

**RICHMOND COUNTY BOARD OF SUPERVISORS
OCTOBER 8, 2015**

MINUTES

At a regular meeting of the Board of Supervisors for Richmond County, Virginia, held on the 8th day of October, 2015, thereof in the Public Meeting Room of the County Office Building.

Present:

F. Lee Sanders, Chairman
Richard E. Thomas, Vice-Chairman
Jean C. Harper, Member
John L. Haynes, Jr., Member
Robert B. Pemberton, Member

Also Present:

R. Morgan Quicke, County Administrator
Denise Dunaway, Development Services Manager
Jennifer Delano, Commissioner of the Revenue
Greg Baker, Chief of Emergency Services
Joseph Quesenberry, Planning & Zoning Administrator
Steve Smith, Sheriff
Kristie Brann, Deputy Treasurer
Donna Jackson
Ed Brown, Richmond County Fair Association
Jason Bellows, Lancaster County Supervisor
Frank Pleva, Lancaster County Administrator
Mabel Lewis, Chairman, Electoral Board
Halle Keyser, Assistant Registrar
Shirley Lucas, Richmond County Little League
Rob Smith
Approximately 20 others

CALL TO ORDER

Chairman Sanders called the meeting to order at 9:00 a.m., gave the invocation, and led everyone in the Pledge of Allegiance.

Chairman Sanders congratulated Mr. Quicke and the Rappahannock Raiders Golf team for winning the Regional tournament.

SHERIFF

Sheriff Smith reported that the Sheriff's Office dispatched 680 calls for service during the month of September, bringing the total for the year to 5,289. He said that the Richmond County jail population for the past week was 23.

Sheriff Smith reported that his office has worked several events recently, including the Museum fundraiser, Child ID at the YMCA, and Octoberfest. Sheriff Smith said they are preparing for Warsawfest this coming weekend.

Sheriff Smith reported that his office held a Drug Take Back Day on September 26th. He said that this program gives individuals the opportunity to drop off out dated or unused medications. The Sheriff said that they collected 30.2 pounds of medication.

Sheriff Smith said that during the recent hurricane event, the office received very few calls.

Sheriff Smith reported that they recently arrested an individual wanted for several break-ins involving the Richmond County, Town of Warsaw, and the Town of Tappahannock.

ANIMAL CONTROL

Sheriff Smith presented the following Animal Control report for the month of September: 22 total calls answered: 19 dog calls; 1 dog bite; 12 dogs transferred to the pound; 1 wildlife call, 1 farm livestock call, and 76 deputy and fire/rescue assists.

TREASURER

Kristie Brann, Deputy Treasurer, presented the Trial Balance Report for the month of September, 2015.

COMMISSIONER OF THE REVENUE

Jennifer Delano, Commissioner, provided the Board with a comparison of the real estate book from the last two years. She said that the difference is about \$50,000 in additional revenue this year over last year.

PLANNING/ZONING/LAND USE

Joseph Quesenberry, Planning and Zoning Administrator, provided the Board with the September report.

Mr. Quesenberry reminded the Board about the public hearing tonight at 7:00 p.m. to consider a re-zoning request by Diatomite.

Mr. Quesenberry said that the County has been approached by two entities regarding solar panels. Mr. Quesenberry said that the current Zoning Ordinance does not regulate solar panels; therefore, he will be proposing an amendment to the Planning Commission soon.

Mr. Quesenberry said that the construction has begun at the Farnham Creek Boat Landing.

Mr. Quesenberry said he is currently working with area organizations regarding 50/50 funding to locate welcome signs at four areas in the County. He said that welcome signs are currently in the Capital Improvement Plan.

Mr. Quicke reminded the Board that today is Mr. Quesenberry's last day with Richmond County. Mr. Quicke said that he is sad to see him go and wished him well. Mr. Quicke told the Board that Mr. Quesenberry has accepted a position in his home town.

EMERGENCY SERVICES

Greg Baker gave the following report for the month of September, 2015: 114 calls; 3 calls for mutual aide to bordering counties; and 2 fly-outs.

During the month of September, \$24,320 was collected through EMS recovery billing.

Chief Baker reported that the County was fortunate that the track of the recent category 5 Hurricane dramatically changed and brought us little effects. Mr. Baker said most residents and home owners took the necessary precautions to protect their property and required no assistance from the County. Chief Baker thanked Sheriff Smith and Deputy Thomas for assisting him during the storm.

Mr. Quicke told the Board that Mercedes has been assisting over the last two years with the delinquent collection EMS billing, but due to her new role as Finance Officer, she hasn't had the time to assist with this task. Mr. Quicke said that the EMS medics will now be sending out 2nd notices and working with individuals on a payment plan. He said that only after the 2nd notice and after the PDC has tried to collect and work with individuals, warrants could be obtained. Mr. Quicke said this step is a long term measure and would only be taken if all attempts to collect the debt fail.

Chief Baker said that 75% of the delinquent collections are either deceased or they qualify for 100% relief and just fail to file the proper paper work.

PUBLIC COMMENT

Mr. Rob Smith said he recently had a conversation with Supervisor Pemberton regarding his concerns about the Fones Cliffs project. Mr. Smith addressed Mr. Pemberton's concerns with additional proffers, paragraphs 14-21. Mr. Smith added that some of the concerns will be decided in Phase 2.

Mr. Smith said that his team is ready to go and if there are any other concerns that can be answered or proffered; he will be around all day.

Mrs. Shirley Lucas, President of the Richmond County Little League, was pleased to inform the Board that the Little League has been awarded two grants, in the amount of \$20,000 each. She said that the first grant is for softball, which should help repair the existing softball field. Mrs. Lucas said that the second is a matching funds grant, which could help light a field.

She said the total cost to light a field is \$70,000.00. Mrs. Lucas asked the County to contribute \$20,000.00. Chairman Sanders thanked Mrs. Lucas and told her they would discuss her request. Chairman Sanders asked for this item to be placed on the November agenda for discussion.

DONNA JACKSON – REQUEST FOR ART DISPLAY

Ms. Jackson discussed her project with the Board and requested permission to place art signs in the vacant portion of the Commerce Park, directly in front of Bay Transit. She explained that Art Up, Art Rising is a public arts exhibit that will display paintings from non-profit organizations. Ms. Jackson said this would not take place until March or April and she is requesting permission from the Town Council also.

Mr. Thomas said he likes the idea and questioned whether her proposed location would allow the signs to be seen from the highway. Ms. Jackson said she was thinking about the road going into the Commerce Park and locating the signs on each side. Mr. Thomas suggested checking with VDOT. Mr. Quicke said the stretch of road is not in the county system and is county owned.

Mr. Quicke questioned the length of the program. Ms. Jackson said she is proposing 10 weeks, but that can be changed if needed. Chairman Sanders said he is concerned whether the signs can withstand the weather for that time period. Ms. Jackson said the signs will be monitored and they will be waterproofed.

Mr. Thomas asked if it would be better to have them displayed going into the Little League Park. Chairman Sanders said that is a state road and said he didn't think they would be visible enough from the highway. Mr. Thomas said he wants to see the signs receive as much visibility as possible.

“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to accept Ms. Jackson proposal with the contingency of the Town of Warsaw’s approval.”

RICHMOND COUNTY FAIR ASSOCIATION – MR. ED BROWN

Mr. Brown gave an overview from this year’s County Fair. (Attachment 1)

REPRESENTATIVES FROM LANCASTER COUNTY – SUPERVISOR JASON BELLOWS AND COUNTY ADMINISTRATOR FRANK PLEVA

Lancaster County Supervisor Bellows informed the Board that Dominion Virginia Power is proposing to remove the existing transmission line on the Rappahannock River Norris Bridge and replace with ten concrete and steel towers ranging up to 180’ in height. He said that the Counties of the Northern Neck have put considerable efforts into promoting tourism and promoting its natural beauty and rural character. Mr. Bellows explained the benefits of having the lines underground. Mr. Bellows said they have appealed the issuance of the permits and the

hearing will be in the Richmond County Circuit Court on October 14, 2015. He asked the Board for regional support as they fight Dominion Virginia Power.

Lancaster County's County Administrator, Frank Pleva, added that the Lancaster County Board of Supervisors Resolution strongly supports the replacement of the lines; the disagreement is how they cross the river. Mr. Pleva said that Judge Taliaferro will hear motions that are part of the VMRC permit process and the actual hearing on the permit itself has not been scheduled at this time.

Mr. Haynes said it would appear to be less money to go underground. Mr. Speights, representative from Dominion, said the estimated cost to construct overhead is \$30,000,000 and to go underground the cost would be three to five times that much.

Mr. Haynes asked about the maintenance costs, underground vs. overhead. Dominion's representative said it varies, there is ongoing maintenance both ways and he said that the life span is estimated to be 30 years underground and 60 years overhead.

Mr. Pemberton said he feels like it is Lancaster's fight and would like to see Richmond County stay out of the issue. Supervisor Bellows said he feels like this is a regional issue.

Mr. Thomas recommended tabling this issue until next month. Mr. Haynes agreed and said he would like some more information about the request. Mr. Quicke provided the Board with two letters in support of Dominion's request, one from Northern Neck Electric Cooperative and one from Old Dominion Electric Cooperative.

MABEL LEWIS – RICHMOND COUNTY ELECTORAL BOARD

Ms. Lewis informed the Board that Martha Packett has resigned from her position as Registrar, effective October 2, 2015. Ms. Lewis assured the Board that steps are being made to make sure the upcoming election runs smoothly. She said that the position of Registrar will be advertised in the Northern Neck News.

Ms. Lewis introduced Halle Keyser to the Board. Miss Keyser has been hired as Assistant Registrar and will be sworn in as Acting Registrar on October 9, 2015.

Miss Keyser said that she has met with the Board of Elections this week and they have given her several suggestions for the upcoming election. She has implemented a page program for Election Day, using around 30 students from the high school and RCC and she will be holding several voter education programs so voters can have the opportunity to become familiar with paper ballots. Miss Keyser told the Board that she expects a smooth election on November 3rd.

“IN GOD WE TRUST” LETTERING – SUPERVISOR HARPER

Mr. Quicke told the Board that he contacted the County Attorney in regards to the “In God We Trust” lettering. He said that the County Attorney said that there is nothing against moving forward and it is the decision of the Board.

Mr. Quicke read the drafted Resolution.

Mr. Haynes said he was in support of the Resolution. Chairman Sanders said he had a problem with this and felt that it was late in Mrs. Harper’s term to support this. Mrs. Harper questioned if any other motions make a difference in how late she is in her term.

“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – abstain; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to adopt the following Resolution:”

“In God We Trust”

A Resolution of the Board of Supervisors of Richmond County, Virginia, supporting the display of the National Motto “In God We Trust” in the Richmond County Public Meeting Room

WHEREAS, “In God We Trust” because the United States national motto on July 30, 1956, shortly after our nation led the world through the trauma of World War II; and

WHEREAS, the words have been used on the U.S. Currency since 1864; and

WHEREAS, the same inspiring slogan is engraved above the entrance to the Senate Chamber as well as above the Speaker’s dais in the House of Representatives; and

WHEREAS, in both war and peace, these words have been a profound source of strength and guidance to many generations of Americans; and

WHEREAS, the County desires to display this patriotic motto in the Public Meeting Room as a way to solemnize public occasions and express confidence in our society,

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Richmond County does hereby determine that the historic and patriotic words of our national motto “In God We Trust” shall be displayed prominently in the Richmond County Public Meeting Room.

Adopted this 8th Day of October, 2015.

F. Lee Sanders, Chairman
Richmond County Board of Supervisors

Mr. Quicke asked the Board for suggestions on how to proceed and said this will be placed on the November agenda.

STORMWATER RESOLUTION

Mr. Quicke reminded the Board that last year Richmond County was one of the 54 localities across the State that “opted out” of the implementation of the Stormwater Management Program. He said that currently, Richmond County manages all projects between 2,500 square feet and 1.0 acre, but when the program was first announced several years ago, localities were going to be responsible for all stormwater activities, no matter the size. Mr. Quicke said DEQ recently put together a Stormwater Advisory Group (SAG) to study the program, which is recommending reverting all of the stormwater activities back to the counties. Mr. Quicke said that staff is totally against the recommendations of the SAG and wish to continue as the legislation was adopted in 2014. Mr. Quicke recommended adopting the Resolution.

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to adopt the following Resolution:”

RESOLUTION IN OPPOSITION OF CHANGES TO THE CURRENT DEQ “OPT OUT” OPTION

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia’s expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Stormwater Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth’s expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to “Opt Out”, leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia's lead environmental regulatory agency, the DEQ was established as the Commonwealth's VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth's environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Richmond County, along with 54 other localities in Virginia, voted in 2014 to "Opt Out" of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia's "Opt Out" localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to "Opt Out" provided by the 2014 legislative amendments to the Virginia Stormwater Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory "Opt Out" constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to "Opt Out" receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Supervisor of Richmond County **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia's counties and cities the statutory right to "Opt Out" of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Richmond County respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to "Opt Out" be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT:

The Board of Supervisors of Richmond County **strongly recommends** that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant "Opt Out" alternatives to all localities equally.

Adopted this 8th day of October, 2015

**F. Lee Sanders, Chairman, Richmond County
Board of Supervisors**

VACO ORNAMENT SELECTION

Chairman Sanders asked Mr. Quicke to present the three submitted ornaments to the members. Chairman Sanders reminded the Board that VACO asked the localities earlier this year to collect a handmade ornament to be sent to the Governor's Mansion for the inclusion in their annual Christmas tree. Mr. Quicke said he received two ornaments from Mrs. Sue Ramsey and one from Mrs. Jennifer English. Mr. Quicke asked the Board to vote on which one to send to VACO.

The Board selected to send Mrs. Jennifer English's ornament to VACO. Mr. Quicke said he would send a thank you note to Mrs. Ramsey and Mrs. English.

VACO ANNUAL BUSINESS MEETING VOTING AUTHORIZATION

Mr. Quicke said that Mr. Pemberton is the only Supervisor that has signed up to attend the annual VACO conference; therefore, assigning him as the voting delegate would be appropriate.

“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to assign Supervisor Robert B. Pemberton as the voting delegate at the 2015 VACO Conference.”

FARNHAM CREEK BOAT LANDING – UPDATE

Mr. Quicke said that Dameron Construction has begun the reconstruction of the Farnham Creek Boat Landing and he estimates completion around the middle of November, in time for duck season.

FY17-FY21 CAPITAL IMPROVEMENT PLAN

Mr. Quicke provided the Board with the previously approved FY16-FY20 Capital Improvement Plan. He said that there is one additional request this year submitted by the Sheriff’s Office, which is an interior renovation to the records room in the amount of \$8,000.00. Mr. Quicke said that Sheriff Smith has marked this request as desirable.

Mr. Quicke reminded the Board that the process has changed this year, which allows submitted CIP requests to be presented to the Board first, and then placed back in the hands of the Planning Commission. He said that the intention is to begin working on the plan in November and have it back to the Board in either January or February in time for work to begin on the upcoming FY17 budget.

MONTHLY APPROPRIATIONS – RICHMOND COUNTY DEPARTMENT OF SOCIAL SERVICES

“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to appropriate \$85,000.00 to the Richmond County Department of Social Services for the month of November 2015.”

MONTHLY APPROPRIATIONS – RICHMOND COUNTY PUBLIC SCHOOLS

“On a motion made by Robert B. Pemberton, the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to appropriate \$1,295,860.00 to the Richmond County School Board for the month of November 2015.”

MONTHLY SUPPLEMENTAL APPROPRIATIONS

Mr. Quicke said that in June, during the annual supplemental appropriations meeting, the auditors recommended working on supplemental appropriations throughout the year.

Mr. Quicke said to begin the process, there are two supplemental appropriations for this month to approve; \$13,273.57 for the radio system maintenance and \$73,610.00 for the new voting machines.

“On a motion made by Robert B. Pemberton, the Board voted by roll call: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to approve a supplemental appropriation in the amount of \$13,273.57 for line item 8003, Radio System Maintenance for the department of E911.”

“On a motion made by John L. Haynes, Jr., the Board voted by roll call: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to approve a supplemental appropriation in the amount of \$73,610.00 for line item 8001, Machinery & Equipment, for the department of the Electoral Board.”

APPROVAL OF MINUTES – SEPTEMBER 10, 2015

“On a motion made by John L. Haynes, Jr., the Board voted: F. Lee Sanders – aye; Richard E. Thomas – aye; Jean C. Harper – aye; John L. Haynes, Jr. – aye; Robert B. Pemberton – aye: to approve the minutes from the September 10, 2015 meeting.”

OTHER BUSINESS

Mr. Thomas thanked everyone for coming to the meeting.

Mrs. Harper suggested adding new/old business and on-going projects to the Board's monthly agenda.

Mr. Haynes supported adding new/old business and on-going projects to the Board's agenda and gave examples of issues that have fallen by the wayside.

Mr. Pemberton said that the Sharps area is having a problem with vicious acting hybrid dogs. Mr. Quicke said he will discuss this issue with the Animal Control Officer. Mr. Pemberton asked everyone to vote on November 3rd.

Mr. Quicke provided the Board with additional letters regarding the Fones Cliffs project public hearing. Mr. Quicke said the court hearing regarding the Rhoads project on Little Florida Road will be held on October 19, 2015.

RECESS

Chairman Sanders recessed the meeting until 7:00 p.m. to receive public comment on a rezoning request submitted by Diatomite Corporation of America.

RECONVENE MEETING – 7:00 P.M. - PUBLIC HEARING

Present:

F. Lee Sanders, Chairman
Richard E. Thomas, Vice-Chairman
Jean C. Harper, Member
John L. Haynes, Jr., Member
Robert B. Pemberton, Member

Also Present:

R. Morgan Quicke, County Administrator
Denise Dunaway, Development Services Manager
Andrew McRoberts, Sands Anderson, County Attorney
Rob Smith, Fones Cliffs Development
Jeff Howeth, Fones Cliffs Development
Approximately 120 others

PUBLIC HEARING

- To receive public comment on a Rezoning Request submitted by the Diatomite Corporation of America regarding their proposed Fones Cliffs development located off of Carter's Wharf Road, further identified as parcel(s) 4-1, 4-2 and 5-30. The development is described as a 976 acre mixed use project with 205 proposed single family homes, 513 proposed townhomes, a golf course, lodge and other amenities. The current zoning classification is Agricultural General (A-1), with a proposed rezoning to Residential Mixed Use (R-3), Conditional Business (B-1), and Conditional Agriculture (A-1). The proposed rezoning map may be viewed in person at the Richmond County Administrator's office at 101 Court Circle, Warsaw, Virginia 22572 between 9:00 A.M. and 5:00 P.M.

Mr. Quicke read the notice of public hearing.

Mr. Rob Smith, Attorney for the applicant, submitted proffers (Attachment 2) and said his comments tonight are directed to the five Board members.

Mr. Smith discussed the zoning process and explained what he feels is at stake. Mr. Smith gave a power point presentation (Attachment 3), and said that this is a property rights issue and said that no one buys land without looking at the development rights. Mr. Smith said that back in 2012, Diatomite entered into a contract with the U.S. Fish & Wildlife Service for one year and it failed to close. He said the groups against the development should have bought the property in 2012 when they had the chance.

Mr. Smith said they want to get the property rights back, get a return on their investment, and they want to make money. Mr. Smith said right now, you can't get on the property and pay tribute to history. He believes that there is no growth in Richmond County because property rights have been attacked.

Mr. Smith said he is proud to be associated with this project and he believes that it would

be good for Richmond County. He is asking for the right to continue the conversation and move on to Phase 2.

Mr. Roberts, County Attorney, asked Mr. Smith to explain paragraph 15 under the new proffers, which states “the Board of Supervisors may make approval contingent upon adequate set back requirements as determined in its best judgment and discretion after evaluating all Phase 11 submittals and plans.” Mr. Smith said that they will be spending around \$500,000.00 on engineering in the next phase, and the Board could approve or disapprove the whole plan. He said that the Board has discretion to move the setbacks even if they are complying with best management practices. Mr. Roberts asked how much legislative discretion the Board has in Phase 11. Mr. Smith responded that the Board has the discretion and the judgment not to approve the plans at all. Mr. Haynes said he asked Mr. Smith about the proffers for two reasons, one for clarity, and second, if Diatomite objects to this at a future date, it will be proffered.

Chairman Sanders opened the public comment period and explained that each speaker will have three minutes to talk.

Thomas Rubino, 387 Shilo Road, King & Queen, VA, asked the Board to deny the request in order to protect the cliffs.

Ann Graziano, 92 Wilna Road, Warsaw, VA, is against the project and asked for the community to work together to bring growth to the County. She said that this is a re-zoning issue, not a property right issue.

Hannah Tiffany, 30 Sturman Lane, Warsaw, VA, is opposed to the Fones Cliffs development and feels that approving this development would not be an environmental friendly decision.

Neal Barber, Portsmouth, VA, Community Futures, said his company was hired by the Chesapeake Bay Foundation to review the fiscal analysis that was contained in the impact study performed. He summarized his findings and said in his opinion, the revenue projections are overstated significantly. Mr. Barber said he would forward a copy of the analysis to the Board.

Lindsay Irvin, 20428 Water Point Lane, Germantown, MD, said he is the golf course architect for this project. He said that it is the creations that counts and presented a power point, which showed well established golf courses across the Country.

Brian Watts, Director of Conservation Biology at the College of William & Mary, said Fones Cliffs is a national treasure where a large number of eagle’s congregate and he is opposed to the re-zoning. Mr. Watts asked the Board to consider future generations when making local decisions and said that they are not opposed to development, but they think it should occur in appropriate places.

Lee Epstein, Silver Spring, MD, Director with the Chesapeake Bay Foundation, said that this is the wrong project, wrong scale, wrong place, and is not consistent with the

Comprehensive Plan. He asked the Board to require a non-biased water quality impact assessment before making decision.

Leslie S. Ariail, 1620 Waterview Road, Warsaw, VA, urged the Board to deny the request and said the development would cause the irreversible destruction of the rural life, wetlands, historic and archeological life, and the eagle habitat.

Hylah Boyd, 6303 Towance Road, Richmond, VA, spoke for Scenic Virginia and stated that they are opposed to the re-zoning. Ms. Boyd said for the Board to ignore the unique qualities and the well-crafted Comprehensive Plan would be a travesty.

Laura A. Brooks, 762 Dunlace Road, King William, VA, is representing the Garden Club of Virginia and said that the Club voted unanimously against the project. She said that this is a direct contradiction to the Comprehensive Plan and she asked for the Board to listen to the people in front of them.

Debra Harper, 6029 Newland Road, Warsaw, VA, said she sent a letter to the Board of Supervisor's and only received one response. She is opposed to the project due to the time, effort, and expense that is will endure on the local government and the environmental, ecological concerns, and the impact on the infrastructure on the proposed area.

Tommy Neuman, 4189 Naylor's Beach Road, Warsaw, VA, told Supervisor Harper that he is sorry for all of the things that happened to her when she was trying to redistrict, and he didn't think that it was right. Mr. Neuman asked the Board to remember the Oath of Office that each member took for the betterment of the County and to not think about the money coming in, but to think about why every environmental group has stated that they don't want this.

Taylor Murphy, 174 Court Circle, Warsaw, VA, said that three things have happened that have given him concern regarding this proposal; (1) the personal attack of individuals that are opposed to the project, (2) the criticism of those outside the County for having a voice, (3) and whether or not this is in the best interest of Richmond County. Mr. Murphy asked for the Board to consider the overall welfare of citizens and deny the application.

Richard Moncure, speaking on behalf of the Friends of the Rappahannock, asked the Board to protect the eagles and follow the Comprehensive Plan and deny the re-zoning request by Diatomite. (175 name petition submitted)

Woodie Walker, Fredericksburg, VA, is speaking for the Friends of the Rappahannock and stated that they are opposed to this request. He said they have concerns about the impact that a development of this scale will have on such critical habitat. He stated that the Friends of the Rappahannock will continue to participate in this process as a willing partner with the Board of Supervisors.

Bill Portlock, 23263 Mt. Clear Lane, Bowling Green, VA, Senior Educator for the Chesapeake Bay Foundation, asked the Board to deny the re-zoning request based on the eagle habitat.

Pat Weakland, 1539 Threeway Road, Warsaw, VA, stated that he is a member of the Planning Commission and is one of the seven members that recommended approval of the project. He spoke about a land conservation easement and said he hopes that is not the developer's intention. Mr. Weakland said this proposal is positive for the citizens and the budget.

Sandy Gerretson, 2494 Simonson Road, Farnham, VA, said that zoning is an issue and asked the Board to stick to their master plan and deny the request.

Hill B. Wellford, 1909 Kendalls Road, Chance, VA, said that this is an amazing natural resource environment and not a place for development.

Alice S. Wellford, 1909 Kendalls Road, Chance, VA, reminded the Board about the Rappahannock Cliff's approval and provided quotes from Rappahannock Cliff's website. Mrs. Wellford said that she is opposed to the re-zoning request.

Milton Douglas, 21 Grand View Lane, Warsaw, VA, said the Board needs to approve this request because the County needs revenue that will provide citizens with much needed services.

Chris Moore, 336 Marlin Bay Drive, Virginia Beach, VA, Senior Scientist with the Chesapeake Bay Foundation, highlighted environmental concerns, including wastewater and stormwater, and recommended the Board require a water quality assessment before voting on this project.

Kimberly Abe, Heathsville, VA, commented on planning issues and historic resources. Ms. Abe said that a County should not approve a project that they can't assure will be built the way it is being presented in the application materials.

Lowery Pemberton, 337 Front Street, Sharps, VA, said she is a resident of Richmond County and works for the Friends of the Rappahannock. She urged the Board to make sure that they do their due diligence instead of just trusting in this type of situation.

Daria Christian, Assistant Director with the Friends of the Rappahannock, said that there are not that many special places left on this earth and the Board has to choose whether they will protect it or not.

Taylor Emery, Mount Airy, Warsaw, VA, asked the Board what is going on in this County. Mr. Emery said that the request goes against the County strategic visions and the demand for a golf course is just not there. He asked the Board to vote no and he provided the Board with a 300 signature petition.

Jane Wills, Tappahannock, VA, believes this is a property rights issue and is in favor of the Planning Commission's recommendation. She encouraged the Board to approve this request.

Judy Sydnor, Warsaw, VA, said that she agrees that more jobs are needed but is not sure that this is the right approach. She asked the Board if they would want this type of development in their area and she encouraged the Board to consider all of the facts and vote no.

Jennifer Aiosa, Baltimore, MD, Director of Conservation projects with the Chesapeake Conservancy, requests that the Board deny this request. She said that the undeveloped property has potential tourism without destroying resources, and that Fones Cliffs truly invokes what the American Indians and John Smith saw 400 years ago.

Curtis Headley, 258 Clark Road, Warsaw, VA, said America is about freedom of expression and private property rights and asked if we are open for business. He said that the owner has a fundamental right to develop his property and many counties would be begging for this type of development. Mr. Headley stated that demographics show that people are leaving the Northern Neck.

Carolyn Packett, 340 Memorial Drive, Warsaw, VA, said that she has always believed that if she acts within the law, than she has the right to timber, farm, or develop her property. Mrs. Packett said this project has the potential to set us apart from other counties and if it is a success, Richmond County will surely be a winner.

Margaret Gerdts, 810 Browns Lane, Urbanna, VA, said this development would damage the cliffs and further pollute the river. She asked the Board to respectfully deny the request.

Terrell Bowers, 3231 Privateer Creek Road, 29455, owns the property adjacent to the Diatomite property and is in favor of the project. He said that the refuge minions have been attacking his property and will say anything to get the Board to vote no. Mr. Bowers said that the Fones Cliffs project offers so many benefits to so many people and asked the Board to follow the Planning Commission vote and approve this project.

Andy Hofmann, USFWS, 336 Wilna Road, Warsaw, VA, said that it is disappointing that Mr. Smith and Mr. Bowers have been attempting to discredit the USFWS and belittle the Richmond County citizens. Mr. Hofmann said that the Service has concerns about the proposed re-zoning for a resort development on this property primarily because of the bald eagle habitat.

Lawrence Latane, 737 Pope Creek Road, Washington's Birthplace, VA, said he is speaking on behalf of the Northern Neck Land Conservancy and asked the Board to honor the Comprehensive Plan and deny the project. He said that Northern Neck people are smart enough to know that they are never going to prosper if they do it at the expense of a national treasure, which is Fones Cliffs.

David Hand, 8931 Newland Road, Warsaw, VA, asked the audience for the ones against this project to raise their hands and reminded the Board members that Election Day is one month away.

Rebecca Nelson, 177 Monument, Montross, VA, said she shares the environmental concerns but said she sees the project as a potential gift. She said she fears for the small towns

of the Northern Neck and asked everyone to be open minded, keep talking, and find some kind of compromise.

Robert Barrett, 798 Forest Road, Warsaw, VA, said that the raw sewage will end up on the ground, than into the river. Mr. Barrett said that they will bring in their own contractors and minimum wage jobs will not cut it. He stated that if you want taxes, you need to bring in industries.

Robert Mallory, 2689 Naylor's Beach Road, Warsaw, VA, recommended making the developer put everything on paper, and find out if this is going to be a good economical project for Richmond County that will bring in taxes. Mr. Mallory said that the eagles will adapt.

Nancy Garvey, 154 Locust Grove Lane, Kilmarnock, VA, said she is with the Northern Neck Chapter of the Audubon Society and stated that the potential impact of this development gives her great concern for the eagles. She said she is sympathetic with the economic issues but the historic and natural heritage is why she loves the Northern Neck. Ms. Garvey asked that the developers to go back to the drawing board and come up with a plan that reflects the 21st century.

R. C. Wellford, P. O. Box 204, Warsaw, VA, said that he is opposed to the project and stated that it is a common strategy for an individual or outfit not to defend their position, but instead turn vindictive. Mr. Wellford commented that the Viability Study was just provided to the Board.

Gavin Rogers, 4339 Naylor's Beach Road, Warsaw, VA, said there seems to be two main issues, environmental and property rights. He questioned the eagle's right to live there. Mr. Rogers said that the youth needs careers, not jobs.

Kyle Rogers, 535 March Street, Tappahannock, VA, questioned what type of jobs will be provided. He said that he lives in Tappahannock because the cost of living is low, but he has to commute to work. Mr. Rogers asked what the benefit of a Resort is if you take away the best thing about the Northern Neck.

Kathryn Murray, 130 Rappa Point Road, Warsaw, VA, said she had to stand back from all of the politics associated with this project and ask if this is the time that Richmond County decides where or where not they are going. Ms. Murray said what's important is economics and she gave sales and census statistics. She said in twenty years, she has never had anyone call and ask her to find them a townhouse.

Carl Peacock, 508 Sylesburg Drive, Chesapeake, VA, is a licensed soil scientist and is in support of this proposal. He said that the majority of the soils tested, that are less than 12% slope, were permeable, well drained, and will support waste water treatment. Mr. Peacock said that in order to conserve water and maximize waste water distribution, the developer has concentrated on putting the areas in fairways, which will greatly minimize the amount of water that will be taken out for irrigation. He believes that this is a good project and asked the Board to support this project.

Chairman Sanders closed the public hearing and thanked everyone for their patience and comments.

Mr. Rob Smith thanked everyone for coming out to the meeting. He said that there were a lot of good questions asked and comments made, and fortunately, he said that they have all been answered over the last two years. Mr. Smith said that this is a property rights issue and that a lot of the groups attending tonight tend to take in money and meddle in private property. Mr. Smith said that they have a good team in place and are ready to roll with the next phase. He said they appreciate the time and questions and urge the Board to let them continue the conversation and support their request.

Mr. Thomas said that the proposed proffers need to be studied.

Chairman Sanders suggested that Mr. McRoberts, Mr. Quicke, and Mr. Smith sit down and go over the proposed proffers. He recommended that the Board vote on the request at next month's meeting.

Mr. Thomas said more information is needed on the setbacks and fire and rescue specifications. He said that he is concerned about the nature of the development and whether the staff will be able to maintain and follow through.

Mr. Haynes said there has been a lot of discussion over the last couple months about following the Comprehensive Plan. Mr. Haynes said that the Comprehensive Plan is not mandatory, it is a guide, and the comments that are being made regarding the violation of the Comprehensive Plan are false statements.

Mr. Haynes said there is a notion that the poorer you are, the more money you will receive from the schools. He stated that he appreciates the state funds, but he would much rather be able to pay for the school out of the local fund. Mr. Haynes said that by having proffers, when they move forward to the second phase, the final say-so will be at the discretion of the Board. He commented that any money put into this project by the County will be done after taxes are received, and if this goes through, the additional taxes will be astronomical. Mr. Haynes concluded that his obligations are strictly for the citizens of Richmond County.

Mr. Smith responded to Mr. Thomas' questions regarding the setbacks by stating that until they have Phase 1 approval, they will not know exactly measures they will take regarding the erosion and setbacks; that will come in Phase 11. Mr. Smith said that plans will be submitted in exact detail and the Board will have the right, as acknowledged in the proffers, to use their discretion and judgment regarding the erosion and setbacks. As for the 4-bay EMS building, Mr. Smith said this is also a proffer.

Mr. Thomas asked if it would be wise to have some of the concerns answered before starting Phase 11. Mr. Smith said if Phase 1 is approved tonight, the Board will have control over those issues, as stated within the proffers.

Mr. Haynes said it is crystal clear that the Board will make the final decisions on the particulars.

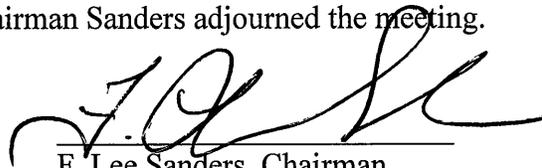
Mr. Smith explained how the phases will work and this process could go on for years.

Mr. Haynes said he is prepared to vote tonight but he will go along with putting off the decision until next month. The Board members unanimously agreed to vote on the re-zoning request by Diatomite at the November 12, 2015 meeting.

Mr. Smith suggested meeting with Mr. Quicke, Mr. McRoberts, and a member of the Board to discuss the proffers individually.

ADJOURNMENT

After no further business, Chairman Sanders adjourned the meeting.

A handwritten signature in black ink, appearing to read 'F. Lee Sanders', written over a horizontal line.

F. Lee Sanders, Chairman
Richmond County Board of Supervisors

27th Annual Richmond County Fair Summary

The 27th annual Richmond County Fair once again has come and gone. The Fair is proud to offer educational experiences along with being a fun, safe, family-friendly event. It is a way for youth (and adults) to showcase their project work and receive recognition for their efforts. For the youth, it also provides important opportunities for positive youth development and leadership skills that are used throughout their lifetime. The Fair also connects young people with their communities and helps them acquire skills they will use far into the future.

Despite a rainy opening night the numbers were at a respectable 980 for the evening. The remaining four days saw beautiful weather with gate numbers nearing 2500 each night pushing the total attendance to beyond 10,000. The food court had a well-balanced offering from our food vendors and was quite adequate in handling the crowds with minimal wait times.

Rosedale Attractions once again provided the family-orientated carnival entertainment. Rosedale has been nationally recognized, as being one of the safest traveling carnivals in the United States.

In the exhibit hall there was a total of 60 youth participants with 585 exhibits which were judged under our PAS (Points Award System). While this year's payout is not yet finalized, last year's (2014) PAS pay out totaled \$1886.50. The wonderful exhibits were evidence of hard work and dedication by the youth and adults in the Northern Neck and surrounding counties.

The May Fly patch sales which benefits the scholarship program generated \$3130.63. Last year (2014) The Richmond County Fair Association paid out \$2700.00 in scholarships awards.

The Richmond County Fair would like to thank all the volunteers that gave of their time before, during, and after the Fair. Once again, the Fair staff used volunteers to help out with parking and ticket booths which was greatly appreciated. Without the assistance of these volunteers, from set-up to take-down, the Fair would not be the success it is. The total of volunteer hours equaled 370. In 2014, the national average estimated dollar value of volunteer time was \$24.90 per hour which translates to a total dollar value to the fair of \$9213.00. Payouts to our volunteer groups totaled \$2505.00. Volunteer numbers and hours are approximate and staff hours are not used in the computation. The estimate of volunteer time helps acknowledge individuals who dedicate their time, talents, and energy to making a difference. The total number of volunteer hours also reflect the amount of community support the Fair receives. Volunteers are an integral part of the success of the county fair.

Our facility project for 2015 was interior improvements to the exhibition hall. Restrooms, a warming kitchen, heating and air conditioning and loft storage were added. The improvements used local firms and many volunteer hours. It's been the fair's goal to improve Memorial Hall to allow for its rental and use beyond the week of the fair. The Fair Association would like to see Memorial Hall, the outdoor stage and grounds as a catalyst for year-round activity.

For 27 years, the Richmond County Fair has been an important part of our community, our youth and our future. Whether it's 4-H youth showing the animals they have raised for months or local farmers bringing in the best of their crops to display, our county had pride in the fruits of our labors and our country tradition. The Richmond County Fair Committee would like to thank the Board of Supervisors and the entire community for your support. We look forward to another great event in 2016. The dates are August 9-13, 2016.

PROFFER STATEMENT

APPLICATION: FONES CLIFFS RESORT AND SPA

Diatomite Corporation of America, (“the Owner”) is the owner of certain real property known as Fones Cliff totaling approximately 976 acres, located in Stonewall Magisterial District, Richmond County, Virginia which is more particularly described as follows: Richmond County Tax Parcel 4-1, 4-2 and 5-30. The Owner has filed an application to rezone the Property from its current A-1 zoning classification to a mixed use residential and commercial project pursuant to various provisions of the Richmond County Zoning Ordinance (the “Zoning Ordinance”). In order to plan the future development of the Property in a manner conducive to goals and objectives of the Zoning Ordinance, the Owner agrees to meet and comply with the following proffers in connection with the development of the Property should the Owner’s application to rezone the property be approved by the Board of Supervisors:

PROFFERS

1. The Property’s golf course and ancillary business operations as depicted on the 7-9-14 conceptual Master Plan prepared by Lindsay Bruce Ervin, Inc. (hereafter the “Master Plan”) is specifically allowed under the Property’s current A-1 zoning, as stated in the Richmond County Zoning Ordinance under §2-2-2-12. Owner proffers that upon final approval and recordation of a subdivision plat, the land devoted to the golf course shall not be used for any other purpose but a golf course.
2. All portions of the Property referred to as Parcel 1 in the “Detailed Zoning Request” to be zoned B-1 to accommodate the lodging facilities and guests cabins, the restaurant and bar, the banquet, conference rooms and classrooms, the spa facilities and other complimentary uses (such as gift shops, wine tasting rooms, business services, clothing stores) shall not be used for any other B-1 use, not consistent with the zoning request and not consistent with services that can be found in a luxury resort.
3. The architecture of the Lodge and associated guests cottages will incorporate 18th and 19th century architectural features as commonly found in the Northern Neck of Virginia and other parts of Tidewater Virginia. The main portion of the Lodge will have an architectural

theme resembling **Exhibit 1** and be built of brick and or of native stone. Design standards and construction materials will not be less than the design standards and construction materials listed below for single family housing. The cottages will have an architectural theme similar to small buildings and cottages that would have been present in the Northern Neck on farms in the 17th and 18th centuries and will have an architectural theme resembling the images in **Exhibit 2**.

4. The architecture of the 205 detached single family homes in Parcel 4 will incorporate 18, 19th and early 20th century architectural elements as commonly found in the Northern Neck of Virginia and other parts of Tidewater Virginia. The single family homes will have an architectural theme resembling the images in **Exhibit 3**.

5. The architecture of the 513 multi-family units in Parcel 4 will incorporate 19th century design themes as commonly found in Richmond's Church Hill and Lower Fan communities, as well as the communities of Old Town Alexandria and the Georgetown section of Washington, DC. The townhouse homes will have an architectural theme resembling the images in **Exhibit 4**.

6. A copy of the draft Fones Cliffs Design Standards are attached hereto as **Exhibit 5** and proffered as part of this application. The type and quality of the building and construction materials used in all residential development shall be as listed in Article IV of the Design Standards.

7. The undeveloped R-3 portion of the Project, not incorporated into any residential lots, commercial uses, golf courses or any ancillary golf course uses shall be devoted to a perpetual use benefiting the homeowners and other fee simple owners of the Project. Pursuant to § 2-5-7 of the RCZO, the developer shall provide for and establish an organization or other legal entity for the perpetual ownership and maintenance of any common open space and other similar areas designated on the preliminary site plan, including, but not limited to, pedestrian ways, play lots, swimming pools, bathhouses, tennis courts, parking lots, water, and/or sewage systems and roads. Such organization shall be created by covenants running with the land, and such covenants shall be included as part of a final site plan and subject to approval by the County Attorney and Board of Supervisors. A draft copy of the FONES CLIFFS RESORT AND SPA DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS is attached as **Exhibit 6**. A conceptual plan of hiking and equestrian trails and three small parks (Warren Fones Park, John Smith Park and Overlook Park is attached as **Exhibit 7**).

8. Parcel 4 shall have 7 community piers, all of which will conform to the size, dimensions and length guidelines listed in § 4-14-8 of the Richmond County Zoning Ordinance (the "RCZO"). No pier shall have more than two moorage slips. The location of the piers are identified on the "Pier Location Map" attached as **Exhibit 8**.

9. The applicant proffers that it will construct no less than 10 historical markers within the project to memorialize and commemorate local historic events and historic personalities native to the property and its surroundings. These memorials will be constructed of granite, marble, masonry or some other permanent material. One such granite marker will commemorate John Smith's encounter with the Rappahannock Indians in 1608, as is pictured in **Exhibit 9**. Such marker shall be constructed at the time that the first certificate of occupancy is issued for the first home. Applicant proffers to construct at least one new commemorative marker for every 60 dwelling units completed and sold.

10. The applicant proffers to surface treat all of Cliffs Road leading into the entrance of the project prior to a certificate of occupancy being issued for the first dwelling unit sold in the project. The applicant further proffers that it will surface treat or cause the surfaced treatment to occur for all of the portion of Carter's Wharf Road adjacent or utilized by the project prior to a certificate of occupancy being issued for the first dwelling unit sold in the project. In addition, the applicant will surface treat or cause the surface treatment to occur for all of Carter's Wharf Road by the time the 20th dwelling unit certificate of occupancy is issued. Such surface treatment will comply with VDOT standards.

11. The applicant proffers to provide fire hydrant coverage for the attached multi-family uses where exposure distances are less than 10 feet at a minimum flow rate of 250 gallons per minute for a minimum duration of 30 minutes. Detached building exposure distances greater than 10 feet or less than 10 feet with the proper UL exposure rating will not be required to have fire hydrant coverage.

12. The applicant proffers to provide Richmond County with a 3 acre parcel of land along a main road in the project to be dedicated for public use for the future site of a public safety facility that could house fire, police and rescue. This parcel will be conveyed to Richmond County contemporaneously with the recordation of the subdivision plat. The applicant further proffers that it will build a 3,000 square foot, 4 bay metal building on said parcel and deliver ownership of said building by the time a certificate of occupancy is issued on the 125th dwelling unit.

13. The applicant proffers that the Master Plan and the Detailed Zoning Request be part of the zoning approval, and also proffers that the non-binding, but proposed build out schedule (which illustrates applicant's good faith estimate of a realistic build out schedule) be included as an expression of the applicant's reasonable intentions in developing the property. Applicant further proffers to start the construction of the golf course before the first certificate of occupancy is issued for any residential unit to be sold on the property.

14. The applicant proffers that it will abide by all current setback requirements including all set back requirements prescribed Section 403.7 of the International Building Code.

15. The applicant proffers that it will abide by all applicable set back requirements as required by law and sound engineering practices and acknowledges that during Phase II of the zoning process the Board of Supervisors may make approval contingent upon adequate set back requirement as determined in its best judgment and discretion after evaluating all Phase II submittals and plans.

16. The applicant proffers that it will evaluate the trees along the embankment in accordance with the Shoreline Erosion Advisory Services and sound engineering practices. The applicant further proffers that during Phase II of the zoning process, it will submit geotechnical studies and engineering reports based on sound engineering practices detailing how it will mitigate erosion along the cliffs facing the Rappahannock River. Applicant further acknowledges that the Board of Supervisors may make Phase II approval contingent upon adequate cliff and shoreline erosion measures as determined by best engineering practices and in the judgment and discretion of the Board.

17. The applicant proffers that upon Phase I approval, it will immediately commence the necessary engineering for Phase II approval.

18. The applicant proffers that after the first 120 residential units are constructed, it will not construct any new houses until 60 houses have certificates of occupancy.

19. The applicant proffers that after the first 320 residential units are constructed, it will not construct any new residential units until 70% of the existing residential units have certificates of occupancy.

20. The applicant proffers that after the first 550 residential units are constructed, it will not construct any new residential units until 80% of the existing residential units have certificates of occupancy. Nothing in these proffers shall limit the applicant's ability to build and develop all other uses of this zoning case.

21. The applicant proffers that it will comply with the applicable provisions of the Golden and Bald Eagle Protection Act.

22. The applicant proffers that it will consult with the Friends of the Rappahannock during the Phase II engineering process and that the applicant will meet with a representative of Friends of the Rappahannock every 45 days and seek input from such organization. The applicant further proffers that it will submit engineering plans during the Phase II zoning submittal process that are consistent with the Model Development Principles For the Central Rappahannock, funded by the Environmental Protection Agency and the Chesapeake Bay Program, and advocated by Friends of the Rappahannock (on its website) as model development standards.

WITNESS the following signature and seal:

DIATOMITE CORPORATION OF AMERICA

By: _____

Counsel

COMMONWEALTH OF VIRGINIA

COUNTY OF RICHMOND, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
20__ by Robert C. Smith, attorney for Diatomite Corporation

Notary Public

My commission expires:

Acceptance:

These Proffers herein have been accepted by action of the Board of Supervisors on

_____.

County Administrator

Notary Public

My commission expires:

NO TAKING WITHOUT JUST COMPENSATION

PRIVATE PROPERTY

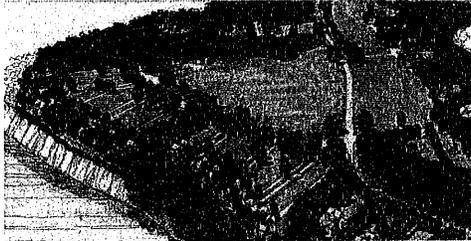
PEACE, ORDER, TRANQUILITY

CAPITALISM V. COMMUNISM



VIRGINIA BILL OF RIGHTS, JAMES MADISON, JOHN LOCKE, DAVID HUME, ADAM SMITH, FREE MARKET, LIBERTY v. TYRANNY, MOST IMPORTANT PROPERTY RIGHTS CASE IN VIRGINIA, WEALTH v. POVERTY, MAN'S HOME IS CASTLE

RAPPAHANNOCK CLIFFS



ALL GROUPS FOUGHT....TOOK 5 YEARS....TAXPAYER RESOURCES FOUGHT PLAN

THE FEDERAL GOVERNMENT



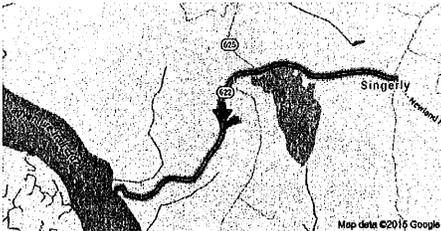
IN 2012, U.S. GOVERNMENT SPENT

\$3.563 BILLION

.00000000000000000001% OF BUDGET

THEY FAILED !!!

CARTER'S WHARF ROAD AREA ZONED FOR 1,000 LOTS BY RIGHT IN 2005



PROPERTY RIGHTS

SHOULD THEY BE ABLE TO TELL US WHAT TO DO WITH OUR LAND?



The Nature Conservancy
Protecting nature. Preserving life.

Friends of Rappahannock

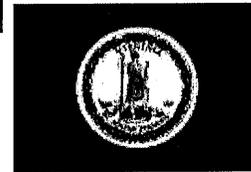


Audubon



SIERRA CLUB
FOUNDED 1892

REFUGE



MULTIPLE AGENCIES

IN 2012, STATE OF VIRGINIA SPENT \$40 BILLION

"TAKING" OF LAND

2005 RICHMOND COUNTY

BY RIGHT DEVELOPMENT RIGHTS DOWN TO 12 LOTS



95% REDUCTION IN VALUE

COULD NOT PERFORM !!!!!



USFWS HAD CONTRACT TO PURCHASE DIATOMITE LAND IN 2012

COULD NOT COME UP WITH MONEY!!!!

CONTRACT EXTENDED 3 TIMES FOR 3 MONTH PERIODS AND THEY

FAILED

FONES CLIFFS RESORT AND SPA WILL DESTROY.....

THE WORLD !!!!!





2012

\$88 Million in Revenue

\$450 Million in Assets



IN 2012

\$100 MILLION IN REVENUE



PROPERTY RIGHTS

SHOULD THEY BE ABLE TO TELL US WHAT TO DO WITH OUR LAND?



REFUGE



The Nature Conservancy
Protecting nature. Preserving life.

Friends of Rappahannock



SIERRA CLUB
FOUNDED 1892



2012

\$31.5 Million in Revenue

\$78 Million in Assets

200,000 MEMBERS !!!



IN 2012

\$689,000

2,000 MEMBERS

As with all things in life.....



FOLLOW THE MONEY



Protecting nature. Preserving life.

IN 2012

\$871 MILLION IN REVENUE



Could Not Find Published Financials

Did Not Return Calls

TALK TO THE HAND



DONATE...DONATE...DONATE



REFUGE



The Nature Conservancy
Protecting nature. Preserving life.

Friends of Rappahannock



SIERRA CLUB
FOUNDED 1892

SALARIES
PENSIONS
EXPENSE ACCOUNTS
MORE ACTIVISM



IF THERE IS NOTHING TO PROTEST, THERE ARE NO JOBS.....

IF THEY ACTUALLY BUY LAND, THERE IS LESS \$\$\$\$\$ TO FUND ALL OF THESE ACTIVITIES



THIS IS A RICHMOND COUNTY DECISION

GOOD PEOPLE OF NEWLAND HAVE CONCERNS AND WE HAVE ADDRESSED THE BEST WE CAN.

DIATOMITE HAS SPENT \$500,000 JUST TO GET PHASE 1 APPROVAL AND

PHASE I WILL HELP RESTORE PROPERTY RIGHTS TAKEN AWAY IN 2005

ALL PHASE I IS THE RIGHT TO TRY

PHASE II WILL HAVE TO HAVE LOCAL, STATE AND FEDERAL AGENCIES SIGN OFF OUR CONSTRUCTION PLANS

COURSE OFFERINGS

(actual course offerings in U of R Osher Institute for Summer 2015)

- Paris Through A Literary Lens
- Rome Against Carthage
- Conflict in Ukraine
- The Etruscans
- British History and Downton Abbey
- Understanding Opera
- Beowulf
- The Southern Garden
- Photography
- Landscape Painting
- Red Wines of the World
- Fly Fishing
- Investing
- Landscaping
- Virginia Ghost Stories
- Intro to Acting

BUT, More Than Just History



MOTIVATION ?????

EXTRACTION OF OIL AND GAS VIA FRACKING IN A CONSERVATION EASEMENT

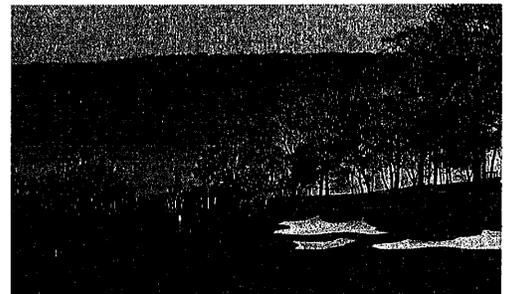
WELLFORD ENERGY



116 Room Lodge
18 Guest Cottages
Academics and Recreation
150 Seat Restaurant
Championship Golf Course
Equestrian Center
Vineyard and Tasting Room
718 Homes
Memorialize the Past
Village on Luke's Island



HOLE # 2 QUEENSTOWN



LAND IN CONSERVATION EASEMENTS

TAXPAYERS PAY LAND OWNERS THE PROFIT
THEY WOULD HAVE RECEIVED WITHOUT
LAND OWNER HAVING TO PUT UP ANY \$\$\$
OR TAKE ANY RISKS !!!!

BUT THEY DON'T WANT US TO DEVELOP
OUR LAND USING OUR OWN MONEY
WHERE WE TAKE ALL RISKS !!!!!

THE LODGE

The 116 room Lodge will have a distinctive Tidewater Virginia look. It will be perched on the highest precipice on the Upper Rappahannock, more than 100 feet above the River with expansive, unspoiled views both up and down river.



PAYING TRIBUTE TO THE PAST

Fones Cliffs will erect and design monuments recognizing:

- the very spot where the Rappahannock Indians fired upon John Smith in July of 1608.
- the names and accomplishments of the first English settlers.
- the efforts of the Virginia militia stopping the Royal Navy from proceeding up river during the War of 1812.
- the importance of the tobacco trade in colonial Virginia.
- the golden age of the Northern Neck
- the steam boat age port at Fones Cliffs





CAPTAIN JOHN SMITH AND THESE MEN VISITED THE CLIFFS AND WERE ATTACKED BY RAPPAHANNOCK INDIAN ON AUGUST 18, 1608.

Anthony Bagnall, Doctor;
James Bourne, Richard Fetherstone, Thomas Momford, Nathaniel Powell, Michael Sicklemore: Gentlemen familiar with firearms; Edward Pising, carpenter (boat repair); Richard Keale, fish merchant; Jonas Profit, fisherman and sailor; James Watkins, laborer and soldier; Anas Todkill, soldier; William Ward, tailor of clothes and canvas.

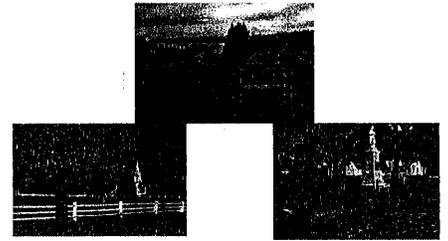
VINEYARD



UP TO 30 ACRES OF PROPERTY IN VINEYARDS
CHESAPEAKE BAY WINE REGION
HIGHLY PROMOTED BY VIRGINIA TOURISM
CHESAPEAKE WINE TRAIL
www.chesapeakebaywinetrail.com

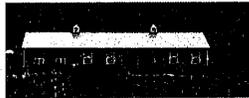


RIVER FRONT PARKS



EQUESTRIAN FACILITIES

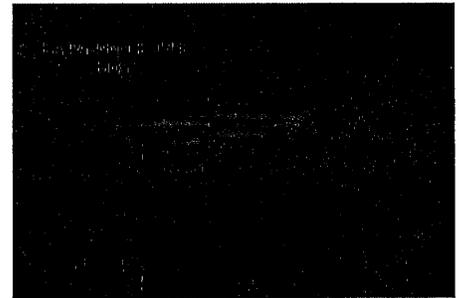
- The barn and stables at Fones Cliffs will provide a wide range of equestrian activities for residents and guests.
- Residents will be able to stable their horses.
- Horseback riding for guests.
- Riding lessons
- Events



TASTING ROOM



THE VIEW



SPA AND SALON

- MESSAGE
- FACIAL
- MANICURE
- PEDICURE
- LASER
- HAIR
- MAKE UP
- BODY TREATMENTS



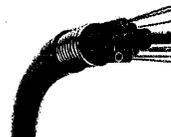
BROAD BAND SERVICES

4 BAY EMS STATION

PAVING OF CARTER'S WHARF ROAD



PRIVILEGES



JOB GROWTH



\$330 Million Investment in Local Economy

- Construction Jobs
- Banking
- Real Estate Services
- Retail
- Medical
- Insurance
- Maintenance
- Legal
- Investment Services





TOURISM



- LODGE = \$ 4,179,000 room rates
\$3,285,000/year local spending
(53 % occupancy, \$75 per person/day)
- GOLF COURSE = \$ 1 million plus greens fees
\$ 500,000 in local spending
- SPECIAL EVENTS = 1% to Richmond County
- VISITORS = spend money in County



\$500,000

WE MERELY WANT TO GO TO PHASE II
PHASE II JUST GIVES US THE RIGHT TO TRY



The Economic Impact of Home Building In a Typical Local Area
Income, Jobs, and Taxes Generated

25 Houses Sold/Year

At our projected residential absorption rate of approximately 25 houses/year, this report indicates that our construction will generate \$7.175 million in local income, \$900,000 in taxes and revenue for local governments and 98.5 local jobs.

The 25 houses we would build in any given year would provide an additional recurring positive economic impact of \$1.025 in local income, \$250,000 in taxes and other income for local governments and 17.25 local jobs in each successive year.

WELCOME TO WARSAW COUNTY SEAT OF RICHMOND COUNTY



CONCLUSION.....

- SMART GROWTH
- HONORS OUR HISTORY AND ENVIRONMENT
- PUTS HUNDREDS OF MILLIONS OF \$\$ IN LOCAL ECONOMY
- REPLENISHES DECLINING POPULATION
- ENHANCES TAX BASE
- WEALTHY EDUCATED PEOPLE
- JOBS
- LEISURE ACTIVITIES
- TOURISM

..... SMART !!!!



GROW OR DIE



- NO GROWTH
 - EXCESSIVE PUBLIC EXPENDITURES
 - ANTI-BUSINESS REGULATIONS
 - DECLINING AND OLDER POPULATION
- DETROIT ???**



(65 years ago, wealthiest city in America, now bankrupt and destroyed. There are many abandoned and decrepit towns in Virginia because no jobs or capital investment).

LOVE THE NORTHERN NECK

LOVE THE PEOPLE

LOVE THE HISTORY



CAT POINT CREEK BRIDGE
HYSTERIA
DEJU VU ALL OVER AGAIN!!!

COSTS
RICHMOND
COUNTY \$ 1
MILLION !!!



BALD EAGLES ARE EVERY WHERE

FALSE ASSUMPTION THAT MAN AND NATURE CANNOT PEACEFULLY CO-EXIST

OXYMORONIC ARGUMENTS

COMMON SENSE:

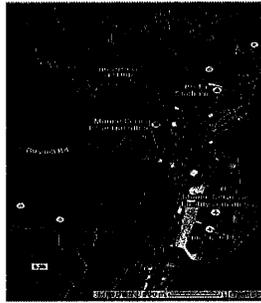
IF NO NATURAL PREDATOR, SHOTGUNS AND DDT, PROLIFIC GROWTH

48 PAGE REPORT (RICHMOND ALONG JAMES RIVER)

BRIAN WATTS...EAGLE LIKE LANDFILLS III

Prefer Landfills

should we build a land fill ????



WHO IS CONTROL OF WHOM????

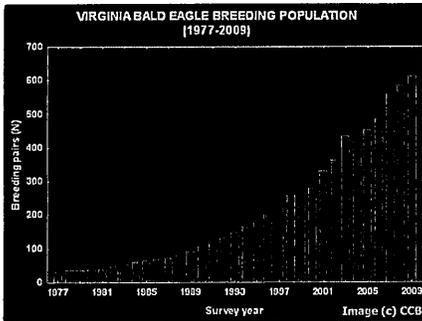
Genesis 1:28

And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.



MAN IS A STEWARD OF EARTH
MAN HAS DOMINION OVER EARTH
IF NOT TRUE, THERE WOULD BE NO:

CARS, ELECTRICITY, HEAT, TV, ART OR LITERATURE.



Virginia Bald Eagle Breeding Population 1977-2009.



EARTH DOES NOT HAVE DOMINION OVER MAN

MAN HAS DOMINION OVER THE EARTH

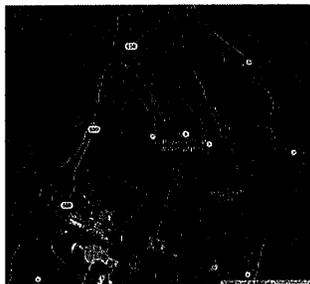
WHEN MAN HAS A PROPERTY INTEREST IN LAND,

MAN NATURES THAT LAND.

MORE TIMBER
MORE CROPS
MORE WILDLIFE

WE WANT WILDLIFE AND BALD EAGLES

THEREFORE, WE WILL PROMOTE THEM



PROPERTY RIGHTS PROMOTE ENVIRONMENTAL STEWARDSHIP

MORE TREES

LESS FOREST FIRES

MORE FISH

MORE WILDLIFE

MORE ANIMALS

As a painter uses paint,
As a sculptor uses clay,
As a designer uses land.



No matter the media, it is the creation that counts.

LINDSAY BRUCE ERVIN, INC.
Golf Course Design

Hog Neck, Golf Course

Easton, Maryland



- Opened in 1976, this 27 hole public golf course, owned and operated by Talbot County, soon became known for its' championship quality of play with a country club type of feel.
- Lindsay Bruce Ervin, Inc. received national recognition for golf course design when Hog Neck Golf Course was listed in 1990 by *Golf Digest* as one of the top 25 of "America's 75 Best Public Golf Courses".

Compass Pointe Golf Course

Pasadena, Maryland



- In 2005 Compass Pointe Golf Course was opened. For this project we designed the 36 hole golf course along with 170 single family lots that are surrounded by the golf course.
- Article by Barker Davis, THE WASHINGTON TIMES - Overall value: (FOUR FLAGS)
"What truly separates Compass Pointe from most area daily fees is its value ratio (experience divided by cost). Ervin did an outstanding job crafting four nines that are at the same time diverse (links/parkland/resort) and roughly equivalent in playability and quality. Ask four people to tab their favorite nine and you're likely to receive four different responses. Put a competition-crushing price tag (\$55-\$65) on that uniformly superb product and you've got a guaranteed recipe for success at Compass Pointe."

Lindsay Bruce Ervin, Inc.

Golf Course Design Philosophy

- Each Golf Course Should Be:
 - Challenging for All Golfers
 - Fair for All Golfers
 - Aesthetic
 - Fun to Play for All Golfers
 - Environmentally Friendly

Birdwood Golf Course

University of Virginia - Charlottesville, Virginia



Opened in 1984, Birdwood Golf Course soon became known for its' beauty, championship quality and fairness to all golfers.

Golf Digest has listed Birdwood Golf Course as one of the Top 25 Best University Golf Courses in the United States and rated Birdwood 4 1/2 stars out of 5.

Birdwood was the site of the 1991 USGA "US Women's Amateur Public Links Championship".

The Fones Cliffs Resort Golf Course

Warsaw, Virginia



- Site Overview
 - Very beautiful site with great views of the Rappahannock River.
 - Rolling land very conducive for a golf course.
- Design Goals
 - A championship golf course with yardages from around 5,000 yards to 7,800 yards having multiple tees per hole.
 - The course will be environmentally sensitive and meet all governmental regulatory requirements.
 - The course will be challenging but fair for all golfers.
 - The course will be very aesthetic.
 - The course will be "fun" to play.

Lindsay Bruce Ervin, Inc.

In Business For Over 30 Years
Designing Quality Golf Courses

- Lindsay Bruce Ervin, Inc., has been designing quality golf courses, for over 30 years, that embrace the Company Golf Course Design Philosophy and have achieved national recognition.
- All of Lindsay Bruce Ervin, Inc.'s 18 hole public access golf courses were rated from 4 stars to 4 1/2 stars by "Golf Digest's Places to Play" 2010 book with 5 stars being the highest rating for a golf course. Only 17 public access golf courses (out of 4,000 courses) within the entire United States, Canada and Mexico have received a 5 star rating.
- The Following Is A Partial List of Our Successful Golf Courses

Queenstown Harbor Golf Links

Queenstown, Maryland



- The initial 18 holes were completed in July 1991 with the final 18 holes opening on August 1, 1994, thus making this one of the few 36-hole public golf course complexes in Maryland. The River 18 has been rated 4 1/2 stars and the Lakes 18 rated 4 stars in the 2010 edition of *Golf Digest's Places to Play*.
- Recognized for its environmental sensitivity by Ned Garber of the Chesapeake Wildlife Heritage of Maryland when he said "...they have done some things that show their concern for the environment... I think this golf course can be used as a model to show how things should be done." After the course was under construction two Bald Eagles built their nest at the top of a pine tree that was about 400 feet from the 14th green on the River course, well within the 1,000 foot radius "no build" zone established by a regulatory governmental agency.
- Regarding economic value, the Owner told me, about 2 to 3 years after the course had opened, that they had made a "profit" of \$1,000,000 for that year.
- The *Capital-Gazette Newspaper's* 2012 "Reader's Choice Awards" chose Queenstown Harbor Golf Links, Queenstown, MD, as the "best" public golf course.

Compass Pointe Golf Course

Pasadena, Maryland



- In 2005 Compass Pointe Golf Course was opened. For this project we designed the 36 hole golf course along with 170 single family lots that are surrounded by the golf course.
- Article by Barker Davis, THE WASHINGTON TIMES - Overall value: (FOUR FLAGS)
"What truly separates Compass Pointe from most area daily fees is its value ratio (experience divided by cost). Ervin did an outstanding job crafting four nines that are at the same time diverse (links/parkland/resort) and roughly equivalent in playability and quality. Ask four people to tab their favorite nine and you're likely to receive four different responses. Put a competition-crushing price tag (\$55-\$65) on that uniformly superb product and you've got a guaranteed recipe for success at Compass Pointe."

Additional Golf Courses Designed
by
Lindsay Bruce Ervin, Inc.

West Point Military Academy Golf Course
West Point, New York



- In 1995, we remodeled portions of the entire 18 hole West Point Golf Course, originally designed by Robert Trent Jones, Sr.
- In the February 2015 issue of the "Links Magazine," the Ten Best Military Golf Courses in the world were listed and the West Point Golf Course was in this list of Ten Best.

Old South Country Club
Lothian, Maryland



- Opened in 1991, Lindsay Bruce Ervin, Inc. was retained to design this private 18-hole championship country club golf course with a 38-lot residential component.
- As noted in the article, "Ervin's Annual Gem", of the August 1998 issue of *Washington Golf Monthly*, Old South Country Club is considered "among the best new private layouts in the Middle Atlantic".
- The Capital-Gazette Newspaper's 2012 "Reader's Choice Awards" chose Old South Country Club, as the "best" private country club golf course.

The Links at Gettysburg
Gettysburg, Pennsylvania



- Opened in 1999, this public 18-hole championship golf course was designed by Lindsay Bruce Ervin, Inc., whose services included Master Plan Design (including the residential lots), Construction Document preparation and partial Construction Inspection.
- The Links at Gettysburg rated "Four Stars" in the 2002 edition of *Golf Digest's Places to Play*. The Links at Gettysburg was selected as one of the "100 Must-Play Courses of the Middle Atlantic" by *Washington Golf Monthly* in their March 2003 issue.
- *Golfweek* magazine, in the March 2003 issue, ranked The Links at Gettysburg as the 6th best Public Access Golf Course in the state of Pennsylvania.