

## **COMMUNITY MEETING REPORT FOR REZONING PETITION NO. 2016-150**

**Petitioner:** CW Development  
**Rezoning Petition No.:** 2016-150  
**Property:** ± 4.13 acres located at 5906 and 5912 Old Providence Road, Charlotte, NC 28226 (the "Site").

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to Section 6.203 of the City of Charlotte Zoning Ordinance.

### **PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:**

The required Community Meeting was held on Thursday, November 3<sup>rd</sup>, 2016, a representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on **Exhibit A** by depositing the Community Meeting Notice in the U.S. mail on 10/24/2016. A copy of the written notice is attached as **Exhibit B**.

### **TIME AND LOCATION OF MEETING:**

The Community Meeting required by the Ordinance was held on Thursday, November 3<sup>rd</sup>, 2016 at 7:00 PM, at Sandra and Leon Levine Jewish Community Center, Weinberg Room, Charlotte, NC 28226.

### **PERSONS IN ATTENDANCE AT MEETING:**

The sign-in sheet from the required Community Meeting is attached as **Exhibit C**. The Petitioner's representative at the required Community Meeting were David Helfrich, and Tom Scott. Also in attendance assisting the Petitioner were David Malcom and Nick Lowe with McAdams Company, Inc. Also in attendance was Keith MacVean with Moore & Van Allen, PLLC.

### **SUMMARY OF ISSUES DISCUSSED AT MEETING:**

#### **I. Overview of Petitioner's Presentation.**

##### **Introduction and Overview of Development Plan.**

This Petition involves a request to rezone the ±4.13acre Site from R-3 to UR-2(CD). The site plan associated with the Petition proposes to develop the Site with a for sale townhome community with up to 20 units. The Site will have access to Old Providence Road and Old Providence Lane via an internal private drive. The internal private drive will provide access to each of the proposed townhome units. The existing pond on the Site will be preserved.

The proposed townhomes will have two (2) car garages and will be up to three (3) stories tall. Buffers, landscape areas, and tree save areas will be provided on the perimeter of the Site. An eight (8) foot planting strip and a six (6) foot sidewalk will be provided along Old Providence Lane.

The meeting was opened by Keith MacVean (Moore & Van Allen PLLC). A presentation was given about the development and the factors that helped determine the layout and features. Keith gave the general overview of the site and the rezoning process. David Malcolm (John R. McAdams Company Inc.) describe the development and features including lot size, buffers, roads, and stormwater. David Helfrich (CW Development) from CW Development gave a description of the development group, their track record with construction and their financial backing. Tom Scott (described the type of product being constructed, lot values, and sale prices of the proposed town home units. The meeting was then opened to questions.

## **II. Summary of Questions/Comments and Responses:**

1. Question (Citizen): Concerning the daily trips into and out of the development: Can you estimate the number of trips out of each proposed exit?

Answer (David Malcom.): More units are located near Old Providence Rd. so most will use this exit. Keith MacVean: People tend to pick the easiest route, which in this case should be Old Providence Rd. The total estimate daily trips from the Site under the proposed townhome development versus the by right development is a total of 10 more trips a day, with a reduction of four (4) trips in the AM peak hour and no increase in the PM peak hour. The estimated total trips in the AM peak hour is 14 of which 12 will be exiting trips. This equates to about one (1) car every four (4) minutes.

2. Statement (Citizen): We conducted our own calculation of daily vehicle trips and are concerned with the possible volume of traffic on Old Providence Lane. We are expecting a 20% increase of traffic onto this road. Traffic increase is a concern.

Response (David Malcom.): The numbers we are using are what could be. Extending the road grid onto Old Providence Lane provides another option onto Old Providence Rd. The proposed rezoning request represents an increase of 10 cars over a 24 hour period, an extremely minor difference. The proposed rezoning represents a decrease in AM peak hour traffic of four (4) trips and no increase in the PM peak hour.

Statement (Citizen): Connectivity is a tough sale to the community as Old Providence Lane is a dead-end street.

3. Question (Citizen): Will you use our road (Old Providence Lane) for a construction entrance?

Answer (Tom Scott): We heard this concern loud and clear, that you do not want a construction entrance onto Old Providence Lane. We will do everything within our power to adhere to that wish.

4. Question (Citizen): Will there be gates on entrances?

Answer (Keith MacVean): The city does not like gates, the builder of the units does, this would be up to the city to allow. Gates are not planned at this time.

5. Question (Citizen): How long will the build out for the development be?

Answer (David Helfrich.): Build out for this product should only take one year.

6. Question (Citizen): How much impervious surface will there be created and will the proposed storm facilities cover the site's needs.

Answer (David Malcom.): Yes

Answer (Tom Scott): The existing pond should be reworked for free board so that water does not top the dam. We will be investing at least \$150,000 to make the pond not a hazard. We will need to change the outlet structure as well to ensure that the pond is safe during storm events.

7. Question (Citizen): Concerning the possible builder: Are you speaking with other builders?

Answer (Tom Scott): Our top choice is the builder @ the Easton development and in the pictures from the slide show. They are the right guys for the site. Whomever wants to build they must pay \$185,000 per lot and the unit will sale for \$750,000 for anyone to make profit.

8. Question (Citizen): What is in the way of solidifying a builder?

Answer (Tom Scott): We do not want to assume zoning approval. You must have approval in place to get a buyer. The plan must be settled in stone; we are in the initial phases.

9. Question (Citizen): If an agreement were in place would it not inspire more confidence in the proposed development?

Answer (Tom Scott): I have never written a contract with a builder without an approved rezoning plan in place; its bad business practice. I would not show a product to you if it wasn't fairly certain that the builder would commit to the development.

Question (Citizen): How do you calculate \$795,000 per home?

Answer (Tom Scott): It is calculated on the return the investor wants to receive on the land being developed, with a reasonable risk. The only guy buying this land would be forced to sale homes at this price due to the asking price for lots.

11. Question (Citizen): Easton Park has the same builder you are looking at to develop, they took forever to build. Will it take the same amount of time to develop this site?

Answer (David Helfrich): There were two different builders. During the credit crisis, the bank took back the land from the first developer and sold it to the current developer. The site was also rezoned with a new plan that differed from the first.

12. Question (Citizen): How can we be sure that you will not build a cheap product?

Answer (Tom Scott): The price we are purchasing the land for and the projected per lot prices will not allow for a cheap product, it does not make sense financially.

13. Question (Citizen): Is the expectation that construction will take a year, and will all 5 buildings be built.

Answer (Tom Scott): Buildings will be pre-sold then the pre-sold building will be built. Then the next buildings will be constructed as they are sold.

14. Question (Citizen): Who from the city is requiring the 2nd entry on Old Providence Lane?

Answer (Keith MacVean): CDOT says it is code driven by the Subdivision regulations.

Comment (Citizen): Easton has 1 entry.

Answer (Keith MacVean): Topography did not allow a second entry to the site. The city sees an opportunity on our site to produce a safer way to disperse access, that is feasible and can be easily made.

15. Question (Citizen): Will you have an HOA? Can we see the documents?

Answer (Tom Scott): We have not determined the language yet, but there will be an HOA.

16. Question (Citizen): What does a private road mean? Would it be marked?

Answer (Dave Malcom): The road is maintained by the HOA and is built to city standards. No, it will not be marked.

17. Question (Citizen): There is an 18' landscape area on Old Providence Lane, how many trees on the road?

Answer (Nick Lowe and Dave Malcom): There will be street trees 40' on center (1 or 2). There is also a landscape area of natural vegetation to be maintained.

18. Question (Citizen): When do you anticipate turning lots over to the builder?

Answer (Tom Scott): The process of approval for the re-zoning is lengthy. March is when the approval process should be complete and civil drawings will be drawn. From there it should be a 90-day approval process with redlines from the city. All in all, it should be 6-9 months for tall approvals before we touch the property. An erosion control permit comes 1st. We prefer to build when it is dry (Summer months), it should take 6-11 months to develop. The project is estimated to be built in 2017.

19. Question (Citizen): When are you scheduled to close?

Answer (Tom Scott): Sometime in the 2nd quarter (June or July). They also want the owners to have a place to live before construction. The unit they are purchasing is currently under construction.

20. Question (Citizen): How tall are the buildings?

Answer (Tom Scott): We can go three stories, but it is possible units will not exceed two stories.

21. Question (Citizen): Do you have an architect?

Answer (Tom): We do not, the builder we are looking at does have an architect.

22. Question (Citizen): The property currently has 2 entries on Old Providence Road, did we consider using them?

Answer (Dave M.): A certain distance between drives is required by CDOT there is not enough linear footage between the two drives to meet the requirement.

23. Comments (President of the Chambery Homeowner's Association): We had a forum and would feel better about the development if there was a confirmed builder. Our biggest concern is traffic that would be produced by a connection from the development to Old Providence Lane. We worry about child safety. There is also a concern with cutting trees down to create a sidewalk on Old Providence Lane. Please stay in touch with us to make sure that a plan is created that can appease both sides.

**CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:**

Building elevations illustrative of the units to be constructed on the Site were added to the Petition.

cc: Mayor and Members of Charlotte City Council  
Tammie Keplinger, Charlotte Mecklenburg Planning Department  
David Helfrich, CW Development  
Tom Scott, Scott Development Group  
David Malcom, John R. McAdams Company  
Nick Lowe, John R. McAdams Company  
Jeff Brown, Moore & Van Allen, PLLC  
Bridget Grant, Moore & Van Allen, PLLC  
Keith MacVean, Moore & Van Allen, PLLC

Pet No.	TaxPID	ownerlastn	ownerfirst	cownerfirs	cownerlast	mailaddr1	mailaddr2	city	state	zipcode
2016-150	18727148	WILSON	STEVEN WAYNE			702 SAINTE ROSS LN		CHARLOTTE	NC	28226
2016-150	18727158	PISCITELLI	MICHAEL	KRISTEN	PISCITELLI	2304 HOPECREST DR		CHARLOTTE	NC	28210
2016-150	18727152	VAYNSHTEYN	YURIY	LYUDMILA	VAYNSHTEYN	819 VERNEY LN		CHARLOTTE	NC	28226
2016-150	18736104	LEVINE LIMITED PARTNERSHIP IV			%DANIEL S LEVINE	PO BOX 2439		MATTHEWS	NC	28106
2016-150	18727149	GRIFFIN	THOMAS E	PEGGY T	GRIFFIN	805 VERNEY LN		CHARLOTTE	NC	28206
2016-150	18727153	CHURCH	TIMOTHY	LINDSAY	CHURCH	820 VERNEY LN		CHARLOTTE	NC	28226
2016-150	18727188	INC	CHAMBERY HOMEOWNERS ASSOC			PO BOX 20072		CHARLOTTE	NC	28202
2016-150	18727142	ALEXANDER	W SUTTON JR		DOROTHY ELEAZER	5912 OLD PROVIDENCE RD		CHARLOTTE	NC	28226
2016-150	18727156	JONES	DEBRA A			808 VERNEY LN		CHARLOTTE	NC	28226
2016-150	18736105	LEVINE LIMITED PARTNERSHIP IV			%DANIEL S LEVINE	PO BOX 2439		MATTHEWS	NC	28106
2016-150	18727151	WELLMAN	DUDLEY	JOYCE	WELLMAN	813 VERNEY LN		CHARLOTTE	NC	28226
2016-150	18727151	WELLMAN	DUDLEY	JOYCE	WELLMAN	813 VERNEY LN		CHARLOTTE	NC	28226
2016-150	18727150	RUDISILL	STEVEN M	ELAINE T	RUDISILL	809 VERNEY LN		CHARLOTTE	NC	28266
2016-150	18727178	MANTHA	SAILESH	ANUPAMA K	MANTHA	908 DACAVIN DR		CHARLOTTE	NC	28226
2016-150	18727146	GRAVES	DONNA C	KEVIN P	CHANDLER	714 SAINTE ROSE LN		CHARLOTTE	NC	28226
2016-150	18727147	ADELMAN	VICTOR	LESLIE	ADELMAN	706 SAINTE ROSE LN		CHARLOTTE	NC	28226
2016-150	18727160	CAMPAGNA	SCOTT R	HONEY D	CAMPAGNA	5601 FAIRVIEW RD	UNIT 18	CHARLOTTE	NC	28209
2016-150	18727157	SISTRUNK	JANET L	JANET L	SISTRUNK	804 VERNEY LN		CHARLOTTE	NC	28226
2016-150	18727145	TREBBE	GREGORY TODD			715 SAINTE ROSE LN		CHARLOTTE	NC	28226
2016-150	18727126	RYAN	DAVID			718 RIVER OAKS LN		CHARLOTTE	NC	28226
2016-150	18727134	ROSS	KATHY	RONALD	ROSS	6101 OLD PROVIDENCE LN		CHARLOTTE	NC	28226
2016-150	18727137	CHARLES	EDWARD G	MARINETTE D	CHARLES	6217 OLD PROVIDENCE LN		CHARLOTTE	NC	28226
2016-150	18736102	HOUSING AUTHORITY	CITY OF CHARLOTTE			PO BOX 36795		CHARLOTTE	NC	28202
2016-150	18727154	WILSON	MICHAEL J II	JEANINE R	WILSON	816 VERNEY LN		CHARLOTTE	NC	28226
2016-150	18727143	BREGMAN	ITAI	LIMOR	BREGMAN	703 SAINTE ROSE LN		CHARLOTTE	NC	28226
2016-150	18727159	MARIANI & LUDWICK PROPERTIES LLC				909 DACAVIN DR		CHARLOTTE	NC	28226
2016-150	18727180	MICRO INVESTMENTS LLC				PO BOX 1329		DUNN	NC	28335
2016-150	18725120	ARCLP-CHARLOTTE LLC				111 WESTWOOD PL #200		BRENTWOOD	TN	37207
2016-150	18727161	LANIER	KERRY BRANDON	AMANDA MORAN	LANIER	917 DACAVIN DR		CHARLOTTE	NC	28226
2016-150	18727141	SHIVES	DONALD E			5918 OLD PROVIDENCE RD		CHARLOTTE	NC	28226
2016-150	18736106	DSL PROVIDENCE LLC			C/O LEVINE PROPERTIES INC	8514 MCALPINE PARK DR #190		CHARLOTTE	NC	28211
2016-150	18727189	CHAMBERY HOMEOWNERS ASSOC	INC			PO BOX 20072		CHARLOTTE	NC	28202
2016-150	18727155	CATON	REX F	BARBARA J	CATON	812 VERNEY LN		CHARLOTTE	NC	28226
2016-150	18736111	DSL PROVIDENCE LLC			C/O LEVINE PROPERTIES INC	8514 MCALPINE PARK DR #190		CHARLOTTE	NC	28211
2016-150	18727125	MCGREW	DAREN P	LINDA D	MCGREW	726 RIVER OAKS LN		CHARLOTTE	NC	28226
2016-150	18727136	ALEXANDER	W SUTTON JR	DOROTHY ANN ELEAZER	ALEXANDER	5912 OLD PROVIDENCE RD		CHARLOTTE	NC	28226
2016-150	18727135	MCNEILL	TERRY S	PATRICIA A	MCNEILL	6105 OLD PROVIDENCE LN		CHARLOTTE	NC	28211
2016-150	18736103	LEVINE LIMITED PARTNERSHIP IV			C/O LEVINE PROPERTIES INC	PO BOX 2439		MATTHEWS	NC	28106
2016-150	18727144	MCINTOSH	CHARLON			707 SAINTE ROSE LN		CHARLOTTE	NC	28226
2016-150		KEITH MACVEAN & BRIDGET DIXON			MOORE & VAN ALLEN, PLLC	100 N. TRYON ST	SUITE 4700	CHARLOTTE	NC	28202
2016-150		DAVID HELFRICH			CW DEVELOPMENT	200 UNIONVILLE-INDIAN TRAIL ROAD WEST		INDIAN TRAIL	NC	28079

Pet_No	FirstName	LastName	OrgLabel	MailAddress	MailCity	MailZip
2016-150	Cindy	Flehan	Old Farm Subdivision	5408 Guildbrook Road	Charlotte	NC 28226
2016-150	Marie	Wilkinson	Bishop's Ridge HOA	6021 Prince Williams Lane	Charlotte	NC 28270
2016-150	Robert	Yudell	Dunedin HOA	5411 Dunedin Lane	Charlotte	NC 28270
2016-150	Hank	Panzer	Providence Landing Atrium HOA	6300 Saddlebrook Court	Charlotte	NC 28226
2016-150	Patricia	Davis	Providence-Old Providence	6955 Old Providence Road	Charlotte	NC 28226
2016-150	Stephanie	Robinson	Pellyn Place HOA	6329 Bentridge Drive	Charlotte	NC 28226
2016-150	Judy	Fredricks	Hampton Leas HOA	2248 Lynbridge Drive	Charlotte	NC 28270
2016-150	Marlyn	Morton	Old Salem/Meredith NA	1338 East Barden Road	Charlotte	NC 28226
2016-150	Valerie	Martin	Providence-Old Providence	6955 Old Providence Road	Charlotte	NC 28226
2016-150	Olivia	Crowley	Providence Pines NA	1420 Pine Tree Drive	Charlotte	NC 28270
2016-150	Leonard	Fumi	Bishop's Ridge HOA	2309 Christensens Court	Charlotte	NC 28270
2016-150	Marie	Wilkinson	Villages of Bishops Ridge	6021 Prince Williams Lane	Charlotte	NC 28270
2016-150	Amanda	Raymond	Blueberry Lane Homes	1400 Blueberry Lane	Charlotte	NC 28226
2016-150	Alexa	Upchurch	Sardis Hills NA	524 Wilby Drive	Charlotte	NC 28270
2016-150	Joseph	Vignolini	Sardis Hills HOA	330 Wilby Drive	Charlotte	NC 28270
2016-150	Bill	Schroeder	Landsdown HOA	6741 Folger Drive	Charlotte	NC 28270
2016-150	Melinda	Rose	Crown Colony NA	6500 Shaftesbury Road	Charlotte	NC 28270
2016-150	S	Coyne	Arbor Estates	6136 Rhone Drive	Charlotte	NC 28226
2016-150	Marilyn	Dotson	Dunedin Homeowners Association	5515 Dunedin Lane	Charlotte	NC 28270
2016-150	Kevin	Chapman	Chambery Homeowner's Association	933 Dacavin Drive	Charlotte	NC 28226

**NOTICE TO INTERESTED PARTIES OF A REZONING PETITION**  
**PETITION # 2016-150 – CW Development**

Subject: Rezoning Petition No. 2016-150  
Petitioner/Developer: CW Development  
Current Land Use: Residential  
Existing Zoning: R-3  
Rezoning Requested: UR-2(CD)

**Date and Time of Meeting:** **Thursday, November 3 at 7:00 p.m.**

Location of Meeting: Sandra and Leon Levine Jewish Community Center,  
Weinberg Room  
5007 Providence Road  
Charlotte, NC 28226

Date of Notice: 10/24/2016

We are assisting CW Development (the “Petitioner”) on a Rezoning Petition recently filed to allow the development of the Site with a well-designed townhome for sale community on a 4.13 acre parcel located on Old Providence Road and Old Providence Lane (the “Site”). We take this opportunity to furnish you with basic information concerning the Petition and to invite you to attend a Community Meeting to discuss it.

**Background and Summary of Request:**

This Petition involves a request to rezone the ±4.13acre Site from R-3 to UR-2(CD). The site plan associated with the Petition proposes to develop the Site with a for sale townhome community with up to 20 units. The Site will have access to Old Providence Road and Old Providence Lane via an internal private drive. The internal private drive will provide access to each of the proposed townhome units. The existing pond on the Site will be preserved.

The proposed townhomes will have two (2) car garages and will be up to three (3) stories tall. Buffers, landscape areas, and tree save areas will be provided on the perimeter of the Site. An eight (8) foot planting strip and a six (6) foot sidewalk will be provided along Old Providence Lane. The existing sidewalk and planting strip will be maintained along Old Providence Lane.

**Community Meeting Date and Location:**

The Charlotte-Mecklenburg Planning Department’s records indicate that you are either a representative of a registered neighborhood organization or an owner of property near the Site. **Accordingly, we are extending an invitation to attend the upcoming Community Meeting to be held on Thursday, November 3, at 7:00 p.m. at Sandra and Leon Levine Jewish Community Center, Weinberg Room, 5007 Providence Road, Charlotte, NC 28226.** Representatives of the Petitioner look forward to discussing this exciting rezoning proposal with you at the Community Meeting.

In the meantime, should you have questions about this matter, you may call Keith MacVean (704-331-3531) or Jeff Brown (704-331-1144). Thank you.

cc: Mayor and Members of Charlotte City Council  
Tammie Keplinger, Charlotte Mecklenburg Planning Commission  
David Helfrich, CW Development



Tom Scott, Scott Development Group  
David Malcom, The John R. McAdams Company  
Jeff Brown, Moore & Van Allen, PLLC  
Bridget Dixon, Moore & Van Allen, PLLC  
Keith MacVean, Moore & Van Allen, PLLC

## Site Location



**Campus Works – Olde Providence Townhomes  
Rezoning Petition 2016-150  
Community Meeting – November 3, 2016 @ 7:00p**

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>EMAIL ADDRESS</u>
1	J. HAWKINS	5424 DOWEXIN LANE		J.HAWKINS@OH8510@HOTMAIL.COM
2	THOMAS GRIFFIN	805 Verney Lane	704-364-8272	Tgriffin9@Carolina.Nt.Com
3	Honey Campagna	913 Arcadia Dr.	7049727221	gatorhon@yahoo.com
4	Scott Campagna	000 "	7046079274	ScottR20226@gmail.com
5	Todd Trebbe	715 Sainte Rose LN	704238-7076	TTrebb@Yahoo.com
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**Campus Works – Olde Providence Townhomes  
Rezoning Petition 2016-150  
Community Meeting – November 3, 2016 @ 7:00p**

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>EMAIL ADDRESS</u>
15	Marlyn Dotson	5575 Dunedin Ln	704 367 1893	dotsonmk@gmail.com
16	Kelly Ross	6101 Old Providence Ln	9802298648	rkross1984@gmail.com
17	Peggy Griffin	805 Verney Ln	704-364-8273	tgriffin9@carolina.rr.com
18	Rodney Holtzmueller	9505 Vidal Lane	704-778-2354	hchinc@carolina.rr.com
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**Campus Works – Olde Providence Townhomes  
 Rezoning Petition 2016-150  
 Community Meeting – November 3, 2016 @ 7:00p**

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>EMAIL ADDRESS</u>
29	Kevin Chapman	933 Dacavili Drive	704 689 8356	Kevinchapman05@gmail.com
30	Karen Chapman	Charlotte 28226	704 491 1461	Karenhchapman@windspring.com
31	Steve Wilson	702 SAINT ROSE LN	704-904-8785	swwilson321@gmail.com
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Campus Works – Olde Providence Townhomes  
 Rezoning Petition 2016-150  
 Community Meeting – November 3, 2016 @ 7:00p

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>EMAIL ADDRESS</u>
57	Jordan + Kat Berry	1358 Luna St. APT 309 Charlotte	Box-832-1642	jbb309@gmail.com
58	Joyce + Dudley WELLMAN	813 VERNEY LN Charlotte	704-366-3636	JDWELL@AOL.COM
59	Debra Jones	808 Verney Lane Charlotte, NC	407-256-6409	DTONES1220@AOL.COM
60	George Sistrunk	804 Verney Lane Charlotte	704-442-5562	sistrunkg@wellsouth.net
61	Brian Bokor	929 Dacavin Drive <sup>CLT NC</sup> 28226		B.bokor@hotmail.com
62	Tim Church	820 Verney Lane <sup>CLT</sup> 28226	704 378636	church_t5@hotmail.com
63	Michael Wilson	816 Verney Ln 28226	704 3653108	Wilsonmijii@hotmail.com
64	SAILESH MANIHA	906 DACAVIN DRIVE	704 497 7050	Sailesh.mantha@gmail.com
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