawn Martin, owner of Martin Contracting, Inc., has completed several past gas pipeline projects for the City of Somerset and Kenvirons.

It is hereby recommended that the City of Somerset award the contract to Martin Contracting, Inc. in the amount of \$197,730.00 for the construction of the Gas Line Directional Bore Under Goose Creek Project.

Best Regards,  
  
R. Vaughn Williams, P.E.  
President

cc: Dan Henderson

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KENVIRONS, INC.  
452 Versailles Road  
Frankfort, Kentucky 40601  
TEL (502) 695-4357  
FAX (502) 695-4363

BID TABULATIONS

OWNER: City of Somerset  
PROJECT: Contract 1 - Gas Line Directional Bore Under Goose Creek  
LOCATION: City Hall, 105 College Street, Somerset, KY 42502  
BID DATE: April 24, 2013 at 1:30 p.m. (local time)


Base Bid

Martin Contracting, Inc.  
2371 Irvine Road  
Richmond, KY 40475


Envision Contractors, LLC  
2960 Fairway Drive  
Owensboro, KY 42303

Item No.	Description	Unit	Quantity	Martin Contracting, Inc.	Envision Contractors, LLC
1	Directional Bore & 12" Cover Pipe	LS	1	\$126,000.00	\$114,000.00
2	8" API 5L X-42 0.250" wall Pressure Pipe	LS	1	46,000.00	104,000.00
3	Connections to Existing Pipeline	LS	1	5,000.00	24,000.00
4	Casing Vents & Cathodic Test Stations	LS	1	6,500.00	9,000.00
5	Sediment & Erosion Control	LS	1	4,230.00	6,000.00
6	Final Cleanup, Seeding & Mulching	LS	1	10,000.00	3,000.00
TOTAL BASE BID				\$197,730.00	\$260,000.00

The above is a true and complete Tabulation of Bids for Contract 1 - Gas Line Directional Bore Under Goose Creek. The bids were received by the City of Somerset on April 24, 2013 until 1:30 p.m., local time, at City Hall, 105 College Street, Somerset, KY 42502 and publicly opened and read aloud.

By:   
R. Vaughn Williams, P.E.

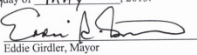

Date: 4/25/13

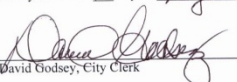


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Mr. Wheeldon moved to approve the following Resolution No. 13-09 concerning small farm winery licenses located in farmers' markets. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mr. Rutherford, Mrs. Stringer, and Mr. Wheeldon.

<p style="text-align: center;"><b>RESOLUTION NO. 2013-19</b></p> <p>A RESOLUTION CONCERNING SMALL FARM WINERY LICENSES LOCATED IN FARMERS' MARKETS IN THE CITY OF SOMERSET</p> <p>WHEREAS, the City Council of the City of Somerset enacted Ordinance 12-09 known as the Alcoholic Beverage Control Ordinance; and</p> <p>WHEREAS, Ordinance 12-09 established a corresponding City license for each of the state licenses concerning alcoholic beverages set forth in KRS 243.070; and</p> <p>WHEREAS, Ordinance 12-09 created the position of Alcoholic Beverage Control Administrator ("ABC Administrator") to enforce the provisions contained in Ordinance 12-09, including the approval or denial of applications for licenses set forth in KRS 243.070; and</p> <p>WHEREAS, KRS 243.070 does not contain the license of a "small farm winery;" and</p> <p>WHEREAS, KRS 243.155 authorizes a small farm winery licensee to perform certain functions without obtaining any license that is set forth in KRS 243.070; and</p> <p>WHEREAS, KRS 243.155(2)(d) provides that: "(2) A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed: . . . (d) Sell by the drink or by the package on premises, at small farm winery off-premise retail sites, and at fairs, festivals, and other similar types of events, wine produced on the premises of the small farm winery or produced by a licensed small farm winery, at retail to consumers if all sales sites are located in wet territory;" and</p> <p>WHEREAS, the General Assembly of the Commonwealth of Kentucky has not defined what constitutes "fairs, festivals, and other similar types of events" as set forth in KRS 243.155(2)(d), so that what constitutes such "fairs, festivals, and other similar types of events" is not clearly established.</p> <p>NOW, THEREFORE, the City Council finds it necessary in the good faith exercise of its discretion to determine whether farmers' markets located in the City of Somerset constitute "fairs, festivals, and other similar types of events" as set forth in KRS 243.155(2)(d), so be it Found and Resolved by the City Council of the City of Somerset, Commonwealth of Kentucky, as follows:</p> <p>Based upon findings of fact that the farmers' markets located in the City of Somerset are different from the "fairs, festivals, and other similar types of events" set forth in KRS 243.155(2)(d) including but not limited to the fact that these farmers' markets are open for business on regularly scheduled days and hours of the week for a majority and/or throughout the year, it is hereby determined that farmers' markets located in the City do not constitute "fairs, festivals, and other similar types of events" as set forth in KRS 243.155(2)(d).</p> <p style="text-align: center;">1</p>	<p style="text-align: center;">ENACTED AND ADOPTED by motion and affirmative vote at a duly convened meeting of the City Council of the City of Somerset this <u>13</u> day of <u>May</u>, 2013.</p> <p style="text-align: right;"> Eddie Girdler, Mayor</p> <p>Attest:  David Godsey, City Clerk</p> <p style="text-align: center;">2</p>
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<p style="text-align: center;">CERTIFICATION</p> <p>I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Somerset and as such City Clerk, I further certify that the foregoing is a true, correct and complete copy of a Resolution as appears to me in City of Somerset's records, duly adopted by said City Council at a duly convened meeting held on the date set forth therein, signed by the Mayor, duly filed, recorded and indexed in my office and now in force and effect, and that all action taken in connection with such Resolution was in compliance with the requirements of Kentucky law, all as appears from the official records of said City Council in my possession and under my control.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand this <u>13</u> day of <u>May</u>, 2013.</p> <p style="text-align: right;"> David Godsey, City Clerk</p> <p style="text-align: center;">3</p>
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First reading was given the following Ordinance # 13-07:

ORDINANCE NO. 13-07

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

Second reading was given the following Ordinance # 13-06:

<div>ORDINANCE NO. 13-06</div> <div>AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ESTABLISHING AND CREATING A CITY OF SOMERSET TOURIST AND CONVENTION COMMISSION, PURSUANT TO KRS CHAPTER 91A, AND ESTABLISHING A TRANSIENT ROOM TAX AND A SPECIAL TRANSIENT ROOM TAX AS PERMITTED AND SET FORTH IN KRS CHAPTER 91A, AND ALL OTHER APPLICABLE LAW;</div> <div>WHEREAS, the City is not an official member of the Pulaski County Tourist and Convention Commission; and</div> <div>WHEREAS, the City of Somerset receives no transient room tax, or a part thereof, collected by the Pulaski County Tourist and Convention Commission and therefore does not benefit financially from participating in said commission in its current form; and</div> <div>WHEREAS, the majority of establishments to which the County Transient Room Tax apply are within the corporate limits of the City of Somerset; and</div> <div>WHEREAS, the City of Somerset has determined it is in their best interest to establish a City of Somerset Tourist and Convention Center Commission for the benefit of its citizens, to provide financial aid from a special tax under this established Commission to be used for any Convention Center(s), including but not limited to the Center for Rural Development, and finally for the promotion of tourism to the City of Somerset.</div> <div>THEREFORE, be it ordained by the Common Council of the City of Somerset that there is hereby created a commission to be known as the City of Somerset Tourist and Convention Commission which shall be formed, and operated, as set forth in this Ordinance and according to all applicable law; and that there is further hereby created a Transient Room Tax to be charged, collected, and used as set forth in this Ordinance and according to all applicable law, 1% (One Percent) of which may be provided for Convention Center(s), including the Center for Rural Development.</div> <div>MEMBERSHIP OF COMMISSION, TERMS, OFFICERS, ASSIGNED CITY EMPLOYEES, AND AUDIT</div> <div>I. APPOINTMENT AND TERMS</div> <div>(A) The commission shall be composed of seven (7) members to be appointed by the mayor pursuant to KRS 91A.360.</div> <div>(B) Vacancies shall be filled in the same manner as original appointments are made as set forth in KRS 91A.360(2).</div> <div>(C) Pursuant to KRS 91A.360(3), the commissioners shall be appointed for terms of three (3) years; provided, that in making the initial appointments, the mayor shall appoint two (2) commissioners for a term of three (3) years; two (2) commissioners for a term of</div> <div>1</div>	<div>four (4) years; and three (3) commissioners for a term of one (1) year. The commissioners shall be chosen for their appointments as set forth in KRS 91A.360(1)(a)-(d).</div> <div>(D) Removal of a commissioner from office shall be done according KRS 91A.360(6).</div> <div>II. COMPENSATION; LIABILITY</div> <div>Members of the Tourist and Convention Commission shall serve on a voluntary basis and therefore shall not receive compensation. Further, Members of the Commission shall not be considered employees of the City of Somerset for any purposes, including but not limited to, worker's compensation, liability policies of any sort, and shall not enter contractual obligations, obtain City life or health insurance policies, nor any other City provided benefit.</div> <div>III. ORGANIZATION; DUTIES; RESPONSIBILITIES</div> <div>(A) The commission shall elect from its members a chairman and a treasurer, and may make such contracts as necessary to carry out the purpose of KRS 91A.350 to 91A.390, with the express approval of the Mayor. The commission's duties and responsibilities are set forth in KRS 91A.360(4), adopted herein by reference so long as they are not in conflict with this section, or any other sections of this Ordinance, and/or any other Ordinance and/or administrative regulation which apply to the commission. The Mayor may promulgate administrative regulations for the commission, and any persons assigned to work for the commission, subject to disapproval of the City Council per KRS 83A. All personnel/employees needed to assist the commission shall be City Employees/Officers and shall be assigned to the commission by the Mayor to assist in the commission's purposes. The Board shall have no authority to obtain, hire, or employ any person or entity for any purpose.</div> <div>(B) The commission shall annually submit to the city council a request for funds for the operation of the commission for the ensuing fiscal year, just as all City Departments are required to do, and shall make all purchases and expenditures through the City's Financial Officer and/or the Budget Director and Procurement Officer as City regulations dictate. The commission shall follow all financial rules, just as required of other departments of the City, including but not limited to, the Model Procurement Code and all City procurement and surplus property regulations. The commission shall follow KRS 91A.360(5), and shall also provide bookkeeping of the commission and its account(s) to any City Officer as requested, meet all GSA Municipal auditing requirements, and all finances shall be handled by the City's Finance Officers of the Executive Department. In addition, no books or accounts shall be withheld from a City Officer and shall be made available pursuant to KRS 91A, and all other applicable law.</div> <div>2</div>
<div>TRANSIENT ROOM TAX; SPECIAL TAX</div> <div>I. IMPOSITION AND RATE</div> <div>For the purposes of operation of the tourist and convention commission and to finance the cost of acquisition, construction, operation and maintenance of facilities useful in the attraction and promotion of tourist and convention business, there is hereby imposed and levied a Transient Room Tax of three (3) percent of the rent for every occupancy of a suite, room, or rooms, charged by all persons, corporations, or the like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or the like or similar accommodations businesses; provided that this tax shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments, pursuant to KRS 91A.390; in addition, the City Council herein enacts a Special Transient Room Tax of one (1) percent for the sole purpose of meeting the operating expenses of a convention center located within the city's corporate limits (See KRS 91A.390) and shall enforce and collect said tax in the same manner as the general Transient Room Tax.</div> <div>II. QUARTERLY PAYMENT</div> <div>Every person, company, corporation or the like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar business supplying accommodations in the city shall pay to the city a transient room tax of three (3) percent of the gross rent for every occupancy of a suite, room or rooms charged and collected by them, and an additional special transient room tax of one (1) percent for the sole purpose of meeting the operating expenses of any convention center located within the corporate limits of the City. Payments shall be made quarterly for periods ending March thirty-first, June thirtieth, September thirtieth, and December thirty-first of each year. The tax shall be due and payable on or before the last day of the month next following the last day of each quarterly period, and shall be submitted with a return on a form furnished by or obtained from the City setting forth an aggregate amount of gross rentals charged and collected during the preceding quarter for every occupancy to which the transient room tax applies, as well as the same for the special transient room tax as set forth in the Ordinance, and all other pertinent information as the city may require.</div> <div>III. INTEREST AND PENALTY ON UNPAID TAX</div> <div>Any tax imposed by this article remaining unpaid after it becomes due as set forth herein shall be subject to a penalty of ten (10%) percent, together with interest at the rate of one-half of one percent for each month of delinquency, or fraction thereof, until paid.</div> <div>IV. EXCEPTIONS</div> <div>3</div>	<div>(A) The transient room tax, and the special transient room tax, imposed by this Ordinance shall not apply to rentals paid on occupancies of thirty (30) consecutive days or longer.</div> <div>(B) The tax imposed by this article shall be in addition to other general taxes as well as other taxes including but not limited to occupational and/or business license tax(s).</div> <div>V. RECEIPTS INCLUDED IN AUDIT</div> <div>All receipts, payments and controls utilized by the city relating to the collection of the transient room taxes shall be included in the annual audit as prescribed by the Kentucky Revised Statutes.</div> <div>VI. COMMISSION TO BE PAID, BUSINESS SUBJECT TO TAX</div> <div>(A) The transient tax levied and imposed herein shall be paid by persons occupying rooms, premises, or similar areas for which the tax is levied pursuant to this Ordinance. The person, company, corporation, group or organization doing business as a motor court, motel, hotel, and/or the like, shall collect the tax from the persons occupying the premises. However, in the event that the tax is not collected, the person, company, corporation, group, organization, or the like doing business as a motor court, motel, hotel, inn or similar business shall pay an amount equal to the tax to the City pursuant to other provisions of this article.</div> <div>(B) The special transient tax levied and imposed herein shall be paid by persons occupying rooms, premises, or similar areas for which the tax is levied pursuant to this Ordinance. The person, company, corporation, group or organization doing business as a motor court, motel, hotel, and/or the like, shall collect the tax from the persons occupying the premises. However, in the event that the tax is not collected, the person, company, corporation, group, organization, or the like doing business as a motor court, motel, hotel, inn or similar business shall pay an amount equal to the tax to the city treasurer pursuant to other provisions of this article.</div> <div>(C) In consideration of collection and bookkeeping expenses, the person, company, corporation, group or organization subject to and collecting any tax imposed herein shall be paid a commission of two (2%) percent of all such taxes collected.</div> <div>VII. PENALTIES</div> <div>Any person who fails, neglects or refuses to make any return required by this Ordinance, or refuses to permit the City, or any agent designated on their behalf to write, or to examine books, records and papers, or any person who makes an incomplete, false, or fraudulent return, or attempts to do anything whatever to avoid the full disclosure of the amount of gross rent in order to avoid payment of this tax shall, upon conviction in a criminal court, be deemed guilty of a misdemeanor and shall be fined not</div> <div>4</div>

more than one hundred (\$100.00) dollars or imprisoned for not more than thirty (30) days, or both.

**VIII. MISCELLANEOUS**

(A) If any of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance shall continue in full force and effect.

(B) Any Ordinance in conflict with this Ordinance or any policies in conflict with the ones enacted herein are hereby repealed in so far as the same are in conflict herewith.

(C) This ordinance shall be in full force and effect upon approval and publication according to law.

FIRST READING April 23, 2013

SECOND READING May 13, 2013

ATTEST: David Godsey  
City Clerk, David Godsey

APPROVED: Eddie Girdler  
Mayor, Eddie Girdler

Mr. Minton moved to approve the above Ordinance No. 13-06 on its second reading establishing and creating a City of Somerset Tourist and Convention Commission. Mrs. Stringer seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mrs. Stringer, and Mr. Wheeldon. Voting "Nay": Mr. Rutherford. Motion Passed.

There being no further business the meeting adjourned.

**APPROVED:** \_\_\_\_\_  
**MAYOR**

**ATTEST:** \_\_\_\_\_  
**CITY CLERK**