

Board of Supervisors Meeting
August 11, 2011
5:00 P.M.

NORTHUMBERLAND COUNTY, VA

The meeting was convened for the regular monthly meeting of the Northumberland County Board of Supervisors that was held in the New Courts Building, on Thursday, August 11, 2011

Present: Ronald L. Jett. – Supervisor
 Richard F. Haynie – Supervisor
 Joseph Self, Sr. – Supervisor
 Thomas H. Tomlin – Supervisor
 James M. Long – Supervisor
 W. Leslie Kilduff, Jr. – County Attorney
 Kenneth D. Eades – County Administrator
 Luttrell Tadlock – Assistant County Administrator

*Mr. Joseph Megel, Boy Scout, was also in attendance as he is working on his Citizenship Badge

RE: INVOCATION

Pastor Susan Brack, Bethany United Methodist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Chairman Jett led us in the Pledge of Allegiance.

RE: MINUTES APPROVED FOR JULY 14, 2011 MEETING

Upon motion by James M. Long, seconded by A. Joseph Self, Sr., the Board voted to approve the minutes for the July 14, 2011 meeting.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: APPROVAL OF AGENDA

Upon motion by Thomas H. Tomlin duly seconded by James M. Long., the Board voted unanimously to approve the agenda for today's meeting. The vote on the motion was as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

RE: MR. CLINT STABLES, SUPERINTENDENT OF SCHOOLS

Mr. Stables reported on the testing of AYP (Annual Yearly Progress). He said out of 132 schools, only 4 passed AYP and our system fell short. He explained percentages as well as the steps that go into figuring the pass rate. He noted that this was the first time that our school system did not pass.

Mr. Stables stated he needed to do some clarifications on the budget in regards to the \$390,829.00 balance that was left over from the 2010-2011 year. He explained that it was uncertain how much we were going to receive from the state at the end of the year which caused the school system to withhold certain purchases and a large unspent balance. He is asking for some of that money back to be able to buy two new buses and replace a maintenance truck that is 23 years old. The stimulus funds in the amount of \$177,000.00 also needs to be appropriated for the 2011-2012 school year and he had planned on this money to defray the 3% increase in salaries.

Supervisor Tomlin questioned Mr. Stables on the buses saying he thought he had cut them for the FY2012 budget. He then asked about the stimulus money. Mr. Stables said in response that the retention of staff (the 3% increase) would go for that.

Supervisor Self suggested having a work-session on this issue which the Board decided to hold on August 18, 2011.

In other news Mr. Stables reported that the early start to school will begin next week.

Supervisor Self questioned the signs behind the Middle School building. Mr. Stables said he will look into signage to prevent people for going behind the building.

Supervisor Tomlin commented on the SAT programs that are offered, and wondered if the program could be offered earlier because of the early admissions students.

Supervisor Tomlin also questioned the drop out rate issue and commented that the parents needed to be held accountable.

Supervisor Long asked about the plans for the old high school. Mr. Stables said it was turned over at their last meeting.

RE: BUILDING PERMIT REPORT

	2011	2010
Total construction cost for the month	\$ 1,231,088.00	\$ 2,242,431.89
Total Bldg. Permit Cost for Month	\$ 2,962.12	\$ 5,279.16
Total Zoning Permit Cost for the Month	\$ 1,240.00	\$ 1,910.00
Total Levy Fee for the Month	\$ 59.24	\$ 105.58
<i>Total Construction cost year to date</i>	<i>\$ 18,284,730.10</i>	<i>\$ 18,306,111.18</i>

RE: FUEL BIDS ACCEPTED

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to accept the following fuel bids as received and accepted by the Northumberland County School Board.

Gasoline – Noblett, variable \$2.97242,
Diesel, Quarles variable \$3.2193,
Heating Oil, variable \$3.1993 and
Propane, Noblett \$1.7270

RE: RESOLUTION, TRUST AMENDMENT TO HIGH SCHOOL BONDS

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to approve the following resolution:

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – NAY	

Mr. Tomlin said he voted against this because the bonds were not approved by the voters.

**RESOLUTION APPROVING THE FORM OF A SECOND
SUPPLEMENTAL INDENTURE OF TRUST**

WHEREAS, the Industrial Development Authority of Westmoreland County, Virginia (the “Authority”), and Regions Bank, as trustee (the “Trustee”), have entered into an Indenture of Trust dated as of August 15, 2006 (the “Master Indenture”), which was acknowledged, agreed to and consented by Northumberland County, Virginia (the “County”);

WHEREAS, pursuant to the terms of the Master Indenture, the Authority issued its \$38,815,000 Lease Revenue Bonds (Northumberland County School Project), Series 2006 (the Series 2006 Bonds”), to finance the acquisition, construction and equipping of a new combined middle school/high school and related facilities;

WHEREAS, contemporaneous with the issuance of the Bonds, MBIA Insurance Corporation (now succeeded in interest by National Public Finance Guarantee Corporation) (the “Bond Insurer”) issued a surety policy (the “Surety Policy”) in substitution for cash-funding the Debt Service Reserve Fund established by the Master Indenture;

WHEREAS, at the time the Surety Policy was issued, the Bond Insurer had a credit rating in one of the two highest credit rating categories by two rating agencies, which rating was consistent with the requirements of Section 801 of the Master Indenture;

WHEREAS, in response to certain ratings downgrades of the Bond Insurer, the Authority, the Trustee and the County, with the consent of the Bond Insurer (acting in its capacity as the sole holder of the Bonds), executed a First Supplemental Indenture dated as of August 15, 2008, to amend the provisions of Section 801 of the Master Indenture by modifying the minimum ratings requirements of a provider of a credit facility, such as the Surety Policy;

WHEREAS, since the ratings of the Bond Insurer have been downgraded further, the Authority and the County desire to modify again the minimum ratings requirements of a provider of a credit facility, such as the Surety Policy, by making additional amendments to Section 801 of the Master Indenture;

WHEREAS, pursuant to the terms of Section 1601 of the Master Indenture, the Bond Insurer acts as the sole holder of the Bonds for purposes of consenting to any amendments and has indicated that it will consent to the proposed amendments to Section 801 of the Master Indenture;

WHEREAS, there has been presented to this meeting a draft of a Second Supplemental Indenture of Trust to be dated as of August 1, 2011 (the "Second Supplemental Indenture"), to be executed by the Authority and the Trustee, with the consent and acknowledgement of the County and the Bond Insurer, to provide for such amendments;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF NORTHUMBERLAND COUNTY, VIRGINIA:

1. The Chairman and Vice-Chairman of the Board of Supervisors, either of whom may act, are hereby authorized and directed to execute the Second Supplemental Indenture. The Second Supplemental Indenture shall be in substantially the form submitted to this meeting, which is hereby approved, with such completions, omissions, insertions and changes as may be approved by the Chairman or Vice-Chairman, the execution thereof by the Chairman or Vice-Chairman to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

2. All other actions of the officers of the County in conformity with the purposes and intent of this Resolution are ratified and approved.

3. This resolution shall take effect immediately.

RE: APPROPRIATIONS FOR FIRE FIGHTER I CLASS (LAST FISCAL YEAR MOVED)

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the following appropriation:

From January 2011 for \$9,000.00 moved from last fiscal year to this fiscal year 2011-2012 to line item 3202-5605 for Fire Fighter I class.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: APPROPRIATIONS FOR PAVILION GRANT MONEY (LAST FISCAL YEAR MOVED)

Upon motion by James M. Long duly seconded by Richard F. Haynie, the Board voted to approve the following appropriation:

The remaining Pavilion Grant Money from last fiscal year needs to be moved to the new fiscal year 2011-2012 in the amount of \$13975.11 and the \$40.00 that was omitted from the last carryover for a total of \$14,015.11 to line item 9703-7025.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: APPROPRIATIONS FOR LIGHT STREET CDBG (LAST FISCAL YEAR MOVED)

Upon motion by James M. Long duly seconded by Richard F. Haynie, the Board voted to approve the following appropriation:

The remaining Light Street money from last fiscal year needs to be moved to the new fiscal year 2011-2012 in the amount of \$4,759.55 to the following line items 7200-3002, \$1,500.00 and 7200-3100 \$3,259.55. Line item 7200-3007 went over by \$907.15, \$5,555.70 (907.15) = \$4,759.55 that is being appropriated.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: WATCH FOR CHILDREN SIGNS

Continued from a request by Mr. Sherman Simmons last month to put a “Children At Play” sign up on Damerontown Road, the Board was advised that Mr. Simmons has already put one up in that area. The VDOT car count came back at about 181 cars a day.

RE: BLUFF POINT PRESENTATION FROM CONSULTANTS SCHEDULE

Mr. Eades announced that AES Engineering Consultants will have their presentation on the Bluff Point PUD during the September 2011 meeting.

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long duly seconded by Richard F. Haynie, the Board voted unanimously to approve the check register, as submitted. The vote on the motion was as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: BOARD COMMENT PERIOD

Supervisor Tomlin commented on how ridiculous it was that one precinct was open for only one voter.

RE: CLOSED MEETING

Upon motion by A. Joseph Self, Sr., duly seconded by, Richard F. Haynie, the Board voted unanimously to convene into closed meeting to discuss a proposed business expansion as permitted by Virginia Code Section 2.2-3711 (A) (1). The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA	Ronald L. Jett – YEA
Richard F. Haynie – YEA	James M. Long – YEA
Thomas H. Tomlin – YEA	

RE: OPEN MEETING

The Board convened back into open session upon motion by James M. Long, duly seconded by Thomas H. Tomlin, the Board voted unanimously that in the closed meeting just concluded, nothing was discussed except the matters lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in the motion. The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA	Ronald L. Jett – YEA
Richard F. Haynie – YEA	James M. Long – YEA
Thomas H. Tomlin – YEA	

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by James M. Long, duly seconded by Thomas H. Tomlin, the Board voted unanimously to certify the closed meeting:

WHEREAS, The Northumberland County Board of Supervisors, herein Board, has convened a closed meeting on this date pursuant to the affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board specifically a personnel matter.

The vote on the motion was passed by a roll call vote as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to authorize the County Administrator to advertise for a Deputy Zoning Administrator position.

The vote on the motion is as follows:

Ronald L. Jett – YEA	Thomas H. Tomlin – YEA
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A. Joseph Self, Sr. – YEA
James M. Long – YEA

Richard F. Haynie – YEA

PUBLIC HEARINGS

RE: REQUEST BY FRANCES S. PACKETT FOR A PERMIT TO OPERATE A PUBLIC AMUSEMENT (GAME ARCADE) AND POOL ROOM WITHIN THE NEW LAUNDROMAT AT THE INTERSECTION OF HAMPTON HALL ROAD AND HARRYHOGAN ROAD IN CALLAO.

Mr. W.H. Shirley, Zoning Administration described the request to operate the public amusement and pool room within the Laundromat. He said he has not received any comments on the matter. Mr. Shirley then read the suggested conditions.

Ms. Packett, applicant, thanked the Board for their work and explained that she is the President and Owner and has been for 52 years. Twenty eight of those years she has been the owner alone. She has 4 stores, three built 28 years ago. She said she has never had a problem. The hours of operation vary from each store and never open before 6:30 a.m. and close by 9:30 or 10. She has 15 + full time and part time employees. At the Callao location, there will be 10 games and 1 pool table.

Supervisor Tomlin questioned her on the hours of operation. She said it has not been determined yet.

Public Hearing Open

No comments given

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the request with the following conditions:

1. The business will have management and supervision on site during all operating hours;
2. There will be no loitering allowed on the premises;
3. The business will not open before 6:30 AM and not remain open after 10:30 PM; and,
4. The Board of Supervisors reserves the right to review and, if necessary, revoke the permit should the sheriff's office or other law enforcement is required to respond to three (3) or more complaints or incidents regarding the premises within a one year period. The review shall be by an advertised public hearing.

The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

RE: CONSIDERATION FOR AN AMENDMENT TO THE COUNTY CODE DESIGNATING CORDREY'S BEACH AND MARSHALL'S BEACH AREAS AS A GOLF CART COMMUNITY.

County Administrator Eades described the amendment for the golf cart community. He explained the designated area has to meet a certain criteria including a 25 mph speed limit. Mr. Eades said that the roads that will be

designated are currently 25 mph speed limit. He has received 9 letters in support of this amendment and no objections.

Mr. Billy Parish representing the community said that quite a few of the citizens are getting up in age and they want to socialize around the community.

Public Hearing Open

Anna Wells said she would like to see this pass so she can get a golf cart.

Mr. Dick Saxer who lives in Reedville commented that in the Reedville area, the cops could make a lot of money because of the violations golf carts cause.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the request for an amendment to the County Code designating Cordrey's Beach and Marshall's Beach areas as a golf cart community.

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA

Richard F. Haynie – YEA

James M. Long – YEA

Amendment:

I. The operation of golf carts and utility vehicles in the Cordrey's Beach Area described as follows is hereby authorized: Rt. 717, Cordrey's Beach Road from Rt. 640, Hull Neck Road, 0.41 miles to end; then onto Potomac View Drive to both ends of the "T"; including Rt. 756, Rodger's Creek Road from beginning to the end approximately 0.34 miles.

J. The operation of golf carts and utility vehicles in the Marshall's Beach Area described as follows is hereby authorized: Those portions of Rt. 640 known as Marshall's Beach Road which run parallel to the Potomac River for approximately 0.5 miles to the end.

RE: CARRY OVER ITEM- RECONSIDERATION ON A REQUEST BY REBECCA WORLEY FOR AN EXCEPTION TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO ALLOW AN ADDITION WITHIN THE 50 FT. RESOURCE PROTECTION AREA ORDINANCE TO ALLOW AN ADDITION WITHIN THE 50 FOOT RESOURCE PROTECTION AREA AT 1476 SHORE LANE IN NORTHUMBERLAND SHORES SUBDIVISION

Zoning Administrator Shirley described the carry over and read a letter he has received from Watershed Specialist from the Virginia Department of Conservation and Recreation. Mr. Shirley said the results that were found by the department read, "The subject property and surrounding landscape were observed during the field inspection. The U.S. Fish & Wildlife Service's National Wetlands Inventory Mapper identifies tidal and nontidal wetlands located at the rear of the subject parcel. The site visit on June 16, 2011 confirmed the presence of palustrine, forested and estuarine, intertidal wetlands that drain in a southeasterly direction to the Potomac River, and as a result, require RPA designation. (The complete letter can be viewed in the August 2011 Board of Supervisors Board papers)

*Ms. Worley was present for the meeting.

Mr. Rusty McKerns who is representing Ms. Worley spoke on her behalf. He explained that he is not going to go through the events that brought this on but Ms. Worley has acknowledged she failed to obtain permits and believes it was an act of neglect. He said the reason he was hired is to bring her into compliance. He said she knows there is a price to be paid and she is retired, on a limited budget. He continued to say that the amount of a \$10,000 civil penalty is really impossible for her. He suggests lowering the \$10,000.00 to \$5,000.00. He said this amount is sufficient for this matter and is feasible.

Supervisor Self said this is making a statement and this choice of paying \$10,000 is an option for her. Attorney McKerns said it is not a liable option for her and he asked that the amount be amended to \$5,000.

Supervisor Tomlin said he understood there are other fees and asked if he is representing her for free. Mr. McKerns said "not at all."

Supervisor Tomlin asked if the grass had been cut. Ms. Worley spoke up and said yes. Attorney McKerns said yes it was cut today. Supervisor Tomlin said "Not til' the day of the Meeting?" Attorney McKerns said he understood and explained that Ms. Worley is not a local and this is not an excuse but she didn't know there was a problem. Supervisor Tomlin asked how she was going to keep the property if she couldn't keep the grass cut. He then said he didn't want to pass the buck.

Supervisor Self said we have had a public hearing on this and we need to act and he reiterated on where he stands and has said where he stands on this issue before. He said enough time has been granted and he appreciated the attorney representing but he is keeping his original motion with a new compliance date of October 1, 2011.

Supervisor Self read the following motion he made at the May 12, 2011 Board of Supervisor's meeting and amended the original date to be in compliance by October 1, 2011.

- a. Remove all of the existing addition built within the seaward 50' of the Resource Protection Area;
- b. Have all work surveyed by the same surveyor who prepared the site plan to prove that the entire building is outside the 50' buffer;
- c. Re-establish soil cover and satisfactorily maintain it in compliance with the Chesapeake Bay Preservation Area Ordinance
- d. Have the work completed and the survey showing compliance provided the county by October 1, 2011, for the county staff to verify compliance and report to the Board of Supervisors at the regular August Board meeting; and,
- e. Be responsible for all permits and inspections with all permit fees charged at the after-the-fact rate.

Supervisor Tomlin questioned Supervisor Self if he was denying the request with the conditions. Supervisor Self said his motion was to deny the request and put the conditions on the request.

Supervisor Tomlin spoke up and said this has the potential to go to court and be enforced.

County Attorney, Les Kilduff Jr., wanted to clarify the resending of the offer that was given. Supervisor Self said she is still given the option but she didn't choose to pay the civil penalty of \$10,000.00. County Attorney Kilduff said she would have to agree. Supervisor Tomlin said otherwise it would be imposed by the Court.

Attorney McKerns said if it came down to the required civil penalty, then she would probably accept.

Supervisor Self said he is not in agreement, and thinks they should stick with what was done in May.

Supervisor Haynie seconded the motion to deny the request because the civil penalty option was not taken.

Chairman Jett wanted to clarify that she was given two options and didn't take either, right?

County Attorney Kilduff said that was correct, she has not accepted the \$10,000.00.

Attorney McKerns spoke up and said they would really like to work with the amount. He doesn't want to see her set up to fail in this economy. She wants to make it right and bring in compliance and is prepared to do it right away. She doesn't want to have to take her addition off the house. He then went on to say it was a 4ft encroachment. Chairman Jett asked Zoning Administrator Shirley to verify that it was a 4ft. encroachment and asked how many feet it was. Mr. Shirley showed Chairman Jett the plat and said it was 120 square feet of encroachment.

Supervisor Tomlin said he shared the concerns of Mr. Jett, if this goes before the Circuit Court. He said that if this request would have come to them prior, it probably would have been approved because the actual encroachment is small. If this is turned down, how long will it be satisfactory (in court)?

Supervisor Self said this needed to be resolved tonight and withdrew his motion and offered Ms. Worley a \$7,500.00 civil penalty instead of a \$10,000.00. Supervisor Haynie withdrew his second to the previous motion and seconded Supervisor Self's motion to offer her \$7,500.00 civil penalty.

Attorney McKerns requested to talk with his client, Ms. Worley, outside the room. The Board agreed and decided to hear the next public hearing.

RE: RECONSIDERATION - CONDITIONAL USE PERMIT REQUEST BY LEWIS W. MCGRAW, JR., FOR A STORAGE CONTAINER UNIT.

Zoning Administrator, W.H. Shirley reviewed the request for the Board and stated he had received one letter from Bay Harbor Estates Property Owners Association with their recommendation to disapprove this request.

Mr. McGraw explained the reason he would like to have the storage unit and said the woods have flooded so this basically is the only option.

Chairman Jett asked if an "A" roof will be placed over the unit and if trees were going to be planted. Mr. McGraw said yes.

Chairman Jett motioned to grant the request with the conditions.

Supervisor Tomlin questioned the trees that were going to be planted and said he is concerned with the trees dying. Supervisor Haynie asked about having side panels put up.

Supervisor Tomlin motioned to add side panels. Chairman Jett accepted the amendment to add side panels. Supervisor Tomlin said by having a roof and side panels gives less objection to the request.

Supervisor Self pointed out that only one side can really be seen and suggested only having the side panel put up that faces the street.

Chairman Jett amended the previous motion and added condition number 5 to revisit the site after the roof has been added and trees have been planted to decide whether to add side panels to the structure.

Upon motion by Ronald L. Jett duly seconded by A. Joseph Self, Sr., the Board voted to approve the request with the following conditions:

1. The storage unit will be allowed to be placed on the existing concrete pad but must be screened from view from the road with a solid vegetative planting;
2. The storage unit will be painted a cedar green color and both the unit and the vegetative screening must be permanently maintained;
3. An "A" roof must be placed on the unit;
4. The Board will revisit the site after the unit is in place and the roof installed to determine if the sides must be covered; and,
5. The unit cannot be placed on the property until the existing old dwelling is removed.

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – NAY

A. Joseph Self, Sr. – YEA

Richard F. Haynie – YEA

James M. Long – NAY

RE: CONTINUATION FROM EARLIER -CARRY OVER ITEM- RECONSIDERATION ON A REQUEST BY REBECCA WORLEY FOR AN EXCEPTION TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO ALLOW AN ADDITION WITHIN THE 50 FT. RESOURCE PROTECTION AREA ORDINANCE TO ALLOW AN ADDITION WITHIN THE 50 FOOT RESOURCE PROTECTION AREA AT 1476 SHORE LANE IN NORTHUMBERLAND SHORES SUBDIVISION

Attorney Rusty McKerns returned and came before the Board.

Attorney McKerns again asked for the civil penalty to be in the amount of \$5,000.00. Supervisor Self explained that they have considered the \$5,000 but their mind has not changed and the option is for paying the \$7,500 civil penalty. Supervisor Tomlin agreed with Supervisor Self.

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie the Board voted to approve the request with the following conditions:

1. You must, agree by you through your attorney, pay a \$7,500.00 civil penalty;
2. You must obtain all applicable building and zoning permits at the after-the-fact rate; and,
3. You must plant vegetation within the 100' Resource Protection Area buffer to meet the requirements of the aforesaid ordinance.

Attorney McKerns stated that Ms. Worley has decided to accept the Civil Penalty at \$7,500.00.

Supervisor Tomlin also added to have the grass cut regularly.

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA

Richard F. Haynie – YEA

James M. Long – NAY

Supervisor Long said the \$5000.00 penalty should have been accepted because the \$7500.00 is too steep.

RE: PUBLIC COMMENT PERIOD

Mr. Pete Kaunackas presented the Board with an additional 250 signatures to add to the petition against the Bluff Point Planned Unit Development. He continued to explain that the citizen's response has shown a clear answer.

Ms. Ida Hall also commented on the Bluff Point PUD and presented the Board with an aerial view of the property up for discussion. She then said the letter from William and Mary that was previously presented to the Board may be concerning.

Mr. Tom Price said he came to hear about Rebecca Worley's case and said he will continue to fight to keep the law of the 100' set back.

Mr. Randy Cockrell thanked the Board for the resolution that his family received honoring the memory of his late father. He then went on to speak his support of the Bluff Point planned unit development for the business it will bring into our county.

Mr. John Burton said he wanted to speak in favor the Bluff Point Planned Unit Development. He echoed what Mr. Cockrell said and agrees we need employment.

Ms. Linda Herring expressed her feelings on the petition that Mr. Kaunackas had pointed out earlier about the Bluff Point PUD. She said her signature was solicited. She continued to say that Northumberland County is screaming for employment and wants the Board to strongly consider. She then said to seriously consider how the signatures were obtained.

Mr. Ron Herring expressed his support for the PUD and said our children need long term here. People are struggling and we need a solid tax base and long term employment. He asked to seriously look at the next generation.

Ms. Donna Gruel asked the Board in making the decision for the PUD, consider the residence and why they came here. There are over 800 signatures. She urged the Board to deny because granting will set a precedent.

Ms. Kelly Dameron said she supports the project and said last month, they were told that the signatures were not solicited and said that was not true because they had received a letter asking to sign the petition. She is concerned with those that did sign it because the "by right" option was not explained. She asked the Board to consider how much it will cost?

Mr. Carl Gruel said he will be mostly affected by this project and said hurricane Isabel put 24" of water on his property and his is the same height as the PUD property.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., seconded by Thomas H. Tomlin, the Board voted to carryover this meeting until August 18, 2011. The vote on the motion was:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

Kenneth D. Eades, Clerk